

Islamic Resistance Movement

Hammas

Studies of
Thought & Experience

Editor

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Chapter Six

Hamas and the Peace Process

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Hamas and the Peace Process

Introduction

There have been many studies and articles and brainstorming sessions about the nature of the relationship between the Islamic Resistance Movement (Hamas) and the peace process. Numerous attempts have been made to define a possible role for Hamas in the peace process, the possibility that Hamas could be an active player in the peace process, and with the idea known as “finding room for Hamas in the peace process.” However, most of these studies and brainstorming sessions have suffered from being biased or lacking an accurate methodology.

Any person following up these studies would find that they all revolve around the attempt to find an answer to the question: Why can't Hamas be part of the peace process? The answers were all based on the assumption that Hamas is a religious resistance movement with ideological and political positions that do not allow it to be part of the peace process, regardless of any shifts made by the movement.

Accordingly, all Hamas's policies were viewed narrowly within the framework of its religious-ideological positions. Subsequently, some of the approaches to the peace process pursued by Hamas were explained as attempts by the organization to benefit from the peace process without paying any price, or adapt it to further its own goals. Based on this approach, there has been complete rejection of Hamas's involvement, while Hamas was always asked for more, without being given a chance to develop its attitude on the peace process.

The other type of study viewed Hamas as a political movement like any in the world, and hence, the issue is a matter of time and circumstances. Based on this perception, several international policies were formulated and directed at putting pressure on Hamas, to try and corner the movement by not allowing it to develop and progress. This methodology looked to thwart it and prove it incapable, in order to force Hamas to adopt policies more in line with the peace process, regardless of the nature of the peace process, its achievements, or its failures. Here, a certain bromide was concocted, claiming that the only obstacle to the peace process was Hamas, and that the peace process itself had no inherent problems.

In addition to these studies, literature is rife with articles that tackle this issue, particularly Hamas's ability to engage in the peace process. Here, the nature of Hamas and the nature of the peace process were completely overlooked. Some events and observations that show Hamas drawing close to the peace process were built upon. This type of literature also ignored the progression of the peace process, whether in relation to its approach, outcome, or even the nature of the developments that took place within it. It was as though the peace process is something constant, while Hamas is the variable. Consequently, it is Hamas that must change in order to be part of the peace process.

At the same time, we find that, regardless of how the issue of Hamas and the peace process is viewed, there is an indisputable axiom among political decision-makers, observers, or experts on the Palestinian issue: We cannot speak of a successful peace process and achieving peace in the Middle East, without finding an approach that makes Hamas part of the peace process.¹ But this axiom still needs to answer this question: Who should change? Should Hamas get closer to the peace process? Or should there be changes in the peace process so that the latter is brought closer to Hamas? The legitimacy of this question stems from an important issue, namely that the peace process today has ground to a halt, not because of Hamas, but rather, as the Palestinian side argues—in particular the Fatah movement, (which has considered the peace process the cornerstone of its methodology and strategy for nearly two decades)—because the Israeli side refuses to allow the peace process to achieve a comprehensive peace. The Palestinian side consider that the Israelis are seeking to maintain negotiations for negotiations' sake, while stepping up settlement activity in a way that precludes any possibility for the Palestinians to establish their state, or, in the words of the chief Palestinian negotiator and the Palestinian President, “leaves nothing to negotiate over.”

This study seeks to pursue a different methodology based on an attempt to answer the following question: How did Hamas's attitude on the peace process evolve, and what are the determinants of its attitude. It is neither an assessment of this attitude, nor it is a practical study of the peace process. To be sure, it gives the reader information about the nature of the stances adopted by Hamas on the peace

¹ See statements by Tony Blair, the envoy of the international Quartet for peace in the Middle East, in the Israeli *Haaretz* newspaper, as quoted by *The Times* newspaper, where Tony Blair said Hamas must be part of the peace process. See *Haaretz*, 1/1/2009, <http://www.haaretz.com/news/blair-hamas-should-be-part-of-peace-process-1.267153>

process during different phases, as a result of the changes in the determinants and the circumstances in which these stances and policies were pursued.

The study develops a realistic model based on studying the situation as it is. Hence, we will attempt to conduct a comparison of the policies and stances adopted by Hamas in its political history regarding parts of the peace process, or the peace process as whole, to determine the extent of developments that have occurred in the attitudes and policies of the movement, and the causes behind them.

First: Hamas: Inception and the Peace Process

Studying the inception of Hamas is of paramount importance for identifying the determinants of Hamas's attitudes and pertinent developments vis-à-vis the peace process. Indeed, returning to the subject of Hamas's inception allows us to understand better the ideological premises that guide Hamas's work in general, in addition to understanding the dynamics and mechanisms that shape Hamas's political action and its conduct.

Returning to Hamas's roots helped the researcher answer a question about what is fixed and what is variable in the movement's ideology and political behavior. To be sure, Hamas has changed over the past two decades, whether at the level of its political conduct or in the way it has presented its ideas, and even in the way it has dealt with events around it. However, this change, according to the opinion of most Hamas leaders and political figures, is based on a fixed foundation, namely, the general aim of the movement to end the occupation,² and refuse to compromise on any part of Palestine.

The importance of Hamas's inception and the need to study it becomes greater when the issue has to do with the peace process and Hamas's attitude towards it. The issue can be framed in terms of what is fixed and what is variable in Hamas's ideas and conduct, i.e., whether there have been changes in the ideological attitudes of the movement vis-à-vis the core issues of the conflict, or whether there is a change in the political conduct of Hamas, while ideological positions on the core issues of the conflict remain unchanged.

² An exclusive interview conducted by the researcher with Ayman Daraghmeh, member of the Palestinian Legislative Council (PLC), from the Change and Reform Bloc, 10/8/2011. (in Arabic)

The emergence of the movement in 1987 took place in response to a series of internal, regional, and international developments. Internally, Fatah began to decline in popularity at the domestic level, while it became busier after it got involved with the peace process. Regionally, the scene was dominated by the accelerating spread of religious sentiment. And internationally, the era of the bipolar superpower system was drawing to an end and a new world order was evolving.³ To this day, we find that all these scenarios continue to dominate the Palestinian political landscape. Indeed, all these factors are still in the phase of searching for self-fulfillment, so to speak, because goals have not yet been achieved.

During its emergence, Hamas presented itself as a “popular and national resistance movement.”⁴ On the one hand, it chose resistance as its approach towards liberation, and on the other hand, it saw that the frame of reference for resistance is based on Islam and the Islamic revival movement.⁵ Hence, we see that Hamas is not an Islamist movement in the traditional sense and as per the stereotypical image of Islamist movements seeking to establish Islamic rule or the Islamic state, and is not a jihadi movement in the general sense of jihadi movements that have no political program. We also find that if we want to classify Hamas accurately, as a movement that is affiliated to Islamism, then Hamas does not reject political participation, and adopts moderation in the interpretation of Islam, and relies on gradualism in the implementation of Islamic ideology.⁶ The Head of its political bureau Khalid Mish'al, explains: “we do not only speak of Hamas as being simply an Islamic movement, but also as a national liberation movement.”⁷

³ Jawad al-Hamad and Iyyad al-Barghouthi (eds.), *Al-Madkhal ila al-Qadiyyah al-Filastiniyyah* (Introduction to the Palestinian Cause) (Amman: MESC, 1997), pp. 386–387.

⁴ Hamas Movement: A Brief History, PIC, <http://www.palinfo.com/site/pic/default.aspx> (in Arabic)

⁵ Ibid.

⁶ Raid Nairat, Impact of Hamas' Political Culture on Hamas' Governance Political Behavior, *An-Najah University Journal for Research*, Nablus, vol. 22, issue 4, 2008, pp. 1139–1160. (in Arabic)

⁷ An Important Document by Khalid Mish'al: Hamas Political Thought and Stances in Light of the Arab Uprisings, site of Al-Zaytouna Centre for Studies and Consultations, 2012, <http://www.alzaytouna.net/en/conferences-and-seminars/151556-an-important-document-by-khalid-mish%E2%80%98al%3A-hamas-political-thought-and-stances-in-light-of-the-arab-uprisings.html>

When studying the movement's political behavior, we find that it is a practical and realistic political movement (in the sense of realism that applies to Islamist movements), which interacts with changes in ways that serve its interests. Indeed, Hamas's track record shows that its political conduct is subject to the gains-and-losses metric. Even when Hamas engages in resistance activities, this has a political compass, and falls within its calculations of gains and losses. This is what Shaul Mishal and Avraham Sela, from an Israeli viewpoint, describe as "controlled violence."⁸

Studying the relationship between Hamas and the peace process at this early stage of the movement's emergence does not reveal significant change, as we see that the attitude and political conduct of Hamas at this stage reflected a categorical rejection of the philosophy and methodology of the peace process, as well as all the mechanisms that emerged from it. The general attitude of Hamas was not to deal in any way with the peace process and its outcomes.

At the same time, we cannot overlook the fact that there are some events that require in-depth analysis of Hamas's methodology in dealing with the products of the accords produced by the peace process, including in particular the PA, and the problems they created on the ground.

For instance, Hamas, which rejects the Oslo Accords, and which calls for prohibiting any infighting, found itself in awkward position, as internal Palestinian relations became governed, one way or the other, by the Oslo Accords.⁹

For this reason, we will now tackle the important milestones where Hamas's attitude on the peace process crystallized, and its subsequent political conduct, notably:

Hamas and the Madrid Peace Conference

The 1991 Madrid Peace Conference was a turning point in the history of the region, and in the political perceptions of the parties to the conflict. For the first time in the history of the conflict, a peace conference was held, attended by

⁸ Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence* (Columbia: Columbia University Press, 2000), p. 12.

⁹ Qais 'Abdul Karim (Abu Layla) et al., *The Oslo Peace Between Illusion and Reality, an analytical study of the agreements signed between the Palestinians and the Israelis, 4/5/1994*, p. 4. (in Arabic)

all Arab countries, giving a certificate of legitimacy to it based on Resolutions 242 and 338, and recognition of the state of Israel as indicated by the invitation letters.¹⁰

Hamas rejected the Madrid Peace Conference on ideological and methodological bases, as it saw that the conference was based on conceding most of the Palestinian territories. In addition, Hamas believed that the circumstances that produced the conference, represented by dominance of a unipolar superpower system (US) made it difficult to reach a just solution to the Palestinian issue. For this reason, Hamas focused on resistance as the sole path to the liberation of Palestine.¹¹

Hamas issued a joint statement with the forces opposing the Madrid Peace Conference, signed by the representatives of 10 Palestinian factions (excluding Fatah) rejecting the Madrid Peace Conference in principle, for ceding most of the land of Palestine. The statement also demanded the Arab countries and the Palestinian personalities taking part in the conference withdraw from the conference, calling on the Palestinian people to take retaliatory steps on the day the conference was scheduled to convene.¹² Hamas stressed its rejection of the conference or even participating in the mechanisms it was to create, primarily the elections, for two main reasons:¹³

1. Principle-based reason: Hamas considered that any elections based on the Madrid Peace Conference should be rejected in principle, as the conference ceded 78% of Palestine, be they legislative, executive, or administrative elections.
2. National political reason: The attempts at autonomy brought little sovereignty and independence, let alone self-determination. Instead, it was limited to administrative autonomy, while foreign policy and security were still in the hands of the Israeli occupation.

¹⁰ Text of the invitation to the Madrid Conference 18/10/1991, *Journal of Palestine Studies*, issue 9, Winter 1992, p. 194, citing *Al-Hayat*, 21/10/1991. (in Arabic)

¹¹ Khalid Thouwaib, *The Relationship Between Hamas and Jordan 1987–2007*, unpublished MA Thesis, Hebron University, 2010, p. 39. (in Arabic)

¹² Statement of the Representatives of the Palestinian Factions Except Fatah Declaring Their Opposition to the Peace Conference, Tehran, 24/10/1991, *Journal of Palestine Studies*, vol. 2, issue 8, Fall 1991, p. 267. (in Arabic)

¹³ Interview with spokesperson of Hamas in Jordan, announcing Hamas's rejection of administrative autonomy and related elections, *Filisteen Almuslima*, October 1992, p. 10. (in Arabic)

Hamis and the Oslo Accords

Hamis rejected the 1993 Oslo Accords categorically, seeing them as a dangerous precedent in the lives of the Palestinian people and their history, especially with regards the correspondence between PLO leader Yasir ‘Arafat and Israeli Prime Minister Yitzhak Rabin. Hamis considered this an attempt to grant legitimacy to the occupation, and surrender the rights of the Palestinian people to the lands occupied in 1948. Hamis said that the Accords were illegitimate, and that the authority they established was illegitimate, and only an executive authority.¹⁴

Hamis also saw that the Oslo Accords would not lead to achieving the Palestinian dream of getting rid of the occupation and fulfilling the right to self-determination; on the contrary, Hamis said, the agreement was doomed to fail at every level, political, economic, and social, and only achieved Israel’s interests. Hamis said that the agreement had only one task: to make the Palestinian side undertake “a dirty job,” namely, preventing the resistance from exercising its role in the liberation of Palestine, and give Israel an opportunity to normalize its relations with the Arab countries.¹⁵

Moreover, Hamis felt that the Oslo Accords carried the seeds of its ultimate failure within it, and that it would end itself by itself, as it was not in the interests of the Palestinian people. Therefore, Hamis refused to participate in any of the outcomes of the Oslo Accords, announced it would boycott all institutions established, and refused to participate in the agencies created in the wake of the agreement.¹⁶

At the same time, Hamis faced a major dilemma, represented by the nature of the policies that the movement would have to adopt in the Palestinian territories. What position would Hamis’s bodies at home have towards those of the PA? This has often led to contradictory positions, or what Hamis would call personal opinions and differences in points of view, that must ultimately be settled through *shura*-based bodies (consultative bodies) in Hamis and through democratic means.¹⁷

¹⁴ See Interview with Hamis’s representative in Syria, *Assafir*, 1/2/1995.

¹⁵ Interview with Musa Abu Marzuq, *Filisteen Almuslima*, 11/11/1993, pp. 11–12.

¹⁶ *Ibid.*

¹⁷ Muhammad Muslih, *The Foreign Policy of Hamis* (A Paper for the Muslim Politics Project), Council on Foreign Relations, New York, 1999, pp. 9–10, <http://www.cfr.org/terrorism/foreign-policy-hamis-paper-muslim-politics-project/p8610>

What can be noted is that most of Hamas's attitudes towards the peace process at this stage were completely at odds with the peace process. Hamas rejected the methodology, purpose, and instruments through which the peace process was reached. It played two central roles as regards the peace process:

First: Theoretically, Hamas presented religious and intellectual arguments to explain its rejection of the peace process as represented by the Oslo Accords, and had the support of other factions in this. Hamas published extensive literature rejecting the peace process and elaborating on the reasons for its rejection, focusing on the political aspect, with Hamas arguing that the agreement did not meet the hopes of the Palestinian people. However, this rejection also involved religious dimensions based on the fact that the agreement concedes the territories occupied in 1948 which are an Islamic *waqf* (endowment) land.

Second: Practically speaking, Hamas, in collaboration with PIJ, worked on forming a framework for Palestinian Islamic and national movements outside the framework of the Unified National Command of the *Intifadah*. Then the term "Islamist forces" began to occupy a significant place in the Palestinian arena and this continues to the present day, referring to the Islamist forces that are not part of the PLO.¹⁸ Hamas has also succeeded in forming a broad framework for the Palestinian opposition, known as the "Alliance of Ten Factions," which includes Islamic, national, nationalist, and leftist factions opposed to the Oslo Accords.

The stance of Hamas in that stage toward the peace process has a set of parameters, some subjective and some objective. Subjective parameters include:

1. The phase of Hamas's inception and its bid to recruit individuals, using religious ideas as the quickest way to do so.
2. Hamas's self-perception as a resistance movement that only accepts methods such as resistance, liberation, and ending the occupation.¹⁹

¹⁸ Statement of the Representatives of the Palestinian Factions Except Fatah Declaring Their Opposition to the Peace Conference, Tehran, 24/10/1991, *Journal of Palestine Studies*, vol. 2, issue 8, Fall 1991, p. 267. (in Arabic)

¹⁹ See About Hamas Movement: a Brief History; The Struggle with Zionism in Hamas's Ideology; and Military Action, where Hamas considered Israel a hostile totalitarian project, not just with regional ambitions, PIC, <http://www.palestine-info.com/arabic/hamas/who/who.htm#1> (in Arabic)

The objective parameters, meanwhile, are:

1. The strained relations between Fatah and Hamas as a result of the groups feeling that they were mutually exclusive.
2. The security-based environment in which the peace process was born. Indeed, the peace process had a security and not a political character.²⁰

These parameters had impacts on the position of the Hamas movement at this stage of the peace process, and in the adoption of policies that still have implications to this day, most notably:

1. There was no clear separation between the religious and political positions of Hamas towards the peace process, in particular with regard to political mobilization, which took place on a mostly religious platform.
2. The abundance of literature that focused on the failure of the peace process, in both methodology and objectives, and built a model for individuals in this direction. Hamas even sought to illustrate the risks of the agreement on the Palestinian issue and the Arab world, pointing out the risks on the Arab world of normalization and infighting.²¹
3. No attempt was made by any party in the peace process to bring Hamas in to the peace process. Instead, the opposite dominated the landscape, and to this date, there are still questions about the US position on Hamas, and whether the US wants Hamas to be part of the peace process or not. Many believe that the US and Israel do not want Hamas to be part of the peace process.²²
4. Hamas considered itself the victim, that it would be scapegoated in order to prove the success of the peace process. For this reason, the progress of the peace process was dictated by what the PA had to offer in terms of successes in combating “violence and terrorism,” which is what Hamas believes is its resistance. Hence, Hamas took an opposing path, entering a new stage, namely, thwarting the peace process.²³

²⁰ See the Arabic translation ‘*Asr Hamas* (Hamas Era) of Shaul Mishal and Avraham Sela, *The Hamas Wind - Violence and Coexistence* (Tel Aviv: Yedioth Ahronoth Books, 1999) (in Hebrew), in “Talks Under Oslo Between Careful Rejection and Reserved Acceptance,” Episode 13, Chapter 4, pp. 144–152, PIC, http://www.palestine-info.com/arabic/books/asr_hamas/asr_hamas14.htm

²¹ Memo addressed to Arab foreign ministers convened in Cairo, the Islamic Resistance Movement (Hamas), 19/9/1993. (in Arabic)

²² Interview conducted by the researcher with Khalid Sulaiman, member of the PLC from the Change and Reform Bloc, 22/7/2011. (in Arabic)

²³ Fares Fa’iq Daher, The Role of the Peace Process in Perpetuating the Subservience of the PA to Israel, Amin Media Network, <http://blog.amin.org/faresdahaher/2011/12/18> (in Arabic)

Second: The Stage of Confrontation and Collision

In this stage, Hamas charted two clear paths for its policies: First, weakening the block of factions supporting the peace process, through the formation of political alliances such as the “Alliance of Ten Factions” And Second: Directly undermining the peace process and developing its own strength through the operations it carried out.²⁴

With respect to the first track, Hamas resorted to forming the “Alliance of Ten Factions,” teaming up with the rest of the Palestinian factions opposed to the peace process. By studying this step, it can be seen that Hamas has achieved a set of objectives, including proving that it is not a religious movement in the traditional sense, as the forces Hamas allied itself with were national, nationalist, and leftist movements.²⁵

Second, Hamas has been able to confine support of the peace process to the Fatah movement, and other small factions like FIDA and PPP.

Third, Hamas obtained the first political formation with broad popular representation, indicating the possibility of creating an alternative to the PLO, which moved in step with the peace process. This weakened the legitimacy of the PLO’s representation in the Arab and international arenas.

The second track came a natural result of several determinants, the first of which: the natural evolution that has occurred in the movement, particularly the emergence of Ezzedeen al-Qassam Brigades, the military wing of the Hamas movement, which conducts military operations against the Israelis to resist the occupation and undermine the personal security of Israelis.

²⁴ Hamas was long accused by the PA of choosing the timing of its operations before any Palestinian-Israeli meeting to undermine the results of any of these meetings. However, Hamas rejected these allegations and said that its military operations are not linked to the developments of the peace process.

²⁵ The ten factions: the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and the PFLP-General Command (PFLP-GC), and the Palestinian Popular Struggle Front (PPSF), and Al-Sa’iqa, Fatah *al-Intifadah*, the Palestinian Liberation Front, and the Revolutionary Palestinian Communist Party (RPCP), Hamas, and the PIJ, a coalition against the Oslo Accords.

Second: To prove that attempts to crackdown on Hamas both from the Israeli occupation, and through arrests by the PA, would not weaken Hamas. On the contrary, this would increase the strength and influence of the movement. The main theme at this stage of Hamas's life was resisting any policies aimed at the abolition of the existence and impact of Hamas on the Palestinian political scene.²⁶ Hamas understood that the Oslo Accords was a security agreement, detrimental to the interests of the Palestinian people, but granted international legitimacy and designed to liquidate the legitimate rights of the Palestinian people. Moreover, Hamas considered the Oslo Accords to be directed against it, as the implementation of the Accords was accompanied by waves of arrests against Hamas members. This left the impression that alongside progress in the peace process, the crackdown on Hamas would further intensify.²⁷

This phase saw the implementation of the Oslo Accords, and in particular the Cairo Agreement and subsequent agreements that established the PLC, and therefore direct friction between Hamas and the Oslo Accords and its products.

Hamis and the Cairo Agreement of 1994

Hamis rejected the Cairo Agreement, and felt that the Authority it established did not represent the Palestinian people, but endorsed and legitimized the occupation. Hamis said that the autonomous administration consisting of 24 people (the PA) did not have any sovereignty, and that it was managed by the occupation. It also stressed that the agreement did not stop settlement building, in addition to the fact that the PA pledged not to incite violence against the occupation.

Hamis called on all political and popular forces to continue their resistance and struggle, on the basis that the Cairo Agreement is the end of a phase, not the end of the Palestinian issue. It also called on its members in prison not to sign the document given to them as a condition for their release.²⁸

²⁶ Interview with Muhammad Nazzal, member of the political leadership of Hamas and its representative in Jordan, explaining the position of the movement on military operations, and the position on the PA, *Al-Hayat*, 9/3/1996. (in Arabic)

²⁷ Ahmad Mansur, *op. cit.*, p. 288.

²⁸ Statement by Hamas: Cairo Agreement Carries the Seeds of Failure and the Consecration of the Occupation, 14/5/1994, PIC, <http://palestine-info.com/arabic/hamas/documents/cairo.htm> (in Arabic) See document no. 4 in the appendix of this book, p. 556.

The most important development during this stage was the holding of PLC elections, and the formation of the first elected Palestinian political body in the Palestinian territories. But this event was a dilemma for Hamas²⁹; for how could Hamas refuse to participate in the elections for the Palestinian people? At the same time, how could Hamas participate in elections that were originally concocted to implement the Oslo Accords? Hamas refused to participate in the 1996 PLC elections, and justified its decision with the following arguments:

1. The elections were taking place at a time when the land was still occupied.
2. The elections were meant to create a body for the implementation of the Oslo Accords.
3. The PA appointed the heads of municipalities rather than holding elections.

At the same time, Hamas stressed that in spite of its boycott of the PLC elections and its call for the Palestinian people to boycott them, it would not use force to thwart them, given the negative effects this would have on the national unity of the Palestinian people.³⁰

However, the first phase of the agreement and its implementation revealed several interpretations within the movement, regarding the nature of the agreement and how Hamas should deal with the PA and its institutions, which sometimes led to extensive debates between the leaders of the movement. The Israelis also tried to engage some Hamas leaders in prison, who were forced to engage in dialogue because they did not have any legal representation. Therefore, the movement sought to present a political vision as regards the peace process, which would delineate the guidelines to be adopted.³¹ Hamas also went on to form a political party, known as the Islamic National Salvation Party.³²

²⁹ Husam 'Ali Yahya Dujani, *Hamis Victory in the Palestinian Legislative Elections in 2006 and its Impact on the Palestinian Political System*, Master Thesis, Faculty of Arts and Humanities, Al-Azhar University, Gaza, 2010. (in Arabic)

³⁰ Memo issued by the Islamic Resistance Movement (Hamis) on the Elections of the Limited Palestinian Autonomy, 16/1/1996, PIC, <http://palestine-info.com/arabic/hamis/documents/election2.htm> (in Arabic)
See document no. 5 in the appendix of this book, p. 560.

³¹ A statement issued by the Political Bureau of the Hamis movement in 21/4/1994, explaining Hamis' position on the peace process; Among the most prominent pillars of this position: the unconditional withdrawal of the occupation from the West Bank (WB), Gaza Strip (GS) and Jerusalem; dismantling and removal of the settlements; the deportation of settlers from the WB the GS and Jerusalem; conducting free and fair elections at home and abroad to choose the leadership and the true representatives of the people.

³² The party was officially established on 21/3/1996, and has been defined as a Palestinian political party that believes in Islam as a doctrine and way of life, Wafa Info, <http://www.wafainfo.ps/atemplate.aspx?id=3561> (in Arabic)

A closer reading of Hamas's position—during that period—vis-à-vis the Oslo Accords and its dynamic policies towards it leads us to the following observations:

First: Hamas dealt with the Oslo Accords from a political standpoint, contrary to what has always been claimed, that Hamas dealt with the agreement from a purely religious-ideological standpoint. This is evidenced by Hamas's statements, which focused on dealing with the agreement's political implications. Even when determining its position regarding the first Palestinian legislative elections in 1996, we see that Hamas's handled the issue from a political perspective.³³ The same goes for Hamas's performance, as the movement's policies were dominated by interest-based equations (gains and losses), including those for resistance operations. It is perhaps also worth noting that Islamic political thought is intricately linked to achieving the interests of the people, within *Shari'ah* (Islamic Law), which is what Hamas was seeking to apply.

Second: Hamas tried to seek rapprochement with the PA, sometimes through bilateral talks, and sometimes with its political party, the Islamic National Salvation Party, but this did not lead to the alleviation of tension in relations between Hamas and Fatah, or a softening of Hamas's stance on the peace process.

Third: This phase acted like the gauge of how Hamas dealt with the Oslo Accords and the peace process, and even of the level of its international and foreign relations. At the level of internal relations, the general impression was as follows: for Hamas implementing the agreement meant uprooting the movement and its institutions. Hamas thus stepped up its resistance activities to prove that they were more effective than the attempts to compromise with Israel. Hamas focused on targeting Israelis, while avoiding any possible confrontation with the PA, even if the latter's security forces were cracking down on resistance operatives. Hamas did not care much for the negative repercussions of resistance on the peace process.

In terms of foreign relations, Hamas's bilateral relations were dominated by the US designation of the movement as a "terror" group, while Europe designated its military wing as a terrorist organization. This led to strained relationships between the parties, and prevented the possibility of reaching any rapprochement

³³ In the very beginning, many figures were nominated for the elections, but they later withdrew. According to what is stated in the literature of Hamas, the withdrawal took place after the issue was discussed democratically in the movement. The figures included: Isma'il Haniyyah from GS, and Jamil Hamami from the WB.

even at the level of bilateral dialogues between Fatah and Hamas, or between the PA and Hamas, which were now governed by this climate. The climate in question perceived the Hamas movement as a party opposed to the peace process, and one that aimed to demonstrate its failure. Thus, the parties to the peace process adopted a systematic and programmed policy designed to root out Hamas, and reduce its effects on society and Palestinian political life.

Third: The Stage of Cautious Understanding

This stage extends chronologically from the beginning of *al-Aqsa Intifadah* in 2000, to Hamas's victory in the PLC elections in 2006. The *al-Aqsa Intifadah* became a key determinant of the attitudes of Hamas on a range of Palestinian issues, internal and external. Hamas saw *al-Aqsa Intifadah* as practical proof of the accuracy of its perception of the peace process. In addition, the *Intifadah* served Hamas in the internal Palestinian rapprochement against the Israeli occupation.³⁴

In these circumstances, Hamas adopted a number of policies that made it a central player in the Palestinian social and political scene. Among the most prominent of these policies were:

1. Hamas proved that despite attempts at uprooting it, it managed, in just a few months, to return to the Palestinian reality with unprecedented momentum.
2. Hamas championed the slogan "partners in blood, partners in decision, partners in fate."
3. Hamas showed exceptional coherence, whether in terms of its relations with the Palestinian society and political forces, or in terms of the movement's internal cohesion, manifested in the sacrifices made by Hamas leaders.

During this period, Hamas cautiously approached the peace process by interacting with the PA in two ways, first: the theoretical approach within Hamas, guided by the acceptance of an independent and sovereign Palestinian state along the border of 4/6/1967; and second: the operational aspect, where Hamas adopted two complementary tracks. In the first, many joint operations were carried out by Hamas and other Palestinian resistance factions. A joint command and control

³⁴ See Interview with 'Abdul 'Aziz al-Rantissi, site of Muslim Brothers Movement Wikipedia, <http://www.ikhwanwiki.com/index.php> (in Arabic)

room was established for coordination among forces resisting the occupation in WB and GS. In the second track, Hamas pursued political rapprochement, most notably the unilateral truce declared by Hamas in 2003 to facilitate the work of Prime Minister Mahmud ‘Abbas.³⁵ This was the beginning of the new behavioral approach of Hamas towards the peace process. Although the unilateral truce took place in the context of internal relations between Hamas and the PA, it also represented a new approach for Hamas regarding foreign relations.

This step came within the framework of supporting the efforts of Prime Minister Mahmud ‘Abbas, who called for putting the Palestinian house in order, and rearranging institutions based on the roadmap. This was unprecedented in the history of the relationship between the two factions and in the conduct and general approach of Hamas to the occupation, where Hamas and other resistance factions declared a unilateral truce.³⁶ Moreover, this step took place amid European deliberations over designating Hamas’s political wing as a “terrorist” group. This didn’t happen until Hamas responded to the assassination of leader Isma‘il Abu Shanab.

This stage of Hamas’s life and its ties to the peace process is considered extremely important, as Hamas developed in this period the general outline of its strategy; it matched its theory (a state based on the 1967 borders), with its practice (the truce). Hamas proved during this period its pragmatism, that it had become a movement that weighed its actions with costs and ensuing interests. Furthermore, Hamas proved that its commitment to Islamic principles did not mean that it was an ideological movement detached from reality, but that it was a movement seeking to interact with reality in a manner that served its Islamic principles. This gave Hamas a golden opportunity consisting of two parts: On the one hand, Hamas managed to lay the first building block of its strategy towards the peace process, and energize itself regarding its interactions and internal movement vis-à-vis other Palestinian forces and factions of various spectra. On the other hand, Hamas gave others the opportunity to re-read the movement differently, which is what happened during subsequent years and next stages of Hamas’s life.

³⁵ Statement of the Islamic Resistance Movement (Hamas) and the PIJ in Palestine on the suspension of military operations on 29/6/2003, *Journal of Palestine Studies*, vol. 14, issue 55, p. 183. (in Arabic)

³⁶ Shafiq Shuqair, Palestinian Truce: A Price With Nothing in Return, Aljazeera.net, Al-Ma‘rifah, Special Files, 3/10/2004. (in Arabic)

Also during this stage in the life of the movement, there were successive internal dialogues, under regional sponsorship, towards the development of a general Palestinian strategy, approved by the Palestinian factions. This materialized with the entry of Egypt as a regional actor, with a view to unify the efforts of the Palestinian factions under one general policy. Indeed, Palestinian political forces and parties became engaged in in-depth political dialogues brokered by Egypt over three main issues, namely: a comprehensive truce, a joint political program, and putting the Palestinian house in order.³⁷

What characterized this stage is that Egyptian mediation was confined to the security role, while the Palestinian factions stressed the need for a truce with the Israelis. However, Israel rejected the truce, because it would mean an implicit recognition of Hamas. Another problem was the bid by some factions to implement the roadmap declared by President George W. Bush. As was known, the undeclared objective in much of the dialogue was to attempt to implement the roadmap or deal with it in a manner than did not antagonize the Israeli and American sides.

However, despite all this, one cannot ignore the role played by these dialogues. To be sure, the documents produced by the meetings were the equivalent of a new national charter for the Palestinian factions. The Palestinian parties still see the Cairo Agreement between the factions as a reference frame agreement that can be basis of any future Palestinian dialogue, or when discussing Palestinian reconciliation.³⁸ As for Hamas, it was able to enter into the regional and internal Palestinian political order. Indirectly, Hamas became an international political player in the Palestinian issue, and although the dialogues in question did not have direct international sponsorship, they took place with international blessing, and in extensive coordination between the PA led by ‘Abbas, and the US, Egypt, and Israel.³⁹

³⁷ Mu‘in al-Tanani, the Palestinian National Dialogue: Uneasy Truce, site of Palestinian Planning Center, Ramallah, <http://www.oppc.pna.net/mag/mag13-14/new5-13-14.htm>; and *Majallat Markaz al-Takhteet al-Filastini* magazine, issue 9–10, 2003, p. 68. (in Arabic)

³⁸ Interview conducted by the researcher with ‘Abdul ‘Aziz Dwaik, head of the PLC, 10/10/2011. (in Arabic)

³⁹ Mu‘in al-Tanani, op. cit.

Nevertheless, one cannot overlook the important developments that afflicted Palestinian political life, and which dominated the Palestinian political landscape, whether in terms of the vision of US President George W. Bush, or in terms of the Geneva Accord. Hamas's position regarding the vision of the US President George W. Bush over the Palestinian state was clear. Hamas emphasized that Bush's vision cannot constitute a solution to the Palestinian issue, saying that it was a rehash of the traditional Zionist vision.

First, Hamas rejected reducing the Palestinian issue to being a matter of Israeli security, and the designation of resistance as "terrorism." Hamas also rejected US interference in internal Palestinian affairs.⁴⁰ Hamas considered the creation of the post of prime minister a response to the dictates of the US, and not to internal demands for reform, and also to be an implementation of the requirements of the security roadmap.⁴¹

Hamas also rejected the Geneva Accord, which it considered to be inconsistent with the rights of the Palestinian people, especially the Palestinian refugees. Hamas called for putting those behind the document on trial, and the PA to lift its political cover for the signatories.⁴² The Geneva Accord was an unofficial agreement signed by figures close to Yasir 'Arafat and Mahmud 'Abbas, calling for the establishment of a demilitarized state in the WB and GS, with border adjustments that would allow settlers and the Jewish quarters in Jerusalem to be annexed to Israel, while Arab quarters in Jerusalem would be under the control and sovereignty of the Palestinian state. The Accord effectively forfeited the right of return of Palestinian refugees to their occupied lands, from which they were expelled in 1948.⁴³

⁴⁰ Hamas, A press statement about George Bush's speech, 25/6/2002, PIC, http://palestine-info.com/arabic/hamas/statements/2002/25_6_02.htm (in Arabic)

⁴¹ Hamas, A press statement about the introduction of the post of prime minister of the PA, 11/3/2003, PIC, [http://palestine-info.com/arabic/hamas/statements/2003/11_3_03.\(1\).htm](http://palestine-info.com/arabic/hamas/statements/2003/11_3_03.(1).htm) (in Arabic)

⁴² Hamas condemns the Geneva Accord and calls on the authority to lift political cover from its signatories, 10/12/2003, PIC, http://palestine-info.com/arabic/hamas/statements/2003/1_12_03_3.htm (in Arabic)

⁴³ For the full text of the Geneva Accord, see site of Geneva Initiative, <http://www.geneva-accord.org/mainmenu/english>

Fourth: The Stage of Merging the Subjective with the Objective

This stage of the movement's life extends chronologically from 2005 until October 2011. The main feature of this stage for Hamas was: Not in favoring of the peace process but not standing as an obstacle to it. This stage revealed much about Hamas's attitude towards the peace process, on the back of several factors that produced the general political scene. Hamas's attitude on various issues developed after the Israeli withdrawal from GS and the subsequent legislative elections. The latter was the compass dictating reciprocal relations between Hamas and the others, and it was dictated also by the conditions of the Quartet on the Middle East, the problems of Palestinian division, and Hamas's control of GS, in addition to the slowdown of the peace process and the uprisings and changes in the Arab world.

During this stage Hamas developed beyond being a pure resistance movement, and evolved in to a ruling resistance movement. It became legitimate to ask questions about the determinants of Hamas's attitudes, whether they were subjective and emanating from its ideology and beliefs, or objective and realistic, emanating from the requirements of the current situation. As much as this stage offered opportunities to Hamas, it also presented it with challenges.

One of the biggest of these challenges lies in answering the crucial question: Can Hamas, by being in power, propose mechanisms of interaction consistent with its principles—despite the Oslo Accords requirements—and overlook the general philosophy of the peace process?⁴⁴ And was the aim of what was offered to Hamas to make it a political player, or were the facilitations given to Hamas meant to expel it completely from the peace process or pacify it?⁴⁵

The Cairo Agreement: Ideology and Politics

At the beginning of this stage, the Palestinian factions, led by Hamas, signed the Cairo Agreement in March 2005. This was a starting point for Hamas, in that it was

⁴⁴ For more information, see the electoral program of Hamas presented by Hamas under the title *The Change and Reform*; the program focused on the themes of change and reform in the PA, ignoring the general philosophy of the peace process, especially in what regards the recognition of Oslo.

⁴⁵ Michael Herzog, *Can Hamas be tamed?*, *Foreign Affairs* magazine, March/ April 2006, <http://www.foreignaffairs.com/articles/61512/michael-herzog/can-hamas-be-tamed>

the first inclusive political document that brought together the Palestinian factions over various Palestinian issues, and it was also an attempt to draft a unanimously approved general Palestinian policy. Its main features are:

First: “Adherence to Palestinian principles, without any neglect, and the right of the Palestinian people to resistance in order to end the occupation, establish a Palestinian state with full sovereignty with Jerusalem as its capital, and the guaranteeing of the right of return of refugees to their homes and property.”

Second: Putting the Palestinian political house in order, whether in what regards the PA, conducting legislative elections, or the PLO.⁴⁶

For Hamas, the Cairo Agreement was the first practical step that put the movement in direct contact with the peace process, by agreeing to participate in the legislative elections and not obstruct presidential elections.⁴⁷ On the other hand, Hamas began its first practical steps towards separating what was its own organizational attitude, and what was a public stance concerning general Palestinian policies. However, this certainly does not invalidate the fact that Hamas relied in its decision to participate in the elections and to enter the PLC on the fact that changes had occurred in the peace process and the PLC itself. Indeed, the latter was no longer the same organization as it had been in 1996. However, all this did not negate the major dilemma, namely, whether Hamas had the ability to harmonize between the movement’s own stances towards various issues, and what was general and pertains to the entire Palestinian spectrum. Another major question concerned Hamas’s ability to participate in the structures created by the peace process, despite its rejection of the philosophy the latter is based upon, and the central question of recognizing Israel.⁴⁸

However, any observer cannot but conclude that Hamas, with this move, overcame a large barrier, by interacting positively with the institutions of the Palestinian political regime, notwithstanding the philosophy that founded the regime. An important fact is that the Cairo Agreement, which was signed by

⁴⁶ See document no. 9 “The ‘Cairo Declaration’ that was issued by the Palestinian Factions on 17/3/2005,” in the appendix of this book, p. 575.

⁴⁷ Hamas boycotted the presidential elections, but did not seek to obstruct them. The elections took place more than two months before the Cairo Declaration.

⁴⁸ Ibrahim Abu al-Haija, *Hamis and the Legislative: The Dialectic Between Politics and Resistance*, site of Al-Arab News, <http://alarabnews.com/alshaab/2005/22-04-2005/9.htm>

all Palestinian factions, was a consensus agreement on general philosophy; the liberation of the land and the legitimacy of resistance.

However, at the same time, it was an indirect recognition of the legitimacy of some of the mechanisms of action emanating from the Oslo Accords, specifically the legislative elections. Whether Hamas wanted this or not, or whether it was unintentional, such a step can only be seen as having broken the wall of rejection, formed by Hamas over the philosophy of the Oslo Accords and its institutions. Hamas is even demanded, after the Cairo Agreement, a strategy for managing governance relations, whether in power or in opposition.⁴⁹ What followed subsequently showed that answering this question was postponed. However, a major development took place as Hamas tried to devise new instruments to manage governance relations through the totality of Palestinian polity, which in itself was a qualitative development in Hamas's political conduct.

Israel's Withdrawal from GS and the Position of Hamas

No doubt, Israel's withdrawal from GS was a watershed moment in the Palestinian political scene since 2005, and its consequences would continue to reverberate in Palestinian political life for a long time. To be sure, Hamas saw the Israeli army's withdrawal from GS as the result of its inability to cope with resistance attacks, at a time when the Quartet and the US dealt with it as something that was within the roadmap's framework.⁵⁰

Hamas expressed its detailed position on the withdrawal and what was to come afterwards in a political statement read by the then political bureau member Isma'íl Haniyyah, in which he described the position of the movement as follows:

1. Withdrawal from GS must be comprehensive so as not to turn GS into a big prison.
2. Withdrawal must include border crossings and borders.
3. Hamas was keen on seeing a complete withdrawal.

⁴⁹ Al-Zaytouna Centre for Studies and Consultations, *The Future of Partnership in Palestinian National Decision-Making*, Strategic Assessment series (44), May 2012, <http://eng.alzaytouna.net/2012/05/22/strategic-assessment-44-the-future-of-partnership-in-palestinian-national-decision-making/>

⁵⁰ Quartet Statement, site of US Department of State, archive, 9/5/2005, <http://2001-2009.state.gov/r/pa/prs/ps/2005/45845.htm>

4. The occupation must fully leave GS.
5. Called for partnership with all Palestinians in managing the withdrawal.
6. Called on others not to monopolize power.
7. Hamas is not an authority within an authority, and is not above the law, but it remains committed to resistance.⁵¹

Legislative Elections: Legitimacy and Illegitimacy

The PLC elections of 2006 are considered one of the most important events and stages in the life of Hamas, and a key determinant of its political behavior towards the peace process. Indeed, Hamas's decision to take part in the legislative elections represented a new case for researchers and observers in Palestinian political culture, behavior, and thought while the consequences that followed from this participation produced a new series of challenges that Hamas had to then deal with.

Hamas's official statement justified participation when it considered the representation of the Palestinian people a legitimate right, and that the dysfunction in the Palestinian political system, both in corruption and monopoly of government posts, enjoined the movement to contribute to the development of the democratic construction of the Palestinian political system and to rebuild its institutions. Hamas stressed that participation did not indicate that it was abandoning its resistance platform aimed at ending the occupation.⁵² Hamas also presented an electoral program focusing on the Palestinian political system and the corruption and mismanagement within it, offering itself as a party capable of generating reform and change in the Palestinian political system.⁵³

Hamas's participation in the PLC elections took place with Arab and Palestinian encouragement, and with Israeli and a US approval after a long period of hesitation and reservation. However, this all vanished when the results of the legislative

⁵¹ Hamas Statement read by Isma'il Haniyyah, member of the political leadership of Hamas, in a press conference held in GS, 13/05/2005, PIC, http://www.palestine-info.com/arabic/hamas/statements/2005/13_8_05.htm (in Arabic)

⁵² Hamas Statement on Participation in the PLC elections, 12/3/2005, Al-Zaytouna Centre for Studies and Consultations, <http://www.alzaytouna.net/permalink/4743.html>
See document no. 8 in the appendix of this book, p. 574.

⁵³ Change and Reform bloc, Electoral Program for the 2nd legislative elections of 2006.

elections appeared, with Hamas winning 74 out of 132 seats, and independents affiliated to Hamas received 4 more seats.⁵⁴

Hamas's political conduct was different from the stereotypical image of the movement. It managed, for example, to forge many alliances (in the PLC elections and the municipal elections that preceded it) with Christian figures (in the municipality of Ramallah and Al-Bireh), and its lists included or supported Christian figures (e.g., Jamal al-Taweel in GS).

As soon as the election results appeared, a torrent of questions emerged and statements calling on Hamas to recognize the philosophy of the political system and its requirements. Hamas, which participated in the elections, stated that it did not agree with the philosophy of the existing political system on the basis of the Oslo Accords, saying that it had charted its own philosophy to rebuild the system and its institutions. However, it wanted these reforms to come from within the system and by peaceful means, and this new methodology was first met with external opposition and then an internal one.

On the eve of the election results, the Quartet⁵⁵ and Israel called on Hamas to recognize the Oslo Accords and their methodology in reaching an end to the occupation, and to continue to support the PA.⁵⁶ Hamas tried to form internal blocks to help it defeat Israeli and international positions, and to form a coalition government with different Palestinian factions. Fatah rejected this, and was followed by the rest of the Palestinian factions.

Hamis took a different path, to find channels for its positive interaction with the Palestinian system, and to circumvent the international position rejecting its presence in authority or seeking to thwart it. Hamas thus appointed technocrats in its government in order to separate between Hamas's performance as a movement and as a government.

⁵⁴ Second Legislative Elections of 2006, Final Distribution of Legislative Council Results, site of the Palestinian Central Election Commission, Central Bureau of elections, http://www.elections.ps/Portals/30/pdf/PLC2006-ResultsFinalDistributionOfPLCSeats_AR.pdf

⁵⁵ Fares Fa'iq Dhaher, The Quartet's position on the Palestinian Issue, Amin Media Network, <http://blog.amin.org/faresdahaher/2010/07/28>

⁵⁶ Statement by Middle East Quartet, Secretary-General, SG/2014, site of United Nations Information System on the Question of Palestine (UNISPAL), 30/1/2006, <http://unispal.un.org/UNISPAL.NSF/0/354568CCE5E38E5585257106007A0834>

Analyzing the PLC elections and Hamas's approach to the peace process leads to the following observations:

First: The PLC elections granted legitimacy to Hamas and the entire Palestinian political system, where the latter became a representative of the entire Palestinian political spectrum. However, the results of the PLC elections prompted Fatah to try to delegitimize some pillars of the Palestinian political system. For the acknowledgement of the election results did not result in acknowledging the right of the winners to implement their electoral platform, and their right to be represented at the national level. For this reason, some Palestinian forces, the international community and the Israeli government sought to delegitimize and destroy institutions that were among the pillars of the Oslo Accords, especially the PLC and the Palestinian government. Consequently, on one hand there was a Palestinian return to the old institutions of the political system, and on the other there was an attempt to thwart the Hamas leadership, of which it complained repeatedly.⁵⁷

Second: The PLC elections and subsequent policies meant that Palestinian society faced a backlash, which made the Palestinian people believe that they were being punished for conducting free and fair elections. All this had adverse effects on the development of the democratic process, whether at the level of political culture or building modern institutions.

Third: The legislative elections led some in Hamas to come to the conviction that the attempt to bring Hamas into the Palestinian political system was not meant to bring about changes in the system, and benefit from the contributions of the movement in supporting the democratic development of the institutions of the Palestinian political system; as much as it was meant to try to tame Hamas, to bring it more in to line with the political system of the institutions of the Oslo Accords.⁵⁸

Fourth: Hamas's reform from within, caused internal controversy. Afterwards, it dealt with every political step with extreme caution. Former debates returned to the Palestinian street over the usefulness of Hamas's political participation, whether by its members or otherwise, and even the usefulness of the elections

⁵⁷ After the PLC elections, the PA defeated Hamas by exploiting the post of vice president, and re-activating the PLO institutions, where many of the policies were being drafted by Fatah leaders and approved in the Palestinian Central Council (PCC).

⁵⁸ Ibrahim 'Alloush, Hamas and Elections... A Quick Look at Accounts of Gains and Losses, Aljazeera.net, Al-Ma'rifah, 20/1/2006, <http://www.aljazeera.net/pointofview/pages/f1e0e8ab-2489-4f98-8ae0-4fefbfb42e24> (in Arabic)

themselves; whether they are going to rehash the same previous policy of punishing the Palestinian people if it holds free and fair elections.⁵⁹

Fifth: Hamas's leadership and members became convinced that international policies in place were aimed at toppling Hamas's rule. For this reason, the general goal of the movement throughout the subsequent phase turned to proving Hamas's ability to continue being in power, regardless of the price to be paid by the Islamic resistance movement. This has had many repercussions on the political system and public institutions; for instead of being preoccupied with the institutional development of the PA and improving its democratic credentials, we find that the occupation managed to obstruct the work of the government and the legislative branch by arresting members of parliament (MPs) and ministers.

Sixth: General Palestinian political efforts sought to overcome obstacles facing the political system and the entire Palestinian society, squandering the opportunity to invest these efforts in developing a comprehensive Palestinian policy, which would be the subject of consensus among political forces in Palestine, including Hamas.

The Quartet's Conditions and the Prior "No"

Studying the dialectics of the political development of the Hamas movement towards the peace process after the election, one important detail must be born in mind; the Quartet's conditions, which remain to this day the basis of how we address the issue, its progression, and the possible scenarios for its future developments. The Quartet had three basic conditions in order to consider Hamas a natural part of the Palestinian political system, before partaking in any talks and as a fundamental requirement for financial assistance to the PA: Abiding by previous agreements signed by the PLO; renouncing violence; and recognizing Israel.⁶⁰

Many Hamas leaders realized that the Quartet knowingly created conditions which would not be accepted by Hamas. This was also the conclusion reached by many analysts studying the peace process, especially when these conditions appeared at a stage when many leaders judged the peace process to have failed as a result of not being based on solid foundations from the outset.⁶¹

⁵⁹ An exclusive interview conducted by the researcher with Khalid Abu 'Arafah, former minister from the Change and Reform Bloc, 1/10/2011.

⁶⁰ Statement by Middle East Quartet, Secretary-General, SG/2014, UNISPAL, 30/1/2006.

⁶¹ According to statements by President Mahmud 'Abbas to *The Jerusalem Post* in which he said he was thinking about announcing the failure of the peace process, quoted by many media outlets, including site of Russia Today TV, see <http://arabic.rt.com> (in Arabic)

Although the Quartet is not an official political body, its decisions, since these conditions were made, are considered rules governing the peace process. When considering whether these decisions give Hamas a chance to be an essential part of the peace process, we find that the problems of the Quartet's conditions include the following:

First: When taking a closer look at these conditions we find that they should be the results of negotiations and not preconditions for negotiations, unless they are meant to forestall any political development.⁶²

Second: Many of the Palestinian political forces reject these conditions, and believe that they are tantamount to the elimination of the peace process; some even believe them to be harsher than Israeli conditions.

Third: Clearly, the main governing condition of Quartet's conditions was prior recognition of Israel. But this is something that Hamas, along with many Palestinian political forces, do not see as a politically logical demand to make, for many reasons, including: It is not logical to ask Hamas as a movement to recognize Israel as a state; the PLO has already recognized Israel, and therefore, not every Palestinian government is necessarily required to repeat this. Most importantly, Israel has not recognized the rights of the Palestinian people, and it is therefore not logical for all political factions to recognize Israel as a state, when Israel refuses to recognize the Palestinian state.⁶³ The Netanyahu government did not recognize the two-state solution as the basis of the peace process, and yet, the world did not boycott it or impose conditions on it. Moreover, the current Israeli government (the Netanyahu government 2009–2013) includes in its ranks political parties that not only reject the peace process, but also the social and human existence of the Palestinian people, and that refuse to recognize this people's history and culture, and call for transferring them out of Palestine.⁶⁴

For the above reasons, the Quartet's conditions have been problematic within the general Palestinian political understanding, and in developing Hamas's attitudes

⁶² An exclusive interview conducted by the researcher with Nasiruddin al-Sha'ir, Palestinian Deputy Prime Minister, and former Minister of Education, 22/7/2011.

⁶³ An exclusive interview conducted by the researcher with Ibrahim Dahbour, a member of the parliament and the Change and Reform Bloc, 14/9/2010.

⁶⁴ Interview conducted by the researcher with Samir Abu Eisha, minister of planning in the tenth Palestinian government and the Government of National Unity, 20/8/2011.

toward the peace process. Practically speaking, a policy was built on the conditions laid by the peace process that toppled all the efforts that had been made during the previous years of negotiation and maneuvering.

Indeed, on one hand, the general strike in the PA institutions, which Hamas saw as a political strike par excellence, led to increased political polarization once again⁶⁵ and a return to the conditions that stood prior to the legislative elections, a period marked by political tension, undermining the ability of the Palestinian factions to unite over one general policy. Yet the more dangerous trend was the bid by the Israeli government to paralyze the work of Palestinian institutions by arresting ministers, MPs, and municipal officials.

All these challenges acted as a catalyst for Palestinian political forces to try to find a political way out to ensure the continuation of democratic growth, and give the Palestinian political experiment the opportunity for normal growth. The first of these efforts was undertaken by Palestinian prisoners, in what was later known as the National Accord Document, which was agreed on by all Palestinian factions, led by Hamas. It was considered the first attempt towards unifying Palestinian public policy.

The National Accord Document had two main parts: the first: a general framework governing Palestinian relations and Palestinian public policy; and the second: the instruments of Palestinian public policy. The instruments in this document were considered extremely important for addressing Palestinian resistance and the peace process. As regards resistance, it was agreed to concentrate resistance in the lands occupied in 1967. And as regards the peace process, the Palestinian president and the PLO were given a mandate to lead the negotiations providing that any Palestinian-Israeli agreement is put to a referendum. Hamas would later say that it would accept the results of such a referendum, no matter what they may be.⁶⁶

The Peace Process and Democracy

The relationship between the peace process and democracy appears dialectical, and many political observers found hard to explain its dynamics. Certainly, the outcomes of the peace process and its mechanisms are supposed to lead to

⁶⁵ Ashraf al-'Ajrami, Employees Strike: Who is Blockading Whom, *Al-Ayyam*, 4/9/2006. (in Arabic)

⁶⁶ Text of Palestinian National Accord Adopted by President Abbas, site of Middle East Info, <http://www.middleeastinfo.org/docs/PalestinianNationalAccord.pdf>

consolidating the features and culture of democracy in Palestinian society. However, we find that the peace process, from the beginning, was built in a way that makes it difficult for it to be leverage for the democratic formula in Palestinian society, for two main reasons; first: the methodology, where the peace process was based on making peace between leaders not peoples, and continues to follow the same path.⁶⁷ The Palestinian people, who benefited somewhat from the peace process, were nevertheless the ones who paid the biggest price from the process. Second: the peace process was dealt with as a political deal with a section of the Palestinian people, and not with all Palestinians, and this manifested in political practice. In particular, the aid given to the Palestinian people is mostly political with a specific purpose, aimed at achieving specific political goals, either to form new elite, or a new culture, or to serve other as yet unknown objectives. All these are the effects of the dialectical relationship between democracy and the peace process.⁶⁸

Despite this general character of the peace process and democracy, the issue took a deeper dimension and a more complex dialectical turn after Hamas decided to participate in the PLC elections, becoming a key part of the Palestinian political body. Since Annapolis, to this day (2013), functioning democracy is a dilemma for the peace process. This dilemma only grew sharper with the onset of the Palestinian schism beginning in 2007.

Hamas saw that the division and the widening gap between Palestinian factions originated in the peace process and the conditions of the Oslo Accords that did not have room for dealing with the entire Palestinian spectrum. For this reason, discussing the development of Hamas's political attitude on the peace process is contingent upon understanding this general situation. While this does not diminish the importance of the political attitude, putting the Palestinian house in order on democratic bases and involving all Palestinians in making and implementing public

⁶⁷ An exclusive interview conducted by the researcher with Nasiruddin al-Sha'ir, 22/7/2011.

⁶⁸ For more information about the role of aid in the rebuilding thought and culture, see Khalil Nakhleh, *Filastin: Watan li al-Bai'* (Palestine: A Homeland for Sale), translated by 'Abab Murad (Ramallah: Rosa Luxemburg Foundation, 2011), p. 147, published by Al-Zaytouna Centre for Studies and Consultations, www.alzaytouna.net/arabic/data/attachments/2011/Book_Pal_For_Sale_Nakhleh-8-11.pdf; and Sari Hanafi and Linda Tabar, *Buruz al-Nukhbah al-Filastiniyyah al-Mu'awlamah: al-Manihun, wa al-Munazzamat al-Duwaliyyah, wa al-Munazzamat Ghair al-Hukumiyyah* (The Emergence of a Palestinian Globalized Elite: Donors, International Organizations and Local NGOs) (Muwatin, 2006).

policy became a priority and Hamas's attitudes should be analyzed in isolation from these facts too. This is not only as far as Hamas alone is concerned, but even Israel and the US have taken these conditions into consideration, albeit in their own way.

Analyzing Hamas's attitude to the peace process and its developments, since the Palestinian schism, focuses on two main axes; the first: Palestinian reconciliation and restoring cohesion to the political and institutional bodies of the Palestinian people; and second: Running Palestinian politics.

For Hamas, and as was repeatedly stated by its leaders and in its literature, failing to reach real Palestinian reconciliation is due mainly to the attitudes of external actors regarding the peace process and the Palestinian issue, particularly the US and Israel. The US-Israeli position rejects any Palestinian reconciliation that makes Hamas a natural part of the Palestinian political system. Hamas attributed this to the fact that any reconciliation agreement that would be signed would be either directly rejected by the US, or indirectly thwarted and its provisions obstructed.⁶⁹

This dilemma sums up the current predicament, in which the Israeli position and US policy see achieving intra-Palestinian reconciliation as an obstacle to the peace process. At the same time, the Palestinian elite and decision-makers have questioned the possibility of achieving the objectives of the peace process and the aspirations for an independent Palestinian state, without first securing Palestinian reconciliation and unifying Palestinian political institutions, whether through the PLO or the PA. The Palestinian elite and public recognize that achieving Palestinian reconciliation today is one of the foremost priorities of the Palestinian people.⁷⁰

⁶⁹ See interview with Khalid Mish'al, head of Hamas political bureau, entitled: US Pressure on the PA Hinder Reconciliation, Russia Today, 10/2/2010, <http://arabic.rt.com/prg/telecast/42029> (in Arabic)

⁷⁰ For more information, see Document: Statement to the Public Opinion Refusing Resumed Negotiations Without Binding Reference, signed by 274 Palestinian figures and addressed to the public opinion and the PA. The Commission of Accord and Reconciliation, 14/2/2010, Al-Zaytouna Centre for Studies and Consultations, Documents, <http://www.alzaytouna.net/permalink/4937.html> See also March 15 Youth, and the movement to end schism, where the Palestinian Youth Movement called for ending the intra-Palestinian schism and unifying the Palestinian people, whether in GS or the WB.

Hamis presented the outline of its stances vis-à-vis the peace process and all governance relations in the Palestinian arena. The most notable points of this outline included:

First: Stressed that Hamis is not against peace, providing that this peace achieves the rights and aspirations of the Palestinian people.⁷¹

Second: Agreed to establish a fully sovereign Palestinian state within the borders of 4 June 1967, whose capital is East Jerusalem; a state that does not include any Israeli settlements. In return, Hamis agrees to a long-term truce. However, Hamis categorically rejected recognition of Israel. For Hamis, acknowledging the existence of Israel as a de facto reality did not mean recognizing it, because acknowledging the existence of the occupation did not mean accepting its legitimacy, and the legitimacy of the usurping of large areas of Palestine. Instead, what it meant for Hamis was that it had to work on liberating Palestine from this occupation. Indeed, the fundamentals of the ideology and policies of Hamis include two main issues: First: Any tactic must not undermine the Palestinian strategy based on liberation and fulfilling the inalienable rights of the Palestinian people; and second: Not recognizing the legitimacy of the occupation on any part of Palestinian land.⁷²

Third: Putting the Palestinian political house in order on democratic and widely representative bases, whether through the PLO or the PA. Hamis considered this a priority and an internal matter, and believed that the PLO issue could not be bypassed; this had been an obstacle in most of its dialogues with the PA.⁷³

The vision of Hamis regarding the instruments and mechanisms of Palestinian political action, or “conflict management,” include several broad outlines:

First: The right of the Palestinian people to resist and get rid of the occupation is a legitimate and ethical right that is consistent with international law and norms governing peoples under occupation.⁷⁴

⁷¹ Hamis Movement: A Brief History, PIC.

⁷² An Important Document by Khalid Mish'al: Hamis Political Thought and Stances in Light of the Arab Uprisings, Al-Zaytouna Centre for Studies and Consultations, 2012.

⁷³ Document: A Memorandum on the Position of the Hamis Movement and its Efforts to Achieve Palestinian Reconciliation, 24/10/2009, Al-Zaytouna Centre for Studies and Consultations, Documents, <http://www.alzaytouna.net/arabic/?c=129&a=101545> (in Arabic)

⁷⁴ Khalid Mish'al, Resistance is the Real Choice, *Alghad*, 3/11/2010.

Second: The PLO is authorized to manage political action and negotiations, and to give the peace process sufficient time to produce results that can fulfill the aspirations of the Palestinian people to freedom and independence, within an Arab and Palestinian consensus over a unified strategy at all levels, political and diplomatic.⁷⁵

Third: Elections and the recognition of their results are the democratic path towards putting the Palestinian political house in order. Dialogue is the mechanism to resolve internal Palestinian disputes. Hamas thus emphasized the value of elections, whether in the PLO or for the PA.⁷⁶

Fourth: Referendum is the methodology to fulfill the right of the Palestinian people to approve or reject any agreement reached as a result of Palestinian-Israeli negotiations. This mechanism is considered one of the most significant developments in Hamas's position regarding the outcomes of the peace process, whether, Hamas is party to it or not.⁷⁷

Fifth: The long-term truce: The truce in Hamas's ideology is not a new concept. Since the early 1990s, the truce has been a possible mechanism for Hamas to manage the Palestinian-Israeli conflict.⁷⁸ It remained linked to a timeframe; should the truce be temporary or permanent? Is it linked to short-term periods or long-term periods that could reach up to 20 years?

All these questions were the subject of many political-ideological debates within Hamas. However, during the last several years and especially after Hamas's military takeover of GS, Hamas's ideology witnessed an evolution concerning this mechanism. Thus, we find that the concept of a truce turned into a political project

⁷⁵ See speech by Khalid Mish'al, during the signing ceremony of the Palestinian reconciliation in Cairo, 4/5/2011, *Journal of Palestine Studies*, vol. 22, issue 87, p. 200. (in Arabic)

⁷⁶ See Usamah Hamdan, "The Thirteenth Paper: Rebuilding and enacting the Palestine Liberation Organization: Vision of Hamas Movement," in Mohsen Mohammad Saleh (ed.), *Munazzamat al-Tahrir al-Filastiniyyah: Taqyym al-Tajrubah wa I'adat al-Bina'* (Palestinian Liberation Organization: Evaluating the Experience and Restructuring) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2007).

⁷⁷ The official text of Hamas response to the Carter paper, *Al-Hayat*, 22/4/2008. (in Arabic)

⁷⁸ Khaled Hroub, *Hamas: Political Thought and Practice*, 2nd edition (Washington, DC: Institute for Palestine Studies, 2002), pp. 73–77.

in Hamas's thought, as presented in the document of Ahmad Yusuf,⁷⁹ which Hamas and its leaders rejected officially. But it is believed that the rejection came because the truce promoted the "state with temporary borders," which is entirely refused by Hamas. The rest of the issues, meanwhile, such as a long-term truce, have indeed been confirmed by successive statements from leaders of the movement.⁸⁰

Sixth: The dialectic of liberation and the state. Indeed, Hamas is today focused on the idea that liberation must precede the state, because there can be no sovereignty under the occupation. Hence, an autonomous authority and the state are two different things.⁸¹ This is now acknowledged by most forces in Palestinian society. Even the PA itself is no longer able to bring about development under the occupation whether democratic, economic development, or institution building development.

Conclusion

By looking carefully at the evolution of Hamas's political stances vis-à-vis the peace process, we can reach the following conclusions:

First: The political position of Hamas regarding the peace process evolved, in theory, in ideology, and in its actual practice since it took over GS.

Second: The evolution of Hamas's political position on the peace process has kept pace with the surrounding changes. Thus, Hamas's practical conduct is considered compatible with what it believes the supreme interests of the Palestinian people, and with its ideological Islamist commitments.

Third: The major problem today in the study of Hamas's relationship to the peace process, is that the latter is considered a fixed component to which the other parties have to adapt. This should be fully reconsidered because it is not an

⁷⁹ For more information, see the text of the document by Dr. Ahmed Yusuf, an adviser to Prime Minister Isma'il Haniyyah, which was reached with some envoys from Norway and Switzerland, Al-Zaytouna Centre for Studies and Consultations, Documents, 24/12/2006, citing *Al-Hayat al-Jadidah* newspaper, Ramallah, 24/12/2006.

⁸⁰ *Asharq Alawsat*, 11/1/2007.

⁸¹ An Important Document by Khalid Mish'al: Hamas Political Thought and Stances in Light of the Arab Uprisings, Al-Zaytouna Centre for Studies and Consultations, 2012.

approach that is consistent with reality, not only with regard to Hamas, but also with respect to the rest of the parties of the conflict.

Fourth: Various facts indicate that Hamas has not had a real opportunity to be a normal political player, and the opposite has been true. Indeed, one may observe that the leadership of the peace process and the parties to it do not want Hamas to be a political player, which is something that has to do with the philosophy of the peace process itself. To be sure, the latter imposes preconditions that force outcomes that only serve Israeli policies, and undermine the rights of the Palestinian people, which is something impossible for Hamas and several other Palestinian factions to accept.

Fifth: Today, it is not practical or realistic to speak of a peace process without Hamas, particularly if the peace process is addressed from the standpoint of managing the conflict, which is something recognized today. Indeed, the peace process does not promise a solution to the conflict as much as a way of managing the conflict. Consequently, we find that Hamas has the theoretical and practical framework that would allow it to be a key player in managing the conflict.

This Book

The Islamic Resistance Movement Hamas is a prominent Palestinian resistance movement. It enjoyed, and continues to enjoy, broad popularity in the Palestinian arena. Hamas adopts Islam as a creed, way of life, and a code. It belongs to the school of Muslim Brothers movement.

Credit for the idea behind this book is owed to the late Prof. Ibrahim Abu Rabi'. 17 academicians, researchers and senior Hamas leaders participated in writing the chapters of this book.

This book is indeed one of the most specialized references regarding Hamas thought and experience, and it is an indispensable source for those interested in studying the Movement. It committed itself to the methodologies of academic research and all this entails in terms of accuracy, objectivity, and documentation. The contributions by several Hamas leaders shed additional and up-to-date light on a number of controversial issues surrounding Hamas and its experience.

Dr. Mohsen Mohammad Saleh

Islamic Resistance Movement

Hamas

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