Senior Hamas leaders talk during a rally in Gaza, 24 March 2004.

Source: Reuters/Mohammed Salem

In search of respect at the table

Hamas ceasefires 2001-03

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"Negotiating without resistance leads to surrender. But negotiating with resistance leads to real peace…the world understood that the Vietnamese resistance had to continue whilst the Vietnamese were negotiating with the American Administration in Paris".
Khaled Meshaal, Head of the Political Committee of Hamas, interview on BBC Newsnight, 13 December 2004.

Islam and Arab custom have a long history of conflict resolution through ceasefire and truce as a step toward peace. All of the traditional Islamic and tribal methods begin alike – with *talking*. Unless one of the parties is simply suing for peace in the wake of overwhelming defeat, all Islamist factions subscribe to the wisdom that a 'just' outcome – that is, one that has legitimacy and therefore may endure – can only be achieved when both parties to a conflict arrive at the table treating the other as an adversary worthy of respect.

This search for 'justness' within conflict resolution in the Palestinian context is not confined to the Islamist groups such as Hamas and Jihad; but the more secular movements such as Fateh or the Popular Front for the Liberation of Palestine (PFLP), although alive to such traditions, tend to an approach that leans more towards engaging a third party and international public opinion as the counterweight to a lack of symmetry. For Islamist movements, third parties can play some compensating role, but this can never fully act as a corrective to a situation in which one of the parties to a negotiation perceives itself treated with disdain or a without the respect owing to a worthy adversary.

In some respects this view reflects Senator George Mitchell's 'first rule' of conflict resolution: unless each party to a dispute acknowledges and accepts that the 'Other' has an argument for their side to advance, there can be no resolution. Armed Islamist groups in the Palestinian arena have been engaged in not only asserting that there is a valid Palestinian 'case', but also in attempting to achieve Israeli 'respect' through resistance. Islamist groups' effort to find this grudging esteem and some parity has been adversely affected both by the dehumanization and de-legitimization of the cause of both parties by the other as a result of

violence, and by proscription in the international arena. Of course Hamas and the other Islamist factions understand that there will never be parity in terms of military power, but at the same time they have the example of Hizbollah, which is perceived in Lebanon and Syria as having achieved a 'parity of deterrence or fear' with Israel. The perception is that Israel has absolute air superiority and greater firepower, but understands Hizbollah possesses the rockets and weaponry in south Lebanon to drive the north of Israel into the air raid shelters were it to choose to retaliate. In short, parity is not conceived as absolute. Palestinian groups such as Hamas understand that Hizbollah's successful resistance in south Lebanon has caused Israel's military to treat Hizbollah with caution, as a respected foe. Israeli armed forces do not take action against Hizbollah lightly. Hamas has sought to emulate the respect in which Hizbollah is held by Israel. The Islamist movements understand that there cannot not be parity in each compartment such as weaponry, air power and so on; but, provided that there is some perceived 'parity' of esteem between parties to the conflict, then and only then is there the prospect of achieving a 'just' and durable outcome.

Ceasefires 2001-03

The principal object of the various ceasefires mounted by the various Palestinian factions from 2001 until 2003 was essentially to test Israeli readiness to engage in a serious political process that would lead to a Palestinian state on the basis of the 1967 borders. Unilateral attempts at military de-escalation had not been attempted earlier as the outset of Oslo period had been characterized by Fateh attempting to capitalize on its monopoly of power and control of security. Oslo effectively licensed the transformation of the militia of a single faction (Fateh) into the official organs of the Palestinian National Authority police and national security in order to control and ultimately destroy its political rivals. Well before the time of the last Intifada, this mandate for Fateh to suppress its rivals had eroded as a result of a shift of public support in the Palestinian Territories towards the Islamists.

There were other considerations that prompted the ceasefire efforts of 2001-03. The civilian population of both communities was periodically experiencing Intifada fatigue and morale dips in response to what has been

called 'Fourth Generation' warfare. Fourth Generation warfare really is no more than the modern evolution of insurgency, but has been well summarized as:

> …widely dispersed and largely undefined; the distinction between war and peace [becoming] blurred to the vanishing point…nonlinear, possibly to the point of having no definable battlefields or fronts…[and] distinctions between "civilian" and "military" disappearing; actions [occurring] concurrently throughout all participants' depth, including their society as a cultural, [and] not just a physical, entity. (William S. Lind et al. 'The changing face of war: into the fourth generation' *Marine Corps Gazette*, October 1989).

Fluid asymmetrical insurgency of this type, which was incorporated into some aspects of the second Palestinian Intifada, is aimed at undermining the psychological steadfastness of the opponent. Its deliberately uneven tempo also affords the irregular forces more flexibility to test the political waters without experiencing adverse political consequences from their supporters. A change in an already uneven tempo does not imply concession or defeat.

For the EU and for some within the US Administration, de-escalation of violence was one of Senator Mitchell's three key linked components towards a resolution of the conflict, which he summarized as "reduce violence, build confidence and begin talking". In this aspect the Mitchell Report ran concurrently with Islamic norms of conflict resolution. For the Islamists a *Hudna* (a period during which military activities are suspended in order to allow a peace process to proceed) held a particular attraction because there was no implied return to the *status quo ante*: that is, in their perception it carried no implied return to the Oslo approach by which Hamas and other groups were to be dismantled or destroyed. It also opened political space *vis-à-vis* Fateh. Here were Islamists taking their own independent political initiative.

Israel throughout the period of attempted ceasefires remained ambivalent on whether or not to encourage the *Hudna* until after August 2003, when the *Hudna* declared on 29 June ended with a bus bomb in Jerusalem and the subsequent targeted killing of Hamas leader abu-Shanab in Gaza. Israel then pressed for Hamas to be internationally proscribed and isolated. Although proscription by the European Union, a move that divided Europeans, carried little practical import for Hamas in terms of finance or activities, it further isolated and marginalized them from the political process. More seriously from Hamas' perspective it gave the 'green light' to Israel to try to assassinate their leadership.

Before the EU proscription, some Israeli officials and military officers (e.g. Efraim Halevy, a security adviser to the Israeli Prime Minister) had argued the benefit of co-opting Hamas and the Islamists into the political framework, because they had seen the consequences of the Islamists' exclusion on the efforts of Colin Powell, George Tenet and Anthony Zinni to try to resurrect the earlier security commitments by Fateh at the outset of the Oslo era. They also understood that inclusion of Hamas was necessary to bring an end to conflict.

Other Israeli officials however argued that Hamas was not capable of transformation into a political party by virtue of its nature as an Islamist movement. This hostility to the religious aspect, in contrast to the more secular Fateh, also coloured the attitude of the US and some Europeans. Some secular Europeans too had misgivings about the wisdom of accommodating religious movements. These misgivings persisted despite the evidence of polls which showed that Islamism was no longer optional to the equation, no marginal phenomenon; Hamas was mainstream. Perhaps of greater weight for some Israelis however was the value of harnessing the 'war on terror' to portray Israel as engaging in a wider conflict with Islamic extremism rather than a political struggle over disputed territory.

Similar disquiets also affected the Egyptian mediation efforts. For Egypt, the baggage of their own repression of the Muslim Brotherhood weighed heavily. They were concerned that tacit endorsement and any legitimizing of Palestinian Islamists might be seized on by their own Islamists and exploited. Consequently, their approach was circumscribed by the framework of the domestic political objective of containment of Egyptian Islamism as well as their approach towards Israel and the Palestinians.

The result of this accumulated ambivalence was that the unilateral efforts of four de-escalation initiatives (2 June–9 Aug 2001, 16 December–17 January 2002, 19 September–21 October 2002 and 29 June–19 August 2003) in which Hamas participated provoked no efforts at establishing a framework of reciprocity that was detailed and understood by both parties. Israeli security forces continued to kill Palestinian civilians, make incursions into Palestinian areas and demolish houses during the periods of significant de-escalation by the Palestinians. In the last *Hudna* in June 2003, the number of civilian Palestinian deaths caused by Israeli military forces did reduce significantly. However arrests of Palestinians rose fourfold, and there were continued targeted killings.

Missed opportunities

Israel's failure to define or to practice reciprocity was probably the principal trigger of the Islamists' decision to return to armed operations. Both Egypt and the EU made some efforts to obtain reciprocity, but neither succeeded. Israel for policy reasons remained adamantly opposed to entering any Grapes of Wrath type of reciprocal agreement (an agreement between Israel and the groups in Lebanon that defined the military operational activities of both parties) with the factions. Israel was concerned that such a step could lead to limitations on its freedom of military action and open the door to internationalization of the conflict (in the form of non-US third-party involvement in monitoring or negotiating any elements of any agreement affecting Israel's relationship with the Palestinians). There were two other principal causes of the truce breakdowns however: the failure to provide any 'feel-good' factor to the Palestinian public that could sustain the momentum towards complete ceasefire and the failure of the international community to use these de-escalations to develop any political dynamic.

The failure to develop political dynamic stemmed principally from the refusal of European nations and of the US to acknowledge or accept the breakdown of legitimacy and credibility of the Oslo process. The Mitchell Report had already signalled in 2002 that for both publics involved there was a crisis of confidence in the incremental Oslo approach. This acknowledgement would have required the international community to consider how to recoup that lost credibility of both the Oslo process as well as that of Palestinian institutions themselves.

The external actors were not alone in their difficulties. The second Intifada had so weakened and divided Fateh that it too found it difficult to accommodate Hamas and the other groups politically without calling into question the monopoly of authority and the position of interlocutor granted to them by Oslo. Consistently throughout this period, Fateh failed to discuss the key issues of defining national objectives, the appropriate tools by which to achieve them and the leadership required to pursue them with Hamas and the other factions for fear that it could unravel their special status as the 'legitimate' authority. The inability of any Fateh leader to do this was also of course bound up with the evolution of the movement itself. Fateh was having great difficulty in accommodating its own 'younger' generations, let alone other factions. Paradoxically, it was Hamas that proved better placed than Fateh to manage negotiations. Throughout the talks in Cairo it was plain that Hamas had a leadership that was sophisticated and operated to a clear mandate.

One obvious way to respond to these challenges was to encourage accommodation within the Palestinian constituency and to emphasize elections as the tool to revalidate and find some Palestinian consensus on means and objectives. Western prejudices against non-secular politics and groups that used violence for political ends however led to hesitations. It required also that external actors be plain in arguing that Palestinian unity was a positive objective not only for Palestinians, but for Israel too. The mindset of Oslo was too ingrained for many to feel comfortable making this case. The West felt more at ease with secular interlocutors and a 'crack-down' on 'rejectionists'. This essentially was the Tenet (Work Plan of 2001) and Zinni (ceasefire proposal of March 2002) response: let us revert to the *status quo ante* commitments of a process, the breakdown of which was a principal cause of the violence, and only then – once recommitted to that which had failed – can talks begin. It did not work.

There would always be some rejectionists in both camps to any outcome, but if that outcome was validated by the bulk of Palestinians and gained a critical mass of popular support from the public, then there would be some prospect of consolidating progress.

The hostility of the West however, with its 'war on terror' rhetoric of demonization and isolation of Islamist groups has left Islamists cynical and radicalized. The proscription and isolation of the Islamists has heightened the sense of asymmetry of the process and the 'unjustness' of the West's perceived bias toward the stronger party – Israel. Europeans and Americans remain vacillating between the pragmatic understanding of the need for inclusiveness and effective reduction in violence; and a fear that to engage fully along this path might muddle the black and white principles of the 'war on terror', leaving the West with unravelling policies. But for anyone looking for a *durable* end to conflict, inclusiveness and legitimacy are two elements for which any amount of top-down Western pressure are unlikely to substitute.