



Hamas, Fatah and the Middle East Quartet principles

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This note briefly considers the Middle East diplomatic Quartet, composed of the US, the UN, the EU and Russia, and its three principles governing engagement: the renunciation of violence, the recognition of the State of Israel and the acceptance of previous diplomatic agreements.

The principles are particularly controversial in the light of the unity agreement between Hamas and Fatah, since Hamas has been excluded from peace negotiations and financial aid on the grounds that it does not endorse them.

- Western governments have said that they will stick to the principles, but that they will wait until they see further details of any proposed unity government before deciding whether to deal with it
- Israel has rejected the unity agreement, saying that it makes a peace deal less likely
- Critics have said that the principles are an impediment to a peace deal and some have suggested that acceptance of the principles should be a goal of negotiations rather than a precondition
- So far, Hamas does not appear to have changed its policies significantly in relation to the principles
- Hamas policies have for some time offered the possibility of an end to violence and an accommodation with Israel, but not on the terms that the Quartet have found acceptable

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1 The Quartet principles and Hamas

The Quartet consists of the USA, the UN, the EU and Russia. The principles for engagement in the Middle East peace process, first prepared for the Madrid Middle East conference in 2002. The principles are as follows:

- the recognition of Israel
- the renunciation of violence
- adherence to previous diplomatic agreements

The principles not only relate to participation in the political process: they are also applied during considerations of financial aid for the Palestinian Authority (PA). After Hamas’s victory in the 2006 parliamentary election and the failure of talks to create a unity government, the establishment of the Hamas-led PA government in March 2006 led the Quartet and Israel to cut off financial support to the PA, as well as cutting diplomatic ties.¹

The UK lists Hamas’s military wing, the Izz al-Din al-Qassem Brigades, as terrorist but not Hamas itself.² The EU classifies the whole of Hamas as “terrorist”.³ The UK participates in financing sanctions that prevent Hamas from receiving funds.

The US administration is also subject to funding constraints that would prevent Congress from authorising any aid to Hamas, as the following passage explains:

Under current appropriations legislation, the United States cannot provide financial assistance to Hamas under any conditions. This law also prohibits US assistance to a

¹ In June 2006, however, the International Quartet (involving the EU, US, UN and Russia) approved the establishment by the EU of a Temporary International Mechanism (TIM) to provide around \$120 million in aid to the Palestinians. A three-part structure was devised to bypass the Hamas -led government by channelling funds through an expanded World Bank emergency services support programme for essential health supplies, and through a reinforced EU interim emergency relief contribution for fuel and other essential items. No funds were provided for the payment of salaries to PA employees, with the exception of health employees, who received basic allowances.

² Home Office, *Proscribed terrorist groups*

³ Council Common Position 2005/847/CFSP of 29 November 2005

PA government with Hamas ministers unless all the government's ministers accept the "Section 620K principles": (1) recognition of "the Jewish state of Israel's right to exist" and (2) acceptance of previous Israeli- Palestinian agreements—named after the section in the Palestinian Anti-Terrorism Act of 2006 (P.L. 109-446) that sets them forth. These principles have some similarity to the principles the so-called international Quartet (United States, European Union, United Nations, and Russia) has required Hamas to meet before accepting dealings with it: (1) recognizing Israel's right to exist, (2) renouncing violence, and (3) accepting previous Israeli-Palestinian agreements. Hamas has alleged that the United States has used its leverage with Abbas to "veto" any serious attempt to broker a power-sharing compromise (by threatening an aid cut-off if Hamas rejoins the PA without accepting the Section 620K principles and/or Quartet principles), and some analysts understand the situation similarly.⁴

2 The Fatah/Hamas unity agreement 2011

The Hamas/Fatah agreement announced in Cairo in May 2011 proposed to end the split between the two groups, setting up a unity government. The agreement foresees new parliamentary elections in 2012, but the details of the composition and policies of the government are not yet available.

In negotiating a unity agreement with Fatah, there were some comments that were interpreted as suggesting that some Hamas policies in relation to the Quartet principles may change. Munib al-Masri, one of the mediators of the agreement, said recently that Hamas "came a long way" in aligning its positions to Fatah's.⁵ Head of the PLO and President of the PA Mahmoud Abbas has said that PA foreign policy will remain under his control and will follow his policies.

There was also discussion between Hamas and Fatah on restraining the rocket attacks launched at Israel from Gaza, and it was reportedly agreed that any such "resistance" activity would have to be agreed by Fatah as well as Hamas.

Commenting on the announcement, Hamas leader Khaled Meshal said that the two groups had agreed to work towards a Palestinian state on the Occupied Territories:

Our aim is to establish a free and completely sovereign Palestinian state on the West Bank and Gaza Strip, whose capital is Jerusalem, without any settlers and without giving up a single inch of land and without giving up on the right of return [of Palestinian refugees].⁶

This could be interpreted as a shift by Hamas towards the recognition of Israel, since he did not call for the retention of all Israel's land for Muslim people, as proposed in the Hamas Charter.

However, Khaled Meshal refused to reject violence definitively:

The whole world knows what Hamas thinks and what our principles are, but we are talking now about a common national agenda. The world should deal with what we are working toward now, the national political program. [...] Where there is occupation and

⁴ James Zanotti, *Hamas: Background and Issues for Congress*, Congressional Research Service, December 2010, p30

⁵ "Mediators of accord between Fatah, Hamas see new hope", *Washington Post*, 10 May 2011

⁶ "Hamas wants Palestinian state in occupied West Bank, Gaza", *al-Siyada*, 5 May 2011

settlement, there is a right to resistance. Israel is the aggressor. But resistance is a means, not an end.⁷

Meshal said that a ceasefire had been established before, that there was one in effect now and that there could be deals in the future:

If occupation ends, resistance ends. If Israel stops firing, we stop firing.⁸

Optimists are hopeful that the development shows that Hamas has legitimised the two-state solution and has adopted a new, less confrontational approach towards Israel. The Israeli government, however, has rejected the unity accord and denies that there is any indication of a renunciation of violence.

2.1 British reaction

Middle East minister Alistair Burt made an unequivocal statement in early May on the government's position in relation to Hamas and the principles:

We have no plans to change our position on Hamas. The Quartet principles that my hon. Friend sets out remain the benchmark to which Hamas should move towards—that is, a rejection of violence, a recognition of the state of Israel and an acceptance of previous agreements.⁹

Asked later the same day about Hamas's likely direction, William Hague chose words that could be interpreted as allowing more "wriggle room", when he said that Hamas must make *movement towards* acceptance:

Clearly, many issues are moving in the middle east, with the changed situation in Egypt and pressure on the Syrian Government. Hamas has been encouraged by the new Government in Egypt to enter into the political reconciliation with Fatah, as discussed earlier. I believe that it might also feel less secure in its position in Syria. These are forces now at work on Hamas, and it is important in the light of the changes in the middle east that, as Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for North East Bedfordshire (Alistair Burt) has been saying, it makes concrete movement towards acceptance of Quartet principles, which the whole world looks to it to respect.¹⁰

2.2 US reaction

The Obama administration has made it clear that its policy on the Quartet principles has not changed. A spokesman said on 3 May:

[O]ur long-stated policy on this is that if Hamas wants to play a political role, or a role in the political process, then it needs to abide by the Quartet principles, and those have been quite clear. It needs to accept those principles, which are renouncing violence and terrorism, recognizing Israel's right to exist, and abiding by previous diplomatic agreements.¹¹

On the other hand, the spokesman declined to say that the unity government was unacceptable to the US administration and said that the administration was waiting until it saw the detail of any proposed government.

⁷ Accord Brings New Sense of Urgency to Israeli-Palestinian Conflict, *New York Times*, 6 May 2011

⁸ Accord Brings New Sense of Urgency to Israeli-Palestinian Conflict, *New York Times*, 6 May 2011

⁹ HC Deb 3 May 2011, c441

¹⁰ HC Deb 3 May 2011, c444. [My bold]

¹¹ State Department, [Daily press briefing](#), 3 May 2011

2.3 Russian reaction

On 12 May, the Russian Chairman of the Russian Upper House International Affairs Committee said that Russia would call on the Palestinian side to fulfil all of the conditions put forth by the Middle East Quartet.¹²

2.4 Israeli reaction

Israeli Prime Minister Binyamin Netanyahu said before the unity agreement between Hamas and Fatah was signed that it would make peace with Israel impossible:

The Palestinian Authority needs to choose between peace with Israel and peace with Hamas. Peace with both is impossible because Hamas aspires to destroy the State of Israel and says so openly. It fires missiles at our cities; it fires anti-tank rockets at our children.

I think that the very idea of this reconciliation shows the weakness of the Palestinian Authority and causes one to wonder if Hamas will seize control of Judea and Samaria like it seized control of the Gaza Strip.

I hope that the Palestinian Authority chooses correctly, i.e. that it chooses peace with Israel. The choice is in its hands.¹³

On the other hand, on 10 May, Israeli President Shimon Peres said that talking to Hamas should not be ruled out completely. He likened attitudes today to those towards Yasser Arafat before the beginning of the negotiations which led to the Oslo peace accords:

Even when I began negotiation with Arafat, they said: 'There's no chance'. I think the same thing about Hamas. The name does not interest me, what matters is the content. Anything can happen, because Hamas has problems too, and it's not so strong.¹⁴

In reaction to the deal, Israel initially stopped handing over tax receipts that it collects on behalf of the Palestinian Authority. Responding to international pressure, Israel announced that it would resume the payments on 16 May 2010.¹⁵ The Israeli government has called on the UK to reject the unity agreement and for the EU to suspend aid, which totals about £262 million.¹⁶

3 Discussion of the Quartet and its principles

Some commentators say that the principles, which were designed to encourage Hamas to change its position in order to move towards the political process, have had the effect of entrenching the Palestinian divide and excluding Hamas from the peace process. In a recent paper for the EU Institute strategic studies, it was argued that Hamas cannot easily sign up to all the principles at the same time:

The EU demands that Hamas renounces violence and simultaneously recognises Israel. Whereas cases like Northern Ireland show that insisting on the renunciation of violence as a precondition for engagement in negotiations is not necessarily conducive to a militant group adopting a more moderate posture, the Quartet principles allow for no room to reflect on how Hamas might realistically embark on the path of moderation

¹² "Moscow to urge Palestinians to honor Middle East agreements - Russian senator", *Interfax*, 12 May 2011

¹³ Israeli Ministry of Foreign Affairs, "PM Netanyahu responds to the Palestinian Authority-Hamas agreement", Communiqué, 27 April 2011

¹⁴ "Peres: Talks with Hamas not impossible" *AFP*, 11 May 2011

¹⁵ "Israel to unblock Palestinian funds", *Financial Times*, 17 May 2011

¹⁶ "Britain urged to reject Palestinian coalition", *Daily Telegraph*, 4 May 2011

and rejection of violence, and thus propagate a vicious circle. Hamas' agreeing to adopt a more moderate posture becomes a necessary precondition to engaging the group in peace talks, which are themselves aimed at its moderation. Seen from this perspective, the inflexible and self-constraining nature of the Quartet principles becomes apparent.¹⁷

A precedent relevant to this argument may have been set when Hillary Clinton appeared in recent remarks to change the emphasis of the conditions for engaging the Taliban in peace negotiations over Afghanistan. Moves such as the acceptance of the Afghan constitution would be the *outcome* of negotiations rather than preconditions:

Over the past two years, we have laid out our unambiguous red lines for reconciliation with the insurgents: They must renounce violence; they must abandon their alliance with al-Qaida; and they must abide by the constitution of Afghanistan. Those are necessary outcomes of any negotiation.¹⁸

EU membership of the Quartet might have been expected to give the EU extra foreign policy influence. Instead, critics argue, it has reduced European influence by limiting the opportunities for creating a distinctive European policy. In effect, the Quartet and its principles are the EU's "gilded cage".¹⁹

In Parliament too, the principles have been questioned. Hereditary Peer Lord Hylton asked recently:

My Lords, was it not a great mistake to impose completely unacceptable preconditions on Hamas? Has the noble Lord noted that polls recently showed that 52 per cent of Israelis welcomed engagement with Hamas?

For the FCO, Lord Howell of Guildford said that the Government's position would be reviewed when more detail was available:

I hear what the noble Lord says, but our position remains that we are not prepared to talk to Hamas until it renounces violence, recognises Israel and adheres to the quartet principles. That is and will remain our view. If Hamas changes its attitude and moves forward, and if the partnership with al-Fatah comes to a positive conclusion, we will be prepared to review the situation, but at the moment that is our position.²⁰

Other commentators have warned against talking to Hamas. In a paper in 2008,²¹ Mark Heller of the Institute for National Security Studies in Tel Aviv argued that talking to Hamas would be unlikely to move it towards acceptance of the principles, would legitimise it internationally and would be taken as a sign of acceptance of Islamism, which would not be welcome among other non-Islamist governments in the region. Dr Heller argued that the decision whether to engage Hamas would best be left to the parties to the conflict themselves: Israel and Fatah.

¹⁷ Carolin Goezig, *Transforming the Quartet principles: Hamas and the Peace Process*, EUISS, September 2010, p13

¹⁸ Hillary Clinton, Remarks at the Launch of the Asia Society's Series of Richard C. Holbrooke Memorial Addresses,

¹⁹ Alvaro de Vasconcelos, *A strategy for EU foreign policy*, EUISS, June 2010, p8

²⁰ HL Deb 9 May 2011, c658-9

²¹ Mark Heller, "*Should the EU talk to Hamas?*", Transatlantic Institute, 2008

4 Hamas's position on violence and the recognition of Israel

Hamas has long been critical of the Palestine Liberation Organisation for renouncing violence and recognising Israel in 1993, without securing firm commitments in return on what a final peace agreement would involve. Its leaders believe the Palestinians were encouraged to make their greatest concessions early on in the process and received little in return. Consequently, they have resisted pressure from the Quartet to recognise Israel and renounce violence, while indicating in their rhetoric that those positions could change if the occupation were to come to an end.

The head of Hamas' political bureau, Khaled Meshal, said in February 2006 that "When countries are free and you are independent, of course democracy does not go with violence. [...] Violence in independent countries is totally rejected", but that: "when there is occupation, there is no contradiction between democracy and what the West calls violence, which is in this case resistance." If there were no occupation, then "We would practise democracy peacefully without violence."²²

Hamas has come under international pressure to recognise all existing agreements between Israel and the Palestinian Authority from the Oslo period, to which Mr Meshal has said:

The Oslo accords are over and buried, and everyone has already eulogized them. But we have a [Palestinian] Authority that was established on the basis of Oslo. We will act in keeping with that fact with great realism, but which will not be in contradiction of our people's rights.²³

A similar position was put forward by Hamas in the government programme it submitted to President Abbas in early March 2006, following its election victory in January:

The Palestinian government will address the reality created following previous agreements between the Authority and the occupation and it is the right of the government to reassess these agreements on the basis of international law and in accordance with the rights of the Palestinian people.²⁴

In its election platform, Hamas dropped the call for the destruction of Israel, a move that leading candidates said publicly had been a strategic rather than a tactical decision.

On the question of recognising the state of Israel, Mr Meshal said in February 2006:

When Israel says that it ... will withdraw from the West Bank and East Jerusalem, and grant the right of return, stop settlements and recognise the rights of the Palestinians to self-determination, only then Hamas will be ready to take a serious step. There's a problem that happened to the Palestinians. They were a people that used to live on their land, and did not find justice from the international community.

There are roots to the problem, but in reality we now say that if Israel withdraws to the 1967 borders, there could be peace and security in the region, and agreements

²² 'Transcript: Khaled Meshal interview', BBC News website, 8 February 2006, http://news.bbc.co.uk/2/hi/middle_east/4693382.stm

²³ *Guardian*, 30 January 2006

²⁴ *Guardian*, 13 March 2006

between the sides, until the international community finds a way to solve everybody's problems.²⁵

A more explicit formulation of this view came from spokesperson Muhammad Ghazal, who reportedly said in September 2005 that:

When we talk about politics, it means we have accepted the 1967 borders. We are ready to have those borders. We accepted to have our own state. Limited land swaps [with Israel] are a minor thing. The Palestinian people agreed to forget 78 per cent of our land.²⁶

According to the *Guardian*, the Hamas draft programme submitted in 2006 said that any recognition of Israel "would be done in consultation with Palestinian organisations and institutions, and the Palestinian people in its entirety".²⁷ It went on to say that the movement reserved the right to continue "resistance, in all its forms" although it would maintain a ceasefire provided there was "the end of Israeli aggression and release of prisoners".²⁸

Some cite the long-standing pledge by Hamas leaders to consider a long-term truce (*hudna* in Arabic), a point that was reiterated by Mr Meshal in late January 2006:

Our message to the Israelis is this: we do not fight you because you belong to a certain faith or culture. [...] Our conflict with you is not religious but political. [...] We shall never recognise the right of any power to rob us of our land and deny us our national rights. We shall never recognise the legitimacy of a Zionist state created on our soil in order to atone for somebody else's sins or solve somebody else's problem. But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms. Hamas is extending the hand of peace to those who are truly interested in a peace based on justice.²⁹

Pessimists warned at the time that Hamas was playing a double game, trying to win over the international community with talk of moderation in interviews with foreign media, while continuing to use more militant language domestically. Optimists, on the other hand, pointed to Hamas's adherence (for the most part) to a unilateral "period of calm" or truce during 2005 as evidence of its pragmatism, arguing also that the obligations of government would encourage moderation as Hamas strove to meet the expectations of its electorate.

5 Conclusion

While there have been encouraging noises coming out of the negotiations for the Palestinian unity agreement, the reaction of the US and the EU will depend on the details of any new government set-up.

Both US and, perhaps to a lesser extent, EU aid are constrained by the categorisation of Hamas as a terrorist organisation, but there is a certain amount of room for manoeuvre. Explicit acceptance of the Quartet principles by all ministers in a unity government would probably lead both to full participation of that government in the peace negotiations and to clearance for its receipt of international aid from the EU and the US.

²⁵ 'Transcript: Khaled Meshaal interview', BBC News website, 8 February 2006, http://news.bbc.co.uk/2/hi/middle_east/4693382.stm

²⁶ *ibid.* p.20

²⁷ *Guardian*, 13 March 2006

²⁸ *ibid.*

²⁹ Khaled Meshal, 'We will not sell out people or principles for foreign aid', *Guardian*, 31 January 2006

Despite some positive comments coming from mediators, the Hamas position does not appear to have changed significantly. This does not mean, however, that there is no possibility for compromise. Hamas policies have for some time offered the possibility of an end to violence and an accommodation with Israel, but not on terms that the Quartet found acceptable.

The sequence of events leading to an agreement would be crucial; explicit acceptance of all three principles is unlikely to be forthcoming before any diplomatic contact takes place.