

Point of View

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The PA Under Hamas – From “Partner” to “Address”?

Following the electoral victory of Hamas the Israeli position is that there is no Palestinian “**partner**” for the political process (**Ha’aretz**, 3/7/06). The declaration by Hamas leader Khaled Mashal that Hamas will not accept the Roadmap (**Ha’aretz**, 3/5/06) strengthens this perception. However, the absence of a Palestinian “**partner**” does not necessarily mean that there is no political “**address**” within the Palestinian Authority (PA).

What is the Issue?

- The Re’ut Institute proposes the following definitions for the purpose of creating Israeli policy vis-à-vis the PA:
 - “**Address**” is a political entity that has **delivery capability**, i.e. carrying capacity, legitimacy and responsibility;
 - “**Partner**” is a political entity that is an “Address” and has the Will to carry-out a shared political goal.
- In light of Hamas’ objection to negotiations with Israel, it appears that Hamas will not become a “**partner**” for the political process. Therefore, it is important to ascertain whether there is a political “**address**” within the PA according to a number of variables:
 - **Carrying capacity** –
 - **Material components** – Availability and quantity of human, financial and physical resources.
 - **Political components** – Ability of the government to stay in power and form a coalition for the purpose of passing decisions and laws.
 - **Legal-constitutional components** – capacity to ratify decisions of the executive branch and legislation in the judicial and constitutional institutions.
 - **Institutional components** – Ability of governmental branches to implement governmental policy and enforce relevant laws.
 - **Legitimacy** – The legitimacy of the PA among its residents and the international community.
 - **Responsibility** – In the Palestinian context, “responsibility” relates to the PA’s obligation to abide by international legal norms and existing political agreements with Israel.

Following its electoral victory the international community and Israel both seem to consider Hamas responsible for Palestinian residents of the West Bank and Gaza.

Why is this Important? Why Now?

- The Hamas movement is a terror organization loyal to the Palestinian ethos of struggle and explicitly strives for the destruction of Israel. Hamas rejects negotiations with Israel.
- At this stage, it appears that Hamas will not accept the conditions of Israel and the international community for the continuation of aid to the PA which consist of recognizing Israel, honoring existing agreements and dismantling terror infrastructure.
- Israel is therefore presently attempting to reduce contacts with the PA.

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- However, severing all ties with the PA could lead to a political and humanitarian crisis. Eventually Israel may find itself with direct or indirect contacts with Hamas.
- Such contacts would **not require the PA to be a “partner”, but rather an “address”** possessing carrying capacity, internal legitimacy and accountability.
- Moreover, **turning Hamas into an “address” forces the movement to confront the tension between its ideological stances and the political reality created by existing agreements.**

Policy Options

- **The Israeli and international demand from Hamas** to recognize Israel, honor existing agreements and dismantle the terrorist infrastructure **are demands from a “partner” and not from an “address”.**
- **Israel should consider dealing with the PA as an “address”** for issues affecting the West Bank and Gaza. Thus, Israel may find it to its interest to upgrade the delivery capability of the PA in order to create an overlap between Hamas' authorities and accountability:
 - **Focused transfer of funds** – Transferring funds to the PA organs responsible for human, financial and physical resources – pending security approval;
 - **Dealing with third parties** – Israel should not reject the idea of third parties interacting with the PA, which will enable Israel to avoid directly working with Hamas. International legitimacy will likely depend on Hamas playing according to the “rules of the game”;
 - **Erosion of the status of the PLO as the legitimate representative** – Israel can insist that decisions regarding the political process will be approved by the Palestinian Legislative Council of the PA, and not the Palestinian National Council of the PLO. This could undermine the status of the PLO as the “sole legitimate representative of the Palestinian people” and custodian of the PA. Furthermore, it would increase the PA's legitimacy and responsibility.
 - **Rescind the restrictions of the Interim Agreement** – This option entails the rescission of the limitations set in the Interim Agreement regarding the international status of the PA, including restrictions on the PA's control over economic and civilian issues in the West Bank and Gaza.

For additional sources see the **Re'ut Institute website** www.reut-institute.org, as well as the **Re'ut Institute website on the subject of the challenge of dealing with Hamas** – <http://www.reut2006.info/hamas/eng/>. The website presents Re'ut Institute products and a sampling of news-items and corresponding commentary from newspapers in Israel and around the world.

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