

Testimony to the Senate Foreign Relations Committee
“Post-Palestinian Election Challenges to the Middle East”
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Hamas’s stunning success in the Palestinian elections promises to redefine the Israeli-Palestinian relationship even as it confronts the United States with hard questions about its policy toward the broader Middle East.

On the most strategic level, the Hamas victory should compel Washington to reconsider its current approach to promoting democracy in the Middle East. At present, the administration clearly needs to take more account of the potential for antidemocratic groups to use democratic forms and mechanisms to seize power, especially in environments where existing regimes are corrupt and despised and where Islamists are the only organized alternative. This is not an argument against continuing to promote democracy as a leading U.S. objective for the Middle East. But it is an argument for putting more focus on building the conditions for secular, liberal, or moderate alternatives to emerge—and trying to enhance their capabilities—than on continuing to focus such a heavy share of our effort on holding elections as a priority. Such an approach applies throughout the broader Middle East and goes well beyond what the administration must now consider as it deals with the Israelis and Palestinians.

On the Israeli-Palestinian front, the administration’s policy has, since 2003, been defined by the “Roadmap to Middle East Peace.” The Hamas victory makes this base problematic for shaping policy now. After all, the roadmap was designed to move from the existing reality to President Bush’s vision of two states, Israel and Palestine, coexisting side by side in peace and security. Hamas not only rejects a two-state solution and Israel’s right to exist, but it is also highly unlikely to dismantle its own terrorist infrastructure as mandated by the roadmap. Although the rhetorical guideposts embodied in the roadmap remain valuable, it is probably time to admit what has long been the case: the roadmap is, at most, a declaratory posture offering general guidelines for behavior; it is not an operational plan.

Should the Bush administration develop an operational plan? Perhaps, but the starting point for such an action-oriented policy needs to be an understanding of the realities we now face with both the Israelis and Palestinians.

Competing Political Earthquakes

Both Israelis and Palestinians are going through political transformations. In Israel, a new political center (the Kadima party) has emerged that threatens to displace the parties that have traditionally dominated Israel’s politics. The Hamas electoral victory is creating a parallel reality for the Palestinians by sweeping aside Fatah, the predominantly secular national movement that defined politics. These twin political

earthquakes, though equally momentous, appear to be leading the two sides in very different directions.

For probably the first time since David Ben Gurion served as prime minister, Israel has a broad centrist consensus, particularly on how to deal with the Palestinians. The public appears ready to disengage from the Palestinians, withdraw extensively from the West Bank, and get out of Palestinian lives. Ariel Sharon both shaped and reflected this consensus and was determined to act on it. And, even though Sharon is now incapacitated, his political heirs—led by Ehud Olmert—appear determined to follow in his footsteps.

By contrast, the Palestinians have now voted to remake the Palestinian Authority (PA) by electing Hamas, a group that rejects the very concept of peace with Israel. Indeed, Hamas may even reject a “negotiated divorce” of Israel from the territories, which is how many Israelis view the essence of disengagement. Does the Hamas election mean a consensus exists among Palestinians on how to deal with Israel—or, more likely, not deal with Israel? No one can answer that question with certainty. Many observers will argue with some justification that the Palestinian elections were about corruption, lawlessness, chaos, joblessness, and the overall fecklessness of Fatah—a movement that was not responsive to the Palestinian public’s needs and paid the price for its disdain of the electorate. But although Hamas campaigned under the banner of reform and change, it never hid its basic principle of resistance to and rejection of Israel.

In effect, we now face the paradox of having an Israeli consensus for taking far-reaching steps to remove themselves from controlling Palestinians, which is certainly what most Palestinians want, while at the same time, on the Palestinian side, a dominant political force is emerging that seeks not Israel’s removal from Palestinian life, but Israel’s eventual eradication.

Will the Hamas election alter the Israeli consensus? That is unlikely; if anything, the emergence of a Hamas-led government is bound to reinforce the perception in Israel that there is no Palestinian partner for peace and thus deepen the Israeli belief in unilateral separation. The problem, of course, is that separation or disengagement is not a simple proposition, especially when it comes to the West Bank. Unlike the situation with Gaza, where the distances from major Israeli cities were significant, in the West Bank, proximity will breed Israeli security concerns. For example, can Israel count on short-range Qassam rockets not being fired from the West Bank at Israeli cities and communities after Israel disengages? Even if Israel takes the painful step of evacuating settlements from a significant part of the West Bank, will it feel the need to preserve a military presence to prevent the firing of rockets? Will it also feel compelled to control access into the West Bank to prevent smuggling of more dangerous weapons into the territory? If so, the disengagement in the future may be only from Israeli settlements and not necessarily involve the withdrawal of the Israeli military.

Regardless of how separation proceeds, the important point is that it is likely to proceed over time. A large majority of Israelis want to define their borders and the

country's future without letting either be held hostage to Palestinian dysfunction or outright rejection.

Hamas's Dilemma

Although, given its rejection of Israel and desire to avoid any cooperation with it, Hamas will find that governing presents dilemmas. As much as Hamas may not want to deal with Israel, the reality of the situation is that Israel supplies much of the Palestinian electricity and water and outside of the Rafah passage to Egypt, Israel controls access into and out of Palestinian areas. In fact, 80% of the Palestinian economy is dependent on work in and trade with and through Israel. Quite apart from Israel's withholding of tax and customs receipts, which the Palestinian Authority needs to meet some of its budgetary requirements, it is clear that Palestinians depend heavily on Israel to be able to function.

Hamas must face one other reality when in power: It ran on a platform of reform and change. To the extent that Palestinians voted for those twin concepts, their presumption is that their quality of life would improve under a Hamas government. But life is unlikely to improve unless Hamas has the quiet it needs to reconstruct society. From dealing with chronic corruption and lawlessness to providing social services, to developing an economy that offers jobs and promise for the future, Hamas needs calm, not confrontation with Israel. When Hamas leaders, including Mahmoud al-Zahar and Ismael Haniya declare that Hamas will create a new social policy, a new health policy, and a new economic and industrial policy, they raise expectations. Can they deliver on those expectations if they are at war with Israel?

The irony is that Hamas needs quiet for the near term in order to cement its political victory at the polls with popular success in government. On the one hand, Hamas's external leaders, like Khaled Mishal and Mousa Abu Marzouk in Damascus, will continue to see value in maintaining at least some level of violence, especially with their backers in Iran urging this action and perhaps tying increased funding to it. On the other hand, internal leaders like Haniya, who will be the new prime minister and has to deal with the daily realities of life, may have different priorities. Haniya and other internal leaders will not differ from the external leaders in their rejection of Israel, but they may seek at least an indirect dialogue with the Israelis on preserving calm. As Zahar has already said, "If Israel has anything to bring the Palestinian people, we will consider this. But we are not going to give anything for free."

The Israeli position and that of the United States and the international community should be a mirror of that posture: Hamas gets nothing for free. Hamas should be forced to prove it has changed fundamental aspects of its policy at a time when its leaders will go to great lengths to avoid any such change. Hamas may want quiet for its own needs, but it will try to trade calm for recognition and assistance from the outside and a de facto relationship with the Israelis.

Israel, too, after its election may have an interest in having such a de facto relationship. For Israel, such an implicit or indirect relationship might preserve relative calm—meaning bombs not going off in Israel—and enable it to complete the separation barrier. Hamas, for its part, might tolerate such a situation to gain the freedom to focus on internal reform and reconstruction. While in the abstract such a relationship might appear logical, it will only be possible and sustainable if Hamas is, at the same time, prepared to change its behavior and actively prevent terror attacks by the Palestinian Islamic Jihad or the al-Aqsa Martyrs Brigades; stop the smuggling of qualitatively new weapons into Gaza and the West Bank; and not build or amass its own Qassam rockets and bombs.

Israel will not go along with a calm with Hamas that gives the latter all the benefits and yet requires nothing of it. Calm punctuated by acts of terror (or a buildup of capabilities for even greater acts of terror later on) will mean no calm to the Israelis, and they will act to preempt both the attacks and the buildup of the terror infrastructure. And Hamas, now no longer sitting outside the government, will not be able to be passive in response. Whether one is talking about a de facto relationship that has functional value for both sides or broader policy changes that Hamas is asked to adopt, one can assume that Hamas will not only seek to do the minimum and gain the maximum, but also that it will offer clever formulations of moderation that suggest peaceful intent without actually committing the group to a change in its fundamental rejection of Israel's right to exist.

One of the greatest mistakes would be to set up a diplomacy that provides Hamas with a way to escape making choices. At some point, Israel may let some non-Hamas Palestinians act as a go-between to determine whether a de facto relationship is possible, but Israel's terms will be clear, particularly on security.

U.S. and International Responses

Given Hamas's near-term priorities, the United States must be no less clear on what Hamas must do if a Hamas-run PA is to have a relationship with the international community. Hamas will seek to have it both ways, wanting relations while avoiding any change in its fundamental strategy of rejection of Israel and support for violence. On this score, Washington needs to be vigilant: No half-measures or vague formulations should be acceptable. Hamas must unconditionally recognize Israel's right to exist, renounce violence, and accept the agreements that the PLO has made with Israel. If the international community permits Hamas to escape accountability, its political doctrine acquires legitimacy, and the building blocks for coexistence will disappear.

Already, the United States has worked with the other members of the Quartet (the European Union, the Russia, and the UN) to insist that Hamas meet these conditions. Unfortunately, the Russians have already defected from these terms. By holding a high-level meeting with Hamas leaders in Moscow, they have already signaled that regardless of Hamas' stated positions they will deal with it. If nothing else, the U.S. at this point should hold no more meetings of the Quartet with Russian participation if the Russians are going to continue to meet with Hamas without any modification of the Hamas declaratory positions.

The tougher question is not whether to meet with Hamas officials in the new Palestinian government. That is or should be a given: no meetings if they do not alter their positions on rejection of Israel and support for violence. They must know that the world is not going to adjust to them, but they must adjust to the world.

The tougher question is what to do about a Palestinian Authority that is essentially bankrupt and can only make ends meet with substantial financial support from the international community. For the interim period before the formation of a Hamas-led government, the position of the administration and the European Union has been to help with stop-gap financing. Soon enough, however, the new Palestinian prime minister, Ismael Haniya will put together a government—probably at the time of the Israeli election—and the more basic questions of whether to let the Palestinian Authority collapse will have to be addressed.

I would suggest the following principles to guide our actions toward the Palestinian people and the Palestinian Authority. First, we have no interest in seeing the PA collapse and the Palestinian people suffer a humanitarian catastrophe. Second, we should deal with any Palestinians who accept the principle of co-existence with Israel and reject violence as the means of pursuing Palestinian aspirations, and we should not deal with any who do not. Third, we should help to ensure that basic humanitarian needs of Palestinians continue to be met on food, health, water and environment. Fourth, we should be ready to provide additional assistance on developmental and educational needs through an umbrella body of NGOs to private sector or civil society groups in the Gaza and the West Bank that accept the principles of coexistence and rejection of violence.

What are the practical implications of such principles? There are several:

--No dealings with any officials in the Palestinian Authority that are members of Hamas or who accept the Hamas doctrines of rejection and promotion of violence. (Thus, there should be no contact with the new Palestinian prime minister or those cabinet members who clearly identify with Hamas.)

--Budgetary support for the PA should be limited to humanitarian, not developmental, categories. To be sure, wholesale unemployment could lead to a disaster so the humanitarian categories might be expanded to include workers in health and education areas.

--Assistance might also be provided directly to and through the office of the Presidency of the PA so long as the President remains clearly committed to the principles of peaceful coexistence with Israel and rejects the promotion of violence. Such assistance could be for supporting developmental projects or even some extraordinary budgetary needs, but only if there are transparent means for accounting where the monies go and clear implementing mechanisms within the President's office.

--Material support should be provided through a new body of NGOs, with an oversight board to see how and to whom monies are going. Here support could go for projects that provide jobs, build greater civil society participation, and create private, secular schools. (Today, for example, Hamas funds 30 private schools in Gaza; why not fund private alternatives to these?)

American policy should be shaped according to these principles and their implications. We should seek to get the European Union and other donors in the international community to embrace this approach. Collectively we would not be cutting off the Palestinians, but we would be establishing certain basic standards and Hamas and the Palestinian public would know that they had to be met or they would not be able to produce for Palestinians.

Is it likely that Arab countries would embrace such an approach? Probably not; they are unlikely to isolate or cut off relations with a Hamas-led authority given the political and psychological realities of the Palestinian cause in the Arab world. While the Arab world provides far less financially to the Palestinians than their proclaimed concern for Palestinians would otherwise indicate, their political position vis-à-vis the Palestinians remains important. From this standpoint, getting Arab states to create a politically-meaningful standard they will actually stick to in shaping their relations with a Hamas-led Palestinian Authority should also be a centerpiece of US policy. And, here, there is no reason why the Arab states led by the Egyptians, Saudis and Jordanians cannot require Hamas, at a minimum, to accept the Arab League resolution that was adopted in 2002 in which peace and diplomatic relations with Israel are promised in return for withdrawal to the June 4, 1967 lines and a just resolution of the refugee issue. This is an agreed Arab standard and if Hamas is not prepared to embrace it, Arab countries should make clear they will not have normal relations with Hamas.

Taken together, our standards with leading international donors and at least a minimal standard among the Arabs for what Hamas must do could affect Hamas's behavior. If nothing else, it will create internal pressures on Hamas, making a transformation possible or at least building the credibility within Palestinian society of alternatives to it.

Our strategic objective must be to foster an environment in which Hamas transforms itself or faces the reality of failure. We need to do this in a way that doesn't make it easy for Hamas to blame its failures on the outside world, even while we force Hamas to face up to the dilemmas and contradictions of its policies. That is why we need to maintain broad ties to Palestinian society and continue to provide humanitarian assistance to the PA, but furnish developmental support only to those who are unmistakably committed to peaceful coexistence. In this way, we will demonstrate that the problem is Hamas' rejection of internationally-accepted standards, not our rejection of the needs of the Palestinian people.

Ultimately, our policies now must be shaped by a recognition that peace-making is not possible at present. If calm can be preserved, if those who believe in peaceful coexistence can be supported, if people-to-people projects through NGOs can be fostered,

and if Hamas and the Palestinian public can see that rejection and violence will lead to increasing isolation and retrenchment, we can build conditions that make it possible to get back to peace-making over time.

But we should have few illusions. Hamas leaders actually believe in their doctrine and won't easily transform themselves. The Administration must work actively and intensively with outside donors and the Egyptians, Jordanians, Saudis and others in the Arab world to stick to certain standards and prevent any erosion in living up to them. If there is to be hope over time, Palestinians must see that the international community is not going to walk away from its commitment to a two-state solution.