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# Transforming the Quartet principles: Hamas and the Peace Process

Carolyn Goerzig



European Union Institute for Security Studies

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the Peace Process**

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# Summary

Despite the clear necessity of an inclusive approach that involves all relevant actors, the Middle East Quartet (comprising the United Nations, the United States, the European Union and Russia) has made political and financial cooperation with the Palestinian Authority dependent on the recognition of the three Quartet principles – the recognition of Israel, the renunciation of violence and adherence to previous diplomatic agreements – in exchange for the recognition of a Palestinian government. But instead of compelling Hamas to consider compliance, the Quartet principles have in fact led the group to become more entrenched in its defiant stance. There is a fundamental problem with the three Quartet conditions. While decision-makers proclaim that the three principles come as a package and are inseparable, it is precisely the fact that they are so interlocked and that Hamas is required to comply with them simultaneously that makes compliance problematic. This is the case because the three principles are mutually constraining to such an extent that complying with one principle effectively prevents Hamas from complying with another. Originally, the three Quartet principles were intended as a basis or a framework for a potential peace process. They define the conditions a negotiating partner has to fulfil in order to take part in Middle East peace talks. In reality, however, they have acted as an impediment. This paper seeks to find a way of overcoming the constraints that the EU has imposed upon itself by insisting on simultaneous adherence to the three Quartet principles. It looks at what room for manoeuvre there remains for the EU within the framework of the Quartet conditions and at how they can be modified in such a way that they facilitate rather than obstruct compliance.





# Introduction

The EU's relationship with the US concerning the Middle East Peace Process is conditioned by their joint membership of the Quartet. How precisely the roles of the different Quartet stakeholders are distributed is not easily to discern, however. While 'in theory the four partners (the US, Russia, the UN and the EU) are equal within the group, each playing a complementary role ... it is not possible to determine exactly the weight of any partner relative to the others.'<sup>1</sup> Yet, in his end of mission report issued in 2007, Álvaro de Soto, the outgoing UN Special Coordinator of the Middle East Peace Process, described the functioning of the Quartet in the following terms: 'the Quartet is pretty much a group of friends of the US – and the US doesn't feel the need to consult closely with the Quartet except when it suits it.'<sup>2</sup> This was of course before the election of President Obama in 2008 and the subsequent change in the American administration, following which consultation among the Quartet did improve. However, the nature of the constraints that the Quartet places on EU policy did not change as pointed out in the recent EUISS Report *A strategy for EU foreign policy*: 'Efforts to resolve the Israeli-Arab conflict have become constrained by the EU's own difficulties in forging a meaningful consensus and, in the last years, by its participation in the Quartet which became a "gilded cage" for the EU and undermined its singularity.'<sup>3</sup>

The apparently US-dominated Middle East Quartet has posed three conditions that have to be fulfilled by Palestinian parties to the conflict before a Palestinian government will be recognised by the international community: the recognition of Israel, the renunciation of violence and adherence to previous diplomatic agreements. However, instead of luring Hamas into compliance, the three Quartet principles have served to exclude Hamas from a potential peace process. In dealing with Hamas, the American strategy is characterised by a cautious, incremental approach. The US seeks to support Salam Fayyad in order to empower him so that the Palestinian National Authority in the West Bank – once it is strong enough – will be able to deal with Hamas.

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1. House of Lords, Select Committee on the European Union, 26<sup>th</sup> report of session 2006-7, 'The EU and the Middle East Peace Process', July 2007.

2. Álvaro de Soto, End of Mission Report to the UN Secretary General, May 2007.

3. See Alvaro de Vasconcelos (ed.) et al, *A strategy for EU foreign policy*, EUISS Report no. 7, Paris, June 2010.

The exclusion of Hamas has backfired, however. Divide-and-rule policies seldom bear fruit and rarely contribute to conflict resolution. It could be argued that there are numerous options, such as talks between Israel and the Palestinian National Authority in the West Bank – an option much easier to digest than the engagement of Hamas. Unfortunately, however, the spoiler problem remains, making the question of the inclusion of Hamas crucial. It could be cynically argued that people have become accustomed to the *status quo*: ‘better the devil you know than the devil you don’t know’. Like the inability to quit a bad habit, accepting change can be a challenge. The inability to drive change in a constructive manner, however, may lead to the undermining of a *status quo* that is much more fragile than commonly assumed.

Small wars, not big wars, it has been argued, lead to the destruction of the international system. Where state actors engage in dirty warfare when confronting non-state actors, they lose legitimacy and undermine international humanitarian law.<sup>4</sup> Thus, one Hamas member explains why the West is losing legitimacy among the Arab people:

During the era when the Arab world was being liberated from the Roman occupation or during the time when the principles of Islam were being spread to non-Arab parts of the world non-militants were protected by Muslims themselves. On the other hand, during the Western conquest of the Arab world, and recently in occupying Iraq, for example, thousands of civilians were massacred and slaughtered.<sup>5</sup>

That the loss of legitimacy leaves states with a high price to pay is increasingly obvious. The US, for example, cannot tolerate the loss of American lives in Afghanistan much longer. The unpopularity of these kinds of military interventions and the fact that its soldiers are targeted by insurgent groups is closely connected to the Middle East conflict fiasco. The Petraeus briefing of January 2010 is telling in this regard. When a team dispatched by General David Petraeus briefed the Pentagon on the Israeli-Palestinian conflict, they emphasised that ‘Israeli intransigence on the Israeli-Palestinian conflict was jeopardising US standing in the region.’<sup>6</sup>

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4. See Christopher C. Daase, *Kleine Kriege - Große Wirkung. Wie unkonventionelle Kriegführung die internationale Politik verändert* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 223.

5. Author’s interview with a Hamas member, Damascus, August 2008.

6. Mark Perry, ‘The Petraeus Briefing: Biden’s report is not the whole story’, *Foreign Policy*, 13 March 2010. Available online at: [http://mideast.foreignpolicy.com/posts/2010/03/14/the\\_petraeus\\_briefing\\_biden\\_s\\_embarrassment\\_is\\_not\\_the\\_whole\\_story](http://mideast.foreignpolicy.com/posts/2010/03/14/the_petraeus_briefing_biden_s_embarrassment_is_not_the_whole_story).

Many agree that it is essential for the US to use its leverage. The EU might have more leverage than it is aware of, but it has yet to find the right way to use its leverage. If this is really a now-or-never moment – especially in view of the ongoing peace talks under the aegis of Hillary Clinton – and concrete progress in terms of achieving peace has to be made within the next four to five years,<sup>7</sup> it is an opportune time for the EU to act. In fact, some (indirect) contacts between European stakeholders and Hamas members could help to show a way forward. Indeed, maybe the EU can help the US out of its predicament by taking over the job of engaging Hamas.

It is clear that Palestinians and Israelis alike can no longer afford to ignore certain realities. The Palestinians realise that time is running out, and this obliges them to negotiate. Israel, in turn, remains sensitive about increasingly critical attitudes in the US. Therefore, things do not necessarily look totally bleak at the moment. Just as the Northern Ireland conflict was ultimately settled by negotiations, so in Afghanistan the allies' new strategy of seeking to reach some form of accommodation with the Taliban may serve as an inspiration for rethinking how to deal with Hamas.

The Northern Ireland example is a good case in point, as it demonstrates that investing in trust and goodwill can yield dividends. The experience of the peace process in Northern Ireland, as shown in the EUISS 2007 Washington Forum Seminar Report, teaches us that overloading the process with preconditions can only be counterproductive – a lesson that should be heeded when dealing with Hamas.<sup>8</sup>

The example of proposed engagement with the Taliban constitutes an even stronger argument in favour of realistically considering engagement with Hamas. Some argue that since the Taliban is not a single unified organisation, separating the moderates from the radicals is easier to achieve than in the case of Hamas, which is substantially more homogenous. Yet, divide-and-rule policies are seldom successful. A coherent movement is much more likely to have control over its followers and actually imple-

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7. While some Europeans talk about a four or five year timescale, the Americans say that progress has to come within the next two years. This difference may be attributable to diverging domestic and international interests and the two actors' differing sense of the urgency of the situation.

8. Since the IRA did not agree to decommission its arms as a precondition for peace talks, progress was achieved when the process moved along two tracks: political negotiations on the one side and the decommissioning of weapons on the other. See EUISS 2007 Washington Forum Conference Report, available online at: <http://www.iss.europa.eu/fileadmin/fichiers/pdf/seminars/2007/rep07-11.pdf>.

ment agreements. The fact that Hamas is being challenged by internal dissent and even more radical formations makes the matter increasingly urgent. Furthermore, it is apparent that making overtures to the Taliban is a measure of last resort, a reaction born out of desperation. When all other strategies have failed, engagement becomes an inevitable option. Being forced to adopt a strategy of engagement in this manner, however, would leave the EU in a much weaker negotiating position. From a strategic point of view also, it is clear that negotiations should not be the option of last resort.

Is Israel ready to compromise? Clearly, a lot depends on to what extent the prevailing mindset among Israel's decision-makers can be changed – either by external pressure or by internal developments within Israel. An internal process of change might be triggered by the awareness that current Israeli policies are in fact not working in Israel's favour, at least not in the long term. However, internal developments cannot be easily influenced from outside.

How can pressure be exerted on Israel so that it can be persuaded to give a clear signal that it is ready to make a real effort towards peace? The minimal pressure that has been exerted so far has proven fruitless. That is not to say that there needs to be a dramatic increase in pressure, a move that would inevitably prove counter-productive as Israel would almost certainly react negatively. What could induce a positive reaction from Israel however would be a more moderate, 'well-behaved' Hamas: such a transformation might lead Israel to reconsider its isolationist policies.<sup>9</sup> If Hamas were to evolve towards a more moderate position this would, moreover, strengthen the voices within the EU that favour engagement. But Hamas' evolution towards such a moderate stance is not incumbent upon Hamas exclusively: the EU also has an important role to play. So far, however, it has done little in this respect.

Despite the necessity of an inclusive approach, the Middle East Quartet has made political and financial cooperation with the Palestinian Authority dependent on the recognition of the three Quartet principles – the

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9. However, where two sides claim the moral high ground, they often fail to grasp that it is this very 'competition' that obstructs any moral progress. Declaring one's pacifism often serves propaganda purposes and can indeed be a weapon in disguise. Therefore ultimately one side or the other will have to swallow their pride and take the first step towards peaceful engagement.

recognition of Israel, the renunciation of violence and abiding by previous diplomatic agreements in exchange for the recognition of a Palestinian government. But instead of compelling Hamas to consider compliance, the inflexibility of the Quartet principles has led the group to become more entrenched in its defiant stance. There is a fundamental problem with the three Quartet conditions. While many decision-makers proclaim that the three principles come as a package and are inseparable, it is precisely the fact that they are so rigidly interlocked and that Hamas is required to comply with them simultaneously that makes compliance problematic. This is the case because the three principles are mutually constraining in such a way that complying with one principle precludes Hamas from complying with the next one. In order to find a solution and overcome the constraints that the EU has imposed upon itself in its insistence on Hamas's simultaneous adherence to the Quartet's conditions, it is necessary to examine how the Quartet conditions could be modified so that they facilitate rather than obstruct compliance.



# 1. The inflexibility of the three Quartet principles

Emphasising that the three Quartet principles must be complied with simultaneously reduces the likelihood of Hamas adhering to them. It seems that the group is capitalising on the growing awareness that only by bringing in all political players, including those currently perceived as peace spoilers, can a solution be reached. The financial and political isolation of Hamas, as well as the fact that Fatah's security forces are bolstered and assisted by international donors, directly contribute to Hamas' refusal to accept the Quartet principles. As the Quartet's insistence that they be complied with simultaneously paradoxically prevents Hamas from complying with them, the three conditions turn into an end *per se*. Simultaneous compliance with even just two of the three principles is basically impossible for Hamas.

## Renunciation of violence versus recognition of Israel

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 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.

Hamas has taken some steps towards moderation. It cannot, however, couple this simultaneously with the renunciation of violence. Realising that defiance will not get the movement anywhere in the long run, Hamas is making some concessions. Thus, with several truce offers Hamas has implicitly recognised Israel's right to exist and it has also displayed willingness to compromise with Fatah. Furthermore, Hamas senior officials have signalled willingness to move towards moderation during

interviews.<sup>10</sup> Claims like ‘our message to the world and to the Jews themselves is: we are brothers,’ or ‘the more we confront them, the more human they look to us,’ reveal that engaging Hamas need not mean appeasing a movement that has no capacity for moderation. Simultaneously, however, Hamas openly admits that moderation and concessions are part of a strategic calculus, such as buying time to re-organise. That the group is quite blunt about this tells us something about its intentions. Apparently, Hamas is seeking to strike a balance between improving conditions in the Gaza Strip without coming off as the loser. When members of the movement state that ‘our issue with Jews is one of existence, and not borders,’ it becomes clear that, for Hamas, its survival as a political force is at stake.<sup>11</sup> At the same time, however, Hamas is equally becoming a prisoner of its own rhetoric – risking a loss of credibility if it moves any further along the road to moderation. As the group has always emphasised its non-recognition of Israel as a central tenet, it limits its own room for manoeuvre. As a consequence, Hamas cannot recognise Israel and renounce violence at the same time.

## Recognition of Israel versus adherence to previous diplomatic agreements

The EU demands that Hamas both recognises Israel and abides by previous diplomatic agreements. However, playing the Israeli-Palestinian and the intra-Palestinian conflict against each other will only contribute to the perpetuation of a vicious circle. Clearly, the global repercussions of the Middle Eastern impasse cannot be neglected. The Middle East has furnished various actors with an alibi to pursue their own agendas of violence.<sup>12</sup> The complexity of the Middle East conflict is such that it can easily be instrumentalised and exploited by regional players. Palestinians are more divided than ever. By connecting intra-Palestinian reconciliation to the peace process, Palestinians as well as Israelis would be forced to overcome their ani-

10. The author conducted interviews with five senior members of Hamas in Syria in the summer of 2008, quotes from which are used throughout this paper.

11. See also Carolin Goerzig, ‘Mediating Identity Conflicts: Potential and Challenges of Engaging with Hamas’, *Berghof Occasional Paper*, no. 30, February 2010.

12. Now as in the past, the Middle Eastern impasse has global repercussions. Without doubt, the Israeli-Palestinian conflict is one of the most acute international relations crises in the world and at the same time the most complicated conflict of our era. A number of terrorist attacks by various actors throughout the world in the last five decades have had a direct or indirect connection with the Palestinian problem. The global predicament to which the Israeli-Palestinian conflict has brought us is all too obvious. Over the years the Middle East has provided various actors with a pretext to pursue their own agendas of violence.



mosities. However, by excluding one of the parties to the conflict, the EU is feeding the vicious circle of intra-Palestinian and Israeli-Palestinian strife. Both risk being played out against each other. Thus, Israel argues that there is no point in negotiations as long as Palestinians remain divided. Yet Palestinians are divided because of diverging views about what form an agreement with Israel should take. If Hamas abides by previous diplomatic agreements and simultaneously recognises Israel, it might resolve this predicament, but at the price of forfeiting its own existence as a movement. Insisting that Hamas comply simultaneously with the two principles will only serve to demonstrate that they are mutually exclusive.

## Adherence to previous diplomatic agreements versus renunciation of violence

Finally, the EU demands that Hamas abides by previous diplomatic agreements and simultaneously renounces violence. For Hamas, however, this would basically mean that it would cease to exist as an independent movement. In the way in which it pressurises the movement, the EU fails to take account of the dynamics of radicalisation within the Palestinian community. Many Palestinians perceive Fatah – which represents those endorsing recognition of Israel – as corrupt and co-responsible with Israel for the hardship and deprivations to which many of the Palestinian population are subject. As the price Fatah has paid in popularity terms is too high for Hamas, Hamas's leaders cannot easily abide by previous diplomatic agreements: this would be tantamount to political suicide. Precisely because the ambition of Hamas is to avoid the same fate as Fatah, any move towards moderation on Hamas's part can only result from concessions and not be their precondition. Clearly, if the group compromises without receiving anything in return, it must fear the loss of its support base to more radical groups such as the Islamic *Jihad*.<sup>13</sup> When Hamas members caution that 'if we give up on our homeland, then our children and the generations to come will not forgive us,'<sup>14</sup> it becomes apparent that in the current circumstances the group feels that it has no option but to continue in its resistance role.

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13. The Islamic *Jihad* movement in Palestine is a militant Palestinian organisation listed as a terrorist group, among others, by the EU and the US. It aims at replacing the Israeli state with a Palestinian Islamic state.

14. Author's interview with a Hamas member, Damascus, August 2008.



## 2. Why the EU cannot abandon the principles

Just as it is debatable whether Hamas poses a major challenge at the moment, it is also debatable whether it should be up to the EU to tackle what has become a central issue in the Israeli-Palestinian conflict. After all, it can be argued, why should Europe continue to invest time and effort in trying to find a solution to the conflict if the conflict parties themselves remain reluctant to compromise: or, as one interviewee put it, why should Europe indulge the ‘consumer behaviour’ of the protagonists?<sup>15</sup> If Fatah and Hamas are not serious about intra-Palestinian reconciliation and Israel is not serious about peace, it is not clear what can be done from the outside. And why should Europe take the first step? In fact, the EU cannot – for several reasons.

### Renunciation of violence: credibility

Firstly, the EU needs to maintain credibility. Of course, it can be – and often is – argued that the EU prioritised proscription rather than democracy promotion when it opted not to recognise Hamas after its election victory in 2006. Perhaps with some justification, a Hamas member complains accordingly: ‘An election pushed by the USA, Europe, Russia ... but the result did not suit the interests of the occupation and Western views, so they rejected it, imposed a siege and stopped even humanitarian support. Where is the democracy in that?’<sup>16</sup> It is, however, equally true that democracy is also about certain values. From this angle it can be argued that the EU should not have monitored elections involving the participation of Hamas in the first place. Things being as they are now, it remains clear that all parties have to assume certain responsibilities in order to be engaged in the peace process. This reasoning does not have a purely declaratory dimension nor is it merely related to the EU’s credibility stakes. It is also about the very purpose of peace negotiations. There has to be some sort

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15. In the course of a background interview for this paper, the expression ‘consumer behaviour’ was used in this context by an EU official, who remarked that the conflict protagonists seem to have high expectations towards the international community while remaining rather passive regarding peace efforts. In contrast, several analysts claim that the flotilla raid incident of 31 May 2010 is evidence of a failure of the international community to face up to its responsibility in the Middle East by dealing decisively with the humanitarian crisis in Gaza.

16. Author’s interview with a Hamas member, Damascus, August 2008.

of common basis, otherwise the parties are too far apart. Another failed negotiation attempt would only serve to confirm the pessimism of those who are sceptical about the possibility of resolving the conflict through peaceful means. The EU has clearly signalled that the renunciation of violence has to be the basis of any talks. The EU upholds the position that if the international community fails to ensure that Hamas decommissions its weapons, then the start of negotiations may coincide with more suicide missions and rocket attacks.

### **Recognition of Israel: responsibility**

Secondly, the EU needs to be clear about its position *vis-à-vis* the recognition of Israel. This position is crucial in relation to the Europe's historical responsibility, its relations with Israel and the US as well as its stance towards Mahmoud Abbas. Even if Hamas chose to enter into talks with Israel, this would not necessarily imply that the group already recognises Israel. It is likely that Hamas would negotiate with Israel as an armed party and not as a state. The key question is who the respective actors identify as their negotiating partners, which again is closely related to the necessity of a common starting point for negotiations. Furthermore, it is hardly encouraging if Hamas seeks to exploit truce offers in order to re-organise and re-arm. Statements of the movement's members such as 'we cannot liberate Palestine completely all at once' or 'our long-term goal is the return of all Palestinians to where they belong' only confirms the widespread view that the group has to be decisively weakened in order for it to realise the benefits of peace.

### **Adherence to previous diplomatic agreements: consensus**

Finally, the third principle stipulating that Hamas has to abide by previous diplomatic agreements is equally related to the necessity of a common agreed basis for negotiations. If engaging Hamas implies undermining the Palestinian Authority, no gain for the peace process is to be expected. Not only is there a need for a common starting point between Israel and Hamas, but also between Hamas and the Palestinian Authority.

### 3. A possible way out

The EU now finds itself in a precarious 'lose-lose' situation, whereby either adhering to or disowning the Quartet conditions will be problematic. Clearly, there are good reasons for respecting the three Quartet conditions – the recognition of Israel, the renunciation of violence and abiding by previous diplomatic agreements in exchange for the recognition of a Palestinian government. But there are equally good reasons not to. The pros and cons of the three Quartet principles reveal a certain paradoxical quality in current EU policies.<sup>17</sup> Whether the three principles are respected or not, neither scenario is likely to advance the Middle East peace process; and the EU will continue to be in a precarious situation. This, however, will only be the case if the EU remains a prisoner of its own rhetoric: that is, if the three principles become immutable, non-debatable and no flexibility is allowed for in terms of their consequences. Without having to take the first step and feed the 'consumer behaviour' of those unwilling to assume any responsibility, the EU nevertheless has a role. It can exploit the potential of the three principles to become a real framework. Rather than being trapped in a black and white situation where it acts either in favour of or against one of the parties to the polarised conflict, the EU can start to move in a more subtle 'grey zone' whereby it applies the principles in a qualified manner, i.e. emphasising the principles while bearing in mind their original intended purpose. Although this might sound tricky, introducing some flexibility into the principles can resolve a seemingly irresolvable contradiction.

#### **Renunciation of violence: credibility through consistency**

The EU seeks credibility by making it clear that Hamas has to renounce violence. This quest for credibility is, however, tarnished by the widespread perception that the EU is actually employing double standards when it comes to its attitude to violence committed by Palestinians and Israelis. If it is the case that a conflict party has to be pressured into peace, then surely this holds true for all conflict parties. The tendency to pressure

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17. As well as a certain paradoxical quality in US policies or in the strategy of the Middle East Quartet in general.

one side only serves to increase asymmetries which block progress on the path towards peace. When a Hamas member asserts ‘just because somebody is stronger does not mean that we will stop fighting,’ it becomes apparent that one-sided pressure targeting Hamas alone is fruitless. Of course, it can be argued that it is through engagement that pressure comes about. Accordingly, Emanuele Ottolenghi argues that upgrading relations with Israel would mean that the EU would have more influence over it.<sup>18</sup> Many, however, will wonder why the same approach is not applied to Hamas. By debating how to use its leverage equitably over Palestinians and Israelis alike, the EU will not risk its credibility. The fear of losing its role in the Middle East by upsetting Israel, which might choose to exclude the EU from future peace equations, is not justified when the EU sends a clear signal of consistency. On the contrary, taking a clear position on the necessity of all sides to renounce violence will enhance its credibility.

The difficulty of exerting pressure on Israel might pose an impediment to engaging with Hamas. If Hamas moderates its posture, and Israel refuses to show recognition, Hamas will risk losing even more of its shaky support. New challengers will capitalise on Hamas’s ‘sell-out’ and repeat the radicalisation dynamics that were set in motion when the Oslo Accords failed to strike a chord with the Palestinian population. The way that events unfolded in the early 1990s reveals that frustrated peace attempts can be the cause rather than just the effect of radical groups. Initially, the Palestinian Liberation Organisation (PLO) and Hamas fought the same enemy – Israel – with equal vigour. Things changed with the Oslo Accords in 1993. Whereas initial concessions to the Palestinians led Hamas to de-radicalise and to declare a ceasefire – thereby implicitly recognising Israel – concessions that increasingly focused on PLO members alone led an alienated Hamas to resort to suicide bombings in order to derail the peace process.

If, however, Israel and Hamas could indeed be persuaded to adopt less uncompromising stances and to ‘behave’, the EU would be provided with a second chance to adopt an inclusive approach. But such a scenario could be threatened by even more radical challengers such as Islamic *Jihad*, who could take over Hamas’s current role of peace spoiler. If Israel and Europe

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18. See Emanuele Ottolenghi, ‘Squaring the Circle: EU-Israel Relations and the Peace Process in the Middle East’, Paper published as part of the debate series of the Centre for European Studies, Brussels, 2010, p. 34.

fail to win over the Palestinian population for peace negotiations, new challenger groups could easily recruit from the ranks of the disillusioned and angered. This would certainly be the case if long-promised concessions are deferred once more. The scenario of a repeated peace spoiler situation does not allow for much hope. The current constellation seems too complicated to allow for an easy exit. Including some actors but excluding others only adds to the conflict's intricacy. Through an inclusive approach – also aimed at future potential spoilers – and by exerting pressure on all conflict protagonists alike, the EU can contribute to a disentanglement of the complexities which endanger a potential peace process.

## Recognition of Israel: responsibility through reciprocity

The EU wishes to be clear in its recognition of Israel and it demands recognition of Israel by Hamas. The EU's position would be even clearer if it was plain what would follow from such recognition. Hamas, just like Israel, is looking for acknowledgement, which is no easy task considering that both sides are fighting for the same territory. Tellingly, a Hamas member warns: 'when I negotiate with the occupying authorities, I implicitly give them a legal right to stay in my country. This is dangerous.'<sup>19</sup> With a 'reciprocal' approach<sup>20</sup> the three Quartet principles could be used to encourage negotiations instead of constraining them. Thus, for the EU, moving in the 'grey zone' of recognition could be a very useful way of testing the waters without making a commitment to one side or another. The EU can send a clear signal that it will encourage the recognition of Israel by Hamas while offering to recognise Hamas in turn as an elected entity representing a segment of the Palestinian population.<sup>21</sup> It might be helpful to attempt to see things from Hamas's point of view and contemplate what conditions Hamas would pose for the EU. Of course, it must not be the EU which has to make the first overtures. But, as it turns out, Hamas

19. Author's interview with a Hamas member, Damascus, August 2008.

20. A reciprocal approach would make it clear what would be the tangible benefits of complying with the three Quartet principles.

21. In his Cairo speech, Barack Obama emphasised the need for a Palestinian state: 'On the other hand, it is also undeniable that the Palestinian people – Muslims and Christians – have suffered in pursuit of a homeland. For more than 60 years they have endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza, and neighbouring lands for a life of peace and security that they have never been able to lead. They endure the daily humiliations – large and small – that come with occupation. So let there be no doubt: the situation for the Palestinian people is intolerable. America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own.'

has already done so. Arguably therefore, it is time to show some sort of recognition of this initiative. A reciprocal ‘tit-for-tat’ approach is more promising than a continuation of the *status quo* masquerading as peace. Here again, such clarity would reinforce the credibility of the EU by signalling consistency and commitment to mutual recognition.

It may be doubtful that Hamas is truly willing to become more moderate. Although the group has sent out some clear signals, these do not necessarily go beyond mere strategic calculations. In fact, as has already been pointed out, the group itself stresses that truce offers are only contemporary manoeuvres intended to buy time for re-organisation. What if Hamas stands to gain by abusing potential European goodwill to promote its own agenda, either to buy time for the acquisition of armaments or to capitalise on the opportunity to spread propaganda? This doubt is not groundless considering the comment by one Hamas member that Hamas ‘makes peace with Israel to show the world that Israel does not want peace.’<sup>22</sup> The history of the Middle Eastern conflict is testament to the fact that ‘peace’ can easily turn into a weapon of war. How often is the other side’s first step sold as surrender and a sign of weakness, thereby reconfirming one’s own use of force? The underlying logic contains an assumption that if the other side is weakened, then this is the perfect moment to strike and be done with it. Hamas is no exception. It undermined the Oslo talks and capitalised on Fatah’s subsequent loss of legitimacy among the population.

It is commonly assumed that a further weakening of Hamas will force the movement to adopt a more moderate stance. Once the group is weak enough to realise the costs of war, so the argument goes, the time will be ripe to consider peace. However this assumption is erroneous. Just as it is certain that too much strength can prevent a movement from considering negotiations, it is also certain that nobody wants to negotiate from a position of weakness. Both – weakness and strength – can thereby become the Achilles heel of attempts to broker peace.<sup>23</sup>

However, ‘testing the waters’ through a ‘tit-for-tat’ approach would yield dividends for the EU. The benefits of a cautious tit-for-tat-approach lie

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22. Author’s interview with a Hamas member, Damascus, August 2008.

23. See Daniel Lieberfeld, ‘Conflict “Ripeness” Revisited: The South African and Israeli/Palestinian Cases’, *Negotiation Journal*, vol.15, no.1, 1999, pp. 63-82.



precisely in its vagueness. Without having to commit, the EU could gain important insights into when the right time for resolution has arrived. Without any engagement at all, this opportunity is forfeited. Furthermore, the benefits of engaging must outweigh the costs of non-engagement. The rational calculation of costs and benefits is closely related to expectations. If there are no gains to be expected from showing goodwill, moderation will not be a rational option: without any carrots, sticks will be ineffective. Terrorist proscription, for example, could be employed much more strategically if a group like Hamas would stand to lose something from being banned. But since the group has never been recognised, proscription makes no difference. If the EU made a step towards Hamas via a reciprocal tit-for-tat approach, it could use its toolbox of sticks and carrots far more effectively.<sup>24</sup>

### **Adherence to previous diplomatic agreements: consensus through flexibility**

Finally, the EU insists that Hamas abide by previous diplomatic agreements without prescribing in detail how intra-Palestinian reconciliation would evolve. After all, previous agreements were never concluded. This is the point about which the EU can indeed show flexibility. Admittedly, engaging Hamas – even indirectly – could create the danger of undermining Abbas and accentuating his powerlessness. Who can guarantee that making overtures to Hamas will not be exploited by the movement as a propaganda tool, either to depict Israel as the villain or to emphasise Fatah’s lack of clout? How can potential peace brokers be sure that Hamas will behave as a responsible actor? However, if it remains unclear what the starting point of negotiations is, thus leaving the substance of potential negotiations open to interpretation, the EU requires something very difficult – if not impossible – from Hamas: to abide by agreements that have never materialised.

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24. Low-key policies such as development aid could be crucial in this context.



## 4. Relaxing the Quartet principles

The three Quartet principles are intended as a basis or framework for a potential peace process. They define the conditions a negotiating partner has to fulfil in order to take part in Middle East peace talks. However they lack specifics and are not precisely detailed, which means it is left up to the parties ‘to fill in the gaps’. This, after all, seems the point of negotiations. Thus, the principle of the recognition of Israel is not explicit with regard to borders. Similarly, the principle that Hamas has to abide by previous diplomatic agreements does not clearly reflect the fact that the majority of previous agreements were never actually concluded. Ideally, the three principles should be quite flexible and should act as a constructive framework for peace efforts.<sup>25</sup>

In reality, however, they have acted as a constraint. As there are no clarifications on the European side as to how their mutually exclusive nature might be overcome, the actual purpose of the principles – the provision of a solid framework for peace initiatives – is lost. Instead of continuing in a situation where the EU applies insurmountable constraints, the following three suggestions would help to mutually reinforce the chances of Hamas complying with the three Quartet principles.

### **Renunciation of violence and recognition of Israel**

In the absence of a debate among European decision-makers about the Quartet principles, it remains unclear what would follow from Hamas’s compliance with them. Sceptics might argue that there is no point in having a debate and that the principles should be taken at face value. However, this misses a crucial point: without a debate the Quartet principles actually mean nothing. Without clarifications, the principles can be interpreted very differently by different actors. This poses a double problem: both Hamas and the EU can interpret the principles as they wish. If the way the principles are interpreted and therefore how the EU will react if Hamas actually complies with them remains vague and unclear, Hamas will understand that there is no point in complying with these principles in the first place.

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25. This could also help to clarify the role of the Quartet today.

In fact, a ‘tit-for-tat’ approach would be much more credible than a lack of clarity on what follows from adhering to the principles. Manoeuvring in the – clearly challenging – grey area of step-by-step recognition should not damage the EU’s credibility but could signal a consistent give-and-take approach instead.

## **Recognition and adherence to agreements**

Demonstrating flexibility regarding adherence to previous agreements and exercising a tit-for-tat approach regarding recognition can go hand-in-hand. It is crucial to understand that progress in terms of peace and mutual Israeli-Palestinian recognition cannot be detached from intra-Palestinian agreement. Both issues are closely interrelated and must be used to mutually complement each other. Otherwise they risk being played out against each other. Peace negotiations between Israel and the Palestinians will help to bring about intra-Palestinian reconciliation, because the PA and Hamas will be forced to come to some sort of understanding as to who represents and speaks for them and as to what they actually want. Dialogue between the two Palestinian actors, in turn, will – as is widely recognised – increase the chances of a more sustainable peace agreement between Israel and the Palestinians in the long term. In order to enhance this mutual reinforcement of the two interrelated matters, the flexibility of the principle of adherence to previous diplomatic agreements and the tit-for-tat approach in terms of mutual recognition could be emphasised by the EU instead of excluding one of the parties to the conflict – a strategy which only feeds the vicious circle of intra-Palestinian and Israeli-Palestinian strife.

## **Adherence to agreements and renunciation of violence**

Reconciling consistency and flexibility does appear challenging indeed. Arguably, the EU has to act consistently and cannot just change its strategy overnight. It can certainly be argued that the EU acted inconsistently when not recognising Hamas once it was democratically elected or when it did not take a clear position on intra-Palestinian reconciliation after the Mecca agreement. Yet, changing the Quartet principles at this stage

would constitute the same mistake, only coming from a different direction. It would be just another dent in the credibility of the EU. Clearly, the danger of a directionless policy is apparent. Yet, if a rather bleak picture of the future is being drawn here, it could also be true that postponing early minor concessions will force us to make major concessions later on.

If the EU shows consistency regarding the renunciation of violence and flexibility regarding the issue of adherence to previous agreements, it could interlink both and thereby contribute to intra-Palestinian reconciliation. The EU could emphasise that violence is not accepted by either Palestinian conflict protagonist. Emphasis on supporting Fatah alone may have indirectly contributed to the inability of Hamas to renounce violence. In order to support the Palestinian civil police with training as well as equipment, the EU established the European Police Mission for the Palestinian Territories (EUPOL COPPS). As the EU refuses to work with Hamas, EUPOL COPPS only took effect in the West Bank. This has augmented Palestinian suspicions that the mission was biased and pro-Fatah. The politicisation of the security forces<sup>26</sup> and the EU's backing of Fatah have pushed Hamas even further into a corner. Unfortunately, by focusing on training the civil police in the West Bank only, the EU is unwittingly relinquishing control over Hamas' forces. Introducing some flexibility into its hitherto one-sided approach towards the two main Palestinian sides, in turn, could in fact help to increase the consistency and hence the credibility of the EU. In fact, the EU would have everything to gain by training Hamas police forces. Clearly, we cannot be sure that Hamas would accept such an offer, but at least the onus would then be on Hamas.

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26. See Esra Bulut, 'EUPOL COPPS', in Giovanni Grevi, Damien Helly, Daniel Keohane (eds.), *European Security and Defence Policy: the first 10 years* (Paris: EUISS, 2009), pp. 287-98.



## Conclusion

Hamas has implicitly recognised Israel by accepting Egyptian mediation offers and has made repeated offers of truce to Israel. It also displayed willingness to compromise with Fatah as evidenced by the Mecca agreement. However, the EU has not sent out any positive signals in response. Clearly, in judging Hamas, the EU emphasises the proscribed group's incendiary rhetoric over its actual deeds (in terms of the steps it has taken towards moderation). Unfortunately, by doing so, the EU is becoming a prisoner of its own rhetoric. Of course, judging by deeds alone is impossible as rhetoric cannot be ignored, especially at the political level. Ironically, however, rhetoric can prevent communication and debate. By unwaveringly adhering to the three Quartet principles, the EU is limiting its own scope to take action. Conducting a dialogue with Hamas through the Egyptians or through the media is thereby not only constrained by the communication deficit that such indirectness entails, but also by the lack of communication within the EU itself. Making dialogue with Hamas taboo automatically hinders the ability of EU officials to reflect upon EU policy *vis-à-vis* Hamas and the concomitant implications for the Middle Eastern impasse. According to Alexander George, an efficient way to depict 'truth' and prevent it from being challenged is to 'shift the framework of debate in such a way that any conclusion reached within it is in accord with one's own views.'<sup>27</sup> The proscription of terrorist organisations is a case in point. Treating dialogue with violent movements as taboo prevents mutual understanding and progress. Ignoring 'terrorists' does not provide any insight into what would have occurred if the engagement option had been pursued.

In the absence of any debate about their interpretation, the three Quartet principles become self-defeating, amounting to no more than an empty mantra. But why is there no such debate about the utility and scope of the three Quartet principles? A closer look into European decision-making mechanisms is revealing. While some argue that it is very clear that 'we have our official stance' and that there is no problem of incoherence, others take the opposite view and consider that the lack of coherence in the

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27. Alexander L. George, 'The Discipline of Terrorology', in Alexander L. George (ed.), *Western State Terrorism*, (Cambridge: Polity Press, 1991), p. 76.

EU's position thwarts progress in the Middle East. After all, 'we are only as strong as the weakest link, if one Member State says no, it's no.'<sup>28</sup> It is possible to regard coherence as the result of consensus based on the lowest common denominator, especially when considering compromise as the essence of such coherence. It becomes more problematic when coherence becomes so dominant as to prevent the questioning of compromise based on the lowest common denominator considered as being 'as strong as the weakest link'.

The struggle within the EU to agree – even though it only leads to a consensus based on the lowest common denominator in the end – is related to the lack of debate. Reaching an agreement among 27 different Member States can be quite difficult and often there are tricky internal discussions. Thus, when the EU reaches a conclusion, it usually appears quite firm. It would be unfortunate, however, if in cases where the conclusion subsequently reveals itself to be unsatisfactory, the EU feels unable to address this issue and initiate a new debate on the matter. The sensitivity of the topic of the Quartet principles only adds to the obstacles to an open debate on the matter. At the same time, however, it is precisely through an open discussion that the EU could become more than the sum of its parts and move beyond Member State politics. Furthermore, the entry into force of the Lisbon Treaty has raised hopes and expectations in this regard.

But how would such a debate come about and from where would the impetus be generated? Usually, a group of Member States can drive such a debate or a policy discussion is spurred by an external event, such as the Gaza war. Current events seem to be propitious for inciting fresh thinking on what is to be done or how exactly the Quartet principles should be implemented in order to bear fruit. The entry into force of the Lisbon Treaty and the expectations that it has raised with regard to the EU's enhanced capabilities as a foreign policy actor mean that the moment is ripe for a re-consideration of its policies. Engaging in a debate does not thereby have to simply mean simply 'being seen in the room.'<sup>29</sup> In fact, the attitude that sometimes prevails among the EU of 'being there, but not upsetting anyone' has to make way for creative thinking about how to use

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28. Author's interview with a European decision-maker, Brussels, spring 2010.

29. *Ibid.*



political leverage over Israel and the Palestinians. Persuading Hamas to tread the path of moderation would signal a clear turning point and lead to progress on how to deal not only with the proscribed group, but also with the current deadlock.

In a way, this momentum could be seen as a test for the EU to demonstrate its ability to assert itself in world politics. Clearly, Europeans do not want to anger the US and would not simply recognise Hamas unilaterally: ‘we would just not do that to the US.’<sup>30</sup> At the same time, some fear that the momentum will be lost if nothing happens now, as soon Iran will dominate the agenda and the US will be preoccupied with domestic issues such as mid-term elections. Therefore, many have looked to the idea of proxy talks with a sense of hope as well as with a certain sense of caution so as not to jeopardise the chance for indirect talks between the two protagonists. However, perhaps both the EU and the US stand to gain from a more assertive Europe. The EU carries credibility with Israel and the Palestinians alike. Initiating a discussion among European decision-makers must not imply abandoning the Quartet principles, thereby angering the US and, in the words of one EU official, ‘upsetting everyone’.<sup>31</sup>

The question remains whether Hamas is equally ready to play its part. It is useful to attempt to gauge how Hamas sees things from its perspective. What would Hamas expect, what conditions would the group impose upon the EU, for example? Possible solutions could be financial support for the reconstruction of Gaza as well as the recognition of Hamas as a full, independent Palestinian movement. Whether the EU would be ready to do that depends upon Hamas’s acceptance of the Quartet principles. Here again, we are left wondering who makes the first move. Many would surely agree that such a first move has to take the form of a joint effort between Israelis and Palestinians. What role is then left for the EU? What can it offer? Hypothetically, the EU could give guarantees of its support to all sides. Of course, this is not formally the case now. The benefits of such an approach are equally unclear. However, instead of compromising its principles and allies by committing to engaging all sides no matter at what cost, the EU can approach the problem from a different, perhaps more helpful, angle by making it clear that it does not support violence

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30. Author’s interview with a European decision-maker, Brussels, spring 2010.

31. *Ibid.*

and the current policies pursued by either side. At the same time, the EU can complement this stick with a carrot for those parties that comply with its requirements. The aforementioned tit-for-tat approach could signal such a carrot-and-stick policy: if you comply with certain principles, we will reciprocate by showing recognition. This could be coupled with efforts to foster both intra-Palestinian and Israeli-Palestinian reconciliation by signalling that Hamas could become part of the talks if it agrees to become more moderate. In sum, consistency, reciprocity and flexibility might indicate a way out of the EU's current predicament.

If Hamas were to move towards a more moderate position this would certainly have a positive impact on the current deadlock. In order to achieve this, the EU can play a role, arguably one more significant than the role played by the US at this stage. As this paper has demonstrated, this role must not compromise the EU's principles and relationships with its allies. On the contrary, by actually opening a discussion on how to use the hitherto constraining matrix of the Quartet principles as a framework encouraging the engagement of all parties, the EU can only stand to gain and make a positive contribution on all fronts.

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