



The Gaza Crisis: Contacts for an Arrangement (Updated to August 20, 2018)

August 20, 2018

Overview

- ▶ After more than four and half months of riots at the Israeli-Gaza border, and after five rounds of escalation during which more than 600 rockets and mortar shells were fired into Israeli territory, intensive talks are currently being held in Cairo **for an arrangement that will lead to an end to the hostilities**. Participating in the talks are Hamas, the Palestinian Islamic Jihad (PIJ) and several small terrorist organizations. **Conspicuous by its absence** (so far) is the Fatah delegation, which refused to go to Egypt **because of Mahmoud Abbas' strong objection to any arrangement not reached through the Palestinian Authority (PA)**.
- ▶ **So far, no arrangement has been reached and the hostilities on the ground continue.** Statements made by senior Hamas and PIJ figures indicate that **what is currently under discussion is an arrangement based on the agreements and understandings reached at the end of Operation Protective Edge (2014) and Operation Pillar of Defense (2012)**. The components of the arrangement include stopping the hostilities, opening the crossings between Israel and the Gaza Strip for the passage of individuals and merchandise, increasing the range of fishing waters and the entrance of humanitarian aid into the Gaza Strip. Those are the minimum requirements, **far from the expectations of both Hamas and Israel**. However, they have the advantage of being implemented relatively easily on a short schedule (in any case, Israel has already opened the Kerem Shalom Crossing and increased the fishing range).

At this point all the sides in Cairo apparently prefer a **minimalist arrangement that will restore quiet on the ground and pave the way for follow-up talks on other core issues that are problematic and difficult to resolve**. The issues to be discussed in the future include the return of Israeli prisoners and MIAs held by Hamas; reconstructing the Gaza Strip's infrastructure, which is in poor condition; "lifting the siege" [i.e., instituting sea and air lanes to the Gaza Strip] and ending the sanctions imposed on the Gaza Strip by the PA (a difficult move, inseparable from the internal Palestinian reconciliation). Agreement on the core issues can be expected to face many difficulties, especially given the gap in the positions held by Israel and Hamas, and because of the PA's general intransigence and insistence on a central role in any possible **agreement**. Therefore, **in ITIC assessment, a minimalist arrangement, if one is reached, will be essentially weak and fragile, and the security situation in the Gaza Strip can be expected to remain explosive**.

The situation on the ground

► **While the arrangement is being formulated, Hamas continues to maintain its policy of controlled violence on the ground**, making sure the violence accompanying the "return marches" does not spin out of control. On **Friday, August 17, 2018, the 21st "return march"** was held (since March 30, 2018). Many thousands of demonstrators and rioters participated, and events (as in previous "return marches") included **violence near the border** (sabotaging the fence and throwing Molotov cocktails and IEDs at it). A number of Gazans penetrated into Israeli territory but immediately returned to the Strip (IDF Twitter account, August 17, 2018). During the events two Palestinians were killed. In addition, a number of incendiary kites and balloons were launched into Israeli territory, setting several fires. In the wake of the violent events, Israeli Defense Minister Avigdor Lieberman decided to close the Erez Crossing, leaving it open only for humanitarian and medical cases (Ynet, NRG, August 19, 2018).



Gazans rioting during the Friday "return marches" sabotage the security fence in eastern Gaza City and then penetrate into Israeli territory (Facebook page of the Supreme National Authority of the Return March, August 19, 2018).

► On August 18, 2018, the day after the "return marches," **a flotilla of about 40 small boats sailed from Gaza in the direction of the naval border north of the Gaza Strip.** The IDF fired warning shots and the boats returned to port. A spokesman for the organizers of the flotilla said **they had decided to repeat the activity every week and would "surprise the Israeli occupation" with similar activities** (al-Aqsa TV, August 19, 2018). The objective of the flotillas is **to keep the the naval "siege" in the international and Arab public eye, thereby reinforcing Hamas' demand to "lift the siege" on the Gaza Strip.**



Hamas boats sail toward the naval border with Israel north of the Gaza Strip (Palinfo Twitter account, August 18, 2018).

The violent "return marches" and flotilla indicate that as far as Hamas (and the other terrorist organizations) is concerned, **as long as no arrangement has been reached they can continue their policy of controlled violence.** Therefore, in ITIC assessment, Hamas will continue to accompany the talks with "return marches," violence along the border and arson terrorism. **Their objective is to exert consistent pressure on Israel and to eventually reach an arrangement with what Hamas considers improved conditions.** However, past experience has shown that such a policy **can cause the situation on the ground to deteriorate**, even if that is not what Hamas wants.

The arrangement under discussion in Cairo

Overview

► After more than four and half months, apparently **an arrangement** is being formulated which may put an end to the violence Hamas initiated on March 30, 2018. Details have been discussed in Cairo with Egyptian mediation since August 15, 2018, and in ITIC assessment the talks can be expected to last at least until the end of the month. The talks are being held with representatives of Egyptian General Intelligence and delegations from Hamas, the PIJ and several smaller terrorist organizations.¹ The Hamas delegation is headed by **Saleh al-Aroui**, deputy head of Hamas' political bureau (Hamas movement website, August 15, 2018). The PIJ delegation is headed by **Ziyad al-Nakhalah**, deputy secretary general. A Hamas delegation from the Gaza Strip joined the talks, headed by **Rawhi Mushtaha** (Ma'an, August 16, 2018).

► **Conspicuous by its absence (so far) is the Fatah delegation**, which refused to participate in the talks because of the strong objection of **Mahmoud Abbas, who insists that any arrangement has to be reached through the PA** (see below). The talks currently being held in Cairo were preceded by contacts with **Israel, Egypt, special UN envoy to the Middle East Nikolay Mladenov, and according to media reports, Qatar as well.** The Arab and Egyptian media reported that General Abbas Kamel, the Egyptian minister of intelligence,

¹The small organizations are the following; the **Popular Resistance Movement**, a Palestinian organization founded in the Gaza Strip in 2000. It is headed by Zakariya Daghmush (Abu Qassem). The organization has a military wing called the al-Nasser Salah al-Din Battalions; the **al-Ahrar Movement**, founded in the Gaza Strip in 2007 by operatives who split from Fatah. It is headed by Khaled Abu Hilal. The organization is affiliated with Hamas; the **al-Mujahideen Movement**, founded in 2006 by operatives who split from Fatah. It has a military wing called the al-Mujahideen Battalions, which in the past launched rockets into Israeli territory. The organization is affiliated with the PIJ; the **Popular Resistance Committees**, established in 2001 by Jamal Abu Samhadana. It has a military wing called the Salah al-Din Brigades. The **Popular Front for the Liberation of Palestine – General Command**, Ahmed Jibril's organization, which operates under Syrian aegis, also joined the talks.

paid a short visit to Tel Aviv on August 15, 2018, heading an Egyptian security delegation of high-ranking officials. He held talks with several senior Israeli officials to discuss the "almost final" details of the **arrangement** between the Palestinian factions and Israel (al-Hayat, almayadeen.net, the al-Ahram portal, August 16, 2018).

► According to **Hamas spokesman Hazem Qassem**, two courses of talks are being held in Cairo: the first is between the Palestinian organizations and the other is between the Palestinian organizations and the Egyptian mediators. The issues discussed are the "lifting of the siege" and the opening of a sea lane, a lull **with** Israel "without [having to pay] a political price," and implementing the internal Palestinian reconciliation (Sputnik, August 19, 2018). Apparently, **the talks can be expected to continue until the end of August**, after Eid al-Adha ends (the Feast of the Sacrifice) (al-Hayat, August 18, 2018).

The position of Hamas

Statements made by senior Hamas and PIJ figures indicate that both organizations, which are dominant among the organizations participating in the talks, are ready, **in principle, to accept an arrangement based on the terms of ceasefire agreed on in 2014 after Operation Protective Edge. Khalil al-Haya, a member of Hamas' political bureau**, said that as long as Israel stood by its commitments in the ceasefire agreement of 2014, the "resistance" [i.e., Hamas and the other terrorist organizations] would also be committed to it (Khalil al-Haya interviewed by al-Mayadeen TV, August 17, 2018). **Nafez Azzam, a senior PIJ figure, also said the agreement of 2014 was "the main agreement under discussion."** He added that progress was being made but no understandings had been finalized (al-Ghad, Egypt, August 17, 2018).

► On another occasion **Khalil al-Haya** told Agence-France Presse (AFP) that in his opinion, **they are close to a lull agreement with Israel**. He said the talks with the various organizations, Egypt and the UN envoy had made considerable progress towards **reconfirming the understandings of 2014 and restoring quiet**. Asked if it could be the final Friday of the "return marches," al-Haya said, "the marches have objectives. If they are achieved we will take other measures – non-violent, popular, etc.² – so our cause will

²His remark may indicate an intention to find a "popular" alternative for the "return marches" after they come to an end. Past experience shows that "non-violent popular activity" can easily turn into violent clashes with the IDF and further weaken the security situation.

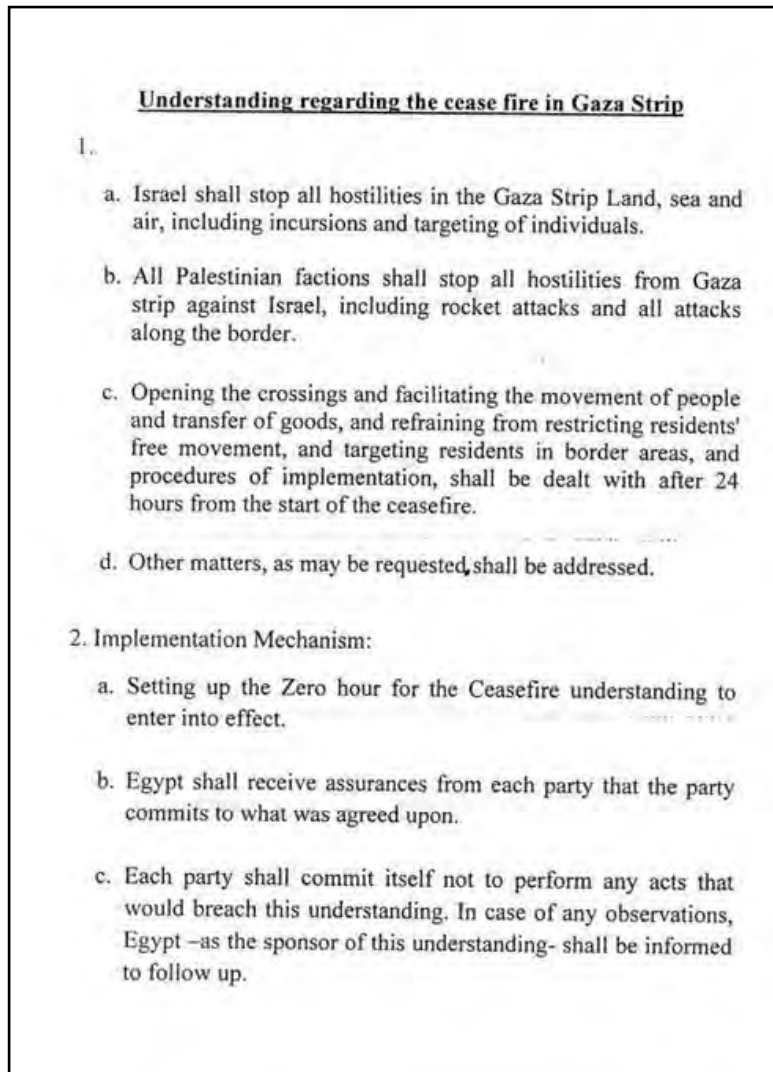
continue to stand before the occupation until its end" (Agence-France Presse, August 17, 2018).

What was the 2014 ceasefire agreement? On August 26, 2014, at the end of Operation Protective Edge, a ceasefire was brokered by Egypt. The following is the announcement issued by the Egyptian foreign ministry: Given the agreement of both sides to the recent Egyptian call, as of 1900 hours all the sides will hold their fire to protect the lives of innocent people and prevent bloodshed. Based on the Egyptian initiative of 2014 and on the understandings reached after Operation Pillar of Defense, Egypt calls on the parties to accept a comprehensive ceasefire and at the same time calls for the opening of the crossings between the Gaza Strip and Israel. That will quickly make it possible for humanitarian aid and material for reconstruction to enter the Gaza Strip, and also make it possible to enlarge the fishing area and continue indirect negotiations between the sides regarding other issues within a month after the ceasefire goes into effect (al-Watan TV, August 27, 2014).

► **What were the understandings of Operation Pillar of Defense (2012) on which the agreement of 2014 was based?** On the night of November 2, 2012, the understandings for the cessation of hostilities between Israel and the Palestinian organizations went into effect. The understandings were reached under Egyptian aegis and with American involvement. **They were announced by Egyptian Foreign Minister Muhammad Kamel Amro at a joint press conference he held with American Secretary of State Hillary Clinton.** According to the understandings, Israel and the "Palestinian factions" would stop all hostilities and the crossings would open for individuals and merchandise.



American Secretary of State Hillary Clinton and Egyptian Foreign Minister Muhammad Kamel Amro hold a joint press conference where they announced the understandings of Operation Pillar of Defense (al-Masriyya, November 21, 2012).



The understandings that led to the end of Operation Protective Edge (Facebook page of Egyptian president Morsi, November 21, 2012).

Position of Fatah and the Palestinian Authority (PA)

► Fatah's avoidance of the talks in Cairo, despite Egyptian pressure to attend, **is caused by the PA's strong objection to any arrangement** that the PA is not a side in. **The PA insists that any arrangement has to be acceptable to it and that any foreign support that enters the Gaza Strip has to pass through the PA.** That was made evident by the speech given by Mahmoud Abbas at the closing session of the PLO's Central Council. He linked the issue of the **arrangement** to the issue of the internal Palestinian reconciliation, quoting what he said to

Egyptian President el-Sisi, "...**either we [the PA] receive the regime as it is in Gaza and the [West] Bank – one state, one regime, one law, one set of arms, or [Hamas] receives it.**"

Mahmoud Abbas added that the PA sent aid to Gaza after Operation Protective Edge ("the aggression of 2014"). He said, "[Hamas] did not rebuild even one building; **we rebuilt about 90% of the buildings.** When [the money] comes to us, we go to work, and as to money's being transferred to [Hamas in the Gaza Strip] – [I say] no!" (Wafa, August 18, 2018).

► According to the closing statement of the Central Council, "**the lull with Israel is the PLO's national responsibility,** because [the PLO] is the only legitimate representative of the Palestinians, and not the responsibility of any faction" (Wafa, August 17, 2018). **Saeb Erekat, secretary of the PLO's Executive Committee,** called on Hamas to stop the contacts for an arrangement with Israel because, he stated, the issue had to be dealt with by the PLO. He claimed that creating a split between the Gaza Strip and the West Bank was the basis of "the deal of the century" (al-Anadolu News, August 18, 2018). **Fatah spokesman Usama al-Qawasmeh** said no faction could conduct negotiations with Israel or with anyone else, and the matter was the exclusive responsibility of the PLO (Wafa, August 18, 2018).

The position of Fatah and the PA adds a complicating dimension to the talks in Cairo. Will Mahmoud Abbas be able to undermine the agreement? In ITIC assessment, Egypt, Hamas and the other organizations may eventually agree (even if they have no choice) to a minimalist agreement (with the framework currently under discussion) **without PA involvement.** However, afterwards, when the core issues of reconstructing the Gaza Strip and economic support for Gaza are on the agenda, it will be difficult to reach agreements by bypassing the PA. Therefore, **the PA's position makes it very difficult to progress towards a basic agreement which will deal with Gaza's fundamental problems.** In ITIC assessment, the Egyptians may attempt to exert pressure on the PA to soften its position **and at the same time increase their efforts to promote negotiations for an internal Palestinian reconciliation.**

Significance of a minimalist arrangement and assessment of future developments

► If in fact an arrangement is agreed on in Cairo, based on the agreements of 2012 and 2014, and if Israel then agrees to it, it will be **minimalist. Under the terms of such an arrangement Hamas will stop initiating violence and return to the status quo ante** (i.e., the situation between Operation Protective Edge and March 30, 2018). That would mean

another period of relative quiet for Israel while Hamas could claim achievements, such as the opening of the crossings and the extension of the fishing area (which in any case Israel has already implemented), **and perhaps also the flow of humanitarian aid into Gaza**. Egypt might add opening the Rafah Crossing to the package, although that will probably not be part of the arrangement (as it is a bilateral Egypt-Palestinian issue).

► The weakness of such an arrangement is that it is based on **the lowest common denominator achievable in the extant circumstances**. All the core issues between both Israel and Hamas, and the PA and Hamas will remain on the agenda: the release of the prisoners and MIAs held by Hamas, the reconstruction of the Gaza Strip's collapsed infrastructure, "lifting the siege," i.e., opening sea and air lanes for the Gaza Strip (building a port and an airport), and lifting the sanctions the PA imposed on the Gaza Strip (connected to the internal Palestinian reconciliation). A minimalist **arrangement**, if reached, will be **weak and fragile**. That will mean that the security situation in the Gaza Strip remains **fundamentally explosive and fluid** if there is no follow-up in place for dealing with the variety of its basic core problems.

► **As far as Hamas is concerned, the arrangement under discussion is only the first stage in a process which is supposed to be followed by other stages** (possibly based on promises made to Hamas). **Khalil al-Haya, a member of Hamas' political bureau**, said that **the next stage** would include reconstructing the Gaza Strip and implementing international projects at a cost of hundreds of millions of dollars. **After that would come the reconciliation between Hamas and Fatah/the PA, the end of the internal Palestinian split and achieving national unity** (Khalil al-Haya interviewed by al-Mayadeen, August 17, 2018). However, the Hamas media reported the intention to begin a humanitarian project costing \$90 million, part of the \$1 billion in aid Nikolay Mladenov, the UN envoy to the Middle East, promised to provide. Carrying out humanitarian projects will be part of the second stage, after the arrangement under discussion has been reached (alresala.net, August 19, 2018)

► Statements made by senior Hamas figures indicate that the issue of the Israeli prisoners and MIAs is not included in the **arrangement** being formulated. **Khalil al-Haya, a member of Hamas' political bureau**, said **Hamas would not agree at any stage to link the issue of the Israeli prisoners to any other issue**. He said "it is a separate course with its own rules and conditions" (interview with al-Mayadeen, August 17, 2018). **Mahmoud al-Zahar, a member of Hamas' political bureau**, said the **discussions being held about an exchange**

of prisoners were completely separate from the discussions about the arrangement (alkhaleejonline.net, August 19, 2018). "A senior Hamas source" said that no negotiations would be held about prisoners until Hamas was clear about Israel's intentions regarding "lifting the siege" on the Gaza Strip. The same source expected that talks about that issue would be held two or three months after the arrangement went into effect (Ma'an, August 16, 2018).

In summation, the ITIC concludes that it is possible to reach a minimalist **arrangement** based on the understandings and agreements that ended Operation Protective Edge and Operation Pillar of Defense. **On the other hand, reaching an agreement about the set of core issues on the agenda will be difficult and problematic.** That is because of the deep gaps between Israel and Hamas' positions, the serious rift between Hamas and the PA, and Hamas' priorities, which give preference a military buildup and preparations for the next campaign over reconstructing the Gaza Strip and taking care of the Gazans' welfare. **Thus it is highly unlikely that the follow-up steps Hamas is interested in will be implemented according to Hamas' expectations.** Thus, if the follow-up negotiations reach a dead end, and if the economic situation in the Gaza Strip continues to deteriorate, **Hamas' expectations may shatter, leading to a renewal of violence.**