

Analysis of political developments in 2009
in the Occupied Palestinian Territories
I. Gaza

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This analysis has been composed by following the news, NGO reports, UN reports, and Israeli strategic assessments along 2009. Key developments analyzed include: Operation Cast Lead, the relationship between Hamas and Israel, the relationship between Hamas and other armed Palestinian factions, smuggling into Gaza, rocket-fire, negotiations over the release of Israeli soldier Gilad Shalit, the Goldstone report, and the humanitarian situation in Gaza. Key variables to keep an eye on in 2010 include the rise of other armed Palestinian groups, notably those inspired by global Jihad; cooperation between Israel and Hamas; Egyptian efforts with respect to smuggling into Gaza; and how Hamas positions itself between international legitimacy and armed resistance, and the consequent divisions within Hamas.

The Israeli Defense Forces' (IDF) 'Operation Cast Lead' into Gaza ended on January 18 2009. The three-week operation consisted of an air-assault phase, and an air and land assault phase with support from the navy shelling from the coast. A independent report commissioned by the UN Human Rights Council (the 'Goldstone report') on the conflict places Palestinian casualties at around 1,400 and Israeli casualties at 13. Three Israeli civilians and one soldier died from rocket and mortar fire from Palestinian groups, and 9 soldiers died inside the Gaza Strip of which 4 from friendly fire¹. 512 Israelis were wounded according to UNOCHA². Of the overall casualties 0.9% were Israeli, of which 30% were killed by Israelis themselves, reflecting the massive disparity of power between parties. An Israeli human rights group states that of the Palestinian casualties, 762 did not take part in hostilities, 318 were under 18 years old; 5,300 Palestinian were wounded³. According to the IDF, 1,166 Palestinians were killed, of which 709 were terror operatives and 295 were 'uninvolved', the remaining 'not yet been attributed to any organization'⁴. UNOCHA for example has described the operation as "one of the most violent episodes in recent Palestinian history"⁵, testifying to the uniqueness of the event. During the ensuing ceasefire until the end of 2009, 76 Palestinians and 1 Israeli were reportedly killed in Israel/Gaza confrontations⁶.

¹ United Nations Fact-Finding Mission on the Gaza Conflict 2009. Report of the United Nations Fact Finding Mission on the Gaza Conflict: Advance edited version. A/HRC/48. p.10-11.

² UNOCHA 2010. The Humanitarian Monitor, December 2009. p.1.

³ btselem.org : The Gaza Strip: Operation Cast Lead. Read 2010.

⁴ cnn.com 26th March 2009. Israel Says Gaza Death Toll Lower than Claimed.

⁵ UNOCHA 2010. The Humanitarian Monitor, December 2009. p.1

⁶ UNOCHA 2010. The Humanitarian Monitor, December 2009. p.1

Hammas and Israel

The Israeli army's main objective was to impose a price on Hamas' policy of armed resistance against Israel, notably on the firing of rockets and mortars into Israel. The aim was establishing Israeli deterrence. In January 2010, Defense Minister Ehud Barak for example commented on the restraint in rocket launches from the Gaza Strip: "The deterrence achieved during Operation Cast Lead still exists, and it is strong"⁷. In general, the Israeli Defense Forces (IDF) aim is not to achieve total victory over Hamas and defeat it. The International Crisis Groups for example quotes an Israeli security official explaining that: "Israel didn't topple Hamas in Gaza because it costs money – some 15 billion NIS (\$357 million) annually – to administer the population. Had we done so, we'd again have faced terrorism against our soldiers, and history usually teaches us that if Hamas goes down, Islamic Jihad and al-Qaeda will rise in its place"⁸. Establishing Israeli deterrence is the cornerstone of Israel's military strategy: "Israel can deal with terrorism and guerrilla organizations only if its response is not proportional and is carried out in such a way as to convince the other side that it too has something to lose"⁹. For example during Operation Cast Lead, the IDF bombed the only flour mill operating in Gaza, bulldozed a chicken farm that reportedly produced 10% of eggs consumed, and struck the wall of a raw sewage lagoon releasing massive amounts of raw sewage¹⁰. There is little direct military advantage to be obtained from these strikes in a three week campaign – the price is mainly paid by the civilians Hamas administers, placing pressure on Hamas. As stated in the Goldstone report: "the Mission considers the [IDF's] plan to have been directed, at least in part, at a different target: the people of Gaza as a whole. In this respect, the operations were in furtherance of an overall policy aimed at punishing the Gaza population for its resilience and for its apparent support for Hamas, and possibly with the intent of forcing a change in such support"¹¹.

Stopping the firing of rockets and smuggling of weapons, especially rockets and rocket-making materials were quoted in the media as central objectives of Operation Cast Lead. Neither of these happened. Rockets were fired by Palestinian groups throughout Operation Cast Lead and continued sporadically throughout 2009. Indeed, Israeli Defense Minister Ehud Barak stated as late as January 2010, that rocket fire depends primarily on Hamas' willingness to implement a ceasefire and control dissenting groups¹². Smuggling on the Egyptian border has become an industry with some estimates saying there are 300-800 tunnels, a 'tunnel administration' set up by Hamas and that more goods are coming in through the tunnels than legally through the blockade's Israeli-controlled crossing points¹³. While aerial bombings and gasing of the tunnels may have some effect¹⁴, for example Military Intelligence Chief Amos Yadlin stated in November that Hamas continued arming itself with the help of Iran and Syria and testing longer range missiles¹⁵. It remains to be seen what effect

⁷ Haaretz.com 11 January 2010. "Iron Dome Defense System Will Take Years to Deploy".

⁸ International Crisis Group 2009. Gaza's Unfinished Business. p.25.

⁹ Amidror, Yaakov 2007. Winning Counterinsurgency War: the Israeli Experience. p.38, 39.

¹⁰ United Nations Fact-Finding Mission on the Gaza Conflict 2009. Report of the United Nations Fact Finding Mission on the Gaza Conflict: Advance edited version. A/HRC/48. p.17-18.

¹¹ United Nations Fact-Finding Mission on the Gaza Conflict. Report of the United Nations Fact Finding Mission on the Gaza Conflict: Advance edited version. A/HRC/48. p.523.

¹² Haaretz.com 11 January 2010. "Iron Dome Defense System Will Take Years to Deploy".

¹³ haaretz.com 30th July 2009. Gaza's smuggling tunnels feel impact of Israel-Egypt crackdown.

¹⁴ haaretz.com 9th December 2009. Egypt building iron wall on Gaza border to stop smuggling.

¹⁵ haaretz.com 3rd November 2009. Sources: Iran gave Hamas missile that can hit Tel Aviv.

the iron wall that goes 20 meters underground being built by Egypt on its border with Gaza, which is the main smuggling route, will have¹⁶. Weapons have also come in by sea¹⁷.

For example, available Israeli data of 2008 shows that despite the blockade, the main improvement in the effectiveness for Hamas' rocket- and mortar-firing capabilities (range and destructive capacity) was from weapons smuggled into the Gaza Strip from Iran. Quantity-wise, the main improvement was from self-manufactured rockets and mortars¹⁸. According to the Israeli Security Agency, the 'Shabak', also the materials for these weapons are currently reaching Hamas. In 2009: "The network of tunnels used for smuggling weapons under the Philadelphi Route has been reconstructed and improved. A great amount of weapons destined to Gaza Strip-based terror organizations, especially Hamas, were and are still smuggled through these tunnels. Moreover, tubes and fertilizers are also being smuggled; these are used --- to produce self-made rockets"¹⁹.

Israel draws a number of benefits from keeping Hamas deterred but in power. Defeating Hamas would oblige the IDF to reoccupy the Gaza Strip – an expensive, difficult and internationally damaging enterprise. Hamas also keeps more radical organizations in check. Lastly, it is questionable whether Hamas could be defeated; it managed to grow even when the IDF held the Gaza Strip. Reoccupation would also place more targets at the reach of Hamas and other groups. This is exemplified by another comment by Barak about other Palestinian factions firing rockets during the ceasefire, and the possibility of a new attack on Gaza: "Hamas is well deterred from trying another direct collision with Israel. I hope that they will take over - or else"²⁰.

From Hamas' point of view, maintaining incessant rocket-fire during Operation Cast Lead exhausted the Israeli home front by suspending civilian life, and: "was enough to detract from Israel's military achievement and become a source of frustration and the feeling that the I.D.F. had not met public expectations"²¹.

Thus while the blockade or a renewed attack on Gaza could weaken Hamas' military capacities in the short term, in the long run neither will effectively stop Hamas from amassing weapons. While the Israeli army may have achieved deterrence with Operation Cast Lead, it is questionable how much Hamas military capacity was weakened. Estimates of Hamas fighters that were killed during Operation Cast Lead range from 50 (Hamas' estimate)²² to 300 (Palestinian Center for Human Rights) to 709 (IDF estimate)²³. While it varies whether observers count police forces as part of Hamas' military, one estimate places the overall number of Hamas fighters at 7,000-10,000 full-

¹⁶ haaretz.com 9th December 2009. Egypt building iron wall on Gaza border to stop smuggling.

¹⁷ See for example:Guzansky, Yoel 2009. INSS: The Naval Arena in the Struggle against Iran. Insight No. 146, December 3. Or: mfa.gov.il 4th November 2009. Israeli Naval Forces Intercepts Iranian Weapon Ship.

¹⁸ Intelligence and Terrorism Information Center at the IICC 2009. Summary of rocket Fire and Mortar Shelling in 2008. p.3.

¹⁹ Israeli Security Agency 2010. 2009 Annual Summary: Data and Trends in Palestinian Terrorism. p.10.

²⁰ Haaretz.com 11 January 2010. "Iron Dome Defense System Will Take Years to Deploy".

²¹ Aviad, Guy 2009. INSS: Hamas' Military Wing in the Gaza Strip: Development, Patterns of Activity and Forecast. In *Military and Strategic Affairs*, Volume 1, No. 2, April

²² Ibid.

²³ Cohen, Yoram & White, Jeffrey 2009. Hamas in Combat: The Military Performance of the Palestinian Islamic Resistance Movement . The Washington Institute for Near East Policy: Policy Focus #97, October. p.20.

time fighters and at 20,000 with reservists²⁴. For the most part, Hamas avoided direct fighting against a superior enemy²⁵. One pundit comments that all in all: "Hamas retained its military force in a way that allows it to continue to control the Gaza Strip and to renew the confrontation with Israel at any given time"²⁶. Hamas in turn also hoped for an easing of the blockade in return for a ceasefire²⁷, which did not occur. As mentioned, while Israel has an interest in weakening Hamas' capabilities of attacking Israel, it also has an interest in maintaining Hamas' internal monopoly of violence.

Hamas and other armed groups in Gaza

Hamas is balancing between two poles: 1. being an organization of armed resistance, and 2. their position as de facto ruler of Gaza. As ruler of Gaza, Hamas has shown that it will use decisive force to establish its monopoly of violence be it against Fatah, powerful clans²⁸ or other Islamic resistance groups²⁹. At the same time, it has had to balance between its policy of armed resistance and the ceasefires ('*tahadiya*'), which force Hamas to crack down on more radical groups that refuse to comply. As ruler of Gaza, Hamas is also affected by its relation to the international community. The extreme blockade and Operation Cast Lead have seriously undermined Israel's cause in the eyes of the international community; commensurately Hamas has much to gain from aligning its strategy with what the international community considers legitimate. Effectively, Hamas that : "combines an Islamic religious outlook with a Palestinian national vision favoring active participation in political life alongside the use of military power and terrorism" is confronted with groups that believe in uncompromising and continuous war with Israel. Hamas is confronted with critique on its credentials of armed resistance in general, as well as its Islamic credentials with respect to 1. Salafist jihadist groups who believe in uncompromising Jihad, and 2. its lack of implementation of *sharia* in Gaza³⁰.

There have been reports along the year of Hamas cracking down on other Islamic groups. One of the most prominent factions in the Strip is Islamic Jihad. Hamas and Islamic Jihad, which have often fought each other³¹ as well as coordinated militarily³² were rumoured in July to be considering a merger³³. Yet an Islamic Jihad official stated in November that Hamas police had prevented its crews from firing rockets three times within a month³⁴ and arrested members of different factions³⁵. Hamas' dilemma is exemplified in its answer to the accusations of Islamic Jihad. Although Israeli reports widely credit Hamas for the lack of rocket-fire, Hamas replied that: "there is no truce with

²⁴ ICG 2009. Gaza's Unfinished Business. p.2.

²⁵ Ibid.

²⁶ Aviad, Guy 2009. INSS: Hamas' Military Wing in the Gaza Strip: Development, Patterns of Activity and Forecast. In *Military and Strategic Affairs*, Volume 1, No. 2, April

²⁷ ICG 2009. Ending the War in Gaza. p.2.

²⁸ See ICG 2008. Round Two in Gaza.

²⁹ Yoram, Schweitzer 2009. INSS: The Battle at the Rafah Mosque: Power Struggles and Philosophical Clashes. INSS Insight No. 125, August 24.

³⁰ Ibid.

³¹ ICG 2009. Gaza's Unfinished Business. p.27.

³² Ibid. p.2.

³³ haaretz.com 1st July 2009. Are Hamas and Islamic Jihad Planning a Merger?

³⁴ haaretz.com 11th October 2009. Islamic Jihad says Hamas stopping their rocket crews in Gaza.

³⁵ Haaretz.com 06 October 2009. Report: Hamas arrests militants planning to fire rockets at Israel.

the occupation (Israel), whose crimes against our people are continuing, and therefore we have not and we will not block resistance"³⁶. Hamas may also be using Islamic Jihad as a proxy for rocket-fire, providing it deniability.

The most spectacular evidence of competing and more radical groups however, happened in August, when the Jund Ansar Allah group publicly declared an independent Islamic Emirate of Palestine, condemning the Hamas government. Hamas rapidly reacted and surrounded the area and the 100 or so men. 24 people died in the ensuing firefight, including the leader of Jund Ansar Allah who exploded himself and a Hamas official. According to reports, a senior Hamas official and five policemen died, and 150 people were injured³⁷.

Most experts believe that while many radical Palestinian groups that adhere to wider Salafist jihadism take inspiration from al-Qaeda, they have not been acknowledged as part of the organization by al-Qaeda itself. Despite this, the Jund Ansar Allah -incident drew calls for the blood of Hamas by al-Qaeda³⁸. Answering rumours of foreign fighters in Gaza, Ismail Haniyeh, head of the Hamas government in Gaza, stated: "such groups do not exist on the soil of the Gaza Strip...there are no fighters in Gaza except Gazan fighters"³⁹. Some experts however say that for the first time foreign jihadists are coming into Gaza⁴⁰.

Ironically, Hamas is caught between trying not to appear too moderate, while seeking legitimacy from a.) the larger population under its control, who suffer heavily from its rule and Israeli policy, and b.) the international community, which includes many different audiences such as Iran and Syria, the Arab countries, and Western countries. The tension is evident in Hamas' current narrative. At the same time as it is enforcing the *tahadiya* with Israel, the ICG concludes that: "Hamas's current rhetoric differs markedly from the days of the 2006 elections when it largely campaigned on an anti-corruption and good governance platform. Today it frames the choice as the 'logic of resistance and self-reliance' versus an illusory peace process exclusively dependent on U.S. goodwill"⁴¹. This is creating divides inside Hamas as well – Matthew Levitt for example observes that: "several salafi-jihadi groups have sprung up in Gaza and all include within their ranks disaffected former Hamas members", including Jund Ansar Allah⁴².

Shalit deal

Negotiations over the release of Israeli soldier Gilad Shalit, kidnapped in 2006, were held throughout the year, but there was no breakthrough. A video of Shalit alive was released in October in exchange for the release of 20 female Palestinian prisoners⁴³. The political significance of his

³⁶ haaretz.com 11th October 2009. Islamic Jihad says Hamas stopping their rocket crews in Gaza.

³⁷ haaretz.com 15th August 2009. Hamas: Head of Al-Qaida affiliate killed in Gaza.

³⁸ Levitt, Matthew 2009. Israel as an Al-Qaida Target: Sorting Rhetoric from Reality. In *CTC Sentinel*, October 2009, Vol.2, Issue 10, p.15.

³⁹ haaretz.com 15th August 2009. Hamas: Head of Al-Qaida affiliate killed in Gaza.

⁴⁰ Levitt, Matthew 25th January 2010. When Yemen Meets Gaza. At foreignpolicy.com

⁴¹ ICG 2009. Gaza's Unfinished Business. p.6.

⁴² Levitt, Matthew 2009. Hamas' Ideological Crisis. In *Current Trends in Islamist Ideology*. November 6.

⁴³ Haaretz.com 22 October 2009. 'Hamas holding intensive negotiations over Shalit'

release is huge in Israel. While there is wide support for Shalit's release, families of victims of the Palestinians planned for release have opposed a deal⁴⁴.

Reports in the media state that the central issue being negotiated is a list of some 1,000 Palestinian prisoners being released, some being deported. Easing the blockade has not been mentioned. A key point of contention is the release of Marwan Barghouti. The former Fatah secretary in the West Bank has been described as a possible successor to PA President Abbas, and the only man with the credentials to bring about a reconciliation between Hamas and Fatah. But head of the Shin Bet security service Yuval Diskin for example alluded negatively to the release in December: "Barghouti was the spirit behind the second intifada, not Arafat as people tend to think", stating that it would be one of the few things that could bring about a Palestinian uprising⁴⁵. Later in 2009, Barghouti's name did not appear in media reports of the possible prisoner swap, negotiations over which have been conducted in secret. Essentially, the Israel government is balancing out: 1. what kind of precedent and incentive structure for future kidnappings such a massive prisoner release would have, and 2. the fact that, as Diskin put it: "the Shalit deal would be a slap in the face for [Palestinian Authority President] Abbas and a great public opinion achievement for Hamas"⁴⁶.

Goldstone report

The results of the report of the UN Fact-Finding Mission on the Gaza Conflict were published in September. Israel refused squarely to cooperate with the UN Mission. Both the IDF and Hamas were found to possibly have breached the laws of war. The rockets Hamas used could not distinguish between civilians and military targets, and were directed against civilian targets such as Israeli towns without military bases. The charges against Israel however were much more extensive however, ranging from deliberately killing surrendering civilians, targeting civilian targets, deliberately impeding medical services to using indiscriminate weapons that caused unnecessary suffering. Both are accused of war crimes. Grave breaches, or war crimes, have universal jurisdiction, meaning all states have an obligation to try persons suspected of grave breaches, irrespective of nationality⁴⁷.

Both the government of Israel and Hamas were given three months to conduct independent and credible investigations into the allegations, after which in February the matter could be taken up by the Security Council, that could further refer the matter to the International Criminal Court (ICC). Both parties have conducted limited internal investigations, denying the allegations. It seems the UN will conduct a follow-up report on the basis of these⁴⁸. For its part, Hamas stated that their rockets were unguided, but meant to hit military targets⁴⁹. The IDF investigation found the allegations baseless, but the Israeli government is considering setting up a civilian commission⁵⁰. By denying the accusations, both are opening themselves up for international war crimes

⁴⁴ haaretz.com 17th March 2009. Families of terror victims wage war of tears against prisoner release.

⁴⁵ haaretz.com 29th December 2009. Shin Bet chief: Third intifada unlikely in near future.

⁴⁶ haaretz.com 29th December 2009. Shin Bet chief: Third intifada unlikely in near future.

⁴⁷ Öberg, Marco Divac 2009. The Absorption of Grave Breaches into War Crimes Law. In *International Review of the Red Cross*, Vol.91, No.873.

⁴⁸ haaretz.com 29th January 2010. Barak: Israel hands UN response to Goldstone.

⁴⁹ haaretz.com 28th January 2009. Hamas: Gaza war rockets aimed at Israeli soldiers, not civilians.

⁵⁰ haaretz.com 26th January 2009. Israel mulls internal probe of Gaza war.

proceedings⁵¹. The political impact of this is much heavier on Israel, whose politicians and military might risk arrest if they travel abroad⁵². Although Israel has historically shown limited worry about breaching the laws of war, the effects may still weigh in the next time the IDF considers a similar attack on Gaza. Hamas for its part is already listed as a terrorist organization.

Humanitarian situation in Gaza

Gaza has been under a severe Israel-imposed blockade since 2007. The already dire situation worsened significantly with Operation Cast Lead, and the blockade has in practice rendered reconstruction efforts impossible. 20 000 Gazans remained displaced by the end of 2009. According to UNOCHA, that monitors the blockade: "Imports through the crossings during December [2009] were --- 81 percent below the monthly average in the first five months of 2007, before the imposition of the blockade. This, along with the near total ban on exports, have prevented any economic reactivation and maintained extreme levels of unemployment, poverty, food insecurity and aid dependency. Moreover, by the beginning of 2010, the number of crossing points for imports to the Gaza Strip had been reduced to one". Five percent of the one and a half million people remain without electricity this winter due to damages in the electricity grid. There is a risk of water contamination because of lack of generators for pumps and destroyed water reservoirs. The agricultural sector has not recovered from the destruction of infrastructure such as wells, roads and greenhouses during the Israeli offensive. The fishing catch in December was half of that of the previous year, mainly because of Israeli navy limiting the fishing zone to three nautical miles. The limited amount of goods and dependence on smuggled ones have led to inflation in the Strip⁵³.

A UNOCHA report released in August analyzing the blockade estimated that 40% of Gazans were unemployed and of people under the age of 30, 60% were unemployed; 75% of the population was food insecure and 1.1 million people out of 1.5 million were receiving food aid; most of the 3,540 homes destroyed and the 2,870 homes severely damaged during the last military offensive have not been reconstructed; lack of infrastructure has forced daily discharges of 80 million liters of raw and partially-treated sewage into the environment⁵⁴. All in all, the situation with respect to the blockade is better than at the beginning of the year 2009 after the IDF operation, but was the worst year yet. In general, the imposition of the blockade follows the same logic as Operation Cast Lead: squeezing the civilian population to pressure Hamas and the foundations of its rule. Again, the effects on Hamas arming itself are limited.

The Goldstone report reaffirmed the position supported by many legal experts, that despite the 2005 disengagement, Gaza is still occupied territory under international law, and thus international humanitarian law and the relevant obligations of Israel as occupying power, apply. "Israel has without doubt at all times relevant to the mandate of the Mission exercised effective control over

⁵¹ asil.org 2009. The American Society of International Law. Insight: 1st October 2009: The Goldstone report. Vol.13, Issue 16.

⁵² See for example: guardian.co.uk 14th December 2009. British court issued Gaza arrest warrant for former Israeli minister Tzipi Livni.

⁵³ UNOCHA 2010. The Humanitarian Monitor, December 2009.

⁵⁴ UNOCHA 2009. Locked In: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip.

the Gaza Strip. The Mission is of the view that the circumstances of this control establish that the Gaza Strip remains occupied by Israel"⁵⁵.

2010?

Both Israel and Hamas are following a dangerous policy of tit-for-tat, where any attack is followed by a retribution. This can easily lead to a quick cycle of escalation with both groups viewing retribution as essential to upholding deterrence⁵⁶. Thus, while parties may have an interest in maintaining the status quo, the situation remains extremely volatile. December saw an escalation of clashes⁵⁷. January 2010 saw the successful testing of the Israeli Iron Dome missile defense system. The Iron Dome will however will not change the balance of deterrence: it is too expensive, cannot shoot down rockets during the short flight from Gaza nor the amount of missiles that could be barraged, and it is extremely expensive to destroy even one rocket⁵⁸. It will also tempt Palestinian groups to prove the system does not alter the deterrence-equation.

Today, the Palestinian Territories are divided not only geographically, but politically as well. This is likely to remain the situation in the nearby future: reconciliation talks failed this year despite numerous attempts⁵⁹, and Hamas and Fatah are at each other's throats. In Gaza, Hamas has consolidated its rule, although according to polls its support has declined there⁶⁰. Any hopes Israel may have had that Fatah would return to rule Gaza seem distant today. Thus, Israel will be forced to deal with Hamas especially to prevent the rise of more extreme groups. Barak attributed increased rocket-fire towards the end of the year on the incapacity of Hamas to reign in other factions⁶¹. Israel thus has an interest in strengthening Hamas capacity to project violence internally, but reduce it externally. Abbas has claimed Israel is already negotiating with Hamas on temporary borders⁶². In 2006, Hamas representatives proposed a decade-long ceasefire with Israel, though not recognizing its existence, an idea initially stated by Hamas founder Sheikh Yassin⁶³. But for example in January 2010, Hamas Leader Khaled Meshal stated that: "Hamas will keep rejecting the occupation and refuse to recognize the legitimacy of the Zionist entity. Priority will remain building and developing the resistance. --- Pressure, siege, temptations and opening doors or communication channels will not fool Hamas, which will not compromise on the rights. Hamas will be only tempted by restoring the land"⁶⁴. This also testifies to Hamas being a broad movement today with different factions and positions.

⁵⁵ United Nations Fact-Finding Mission on the Gaza Conflict. Report of the United Nations Fact Finding Mission on the Gaza Conflict: Advance edited version. A/HRC/48. p.85.

⁵⁶ See for example: haaretz.com 8th January. Israel hits Gaza for second time in 24 hours after mortar barrage.

⁵⁷ UNOCHA 2010. The Humanitarian Monitor, December 2009. p.1.

⁵⁸ haaretz.com 13th January 2010. Comment / Iron Dome success does nothing to ease rocket threat.

⁵⁹ Haaretz.com 18 October 2009. Egypt: Fatah-Hamas deal deferred due to 'inappropriate conditions'.

⁶⁰ Brom, Shlomo 2009. INSS Strategic Assessment: November 2009: Fewer Gestures, More Substance. Vol. 12, No.3. p.40.

⁶¹ Haaretz.com 11 January 2010. "Iron Dome Defense System Will Take Years to Deploy".

⁶² haaretz.com 20th November 2009. Report: Abbas says Israel secretly talking with Hamas.

⁶³ guardian.co.uk 1st November 2006. Hamas touts 10-year ceasefire to break deadlock over Israel.

⁶⁴ haaretz.com 23rd January 2010. Hamas vows to resist pressure to recognize 'Zionist entity'.

Yet making concessions to Hamas only in exchange for violence such as kidnapping soldiers, and not for example rewarding implementing the ceasefire with easing the blockade, will delegitimize Hamas and serve as fuel for more radical groups. At the same time, making any concessions to Hamas, will have an effect in the West Bank. From Israel's point of view, whether to negotiate with or simply contain Hamas will also depend on effective Egyptian efforts to thwart smuggling, which experts say is decisive⁶⁵, since in the short-term rocket-fire is the main issue for Israel.

The issue of cooperating with Hamas is from Israel's point of view limited because it is coupled with the West Bank, where Israel has greater interests. Israel's government seeks to promote the model of negotiation and economic peace with Fatah and the Palestinian Authority (PA), against the model of armed resistance that Hamas currently represents, as the more beneficial strategy for Palestinians. In Gaza Israel currently seeks containment; in the West Bank it is seeking territorial enlargement. In 2009, gestures to bolster Fatah leader and PA President Mahmoud Abbas, whose credibility took hard hits, included the 'pardoning' of 90 wanted men from Fatah's military wing, the Al-Aqsa Martyrs Brigades, in anticipation of a prisoner exchange with Hamas for Shalit⁶⁶. Other measures included the lifting of significant checkpoints⁶⁷ that in turn were credited with the first economic growth in the West Bank in years⁶⁸. The security risks for Israel are greater in the West Bank. In order to expand territorially, Israel has placed both civilians and soldiers amidst Palestinians, incurring substantial risks. In the West Bank, a number of attacks by single individuals occurred against settlers in 2009⁶⁹.

Hamas as a movement is likely to see internal ruptures between those who believe in uncompromising war on Israel, and leaders who will push for a longer-term ceasefire and possibly seek international legitimacy. Traditionally, non-state armed groups have increased the apparent separation between the political and the military wing. If this could be done credibly, it would be concurrent with Hamas' interests – keeping both carrots and sticks. As mentioned, other Palestinian factions can also serve the same purpose. Yet, as can already be seen, this kind of double standard is also bound to create real internal divisions in Hamas, and in the Palestinian resistance movement in Gaza in general.

⁶⁵ Brom, Shlomo 2009. INSS Strategic Assessment: November 2009: Fewer Gestures, More Substance. Vol. 12, No.3. p.40.

⁶⁶ The Jerusalem Post 27th November 2009. Ninety Fatah Terrorists 'Pardoned'.

⁶⁷ UNOCHA 2009. West Bank Movement and Access Update: November. p.11-12.

⁶⁸ nytimes.com 8th September 2009. The West Bank's Deceptive Growth.

⁶⁹ See for example: washingtonpost.com 3rd April 2009. Young Settler Killed in West Bank Attck.