

The Hamas Document of Principles: Can a Leopard Change Its Spots?

Gilead Sher, Liran Ofek, and Ofir Winter

Concurrent with changes in the Hamas leadership – Yahya Sinwar replaced Ismail Haniyeh in the Gaza Strip and Haniyeh himself replaced Khaled Mashal at the head of the Hamas Political Bureau – reports in the Arab media began to appear in early March 2017 about the upcoming dramatic publication of a document that would constitute a revision of the Hamas Covenant. Exactly one month later, the Lebanese website al-Mayadeen (associated with Hezbollah) published a complete, albeit unofficial, version of the new document. On May 1, 2017, with much fanfare, outgoing Hamas Political Bureau chief Khaled Mashal announced the “Document of General Principles and Policies” at a press conference in Qatar.

The debate sparked by the document has focused on Hamas’s willingness to recognize a Palestinian state in the 1967 borders and the disavowal of its connection with the Muslim Brotherhood movement. Commentators wondered whether the content of the document indicates a material change in the organization’s views, or whether it is merely a softening of the language and a cosmetic revision of existing ideology for political needs in the Palestinian theater, foreign relations with the Arab world, especially Egypt, and the quest for international legitimacy.

This article addresses these questions, while analyzing the political and historical background of the document’s publication, the differences between it and the original Hamas Covenant, and its reception in the Palestinian Authority and Egypt. What emerges is that the Document of General Principles was designed to improve the organization’s standing without it having to disavow its principles, and was therefore received in

Gilead Sher, a senior research fellow at INSS, is head of the Center for Applied Negotiations (CAN) at INSS. Liran Ofek is a research associate at INSS. Dr. Ofir Winter is a research fellow at INSS.

both Ramallah and Cairo with suspicion and skepticism. Similarly, the document reflects no real change toward Israel: Hamas is indeed willing to accept the establishment of a Palestinian state in the 1967 borders as a temporary stage in the struggle to free Palestine “from the river to the sea,” but it refuses to recognize Israel, relinquish the resistance weapon, and become a full partner in a permanent settlement based on the principle of two states.

Historical Background

The Hamas victory in the Palestinian Legislative Council elections in January 2006 accorded the organization a new status, and raised the question of compatibility between the ideological vision presented in its Covenant and the concrete political reality that emerged over the years. Hamas has transformed from a political and military resistance group constituting an opposition faction to the PA, which carries the banner of violent resistance to Israel, to a ruling political party. The international community, however, continued to regard it as a terrorist organization, and the Middle East Quartet posed three conditions for Hamas’s becoming part of the legitimate political game: recognition of Israel, a halt in terrorism, and acceptance of previous agreements between Israel and the Palestinians.¹

While the Quartet conditions prompted initial reflections in Hamas regarding the compatibility of the Covenant with the new circumstances in the organization, the conditions were rejected outright. Hamza Ismail Abu Shanab, a son of one of the Hamas founders and former leaders in the Gaza Strip, made it clear in February 2006 that the organization would not retreat from its principles, including non-recognition of Israel and adherence to the armed struggle. In an article on the Izz ad-Din al-Qassam Brigades website he explained, “Hamas is showing openness towards the world, but will not bargain over basic principles.” The “dream of the Quartet,” as he put it, i.e., recognition of Israel by Hamas, would not be realized, and Hamas would continue to regard Israel as “an enemy to be eliminated.”² Shanab and others explained this obstinacy as the organization’s commitment to realize the wishes of the Palestinian people, which had democratically chosen the “path of resistance,” and its loyalty to its ideological goals. For this reason, “The victory in the elections in itself does not constitute a goal; it is one of the means of freeing the land and achieving justice.”³

The adherence to the principles of the Covenant remained intact, even when the organization took over the Gaza Strip in June 2007 and became

the sole responsible ruling group there. The revolutionary euphoria that brought the organization to power, however, has faded over the past decade. The security closure imposed by Israel and Egypt, the political isolation in the regional and international theaters, the geopolitical upheavals in the Arab world, the prolonged internal Palestinian rift, the suspension of democratic mechanisms, and especially the cost in human life and damage to property of three military conflicts with Israel have generated growing distress, frustration, and despair in the Gaza Strip and detracted from the organization's popularity. The fall of the Muslim Brotherhood regime in Egypt in July 2013 and the damage caused by Operation Protective Edge brought into question the congruence between Hamas's ideological vision and its ability to cope with the political, economic, and governmental challenges. Senior Hamas leaders realized that it was necessary to widen the space available for pragmatic maneuvering. According to statements by Khaled Mashal and Ahmad Yusuf, Hamas decided as early as 2013 to draw up a platform reflecting the ideological and structural developments that the organization had undergone since its inception, particularly in the past decade. Hamas thus began a thorough and precise discussion of the platform's particulars, which would be adapted to the actual policy pursued.⁴

The internal discussions held by Hamas about the revision of the Covenant dealt with finding a formula that would maximize the organization's political profit at a minimal symbolic cost. Senior Hamas leaders realized the need to adopt a new rhetoric that would make it easier to handle the range of challenges, without abandoning the organization's ideological doctrine or principles. During the discussions, some Hamas members called for non-substantive semantic revisions on issues such as the distinction between Hamas's attitude toward Jews and the conflict with the Israeli occupier, restraint regarding anti-Semitic statements, and a focus on unifying elements in Palestinian society, rather than divisive ones.⁵ Others in Hamas, on the other hand, argued that any change that does not involve a breach of ideological principles will in any case not satisfy the West, and will be of no benefit to the organization. They warned that a change in the Covenant would lead to internal friction, be interpreted by its enemies as weakness, and invite further pressure from the international community and Israel.

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The compromise proposal raised and eventually adopted was leaving the Covenant unchanged, while at the same time publishing a revised vision with a new name that could be amended periodically as needed.⁶

The Hamas Covenant and the Document of General Principles: A Comparison

The Document of General Principles therefore does not replace the Hamas Covenant, but contains four principal changes: (a) less use is made of Islamic religious concepts; (b) focus is on the Palestinian national element within the organization's identity; (c) a distinction is made between the hostile attitude toward Israel and the Zionist enterprise and tolerance for Jews as a religious community; (d) willingness is expressed to accept the establishment of a Palestinian state on the 1967 borders, although without recognition of Israel, foregoing of the liberation of all of Mandatory Palestine, or concession of the right of return.

These changes were designed to increase the organization's room for maneuver, help it reach political agreements with Fatah, and improve its regional and international image. From Hamas's perspective, they help portray Hamas as a legitimate national liberation organization that differs from Salafi jihadi terrorist movements that rely solely on a violent religious revolutionary vision.

The rhetorical changes giving priority to a Palestinian national orientation over an Islamic orientation are clear in many clauses of the Document of General Principles. The very first article defines Hamas as "a Palestinian Islamic national liberation and resistance movement. Its goal is to liberate Palestine." While Islam determines Hamas's "principles, objectives and means," the wording chosen reflects a retreat from article 2 of the Hamas Covenant, which defines the organization as a wing of the Muslim Brotherhood movement in Palestine.⁷

The reduced use of religious discourse is also reflected in Hamas's attitude toward Palestine and the means to liberate it. In article 2, the Document of General Principles defines Palestine as "an integral territorial unit" extending "from the River Jordan in the east to the Mediterranean in the west," similar to the definition in the secular Palestinian National Charter of the PLO (article 2).⁸ This article refrains from describing the Palestinian territory as (holy) Islamic *waqf* land for all Muslims (as stated in article 11 of the Hamas Covenant). It rather chooses to focus on the

unique “expulsion and banishment of the Palestinian people from their land,” which constitutes a key element in the Palestinian national identity.⁹

“Resisting the occupation with all means...at the heart of these lies armed resistance, which is regarded as the strategic choice”; this is defined in the document (article 25) as “a legitimate right guaranteed by divine laws and by international norms and laws.” The following article emphasizes Hamas’s refusal to restrict the resistance weapon, while at the same time emphasizing the flexible management of its use during periods of escalation and lull, without detracting from the “principle of resistance.”¹⁰ In contrast to what appears in the Covenant (in articles 12 and 15, for example),¹¹ “resistance” is not described as a personal religious duty applying to every Muslim; the commandment of jihad is mentioned only once (in article 23, compared with seven times in the Covenant), and the emphasis is more on conducting the struggle than on winning it. The demand for protection of the resistance weapon apparently reflects an effort to achieve internal Palestinian, and possibly also Arab and international, recognition of Hamas as a legitimate armed resistance force that can continue operating as a sovereign military force in the framework of the PA (similar to the Hezbollah model in Lebanon).

The Document of General Principles defines the Palestinian people as “one people” (article 6), the Palestinians as “Arabs who lived in Palestine until 1947, irrespective of whether they were expelled from it, or stayed in it” (article 4), and Palestinian identity as “authentic and timeless; it is passed from generation to generation” (article 5). The focus on the Palestinian people is related to an attempt to design a national rhetoric that appeals to a broad common denominator. The document recognizes the PLO as the national framework of the Palestinian people in the Palestinian areas and outside it, in prominent contrast to the 1988 Covenant, which criticizes the PLO’s secular character and insists on separation from it as long as it does not mend its ways (article 27). According to the Document of General Principles, the PLO is the umbrella organization of the Palestinian leadership, and “should therefore be preserved, developed and rebuilt on democratic foundations so as to secure the participation of all the constituents and forces of the Palestinian people” (article 29).¹² By

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recognizing the PLO, Hamas is expressing its wish to participate in the Palestinian decision making process.¹³

The document does not include any concession on the liberation of all of Mandatory Palestine, let alone recognition of Israel. In contrast to the Covenant, however, it reflects willingness to accept the “the establishment of a fully sovereign and independent Palestinian state, with Jerusalem as its capital along the lines of the 4th of June 1967” as “a formula of national consensus” (article 20). There is in fact little new in Hamas’s support for the establishment of a Palestinian state in the Gaza Strip and the West Bank first, as an intermediate stage on the way to achievement of the strategic goal – the liberation of all of Palestine. Over the years, beginning in the late 1980s, the movement’s leaders, including Ahmad Yassin, Mousa Abu Marzook, and Khaled Mashal, raised similar ideas for a long term ceasefire (*hudna*) in exchange for a Palestinian state in the 1967 borders.¹⁴ Putting this idea into the document was designed as a compromise formula with Fatah, reflecting a willingness to accept a Palestinian state with temporary limited borders in order to set the stage for Palestinian unity.¹⁵

Another conspicuous change in the document aimed at the international community is the abandonment of the anti-Semitic rhetoric that permeates the Covenant, such as a description of the struggle in Palestine as a “struggle against the Jews,” the use of analogies between Zionism and Nazism, and the mention of myths about the Jews controlling the world and plotting along the lines of the *Protocols of the Elders of Zion* (in the introduction and in articles 20, 31, and 32). The document makes it clear that the “conflict is with the Zionist project, not with the Jews because of their religion” (article 16), and that anti-Semitism is a local phenomenon connected with the history of Europe (article 17).

This semantic refinement, however, does not blur the legal, moral, and historical negation of the very existence of Israel. The Zionist enterprise

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is described as a “racist, aggressive, colonial and expansionist project based on seizing the properties of others; it is hostile to the Palestinian people and to their aspiration for freedom, liberation, return and self-determination” (article 14). The Zionist enterprise is also described as a threat and danger to the security and interests of the Arab and Islamic

nation (article 15). The international decisions, starting with the Balfour Declaration, and including the British Mandate and the UN Partition

resolution, are rejected as fundamentally null and void (article 18). The Oslo Accords, the security cooperation with Israel, and the diplomatic process in general are all portrayed as a device for violating Palestinian rights, and as a means of eliminating the Palestinian problem – and therefore as unacceptable (articles 21 and 21).

These positions contradict the official positions of the PLO,¹⁶ and in proclaiming them, Hamas is denying the very idea of international recognition as a basis for the legitimacy of the establishment of Israel. This is a negation in principle of the attitude of the PLO and PA toward negotiations for establishing a state in the 1967 borders in the framework of a peace settlement with Israel. Furthermore, even without recognition of Israel, Hamas's consent to the establishment of a state in these borders is contingent on three conditions that make it totally impractical: the return of the refugees to their homes, insistence on the liberation of all of Mandatory Palestine from the Mediterranean to the Jordan River, and adherence to armed resistance as a strategic choice.

Ambivalent Responses in the PA and Egypt

The Hamas Document of General Principles was directed first and foremost at the PA and Egypt. Hamas regards the mending of its relations with these two entities as essential for attaining internal and regional legitimacy, and for escaping the isolation and strategic plight it has suffered since the overthrow of the Muslim Brotherhood regime in Egypt in July 2013. The initial responses of these two players show an ambivalent attitude.

Ostensibly, the document was received positively by the Palestinian leadership. Fatah Central Committee member Jibril Rajoub found a positive change in it, since Hamas hereby recognized the aspiration to establish a Palestinian state in the June 1967 borders, and accepted the need for a national partnership under the PLO. In his remarks, Rajoub also mentioned the differences of opinion between the two sides, but noted that Hamas represented part of the Palestinian people, and said that a political solution should be reached with the organization on the basis of the document.¹⁷ Fatah spokesperson Usama al-Qawasma and PLO executive member Ahmad Majdalani also welcomed the Hamas approach that is closer to the position of PLO, Fatah, and other Palestinian parties, but added that some of the articles in the document are vague and argumentative.¹⁸

And indeed, the Palestinian Authority is still very suspicious about Hamas's intentions, and demonstrates a tough, even hostile, stance toward

it. On the eve of the document's publication, Abbas decided to freeze salary payments to officeholders in the Gaza Strip, and demanded that Hamas surrender control of the Gaza Strip to the PA. Abbas made it clear that if Hamas did not comply with the demands, he was likely to carry out one or more of the following decisions: casting Hamas as an insurgent or terrorist organization; freezing the transfer of funds to the Gaza Strip, including those allocated for health, electricity, water, and social services; freezing all of Hamas's money on the West Bank and in the Gaza Strip; and demanding that banks and economic institutions halt all activity in the Gaza Strip. Initial steps in this direction indicate that the Palestinian leadership is determined to weaken Hamas.¹⁹ Continuation of the pressure by the PA is expected to present Hamas with two problematic alternatives: accepting the Palestinian leadership's conditions as they are, while demonstrating weakness in the Palestinian theater and beyond it, or refusing the conditions and embarking on a head-to-head struggle against the PA – or another round of violence against Israel.²⁰ In any case, as of now, the Document of General Principles has not succeeded in preventing a widening of the internal Palestinian rift and the growing separation between the West Bank and the Gaza Strip.

It is also doubtful whether popular Palestinian opinion regards the document as a prelude to change. Public opinion surveys conducted over the past two years have shown that most of the Palestinian public does not believe in the ability or desire of the two sides to achieve national unity.²¹

Another target of the document, and perhaps even the main one, is Egypt. The tension between Gaza and Cairo since the Muslim Brotherhood was driven out of power in the summer of 2013 exacted a heavy price from Hamas, and deepened its political and physical isolation. The el-Sisi regime regards Hamas as a security threat to the stability of Egypt in general and Sinai in particular, due to Hamas's ideological affinity with the Muslim Brotherhood and its operational links to Salafi jihadi groups in Sinai. The regime accused the organization of providing assistance for attacks against the Egyptian army, and of assassinating the Egyptian general prosecutor in July 2015. Against this background, Egypt escalated its struggle against the smuggling tunnels used by Hamas for economic and civilian purposes, and the movement of people and goods at the Rafah border crossing was restricted.

During the rapprochement talks held throughout 2016-2017, one of the conditions posed by Egypt for an improvement in its relations with Hamas was the organization's official severance from the Muslim Brotherhood

movement and a rapprochement with the pragmatic Sunni axis, at the expense of the Shiite axis led by Iran and the Islamist axis led by Qatar and Turkey. The Document of General Principles contains several articles aimed at Egypt, headed by the omission of the affiliation with the Muslim Brotherhood appearing in article 2 of the Hamas Covenant (although without explicit severance from the parent movement). In this vein, article 37 of the Document of General Principles states that Hamas “opposes intervention in the internal affairs of any country. It also refuses to be drawn into disputes and conflicts that take place among different countries,” a sign of the neutrality the organization has imposed on itself with respect to involvement in relations between the Egyptian regime and its foreign and domestic rivals. Article 13, which inter alia concerns the refusal to settle the refugees outside Palestine,²² was interpreted in Cairo as a positive signal, given the growing anxiety in Egypt about being asked to allocate territory in Sinai for the Palestinian state.²³

The Egyptian government has not responded officially to the Document of General Principles, but spokespersons and publicists associated with the regime have displayed three distinct stances toward it. The first is sympathetic and regards the document as proof of a decline in the status of the Muslim Brotherhood movement in Egypt. This attitude sees a pragmatic line whose potential should be tested. The second is skeptical and reserved, pointing out that the document is replete with double meanings. This attitude therefore expresses concern that its adoption by Hamas is tactical, opportunistic, and superficial, and is not a reliable, profound, and strategic change in policy and doctrine. The third attitude constitutes a compromise between the two previous attitudes, and calls for judging Hamas by its actions.

The sympathetic attitude holds that the document reflects a historic turning point in the Hamas positions, and prepares the ground for supporting a political settlement on the basis of the 1967 borders, renewed integration in the Palestinian political system, and agreement on relations with Egypt.²⁴ Official spokespersons stated that Hamas understood that its affiliation with the Muslim Brotherhood damages its relations with Egypt and the Palestinian cause itself, and therefore decided to disavow it.²⁵

Several publicists in establishment newspapers held that Cairo should respond to the outstretched hand from Hamas. As they see it, the document shows the organization’s wish to be considered “part of the regional and international solution,” thereby according Egypt an opportunity to regain its leading status, while doing its part in the efforts at achieving reconciliation

between Fatah and Hamas and in the Israeli-Palestinian peace process.²⁶ There were also some who were quick to see the document as a historic admission by Hamas, and by Palestinians in general, that the realistic path of peace designed by Sadat – which until now was subverted, defamed, and censured – was justified.²⁷

Other supportive references by official Egyptian sources of the Document of General Principles concerned internal political issues, headed by its negative consequences for the Muslim Brotherhood, the enemy of the regime. The Egyptian religious governmental institute of Dar al-Ifta described the omission of Hamas's affiliation with the parent movement as "a new loss on top of the Muslim Brotherhood's losses in recent years," requiring a reassessment of the latter's subversive policy toward Egypt.²⁸ Interestingly, the Muslim Brotherhood in Egypt was also divided in its responses to the document between a conservative trend, which warned against the pragmatic slippery slope on which Hamas is liable to find itself,²⁹ and a reformist trend, which saw Hamas's ability to demonstrate ideological flexibility and adapt to the changing circumstances in a positive light.³⁰

In contrast to these attitudes, a number of Egyptian MPs and columnists in the Egyptian establishment press doubted the reliability of the document and the shifts that it presents, holding that Hamas had adopted these changes only for opportunistic and tactical reasons.³¹ In this context, it was argued that Hamas had failed to go the extra mile that would have made it possible to qualify it as a partner in the peace process, because it had implicitly adhered to the old formula of a long term *hudna*, while retaining the unrealistic idea of liberating Palestine from the sea to the river.³² *Al-Ahram* Deputy Editor Muhammad Abu al-Fadl pointed out that the document was replete with internal contradictions, including recognition of the 1967 borders without recognition of Israel, interest in a political solution along with preservation of the resistance weapon, and silence on the affiliation with the Muslim Brotherhood yet continued adherence to the ideological framework of the parent movement. According to al-Fadl, Hamas had tried to paper over internal contradictions in order to bridge internal differences and appease different target audiences, but it "would not be able to fool all of the people all of the time," and would sooner or later have to make historic decisions on the fateful issues on the agenda.³³

A third Egyptian attitude, derived from the previous skeptical outlook, holds that the burden of proof is on Hamas, in view of the cloudy nature of the Document of General Principles. The various "tests" posed to Hamas in

the Egyptian establishment press included concrete measures on regional and bilateral issues, such as acceptance of the Arab Peace Initiative, recognition of a political settlement in the 1967 borders, respect for Egypt's role in the peace process, non-intervention in inter-Arab conflicts, an end to the internal division with Fatah and the formation of a Palestinian unity government, concession of its rule over the Gaza Strip as a separate political entity, submission of maps of the tunnels leading to Egypt on the Gaza Strip border and a commitment not to build new tunnels, and termination of support for and involvement in terrorism.³⁴ These Egyptian conditions are detailed, and some of them are even more stringent than the Quartet's conditions, which Hamas has consistently rejected since 2005.

Conclusion

The Hamas Document of General Principles presents a revised interpretation of the organization's policy, based on resolving the tension between its traditional approach, as reflected in the 1988 Hamas Covenant, and the array of practical challenges that Hamas has faced over the past decade. The document emphasizes the organization's national orientation at the expense of its Islamic orientation, focuses on unique Palestinian narratives, and emphasizes the national struggle against the "Zionist enterprise," instead of against Jews. It constitutes a tactical stage in the development of Hamas's official rhetoric, but is not enough in itself to signal a material change in the organization's strategy.

The document reflects Hamas's aspiration to be included as a legitimate actor in the Palestinian theater, and to pave the way for mending its relations with Egypt. It seems, however, that the leaders in Ramallah and Cairo are in no hurry to settle for the rhetorical flexibility offered in the document, and are demanding additional concessions from the organization, accompanied by concrete measures. Both Ramallah and Cairo are aware of Hamas's dire straits, and have clarified to Hamas the choice between political pragmatism and adherence to inflexible ideological principles. Until now, Hamas has insisted on holding both ends of the stick, and has refused to decide between the two difficult alternatives facing it: conceding the way of resistance in exchange for internal reconciliation, regional openness, and international legitimacy, or alternatively, loyalty to the traditional line at the expense of aggravating its isolation and the resulting internal and external crises.

As for Israel, the cosmetic changes that the new document reflects in comparison with the Covenant are not enough to challenge the concept that Hamas is an obstructive factor that has not abandoned incitement, violence, and terrorism, and for which the struggle to eliminate Israel constitutes an integral key element. From Israel's perspective, Hamas is the sovereign in the Gaza Strip for all intents and purposes, and is therefore, even if indirectly, an address. Israel should assess Hamas's policy in the practical sphere, and decide whether the pragmatic space in which the organization is ostensibly willing to move makes it a possible partner for political settlements, based on accepted international parameters. The criteria for the quality of the change in the organization's position were, and remain, acceptance of the Quartet's conditions, together with other conditions, led by investment of international funds in reconstruction of the Gaza Strip, instead of a military buildup; termination of weapons smuggling to the Gaza Strip; and demilitarization.

This should not prevent the Israeli government from continuing humanitarian measures toward the Gaza Strip, easing the movement of people and goods, and eventually, facilitating reconstruction, contingent on a long term security lull and a halt in the organization's military buildup. However, more extensive arrangements in the future will require from Hamas more than just a vague document susceptible to multiple interpretations.

Notes

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