



What does the Hamas Charter of 1988 say regarding Israel?

Much controversy surrounds the 1988 Hamas Charter and specifically, its provisions that are seen as implying the destruction of the state of Israel. Some of the main points of significance from the Hamas Charter regarding Israel are as follows:

- **Art. 6: Peculiarity and Independence:** “The Islamic Resistance Movement is a distinct Palestinian Movement which owes its loyalty to Allah, derives from Islam its way of life and strives to raise the banner of Allah over every inch of Palestine. [...]”
- **Art. 11: The Strategy of Hamas: Palestine is an Islamic Waqf:** “The Islamic Resistance Movement believes that the land of Palestine has been an Islamic Waqf [i.e. endowment of property] throughout the generations and until the Day of Resurrection, no one can renounce it or part of it, or abandon it or part of it. [...]”
- **Art. 13: Peaceful Solutions, [Peace] Initiatives and International Conferences:** “[Peace] initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of the Islamic Resistance Movement. For renouncing any part of Palestine means renouncing part of the religion; the nationalism of the Islamic Resistance Movement is part of its faith, the movement educates its members to adhere to its principles and to raise the banner of Allah over their homeland... [...]”

Does Hamas want peace?

Yes. Since 2004, Hamas leaders have repeatedly and consistently stated that they would accept a peace based on an Israeli withdrawal to the 1967 borders (i.e. the Green Line.) (Israel currently maintains an occupation of the West Bank and Gaza and has about 450,000 colonists in occupied Palestinian territory.) On January 6, 2004, the co-founder of Hamas, Abdel Aziz al-Rantissi, offered Israel *de facto* recognition if Israel withdrew to the 1967 borders.¹ Significantly, during the 2006 Palestinian elections, Hamas omitted any call for the destruction of Israel in its election platform.² Hamas also adopted a policy of ambiguity in regards to the Saudi Peace Plan that was resurrected in 2007: as part of the Palestinian Unity Government at the time, Hamas neither blocked nor accepted the Plan, but allowed Mahmoud Abbas to vote in favour of the plan on behalf of the Palestinian Authority. (The plan would have normalized relations between Israel and the Arab world, if Israel had withdrawn to the 1967 borders.) The leader-in-exile of Hamas, Khaled Meshaal, has also said that Hamas accepts the existence of Israel and will recognize it once a Palestinian state is established. Mr. Meshal said in 2007 that “The problem is not that there is an entity called Israel. The problem is that the Palestinian state is non-existent.”³

Why does Israel choose not to negotiate with Hamas?

On the basis of some of the provisions of the Hamas Charter as described above, Israel and other countries argue that negotiation with Hamas as the legitimately-elected Palestinian government is not possible. Israel argues that Charter clauses can be interpreted as meaning that Hamas actively seeks the destruction of Israel; and does not recognise past accords between Israel and the PLO. However, there are two problems with Israel’s position:

1. It is unclear, why such recognition is necessary in order for negotiations to take place between Hamas, Israel and other nations, and
2. If Israel insist that Hamas “recognize” it, then why doesn’t it accord the same recognition to the Palestinians.

Was “recognition” an issue in past Israeli-Palestinian negotiations?

No. It is important to note that Israel negotiated peace accords with the PLO *despite similar clauses that were included and in force in the 1968 Palestinian National Charter* at the time of such contact. These clauses were rendered void *only after* the 1993 Declaration of Principles (Oslo) was signed. It is critical here to highlight that while the PLO formally recognised Israel’s right to exist, both in official

communiqués and by nullifying parts of its Charter, Israel *did not recognise the right of the Palestinian people to a state*. Instead, Israel only recognised the PLO as the legitimate representative of the Palestinian people.

While the 1993 Declaration of Principles signalled only the *beginning* of formal Israel-PLO negotiations, it is nonetheless the case that the negotiations leading up to its signing were held between Israeli and PLO representatives at a time when the PLO Charter still contained the above clauses and when Israel formally considered the PLO a terrorist organisation.⁴

Formal recognition, then, was understood by both sides as being a *point of negotiation* and *not a condition for negotiation*. That the PLO Charter called for the liberation of all of Palestine did not hinder Israel at the time, nor should it be considered an acceptable excuse at the present moment. Moreover, the formal PLO Charter clauses did not prevent the PLO from taking positions at odds with them; just as Hamas has indicated its potential acceptance of a two-state solution.^{5 6}

Does Israel recognize the Palestinian right to exist?

No, not necessarily. Since its founding in 1973, the Likud party has either formed the Israeli government, or been the strongest opposition party. Moreover, it was in power at a time when the Oslo Accords with the PLO were still being negotiated. Concerning Palestinian self-determination, its 2006 election platform stated:

“The Government of Israel flatly rejects the establishment of a Palestinian Arab state west of the Jordan river. The Palestinians can run their lives freely in the framework of self-rule, but not as an independent and sovereign state. Thus, for example, in matters of foreign affairs, security, immigration and ecology, their activity shall be limited in accordance with imperatives of Israel's existence, security and national needs.”⁷

Other examples of outright Israeli opposition to a Palestinian state include:

- When some Likud members – most prominently Ariel Sharon – started discussing the potential exchange of some land for peace under the guise of achieving “defensible borders” for Israel, this led to a major crisis within the party. Ultimately, the Likud Party Central Committee voted against a Palestinian state in 2002⁸, and the party split in 2005 when Sharon left and formed the Kadima party. Likud continues to oppose Palestinian statehood.⁹
- In October, 2006, the Kadima-led government elected in 2006 formed a coalition including the party Yisrael Beiteinu for about 15 months. The party believes that any negotiations with Palestinians over land are “fundamentally flawed,” and that any future Palestinian state should be on the land of modern-day Jordan.¹⁰ The party separated from the Kadima coalition in January, 2008, in protest over Israel’s peace negotiations with the PA.
- The National Union, a rightwing alliance of three political parties in Israel, also advocates the ethnic cleaning of Palestinians by “transferring” the Arab population of Israel and the occupied territories to Arab countries.

While the Likud and other party platforms represent the point of view of a party and not necessarily of the state of Israel, there are some Israeli laws that stand in stark contradiction to some of the core elements of negotiations with the Palestinians. For instance, one of the Basic Laws of Israel is on the status of Jerusalem and states, “1. Jerusalem, *complete and united*, is the capital of Israel.” Given such a clause in a founding law of the state of Israel, Israel’s overtures of peace should be viewed with the same scrutiny as those of the Palestinians.

¹ “Hamas ‘ready to accept phased withdrawal’,” ABC News, Jan. 26, 2004, <http://www.abc.net.au/news/stories/2004/01/26/1031619.htm> accessed Jan. 19, 2009

² “Hamas drops call for destruction of Israel from manifesto,” Chris McGreal, The Guardian, Jan. 12, 2006, <http://www.guardian.co.uk/world/2006/jan/12/israel> accessed Jan. 19, 2006

³ “Hamas official accepts Israel but stops short of recognition,” The Guardian, Jan. 11, 2007,

⁴ Israeli Knesset website, Oslo Accords, http://www.knesset.gov.il/lexicon/eng/oslo_eng.htm, accessed January 10, 2009.

⁵ “Hamas official says group ready for ‘two-state solution’,” US AToday, July 4, 2006

⁶ “Hamas accepts two-state idea, says Carter,” The Guardian, 22 April 2008

⁷ English translation of Likud platform, as provided on the Israeli Knesset Website. http://www.knesset.gov.il/elections/knesset15/elikud_m.htm, accessed Jan. 16, 2009

⁸ “Likud’s vote against statehood has handed its Arab enemies a gift,” The Independent, May 14, 2002

⁹ “Likud: Oslo is dead, but Sharon supports Palestinian state,” Haaretz, 2003

¹⁰ Martin, Patrick, “Anti-Arab sentiment swells among youth in aftermath of Gaza war,” The Globe and Mail, Jan. 26, 2009