

The European Union and the Palestinian Question (1957-2013): soft diplomacy and hard realities

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Introduction

Palestinian memory is replete of events related to Europe (Crusades 1099-1290), Napoleon's expedition in Egypt and Palestine (1798-1799), the establishment of the first European consulates (19th century),European broken promises to Sharif Hussein (1915), the secret Sykes-Picot agreement (1916), Balfour Declaration (1917) ,British Mandate in Palestine (1922-1948),the West-sponsored partition plan of Palestine (1947) and finally the recognition of the State of Israel by most of European countries . To put it in a nutshell, Europe has been "**part and parcel of the Palestinian issue**"¹ since its very beginning.

Since 1948, the main concern of Western countries was to secure the existence and consolidation of the State of Israel, to shield it from its Arab environment. The Palestinian "Nakba" – the forced exile of two thirds of the Palestinian people- was seen as a "collateral damage" and for many Europeans the Palestinian Question became a "**refugee problem**" which has to be dealt with as a "humanitarian issue".

The historical context in Europe and the geopolitical transformation in the Arab World offer some clues to understand European primordial sympathy towards the Zionist movement. The Shoah has produced in Europe an **immense feeling of guilt**: European States and public opinions; in general, felt that they have a "**moral debt**" towards Israel. By contrast, events in the Arab World, in a context of decolonization, were perceived as largely hostile to the West, in general, and to European interests in particular: Egyptian revolution 1952, Nationalisation of the Sues Canal Company (1956), Algerian Liberation war (1956-1962), the destruction of the pro-western Hashemite Kingdom of Iraq (1958), among other dramatic events.

In such a context, **Israel strategic relevance** was bolstered: many Europeans perceived Israel not only as a "safe haven" for the Jews, but also as a "**shield**" against a turbulent anti-western environment and a "**stronghold**" protecting European Interests. The participation of Israel in the tripartite aggression against Egypt in 1956 is clear indication of the role which has to be assumed by the newly-born "Jewish State». This is the general picture on the eve of the Rome Treaty (1957).

This article does not aim to go back to events prior to 1957: these have been thoroughly investigated in my book on "**Europe and Palestine from the Crusades until now**"².The purpose here is to take stock of the gradual transformation of Europe's position with regard to the Palestinians and the Palestinian Question from 1957 to 2013.

I shall argue that Europe's position has moved slowly but surely from **total neglect** of the political dimension of the Palestinian Question (1957-1967), to the recognition of the

¹ Alvaro de VASCONCELOS and Marcin ZOROWSKI :**The Obama Moment : European and American perspectives**, European Union Institute of Security Studies, Paris, 2009, p.178i :

² Bichara KHADER : **l'Europe et la Palestine : des Croisades à nos jours** », l'Harmattan, Paris, 1999. Arabic translation: Markaz Dirasat Al Wihdah Al-Arabiyyah, Beirut, 2000.

“legitimate rights “of the Palestinians (1973), the need for “a homeland “ for the “ **Palestinian People**”(1977), and their right for “**self-determination**”, which should be achieved through negotiations with the “**participation of the PLO** “(Venice Declaration 1980), which implies a “ **Palestinian state**”(Berlin Declaration 1999) ,living side by side with Israel, with “ **Jerusalem as the capital of the future Palestinian State**”(EU’s statement 2009).

Although Israel has repeatedly blamed Europe for its “**megaphone diplomacy**” , and although many researchers highlighted the **expectation-performance gap** in European **declaratory policy** , I argue here that, in spite of its’ inconsistent and incoherent policies (for example : European distinctive voting in the General Assembly of the United Nations on the upgrading of Palestinian status), **EU’s statements have largely contributed not only to bolster Palestinian legitimate claims, but also have been instrumental in the world-wide recognition of Palestinian rights.**

But I shall argue also that by remaining a faithful follower of the US and a junior partner in the Peace Process, by failing to impose non-violent coercion on Israel in spite of its repeated breaches of international law, and by contenting itself with providing financial help to the Palestinians in the absence of a lasting solution, **the EU failed in showing actorness and leadership in the Middle East** and ultimately left the US in the driving seat with the tragic consequences in terms of continued Israeli occupation and colonization which led, as we shall see, to the collapse of all peace plans.

1. The European Community (EC) and the Palestinian Question (1957-1967): total neglect

The Rome Treaty has been signed by the six founding European members in 1957, just one year after the Suez War and in the midst of the Algerian Liberation war. In such a context, Israel was not only seen as an “ ally “ but almost as a member of the European family, bulwark of western democracy, a paragon of courage, a symbol of modernity. Suffice to look at many books ‘titles published during that period. Clearly, European official and popular sympathy was undisputable. The Soviet Union was one of the first countries to recognize *de Jure* the state of Israel³. Germany provided Israel with huge financial support through German “reparations”⁴, France provided it with nuclear technology and military assistance⁵ and other European countries contributed also their share. On the level of the European Community (EC), a first economic agreement with Israel was signed in 1964.

³ See Benjamin PINKUS: **The Soviet Government and the Jews 1948-1967; a documentary study** , Cambridge University Press 1984 *L’URSS sioniste? Moscou et la Palestine 1945-1955*”
Also the article of Dominique VIDAL:” *L’URSS sioniste? Moscou et la Palestine 1945-4955*”, in **Revue d’Etudes Palestiniennes, no.28, Summer 1988, pp.81-103.**

⁴ Shahram CERBIN:(ed.): **Germany abd the Middle East :patterns and prospects**, Westview Press, London, 1987

⁵ Samy COHEN: **De Gaulle, les Gaullistes et Israël**, Alain Moreau , Paris , 1974

The fact that the Palestinians, who were not responsible for the “Holocaust”, had to bear the brunt and to take the rap, was not a matter of concern. The Palestinian Question was either put in the backburner, or considered as a humanitarian issue to be tackled by the United Nations Relief and Works Agency (UNRWA).

But **it is inappropriate to speak at that period of a European Foreign Policy**: it simply did not exist. Foreign policy issues remained the reserve of national states, while the EC was only tasked with furthering economic integration, perceived as a path of consolidating peace after two destructive wars. This lack of coordination came to the fore during the 1967, as some European countries of the EC sided with Israel (Germany, Holland), while others (like France under General de Gaulle)⁶ decided to impose an arms embargo on the belligerents including Israel. After years of French support to Israel, de Gaulle’s policy shift has brought an end to the privileged relation with Israel.

Thus the 1967 war can be considered as a first wake-up call with regard to the Arab-Israeli conflict. European support to Israel started to dwindle. But European recognition of Palestinian plight and right has yet to come.

On the whole during this first period, **the main concern of the EC was to consolidate its internal integration process**. In foreign issues, the US was leading the western bloc and **transatlantic relationship was given primacy** over European external actorness. Moreover, the EC had **no legal competence** to act as a “unit” in foreign policy matters because of the inter-governmental nature of decision-making.

2) The EC and the Palestinian Question 1967-1980: the emergence of an actor

The period has been decisive: it witnessed a **significant up-turn** of European policies towards the Palestinian Question. The period was marked by the establishment of the **European Political Cooperation’** (1970), **the October War** of 1973, the **first Oil crisis** (1973) , **the initiation of the Euro-Arab Dialogue** (1974) and the **gradual transformation of European policies towards the Palestinian Question**.

No doubt that the Arab-Israeli conflict has been a decisive factor in the establishment of the European Political Cooperation. Indeed during the first meeting of the six European foreign ministers, in Munich, in November 1970, the Arab –Israeli conflict ranked among the top priorities. One year later, the Six adopted the **“Schuman Document”** (1971) which called for “Israeli withdrawal from the occupied territories” in return for **“Arab recognition of Israel by Arab States”**, a formulation which strangely resembles the Arab Plan (2002, made public 30

⁶ Claudine RULLEAU : *La Politique arabe de la France de De Gaulle à Valéry Giscard d’Estaing*, Copernic, Paris, 1980

years later. Following this Report, the EC issued, in 1971, its **first official statement** on the Arab-Israeli conflict confirming the approval of “Resolution 242” of the Security Council and calling for a **“just peace in the Middle East”**⁷.

No reference was made in this first statement to the “Palestinian People” as such. At that time, the EC could not go further than the Security Council’s resolution 242 which only affirmed the need for achieving a just settlement of “the refugee problem”.

In 1972, the EC incorporated three new members: Great Britain, Ireland and Denmark, none of them very enthusiastic about a specific role for EC in Foreign Affairs. Great-Britain, in particular, thought that the US should chart the course and lead and that the EC should stay away.

But the October War (6 October 1973), the ensuing first oil crisis and the embargo imposed on Holland (16 October), a close friend of Israel, caught the EC by surprise. Out of a sudden, Europeans discovered the extent of their dependency of energy supplies and, therefore, their vulnerability to events occurring in the Middle East. This triggered a renewed awareness of the urgency to end Israeli occupation, to address the Palestinian Question and to appease Arab opinions.

One month after the October war, the EC met on November 6, 1973 to discuss the situation of the Middle East. **For the first time, in an official document, the term “Palestinians” was explicitly used as “party to the conflict”, and their “legitimate rights” recognized, through a “just and lasting peace”.**

This statement is a major watershed in EC’s Middle East policy, indicating a more balanced European position. As expected, the Arab applauded this policy shift while Israeli reaction was harsh and sharp describing the statement as non –productive and ill-timed and calling on EC not to meddle in Middle Eastern Affairs.

Although European calls for Israeli withdrawal from the Occupied Territories are prior to the Oil crisis, there is no doubt that the oil crisis and the embargo on some European countries have served as additional catalysts for a greater European involvement in the Arab Israeli conflict , mainly through the Arab dialogue.

The initiative to launch a **Euro-Arab Dialogue (EAD)**⁸came from the Arab side. Although Arab oil embargo on the US and Holland was met with public outcry, the Arabs , far from willing to hurting European Economy on which they largely depend, wanted to show the urgency to solve the protracted Arab-Israeli conflict which divert their attention from more pressing needs, exhaust their financial resources, and hinder their development. These motivations are

⁷ Anders PERSSONS :**Legitimizing a Just Peace : EU’s promotion of the parameters of Just Peace in the Middle East**,JAD-PbP Paper, Lund University, no.9,November 2010,p.8

⁸ See Bichara KHADER : » The Euro-Arab Dialogue » , in **Arab Affairs**, Spring, 1993, no.1, vol 13, pp.4-40
- John TAYLOR: “ The Euro-Arab Dialogue: Quest for an interregional partnership”, in **Middle East journal**, vol 32, no.4, autumn 1978.

-Ahmad S. DAJJANI: Euro-Arab Dialogue: an Arab point of view (Arabic), Cairo, Anglo- Egyptian Library, 1976, 260 p.

implicit in the Arab **“Declaration to Western Europe”** issued during the Arab Summit of Algiers on November 28, 1973, and meant to reach out to Europe, in a gesture of good will.

The Algiers summit mandated 4 Arab ministers to make the offer of “dialogue” to the European Summit which took place in Copenhagen on December 10-14, 1973. The Arab objective was to ensure European support for a just solution of the Arab –Israeli conflict, a condition *sine qua non* for lasting stability in the region and greater security for Europe itself.

The EC welcomed the Arab offer. Many European interests were at stake: security of energy supplies, access to large consumer markets, money recycling in European economies, all of which require a more cooperative approach. The resolution of the Arab-Israeli conflict imposed itself as a top priority. It is therefore totally erroneous to believe that the Arabs used the leverage of “oil” to highjack the dialogue by transforming it in an **“arena for debating the Palestinian Question”**. The Europeans recognized the “legitimate rights” of the Palestinians in November 1973 prior to the Euro-Arab Dialogue, but it is true that this dialogue contributed to articulate a substantive European position.

Indeed, from 1974 to 1980, European language became more explicit and precise and the EC, itself, became more assertive and more autonomous, taking even the risk of alienating the US⁹. In its November 1976 statement, the EC mentioned the **“Palestinians and their legitimate rights”**, thus going further than the Security Council’s Resolution 242 which referred only to the “refugee problem”.

In February 1977, in the final communiqué of the 2nd meeting of the General Commission of the Euro-Arab Dialogue, the EC declared its **“opposition to the policy of establishing colonies and to any attempt at unilaterally modifying the status of Jerusalem”**. In June 1977, in the London European Council, the Nine EC members called for **“homeland” for the “Palestinian People”** which should **participate in in the negotiations** in **“an appropriate manner”**.

Sadat’s spectacular visit to Jerusalem, in November 1977, broke all existing taboos and was hailed by western media as a major breakthrough. By contrast, the EC was taken off-guard and embarrassed. On the one hand, it was not displeased with Sadat’s gesture. But on the other, it did not want to be seen as blessing an initiative almost unanimously condemned in the Arab World. The wording of its reaction to the visit, during the EC summit (November 21-23, 1977) reflected its embarrassment. On the one hand, it greeted the **“courageous initiative”** of President Sadat, but on the other, it called for a **“global settlement”** which takes into consideration **“the rights and preoccupations of all parties”**.

In the General Assembly of the United Nations (December 1978), without withdrawing its support to Camp David Agreement, the EC re-affirmed that the **“Palestinians Problem”** is **crucial** to the conflict and that **“it is increasingly linked to the overall solution of the conflict in the Middle East**. This insistence on a **“comprehensive settlement”** is reiterated in the Paris Declaration of March 26, 1979.

⁹ E.AOUN: “European foreign policy in the Arab-Israeli dispute : much ado for nothing ? », in **European Foreign Affairs journal** n 2003, vol.8, (3)

But until 1979, the EC cautiously avoided mentioning the PLO (Palestine Liberation Organisation) as sole representative of the Palestinian People. This taboo was lifted in the **Venice Declaration of June 1980, probably the major shift in EC policy with regard to the Palestinian Question.** This seminal Declaration builds on previous statements but adds, for the first time, the mention of PLO **“which should be included in the negotiations”**.

Again, EC statement infuriated the state of Israel. In a statement in the Knesset, June 19, 1980, Shamir condemned what he called **EC’s “one-sidedness”**, objected to the mention of PLO, according to him, **“an organisation of murderers”** and saw no need for a Palestinian state since **there is already a Palestinian state, in “Jordan”**.

3) The EC and the Palestinian Question (1980-1990): the eclipse of the European actor

During the previous decade, EC’s position underwent a remarkable incremental development recognizing that the Palestinian problem is not only a refugee problem, that the Palestinians people has legitimate rights to self-determination, and a **“homeland”**, that the Palestinian problem is **“crucial”** in the conflict, that the settlements are illegal, and that the PLO should **“participate in any negotiations”**. Although the EC did not mention the PLO as **“sole representative”** of the Palestinian People, clearly the decade was a **“Palestinian moment”**. No wonder if Time Magazine ran a six-page story with the title **“The Palestinians: key to Middle East Peace”**¹⁰.

But the next decade will be a decade a bitter harvest: The USA put an end to EC’s unilateralism and Israel garnered enough support from the USA to invade Lebanon and uproot the PLO forcing it into exile. The regional convulsion and the transformation of the international system contributed to the success of American and Israeli strategies.

When the Venice Declaration was issued, the Middle East was already immersed in turmoil and havoc. Egypt has been castigated for its unilateral Peace Treaty with Israel and isolated in the Arab Regional System. Lebanon civil war was raging. The Iran-Iraq war polarized even further the Arab States. Time was ripe for Israel to act against PLO, in order to nullify its diplomatic gains. Already after the Venice Declaration, Israel issued the following warning: **“Nothing will remain of the Venice Declaration but its bitter memory. The Resolution calls upon us and other nations to include in the Peace Process, the Arab S.S. known as the PLO”**¹¹.

The threat was explicit but Israel was waiting for a propitious moment. The war of Lebanon offered Israel a golden opportunity: In the beginning of the 80’s, the Arab system was in total disarray, with Lebanon and Iraq plunging into chaos and Egypt totally neutralized. The

¹⁰ Anders PERSSONS: op.cit. p.11

¹¹ The Israeli Cabinet Statement on the Venice Declaration , june 15,1980

invasion of Lebanon by the Israeli army in 1982 was a clear intent to destroy the PLO and its political and military infrastructure.

On the global scene, the international system was slipping back into acrimonious bickering, mainly after Reagan's victory. The revival of the Cold War after years of "détente" spurred new tensions with the Soviet Union and, indirectly, reduced EC's external autonomy and its space of manoeuvre. The election of Margaret Thatcher in Great Britain (1979) and François Mitterrand (1981) in France dealt a fatal blow to EC's attempt to adopt an alternative policy to that of the USA. Michel Jobert, French Foreign Minister during the Giscard d'Estaing presidency, used to recall the threat of Kissinger of "**killing the Euro-Arab dialogue in the nib**".

Obviously, the winds of change, whether regionally or internationally, were blowing in favour of Israel. Just one year after the Venice Declaration, on the first of June 1981, Naïm Khader, first PLO representative in Belgium and the kingpin of the Euro-Arab dialogue, is assassinated. On the 7th of June, Israel bombed the Iraqi Nuclear Reactor of Tammouz. Later on, in December 1981, it announced the annexation of the Golan Heights. In July 1982 it raided Lebanon and its capital, Beirut, forced Arafat to leave the country and occupied South Lebanon. Israel was taking its revenge and unilaterally imposing its policies shouldered by a complacent, or even complicit, American policy.

The EC witnessed the events with concern but it was voiceless. Margaret Thatcher sided with the US and refused any European initiative which would be at odds with the US. While François Mitterrand engaged in solitary manoeuvres clipping the wings of the nascent European Political Cooperation. During his visit to Israel, Claude Cheysson, ex-European Commissioner and French Foreign Minister, rejected any European initiative in the Middle East. Few days later, during his visit to Cairo (January 1982) and to the Gulf States (February 1982) he did not hesitate to state bluntly: "**The Venice Declaration belongs to the past. From now on, we speak about a "Palestinian state"**"¹². Undoubtedly, France was seeking to carve out a specific role for itself, eclipsing European Common Policy.

Against this background, Mitterrand's first visit to the Middle East was to Israel (3-5 March 1982). In his speech, he avoided to criticize Israeli policies in the occupied territories or to condemn the recent annexation of the Golan Heights. But he did not reject the idea of a "**Palestinian State**", but "**in due course**" (le moment venu).

Overtaken by a pro-active French diplomacy, the European Council sent Mr. Tindemans for a fact-finding mission (May-June 1982). His report constituted a major shift of EC's policy by calling the Europeans to give full support to Camp David Agreement which is "**the most appropriate formula to solve the question**".

But on 6 June 1982, Israel invaded Lebanon. Naturally the EC condemned the Israel invasion and brandished the possibility of sanctions (Bonne Declaration 9 June 1982) and some days later, the EC enjoined Israel to answer **10 European requests** asking Israel, among other

¹² Le Monde, 5 January 1982.

things, , “to respect Geneva Conventions , not to harbour “ *offensive intentions*” and to “ *observe the cease-fire*” The response of Israel was blunt and negative. Yet in its Brussels Declaration (29 June 1982), no sanctions were imposed or even envisaged.

By the end of 1982, one gets the impression that the EC has lost its margin of manoeuvre and is rudderless. The Arabs were criticizing its policy because it did not go too far in punishing Israel for its illegal practices. The Israelis were convinced that the Europeans were turning their back to them and the Americans were furious at Europe’s quest of autonomy.

The EC found itself in an uncomfortable position. With such fierce opposition on the part of Israel and the US, the EC’s external autonomy has been severely constrained. While its internal consensus has been adversely affected by Member states which were either reluctant to antagonize the US (like Great Britain) and alienate Israel (Holland and Germany) or were opposed to the Europeanization of Foreign Policy issues (like France).

No wonder therefore if some European countries tried to bypass the EC and to launch their proper initiatives. This was the case with the announcement of the **French-Egyptian initiative**, (July 1982). In order to pre-empt this initiative, President Reagan came up with his vision to solve the Arab-Israeli conflict .On 1 September 1982, he gave his first major speech on the conflict. He said that **the US would oppose both Israeli annexation of the West Bank and Gaza and an independent Palestinian State. The US preference, he said, was some sort of association between the West Bank, Gaza and Jordan**¹³.

This abrupt return to the Jordanian opinion **was a clear departure from international law, EU’s Venice Declaration and Arab positions on the conflict**. Indeed, this Jordanian option was implicitly rejected, few days later, by the Arab Summit in its meeting in the Moroccan city of Fez (8-9 September 1982). The Arab Fez Plan reconfirmed the PLO, as sole and legitimate representative of the Palestinian People, called for an independent Palestinian State and included an implicit recognition of the right of Israel to exist (article 7).

President Reagan Plan was clearly intending to wreck the Franco-Egyptian initiative, to frustrate previous European commitments and to take the lead .Yet in a reaction to the massacre of Sabra and Chatila, on 20 September 1982, in which the EC expressed its “shock” after the massacre of innocent Palestinians and asked the Israeli forces to withdraw from West Beirut, the EC surprisingly greeted “**the New American initiative**” which offers an opportunity ‘**to peacefully resolve the Palestinian Question**». For sure, President Reagan hammered the final nail into the coffin of EC’s independence and forced it back to the fold.

Between 1983 and 1986, the EC became the European Union and was burdened with internal transformation related to the **Single Market** and to the third enlargement to **Spain and Portugal** (1986) two countries known to have strong linkages with the Arab World.

In the Middle East, Israel was tightening its grip on the Occupied Territories. Settlements were mushrooming everywhere in Gaza Strip, in the West Bank and in the Golan Heights. It is in this

¹³ See William QUANDT: **Peace Process : American diplomacy in the Arab Israeli conflict since 1967**, University of California, Berkeley, 3rd edition, 2005, pp.255-256

context that the EU adopted a rule (3363/86) concerning the tariff regime applicable to the occupied territories. Almost unnoticed by many researchers, **the move had a political significance** in the sense that the EU considered the Occupied Territories as distinct territorial unit. Israel understood the message and did its utmost to hinder the exports of Palestinians agricultural products to European markets, triggering a threat of the European Parliament not to approve three cooperation protocols signed with Israel.

The First Palestinian Intifada produced a major impact on European opinions and policy-makers. I may venture to say that the public opinion shift towards the conflict started with the Intifada. Yasser Arafat, who, until then, was snubbed by Europe, was invited by the Italian government (3-4 November 1988), just few days before the Declaration of Independence of Palestine (Algiers 12-15 November 1988).

The reaction of the EU to this Declaration of Independence was well-worded and balanced (Declaration of 21 November 1988). ***“The decision of the Palestinians, reads the Declaration,“ reflects the will of the Palestinian people to affirm its national identity”***.

The exiled PLO was rehabilitated to the great displeasure of Israel. The USA announced that it is starting a **“meaningful dialogue with PLO”**. Again, Chairman Arafat is invited in Madrid (January 1989) and in Paris (2-4 May 1989) where he multiplied gestures of “Good will”. In return, the EU considered, in the Madrid Declaration (June 1989) that ***“ the PLO must not only be associated to the peace process but to fully take part in it”***. This development will be followed by a row with Israel concerning the closure of Palestinian Universities and education centers, prompting the decision of the EU to provide aid to Palestinian educational institutions.

However, the end of 1989 was fraught with dramatic changes in Europe itself. The fall of the Berlin Wall (1989), paved the way for the German Re-unification concluded on 3 October 1990 and ushered in a new era. With the collapse of the bi-polar system, the implosion of the Soviet Union and the re-unification of Germany, the geopolitical configuration of the EU was suddenly transformed and the internal dual-pillar system (France-Germany) crumbled.

As France felt that it was losing weight and influence in Europe itself to the great advantage of Germany, **François Mitterrand convened the Euro-Arab Ministerial Conference of Paris** (22 December 1989) in order to counter-balance the newly acquired German role in Eastern and Central Europe. After years of hibernation, the Euro-Arab dialogue was resuscitated but, unfortunately, it short-lived, this time, killed in the bud by the adventurous and insensate invasion of Kuwait by the Iraqi army (2 August 1990). The West started preparing its response.

4) The EU and the Peace Process (1990-2013): Coming out of the cold

As shown in the previous pages, after a relatively pro-active and autonomous external policy in the 70's culminating in the Venice Declaration, the 80's witnessed an erosion of both

European external autonomy and internal consensus. The reactivation of the euro-Atlantic ties, during the Reagan –Thatcher era, has trimmed the EU’s external autonomy while the prevalence of national policies over European consensus has diminished the clout and the appeal of the EU. To these factors, one can add the insufficient institutionalization of the EU in terms of Foreign policy decision-making, thus weakening the EU’s capability to act autonomously, to take legitimate decisions on behalf of its members, to identify priorities and to formulate consistent policies¹⁴.

From 1990 until 2010, in spite of the Lisbon Treaty and the creation of the EU External Service, the EU did not seem to have achieved sufficient external autonomy or institutional capability, allowing it to act as a global player with significant impact on the development of the Arab-Israeli conflict. Ultimately, the EU remained, a “second fiddle”, a junior partner to the USA, simply complementing US role in the region.

a) The Way to Madrid Conference (October 1991)

The invasion of Kuwait (2 August 1990) took the international community off guard. As of 8 August, the US announced that they are sending troops to Saudi Arabia. Great Britain followed suit. France stucked to a more cautious position declaring that *“it wishes that the problem is solved within the Arab Community”*¹⁵. The EU condemned the invasion and on August 4, 1990, it imposed an embargo on Iraq. Further decisions were left to the appreciation of each member state.

Few days after the invasion, it became clear that the US was preparing a military retaliation. **“Desert Storm”** was launched (January 1991). Iraqi military and industrial infrastructure was severely hit and the Iraqi army kicked out of Kuwait.

This is not the place here to cast blame on any party or to dissert on whether there was an alternative policy to be adopted. But the fact remains that such an American-led coalition of 28 states would have been impossible to gather if Kuwait was not an important oil-producing country and if it was not located in a region of great geopolitical and geo-economic relevance to Western interests.

That’s why the Western military reaction to Iraqi invasion triggered among many Arabs a simple question: **Why Kuwait and not Palestine?** The question was so ubiquitous and obsessional that, with the exception of Kuwait and other Gulf States, who were understandably grateful for the US, popular anti-Americanism has skyrocketed and reached unprecedented peak¹⁶. It was not out of sympathy for Saddam Hussein or antipathy for

¹⁴ See C. BRETTERTON and J. VOGLER : **The European Union as a global actor** , New York, routledge, 2006
Also C. HILL :” The capability-expectations gap on conceptualizing Europe’s international role”, in **Journal of Common Market Studies**, vol.31, no.4,pp.305-328

¹⁵ Bichara KHADER : **L’Europe et la Palestine** : op.cit.pp.288-297

¹⁶ Bichara KHADER : **Le Monde Arabe expliqué à l’Europe**, l’Harmattan, Paris,2009, pp.315-335

Kuwait, a country which employed more than 300.000 Palestinians: **it was simply a popular reaction against the incoherent and double-standard western policies**

Gulf war was an exhibition of American projection of power. By contrast, Gulf War revealed the inherent European military weakness and lack of unity of purpose. But anti-Western sentiment in the Arab World was directed at both the US and the EU.

Some initiative had to be taken, on the Arab-Israeli conflict, in order to appease the Arab world. In the absence of any EU initiative, president bush addressed the American congress, 6 march 1991, declaring that he shall convene an international conference on the Arab-Israeli conflict in order to reach a comprehensive peace **"grounded in United Nations Security Council resolutions 242 and 338 and the principle of territory for peace. "the time has come to put an end to Arab-Israeli conflict"**, he added.

Indeed, the Conference took place in Madrid (30 October 1991) formally under the dual sponsorship of the US and Russia (which established diplomatic relations with Israel just few days before the Conference, 18 October 1991).The Conference was not organized under the umbrella of the United Nations, the PLO has not been associated, the Palestinians could not have a separate delegation, and Palestinian residents of Jerusalem were barred from taking part at the request of Israel. The bias was clear from the very start.

The EU participated as any other delegation and has been tasked with chairing one the working groups related to economic cooperation (REDWG). While the negotiations' rounds took place in Washington, the EU was expected to pay the bill in terms of financial assistance to the Palestinians.

b) The EU in the Peace Process (PP)

In the beginning of the 1990s', the EU's institutional structure underwent significant changes: a common Foreign and Security Policy was set up in 1992 increasing EU's legal competence. Later on, in 1997, after the signing of the Amsterdam Treaty, a "Policy Planning Unit and Early Warning" was established and the decision-making process was simplified with the introduction of the qualified majority voting. In 1999; an EU External Service was put in place, run by a High Representative. These changes were meant to enhance the political efficiency and increase European visibility on the international scene. The first High Representative, Javier Solana and the second, Catherine Ashton, acted as "EU foreign ministers" endowing the EU with higher profile.

Although EU's political role in the Peace Process has been limited, EU took seriously its commitments to contribute to "Economic cooperation", as gavel-holder of the Economic Development Working Group and as co-chair (with Norway) of the Ad Hoc Liaison Committee for Assistance to the Palestinians.

Immediately after the launching of the Peace Negotiations, the EU published two communications:

- EU support to the Middle East Peace Process

- The future of relations and cooperation between the European Community and the Middle East

The aim was to promote regional cooperation projects and to provide financial assistance to the Palestinian People. And indeed, many feasibility studies on regional cooperation projects have been financed, but for lack of progress in the negotiations, there remained in the drawers of the Commission. But EU financial assistance to the Palestinians has been regular and consistent. Clearly the EU became the paymaster of the Peace Process, committing almost 3.3 billion euros from 1994 until 2009 and an estimated 5 billion for the whole period 1994-2013 including EU member states' contribution to UNRWA).

No doubt that such a significant amount of money has contributed to lessen the sufferings of the Palestinians, avert a total collapse of the Palestinian Authority, helped building some important infrastructure and fostered ONG's activities. Yet, it is widely believed, in the research community, that this aid ***"shouldered the cost of occupation and containment of violence in the absence of conflict resolution"***¹⁷.

While there is some truth in this assertion, it is also true that **the EU contributed significantly to enhance the legitimacy of the Palestinian Authority** by inviting it to take part, as distinct partner, in all its Mediterranean policies (Euro-Mediterranean Partnership 1995, European Neighbourhood Policy 2004, Union for the Mediterranean 2008), and by signing with the PLO (acting on behalf of the Palestinian Authority) an Association Agreement (1997) ¹⁸and an Action Plan (May 2005).

But Israel also benefitted from EU economic cooperation. An association agreement was signed on 20 November 1995 and since then Israel has remained an important trading partner for the EU which accounts for 35% of Israeli exports and 50 % of Israeli imports. But relations have not been always smooth. Indeed, a commercial row has tensed EU-Israel relations when the Commission published in 1998 a Communication on the rules of origin¹⁹. In the Communication, the Commission made it clear that products emanating from the settlements established in the Occupied Territories cannot benefit from the preferential treatment of Israel's exports. Obviously, Israel circumvented the EU request in the last 15 years leading the EU to raise the issue again in 2013.

On the diplomatic front, and in order to foster its external recognition, the EU nominated its **first Special envoy to the Middle East** in 1996 within the framework of Common Foreign and

¹⁷ R.HOLLIS : » *The basic stakes and strategies of the EU and member states* » in Ezra Bulut Aymat: **European involvement in the Arab-Israeli conflict**, Chaillot Papers, no.121, Institute of Security Studies, Paris, 2010,p.39

¹⁸ See Erwan LANNON : » L'accord d'association intérimaire entre la Communie Européenne et l'OLP : institutionnalisation progressive des relations euro-palestiniennes », **Revue des Affaires Européennes, Law and European Affairs**, no.2, 1997, pp.160-190

¹⁹ Communication of the Commission : **Implementation of the interim agreement on trade and trade-related matters between the European Community and Israel** ;SEC 1998, 695 (final)

Security Policy (CFSP). But it was a time in which the dynamics of peace was running out. The first envoy was Miguel Angel Moratinos and the second was Marc Otte, both of them distinguished diplomats of Spain and Belgium, and ex-ambassadors to Israel. Their mandate was to establish contacts with the different parties, to advise, to assist and to contribute to the implementation of the agreements. Although constrained by the very limitations of EU's capabilities in terms of foreign policy decision-making, their contribution has been deemed positive (Hebron Accord , January 1997 & the drafting of the Code of Conduct, April 1997 etc.).

But rapidly, the Peace Process started to stumble. While the Palestinians were negotiating with their Israeli counterpart, **Israeli settlements in the Occupied Territories were mushrooming**. The Oslo agreement fragmented the territories in A,B,C areas of which Israel controlled the larger part leaving under Palestinian authority a tiny but most populated piece of land. On the Palestinian side, those who refused what they dubbed as the "Oslo capitulation», did not hesitate to engage in **suicide attacks** in retaliation for Israeli repression and violence, thus contributing to the stalemate in the whole process.

The Why Plantation negotiations (21-23 October 1998) led to the signature or the Why River Memorandum (23 October 1998). Although Ambassador Moratinos was present; it became clear that the EU had almost no say in the development of the negotiation. As a matter of fact, even before the Why Plantation negotiations, the European Parliament regretted in a Resolution (13 March 1998) that "**the EU has not been associated in any significant discussion**".

The Interim period of the Oslo Accord came to an end by 1999. A Palestinian State should have been declared and the EU could have pushed in that direction. In reality, the EU pressured Yasser Arafat not to act unilaterally, but promised in the Berlin Declaration (26 March 1999) that it will consider "the **recognition of a Palestinian State in due course**". In spite of the watered-down wording of the Declaration, Israeli reaction was, as usual harsh. In an official communiqué, the Prime Minister regretted that Europe "**where a third part of the Jewish People has perished... imposes a solution that puts in jeopardy the Jewish state**".

c) EU and the derailment of the Peace Process (2000-2002)

Ehud Barak was elected Israel's Prime Minister in 1999 and promised to withdraw from Lebanon and to make peace with the Palestinians. But when he went to Camp David (July 2000) for another round of Israeli-Palestinian negotiations, he had already lost his government majority. Probably President Clinton wanted to boost his fortunes but to no avail: Camp David negotiations failed, the Second Intifada erupted in October 2000. In January 2001, Egypt engaged in a last attempt to salvage the Peace process and organized the Taba Talks (January 2001). An overall agreement was almost achieved (see **Moratinos Document**) but the Likud won the elections in Israel (February 2001) and with the nomination of Ariel Sharon as prime minister, the whole peace process collapsed, and tensions between the Israeli government and the Palestinian Authority put the whole Oslo mechanism at risk.

The EU reacted in several occasions, expressing its preoccupation and calling both parties to show leadership and sense of purpose. It offered its mediation to ease tensions. Individual European States, among them Germany (June 2001) stepped in and engaged in shuttle diplomacy.

The terrorist attacks of 11 September 2001 took the US off guard. These “**evil and despicable acts of terror**”, as President Bush described them, triggered the so-called ‘**war on terror**’ whose first chapter was the invasion of “Afghanistan”.

The “war on terror” was a great boon for Israel and a great bane for the Palestinians. Shrewdly enough, Sharon described Yasser Arafat as his “Ben Laden” in order to delegitimize the Palestinian Authority. President Bush followed suit and just ignored the Chairman of the Palestinian Authority. Such a position put the United States at odds with the European Union and the entire Arab World. But the EU was not in a position to overtly antagonize the United States. By contrast, the Arab States held their summit in Beirut (27 March 2002) and launched their own initiative proposing to Israel a “**Full normalisation of relations**” in exchange for “**full withdrawal from the Occupied Territories**”. It is something of which no Israeli could have ever dreamed of.

Yet the response of Sharon came two days later: on 29 March 2002, he just sent his army to re-occupy the Palestinian territories, to the dismay of the EU and the whole world. In retaliation, suicide attacks were launched by certain radical Palestinian groups, adding fuel to the fire and giving further justification for Sharon to tighten his grip on the Palestinian territories. Many EU-funded facilities and infrastructure were destroyed including the airport of Gaza, just inaugurated on 24 November 1998. Arafat himself was militarily confined in his semi-destroyed Muqataah in Ramallah. The West and the EU in particular, witnessed this humiliation imposed on Arafat but did nothing, or did not succeed to set him free. Palestinian memory will recall, for generations to come, how the West showed such complacency in its relations with Israel.

Concomitantly, Israel blocked the transfer of customs duties and taxes which it collects on behalf of the Palestinian Authority. The EU started immediately **direct budgetary support**. On June 2006, a **Temporary International Mechanism (TIM)** was established by the European Commission at the request of the Quartet to facilitate need-based assistance to the Palestinian People: a total of 107, 5 million Euros were disbursed in 2006 alone through the new mechanism. TIM was phased out in 2008 and replaced by **PEGASE (Mécánisme Palestino-Européen de Gestion et d’Aide Socio-Economique)** in support of the three year Palestinian Reform and Development Plan.

d) EU and the Quartet (2002-2005)

By the end of 2002, the Peace Process has been totally derailed. The EU came to realize that the situation has gone off control, and that the International community should put the Peace Process back on track. The Quartet is therefore established (in March 2002), A Road Map calling for a **two-state solution** is officially proclaimed (16 June 2002). As Daniel Möckli

underlines: «**The Road Map endorsed many European positions**»²⁰, as the EU and some Member States contributed in its drafting. Some days after, President Bush, defended the idea of an “**independent Palestinian state**” (Speech of 24 June 2002), three years after the EU spoke about the “Palestinian State” in the Berlin Declaration (1999).

In the meantime, the US, already bogged down in Afghanistan, was preparing for the invasion of Iraq (March 2003). The invasion split the Europeans in two camps, but, curiously enough, it did not undermine the European Common Foreign and Security policy. The Quartet weathered the storm. On 30 April 2003, the final version of the Road Map was released, just one month after the invasion of Iraq and few days after the appointment of the first-ever Prime Minister, Mahmoud Abbas (19 March 2003). In November, 2003, the Security Council of the United Nations endorsed, at its turn, the Road Map of the Quartet. **The EU is implicitly recognized as a “political actor” and an “equal partner”,** not only the “banker “of the Peace Process. But, on the whole, the Quartet remained **an American affair**. It is no coincidence that Tony Blair, the US faithful ally during the US invasion of Iraq, was chosen as Special Envoy to the Quartet.

Thus in spite of Israeli- re-occupation of Palestinian Territories and the invasion of Iraq, the Palestinian Question was not put on the backburner. But the terrorist attacks, which hit Spain (March 2004) and Great Britain (July 2005) “**influenced the public mood**” ... as Rosemary Hollis aptly observes, some Europeans argued that “**the resolution of the Arab-Israeli conflict would help combat the phenomenon of Islamist radicalisation**”, while others maintained that “**the plight of the Palestinians is only an excuse for anti-western violence and home-grown terrorism**”²¹.

Whatever the interpretation, it became clear in many European circles that the Palestinian Question remains the “**mother of all humiliations**” in the Arab World, fuelling resentment, rage and anti-western sentiment. That’s why the EU, against all odds, tried to keep the Palestinian Question alive, and the Palestinian Authority afloat. But for the Americans and the Israelis Arafat became a cumbersome roadblock, and “**obstacle to peace**”. That’s why the cause of his death in a Parisian hospital (November 2004) remains object of constant speculation.

After the passing of Arafat, Mahmoud Abbas replaced him at the head of the PLO and the Palestinian Authority totally “rehabilitated” in the eyes of the West. While Arafat was snubbed by President Bush, Mahmoud Abbas is invited to the US on 26 May 2005, and in a joint press conference President Bush defended the idea of “a **viable two-state-solution**” which “**ensures contiguity of the West Bank**” and a “**meaningful linkages between the West Bank and Gaza**”, thus embracing EU’s long-standing position on the Palestinian Question.

Is there a linkage between this new American vision and the Israeli withdrawal from Gaza Strip? Certainly not. Sharon had announced the “disengagement plan” in December 2003,

²⁰ Daniel MOCKLI: “The Middle East conflict, transatlantic ties and the Quartet”, in Ezra BULUT-AYMAT : op.cit p.67

²¹ Rosemary HOLLIS : quoted article, p.36

which was endorsed by the Israeli cabinet on 6 June 2004 before enacting it in August 2005. Contrary to those who naively believed that this disengagement was a good omen for the future as a “first step” in total Israeli withdrawal from the Occupied Territories, it is obvious that the move was simply meant to increase Israeli security, and to relieve pressure on the Israeli Defence forces. In reality, the 8000 Jewish settlers in Gaza were removed and the majority relocated in the occupied West Bank. Gaza itself remained besieged. Only the crossing of Rafah remained under the Palestinian Authority’s control.

This instigated the EU to establish **the Border Assistance Mission for the Rafah Crossing Point (EUBAM)**²² to assist the Palestinian in the facilitation of passage of people and to ensure the proper functioning of the crossing. After Hamas takeover of Gaza in 2007, EUBAM has been suspended.

But the EU took another initiative, late 2005. It deployed a **European Union Policy Mission for the Palestinian Territories (EUPAL COPPS)** with the aim of training advising, and equipping Palestinian civil police.

Officially, the motivation which prompted the EU to contribute in the building of the Palestinian Police was to assist the Palestinians in fulfilling their obligations under the 2003 Road Map, especially “restoring order” and “fighting terrorism”²³.

The mission started in 2006 and coincided almost with Hamas victory in the Palestinian elections. The mission was halted until the appointment by Mahmoud Abbas of an “emergency government” in 2007. Since then, It was reactivated but the mission was restricted to the West Bank.

Obviously, the building of an efficient Palestinian civil force is in the Palestinian interest. What is more problematic is that indirectly the EU gave its backing to increased security cooperation between Palestinian security forces and their Israeli counterparts, something which was interpreted by many Palestinians as an attempt to boost the “normalisation between Israel and the Palestinians” for the sake of Israeli security interests. After all, if the Palestinians are requested to meet their obligations (restoring order and renouncing violence), what about Israel’s obligations? This unequal treatment questions the whole western approach to the Peace Process.

e) The EU and Palestinian Elections (January 2006) : a European major pitfall

The resounding victory of Hamas in the 2006 Palestinian Legislative elections dealt a major blow not only to Fatah, but also to the Western supporters of the incumbent Palestinian

²² See Esra BULUT ;” *The EU Border Assistance Mission at the Rafah Border Crossing Point (EUBAM)*”, in Giovanni GREVI , Damien HELLY and Daniel KEOHANE: **European Security and Defence Policy: the first 10 years (1999-2009)**, European Union Institute for security studies, Paris, 2009,pp.299-309

²³ See Muriel ASSEBURG:” The ESDP Missions in Palestinian Territories (EUPAL COPPS, EUBAM Rafah” , in Muriel ASSEBURG and Ronja KEMPIN (eds): **The EU as a strategic actor in the realm of security and defence, SWP Research Paper, Berlin,December 2000,pp.84-99**

Authority. Although considered free and transparent by Western observers, the EU, in total contradiction with its proclaimed principles, reform agenda and Democracy promotion²⁴, sided with the US and Israel to impose on Hamas unprecedented conditions : it must recognise the existence of Israel, renounce violence and accept past agreements , including the OSLO agreement. Never before, were similar conditions imposed on any Israeli Government.

But, at the same time, the EU decided, on 18 June 2007, to support the Palestinian President's decision to set up "an emergency government" with no legal base which amounted to further isolating Hamas.

By boycotting Hamas and isolating it, the EU contributed to the intra-Palestinian rift, ignored an important political and social force, radicalized further the Islamist organisation, closed a necessary channel of communication with it, and, finally, eroded EU's capacity to use its leverage and influence.

These developments spurred Saudi Arabia to step in and mediate between Hamas and Fatah. An agreement has been reached in Mecca (8 February 2007) for a national unity government. The US and Israel rejected the agreement. The EU followed suit in spite of endeavouring to convince the US that such rejection would amount to a "missed opportunity" to reconcile the Palestinians, to defuse tension, and to put an end to the unacceptable blockade of Gaza. By totally embracing Israeli and American views on Hamas, **the EU's stance on Hamas marked a shift away of its traditional inclusive approach to the Arab-Israeli conflict and eroded Europe's credentials as "democracy promoter"**.

The pain inflicted on Hamas was not compensated by any significant gain for the Palestinian Authority in terms of advancing the peace agenda. On the contrary, not only Israel tightened its grip on the occupied territories with creeping colonisation, but Hamas took control of Gaza in retaliation of what it considered as " **an electoral hold-up'**, and ejected Fatah from the Strip. Paradoxically, **although they don't have an independent state, the Palestinians, since 2007, have two governments in Gaza and Ramallah.**

Soon after Hamas takeover of Gaza, 10 Ministers of Foreign Affairs of Mediterranean Member States wrote a letter to Tony Blair, the newly appointed Special Envoy to the Middle East Quartet. In this letter, the EU ministers affirmed that the Hamas takeover could "paradoxically" be good news as it showed the "**extent of the crisis in Palestine**". The ministers went on to praise Mahmoud Abbas moderation: "**through his determination in favour of peace and dialogue, to courageously combat terrorism, the President of the Palestinian Authority is "an invitation for optimism"**"²⁵

²⁴ Bichara KHADER : « The European Union and the Arab World from the Rome Treaty to the Arab Spring », IEMED –**Euromesco Papers**, no.17, March 2013
A shortened Arabic version has been presented to Doha Institute's conference on the Arab Spring, December 2012.

²⁵ Le Monde , 10 July 2007

Few months later, in December 2008, Israel launched its deadly assault (Cast Lead) on the over-populated Gaza Strip, “in retaliation “, to Hamas rockets on Israeli towns. The assault of Gaza resulted in the death of 1300 (against 11 Israelis killed or injured by rockets fired from Gaza), and the destruction of many facilities funded by the EU or its Member States²⁶.

The Israeli assault lasted almost one month. It was brought to end on the eve of Obama’s taking office in Washington. **The EU did almost nothing** to halt the hostilities in spite of popular outcry. Verbal condemnations were, as usual, carved out with big care asking for “restrain” and “proportionate response”. **The EU did not demand compensation** for the destruction of EU-funded infrastructure, although some courageous Europeans parliamentarians required such a demand. Such a shy position not only did not contribute to alter Israeli behaviour, which restlessly, turned a blind eye to EU statements, but also contradicted the very projection of the EU as a “**normative power**” and a “**force for good**”.

f) The EU and the Obama Presidency (2009)

With the election of President Obama, transatlantic convergence over the Arab-Israeli conflict has “**reached an all-time high point**”²⁷. In his speech in Cairo (4 June 2009), Obama almost embraced EU position on the Palestinian Question. This excerpt from his speech is particularly eloquent in this regard: “***It is undeniable that the Palestinian People –Muslims and Christians- have suffered in pursuit of a homeland for more than sixty years. They have endured the pain of dislocation. Many wait in refugee camps. They endure daily humiliation. So let be no doubt, the situation for the Palestinian People is intolerable. America will not turn our backs on their legitimate aspirations for dignity, opportunity and a state of their own***”.

We can easily find the “Key words” of this speech in previous EU statements of the last 40 years. By subscribing to a more empathetic position concerning the Palestinians and by adopting, at least, in tone, a more US even-handed policy, President Obama totally embraced EU position which always considered the resolution of the Arab-Israeli conflict as a “key” for solving many other conflicts in the region.

The EU was therefore supportive of the new American Approach and felt emboldened by Obama’s new initiative to revive the Peace Process. Speaking on 12 July 2009, Javier Solana, EU high Representative, urged the Security Council of the United Nations to “**recognise the Palestinian State, with or without final settlement**”²⁸. In its Declaration of 8 December 2009, it went a step further in the wording of it’s’ position. The Brussels Declaration emphasized the need of a “ **two-state solution**” with the State of Israel and “ **an independent, democratic, contiguous and viable Palestinian State**”, adding that the EU “ **will not recognize any changes**

²⁶ CIDSE : **The EU’s aid to the Occupied Palestinian Territories**, Policy Paper, 2010
CIDSE: **The Deepening crisis in Gaza**, Policy Paper, June 2009

²⁷ Rosemary HOLLIS : **European response to Obama’s Middle East Policy**,, FRIDE , Policy Brief,no.38, February , 2010

²⁸ Reuters, 12 July 2009

in the pre-1967 borders including with regards to Jerusalem, others than those agreed by the parties”, and recalling that the EU “ has never recognized the annexation of East Jerusalem”, that the “settlements”, the Separation Barrier, demolition of houses”, and that “demolition of houses and evictions are illegal under international law”

By being so explicit on the illegality of settlements and the status of Jerusalem, the EU distanced itself for the more ambiguous American stance on these issues. Thus, the problem of the EU is not its lack of clarity, but its incapacity to translate its declarations into actions. What is indeed the usefulness of EU insistence reiteration on respect of international law without backing up its discourse by penalties in case of violation? Here lies the rub.

Two examples underscore the mismatch between European discourse and European practice:

- **EU-Israel relations**

EU cooperation with Israel goes back to the 60's and has been consolidated through the **EU-Israel cooperation agreement in 1975** and , twenty years later, in 1995 through the “**Association Agreement**” within the framework of the Euro-Mediterranean partnership, and ,on 13 December 2004, **the Action Plan** within the European Neighbourhood Policy, the first Action Plan ever to be approved.

Since 1957, Israel has remained an important trading partner: its current trade oscillates around 25 billion euros. And the deepening of trade and cooperation has always been “**a core objective of the EU**” as many European States see in Israel, “**a fellow member of the West**”²⁹. No wonder therefore if Israel participates in the European Global Navigation System (Galileo) and in dozens of EU funded research activities.

With such an intense commercial and scientific relationship the EU has sufficient clout to force Israel to respect International Law in the Palestinian Occupied Territories, in order to achieve European declared objective of a two-state solution.

In reality, however, the EU has always shied away from using such leverage. Clearly the EU has “no appetite for sanctioning or punishing Israel” as it always privileged “**constructive engagement**». As a matter of fact, the Israelis have full access to the Single Market, they benefit from visa-free travel and a unique position in EU's research and innovation programs

Thus the EU found itself stuck in an unsustainable paradox: on the one hand, it constantly denounced Israel's practices in the Occupied Territories but on the other it gradually enhanced its relations with Israel. Few days before Israel's assault on Gaza, the EU council (8 December 2008) set out guidelines for upgrading its relations and strengthening its political dialogue with Israel by the spring of 2009.

Eventually the upgrade issue has been suspended in 2009-2011 as many parliamentarians objected the upgrade as a result of Israeli offensive. But negotiations restarted in 2012: the word “upgrade” was banned from the EU jargon, but obviously EU-Israel relations were strongly re-enforced.

²⁹ Nathalie TOCCI : »The conflict and EU-Israeli relation », in Ezra BULUT-AYMAT : op.cit.56

The only dispute which erupted between the two sides (in 2013) was related to **the exclusion of the settlements' exports from the EU-Israel preferential agreement** and the refusal of the EU to fund research activities in Israeli entities and universities set up in the occupied territories, including East Jerusalem. The move, as expected, triggered a wave of protests in Israel calling it an "unacceptable interference". The relations became so tense prompting calls for an "*Israel-EU peace process*"³⁰.

- European States' divisions in the United Nations

The European voting in the General Assembly (November 2012) on the issue of the upgrading of Palestinian status in the United Nations is another example of European incoherence. As we saw, the European States were almost equally divided on the issue with 14 Member States supported the Palestinian bid for the upgrade, 12 abstaining and one voting against (Czech Republic)³¹. Those who abstained or opposed the move justified their position on the grounds of timing and opportunity. Palestinian move, in their opinion, was ill-timed and unilateral. But wasn't Israeli annexation of Jerusalem and the Golan Heights unilateral and illegal? Weren't the establishment of settlements and the construction of the Separation Wall unilateral and illegal? And wasn't the withdrawal of settlements from Gaza Strip unilateral? Not only the argument is baseless, it also undermines EU coherence in the eyes of the external world and is a clear indication of how at odds the European states remain on the Palestinian Question.

a) The EU and the Palestinian Question (2013) : Europe's policy shift

The recent resignation of Salam Fayyad (12 April 2013) from his office as Prime Minister underlined the increasing tensions within the Fatah-led Authority and **underscored also the limitations of "economic peace" without a "political solution"**. The EU and the USA failed to persuade him to stay or to pressure Mahmoud Abbas to call off the resignation.

Fayyad has gained the esteem and confidence of Western powers. Since being appointed to the premiership, in 2007, he has championed law and order in the West Bank, fought corruption and focused on building the institutions of the West Bank. He became the target of Senior Fatah fellow-men, resentful of his power and critical of the robust support he received from the West and Israel. He has also borne the brunt of popular resentment for the deterioration of the economic situation in the West Bank.

But the resignation of Fayyad was not only the product of internal strife within the Palestinian authority; **it was also the sign that state-building in a situation of continued occupation has reached a dead end**. For many Palestinians, the motto of stability has been interpreted as more security cooperation with Israel, which remains an occupying power. It meant also non-reconciliation with Hamas since Israel always made clear that **if the Palestinian Authority moves towards Hamas, it moves away from peace with Israel**.

³⁰ Seth MANDEL : » An Israel-EU peace-process », in <http://www.Commentary Magazine.com /2013/08/09>

³¹ In the General Assembly , the Palestinian won an unprecedented support of 138 states in favor of the upgrade, 41 abstentions and 9 votes against.

It is no secret that the EU bet on Salam Fayyad and banked on his “realist policy”, but, when he resigned, the EU refrained from making public statements. It was left to individual European Foreign ministers to react. William Hague, British Foreign minister, expressed his “**regret**” at the loss of “**a close partner in Europe’s attempts to support Palestinian State building**”. German Foreign Minister, Guido Westerwelle spoke in the same vein, paying tribute to the outgoing Palestinian Prime Minister for “**laying the ground for a Palestinian State system**”.

Almost concomitantly, **the labelling of Israeli settlements’ products came to the fore**. Since many years, there has been mounting pressure on the EU to exclude products of the settlements in the occupied territories from entry in the European markets and to sanction European companies which work with and in the settlements. In January 2013, European Heads of Mission in the Palestinian Authority called on the EU to stop Israel’s “**systematic, deliberate and provocative**” settlement enterprise, including preventing European companies to work in the settlements or to provide financial support to them.

In response to this pressure, in February 2013, the EU formally recommended to label settlements’ products. On April 12, 2013, a group of 13 EU Foreign Ministers, among them William Hague (GB) and Laurent Fabius (France) sent a letter to Catherine Ashton, expressing their support to EU wide guideline on the labelling issue.

Few days later, 19 former senior European politicians across Europe, among them the ex-President of the EU Commission, Romano Prodi, sent another letter (April 2013) to Catherine Ashton, the current High Representative, calling for a “**political role for the EU in the Peace process, commensurate with its economic role**”. In a stunning tone of clarity, the letter warned that “**the occupation is actually being entrenched by the present Western policy and later generations will see it as unforgivable that the Europeans not only allowed the situation to develop to this point of acute tension but took no action now to remedy the continuing destruction of the Palestinian People’s right of self-determination**”. Never before, had former Senior European politicians been so straightforward, blunt and courageous.

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On 8 July 2013, Catherine Ashton wrote a letter to Jose Manuel Borroso, president of the EU Commission and other top European officials that the Commission must **formulate guidelines on labelling products** to distinguish products originating from the settlements from those originating from Israel proper. On 19 July 2013, a landmark EU directive was published prohibiting funding or investments to entities that operate in the settlements. This unprecedented move clearly reflected the growing sense of frustration in the European Union with continued Israeli obstruction of the Peace Process and the persistent settlement activities. The disenchantment with Israeli policies became so intense that in March 2013, in “*an unprecedented display of discontent*” European Commissioner, Stefan Fühle , presented a detailed list of 82 EU-funded projects , totalling 30 million euros, which were destroyed by Israel in the Occupied Territories in the period 2001-2011.

³² Dimitris BOURIS and Tobias SCUMACHER : « The EU becomes more assertive in the Middle East Peace Process », July 23 2013, in www.opendemocracy.net/europa/eu-becomes-ass/

By making its voice better heard, the European Union wanted to raise again the **issue of land** which is at the core of the Arab-Israeli conflict.

As usual, the Americans expressed their disapproval. John Kerry pressured the EU, in May 2013, not to thwart his efforts to re-start Peace negotiations. But the EU did not budge. Kerry raised the issue again, on the 7th of September 2013, in the Vilnius meeting with his European counterparts, asking them to postpone the entry in force of the directive scheduled for the 1 January 2013 but again to no avail.

As expected, Israel reacted abruptly to the EU's move, calling it "provocative and counter-productive", a "**blunder**". The Minister of Economy, the radical Naftali Benett denounced it as "**a terrorist attack**" on the part of the EU," **killing all chances of peace and putting Israel-EU relations in jeopardy**³³ ".

The EU did not back down while Israel bowed to American pressure and accepted to restart the negotiations with the Palestinians. **Thus, indirectly, by adopting a tougher stand on the question of settlements, the EU succeeded in putting across its message: if Israel does not change course, then it is going to hurt.**

If we recall that, in the last five decades, rarely the EU sanctioned Israel, then **we have to recognize that 2013 constituted a major shift in European policy with regard to the conflict.**

Summary and conclusions

1. Touted as an economic giant, the EU has not emerged, in the last 50 years, as a decisive political actor in the Arab-Israeli conflict, with the exception of the period extending from 1972 until the Venice Declaration of 1980. During that period, the European Community (EC) adopted a political stance on the Palestinian Question, independently of the United States. I may even argue that **Palestine has become a core issue of the nascent European Political Cooperation (EPC).**

The various European statements on the Palestine Question, from 1972 until 1980, clearly indicate an increasing awareness of the centrality of the Palestinian Question. But the European Community's backing of the Palestinian rights was neither immediate, nor guaranteed. As a matter of fact it evolved at turtle's pace but went in the right direction, culminating in the Venice Declaration. The Euro-Arab dialogue, launched in 1974, has been instrumental in this evolution.

Favourable internal and international factors allowed the European Community to shelve its internal differences and to show a sufficient degree of external autonomy. First **the EC has come to realize that a protracted conflict in the Middle East threatens its own interests in**

³³ Le Figaro : « *Israël s'insurge contre les sanctions européennes* », 9 September, 2013, p.8

terms of chronic instability, oil prices' sudden hikes, interruption of oil supplies and scattered acts of terrorism inside Europe. Second, **the EC discovered the extent of its multifaceted economic, cultural and political ties with the Arab World which is, after all, its nearest "abroad", its "cousin by history", and its "neighbour by geography"**³⁴: thus the Europeans could not afford turning their back to the region, putting their own future in jeopardy. Third, **the EU could not continue with its traditional support to Israel in total breach of its proclaimed values** (respect of human rights) **and of international law** (rejection of the occupation of others' territories), putting its own coherence at risk.

On the international scene, in the 70's, there was a "*period of détente*" with the Helsinki Conference, the CSCE (Conference on Security and Cooperation in Europe) which was held to serve as multilateral forum addressing a wide range of security-related issues, including arms' control , confidence –building measures and the establishment of the Organisation for Security and Cooperation in Europe (OSCE, 1975). This organisation contributed to thaw the chill that cold war had cast over international relations and allowed the European Community to benefit from a certain margin of manoeuvre.

Moreover, **the election of Jimmy Carter** in the US (1977-1981) and his increasing interest in Middle Eastern Affairs convinced the Europeans that they were on the right track and that engaging with the Arab World was part of a collective endeavour.

2) **The 80's witnessed a setback of EC's actorness.** With the election of Reagan, the US started to reassert their leadership and East-West confrontation occupied central stage. The EC went back to the fold. **Its external autonomy has been trimmed.**

To this factor, one has to add, the dramatic slump in oil prices, the **fragmentation of the Arab system** itself and the proliferation of conflicts (civil war in Lebanon, marginalisation of Egypt, Iran-Iraq war, Israeli invasion of Lebanon etc).

It was also a period of internal change in Europe itself: second enlargement (Greece 1981), third enlargement (Portugal and Spain 1986) and the establishment of the Single Market and the European Union (EU).

The only novelty concerning Palestine was **the 1986 preferential regime** granted unilaterally by the Europeans to Palestinian agricultural exports. Although it was economic in nature, the agreement (EU-PLO) had an evident political dimension.

On the level of European public opinions, the end of the 80's witnessed a major shift with **increasing European sympathy** for the plight of the Palestinians, mainly after the outbreak of the first Intifada.

³⁴ Bichara KHADER : *l'Europe et le Monde Arabe : cousins, voisins*, Quorum, Paris, 1992

Arabic translation: *Ourobba wal Alam al-Arabi : al Qarabah wal Jiwar* , Markaz dirasat al-Wihdah Al Arabiyyah, Beirut, 1994.

3) With the Madrid Conference (1991) and the Oslo Interim Agreement (September 13, 1993), the EU ceded high diplomacy of the so-called “Peace Process” to the USA. It was not a matter of choice: the EU was almost forced to play “second fiddle”, and to adopt a low profile.

Politically marginalized, **the EU backed economically the negotiations**, through consistent economic assistance to the Palestinian Authority, to UNRWA and to Palestinian non-governmental organisations. It also incorporated the Palestinian Authority in its new Euro-Mediterranean Partnership (Barcelona Conference 1995). It appointed a European Special Envoy to the Middle East (1996) in order to ensure greater visibility to the EU and to increase the impact on negotiations. As the Interim period of the OSLO agreement elapsed without significant results in the Peace Process negotiations, the EU called, in the Berlin Declaration (1999), for the creation of a “**democratic, viable and peaceful Palestinian state**”, a real watershed in EU policy towards the Palestinian Question.

On the whole, the 90’s have been characterized by a political marginalisation in the Peace negotiations in spite of the activism of the First EU Special envoy, Miguel-Angel Moratinos. While its bankrolling of the nascent Palestinian Authority not only created a “**culture of dependence**”, but also **subsidized the occupation**, thus indirectly contributing to the stalemate in the absence of any pressure on Israel.

4) The decade starting in 2000 did not augur well for the peace process. Camp David negotiations collapsed as was expected (July 2000). The Palestinians came to realize that Israel was resorting to procrastination to multiply accomplished facts on the ground and make the Palestinian projected State almost an unacheivable dream. The second Intifada – **Intifadat al Aqsa**- erupted. Egypt engaged in a last-ditch initiative by organizing the **Taba Talks** (January 2001). Never before, the agreement looked so close, almost on most issues, as was revealed by the **Moratinos document**.

The return of the Likud in Israel signalled the collapse of diplomacy. Sharon’s “iron fist” killed any possibility to reaching an Agreement in the nib. The election of President George Bush in the US dealt diplomacy a fatal blow: he branded Chairman Arafat as “as sponsor of terrorism” using Israel’s verbiage, and refused to engage with the Palestinian Authority.

The EU was concerned and alarmed by the deteriorating situation in the occupied territories: it decided to increase its humanitarian assistance and budgetary support, to contribute to the establishment of the Quartet and its Road Map and to get involved more heavily in Palestinian institution-building and reform.

Yet when Hamas won the legislative elections (2006), **the EU sided with Israel and the USA and decided to boycott a democratically elected government** (in total contradiction with its complete endorsement of President Morsi when he was deposed by the Egyptian army on July, 3, 2013).

By sticking to the American position on Hamas, **the EU condemned itself to isolation and irrelevancy**, wasting most of the credit accumulated in the preceding periods. The Second Special Envoy in the Middle East, Marc Otte, did his best to boost Europe’s fortunes in the

Middle East, but Europe's image as "democracy promoter" has been tarnished. Not only, was **the EU often accused of double standards**, but also of **being partly responsible for intra-Palestinian strife**, the radicalisation of Hamas, its takeover of Gaza Strip and the ensuing Israeli assault, Cast Lead, (December 2008 and January 2009)

5) In the last years (2010-2013), the EU seemed frustrated. Although many European observers have already written the epitaph of the Peace Process, the official discourse remained repetitive: **putting the Peace Process back on track, a wishful thinking not accompanied by any conditionality or significant incentive**. Here, we touch on two major flaws in the EU diplomacy in the region.

The first is related to EU's policy towards Israel. Indeed, in spite of hundreds of statements on the Arab-Israeli conflict, and various condemnations of Israeli practices in the Occupied Territories, the fact remains that the EU is totally unable or unwilling to resort to the use of conditionalities or incentives at its disposal. Not only **the EU has no appetite for anything that might look like sanctioning or punishing Israel**, it cannot either use the wide range of incentives since Israel enjoys already commercial access to EU (market), visa-free travel (mobility) and a unique position in the EU's research and innovation programs (money).

The second is related to the gap between official stance and popular sentiment. There is a widespread feeling that EU's diplomacy is out of step of popular sentiment which is increasingly critical of Israel's policies³⁵ and frustrated by EU's perceived complacency with this country. Although such a mismatch is obvious at least since the last 20 years, it is changing rapidly. I argue, in this respect, that the decision of the EU, in July 2013, to label Israeli Settlements products, is to a great extent a response to EU civil society's pressures and the Boycott Campaign.

In spite of all its limitations, constraints and flaws **EU's declaratory policies have not been totally unproductive or unhelpful. While the US did not live up to their role of honest broker, EU's more even-handed approach helped not only shoring up Palestinian legitimate claims, it also served as an agenda-setter and has been instrumental in the world-wide recognition of Palestinian rights.**

It is therefore possible to speak about a "**European political acquis**"³⁶ with regard to the Arab-Israeli conflict, based on **the affirmation of conceptual guidelines** (just peace, Palestinian self-determination, two-state solution etc.), and on **the restatement of international law** (illegality of settlement and annexation policies, and inadmissibility of acquisition of territory by war etc).

³⁵ See the results of the Poll conducted in 2011 by ICM for Al Jazeera Center for Studies, the Middle East Monitor and the Europe Muslims Research Center, January 2011., which showed that 41% of adults surveyed believed that Israel's "*oppression of the Palestinians is the biggest obstacle to peace*", p. 1

³⁶ Alain DIECKHOF: "The European Union and the Arab-Israeli Conflict", in Christian Peter HANELT, Felix NEUGART and Mathias PEITZ: **Europe's Emerging Foreign Policy and the Middle East Challenge**, Munich, Guetersloh, 2002, p.151

Undoubtedly, we may criticize EU’s role as a “**political helpless and toothless actor**” in terms of lack of leadership, visibility, efficiency, internal consensus and international recognition. But we must admit that, since 1972, **the Palestinian Question has been a core-issue of European Political Cooperation and contributed, to great extent, to forging a European Common Foreign Policy**, and that, in the final analysis, **the EU has been more forward-looking than the rest of the international community**. The table below summarises the documentary record of EU’s Declarations on the Palestinian Question and offers clear evidence of my argument.

The evolution of EU’s position on the Palestinian Question 1972-2013

Year	EC Statements
1970	For the European Community, the Palestinian Question was a Refugee problem
1971	The European Community called for Israel’s withdrawal from the Occupied Territories
1973 (6 November 1973)	The EC recognized the legitimate claims of the Palestinians
1977 (London European Council)	The EC called for a homeland to the Palestinian People
1980 (Venice Declaration, June 1980)	The EC added the mention of the PLO , which should be included in the negotiations
1986	The EC adopted the rule on Palestinian agricultural exports
1989 (Madrid Declaration)	The PLO must fully take part in the Peace Process
1994	The EU started to provide aid to the Palestinian Authority
1995	The EU incorporated the Palestinian Authority in the Euro-Mediterranean Partnership

1999 (Berlin Declaration)	The EU supported the creation of a Palestinian state and rejected the annexation of East Jerusalem
2009 (Brussels Meeting)	The EU insisted on the two-state solution and recognized Jerusalem as the capital of the future Palestinian state
2012 (December 10)	The EU indicated that agreements between the EU and Israel are not applicable to the Occupied Territories
2013 (June and July)	labelling settlements products and refusing funding to Israeli entities established in the Occupied Territories

Thus, although I do subscribe to the observation frequently made by researchers³⁷, concerning the expectation-capability gap or the rhetoric-reality gap, I believe, nevertheless, that, sometimes **rhetoric has some power** and is not totally meaningless. Israel understands that well: suffice to read its vigorous reactions to European statements on the Arab-Israeli conflict.

The fact that the EU has failed to translate its rhetoric into action does not stem from the futility of its discourse, but from the institutional constraints, the differences between the Commission, the Council and the EU parliament, the divergent priorities and memories of its Member States, the reluctance of the EU to use its leverage and the limited external autonomy. All these factors contributed to diminish the EU capacity to weigh on events and to enhance its actor ship.

In its relation with Israel, the EU has been handicapped by its resistance to pressure and to sanction, on the pretext that constructive engagement is better choice with Israel that is “one of us”, a member of “western family”. Such reluctance has contributed to a “**culture of impunity**” which rendered Israel totally deaf and blind. Such European complacency has tarnished the image of the EU as “normative power” and was certainly not helpful to the Peace Process itself.

The relation of the EU with the Palestinian Authority is also problematic. By bankrolling the Palestinian Authority, the EU kept it afloat. But, at the same time, it contributed to create, in Palestine, a “**culture of dependence**” which is not conducive to transparency and accountability.

Time has come for the EU to change course, style, attitude, method and instruments. Putting the Peace Process on the right track³⁸ does not mean, in any way, to restart negotiations but to engage in peace-building³⁹ and not simply in stability-keeping. The EU should understand

³⁷ See the book edited by Ezra BULUT-AYMAT: op.cit. , particularly the article by Nathalie TOCCI : *The conflict and EU-Israeli relations*, pp.55-63

Also: Mohammad Hisham ISMA'IL : **The European Union's position toward the Palestinian cause : 1993-2009**, Doha Institute, Research Paper, December,2011, 35 pages.

³⁸ See Sarah Anne PENNICK : **On the right track : challenges and dilemmas of EU peace-keeping in the Middle East**”, Working Paper, JAD-PbP no.6, March 2010

³⁹ Annika BJORKDAHL, Oliver RICHMOND and Stephanie KAPPLER : **The EU peace-building framework :potentials and pitfalls in the Western Balkans and in the Middle East**, JAD-PbP, Working Paper, no.3, June 2009

the **geopolitical, psychological and symbolic centrality of the Palestinian Question** for the Arab and the Islamic worlds. Given the traumatic spill-over of the Palestinian Question on the region and beyond, given the instrumentalisation of the conflict by authoritarian regimes as well as radical religious movements, and given its poisoning effect on relations between Europe and the Arab World, and, more globally, between the West and the Islamic World,⁴⁰ a lasting and a just peace in Palestine is not only a Palestinian or an Israeli, or an Arab interest, it is, above all, a **World interest**. That's why the question of a "just peace" should not be left at the mercy of war-mongers.

The European initiative of 2013 to pressure Israel (labelling products of the settlements) goes in the right direction and gets the EU back on the saddle. But the EU must be tougher with Israel by adopting a Human-rights approach to force an attitude of compliance with international law. But at the same, it should press ahead its agenda of reform of the Palestinian Authority and contribute to the inter-Palestinian reconciliation. For that, it must reach out to Hamas and engage with it as a significant social and political force.

More than ever, the Palestinian Question remains a litmus test of EU's credibility, coherence and consistency. If the EU fails to deliver, not only it will discredit itself, but also **the two-state solution of which the EU is a staunch advocate, may become simply an exercise in fantasy.**

⁴⁰ *"The growth of Islamic extremism and the unprecedented hostility towards America in the Islamic World is directly related to the continuing bloodshed between Israelis and Palestinians. To think otherwise is foolish and dangerous"*, in Jimmy Carter : **Palestine, Peace and not Apartheid**, Simon and Schuster, New York, 2006