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**The EU: An International Agent in  
Palestine?**

A thesis presented in fulfilment of the requirements of the degree of

Master of Arts  
in  
Politics

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New Zealand

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To my father,  
who once gave me  
**an apostrophe-on-a-stick.**



## **Abstract**

This thesis examines the ability of the European Union (EU) to impact on the Palestinian people and their institutions. Before using the formal concept of actorhood to examine the extent of this impact, it presents a model of actorhood that synthesises aspects of Bretherton and Vogler's and Sjösjedt's models. It uses the components of this model as a series of lenses through which to focus on and examine various facets of the EU's influence. The analysis deals with diplomacy, aid, and the effects of the unexpected Hamas victory in the 2006 Palestinian Legislative Council (PLC) elections. The thesis finds that the EU's early lack of diplomatic direction improved for a period but was limited by its consistent inability to have an effect if it ignored the US. In the field of aid, the EU has been a more successful actor. However, the EU's best efforts in these spheres have been undone by two EU blunders. First, it classified Hamas as a terrorist organisation and subsequently felt unable to provide aid to a Hamas-run government. Second it joined the Quartet in the hope of increasing its own diplomatic clout, but found that it had given the US the opportunity to erode its ability to act as an independent financial agent.



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## Chronology

1948	May	Israeli-Arab War/Declaration of Israeli State
1951	April	'Inner Six' Treaty of Paris forms European Coal and Steel Community (ECSC)
1957	March	Treaty of Rome forms the European Economic Community (EEC) and the European Atomic Energy Agency (Euratom)
1965	July	Brussels Treaty merges the ECSC and Euratom under EEC governance (known as the EC)
1967	June	Israeli-Arab war (Six Day War)
	July	Brussels Treaty comes into effect
	November	UNSCR 242
1970	November	European Political Cooperation (EPC) launched
1971		First EC joint position on the Middle East
		EC begins funding UNRWA
1972		UN resolution stating that recognising the Palestinians' rights was essential to any Arab-Israeli peace settlement
1973	January	UK, Ireland and Denmark join the EC
	October	6th: Arab-Israeli war (October War) 15th: Arab oil embargo of Israeli supporters 22nd: UNSCR 338
1974	June	12 <sup>th</sup> PNC: PLO acceptance of a two-state solution
1976	January	Election of US President Jimmy Carter
1977	June	European Council agrees that Palestinians should have homeland
1978	September	Camp David Accords
1979	March	Egyptian-Israeli peace treaty
1980	June	Venice Declaration

1981	January	Greece joins the EC
1982	June	Israeli invasion of Lebanon
1986	January	Spain and Portugal join the EC
1987	December	First Intifada begins
1988	November	19th PNC announced readiness to negotiate with Israel and renounced terrorism
1991	October	Madrid Conference Israel's Closure Policy Introduced
1992	February	Maastricht Treaty agrees on formation of the EU
1993	September	Signing of the Oslo Accords
	November	Maastricht Treaty comes into effect - EU comes into existence
	December	The first donor conference on police aid
1995	January	Austria, Finland and Sweden join the EU
	September	Oslo II
	November	Barcelona Conference and establishment of EMP
	November	Assassination of Israel's Labour Prime Minister Yitzhak Rabin
1996	May	Benjamin Netanyahu's election
	November	Luxembourg declaration
	December	Creation of the post of EUSR
	December	Arab nations drop support for multilateral working groups
1997	January	Hebron Protocol
	July	EU-PLO interim association agreement
	October	Treaty of Amsterdam
1999	October	Wye River Memorandum
	April	Berlin Declaration: Call for Palestinian State
	June	ESDP officially launched Javier Solana appointed High Representative to CFSP

2000	
June	EU-Israel Association Agreement
June	European Council Common Strategy on the Mediterranean Region
July	Camp David II
September	Second Intifada begins
2001	
January	Taba Peace Conference
February	Nice Treaty
February	Ariel Sharon elected
September	11 September Attacks on US US declares war on 'Terror' Bush: "either you're with us, or with the terrorists"
October	US Invasion of Afghanistan
2002	
April	Formation of the Middle East Quartet
June	Seville declaration
September	Quartet Roadmap
2003	
March	US Invasion of Iraq
March	ENP outlined
September	EU adds Hamas to terrorist list
2004	
May	Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia, plus the Mediterranean islands of Malta and Cyprus join the EU
November	Mahmoud 'Abbas made Prime Minister after Yasser Arafat dies
December	EU-Israel and EU-PA Action Plan
2005	
January	EU COPPS established
November	EUPOL COPPS & EUBAM Rafah established
2006	
January	Hamas election victory EUPOL COPPS deployed
March	Boycott of PA
June	Hamas kidnaps Gilad Shalit
2007	
January	Romania and Bulgaria join the EU
June	Fatah-Hamas Government Collapse Hamas takes Gaza
July	Funding to Fatah-led PA resumed
2008	
July	EPM re-launched as Union for the Mediterranean
December	Israel launches Operation Cast Lead
2009	
June	US President Barak Obama insists Palestine has right to exist Israeli Prime Minister Benjamin Netanyahu admits possibility of 'two state solution'

## Abbreviations

ACRS	Arms Control and Regional Security multilateral working group
AHLC	Ad Hoc Liaison Committee for assistance to the Palestinian People
AMA	Agreement on Movement and Access
AU	African Union
CAP	Common Agricultural Policy
CFSP	Common Foreign and Security Policy
CJHA	Cooperation in Justice and Home Affairs
COTER	Counter Terrorism Programme
DoP	Declaration of Principles
EAD	Euro-Arab Dialogue
EC	European Community
ECHO	European Commission Humanitarian Aid Office
ECTAO	European Commission Technical Assistance Office
EEA	European Economic Area
EIDHR	European Instrument for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESF	Executive Support Force
EU	European Union
EUBAM Rafah	EU Border Assistance Mission at Rafah
EU COPPS	European Union Coordinating Office for Palestine Police Support
EUPOL COPPS	EU Police Mission for the Palestinian Territories
EUSR	EU Special Representative
EWG	Environmental Working Group
FAO	Food and Agricultural Organisation
GAERC	General Affairs and External Relations Council
GDP	Gross Domestic Product
ICA	Israeli Civil Administration
IGO	Intergovernmental Organisations
IR	International Relations
MC	Monitoring Committee
MDG	Millennium Development Goals
MEDA	Mesures d'Accompagnement Programme
MENA	Middle East and North Africa
MNC	Multinational Corporation
MPC	Mediterranean Partnership Countries
MWG	Multilateral Working Group

MWGWR	Multilateral Working Group on Water Resources
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NSF	National Security Force
OAPEC	Organisation of Arab Petroleum Exporting Countries
OPEC	Organisation of Petroleum Exporting Countries
PA	Palestinian Authority
PBC	Palestinian Broadcasting Corporation
PDRP	Palestinian Authority Development and Reform Plan
PEGASE	Mécanisme Palestino-Européen de Gestion de l'Aide Socio-Economique
PISGA	Palestine Interim Self-Governing Authority
PLO	Palestine Liberation Organisation
PNC	Palestine National Council
PSF	Preventative Security Force
REDWG	Regional Economic and Development Working Group
RWG	Refugee Working Group
SWG/Institution Building	Sectoral Working Group on Institution Building
SWG/Police	Sectoral Working Group on Police
SWG	Sectoral Working Group
TFPR	Task Force for Palestinian Reform
TIM	Temporary International Mechanism
TIPH	Temporary International Mission in Hebron
UN	United Nations
UNGA	United Nations General Assembly
UNRWA	United Nations Relief and Works Agency
UNSCO	United Nations Special Coordinator for the Middle East Peace Process
UNSCR	United Nations Security Council Resolution
US	United States
WFP	World Food Programme
WTO	World Trade Organisation

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## The EU as Actor: Does it Deserve an Award Nomination?

Israeli Prime Minister Benjamin Netanyahu has been long opposed to the ‘two-state solution’ to the Palestinian-Israeli standoff. That stance changed on June the 14<sup>th</sup>, 2009, when – albeit grudgingly, and with tight conditions attached – he admitted that, at some time in the future, a Palestinian state might possibly come into existence.<sup>1</sup> Notwithstanding the tendentious prevarications that accompanied this admission, the mere incorporation of the phrase ‘Palestinian state’ into Netanyahu’s vocabulary represents a major volte-face. This auspicious lexical augmentation occurred just ten days after US President Barak Obama insisted that ‘Israelis must acknowledge that just as Israel's right to exist cannot be denied, neither can Palestine's’.<sup>2</sup> Obama’s speech clearly acted as a powerful influence on Netanyahu. But Obama did not develop those views in isolation. They have been circulating in the wider international milieu for many years, in which the EU has played an important agenda-setting role.

The EU has been pushing steadily for a Palestinian state since its 1999 Berlin declaration, which explicitly called for the establishment of such a state.<sup>3</sup> Its

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<sup>1</sup> Netanyahu ‘endorsed for the first time the principle of a Palestinian state alongside Israel, but on condition that the state was demilitarised and that the Palestinians recognised Israel as the state of the Jewish people’. Isabel Kershner, 'Netanyahu Backs Palestinian State, With Caveats', *The New York Times*, 14 June 2009, retrieved 20 June 2009 from <http://www.nytimes.com/2009/06/15/world/middleeast/15mideast.html>.

<sup>2</sup> Haaretz Service, 'WATCH: In Cairo, Obama Vows to Personally Pursue Two-State Solution', *Ha'aretz*, 4 June 2009, retrieved 20 June 2009 from <http://www.haaretz.com/hasen/spages/1090397.html>.

<sup>3</sup> European Council, *Berlin European Council 24 and 25 March 1999: Presidency Conclusions*, retrieved 27 October 2008 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/)

2002 Seville declaration added further clarification, explaining that this implied a two-state solution.<sup>4</sup> The recent EU decision to freeze a proposed upgrade of relations with Israel because of Israel's actions, including its non-acceptance of the two-state solution, exerted political pressure on Israel,<sup>5</sup> which preceded and anticipated Obama's speech.

This thesis takes a broader view, tracing the extent to which the EU's Palestinian policies over the last forty years reveal it as an independent, unified agent. It shows that from internecine squabbles in the 1960s, a unified character slowly grew until the mid 2000s when events associated with its accession into the Quartet and Hamas's election victory sharply diminished its ability to act as an independent agent.

In spite of the frequent appearance of Israel in this thesis, Israel is not the focus of the research. The focus is on the Palestinians<sup>6</sup> – the people and their institutions – the PA, the PLO (Palestine Liberation Organisation), and political movements such as Fatah and Hamas. But Palestinian politics and daily life have been deeply affected by the establishment of Israel and the events that flowed from that decision. Consequently, the Palestinians' conflict with Israel features heavily throughout the chapters that follow.

It has been fashionable to discuss the conflict as though it involved the Palestinians, the Israelis and the United States, but other influences have contributed to events. One that has received less investigation than it merits

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en/ec/ACFB2.html.

<sup>4</sup> This solution would entail a 'democratic, viable, peaceful, and sovereign' Palestinian state alongside Israel, with borders based on those existing between the two prior to the 1967 Israeli-Arab war, 'if necessary with minor adjustments agreed by the parties'. Council of the European Union, *Seville European Council 21 and 22 June 2002: Presidency Conclusions*, retrieved 27 October 2008 from

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/72638.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72638.pdf), p. 35.

<sup>5</sup> Andrew Rettman, *The Impreative of a Just Solution of the Question of Jerusalem: Advocating a Just and Viable Political Solution of the Question of Jerusalem*, Jakarta: United Nations Asian and Pacific Meeting on the Question of Palestine, 8 and 9 June 2009, p. 5.

<sup>6</sup> No state called Palestine formally exists, so any use of that term is informal and the discussion avoids the term as much as possible.

is the EU's interaction with Palestine;<sup>7</sup> this thesis endeavours to help fill that lacuna, concentrating in particular on the related concepts of actorness and agency as they are exemplified by the EU's relationship to the Palestinian nation.

One of the enduring conflicts in the Middle East has been the Palestinian nation's rearguard action in the face of the establishment of the state of Israel; a British mandate, Palestine was promised to both the Palestinians and the Zionist Jews by Britain during the First World War, and ceased to exist as an internationally recognised entity in 1948 with the establishment of Israel on one hand and the subsequent Jordanian annexation of the West Bank on the other.<sup>8</sup>

Land wars in 1967 and 1973, and intifadas starting in 1987 and 2000, have further muddied the waters, and international attempts to stabilise the area have continued virtually without interruption for decades. One of the major players in this effort has been the US, which was concerned to minimise the influence of the Soviet Union (SU) in the region, and which has adopted a nearly 100 per cent pro-Israel position.

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<sup>7</sup> For example, in Saadia Touval's classic work on the mediation of the Arab-Israeli conflict, neither Europe, nor the European Community (EC), feature in the index. The US, on the other hand, has 19 separate entries. The EC's non-appearance reflects the timing of this work, just two years after the EC made its first clear pronouncement on the conflict, the 1980 Venice declaration. However, the 'EC count', to coin a phrase, remains low in other research monographs on the peace negotiations. The index of Mohamed Heikal's 1996 work contains no references to the EU, while William B. Quandt's 1993 text gives one entry each to Europe and the EC. Current textbooks on the conflict paint a similar picture, with Beverley Milton-Edwards's 2009 book not giving index space to either Europe or the EU, although Charles D. Smith's 2007 edition of his textbook does give the EC/EU four index references. The US figures much more highly in the indexes of all these texts, ranging from 12 entries in Milton-Edwards's text to 46 entries in Quandt's. Saadia Touval, *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948-1979*, Princeton: Princeton University Press, 1982, pp. 371, 376-377; Mohamed Heikal, *Secret Channels: The Inside Story of Arab-Israeli Peace Negotiations*, London: HarperCollins, 1996, pp. 561, 571; William B. Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, Washington / Berkeley: Brookings Institution Press / University of California Press, 1993, pp. 594, 610-611; Beverley Milton-Edwards, *The Israeli-Palestinian Conflict: A People's War*, London and New York: Routledge, 2009, pp. 224, 228; Charles D. Smith, *Palestine and the Arab-Israeli Conflict: A History with Documents* (6th ed.), Boston and New York: Bedford/St Martin's, 2007, pp. 583, 597.

<sup>8</sup> Gaza, which had fallen under Egyptian administration by the time of the 1949 armistice agreements, remained under Egyptian oversight until it was occupied by Israel in 1967.

Other players, however, have been following their own agendas with respect to the Palestinian-Israeli struggle. The EU has a significantly different stance from that of the US. Whereas the US has followed a consistently pro-Israel policy, Europe has taken a more even-handed position. In the pronouncements of European policy-makers, Arabs are not always and automatically at fault; Israelis are not always and automatically the victims.

The EU has had and continues to have its own, quite complex, particular concerns. Britain and France have historical colonial ties to Arab countries. Spain has historical ties to Muslim nations. Germany is afflicted by guilt about the Holocaust, and the Netherlands and Poland have histories of large Jewish populations. There is also a more general concern that stems from Europe's geographical proximity to Israeli-Palestinian conflicts; that any escalation could induce mass immigration of poor and traumatised Palestinian refugees into Europe. These worries add to wider concerns over terrorism,<sup>9</sup> the bite of Arab oil sanctions, and the possibility that the conflict could spread to other Middle Eastern nations such as Iran.

In the light of these considerations, there is no question that the EU needs to act in Palestine, but its ability to act needs a fuller examination; this research has taken a constructivist approach that attempts to paint a picture of the EU's ability to exercise agency with respect to the – still ill-defined – Palestinian entity.

The composition of this painting is structured around chapters allocated to

- establishing as a conceptual framework for the EU's ability to function as an independent force in the area of the Palestinian territories
- assessing the EU's ability to exert influence in the Palestinian territories through diplomatic means
- assessing the EU's ability to exert influence in the Palestinian territories through its aid and assistance policies

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<sup>9</sup> Karen E. Smith, *European Union Foreign Policy in a Changing World* (2nd ed.), Cambridge: Polity, 2008, p. 211.

- investigating how the changing political climate within the Palestinian territories after Hamas's 2006 victory in the PLC elections has influenced the EU's ability to exert its will.

To begin with, the concept of agency (as indicated by actorness in Charlotte Bretherton and John Vogler's model) is established as a suitable basis for examining the EU's influence on Israel/Palestine. Next, it is shown that the EU's ability to exert agency in the diplomatic sphere lacked direction initially, but gradually began to follow a more consistent trajectory that was nevertheless largely hamstrung by its consistent inability to have an effect if it ignored the US. This was in contrast with the field of aid, where the EU's ability to dispose of its own money as it sees fit has allowed it to exert agency via aid more successfully than through diplomacy. Finally, however, the political climate within the Palestinian territories has undone the EU's best efforts in the other spheres.<sup>10</sup> When, in 2003, the EU designated Hamas as a terrorist organisation, it inadvertently set a trap for itself that was sprung in 2006, when Hamas won a democratic victory at the polls; this undercut diplomatic- and aid-related efforts that had slowly been improving the EU's agency in the years since 1967, when it began formulating coherent policies with respect to Palestine.

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<sup>10</sup> Broadly similar conclusions have been reached by Meliha Benli Altunisik, although this paper focuses on the Palestinian-Israeli conflict rather than the Palestinians, only deals with the period prior to 2007, and goes into events in much less detail. Meliha Benli Altunisik, 'EU Foreign Policy and the Israeli-Palestinian Conflict: How Much of an Actor?', *European Security* 17:1 (March 2008).



## **International Agent EU?**

The extent to which the EU may be seen as an agent with respect to the Palestinians is considerable but variable. It fluctuates from time to time, from one policy area to another, and within policy areas. However, in the context of International Relations (IR) studies of the EU, the broad social science concept of ‘agency’, which denotes an entity’s ability to make free choices, is often replaced by the more precise term ‘actorness’. This term specifically relates to the extent to which an entity does generate and is capable of generating effects on the international stage. Models of actorness provide checklists which, though they do not give an exhaustive measure of an entity’s agency in the international context, do offer a systematic way of examining it. They are useful in escaping the actor/non-actor dichotomy, allowing actorness to be seen as a continuum, and permitting the examination of the variation in an entity’s ability to exercise agency. The narrower concept of the EU’s actorness thus provides a measure, or way of indicating, its agency in general.

A detailed evaluation of this topic needs a context – the relationship between international organisations and agency – which is provided by a body of literature related to the agency-structure debate. This literature supports a view of agency and structure as closely interrelated; that the structure and agency of institutions are symbiotic rather than contradictory.

This perspective forms the conceptual framework for an examination of the idea of actorness, which has been articulated in both Gunnar Sjöstedt’s



classic 1977 model and a number of later adaptations.<sup>11</sup> Social constructivists Charlotte Bretherton and John Vogler, who view agency and structure as intertwined, with each creating the other in a potentially endless cycle, posit agents as being ‘under construction’, shaped by the structures they meet or create.<sup>12</sup> Bretherton and Vogler’s 2006 model usefully includes ‘presence’ and ‘opportunity’ (concepts adapted from work published in 1990 by David Allen and Michael Smith) as factors which influence an entity’s agency.<sup>13</sup> Their model, like the others examined here, was designed for application to the EU, and it shows that in general the EU is able to exercise a considerable degree of international agency. Before this model is applied to the study of the EU’s exercise of agency with respect to the PA, and consistent with the idea that structure and agency are symbiotic, this conceptual chapter would not be complete without examining those policy-forming and policy-implementing institutions of the EU which relate specifically to the PA.

## **Intergovernmental Organisations and Agency**

Intergovernmental organisations (IGOs) such as the EU have only recently been recognised as worthy of study by international relations scholars. For centuries, classical international relations theorists have focussed on states as the only actors in world affairs – even the term ‘international relations’ denotes the dealings between nations (or more correctly, states).<sup>14</sup> And indeed, states have played a dominant role in world history since the creation of the modern state system in the 1648 Treaty of Westphalia at the end of the Thirty Years War, which broke up the Holy Roman Empire into sovereign

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<sup>11</sup> Gunnar Sjöstedt, *The External Role of the European Community*, Farnborough: Saxon House, 1977.

<sup>12</sup> Charlotte Bretherton and John Vogler, *The European Union as a Global Actor* (2nd ed.), London and New York: Routledge, 2006, pp. 24-28, 35.

<sup>13</sup> Although Bretherton and Vogler first discussed the relationship between presence, opportunity, and capability in 1999, they developed their ideas and expressed their model much more clearly in the second edition of their text. See Bretherton and Vogler, (2<sup>nd</sup> ed.), pp. 24-28, 35; Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, London and New York: Routledge, 1999, pp. 5-12. David Allen and Michael Smith, ‘Western Europe’s Presence in the Contemporary International Arena’, *Review of International Studies* 16 (1990), pp. 21-22.

<sup>14</sup> Bretherton and Vogler, (2nd ed.), p. 15.

units. From this point, these states became the sole subjects of international law – they were the only entities able to sign treaties, become members of international organisations, or be held to account for their actions by other states.<sup>15</sup> Yet while realists still hold that states are the main players on the international stage, other thinkers, especially since the mid-20<sup>th</sup> century, have begun to question the realist, ‘Westphalian assumption’ that sovereign territorial states are the only international actors possessed of agency.<sup>16</sup> Large multinational corporations (MNCs) like Microsoft or McDonalds have annual incomes that can be several times larger than the gross domestic products (GDPs) of smaller states like Vanuatu or Cameroon,<sup>17</sup> and their decisions can make a considerable impact on other states, corporations, or organisations around the world.<sup>18</sup> In 1948 the International Court of Justice established that the United Nations – and by extension all international organisations – had international legal status (although ‘this was not equivalent to that of a state’),<sup>19</sup> and by 1976 Richard Mansbach et al were arguing that ‘the state-centric model’ was becoming increasingly irrelevant, pointing out that states had not always been the only international actors, and were unlikely to remain so.<sup>20</sup> In order to consider the ability of IGOs to be seen as players on the world stage, it is helpful to examine the concept of agency, the ability of an entity to behave autonomously and coherently, and to establish at least an outline of various perspectives on the ‘agency-structure’ dichotomy. Against this background, it is possible to assess the relationship between institutions and agency and consider the concept of actorhood, a measure which may be used to assess the degree of international agency an institution possesses. The scene will then be set for an assessment of the EU’s international agency.

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<sup>15</sup> Bretherton and Vogler, (2nd ed.), p. 14.

<sup>16</sup> Bretherton and Vogler, (2nd ed.), p. 14.

<sup>17</sup> Exxon’s 2008 revenues were forecast to overtake those of Sweden, then the 18<sup>th</sup>-largest economy. Charley Blaine, ‘Exxon: The World’s 18th-Largest Economy?’, *Top Stocks*, 28 April 2008, retrieved 1 May 2008 from <http://blogs.moneycentral.msn.com/topstocks/archive/2008/04/28/get-ready-for-exxon-s-truly-gaudy-numbers.aspx>.

<sup>18</sup> Sjöstedt, p. 13.

<sup>19</sup> Bretherton and Vogler, (2nd ed.), p. 14.

<sup>20</sup> Richard Mansbach, Yale H. Ferguson and Donald E. Lampert, *The Web of World Politics: Nonstate Actors in the Global System*, Englewood Cliffs: Prentice-Hall, 1976, p. 25.

## *Agency and structure*

Broadly speaking, agency refers to the ability of an entity to act with purpose, of its own volition.<sup>21</sup> The concept has been applied to many situations in social science, and may be shaded according to who is studying it – for example, anthropologists might examine how individuals' actions are shaped by their society's culture, while Marxists might look at how the actions of classes are shaped by economic structures.<sup>22</sup> In IR, as mentioned above, agency has most often been attributed to states – realists might discuss states' ability to seek power in an anarchical world system, while liberal institutionalists might point to the influence of institutions in shaping the actions that states take.<sup>23</sup> This 'structure-agency' debate reverberates throughout social science, and it is worth taking a moment to examine it.

Theorists initially took diametrically opposed views when faced with the 'structure-agency' question. Those on the 'structure' side of the debate, such as Perry Anderson and Tom Nairn, believed that individual actors or agents are 'at the mercy of social structures over which they have little or no control', while those on the 'agency' side, such as Mario Bunge, held that agents 'act to promote their own self-interest and personal gain', with structure 'only ever taken to exist as an effect or outcome of individual action'.<sup>24</sup> More contemporary writers have taken dialectical approaches to

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<sup>21</sup> Walter Carlsnaes, 'The Agency-Structure Problem in Foreign Policy Analysis', *International Studies Quarterly* 36:3 (September 1992), p. 246.

<sup>22</sup> William H. Sewell Jr, 'A Theory of Structure: Duality, Agency, and Transformation', *American Journal of Sociology* 98:1 (July 1992), pp. 2-3; Alexander E. Wendt, 'The Agent-Structure Problem in International Relations Theory', *International Organization* 41:3 (Summer, 1987), p. 338.

<sup>23</sup> Stephen M. Walt, 'International Relations: One World, Many Theories', *Foreign Policy* 110 (Spring 1998), pp. 31-32.

<sup>24</sup> The view which emphasises the role of structures over that of agency and 'explains political change by examining the development and interaction of structures' is termed structuralism. The opposing view (which explains events primarily 'through reference to the intentions and actions of individuals [or groups]') is termed intentionalism, and is held by rational choice theorists (who assume individuals can, and will, choose to act to maximise their own interests), public choice theorists (who apply the rational choice assumption to politicians and government bureaucrats, believing these agents will act to hold onto power and extend 'the scope and resourcing of their own area of vested interest'), and pluralists (who tend to emphasise 'the dispersed nature of political power' and view politics as 'the resolution of conflicting interests', where groups which 'try hard enough' will be able to access power). Stuart McAnulla, 'Structure and Agency', in David Marsh and Gerry Stoker

the debate, analysing structure and agency as forces which relate to and affect one another.<sup>25</sup> Anthony Giddens took this to an extreme, arguing that structure and agency are mutually dependent and internally related, to the extent that rather than being separate entities, structure only exists through agency and agents have ‘rules and resources’ between them which enable or constrain their action.<sup>26</sup> While Giddens claimed this ‘structuration’ theory transcended the structure-agency dualism, many authors have pointed out that conflating the two concepts makes it practically impossible to analyse their relationship.<sup>27</sup> Another dialectical account, strategic-relationism, advocated by Bob Jessop, Colin Hay, and Daniel Wincott, similarly posits a close relationship between agency and structure, but makes a much clearer distinction between them.<sup>28</sup> Agents are seen here as subject to pre-existing ‘structured [...] context[s] which favour certain strategies over others’.<sup>29</sup> These ‘strategically selective’ contexts advantage some agents over others, and agents are able to attempt to overcome these differences by formulating strategies based on ‘an always partial knowledge of the structures’.<sup>30</sup> Agents are viewed as being able to alter their structural situation through ‘strategic learning’ – they are ‘reflexive, capable of reformulating within limits their own identities and interests, and able to engage in strategic calculation about their current situation’ – though they may not always intend to alter their situation, and their actions may not always alter their situation in their favour.<sup>31</sup>

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(eds.), *Theory and Methods in Political Science*, 2nd ed., Houndmills: Palgrave Macmillan, 2002, pp. 276-278.

<sup>25</sup> McAnulla, p. 278.

<sup>26</sup> Anthony Giddens, *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*, London and Basingstoke: The Macmillan Press, 1979, pp. 69-71; Anthony Giddens, *The Constitution of Society: Outline of the Theory and Structuration*, Berkeley and Los Angeles: University of California Press, 1984, p. 25.

<sup>27</sup> These authors include Margaret S. Archer, *Realist Social Theory: The Morphogenic Approach*, Cambridge: Cambridge University Press, 1996 and Derek Layder, *Modern Social Theory: Key Debates and New Directions*, London: UCL Press, 1997. McAnulla, pp. 278-280.

<sup>28</sup> McAnulla, p. 280.

<sup>29</sup> Colin Hay and Daniel Wincott, 'Structure, Agency and Historical Institutionalism', *Political Studies XLVI* (1998), p. 955.

<sup>30</sup> Bob Jessop, *State Power: A Strategic-Relational Approach*, Cambridge and Malden: Polity, 2007, p. 41; Hay and Wincott, p. 956.

<sup>31</sup> Giddens advocates a similar perspective, although he does not use the term ‘strategic learning’. Giddens, *Central Problems*, pp. 56-59. Jessop, p. 41.

According to James Mahoney and Richard Snyder, institutions such as the EU can be seen as sitting somewhere in the middle of the structure-agency debate.<sup>32</sup> At one level of analysis, they appear to be structures, since they form frameworks in which action takes place. For example, EU laws constrain what actions can and cannot be legally undertaken in the member-states. While institutions may be viewed as ‘the outcome (conscious or unintended) of deliberate political strategies, of political conflict, and of choice’, they are nevertheless important shapers and constrainers of those political strategies; indeed, institutions not only shape agents’ strategies, but ‘their goals as well, and by mediating their relations of cooperation and conflict, institutions structure political situations and leave their own imprint on political outcomes’.<sup>33</sup> At another level of analysis, however, some institutions may be seen as agents in their own right.<sup>34</sup> Although an abstract institution such as ‘marriage’ could not be seen to possess agency, other, material, institutions, such as states (as mentioned above), have traditionally been viewed as the main actors in the international arena, and more recently it has become common to refer to bodies such as the UN as having the agency to respond to world events. World leaders, non-governmental organisations (NGOs), and individuals urged the UN to act to put an end to the current crisis in Darfur,<sup>35</sup> for example. As well as its peacekeeping role, the UN is also frequently called on to organise humanitarian aid, such as

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<sup>32</sup> James Mahoney and Richard Snyder, 'Rethinking Agency and Structure in the Study of Regime Change', *Studies in Comparative International Development* 34:2 (Summer 1999), pp. 9-10.

<sup>33</sup> Kathleen Thelen and Sven Steinmo, 'Historical Institutionalism in Comparative Politics', in Sven Steinmo, Kathleen Thelen and Frank Longstreth (eds.), *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Cambridge: Cambridge University Press, 1992, pp. 9-10.

<sup>34</sup> J. David Singer discusses how states may be seen as agents at the international level, but as structures over individuals at the national level. J. David Singer, 'The Level-of-Analysis Problem in International Relations', *World Politics* 14:1 (October 1961).

<sup>35</sup> Joel Brinkley and Celia W. Dugger, 'Bush Urges U.N. to Act Swiftly on Darfur Cadre of Peacekeepers', *New York Times*, 9 May 2006, retrieved 7 October 2008 from <http://query.nytimes.com/gst/fullpage.html?res=940DE0DC163EF93AA35756C0A9609C8B63>; Amit Schneider, 'Yad Vashem Says UN Must Act in Darfur', *Ynetnews*, 29 April 2007, retrieved 7 October 2008 from <http://www.ynetnews.com/articles/0,7340,L-3393260,00.html>; 'Security Council Should End Sudan's Obstruction Act to Enhance Protection for Civilians in Darfur', *FIDH*, 20 December 2007, retrieved 7 October 2008 from <http://www.fidh.org/spip.php?article5043>; 'NCC Joins Wide NGO Appeal to U.N. on Sudan Darfur Crisis', *News from the National Council of Churches*, retrieved 7 October 2008 from <http://www.nccusa.org/news/04ngosudanletter.html>; 'Clooney Begs UN to Act on Darfur', *BBC News*, 14 September 2006, retrieved 7 October 2008 from <http://news.bbc.co.uk/2/hi/americas/5347660.stm>.

through the United Nations Relief and Works Agency (UNRWA), which provides 'direct relief and works programmes for Palestine refugees',<sup>36</sup> and to uphold human rights, for example in Afghanistan.<sup>37</sup> The UN also acts as a legitimating agent; participating and succeeding in the UN 'gives governments status in the international system', legitimising their 'state autonomy',<sup>38</sup> while a condemnation by the UN can at least severely dent a government's reputation, and may even extend to other measures such as sanctions.<sup>39</sup> Although the UN and other IGOs such as the North Atlantic Treaty Organisation (NATO) and the African Union (AU) may not behave as single units in relation to other states at all times and under all conditions, the agency they do display at some times and under some conditions has led some authors to hold that there is now a multitude of international actors; these so-called pluralists refer to 'new international actors'<sup>40</sup> existing in a 'mixed actor',<sup>41</sup> 'world',<sup>42</sup> or 'global'<sup>43</sup> political system, rather than the realist 'international' one.

The variation in degree of agency displayed by various entities necessitates 'some sort of general criterion to separate actors from non-actors in the international system and ... to distinguish between different sorts of actors in a systematic and controlled way'.<sup>44</sup> (The term 'actor' in this context is simply a commonly-used synonym for agent'; it is a little more IR-specific than the more general social science term, and is used by most authors examining the EU's agency.) The next section will therefore explain and assess some of the

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<sup>36</sup> UNRWA, *Establishment of UNRWA*, retrieved 8 October 2008 from <http://www.un.org/unrwa/overview/index.html>.

<sup>37</sup> Matt Prodger, 'UN Urged to Act over Afghanistan', *BBC News*, 10 November 2006, retrieved 7 October 2008 from [http://news.bbc.co.uk/2/hi/south\\_asia/6135596.stm](http://news.bbc.co.uk/2/hi/south_asia/6135596.stm).

<sup>38</sup> Paul Taylor and Devon Curtis, 'The United Nations', in John Baylis, Steve Smith and Patricia Owens (eds.), *The Globalization of World Politics: An Introduction to International Relations*, 3rd ed., Oxford: Oxford University Press, 2005, p. 422.

<sup>39</sup> Rico Carisch, 'Institutionalized Responses to 9/11', in Sean S. Costigan and David Gold (eds.), *Terrornomics*, Aldershot: Ashgate, 2007, p. 172.

<sup>40</sup> Carol A. Cosgrove and Kenneth J. Twitchett (Eds.), *The New International Actors: The UN and the EEC*. London: Macmillan, 1970.

<sup>41</sup> Robert O. Keohane and Joseph S. Nye (Eds.), *Transnational Relations and World Politics*. Cambridge: Harvard University Press, 1973.

<sup>42</sup> Oran R. Young, 'The Actors in World Politics', in James N. Rosenau, Vincent Davies and Maurice A. East (eds.), *The Analysis of International Politics*, New York: Free Press, 1972.

<sup>43</sup> George Modelski, 'The Long Cycle of Global Politics and the Nation-State', *Comparative Studies in Society and History* 20:2 (April 1978), p. 214.

<sup>44</sup> Sjöstedt, p. 13.

models authors looking at the EU have proposed to discern entities' 'actorness'<sup>45</sup> (sometimes also referred to as 'actor personality'<sup>46</sup> or 'actorhood'),<sup>47</sup> their ability to exercise agency in the international sphere.

### *Actorness*

A number of authors have devised models which evaluate an entity's ability to exercise agency without having to be sidetracked by realist questions of sovereignty and statehood.<sup>48</sup> Gunnar Sjöstedt's sophisticated, and frequently cited, model posits two main criteria for being an international actor. Firstly, as shown in Table 1, in order to be perceived as an actor, a 'unit in the international system' must be autonomous. This entails 'a minimal degree of separateness' – it must be distinguishable from its surroundings, including both other actors and (in the case of collective actors such as the EU) its constituent members.<sup>49</sup> Autonomy also implies at least 'a minimal degree of internal cohesion'<sup>50</sup>; this is particularly applicable to collective actors like the EU, which need to be able to form and implement policy as one unified body rather than as several conflicting units. However, Sjöstedt sees autonomy as a 'necessary, but not sufficient ... threshold condition' for being an international actor; it is not criteria enough on its own. His second broad requirement for international actors is that they must possess 'actor capability' – they must be able to 'behave actively and deliberately in relation to others in the international system'.<sup>51</sup> 'Actor behaviour' (action which conforms to the entity's goals) is 'far from clear-cut and extremely difficult to operationalise objectively', but Sjöstedt also stipulates 'structural

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<sup>45</sup> Bretherton and Vogler, (2nd ed.), p. 2.

<sup>46</sup> Sjöstedt, p. 15.

<sup>47</sup> Joseph Jupille and James A. Caporaso, 'States, Agency and Rules: The European Union in Global Environmental Politics', in Carolyn Rhodes (ed.), *The European Union in the World Community*, London and Boulder: Lynne Rienner Publishers, 1998, p. 214.

<sup>48</sup> Sjöstedt; Christopher Hill, 'The Capability-Expectations Gap, or Conceptualizing Europe's International Role', *JCMS: Journal of Common Market Studies* 31:3 (1993); Jupille and Caporaso; Bretherton and Vogler, (2nd ed.).

<sup>49</sup> Sjöstedt, p. 15.

<sup>50</sup> Sjöstedt, p. 15.

<sup>51</sup> Sjöstedt, pp. 15-16.

prerequisites’ for actor capability which are easier to measure.<sup>52</sup> These include shared external policy goals, access to resources, ‘decision-making and monitoring facilities’ which ‘prepare for and control externally-directed actions ... in a crisis as well as in a normal situation requiring only a ... routinised response’, and ‘action-performance instruments’.<sup>53</sup>

<b>Autonomy</b>	<b>Actor Capability</b>
<p><b>A minimum degree of separateness</b>  <b>A minimal degree of internal cohesion</b></p>	<p><b>Structural Prerequisites</b></p> <ul style="list-style-type: none"> <li>• Shared External policy Goals</li> <li>• Access to resources</li> <li>• Decision-making and monitoring facilities</li> <li>• Action performance instruments</li> </ul>

**Table 1: Sjöstedt’s criteria for international actors**<sup>54</sup>

Sjöstedt’s idea of examining the extent to which the EU can be seen as an international actor has been revisited by multiple authors. Some merely adapt his model, elaborating or simplifying his criteria as they see fit. For example, Christopher Hill outlines more specific structural prerequisites – legal personality, diplomatic agents, and the capability to negotiate with third parties, which include a body’s ability to agree, its resources, and its instruments.<sup>55</sup> Other authors retain the spirit of Sjöstedt’s model, but devise slightly different criteria. Mathew Doidge, for example, asserts that ‘action triggers’ (including goals and interests), ‘policy processes/ structures’ (for both decision-making and information-monitoring) and ‘performance structures’ (including access to resources) are fundamental for action,<sup>56</sup> while Joseph Jupille and James Caporaso posit four components of ‘actor capacity’ – recognition (‘acceptance of and interaction with the entity by others’), authority (legal competence to act), autonomy (‘institutional distinctiveness

<sup>52</sup> Sjöstedt, pp. 72-75.

<sup>53</sup> Sjöstedt, pp. 74-75.

<sup>54</sup> Adapted from Sjöstedt and slightly simplified to disclude the difficult-to-operationalise criterion of ‘actor behaviour’.

<sup>55</sup> Hill, p. 315.

<sup>56</sup> Mathew Doidge, *The Effectiveness of the European Union as an International Actor: A Thesis Submitted in Fulfilment of the Requirements for the Degree of Master of Arts in Political Science at the University of Canterbury*, 2000, pp. 32-33.



and independence from other actors'), and cohesion (an ability to formulate and articulate internally consistent policies).<sup>57</sup> These reformulations of actorhood are all informed by Allen and Smith's concept of 'presence' – the idea that while the EU is not an actor in the realist, state-focused sense, it does have considerable 'status and impact within the ... international arena', which shapes 'collective action and [filters] out certain options'.<sup>58</sup>

Charlotte Bretherton and John Vogler's discussion of the EU's agency also draws on the work of Sjöstedt and Allen and Smith. As social constructivists, Bretherton and Vogler (like the strategic-relationist and structurationist authors mentioned earlier) take a discursive, integrative approach to the agency-structure debate.<sup>59</sup> After broadly defining actors as entities that are 'capable of agency; of formulating and acting upon decisions,'<sup>60</sup> the authors argue that the EU is 'an actor "under construction"', placing actor capability ('actorhood') alongside 'opportunity' and 'presence' as structural contexts in which EU action is constrained or enabled;<sup>61</sup> they argue that the EU's ability to develop and effect decisions (its agency) is limited by the external structure of ideas and events (its opportunity), its ability to have influence outside its borders, due to its existence (its presence), and its internal capabilities (its actorhood).<sup>62</sup> These structures are 'intersubjective; they comprise shared understandings that provide the context for and give meaning to agency', and they constantly develop, 'in response both to unfolding events and proactive action'.<sup>63</sup>

As the above formulae indicate, actorhood does not need to be attributed in an 'either/or' fashion. In contrast with realists' 'spurious characterisation',

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<sup>57</sup> Jupille and Caporaso, p. 216.

<sup>58</sup> Allen and Smith, pp. 19, 37.

<sup>59</sup> They hold (p. 35) that structures give context and meaning to agency, providing opportunities and constraints, which are shaped by both 'proactive action' and by events. For an overview of constructivists' assessments of structure and agency, see Emanuel Adler, 'Constructivism and International Relations', in Walter Carlsnaes, Thomas Risse and Beth Simmons (eds.), *Handbook of International Relations*, London: Sage, 2002, pp. 104-106.

<sup>60</sup> Bretherton and Vogler, (2nd ed.), p. 35.

<sup>61</sup> Bretherton and Vogler, (2nd ed.), p. 24.

<sup>62</sup> These concepts will be elaborated upon further in the next section. Bretherton and Vogler, (2nd ed.), pp. 24-35.

<sup>63</sup> Bretherton and Vogler, (2nd ed.), p. 35.

which ‘holistically’ casts states as the only international actors, whose agency extends ‘universally’, throughout the ‘entire global arena’, Doidge describes the global environment as containing various overlapping ‘spheres’, and points out that in practice few bodies are dominant in all spheres at all times.<sup>64</sup> This includes states, which nevertheless are considered legitimate actors. Entities may therefore be seen to possess degrees, or levels, of actorness, and rather than considering an actor/non-actor dichotomy, it is more accurate to view actorness as a continuum.<sup>65</sup>

In 1993 Hill stated that, while ‘non-theoretical observers’ might ‘automatically assume’ the EU possessed actorness, the fact that its foreign policy was made intergovernmentally meant that it could be viewed as ‘no more than the sum of what the member-states severally decide.’<sup>66</sup> This is in line with the realist perspective that bodies such as the EU are formed by their members, can be dissolved by their members, and therefore operate only as long as their members permit them to – they cannot be viewed as autonomous actors acting independently in the world scene. Yet, as Hill continues, ‘the truth ... is that the [EU] is a genuine international actor in some respects but not all, and that what is fascinating ... is to assess the various efforts which have been made to increase the scope of actorness.’<sup>67</sup> Like Sjöstedt, Doidge, and Bretherton and Vogler, Hill perceives actorness as existing on a continuum, ‘allowing us to chart the [EU]’s changing role in the world without becoming distracted by the “is it or isn’t it a superpower?” red herring.’<sup>68</sup> This is what this thesis sets out to achieve.

The next section will use Bretherton and Vogler’s model of actorness to demonstrate the high extent to which the EU possesses potential for agency in areas such as economic and agricultural policy, while also noting areas where its behaviour is less unified. Like the other models outlined above, Bretherton and Vogler’s criteria can only be used to indicate the EU’s

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<sup>64</sup> The spheres are political, economic, military and cultural. Doidge, p. 29.

<sup>65</sup> Doidge, p. 29.

<sup>66</sup> Hill, pp. 308-309.

<sup>67</sup> Hill, p. 309.

<sup>68</sup> Sjöstedt, p. 14; Doidge, p. 29; Bretherton and Vogler, (2nd ed.), p. 2; Hill, p. 309.

agency, rather than exhaustively measure it; however the criteria do offer a systematic way of studying the issue. This particular model is also useful in that it provides a framework for examining the EU's identity and the situations which influence its action.

### **The EU and Agency**

As noted in Table 2, Bretherton and Vogler hold that in order for an entity to be considered an actor, it needs to have the capability to, in particular, formulate and execute policies. It also needs to have a certain presence on the world stage – it needs to be respected, perhaps militarily, as the US is, or economically, as China is. Finally, an entity cannot be considered an actor unless there are situations in which action is appropriate. In the EU's case, its capabilities are reigned in by its decision-making procedures, but its economic reputation lends it significant scope for agency, and, like many other actors, it can only act when opportunities for action present themselves.

<b>Capability</b>	<b>Presence</b>	<b>Opportunity</b>
<b>Shared values</b>	<b>Understandings of its nature</b> <ul style="list-style-type: none"> <li>• Identity</li> <li>• Character</li> </ul> <b>External consequences of internal policies and priorities</b>	
<b>Domestic legitimacy</b>		
<b>Ability to identify priorities and formulate policies</b> <ul style="list-style-type: none"> <li>• Consistency</li> <li>• Coherence</li> </ul>		
<b>Access to, and capacity to utilise, policy instruments</b>		

**Table 2: Bretherton and Vogler's criteria for international actors<sup>69</sup>**

<sup>69</sup> Adapted from Bretherton and Vogler, (2nd ed.), pp. 24-35.

## Capability

As shown above, Bretherton and Vogler outline four main requirements for an entity to be capable of behaving as a unified international actor. The first is that its members agree to *share certain overarching values*.<sup>70</sup> In the EU's case, its member-states have signed up to a number of 'common provisions', committing to principles such as sustainability, democracy, economic and social progress, and human rights.<sup>71</sup> These values can be used to guide EU policy formation, and 'contribute to understandings about the Union's identity.'<sup>72</sup>

EU policies towards the Palestinians seem largely motivated by values such as the promotion of democracy, on the one hand, and a kind of 'refuphobia' on the other. The 1995 Euro-Mediterranean Partnership (EMP), for example, which 'enshrined one of the EU's most high-profile commitments to democracy promotion within one of its most far-reaching and deeply institutionalised external policy frameworks', was based on the perception that 'as the source of both vital energy resources and rapidly increasing migratory flows, the Mediterranean ... present[ed] the EU with some of its most pressing security concerns'.<sup>73</sup> The PA does not have the same lucrative access to natural resources as many other states in the region, but does host many of the Palestinian refugees and displaced persons who were expelled from their homes during the 1948 and 1967 Israeli-Arab wars. Moreover, an Israeli-Palestinian agreement on the refugees' right of return could prompt

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<sup>70</sup> Bretherton and Vogler, (2nd ed.), p. 30.

<sup>71</sup> 'Treaty on European Union', *Official Journal of the European Communities C 191*, 29 July 1992, retrieved 9 September 2008 from [http://eurlex.europa.eu/en/treaties/dat/11992M/tif/JOC\\_1992\\_191\\_\\_1\\_EN\\_0001.pdf](http://eurlex.europa.eu/en/treaties/dat/11992M/tif/JOC_1992_191__1_EN_0001.pdf), p. 4. Procedures for suspension of voting rights of member-states which fail to respect the democracy and human rights aspects of the Common Provisions were also outlined in the 'Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts', *Official Journal of the European Communities C 340*, 2 October 1997, retrieved 17 October 2008 from [http://eurlex.europa.eu/en/treaties/dat/11997D/tif/JOC\\_1997\\_340\\_\\_1\\_EN\\_0005.pdf](http://eurlex.europa.eu/en/treaties/dat/11997D/tif/JOC_1997_340__1_EN_0005.pdf), p. 9.

<sup>72</sup> Bretherton and Vogler, (2nd ed.), p. 30.

<sup>73</sup> The EMP was established between the EU member-state governments and Morocco, Algeria, Tunisia, Egypt, Jordan, Syria, Lebanon, Israel, the PA, Turkey, Cyprus, and Malta. Richard Youngs, *The European Union and the Promotion of Democracy: Europe's Mediterranean and Asian Policies*, Oxford and New York: Oxford University Press, 2001, p. 47.

the number of refugees living in Gaza and the West Bank to increase significantly. As at June 2008 there were over 1.8 million registered refugees living in the West Bank and Gaza Strip – and this figure does not include refugees not registered with UNRWA, or ‘displaced persons’ who do not fit UNRWA’s operational definition of refugees.<sup>74</sup> Just over half of these refugees live in UNRWA camps, where the socio-economic conditions are described as ‘generally poor with a high population density, cramped living conditions and inadequate basic infrastructure such as roads and sewers’.<sup>75</sup> There is a European fear of en-masse Palestinian refugee migration to Europe,<sup>76</sup> and this has shaped the EU’s policies of peace- and democracy-promotion.

The second requirement of actor capability is that an entity’s ‘processes and policies relating to [its] external policy’ are ‘*domestically legitimate*’<sup>77</sup> – they must be in accord with public opinion, or the entity will lose credibility, impeding its ability to act externally.<sup>78</sup> Hindering the EU’s actorness in this regard is that fact that the organisation suffers something of a ‘democratic deficit’.<sup>79</sup> Figure 1 shows turnout at elections for the European Parliament

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<sup>74</sup> UNRWA defines Palestinian refugees as ‘persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict’. Descendants of these refugees may also register to receive UNRWA’s services. UNRWA, ‘Who is a Palestine Refugee?’, *Refugees*, retrieved 17 June 2009 from <http://www.un.org/unrwa/refugees/whois.html>; UNRWA, ‘Total Registered Refugees Per Country and Area as at 30 June 2008’, *Refugees*, retrieved 17 June 2009 from [http://www.un.org/unrwa/publications/pdf/rr\\_countryandarea.pdf](http://www.un.org/unrwa/publications/pdf/rr_countryandarea.pdf).

<sup>75</sup> There are 980,775 refugees living in the West Bank and Gaza refugee camps; there are other camps in Jordan, Lebanon and Syria. UNRWA, ‘West Bank Refugee Camp Profiles’, *Refugees*, retrieved 17 June 2009 from <http://www.un.org/unrwa/refugees/westbank.html>; UNRWA, ‘Gaza Refugee Camp Profiles’, *Refugees*, retrieved 17 June 2009 from <http://www.un.org/unrwa/refugees/gaza.html>; UNRWA, ‘Where do the Refugees live?’, *Refugees*, retrieved 17 June 2009 from <http://www.un.org/unrwa/refugees/wheredo.html>.

<sup>76</sup> Mick Dumper, ‘The Return of Palestinian Refugees and Displaced Persons: The Evolution of a European Union Policy on the Middle East Peace Process’, in Rex Brynen and Roula El-Rifai (eds.), *Palestinian Refugees: Challenges of Repatriation and Development*, London and New York: IB Taurus, 2007, pp. 82-83.

<sup>77</sup> My italics. Bretherton and Vogler, (2nd ed.), p. 30.

<sup>78</sup> Bretherton and Vogler, (1st ed.), p. 42.

<sup>79</sup> Although its Common Provisions insist that its member-states adhere to democratic principles, ‘the European people have rarely been asked directly for their opinion on the changes agreed in their name’ (John McCormick, *Understanding the European Union: A Concise Introduction*, New York: St Martin’s Press, 1999, p. 147). Of the EU’s three policy-forming bodies only the European Parliament is directly elected by the European public; the ‘main decision-making body’, the Council of Ministers, is elected by the member-states’ parliaments, and the EU’s executive arm, the European Commission, which takes the main

has been decreasing steadily over a thirty year period. In addition, as the EU's policies increasingly impinge on its population's everyday lives, 'public consent, forbearance, and even active support' will become increasingly important for EU policies to be implemented.<sup>80</sup> However, despite its lack of full direct democracy, the EU does have other, less formal, avenues of gauging its citizens' approval of its actions<sup>81</sup> – for example, 81 per cent of respondents to a 2003 Eurobarometer poll supported the EU taking a strong role in the Middle East peace process.<sup>82</sup>

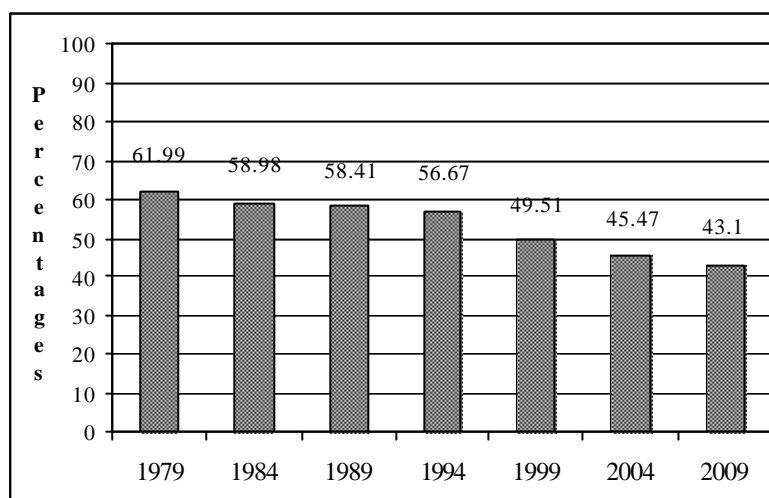


Figure 1: Turnout for EU Parliamentary elections 1979-2009<sup>83</sup>

The third, and perhaps most important, criterion of actor capability is that the entity is able to *coherently* and *consistently* 'identify priorities and formulate policies'.<sup>84</sup> An entity whose policies are both 'coherent', in that they are aligned with one another, and 'consistent', in that they are aligned with those

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responsibility for drafting and implementing policies, is appointed through a process involving the member-state governments, the European Commission President, the Council of Ministers, and the European Parliament (*The European Parliament*, Europa, retrieved 17 October 2008 from [http://europa.eu/institutions/inst/parliament/index\\_en.htm](http://europa.eu/institutions/inst/parliament/index_en.htm); *The Council of the European Union*, Europa, retrieved 17 October 2008 from [http://europa.eu/institutions/inst/council/index\\_en.htm](http://europa.eu/institutions/inst/council/index_en.htm); *The European Commission*, Europa, retrieved 17 October 2008 from [http://europa.eu/institutions/inst/comm/index\\_en.htm](http://europa.eu/institutions/inst/comm/index_en.htm)).

<sup>80</sup> Bretherton and Vogler, (2nd ed.), p. 30.

<sup>81</sup> Bretherton and Vogler, pp. 30-31.

<sup>82</sup> European Commission, 'Iraq and Peace in the World: First Results', *Flash Eurobarometer 151*, last modified October 2003, retrieved 17 October 2008 from [http://ec.europa.eu/public\\_opinion/flash/fl151oniraq\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl151oniraq_en.pdf), p. 10.

<sup>83</sup> This graph, derived from provisional results correct as at 23 June 2009, is adapted from 'Turnout at the European Elections (1979-2009)', *Results for the 2009 European Elections*, retrieved 28 June 2009 from [http://www.elections2009-results.eu/en/turnout\\_en.html](http://www.elections2009-results.eu/en/turnout_en.html).

<sup>84</sup> Bretherton and Vogler, (2nd ed.), p. 30.

of the entity's members, can behave as a unified actor.<sup>85</sup> The EU's internal policy formation processes are like those of most pluralistic political systems, in that different policy areas (for example development policy and trade policy) have an inclination to conflict with one another.<sup>86</sup> Adding to these tensions, the EU's institutional idiosyncrasies also affect its ability to behave coherently. For example, its Pillar structure advocates different policy-making processes for different policy areas. Pillar I, for example, deals supranationally with European Community (EC) issues such as those relating to the Customs Union, the EMU (Economic and Monetary Union) and the internal market, agricultural policy, and trade policy; Pillar II deals intergovernmentally with the EU's CFSP (Common Foreign and Security Policy) and ESDP (European Security and Defence Policy); and Pillar III deals partly intergovernmentally and partly supranationally with CJHA (Cooperation in Justice and Home Affairs).<sup>87</sup> This formal division hides the fact that many of these apparently discrete policy areas often overlap – for

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<sup>85</sup> Although, as noted in Fredrik Söderbaum and Luk van Langenhove, disagreements and disunity within states over policy matters have not prevented them from being seen as genuine actors, Jan Zielonka points out the detrimental impact member-states' pursuit of national interests can have on the EU's action. Fredrik Söderbaum and Luk van Langenhove, 'Introduction: The EU as a Global Actor and the Role of Interregionalism', *Journal of European Integration* 27:3 (2005), p. 259; Jan Zielonka, *Explaining Euro-Paralysis: Why Europe is Unable to Act in International Politics*, Basingstoke: Macmillan, 1998. Bretherton and Vogler, (2nd ed.), p. 31.

<sup>86</sup> Bretherton and Vogler, (2nd ed.), p. 32; Stephan Keukeleire and Jennifer MacNaughtan, *The Foreign Policy of the European Union*, Basingstoke: Palgrave Macmillan, 2008, p. 121.

<sup>87</sup> In Pillar I, decisions are made according to the 'Community method' – the European Commission has the sole right of initiative, but the policies must be approved by the Council of Ministers (often through qualified majority voting). Member-states do not have an automatic right of veto, but may block a decision on the grounds of 'national interest'. Numerous Pillar I Working Groups (comprising national officials and experts) channel reports on policy dossiers through the COREPER (the Committee of [Member-State] Permanent Representatives to the EU), whose recommendations the Council often adopts. Pillar II policies are formed outside the Community framework, and as the EU (unlike the EC) does not have legal personality, when it comes to forming international agreements the member-states must sign (and ratify) individually. As in Pillar I, the Council of Ministers adopts recommendations from Pillar II Working Groups and approves policies, but (although there is a provision for qualified majority voting here) decisions are usually made unanimously. The Commission plays an 'associate' role in Pillar II, essentially functioning as a 28<sup>th</sup> member-state in that it can make policy proposals but has no special right of initiative (in fact, policy initiation usually falls to the Presidency or the High Representative for CFSP). Wolfgang Schumann, 'The Institutional Structure of the Second and Third Pillars', *EU Structure 4*, D@dalos, last modified December 2005, retrieved 15 September 2008 from [http://www.dadalos-europe.org/int/grundkurs4/eu-struktur\\_4.htm](http://www.dadalos-europe.org/int/grundkurs4/eu-struktur_4.htm); Ben Soetendorp, *Foreign Policy in the European Union: Theory, History, and Practice*, London and New York: Longman, 1999, p. 9; Simon Hix, *The political system of the European Union* (2nd ed.), Houndmills, Basingstoke and New York: Palgrave Macmillan, 2005, pp. 9, 354.

example Pillar I's economic policies may easily be affected by Pillar II's foreign policies – and although 'habits of cross-pillar cooperation' have developed, 'turf-wars' and differing normative interpretations of the EU's role remain, and congruence is far from assured.<sup>88</sup> As chapter five will argue, the EU demonstrated a lack of coherence when, under US pressure, it decided to cut diplomatic and financial ties with the PA after the Islamist Hamas movement was elected into power in 2006. On one hand, this policy was in agreement with the EU's 2003 addition of Hamas to its list of terrorist organisations,<sup>89</sup> and with the EU's position as a member of the Quartet. Also known as the Madrid Quartet, this group, comprising the EU, the US, Russia and the UN, meets to discuss and issue statements on events in the Middle East; it announced that the 'terrorist' Hamas should only be dealt with if it agreed to meet certain conditions.<sup>90</sup> On the other hand though, the EU's anti-Hamas policy contradicted its stated commitments to supporting democracy in general, and the PA in particular.

Like coherence, consistency varies considerably from one policy area to the next.<sup>91</sup> The EU's enlargement to encompass 27 member-states has not made

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<sup>88</sup> Cross-pillar cooperation is theoretically encouraged by the General Affairs and External Relations Council, which deals with CFSP, ESDP, external trade and development cooperation, and by the Directorate-General External Relations, who oversees overall coordination of EC external priorities. However, there has been a concern that the DG External Affairs has 'yielded its principal functions to DG Trade, on the one hand, and EuropeAid on the other'. Bretherton and Vogler, (2nd ed.), pp. 32-33; Soetendorp, pp. 89-90.

<sup>89</sup> Council of the European Union, 'Council Common Position 2003/651/CFSP of 12 September 2003 Updating Common Position 2001/931/CFSP on the Application of Specific Measures to Combat Terrorism and Repealing Common Position 2003/482/CFSP', *Official Journal of the European Communities L 229*, 13 September 2003, pp. 42-45, retrieved 27 October 2008 from

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003E0651:EN:HTML>.

<sup>90</sup> The Quartet stated that until Hamas agreed to recognise Israel, renounce violence, and accept previous Palestinian agreements (including the two-state solution), it would no longer receive financial aid from the Quartet's members. This was despite the severe misgivings of EU members such as France, who felt the democratically-elected government should at least be given a chance before having sanctions applied to it. 'Middle East: Hamas Refuses Pressure to Recognize Israel, Disarm', Radio Free Europe / Radio Liberty, 31 January 2006, retrieved 12 June 2009 from <http://www.rferl.org/content/article/1065273.html>.

<sup>91</sup> As Bretherton and Vogler note, where the European Community has full competency over a particular area of its external policy, for example in negotiating at WTO (World Trade Organisation) meetings, common policies are generally 'entrenched', and 'consistency has not been a major problem.' However, in areas governed by both the Community and the member-states, such as environmental policy, 'consistency becomes very much an issue', and in areas where both the EU's policies and its member-states' bilateral policies take a



finding consensus positions any easier,<sup>92</sup> and although this problem has led to opt-out provisions, ‘constructive abstention’ allowances, and ‘General Provisions’ for ‘enhanced cooperation’, which ‘would enable groups of member-states to move forward (rather than opt out) in policy areas encompassing all three of the Union’s Pillars’,<sup>93</sup> these have tended to be unwieldy with ‘heavy procedures and strict requirements’,<sup>94</sup> and ‘in practice ... the member-states have been reluctant to utilise [them]’.<sup>95</sup> The 2003 ‘crisis in Iraq’ proved a particularly clear case of inconsistency within the EU – while member-states such as Britain and Spain were part of the US-led ‘coalition of the willing’ which invaded Iraq, other member-states such as France and Germany publicly protested the action.<sup>96</sup>

Consistency and coherence affect the fourth of Bretherton and Vogler’s aspects of actor capability, the ability to *access and utilise policy instruments* (be they political, economic or military) to achieve external policy goals.<sup>97</sup> Politically, the EU’s power to negotiate with other international actors – ‘a condition of entry into the [international] system itself’ – is highly dependent on the policy issue at hand.<sup>98</sup> In the areas where the Commission does have negotiating competency, its negotiators’ effectiveness comes into play. Interestingly, the problems of consistency and coherence both help and hinder the EU’s ability to use diplomacy to achieve its policy goals. On one

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‘prominent role’, such as development and foreign policy, ‘consistency is of central importance’. Bretherton and Vogler, (2nd ed.), pp. 15, 31.

<sup>92</sup> Roy H. Ginsberg, ‘Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability-Expectations Gap’, *JCMS: Journal of Common Market Studies* 37:3 (1999), p. 446.

<sup>93</sup> Ginsberg, p. 446; Bretherton and Vogler, (2nd ed.), pp. 31-32.

<sup>94</sup> Keukeleire and MacNaughtan, pp. 108-109.

<sup>95</sup> Bretherton and Vogler, (2nd ed.), pp. 31-32.

<sup>96</sup> Asle Toje, ‘The Consensus-Expectations Gap: Explaining Europe’s Ineffective Foreign Policy’, *Security Dialogue* 39:1 (2008), p. 127; Bernhard Stahl, ‘Understanding the “Great Split” in the Iraq Crisis: A Comparative Approach of the Member States’ Foreign Policy’, Paper prepared for presentation at the UACES conference in Zagreb, 4-7 Sept. 2005, retrieved 22 October 2008 from [http://www.politik.uni-trier.de/forschung/Paper\\_Iraq.pdf](http://www.politik.uni-trier.de/forschung/Paper_Iraq.pdf), pp. 11-16.

<sup>97</sup> Bretherton and Vogler, (2nd ed.), p. 33.

<sup>98</sup> In policy areas where the EU has full legal personality and the Community has exclusive internal competence, for example goods trading, the matter is (generally) quite straightforward. However in areas deemed more ‘sensitive’, such as CFSP, member-states are often reluctant to transfer full negotiating power to the EU, and the competency is often ‘shared between the EC and member-states, disputed, or unclear’. Bretherton and Vogler, (2nd ed.), pp. 33-34; Michael E. Smith, *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation*, New York: Cambridge University Press, 2003, p. 218.

hand, EU negotiators often lack the flexibility to change their position, as finding a stance all 27 member-states can agree on takes time at best, and at worst may prove impossible.<sup>99</sup> On the other hand, sometimes this lack of adaptability can help strengthen the EU's negotiating position; particularly in situations where the EU's 'economic presence looms large, and third parties are unable to take risks', the EU is able to use its 'structural inflexibility as a negotiating ploy', marking it out as a 'formidable negotiating partner'.<sup>100</sup>

The EU's economic might gives it access to a range of economic policy instruments. It may offer certain actors privileged access to its Single Market for largely political reasons, it frequently inserts 'explicit' and 'increasingly intrusive' political conditions into trade and aid agreements (violation of which often results in 'full or partial suspension of privileges'), and it may impose formal economic sanctions on actors it wants to influence.<sup>101</sup> The infliction of sanctions involves cross-pillar cooperation, as the decision to impose sanctions lies with Pillar II, but the policy instruments lie with Pillar I.<sup>102</sup> This again has potential to cause problems of consistency and coherence.

The most controversial policy instrument available to the EU is the use of its not insubstantial military resources. Since 1999, when the European Security and Defence Policy (ESDP) was formally launched, a number of member and non-member-states have signed up to provide military forces and equipment and civilian personnel, such as police officers, prosecutors, judges and prison officers, to assist in EU crisis management operations.<sup>103</sup> The EU

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<sup>99</sup> Bretherton and Vogler, (2nd ed.), p. 34; Bart Kerremans, 'Proactive Policy Entrepreneur or Risk Minimizer? A Principal-Agent Interpretation of the EU's Role in the WTO', in Ole Elgström and Michael Smith (ed.), *The European Union's Roles in International Politics: Concepts and Analysis*, Oxon: Routledge, 2006, pp. 178-179.

<sup>100</sup> Bretherton and Vogler, (2nd ed.), p. 34.

<sup>101</sup> The Single Market was created in 1993 with the aim of allowing the free movement of goods, services, capital and labour throughout the EU. European Commission, 'General Policy Framework', *The EU Single Market*, last modified 20 October 2008, retrieved 30 October 2008 from [http://ec.europa.eu/internal\\_market/top\\_layer/index\\_1\\_en.htm](http://ec.europa.eu/internal_market/top_layer/index_1_en.htm). Bretherton and Vogler, (2nd ed.), p. 34; Soetendorp, pp. 85-86.

<sup>102</sup> Simon J. Nuttall, *European Foreign Policy*, Oxford: Oxford University Press, 2000, pp. 130-131; Bretherton and Vogler, (2nd ed.), p. 34; Joakim Kreutz, *Hard Measures by a Soft Power? Sanctions Policy of the European Union 1981-2004*, Paper 45, Bonn International Centre for Conversion from <http://www.bicc.de/publications/papers/paper45/paper45.pdf>, pp. 9-11.

<sup>103</sup> Keukeleire and MacNaughtan, pp. 175-185.

also has access to NATO assets and capabilities, including NATO planning facilities, and the ability to choose to employ a NATO European command structure for EU-led military operations.<sup>104</sup> Yet while the EU dispatched a police mission to Bosnia-Herzegovina in 2003, and has sent military missions to Macedonia and the Democratic Republic of Congo since then,<sup>105</sup> consistency problems due to the varied positions of member-states on security matters mean that in this ‘sensitive policy area’ ‘a number of problems are likely to persist’.<sup>106</sup>

### *Presence*

The reluctance of many EU member-states to intervene militarily in other actors’ affairs is reflected in the EU’s *identity*. Along with *character*, this makes up part of the EU’s ‘presence’ or reputation, its ability ‘by virtue of its existence’ to exert influence beyond its borders.<sup>107</sup> As mentioned above, the idea of presence was first conceived by Allen and Smith, and Bretherton and Vogler have stressed its importance in their model of actorness.

Presence, an entity’s ability to shape the expectations and behaviour of other entities, is determined by two interrelated groups of elements.<sup>108</sup> The first of these has two components – character and identity. Character denotes the entity’s ‘material existence’ or political structure – in the case of the EU, this is its system of member-states sharing particular institutions.<sup>109</sup> Its successive enlargements, and the continued aspiration of states such as Turkey to join the EU, contribute to the body’s international presence. Its economic power,

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<sup>104</sup> Keukeleire and MacNaughtan, p. 176.

<sup>105</sup> European Union Delegation of the European Commission to the USA, ‘European Security and Defence Policy’, *EU Focus*, January 2006, retrieved 27 October 2008 from <http://www.eurunion.org/News/eunewsletters/EUFocus/2006/EUFocus-ESDP.pdf>, pp. 2-4.

<sup>106</sup> Bretherton and Vogler, (2nd ed.), p. 35.

<sup>107</sup> Bretherton and Vogler, (2nd ed.), p. 27.

<sup>108</sup> Allen and Smith name different factors – credentials and legitimacy, the capacity to act and mobilise resources, and ‘the place it occupies in the perceptions and expectations of policy makers’ – but Bretherton and Vogler emphasise the last of these. This appears to be partly because the earlier ones are already covered by their actor capability criteria, and partly because Allen and Smith also emphasise the role of ‘ideas, notions, expectations and imaginations’. Allen and Smith, pp. 21-22; Bretherton and Vogler, (2nd ed.), p. 27.

<sup>109</sup> Bretherton and Vogler, (2nd ed.), p. 27.

noted above, adds to this. However, the EU's political system's 'multifaceted and often disputatious character' diminishes its influence in world affairs.<sup>110</sup> For example, the 'highly publicised disputes ... prior to the 2003 Iraq war' mentioned earlier 'were highly damaging to the EU's credibility as a uniting force in member-states' foreign policies as well as a potential actor in Iraq'.<sup>111</sup>

'Intimately' related to character, identity is the entity's 'fundamental nature', the 'shared understandings that give meaning(s) to what the [entity] is and what it does', and which indicate what sorts of roles and policies the entity will (or should) take.<sup>112</sup> Stephan Fuchs points out that agents cannot really 'make' or 'control' their reputations, as they depend on the perceptions of others; 'a person who is alone in claiming a reputation for him- or herself has no reputation at all'.<sup>113</sup> With a number of different groups observing and interacting with the EU, a variety of EU identities have been suggested, including 'civilian' (as opposed to 'military');<sup>114</sup> 'normative' (asserting and projecting its values);<sup>115</sup> and 'fortress' (regulating those who wish to deal with or join it).<sup>116</sup> While these identities may conflict, they all shape the ways in which the EU's behaviour is interpreted and the roles it can take on. With respect to the Middle East, for example, the EU's values-based, rather than military-based identities mean it is often seen as a less-powerful, but nevertheless useful, counterweight to the US.<sup>117</sup> This seems to support Fuchs's argument that 'a reputation exists not by itself but only in relation to

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<sup>110</sup> Bretherton and Vogler, (2nd ed.), p. 28.

<sup>111</sup> Keukeleire and MacNaughtan, p. 122.

<sup>112</sup> Bretherton and Vogler, (2nd ed.), p. 27.

<sup>113</sup> Stephan Fuchs, 'Beyond Agency', *Sociological Theory* 19:1 (March 2001), p. 36.

<sup>114</sup> François Duchêne, 'Europe's Role in World Peace', in Richard J. Mayne (ed.), *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana, 1972, p. 47

<sup>115</sup> Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', *JCMS: Journal of Common Market Studies* 40:2 (2002), p. 238.

<sup>116</sup> Brian T. Hanson, 'What Happened to Fortress Europe? External Trade Policy Liberalization in the European Union', *International Organization* 52:1 (Winter 1998), p. 55; Alexander Caviedes, 'The Open Method of Co-ordination in Immigration Policy: A Tool for Prying Open Fortress Europe?', *Journal of European Public Policy* 11:2 (April 2004), p. 289.

<sup>117</sup> Rosemary Hollis, 'Europe and the Middle East: Power by Stealth?', *International Affairs* 73:1 (January 1997), pp. 18, 29.

other reputations’;<sup>118</sup> the EU is often viewed as more neutral, or pro-Palestinian, than the pro-Israel US.

The second factor contributing to an entity’s presence is the *external consequences of its internal priorities and policies*. These consequences can be intended or unintended, and while they themselves are not the entity’s action, they may result in responses from other actors which give rise to the entity taking further action. For example, the EU’s Common Agricultural Policy (CAP) has stimulated its members’ domestic agricultural production, affecting world agricultural prices and ‘prompting political reactions from aggrieved third parties affected by loss of export earnings’. The CAP’s negative impacts on the Maghreb countries’ export earnings after Greece, Spain and Portugal joined the EU in the 1980s sparked a reaction which, ‘in combination with other factors, led the EC to negotiate a new relationship with non-member Mediterranean countries’.<sup>119</sup>

### *Opportunity*

In order for an entity’s influence and capabilities to be exercised, it needs to have some context in which action is appropriate. Opportunities may constrain or enable agency – ideas such as the so-called ‘War on Terror’,<sup>120</sup> or events, such as the US-led invasion of Iraq in 2003, have both impacted on what action the EU felt able to take.<sup>121</sup> Similarly, as will be explained in

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<sup>118</sup> Fuchs, p. 36.

<sup>119</sup> Similarly, the ‘magnetic effect’ of the Single Market in attracting foreign investment and in inducing demands for privileged access led to the creation of the EEA (European Economic Area) and eventually the accession of Austria, Finland and Sweden in 1995. The EU’s growing membership, particularly since 2004, gave the Single Market access to areas where ‘economic growth is rapid and consumer demand vibrant’, further increasing the EU’s international influence. Bretherton and Vogler, (2nd ed.), pp. 27-28.

<sup>120</sup> This ‘war’ is more of an idea than an event, since, as Terry Jones notes, it is impossible to ‘declare war on an abstract noun’. Terry Jones, ‘Why Grammar is the First Casualty of War’, *The Telegraph*, 1 December 2001, retrieved 20 June 2009 from <http://www.telegraph.co.uk/news/uknews/1364012/Why-grammar-is-the-first-casualty-of-war.html>.

<sup>121</sup> For example, the War on Terror enabled the EU to impose a number of ‘anti-terror’ regulations. On the other hand, while some EU member-states such as Britain and Spain were part of the ‘coalition of the willing’ which invaded Iraq, this led to ‘a new discourse of “responsibility” ... derived from the desire to distance the [EU] from US interpretations of the “war on terror”’. Bretherton and Vogler, (2nd ed.), p. 26.

chapter five, the EU's addition of Hamas to its list of terrorist organisations in 2003, combined with its membership of the US-influenced Quartet, meant that it felt unable to continue its financial support of the PA when Hamas was elected into power in 2006. On the other hand, when the unity government that formed between Hamas and the previous governing faction Fatah collapsed in June 2007, the EU felt able to resume direct funding to the Fatah government in the West Bank (although not to the Hamas government in Gaza).<sup>122</sup>

As the above example indicates, some opportunities have more impact than others. According to the theory of 'path dependency', at any given time, an agent may be viewed as following a particular path, or trajectory, which has been shaped by the limits placed on it by past events.<sup>123</sup> The idea is that history affects what future choices an agent is able to make. Ruth Collier and David Collier use the term 'critical junctures' to describe particularly momentous periods which set agents on new courses.<sup>124</sup> As Mahoney and Snyder put it, critical junctures occur when a political action creates a structure whose lasting causal effects shape 'subsequent trajectories of political change'.<sup>125</sup> In order to avoid becoming too structuralist, or deterministic, about the paths agents take, the path-dependent analysis emphasises the role of 'choice and contingency' in the 'genesis of structures during these junctures' (or 'key choice points'), and allows agents 'room ... to play autonomous causal roles in subsequent [significant political events]'.<sup>126</sup> In their analyses Collier and Collier and Mahoney and Snyder only apply the idea of critical junctures to regime change, but here we will use the term a little more loosely, using it to add depth to Bretherton and Vogler's notion of opportunity by differentiating the most significant

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<sup>122</sup> Paul Walker and agencies, 'EU and US Restore Funding to Fatah Government', *Guardian*, 18 June 2007, retrieved 4 October 2008 from <http://www.guardian.co.uk/world/2007/jun/18/usa.israel>.

<sup>123</sup> Mahoney and Snyder, p. 16.

<sup>124</sup> Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America*, Princeton: Princeton University Press, 1991, cited in Mahoney and Snyder, p. 16 and in Joel M. Ostrow, Georgii Satarov and Irina Khakamada, *The Consolidation of Dictatorship in Russia: An Inside View of the Demise of Democracy*, Westport: Praeger Security International, 2007, p. 8.

<sup>125</sup> Mahoney and Snyder, p. 16.

<sup>126</sup> Mahoney and Snyder, pp. 16-19.

opportunities, or junctures, from the rest. For example, in chapter three we will see that the Arab states' use of the 'oil weapon' during the 1973 Arab-Israeli war was a critical juncture that prompted the EC member-states to become much more consistent in their approach towards the Palestinian issue; another opportunity, the 1978 Camp David accords, acted as more of a nudge along the path that the EC had been travelling on since the use of the 'oil weapon'.

Overall, Bretherton and Vogler's model of actorness shows that the EU possesses a considerable degree of agency, although this tends to be much stronger in areas of Community competence (such as economic policy) than in areas such as the CFSP where decisions are made intergovernmentally rather than supernationally. The EU has a fairly clear international presence, and like other actors it faces ideas and events which give it significant opportunities to act. Most importantly it possesses considerable actor capabilities, although these are clearly subject to varying problems of consistency and cohesion. However, although Bretherton and Vogler's model includes cohesion, which in Sjöstedt's model is a component of autonomy, they omit his other component of autonomy, separateness, which we shall find a useful tool for dissecting the EU's agency.

The model of agency that is used in this thesis is thus a minor modification of Bretherton and Volger's, incorporating the notion of separateness as well as cohesion under the general area of independent action.

This section has also hinted at the EU's agency with regard to the PA. The next section will outline the institutions which shape the action the EU is able to take in this area.

### **EU Institutions and the PA**

So far we have seen that the EU often has a considerable degree of agency, both in the general sphere of world politics, and specifically with respect to my case study, the PA. The EU possesses a number of decision-making

institutions (as footnoted earlier), as well as a variety of implementation institutions, whose various functions intersect, and at times overlap. This can make it difficult to know which branch is acting when 'the EU' is said to be taking action. Before discussing the EU's behaviour towards the PA it is therefore useful to disaggregate the EU institutions which have specific relevancy to the PA, explaining their roles and their relationships to one another.

From the PA's perspective, probably the most important EU institution is the European Council. This body, comprising the 27 member-states' heads of state and the European Commission President, is responsible for defining the EU's 'general political guidelines'.<sup>127</sup> It relates to the PA through the EU's CFSP, whose 'policy principles and general guidelines' it determines with the General Affairs and External Relations Council (GAERC).<sup>128</sup> The European Council is responsible for issuing statements of the EU's basic stance on the Palestinian situation, such as the 1980 Venice declaration, the 1999 Berlin declaration, and the 2002 Seville declaration, and it adopted a Common Strategy on the Mediterranean Region in June 2000.<sup>129</sup>

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<sup>127</sup> It is the same body as the Council of the European Union, informally known as the Council of Ministers, mentioned earlier, which meets in different 'configurations' according to what policy area is being discussed. These are attended by the member-states' Ministers and the European Commissioners responsible for the areas concerned, and are chaired by the Minister representing the member-state currently holding the Council Presidency, which rotates every six months. However, when the Council of Ministers meets in a summit configuration (that is, with the heads of state and the Commission President), as it does at least every six months, it is called the European Council. (This should not be confused with the Council of Europe, a non-EU body which focuses on European integration.) Consilium, *The Council*, retrieved 17 October 2007 from [http://consilium.europa.eu/cms3\\_fo/showPage.asp?id=426&lang=en&mode=g](http://consilium.europa.eu/cms3_fo/showPage.asp?id=426&lang=en&mode=g); Europa, 'Common Foreign & Security Policy (CFSP): Overview', *External Relations*, last modified February 2002, retrieved 17 October 2008 from [http://ec.europa.eu/external\\_relations/cfsp/intro/](http://ec.europa.eu/external_relations/cfsp/intro/); Consilium, *European Council*, retrieved 17 October 2008 from [http://www.consilium.europa.eu/cms3\\_fo/showPage.asp?id=429&lang=EN&mode=g](http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=429&lang=EN&mode=g).

<sup>128</sup> The GAERC configuration of the Council is attended by the member-states' foreign ministers, the Commissioner for External Relations, and the High Representative for the Common Foreign and Security Policy (who is also Secretary-General of the Council of the European Union). It meets once a month. Europa, 'CFSP Overview'; Consilium, *General Affairs and External Relations Council (GAERC)*, retrieved 17 October 2008 from [http://consilium.europa.eu/cms3\\_fo/showPage.asp?id=388&lang=en](http://consilium.europa.eu/cms3_fo/showPage.asp?id=388&lang=en); Europa, 'The EU & The Middle East Peace Process: The Union's Position and Role', *External Relations*, last modified 17 April 2008, retrieved 17 October 2008 from [http://ec.europa.eu/external\\_relations/mepp/index.htm](http://ec.europa.eu/external_relations/mepp/index.htm).

<sup>129</sup> The Venice declaration recognised 'the right to existence and to security of all States in the region, including Israel, and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people' (European Council, 'Venice Declaration on



The GAERC also plays an important role with respect to the PA. Its remit as an External Relations Council is to formulate and implement decisions on the execution of the CFSP in line with the Council's guidelines and the Common Strategy. It also deals with the implementation of the ESDP, the EU's foreign trade policies, and development cooperation, and (along with the European Commission) it works to 'ensure coherence in the EU's external action across the range of instruments at the Union's disposal'.<sup>130</sup> Its CFSP role regarding the PA lies in issuing 'conclusions' on the Middle East Peace Process, and in adopting Common Positions and Joint Actions.<sup>131</sup> These 'commit the member-states to adopting a certain position and a certain course of action', such as the 2005 decision to send an EU Border Assistance Mission (EUBAM Rafah), to oversee the implementation of the Israeli-Palestinian agreement on the operation of the Rafah border crossing between Egypt and the Gaza Strip.<sup>132</sup>

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the Middle East', 13 June 1980, retrieved 5 August 2008 from <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/fef015e8b1a1e5a685256d810059d922!OpenDocument>); the Berlin declaration spoke for the first time of a 'democratic, viable and peaceful sovereign Palestinian State' (Council of the European Union, 'Berlin European Council 24 and 25 March 1999: Presidency Conclusions', retrieved 27 October 2008 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/ec/ACFB2.html](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/ec/ACFB2.html)); and the Seville declaration made explicit the EU's support of a two-state solution, urging for 'an end to the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties'. Further, the 'end result should be two States living side by side within secure and recognised borders enjoying normal relations with their neighbours'. (Council of the European Union, *Seville European Council 21 and 22 June 2002: Presidency Conclusions*, retrieved 27 October 2008 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/ec/72638.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/ec/72638.pdf), p. 35). The Mediterranean Region Common Strategy sets out overall policy guidelines for the EU's relationship with the region. It highlights objectives and methods for achieving them – for example in paragraph 14 the EU offers to 'actively promote the strengthening of democratic institutions and the rule of law, in particular through political dialogue and support for judicial reform, institution building, and freedom of expression, notably through the strengthening of the independent media'. European Council, 'Common Strategy of the European Council of 19 June 2000 on the Mediterranean Region', *Official Journal of the European Communities L 183*, 22 July 2000, pp. 5-10, retrieved 27 October 2008 from <http://consilium.europa.eu/uedocs/cmsUpload/mediEN.pdf>.

<sup>130</sup> For information on the GAERC's role with regard to foreign trade policy and development organisation, see Consilium, 'GAERC'.

<sup>131</sup> Consilium, 'GAERC'; Europa, 'The Union's Position and Role'.

<sup>132</sup> Europa, 'CFSP: Overview'; Europa, 'The Union's Position and Role'.

The EU's dialogue with third countries on the Middle East Peace Process is conducted by two entities: the 'EU Troika' and the EU Special Representative (EUSR) for the Middle East Peace Process.<sup>133</sup> The Troika 'represents the European Union in external relations that fall within the scope of the CFSP'.<sup>134</sup> It used to consist of the incumbent, immediately preceding, and immediately succeeding Presidents of the European Union; since the 1997 Treaty of Amsterdam, it has consisted of the High Representative for the CFSP / Secretary-General of the Council of the European Union, a Commission official (usually its vice-president and External Relations / European Neighbourhood Policy Commissioner), and an EU Presidency official (often the foreign affairs minister of the member-state holding the Presidency of the Council). In fact, sometimes the Troika includes four participants ('not including any "special representatives" appointed for particular policy issues'), as the Treaty of Amsterdam still allows for the immediately succeeding Presidency to assist the Troika.<sup>135</sup> EUSRs are appointed by the Council on the recommendation of the CFSP High Representative, operate under the direction of the High Representative, and are funded from the CFSP section of the EU budget.<sup>136</sup> The Middle East Peace Process EUSR acts as the EU's 'voice' and 'face' in the region, aiming to support actions and initiatives leading to a final settlement, to facilitate cooperation on security issues, to contribute to the implementation of agreements reached between the parties, and to represent the EU in the Quartet at envoys level.<sup>137</sup> The Quartet aims to help 'bring about a just, comprehensive and lasting peace in the Middle East ... where two states, Israel and Palestine, live side by side in peace and security with an

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<sup>133</sup> Europa, 'The Union's Position and Role'.

<sup>134</sup> Europa, 'Troika', *Glossary*, retrieved 18 October 2008 from [http://europa.eu/scadplus/glossary/troika\\_en.htm](http://europa.eu/scadplus/glossary/troika_en.htm)

<sup>135</sup> Karen E. Smith, pp. 229-230.

<sup>136</sup> Consilium, 'EU Special Representatives (EUSRs): Representing the EU around the World in Key Policy Areas', *EU Council Secretariat Factsheet*, May 2008, retrieved 18 October 2008 from [https://www.consilium.europa.eu/uedocs/cmsUpload/080515-FACTSHEET-May\\_08.pdf](https://www.consilium.europa.eu/uedocs/cmsUpload/080515-FACTSHEET-May_08.pdf), p. 1; Europa, 'The Union's Position and Role'.

<sup>137</sup> Consilium, 'EUSRs', p. 1.

internationally recognised border'.<sup>138</sup> At the Ministerial and experts level it is represented by the European Commission.<sup>139</sup>

The European Commission also organises and distributes international aid to the Palestinians. Along with the Presidency, it 'takes a leading role' in international donors' conferences for the Peace Process, as well as in the Ad Hoc Liaison Committee for Assistance to the Palestinian People (AHLC), which was established in 1993 to coordinate international assistance to the PA.<sup>140</sup> The Commission's own aid to the Palestinians is programmed by its External Relations Directorate-General, which identifies priorities and advises 'budgetary amounts per objective'; the Commission's Europe-Aid Cooperation Office then 'establishes the financing plans and manages the projects from the identification to the evaluation phase'.<sup>141</sup> An important part of the Commission's assistance is technical aid sent via the European Neighbourhood and Partnership Instrument (ENPI) to help the PA meet economic, social, political, and security sector reform goals outlined in the PA-Commission agreed European Neighbourhood Policy (ENP) Action Plan.<sup>142</sup> For example, under the ESDP, the Commission aids the PA in

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<sup>138</sup> Colin Powell, *Remarks with UN Secretary General Kofi Annan, Foreign Minister Igor Ivanov of the Russian Federation, Foreign Minister Josep Pique of Spain in the Capacity of EU Presidency and Javier Solana, High Representative for Common Foreign and Security Policy of the EU* 2 May 2002, retrieved 18 October 2008 from <http://www.state.gov/secretary/former/powell/remarks/2002/9917.htm>.

<sup>139</sup> Europa, 'The Union's Position and Role'.

<sup>140</sup> Europa, 'The Union's Position and Role'; ECTAO, *The European Commission in the West Bank and Gaza Strip: What We Do and How We Work*, retrieved 21 October 2008 from [http://www.delwbg.ec.europa.eu/en/about\\_us/role.htm](http://www.delwbg.ec.europa.eu/en/about_us/role.htm).

<sup>141</sup> European Commission, 'EC Assistance to the Palestinians', *External Relations*, last modified 21 August 2008, retrieved 21 October 2008 from [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/ec\\_assistance/index\\_en.htm](http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/index_en.htm).

<sup>142</sup> The ENP is 'a broad political strategy' which aims to build 'the prosperity, stability and security of Europe's neighbourhood in order to avoid any dividing lines between the enlarged EU and its direct neighbours'. The Commission has a separate Action Plan with many of its neighbours; these outline reform goals and ways to achieve them. See for example 'EU / Palestinian Authority Action Plan', retrieved 20 October 2008 from [http://ec.europa.eu/world/enp/pdf/action\\_plans/pa\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/pa_enp_ap_final_en.pdf). European Commission, 'European Neighbourhood and Partnership Instrument', *External Cooperation Programmes*, last modified 8 October 2008, retrieved 21 October 2008 from [http://ec.europa.eu/europeaid/where/neighbourhood/overview/index\\_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/overview/index_en.htm). Europa, 'European Neighbourhood Policy – The Occupied Palestinian Territory', *Press Releases: Rapid*, 3 April 2008, retrieved 25 October 2008 from <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/213&format=HTML&aged=0&language=EN&guiLanguage=en>.

‘establishing sustainable and effective policing arrangements’ through the EU Police Mission for the Palestinian Territories (the charmingly-named EUPOL COPPS).<sup>143</sup> Other Commission aid includes humanitarian aid, allocated through its Humanitarian Aid Office (ECHO),<sup>144</sup> and food aid, sent through mechanisms such as PEGASE and bodies such as UNRWA and the UN’s World Food Programme (WFP).<sup>145</sup> The Commission also prepares, funds, and implements a variety of development and assistance projects in the Palestinian territories.<sup>146</sup> The European Commission Technical Assistance Office for the West Bank and Gaza Strip (ECTAO) manages the bulk of the donor assistance programmes to the Palestinians and ‘plays its

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<sup>143</sup> Consilium, *EU Police Mission in the Palestinian Territories (EUPOL COPPS)*, retrieved 24 October 2008 from [http://consilium.europa.eu/cms3\\_fo/showPage.asp?id=974&lang=EN](http://consilium.europa.eu/cms3_fo/showPage.asp?id=974&lang=EN).

<sup>144</sup> ECHO, 'Background & Mandate', *About Us*, last modified 17 June 2008, retrieved 19 October 2008 from [http://ec.europa.eu/echo/about/what/history\\_en.htm](http://ec.europa.eu/echo/about/what/history_en.htm); ECHO, 'Palestinian Territories', *Aid in Action*, last modified 31 January 2008, retrieved 19 October 2008 from [http://ec.europa.eu/echo/aid/north\\_africa\\_mid\\_east/palestinian\\_en.htm](http://ec.europa.eu/echo/aid/north_africa_mid_east/palestinian_en.htm).

<sup>145</sup> PEGASE ‘is a European [funding] mechanism of both EU member-states and the European Commission’ through which international and European funds are channelled ‘in support of the reform and development priorities of the Palestinian Authority’. It replaced the less-permanent TIM (Temporary International Mechanism) which was established to channel funds to Palestinians after the Quartet stopped funding the Hamas-led PA in 2006. ECTAO, 'Overview of PEGASE', *PEGASE: The New European Mechanism for Support to the Palestinians*, retrieved 20 October 2008 from [http://www.delwbg.ec.europa.eu/en/funding/pegas\\_documents.htm](http://www.delwbg.ec.europa.eu/en/funding/pegas_documents.htm); ECTAO, *PEGASE and the PRDP*, retrieved 21 October 2008 from <http://www.delwbg.ec.europa.eu/en/funding/pegas/3.doc>; ECTAO, *The Temporary International Mechanism*, retrieved 19 October 2008 from [http://www.delwbg.ec.europa.eu/en/tim/tim\\_in.htm](http://www.delwbg.ec.europa.eu/en/tim/tim_in.htm); European Commission, *Commission Provides €20 Million Food Aid to the Palestinians*, 21 July 2006, retrieved 24 October 2008 from <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/842cc0a825568eab852571c30046abae!OpenDocument>.

<sup>146</sup> Some of the Commission’s projects include the EU Partnership for Peace Programme, which ‘supports local and international civil society initiatives that promote peace, tolerance and non violence in the Middle East’ and is managed by EC Delegation in Tel Aviv, the EC Technical Assistance Office to the West Bank and Gaza and the EC Delegation in Jordan; a WHO (World Health Organisation) and Palestinian Ministry of Health mental health project; civil society initiatives administered through the EIDHR (European Instrument for Democracy and Human Rights); fuel delivery to the Gaza power station; and providing ‘financial and technical assistance’ in the areas of governance, social development, economic and private sector development, and public infrastructure through PEGASE, in line with the PDRP (PA Development and Reform Plan). European Commission's Delegation to Israel, 'EU Partnership for Peace Programme', *Cooperation and Funding*, retrieved 19 October 2008 from [http://www.delisr.ec.europa.eu/english/content/cooperation\\_and\\_funding/3.asp](http://www.delisr.ec.europa.eu/english/content/cooperation_and_funding/3.asp); ECTAO, 'Transforming Mental Health Services in the Occupied Palestinian Territory', *What's New?*, retrieved 21 October 2008 from <http://www.delwbg.ec.europa.eu/en/whatsnew/43.htm>; ECTAO, 'Civil Society', *Cooperation Sectors*, retrieved 27 October 2008 from [http://www.delwbg.ec.europa.eu/en/cooperatio\\_development/sector11.htm](http://www.delwbg.ec.europa.eu/en/cooperatio_development/sector11.htm); ECTAO, *PEGASE Direct Financial Support of Recurrent Costs of the Palestinian Authority Budget: Implementation Progress, 15 August 2008*, retrieved 25 October 2008 from [http://www.delwbg.ec.europa.eu/en/download/progress\\_15aug.pdf](http://www.delwbg.ec.europa.eu/en/download/progress_15aug.pdf); ECTAO, 'PEGASE and the PRDP'; ECTAO, 'Overview of PEGASE'.

role in the diplomatic community associated with the West Bank and Gaza' alongside the EUSR and member-states' local representatives.<sup>147</sup>

The European Parliament also has an influence on the support sent to the Palestinians. It must approve the foreign policy position of allocating major technical assistance and financial support programmes to third countries such as the Palestinian Territories, and, along with the member-states' parliaments and governments, it is 'involved in amending and approving the general policies, the multi-annual financial perspectives and the annual budgets proposed by the Commission'.<sup>148</sup> It also gives its opinion on Commission-run programmes' strategies.<sup>149</sup>

### **Conclusion: The EU as an International Agent**

As this chapter has shown, in contrast with the realist perspective that only states may be seen as international agents, the EU demonstrates the considerable level of agency that an international organisation may possess. Applying the checklist provided by Bretherton and Vogler's model of contributions to actorness (capability, presence, and opportunity) reveals that, in general, while the EU's capabilities of consistency and coherence may vary considerably, it does have clearly stated values and a fair degree of access to a variety of policy instruments. It also has a strong international presence, although perceptions of its specific identity vary. In terms of the opportunities it faces, the EU is like other actors in that it encounters a number of ideas and events which sometimes facilitate, and sometimes constrain, its action. This chapter has also noted examples of the EU's agency with respect to the PA, an issue which will be the underlying focus of the remaining chapters of this thesis. To this end, it also proved useful to note the relative importance of: the European Council and the GAERC in setting

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<sup>147</sup> ECTAO, 'What We Do and How We Work'; Europa, 'The Union's Position and Role'; European Commission, 'EC Assistance'.

<sup>148</sup> Europa, 'The Union's Position and Role'; European Commission, 'How We Work: Programming', *External Cooperation Programmes*, last modified 19 July 2008, retrieved 25 October 2008 from [http://ec.europa.eu/europeaid/how/programming/index\\_en.htm](http://ec.europa.eu/europeaid/how/programming/index_en.htm).

<sup>149</sup> European Commission, 'How We Work'.

the EU's Palestinian agenda; the EUSR, the Troika, and the High Representative in negotiating and discussing the Palestinian situation with other actors; the Commission in designing and implementing the EU's assistance programmes to the Palestinians; and the European Parliament in approving the finances earmarked for the Palestinians.



## **Best Supporting Actor?**

### **How the EU Acts Diplomatically**

A useful way of getting to grips with the EU's overall agency with respect to the Palestinians is to break down the EU-Palestinian relationship into key areas. The first area, diplomacy, provides a broad context within which the second area examined in this thesis – aid – is framed. This chapter outlines the diplomatic relationship between the EU (and its predecessor the EC) and the Palestinians, assessing the EC/EU's agency in this area using the actorship criteria outlined in chapter two. It takes a chronological approach that highlights the EC/EU's overall trajectory of increasing diplomatic agency, showing how the EC/EU's capabilities and presence have increased, largely because of the opportunities for agency with which it has been presented and which it has constructed, over the last four decades.

In terms of capabilities, this chapter will show that the EC's early lack of shared values and the inconsistencies between its member-states' stances prevented it from forming any strong policy on the Palestinians prior to 1980, when it announced its support of the Palestinians' right to self-determination, and of the PLO's taking part in peace negotiations, in the so-called Venice declaration. As it built up these capabilities, it increased its ability to exercise agency in the Middle East. The process of giving itself a stronger, more unified, voice was aided by the EC/EU's creation of, or increased access to, an assortment of diplomatic policy-forming instruments. These included the introduction of European Political Cooperation (EPC) in 1970; the appointment of an EU Special Representative (EUSR) to the Middle East in 1996 (first Miguel Moratinos of Spain, currently the Belgian Mark Otte), and



a High Representative to the CFSP in 1999 (Spain's Javier Solana); and the EU's joining of the international policy-coordination body known as the Quartet in 2002.

The EU's presence, or reputation, as a diplomatic agent became stronger as the EU built up its capabilities and strove to develop a more powerful voice in the Middle East conflict; however, it never came close to eclipsing the presence of the US, whose leadership role in the Middle East has been heavily supported by Israel. In fact, an important contributor to the EU's ability to exercise diplomatic agency was the US's perception in the later part of the 1990s that the EU had come to accept its supporting, or 'complementary' role with respect to the US's diplomatic efforts. On the other hand, as will be seen, even after this point, the EU's pro-Palestinian identity in the eyes of Israel and the US constrained its potential to become a strong independent diplomatic actor in the region.

The structure of this chapter is built around a number of opportunities that constrained or enabled EU diplomacy in the Middle East. These include the opportunities provided by the EC/EU's development of policy instruments, as well as external events such as the 1973 Arab-Israeli war, the 1978 Camp David agreement, and the 1993 Oslo accords, which all provided the EU with the impetus to take its own diplomatic action.

The chapter begins by examining the EC's lack of policy coordination following the 1967 Arab-Israeli war, and explains how the Arab use of the 'oil weapon' during the 1973 war was a 'critical juncture' which forced the EC towards greater cohesion. It then shifts focus to the Camp David accords, which demonstrated the US's diplomatic agency and nudged the EC to express its own agency through the 1980 Venice declaration. The pro-Palestinian position contained in that declaration contributed to the decision by the US and Israel to exclude the EC from the main negotiations at the 1991 Madrid conference which eventuated in the 1993 Oslo accords, but the EU was nevertheless able to adopt a supportive role through its 'structural foreign policy' which aimed to aid the peace process by supporting the

creation of the PA and by building regional cooperation. The next section looks at the EU's increased scope for agency after the Oslo process collapsed with the failed 2000 Camp David II talks, and especially after the formation of the Quartet. Overall, we see a growing trajectory of EU actorness with respect to the Palestinian nation, albeit one often limited to complementing the US's action.

### **Pre-Oslo EC diplomacy: The EC as an embryonic actor**

As mentioned in chapter two, the EC's first clear display of agency with regard to the Palestinians occurred in 1980, when the Venice meeting of the European Council announced its formal position on the Arab-Israeli conflict. This section examines the decade-and-a-half leading up to the Venice declaration. It explains how the development of diplomatic tools, such as EPC, and the opportunities provided by watershed events, such as the 1973 Arab-Israeli war and the signing of the 1978 Camp David accords, contributed to the EC's growing scope for agency. These factors built up capabilities such as shared values and member-state consistency on the Palestinian issue, which contributed in turn to the EC's growing presence and potential for agency in the region.

The section begins by looking at the member-states' diverse stances on the 1967 Arab-Israeli war, which inspired strict neutrality from the Netherlands but strong support of the Arabs from France. It notes how European wariness of dependence on oil inspired previously pro-Israel or neutral member-states like West Germany and the Netherlands to adjust their positions, and how this process was accelerated by the Arab oil-producers' embargo tactics in the 1973 Arab-Israeli war. The significance of the unified, pro-Arab statement made at Venice in 1980 as a marker of EC agency becomes clear when viewed against the background of EC diplomacy through the 1970s, including the somewhat equivocal EC reaction to the Camp David accords.

*The EC from 1967-1973: Slowly building consistency on the Palestinian issue*

In the period following the 1967 Arab-Israeli war, the EC's position on the Middle East was ambiguous to the point of non-existence as a result of the inconsistency of its member-states' opinions. At one extreme was France; displeased that Israel had pre-emptively attacked the Arabs against French advice, and concerned to have strong relations with the oil-producing Arab states, it had 'embraced the Arab position'.<sup>150</sup> France argued that UN Security Council Resolution (UNSCR) 242, issued after the 1967 war as an outline for reaching Arab-Israeli peace, meant that Israel should retreat completely from the occupied territories,<sup>151</sup> and it tried to mobilise international pressure on Israel to withdraw.<sup>152</sup> In contrast, Germany and the Netherlands had refused to align themselves during the war, wanting to keep intact their 'friendly relations' with the Arab states and their 'good relationship' with Israel.<sup>153</sup> Britain, somewhere in the middle, saw itself as neutral in the conflict but hoped to achieve an international solution to it without annoying its Israel-favouring ally, the US.<sup>154</sup> Belgium, not wanting to form its own policy, was a 'staunch supporter' of the UN, and, although Italy's factional government held varying views on the war, a 'pro-Israel current prevailed'.<sup>155</sup> The inconsistent views of its member-states thus kept the EC from forming a set of shared values which could have guided EC policy towards the Middle East and supported its agency there.

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<sup>150</sup> Prior to the 1967 war France had adopted what it saw as a neutral stance, urging Israel not to take military action but to allow France, Britain, the US and the Soviet Union to try to solve the crisis. Israel's subsequent pre-emptive strike on the Arab armies nettled France. Soetendorp, pp. 97-98.

<sup>151</sup> As Charles D. Smith explains, the English, binding, version of UNSCR 242 contained a clear, and deliberate, ambiguity over the extent to which Israel should retreat from the occupied territories – it called for 'withdrawal of Israeli armed forces from territories occupied in the recent conflict', leaving open to interpretation the question of whether or not this strictly implied all of the occupied territories. The French version was a little less ambiguous. It called for '*retrait des forces armées israéliennes des territoires occupés lors du récent conflit*' – the phrase '*des territoires*', possibly translating as a more specific 'from the territories'. Charles D. Smith, pp. 310-311.

<sup>152</sup> Soetendorp, p. 97.

<sup>153</sup> Soetendorp, p. 99; David Allen, 'The Euro-Arab Dialogue', *Journal of Common Market Studies* 16:4 (1978), p. 325.

<sup>154</sup> Britain was accepted to join the EC in 1967 and acceded in 1973. Soetendorp, pp. 96-99.

<sup>155</sup> Simon J. Nuttall, *European Political Co-operation*, Oxford: Clarendon Press, 1992, p. 67.

However, the EC's potential for consistency was increased in 1970 when its member-states' foreign ministers, meeting at Luxembourg, launched an informal foreign policy coordination framework known as European Political Cooperation (EPC).<sup>156</sup> This new diplomatic instrument was designed to help harmonise the member states' views on international affairs.<sup>157</sup> Its effectiveness was limited for various reasons: its mechanisms 'relied heavily on the national foreign ministers rather than on common institutions', it was difficult to achieve unanimity, and it lacked a legal framework which would have enabled the EC to respond promptly to international crises.<sup>158</sup> In spite of these drawbacks, though, EPC was an important breakthrough for EC consistency. France had worked particularly hard to improve the EC's political coordination,<sup>159</sup> and when it took over as European Council president in 1971 the French foreign minister took advantage of this posting to bring the varying opinions of the member-states on the Arab-Israeli conflict closer to the French view, drafting a joint EC position on the Middle East.<sup>160</sup> The Six<sup>161</sup> remained somewhat discordant on the matter, and they eventually settled on a joint position that was weaker than the original French draft<sup>162</sup> – an outcome typical of multi-party agreements. The final joint position was consistent with UNSCR 242; it referred to 'refugees' rather than 'Palestinians', the difference being that a Palestinian people would have a right to self-determination, while refugees would be entitled to return or compensation, but not to sovereignty over their former homeland.<sup>163</sup> Despite its modest language, Germany, Italy and the Netherlands only approved the joint position on the condition that it was not made public.<sup>164</sup> The diplomatic

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<sup>156</sup> Brian Crowe, 'A Common European Foreign Policy after Iraq?', *International Affairs* 79:3 (2003), p. 533.

<sup>157</sup> Crowe, p. 533.

<sup>158</sup> Carol Cosgrove-Sacks, 'The EU as an International Actor', in Carol Cosgrove-Sacks (ed.), *Europe, Diplomacy and Development: New Issues in EU Relations with Developing Countries*, Houndmills, Basingstoke: Palgrave, 2001, pp. 22-23.

<sup>159</sup> Karen E. Smith, pp. 31-32.

<sup>160</sup> Soetendorp, p. 99; Nuttall, *European Political Co-operation*, pp. 56, 67-68.

<sup>161</sup> The EC member-states were often collectively referred to as 'the Six', and later 'the Nine', or 'the Twelve', depending on the size of the EC. By the time they became 'the Twenty-Seven' though, this practice had become obsolete.

<sup>162</sup> Soetendorp, p. 99.

<sup>163</sup> This threat to turn the Palestinian question into a non-political issue was part of the reason behind the PLO's rejection of UNSCR 242. Charles D. Smith, p. 311.

<sup>164</sup> Indeed, when it was leaked to the German press, the West German foreign minister came under strong domestic criticism for taking up a French position, and he downplayed the

instrument of EPC had enabled the EC to take the first steps towards a consistent position on the Middle East, but this degree of hedging suggests that, at this stage, the EC could hardly be seen as a unified actor in the Arab-Israeli conflict.

The EC developed its agency capabilities further when its member-states moved a little closer towards a unified position on the Middle East in 1972 and 1973. Germany, for example, was increasingly wary of the effects of western Europe's growing dependence on Middle Eastern oil, and it began to resile from its previous policy of unqualified support of the Jewish state,<sup>165</sup> which had been 'predominated by German moral guilt towards the victims of Nazi Germany'.<sup>166</sup> As Büren notes, Germany's relationship with Israel was still classed as 'special', but 'the interpretation of these "special relations" in the sense of a privileged status was denied'.<sup>167</sup> The increased tendency of the traditionally pro-Israel member-states to move towards the Arab position 'was fostered by the new consensus-building procedures of [EPC]'.<sup>168</sup> This is most easily demonstrated by the way the Dutch position towards the Arab states began to shift during the early 1970s. As noted above, the Netherlands was initially rigorously neutral towards the Arab-Israeli conflict. After the 1967 war it had taken a 'straightforward' stance, stating that Israel should not unilaterally annex the Arab territories it had occupied; although the Netherlands sympathised with Israel's search for security, it argued that this could not be achieved through territorial expansion – not because of any anti-Israeli or pro-Arab sentiment, but because that was the Dutch interpretation of UNSCR 242.<sup>169</sup> But the policy-forming tools of EPC helped the EC become more cohesive, extending its capability for agency as the EPC

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document's significance, calling it a 'working paper', designed merely for the 'basis of discussion'. Nuttall, *European Political Co-operation*, p. 68; Soetendorp, p. 99; Michael E. Smith, *Europe's Foreign and Security Policy*, p. 86.

<sup>165</sup> Rainer Büren, 'West German Policy towards the Arab States', in Itamar Rabinovich and Haim Shaked (eds.), *From June to October: The Middle East between 1967 and 1973*, New Brunswick: Transaction Books, 1978, pp. 57-58.

<sup>166</sup> Soetendorp, p. 99; Nicholas Balabkins, *West German Reparations to Israel*, New Brunswick: Rutgers University Press, 1971, pp. 150-154; Nuttall, *European Political Co-operation*, pp. 66-67.

<sup>167</sup> Büren, p. 59.

<sup>168</sup> Nuttall, *European Political Co-operation*, p. 66.

<sup>169</sup> The Netherlands held that 'minor border corrections' could be permitted, but only with the consent of the Arab countries in the context of a peace agreement. Soetendorp, p. 100.

deliberations on the Arab-Israeli conflict began to shape the Dutch position on the Palestinian situation. While previously the Netherlands had ‘treated the Palestinian problem as just a refugee problem’, stressing its ‘humanitarian character’, in 1970 the Dutch allied with the other five member-states in acknowledging that the ‘Palestinian question’ had a political dimension too.<sup>170</sup> In 1972, in the interests of presenting a common position on the Arab-Israeli conflict, the Netherlands even joined with Luxembourg, Belgium, Britain, France and Italy in voting for a UN resolution stating that recognising the Palestinians’ rights was essential to any Arab-Israeli peace settlement.<sup>171</sup> However, unified European UN votes on the Middle East were rare during the early 1970s; the real breakthrough on a shared EC Middle East policy only came during the October 1973 war, when the Arab states used the ‘oil weapon’ to appeal to western self-interest, using coercion to garner greater support for their cause.<sup>172</sup>

Before 1973, therefore, the EC struggled for a more consistent policy on the Arab-Israeli conflict, and EPC, as a diplomatic instrument, helped the member-states move towards this. The next section will look at how the oil-producing Arab nations tapped into the EC member-states’ desires for domestic legitimacy and the shared EC value of economic stability during the 1973 Arab-Israeli war. The ‘oil weapon’ made the war a ‘critical juncture’ which accelerated the pace of the EC member-states’ gradual warming towards recognising the Palestinians’ identity and right to a homeland.

#### *The 1973 Arab-Israeli War: The power of the ‘oil weapon’*

As in 1967, the EC’s initial reaction to the 1973 Arab attack on Israel ‘was rather fragmented and varied considerably’.<sup>173</sup> While the Netherlands issued a communiqué blaming Egypt and Syria for the war’s outbreak, France

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<sup>170</sup> Soetendorp, p. 100.

<sup>171</sup> Soetendorp, p. 100.

<sup>172</sup> Allen, ‘The Euro-Arab Dialogue’, pp. 325-326; Soetendorp, p. 100.

<sup>173</sup> Soetendorp, p. 101.

expressed some sympathy for their action.<sup>174</sup> A meeting held between the foreign ministers of the (now nine) member-states, almost a week after the war's outbreak initially yielded no common position, and Britain and France had to push to get the other states to agree, on the 13<sup>th</sup> of October, to a communiqué that merely called for a ceasefire and negotiations based on UNSCR 242.<sup>175</sup> Four days later, however, the Organisation of Arab Petroleum Exporting Countries (OAPEC)<sup>176</sup> implemented a selective oil embargo: 'friendly' countries such as France and Britain were not subject to any sanctions, 'enemy' countries such as the Netherlands suffered complete embargos, and countries in between, including the other six EC member-states, faced production cutbacks.<sup>177</sup> The embargo and cutbacks threatened the oil-reliant economies of the targeted member-states, endangering both the shared EC value of economic strength, and the member-states' domestic legitimacy as public pressure mounted against the embargo. The political pressure created by the embargo convinced the member-states to consider and accept a new joint declaration at Brussels in November, which was confirmed by the EC heads of state at their December summit in Copenhagen.<sup>178</sup> The declaration, based on a British-French text, reiterated points the member-states had made previously, confirming the inadmissibility of gaining territory by force, and calling on Israel to 'end the territorial occupation it has maintained since the conflict of 1967'.<sup>179</sup> More significantly, the declaration also included 'significant new elements',<sup>180</sup> noting that the Middle Eastern states had a 'right to live in peace within

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<sup>174</sup> Nuttall, *European Political Co-operation*, pp. 93-94.

<sup>175</sup> Nuttall, *European Political Co-operation*, p. 94.

<sup>176</sup> Distinct from the international Organisation of Petroleum Exporting Countries (OPEC), OAPEC was formed in 1968 as a regional grouping of petroleum-exporting nations. Its membership in 1973 included founding members Kuwait, Libya, and Saudi Arabia, as well as Algeria, Bahrain, Egypt, Iraq, Qatar, Syria, and the United Arab Emirates. OAPEC, *OAPEC Establishment*, retrieved 26 May 2009 from <http://www.oapecorg.org/en/aboutus/establishment.htm>; OPEC, *About Us*, retrieved 26 May 2009 from <http://www.opec.org/aboutus/>.

<sup>177</sup> Mohammed Ahrari, 'OAPEC and "Authoritative" Allocation of Oil: An Analysis of the Arab Oil Embargo', *Studies in Comparative International Development* 14:1 (Spring 1979), p. 14; Nuttall, *European Political Co-operation*, p. 94.

<sup>178</sup> Soetendorp, p. 101.

<sup>179</sup> European Community Foreign Ministers, 'Statement by the European Community Foreign Ministers, Brussels, 6 November, 1973', in Yehuda Lukacs (ed.), *The Israeli-Palestinian Conflict: A Documentary Record*, Cambridge: Cambridge University Press, 1992, p. 14; Nuttall, *European Political Co-operation*, pp. 94-95.

<sup>180</sup> Nuttall, *European Political Co-operation*, p. 95.

secure and recognised boundaries'.<sup>181</sup> Although this was already stated in UNSCR 242, the declaration was the first pronouncement in which the Nine had collectively recognised that a just, lasting peace must take into account the Palestinians' 'legitimate rights'<sup>182</sup> – viewing the Palestinians 'not as "refugees" but as a distinct national identity'.<sup>183</sup> The declaration did not specify what the Palestinians' rights were, but it 'was, nonetheless, a turning point in the way that some member-states had approached the Palestinian issue', marking a new step towards forming shared values on the conflict, and the Arab oil producers decided to end their cutbacks to the EC member-states.<sup>184</sup>

The deployment of the 'oil weapon' served as a critical juncture in the EC's path towards agency in the Israeli-Palestinian conflict. It forced member-states which had previously pled neutrality 'to take sides on the issue, or at least to be more careful about Arab sensitivities', so that Germany, the Netherlands and Denmark became much more receptive to France's more 'advanced' views.<sup>185</sup> Italy adopted a similar view, but the other EC members 'embraced the French definition of the Palestinian rights step by step'.<sup>186</sup> In 1974, they began referring in their common statements to the Palestinians as 'the Palestinian people' rather than Arab 'refugees',<sup>187</sup> although this progress was overshadowed by the recognition the PLO gained in other corners that year. In June 1974 the 12<sup>th</sup> meeting of the Palestine National Council (PNC, the PLO's legislative body) for the first time implicitly accepted a two-state solution whereby a Palestinian state could exist alongside Israel.<sup>188</sup> This

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<sup>181</sup> European Community Foreign Ministers, p. 14.

<sup>182</sup> Nuttall, *European Political Co-operation*, p. 95; European Community Foreign Ministers, p. 14.

<sup>183</sup> Avner Yaniv, 'Israeli Foreign Policy since the Six Day War', in Yehuda Lukacs and Abdalla M. Battah (eds.), *The Arab-Israeli Conflict: Two Decades of Change*, Boulder and London: Westview Press, 1988, p. 14.

<sup>184</sup> More correctly, the end of the sanctions applied to all the EC member-states bar the Netherlands, which remained under the full embargo – but the major oil companies managed the oil distribution so that the damage was dispersed over the whole EC. Soetendorp, p. 101; Nuttall, *European Political Co-operation*, pp. 95-96.

<sup>185</sup> For example, by 1974 France had already expressed its understanding for the Palestinians' aspiration for a homeland. Soetendorp, p. 102; Yaniv, p. 14.

<sup>186</sup> Soetendorp, p. 102; Nuttall, *European Political Co-operation*, p. 100.

<sup>187</sup> Soetendorp, p. 102.

<sup>188</sup> Nigel Parsons, *The Politics of the Palestinian Authority: From Oslo to al-Aqsa*, New York and London: Routledge, 2005, pp. 32-33; Uri Avnery, 'The Struggle for Land',



inspired the October Arab summit in Rabat, Morocco to accept the PLO as 'the sole legitimate representative of the Palestinian people', and the UN to invite PLO leader Yasir Arafat to address the UNGA – 'a gigantic leap in international legitimacy' which resulted in both the PLO's being granted observer status at the UNGA, and the passing of Resolution 3236, which explicitly recognised the Palestinians' right to self-determination.<sup>189</sup>

The EC caught up with this recognition gradually. In 1975 the Nine stated in the UNGA that a Middle East peace settlement should include a recognition of the Palestinian people's right to 'the expression of their national identity'.<sup>190</sup> This implicitly showed the EC's support for a potential Palestinian state. This support was made more explicit (after initial protest by Britain and the Netherlands) in 1976 when the EC, again speaking at the UNGA, declared that 'the exercise of the right of the Palestinian people to the effective expression of their national identity could involve a territorial [base]'.<sup>191</sup> In June 1977 a London meeting of the European Council 'finally endorsed the French opinion that the Palestinians should have the right to their own homeland';<sup>192</sup> it affirmed that a solution to the conflict would only be possible if the Palestinian nations' right 'to give effective expression to its national identity is translated into fact, which would take into account the need for a homeland for the Palestinian people.'<sup>193</sup> The London declaration also stated that the Palestinians should participate in the negotiations on an overall settlement.<sup>194</sup> However, it did not recognise the PLO as the

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*Palestine-Israel Journal of Politics, Economics & Culture*, 4:2 (1997), retrieved 28 May 2009 from <http://www.pij.org/details.php?id=482>.

<sup>189</sup> Parsons, *The Politics*, p. 33.

<sup>190</sup> Nuttall, *European Political Co-operation*, p. 101; United Nations General Assembly, *Agenda Item 27: Question of Palestine: Report of the Secretary-General (Continued)* A/PV.2393, 5 November 1975, retrieved 15 March 2009 from <http://domino.un.org/unispal.nsf/90634f6f0dc8cd1b85256d0a00549202/6e551a140078424085257212005559b3!OpenDocument>.

<sup>191</sup> United Nations General Assembly, *Agenda Item 29: The Situation in the Middle East (Continued)*, A/31/PV.91, 7 December 1976, retrieved 15 March 2009 from <http://domino.un.org/unispal.nsf/3822b5e39951876a85256b6e0058a478/ea3bd46f6c781d8b85256f9c005a97e5!OpenDocument>; Nuttall, *European Political Co-operation*, p. 101.

<sup>192</sup> Soetendorp, p. 102; Nuttall, *European Political Co-operation*, pp. 101-103.

<sup>193</sup> European Council, '4b/2 Statement by the European Council on the Middle East, London, 29 June 1977', in Christopher Hill and Karen E. Smith (eds.), *European Foreign Policy: Key Documents*, London: Routledge, 2000a, p. 301.

<sup>194</sup> European Council, '4b/2 Statement by the European Council on the Middle East, London, 29 June 1977', p. 301.

Palestinians' legitimate representative in these negotiations as, although France had given the PLO de facto recognition in 1974,<sup>195</sup> other member-states such as the Netherlands 'still identified it with the terrorist actions carried out by PLO members' and did not feel it should be involved in negotiations on a peace settlement.<sup>196</sup> Though in the next few years many member-states followed France's lead, meeting with PLO leaders, and in some cases recognising the PLO as the Palestinians' sole legitimate representative,<sup>197</sup> in the meantime, the London declaration remained the strongest delineation of EC policy on the Palestinians, and its recognition of the Palestinian need for a homeland was an achievement for EPC.<sup>198</sup>

As we have seen, the power of the Arab oil weapon to threaten the EC member-states' domestic legitimacy and economic stability provided the EC with the pressure, or opportunity, required to bring its member-states' values on the Israeli-Arab conflict closer together. Yet after the embargo ended, the rate of EC progress on the Palestinian issue had no real need to accelerate – so although in the years following the 1973 war the EC became increasingly supportive of a Palestinian homeland, it also remained divided on the key issue of recognising the PLO as the body through which this would be realised. The next section will examine another watershed event in Israeli-Palestinian relations, the 1978 Camp David accords, and explain how the EC member-states' inconsistencies initially resulted in another ambiguous EC

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<sup>195</sup> Gulshan Dhanni notes that France had accorded informal recognition of the PLO in October 1974, at 'a heavily-publicised breakfast meeting between Arafat and Jean Sauvagnargue, the then French Foreign Minister'. Philippe Rondot adds that this was followed up with 'semi-official, [yet] not official' recognition in 1975, when the PLO was authorised 'to open an information office in Paris'. Gulshan Dhanani, 'PLO: Its Background and Activities', *Social Scientist* 10:9 (September 1982), p. 58; Philippe Rondot, 'France and Palestine: From Charles de Gaulle to Francois Mitterand', *Journal of Palestine Studies* 16:3 (Spring 1987), p. 92.

<sup>196</sup> Soetendorp, p. 102; Imad Ghiyatha, 'Europe and the Conflict: A Palestinian Perspective', *Palestine-Israel Journal of Politics, Economics & Culture*, 6:2, (1999), retrieved 27 May 2009 from <http://www.pij.org/details.php?id=928>.

<sup>197</sup> For example, this recognition was granted by Italy in November 1979, and by Austria in March 1980. Mark Tessler, *A History of the Israeli-Palestinian Conflict*, Bloomington: Indiana University Press, 1994, p. 535. Alain Gresh (trans. Harry Forster), 'The PLO and the Naksa: The Struggle for a Palestinian State', *MIT Electronic Journal of Middle East Studies* 8 (Spring 2008), p. 90.

<sup>198</sup> Nuttall adds that this achievement was somewhat overshadowed by the fact that the US, hearing in advance of the EC's impending declaration, issued its own statement recognising the Palestinians' 'need for a homeland' just two days prior to the Council's meeting. Nuttall, *European Political Co-operation*, p. 102.

position. However, the following section will describe the opportunity the accords ultimately provided for resolving the EC's Palestinian stance, thereby stimulating the EC to exercise greater agency in the Middle East.

*The Camp David accords: A challenge for EC agency*

The EC was not the only foreign actor to engage more strongly with the Arab-Israeli dispute after the 1973 war; the US did too. As well as the 'oil weapon', the fact that the war had served as a proxy 'hot war' for the US's Cold War conflict with the SU 'forced' the US to place the resolution of the Arab-Israeli dispute high on its foreign policy agenda for the first time since its failed attempts to gain the implementation of UNSCR 242 in the late 1960s.<sup>199</sup> Admittedly, this took a few years – and the 1976 election of President Jimmy Carter – to gain traction, and the diplomatic efforts fell short of Carter's original intention, which was to hold an international conference that achieved a full peace agreement between all the conflicting parties.<sup>200</sup>

Carter's intention was in line with UNSCR 338, which 'sought to end hostilities in the 1973 war and to resume negotiations based on [UNSCR] 242',<sup>201</sup> had stated that the negotiations, 'aimed at establishing a just and durable peace in the Middle East', should be held 'under appropriate auspices'.<sup>202</sup> In specifying 'appropriate auspices' the UN was providing for the first time for parties not directly involved in the conflict to take part in its resolution; in expressly calling for outside intervention it was providing itself with an opportunity to exercise some agency in the conflict. However, although a multilateral conference co-chaired by the US and the SU and convened under UN auspices was opened at Geneva in December 1973, after the initial speeches 'the ... conference recessed, not to be convened in

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<sup>199</sup> Soetendorp, p. 103; Dan Cohn-Sherbok and Dawoud el-Alami, *The Palestine-Israeli Conflict: A Beginner's Guide*, Oxford: Oneworld, 2001, p. 65; William B. Quandt, *Camp David: Peacemaking and Politics*, Washington: Brookings Institution Press, 1986, p. 32.

<sup>200</sup> Charles D. Smith, p. 354.

<sup>201</sup> Charles D. Smith, p. 348.

<sup>202</sup> UNSC, *Resolution 338*, 22 October 1973, The Avalon Project at Yale University, retrieved 17 June 2009 from <http://www.yale.edu/lawweb/avalon/un/un338.htm>.

plenary session again for an indefinite period'.<sup>203</sup> US Secretary of State Henry Kissinger had made an effort to involve the SU and to get three of the five concerned parties to the conference – Egypt, Jordan and Israel attended; 'a table with Syria's name on it remained unoccupied', as it wanted Israel to disengage before any negotiations took place; and, with Israel unready to accept the PLO as the Palestinians' representative, this issue had been deferred, to be decided early on at Geneva).<sup>204</sup> However, Kissinger's real preference was for 'a US monopoly on mediation'.<sup>205</sup> He saw the conference as a 'symbolic umbrella' under which he could conduct his own bilateral, 'step-by-step', 'shuttle diplomacy', serving as an intermediary between the conflicting parties with the aim of making small concrete gains early on, which would only later allow for 'more substantial areas of agreement'.<sup>206</sup>

In contrast with Kissinger, Carter 'accorded high priority to the settlement of the Arab-Israeli conflict' as a whole, and his plan to achieve a comprehensive settlement by reconvening the Geneva conference also reflected a more multilateralist way of thinking.<sup>207</sup> His administration was 'prepared to deal with the PLO' if it accepted UNSCR 242, and his position on 'the Palestinian problem' – that its solution must recognise the Palestinians' legitimate rights and allow them self-determination – was also closer to that of the EU than Kissinger's had been, allowing 'the possibility of American-European collaboration on the Palestinian issue'.<sup>208</sup> However, this prospect soon faded. The reconvention did not occur, largely because key players Israel and Egypt felt they had little to gain from sharing their negotiations with the other parties, and the question of who would represent the Palestinians was left unanswered.<sup>209</sup> Instead, Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin met with Carter at US presidential retreat Camp David for some tense negotiations in September 1978. These culminated in

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<sup>203</sup> William B. Quandt, *Decade of Decisions: American Policy toward the Arab-Israeli Conflict, 1967-1976*, Berkeley: University of California Press, 1977, pp. 213-224.

<sup>204</sup> Quandt, *Decade of Decisions*, pp. 214-224; Touval, pp. 238-241.

<sup>205</sup> Touval, p. 286.

<sup>206</sup> Quandt, *Decade of Decisions*, pp. 212-213.

<sup>207</sup> Touval, p. 286.

<sup>208</sup> Soetendorp, pp. 104-106.

<sup>209</sup> Charles D. Smith, pp. 360-362.

two bilateral accords; the first outlined guiding principles for a comprehensive Middle East peace, while the second established a framework for an Egyptian-Israeli peace treaty (which was signed in 1979).<sup>210</sup>

The tendency of the EC to behave inconsistently with respect to the Middle East continued throughout 1978 and 1979, with the member-states holding differing opinions on the accords. Although the hopes of Britain and France to become directly involved in the Geneva conference (through their UNSC membership) had been dashed when Carter replaced it with the Camp David talks, Britain, along with other member-states such as Germany, supported the Camp David process.<sup>211</sup> In Britain's case this was partly because it placed a high value on keeping on side with the US, while member-states such as the Netherlands and Denmark were happy to support Israel.<sup>212</sup> The EC member-states were, however, wary of antagonising the Arab nations, which rejected the accords and ostracised Egyptian President Sadat for 'abandoning' the Palestinian cause.<sup>213</sup> France was particularly inclined to agree with the Arabs that regional peace was not encouraged by the bilateral, rather than multilateral, nature of the Camp David negotiations, or by the first accord's deliberate lack of clarity on the issue of the Palestinian territories – the accord stated that the final status of the West Bank and Gaza would be decided at the end of a transitional period of self-rule, through negotiations involving Israel, Egypt, Jordan and 'the representatives of the Palestinian people', and placed no compulsion on Israel to withdraw completely from the West Bank or Gaza.<sup>214</sup> Therefore, the EC again lacked cohesion: while it collectively endorsed the Camp David agreements, it also voiced hope that

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<sup>210</sup> Henry Cattan, *The Palestine Question*, London: Croom Helm, 1988, p. 145; 'The Framework for Peace in the Middle East', *The Camp David Accords*, 17 September 1978, Jimmy Carter Library, retrieved 12 March 2009 from <http://www.jimmycarterlibrary.org/documents/campdavid/accords.phtml>; 'Framework for the Conclusion of a Peace Treaty between Egypt and Israel', *The Camp David Accords*, 17 September 1978, Jimmy Carter Library, retrieved 12 March 2009 from <http://www.jimmycarterlibrary.org/documents/campdavid/frame.phtml>.

<sup>211</sup> Soetendorp, pp. 106-107, Nuttall, *European Political Co-operation*, p. 161.

<sup>212</sup> Nuttall, *European Political Co-operation*, p. 161.

<sup>213</sup> Raymond A. Hinnebusch, 'Egypt, Syria, and the Arab State System', in Yehuda Lukacs and Abdalla M. Battah (eds.), *The Arab-Israeli Conflict: Two Decades of Change*, Boulder and London: Westview Press, 1988, p. 186.

<sup>214</sup> Nuttall, *European Political Co-operation*, pp. 158-161; Cattan, p. 146-147; Charles D. Smith, pp. 363-364.

the ongoing Israeli-Egyptian negotiations would lead to an inclusive Middle Eastern dialogue that produced a comprehensive regional peace settlement that addressed all the parties' rights and concerns, including the Palestinians'.<sup>215</sup> Similarly, when the bilateral talks resulted in a formal peace treaty in 1979, France felt a potential lever on Israel had been removed, while Britain and the other member-states 'thought it might be a step in the right direction, provided that Israel did not harden its position towards the other Arabs'.<sup>216</sup> The EC dealt with its internal conflict by both praising the US, Israel and Egypt for their efforts, and stating that a Middle East peace could only occur 'within the framework of a comprehensive peace settlement which must implement the right of the Palestinians to a homeland'.<sup>217</sup> Yet again, the EC's member-states' inconsistencies had left it with an opinion that was disjointed and open to interpretation.

*The Venice declaration: A clear display of EC agency*

In 1980, the EC's ambiguity and lack of cohesion on the issue of Palestinian representation was resolved. As noted above, throughout the 1970s, the member-states had gradually moved towards accommodation of the Palestinians' identity and territorial rights, and many had taken steps towards accepting the PLO as the Palestinians' sole legitimate representative. The unsatisfactory Camp David accords prompted France and Britain to consider either amending UNSCR 242 or drafting a new resolution that explicitly referred to the Palestinian right to self-determination as an integral part of a peace settlement.<sup>218</sup> However, the US threatened to veto any alteration of UNSCR 242,<sup>219</sup> and instead, the EC drew up a common declaration which 'marked' its 'most fundamental and most far-reaching common policy statement on the Arab-Israeli dispute' yet.<sup>220</sup> The declaration, agreed at Venice by the European Council in June 1980, 'distanced itself' from

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<sup>215</sup> Nuttall, *European Political Co-operation*, p. 158-160.

<sup>216</sup> Nuttall, *European Political Co-operation*, p. 160.

<sup>217</sup> Soetendorp, p. 107.

<sup>218</sup> Nuttall, *European Political Co-operation*, p. 163-164; Ritchie Owendale, *The Origins of the Arab-Israel Wars* (2nd ed.), London and New York: Longman, 1992, p. 236.

<sup>219</sup> Owendale, p. 236; Nuttall, *European Political Co-operation*, p. 164; Cattan, p. 293.

<sup>220</sup> Soetendorp, p. 103.

UNSCR 242 by stating that 'the Palestinian problem ... is not simply one of refugees'.<sup>221</sup> It declared that the Palestinians were fully entitled to exercise their right to self-determination, and, most importantly, it acknowledged for the first time that the PLO had to be 'associated with' the peace negotiations, although it stopped short of explicitly recognising the PLO as the sole legitimate Palestinian representative.<sup>222</sup> The declaration in general and the acknowledgement of the PLO's importance in particular provided two marks of international agency for the EC; the strong statement finally showed the EC as cohesive in its opinions, while the stance on the PLO (which went against the Israeli and US view that the PLO was a terrorist organisation and not to be included in the negotiations) showed the EC's ability to act at least semi-independently in the Arab-Israeli conflict.<sup>223</sup>

Israel and the US were unimpressed with the EC's display of increased actorness in the Middle East.<sup>224</sup> Although the Venice declaration reaffirmed Israel's 'right to existence and to security', Israel and the US saw it as a primarily pro-Arab document, and disapproved of its recognition of the Palestinians' political rights, its affirmation of a two-state solution to the conflict, and especially its support of the PLO.<sup>225</sup> In this light, the Venice declaration can be seen as a partial failure, since far from inducing international support for the Palestinians, it hardened the stances of Israel and the US towards the EC, encouraging their belief that it should be kept out of the peace process.<sup>226</sup> This hardening mirrored Israel's position on the PLO – the more the PLO obtained diplomatic success, the more Israel saw it as a

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<sup>221</sup> Tessler, p. 535; European Council, 'Venice Declaration'.

<sup>222</sup> European Council, 'Venice Declaration'.

<sup>223</sup> I say only semi-independently because, as Nuttall points out, the PLO had believed the EC would reject the Camp David process and recognise the PLO outright, and they blamed its reluctance to do so on US pressure of the EC. Nuttall, *European Political Co-operation*, p. 165-166.

<sup>224</sup> Geoffrey Kemp, 'Europe's Middle East Challenges', *The Washington Quarterly* 27:1 (Winter 2003/04), p. 165.

<sup>225</sup> As Tessler, p. 536, notes, a paragraph stating that the EC refused to 'accept any unilateral initiative designed to change the status of Jerusalem' disturbed Israel further. Soetendorp, p. 108; Roland Dannreuther, 'Europe and the Middle East: Towards a Substantive Role in the Peace Process?', *Occasional Paper Series*, 39, August 2002, Geneva Centre for Security Policy, retrieved 21 March 2009 from [http://www.gcsp.ch/e/publications/Issues\\_Institutions/ME\\_Med/Occ\\_Papers/39-Dannreuther.pdf](http://www.gcsp.ch/e/publications/Issues_Institutions/ME_Med/Occ_Papers/39-Dannreuther.pdf), p. 5.

<sup>226</sup> Dannreuther, 'Europe and the Middle East', p. 5.

threat, and the more it distrusted those aiding the PLO's success. The US's perspective did not improve with Carter's replacement by Ronald Regan, and a French-led EC attempt to bring about a comprehensive Arab-Israeli peace initiative, sparked by deadlock on the implementation of the Middle East peace framework outlined at Camp David, also found little Israeli or US support;<sup>227</sup> it received a 'death blow' in 1981 when a new French government, led by François Mitterrand, stated its support of Camp David-style step-by-step agreements.<sup>228</sup>

In the decade following the Venice declaration, the EC made no further breakthroughs on the Middle East conflict. It issued statements remonstrating against actions such as the 1982 Israeli invasion of Lebanon (which was directed at the PLO and resulted in its evacuation to Tunisia), in favour of peace initiatives such as the Reagan Plan (which called for negotiated Israeli redeployment and Palestinian autonomy in the West Bank under Jordanian auspices), and reiterating its support of Palestinian rights.<sup>229</sup> The (now twelve) EC member-states did take more assertive action in 1987 when they proposed an international UN peace conference in response to the outbreak of the first intifada;<sup>230</sup> however, the 1980-1988 war between Iran and Iraq, and the subsequent 1990-1991 Gulf War, placed the Israeli-Palestinian issue on the backburner – for both regional and foreign powers.<sup>231</sup> The EC's failure to display greater initiative during this period was not for lack of trying on France's behalf. French President Mitterrand attempted to convince the other

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<sup>227</sup> Cattan, p. 293; Nuttall, *European Political Co-operation*, pp. 166-167.

<sup>228</sup> Soetendorp, p. 108-109.

<sup>229</sup> The EC also exercised a number of other measures to encourage Israel to change its policies against the Palestinians, including refraining from signing a financial protocol with Israel due to its invasion of Lebanon, and suspending an EC-Israeli scientific cooperation agreement when Israel closed universities in the occupied territories. Soetendorp, pp. 109-110; David Buchan, *Europe: The Strange Superpower*, Dartmouth: Aldershot, 1993, pp. 115-116.

<sup>230</sup> During the 1987 intifada (an Arabic word meaning 'shaking off'), Palestinians took up resistance to the Israeli occupation en masse. European Council, 'The Brussels European Declaration, 23 February, 1987', in Yehuda Lukacs and Abdalla M. Battah (eds.), *The Arab-Israeli Conflict: Two Decades of Change*, Boulder and London: Westview Press, 1988, p. 27.

<sup>231</sup> In addition, Ovendale notes that 'divisions in the Arab world following the outbreak of the Iran-Iraq War' hindered 'European attempts to find a just solution to the Palestinian question'. David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, Boulder: Westview Press, 1996, p. 7; Ovendale, p. 236.



member-states to refer directly to a Palestinian state (a reality in which many of them believed, yet were unready to support formally), and to improve EC-Israeli relations.<sup>232</sup> As well as increasing its support of the Camp David process, France tried to get onside with Israel by distancing itself from the procedure (if not the principles) of the Venice declaration,<sup>233</sup> and it also intervened (alongside the US) in helping to end the fighting in Lebanon and secure the Palestinians' evacuation.<sup>234</sup> Yet these unilateral actions did not soften Israel's stance on separating the EC from any peace negotiations, and the EC's potential for future agency in the Middle East seemed limited.

### *The EC's fledgling agency in the Middle East*

In the two decades following the 1967 war, there was a growing convergence of European opinion on the Arab-Israeli conflict. Led by the French, facilitated by EPC, and encouraged by the Arab 'oil weapon', the EC, could thus become increasingly supportive of the Palestinians' right to self-determination. This support was made most clear in the 1980 Venice declaration, whose effective recognition of the PLO as a key element in the negotiations both added to and subtracted from the EC's ability to exercise agency. It marked the EC as a coherent and relatively independent body, but it also encouraged Israel and the US to exclude the EC from peace negotiations, reducing its opportunity to act. The next few years showed a French determination to make EC progress on the Palestinian issue while also gaining Israel's trust, but it was unsuccessful in both cases, and the EC remained on the sidelines of the peace process.

In November 1988, however, the 19<sup>th</sup> PNC 'announced its readiness to negotiate with Israel on the basis of [UNSCRs] 242 and 338 under the aegis of an international peace conference'.<sup>235</sup> Its explicit acceptance of UNSCR

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<sup>232</sup> Nuttall, *European Political Co-operation*, pp. 220-221.

<sup>233</sup> Nuttall, *European Political Co-operation*, pp. 167-168.

<sup>234</sup> Soetendorp, p. 110.

<sup>235</sup> Charles D. Smith, pp. 424-425; Palestine National Council, 'Nineteenth Session: Declaration of Independence', *Le Monde Diplomatique*, Algiers 15 November 1988, retrieved 17 June 2009 from <http://mondediplo.com/focus/mideast/alger88-en>.

242 and by extension the two-state solution, along with its renouncement of terrorism, was restated by Arafat in December at a special gathering of the UNGA in Geneva.<sup>236</sup> After Arafat re-stated these a second time, for the US's benefit, the following day,<sup>237</sup> the way was open for dialogue between the PLO and the US.<sup>238</sup> Their improved relations eventually resulted in the 1990s' Oslo peace process, a new major opportunity for the EC – from 1993, the EU – to demonstrate its agency with respect to the Palestinians.

### **The EU and the Oslo period: The EU as a 'complementary' diplomatic agent**

In the early 1990s there came a watershed for Israeli-Palestinian relations and international peace diplomacy. Inspired by its role in resolving the Gulf War, the US took advantage of the temporary 'reshuffling' of inter-Arab relations that the war had induced, and made a new attempt to settle the Arab-Israeli conflict.<sup>239</sup> With the SU, it sponsored an international peace conference in Madrid, something for which the EC had pushed since the 1970s.<sup>240</sup>

However, although the Madrid conference presented the EC with an opportunity to increase its exercise of agency in the Middle East, including

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<sup>236</sup> The meeting had been planned for New York, but the US had refused to supply Arafat with a visa. Yasir Arafat, 'Yasser Arafat, Speech at UN General Assembly', *Le Monde Diplomatique*, Geneva, 13 December 1988, retrieved 11 June 2009 from <http://mondediplo.com/focus/mideast/arafat88-en>.

<sup>237</sup> Yasir Arafat, *Arafat Clarifies Statement to Satisfy U.S. Conditions for Dialogue*, 14 December 1988, retrieved 17 June 2009 from <http://www.jewishvirtuallibrary.org/jsourc/Terrorism/plotstate1.html>. This renouncement occurred against the background of the first intifada, which began in December 1987.

<sup>238</sup> Charles D. Smith, pp. 424-425.

<sup>239</sup> The Iraqi invasion of Kuwait had been countered by a coalition encompassing Egypt, Syria, Britain, France and the US. Their involvement placed Egypt once more at the centre of Middle Eastern politics (after its ostracism by the Arabs since the Camp David accords), made Syria again a 'moderate' Arab state in Western eyes, and left the PLO (which had not condemned Iraq's invasion) in an extremely weak position with the Gulf states and Saudi Arabia – its major financiers – having cut off their funding. In relation to the PLO's position on the invasion, see Philip Mattar, 'The PLO and the Gulf Crisis', *Middle East Journal* 48:1 (Winter 1994), pp. 32-34. Soetendorp, p. 110; William B. Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967* (3rd ed.), Washington / Berkeley: Brookings Institution Press / University of California Press, 2005, pp. 303-304; M. Graeme Bannerman, 'Arabs and Israelis: Slow Walk toward Peace', *Foreign Affairs* 72:1 (1993), p. 143.

<sup>240</sup> Anoushiravan Ehteshami, 'Political Economy of European Union-Middle East Relations', in Manochehr Dorraj (ed.), *Middle East at the Crossroads: The Changing Political Dynamics and the Foreign Policy Challenges*, Lanham: University Press of America, 1999, p. 250.

through successfully ‘framing the terms of the debate’ at the conference,<sup>241</sup> the US and Israel limited the EC’s role, both here and in the subsequent Oslo peace process.<sup>242</sup> Instead, the EC/EU took on a role supportive of the US, eagerly helping to implement the Oslo accords even as the Oslo process began first to falter and then to fail. Making the most of its limited opportunity for agency, the EU built up a ‘structural foreign policy’, helping to support the fledgling PA and attempting to build regional cooperation within the Mediterranean through a new diplomatic instrument, the EMP. When the Oslo process was weakened in the second half of the 1990s, the EU became less content to ‘complement’ the US’s policies in the region. It added to its diplomatic toolkit by appointing a special envoy to the Middle East in 1996, and a High Representative to the CFSP in 1999, but although these added to the EU’s presence in the region, its scope for agency remained constrained by the limited opportunities afforded to it by the US and Israel.

*The Madrid conference: The EC takes up a supporting role*

The EC had been a strong proponent of an international peace conference that comprehensively addressed the Arab-Israeli conflict since the idea emerged following the 1973 war. Yet when the Madrid conference opened in 1991, the EC was neither its sponsor nor its chair.<sup>243</sup> Keukeleire and MacNaughtan argue that the EC’s major success at Madrid was the ‘crucial role’ that its public statements, such as the Venice declaration, played in ‘framing the terms of the debate’ prior to the conference.<sup>244</sup> In publicly supporting the Palestinians’ right to self-determination, the EC kept their cause in the public arena, and in meeting with PLO leaders and asserting the PLO’s right to be involved with the peace negotiations the EC also played an ‘important role’ in ‘gradually transforming Yasir Arafat into an acceptable interlocutor for the West’, paving the way for the negotiations begun at

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<sup>241</sup> Keukeleire and MacNaughtan, p. 282.

<sup>242</sup> Dannreuther, 'Europe and the Middle East', p. 6.

<sup>243</sup> Ricardo Gomez, *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy?*, Aldershot: Ashgate, 2003, p. 124; Dannreuther, 'Europe and the Middle East', p. 6.

<sup>244</sup> Keukeleire and MacNaughtan, pp. 282-283.

Madrid.<sup>245</sup> The EC had no opportunity to further this success and expand its scope for agency, as although it was ‘expected to pay the bill and help implement the agreement [arising from the negotiations]’, Israel and the US excluded the EC from the negotiating table during the diplomatic talks leading to and following the conference.<sup>246</sup>

Instead, the EC was left to play a ‘supportive complementary political role’ to the US,<sup>247</sup> including becoming ‘deeply involved’ in the management, rather than the direction, of the conference.<sup>248</sup> It belonged to the steering committee which coordinated bilateral talks between Israel and Syria, between Israel and Lebanon, and between Israel and the joint Jordanian-Palestinian delegation, and which also coordinated multilateral working groups (MWGs) dealing with issues such as regional economic development, water resources, the environment, disarmament, and the Palestinian refugees (these will be examined in chapter four).<sup>249</sup> More importantly, the EC’s technical expertise also enabled it to chair (or, in MWG parlance, act as ‘gavel holder’) the Regional Economic Development Working Group (REDWG), ‘allowing it to direct international financial assistance to the Palestinian territories’; and it additionally co-organised three of the other four working groups.<sup>250</sup> These leadership roles demonstrated the increased

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<sup>245</sup> Keukeleire and MacNaughtan, pp. 282-283.

<sup>246</sup> François d’Alañon notes that the French push to have a strong UN influence at the Madrid conference ‘was unacceptable to Israel’, with the result that the UN was also sidelined, ‘represented at Madrid by only a silent observer’. François d’Alañon, ‘The EC Looks to a New Middle East’, *Journal of Palestine Studies* 23:2 (Winter 1994), p. 46; Keukeleire and MacNaughtan, p. 286; Gomez, pp. 124-132; Dannreuther, ‘Europe and the Middle East’, p. 6.

<sup>247</sup> Rory Miller, ‘Troubled Neighbours: The EU and Israel’, *Israel Affairs* 12:4 (October 2006), 643; European Commission, ‘The Role of the European Union in the Middle East Peace Process and its Future Assistance’, *Rapid: Press Releases*, Europa, retrieved 12 February 2009 from

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/98/37&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>248</sup> Soetendorp, pp. 110-111.

<sup>249</sup> The other committee members were Russia and the US (who co-chaired the committee), Canada, Japan, Israel, Jordan, Egypt, the PLO, Saudi Arabia and Tunisia. Joel Peters, ‘Can the Multilateral Middle East Talks be Revived?’, *Middle East Review of International Affairs*, 3:4 (December 1999) from <http://meria.idc.ac.il/journal/1999/issue4/jv3n4a6.html>; Buchan, pp. 117-118; Gomez, p. 124; Dannreuther, ‘Europe and the Middle East’, p. 6.

<sup>250</sup> Gomez, p. 124; Buchan, p. 117-118, and Hollis explain that although the EC was ‘co-organiser’ of REDWG and the environment, water and refugee working groups, Israel and the US confined it to being only a ‘contributor’ to the disarmament group. Rosemary Hollis, ‘After Madrid: The EU and the Peace Process’, *PASSIA Seminar: The European Union*,

level of agency with respect to the Middle East that the EC had achieved since the 1970s. However, the fact that it remained on the sidelines of Madrid's main negotiations also highlighted the way more powerful actors, such as the US, could limit the opportunities available for EC agency in the Middle East. Ricardo Gomez suggests the conference was a 'critical juncture' at which the EC may have been 'denied an opportunity to assume a more important role in the peace process'.<sup>251</sup>

The constrained opportunity for agency available to the EC through the Madrid process was echoed throughout the following decade. While, like the US, it had no official diplomatic influence over the 1993 Oslo accords which supplanted the Madrid negotiations, the EU was able to use its diplomatic and economic agency to support the subsequent peace process through what Keukeleire and MacNaughtan term its 'structural foreign policy'.<sup>252</sup> This entailed building up the institutions of the fledgling Palestinian Authority (PA), and fostering regional cooperation through the Barcelona Process.

*The Oslo process (1993-2000) and the EU's 'structural foreign policy'*

The EC, already restricted to a supporting role, was further limited in its ability to exercise agency at the peace negotiations by the fact that the official but stalemated bilateral Madrid talks were supplemented and eventually overridden by secret negotiations begun, initially between researchers and academics, in Oslo in December 1992.<sup>253</sup> With even the US 'powerless to bring together Rabin's government and Arafat's beleaguered and conciliatory PLO',<sup>254</sup> Norway, a non-EU member with an 'impeccable reputation for being a disinterested and honest negotiator',<sup>255</sup> acted as a

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Lecture Summary, 1995, retrieved 9 April 2009 from <http://www.passia.org/seminars/95/s1-28.htm>.

<sup>251</sup> Gomez, p. 123.

<sup>252</sup> Keukeleire and MacNaughtan, p. 283.

<sup>253</sup> Gomez, p. 126; Charles D. Smith, pp. 450-451.

<sup>254</sup> Gomez, p. 126.

<sup>255</sup> Brynjar Lia, *Building Arafat's Police: The Politics of International Police Assistance in the Palestinian Territories after the Oslo Agreement*, Reading: Ithaca Press, 2007, p. 28; d'Alañon, p. 47.

secret intermediary between the Palestinians and Israel and restarted the talks. These negotiations led, by September 1993, to mutual recognition between Israel and the PLO, and the signing of a Declaration of Principles (DoP).<sup>256</sup> Among other arrangements, the DoP set out timelines for an Israeli military redeployment from Jericho and the Gaza Strip, and the creation of a Palestinian Authority (PA, initially known as the PISGA, or Palestinian Interim Self-Governing Authority), which would take over from the Israelis to govern Gaza and the West Bank for ‘a transitional period not exceeding five years,’ after which time a ‘permanent settlement’ was to have been negotiated between the Israelis and the Palestinians.<sup>257</sup> In September 1995, ‘Oslo 2’, an Interim Agreement proposed in the DoP, specified the types of powers and responsibilities the PA would have, and called for an expansion of its authority over additional areas of the occupied territories from which Israeli troops were to withdraw in stages.<sup>258</sup>

Although the Oslo accords neither explicitly specified a complete Israeli withdrawal from the Palestinian territories, nor dealt with the subject of allowing Palestinian refugees the right to return to Palestine (instead leaving this contentious issue to be dealt with in the permanent status negotiations), at the time, the EU, like the other actors involved in the peace process, saw them as ‘an important step forward’ for Arab-Israeli relations.<sup>259</sup> Eager to support the post-accord peace process, the EU yet again offered help that was ‘complementary and parallel to’ the official negotiations – it focused on helping develop ‘an environment that would facilitate lasting peace ... rather than contributing directly to a political solution between the conflicting parties’.<sup>260</sup> This involved not only making statements praising the

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<sup>256</sup> Charles D. Smith, p. 451. The Oslo agreements also ‘paved the way’ for an Israeli-Jordanian peace treaty, which was signed in October 1994. Soetendorp, p. 111.

<sup>257</sup> ‘Israeli-PLO Declaration of Principles, Washington, D.C., 13 September 1993’, *Journal of Palestine Studies* 23:1 (Autumn 1993), p. 116.

<sup>258</sup> ‘Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington, 28 September 1995’, *Journal of Palestine Studies* 25:2 (Winter 1996), pp. 123-137.

<sup>259</sup> d’Alañon notes that it was cautious of the accords’ durability, though, stressing that the negotiations on the territories’ final status needed to take place within the agreed timeframe, and that bilateral agreements needed to be reached between Israel and Jordan, Lebanon, and Syria as soon as possible. d’Alañon, p. 47.

<sup>260</sup> Muriel Asseburg, ‘The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership’, in Annette Jünemann (ed.), *Euro-Mediterranean Relations*

breakthrough, but playing ‘a pivotal role in the peace process’ by formulating ‘a comprehensive structural foreign policy to translate the agreements into practice’.<sup>261</sup>

The first part of this ‘structural foreign policy’ involved the joint action supporting the Middle East peace process mentioned in chapter two, which the European Council launched in April 1994 as one of the first joint actions made under the new CFSP framework.<sup>262</sup> The joint action stipulates some general EU activities – for example, contributing to redefining the Middle Eastern states’ relations, monitoring Israeli settlements in the occupied territories, and working to end the Arab boycott of Israel – as well as pledging to support the creation of Palestinian political, legal, security, administrative and economic structures, mostly from scratch.<sup>263</sup> In addition, the EU rewarded Israel for the Oslo agreements by promising to support the organisation of an international economic conference on Middle Eastern infrastructure projects, and by concluding a new EU-Israeli association agreement, ‘extending free trade’ to Israel (for whom the EU was already its principal trading partner).<sup>264</sup> As will be discussed in more depth in chapter four, the EU also committed to invest heavily in the occupied territories, promising to contribute development aid grants and loans of €500 million between 1994 and 1998.<sup>265</sup> Together with its existing funding commitments to UNRWA – totalling around €100 million per year – and the member-

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*after September 11: International, Regional and Domestic Dynamics*, London and Portland, Oregon: Frank Cass, 2004, p. 175.

<sup>261</sup> Keukeleire and MacNaughtan, p. 283.

<sup>262</sup> The CFSP replaced EPC after the agreement on TEU. Council of the European Union, *Council Decision of 19 April 1994 on a Joint Action Adopted by the Council on the Basis of Article J (3) of the Treaty on European Union, in Support of the Middle East Peace Process*, 94/276/CFSP, retrieved 12 March 2009 from <http://www.legaltext.ee/text/en/T70920.htm>.

<sup>263</sup> Although the Israeli Civil Administration and the PLO already had many of these sorts of structure in place, these tended to need to be adapted or replaced by new ones suited to the PA. For example, the EU initially provided 10 million from the Community budget to fund the urgent creation of a PA police force. The PA also needed its own local authorities, funding for its 1996 national elections, the development of an education system, and the building of basic infrastructure, such as the Rafah airport (which Israel destroyed in 2001 and again in 2006). Council of the European Union; Soetendorp, p. 111; Keukeleire and MacNaughtan, p. 283.

<sup>264</sup> d’Alañon notes that the EU received 35 per cent of Israel’s exports, and was responsible for 50 per cent of Israel’s imports. d’Alañon, p. 49; Soetendorp, p. 111.

<sup>265</sup> *General Report on the Activities of the European Union 1994, 1995*, pp. 260, 303, cited in Soetendorp, p. 111; d’Alañon, p. 47.

states' own bilateral contributions, this amounted to over half the international community's financial support for the West Bank and Gaza during this period.<sup>266</sup> The joint action clearly delineated the EU's exercise of agency in the Palestinian-Israeli conflict, allowing it to make a public commitment to – and to publicise – its structural policy of supporting the fledgling PA.

The second part of the EU's structural foreign policy was its attempt to make peace in the Middle East more robust by embedding the peace settlement in 'a long-term process of regional cooperation' between not just Israel and the PA, 'but also Lebanon, Syria, Jordan and Egypt'.<sup>267</sup> Realising that if the Oslo process were to fail, the fallout would occur on Europe's doorstep, the EU decided to help build up and stabilise its Middle Eastern neighbours. This policy operated on three levels: the Israeli-Palestinian, the Israeli-Arab, and the EU-Mediterranean. On the first level was the EU's involvement in the MWGs which were constituted to fund and coordinate economic, energy, and infrastructure projects in the region (which were mentioned earlier, and which will be discussed in chapter four).<sup>268</sup> This level was additionally supported by the EU's own relation-building and civil society projects in Israel and the occupied territories, details of which will also be provided in chapter four. The second and third levels were addressed by the EMP (also known as the Barcelona Process, and re-launched in 2008 as the Union for the Mediterranean), which the EU established at a conference of its foreign affairs ministers in Barcelona in 1995.<sup>269</sup> The EMP provided its 15 EU and 12 Mediterranean partners<sup>270</sup> with a framework for political, economic and

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<sup>266</sup> Delegación de La Comisión Europea: Bolivia, 'External relations: A Global Commitment', *The European Union: A Global Player*, retrieved 20 March 2009 from [http://www.delbol.ec.europa.eu/sp/eu\\_global\\_player/2.htm](http://www.delbol.ec.europa.eu/sp/eu_global_player/2.htm); Asseburg, 'The EU and the Middle East Conflict', p. 190.

<sup>267</sup> Keukeleire and MacNaughtan, p. 285; d'Alancón, p. 49.

<sup>268</sup> Keukeleire and MacNaughtan, p. 285.

<sup>269</sup> Europa, *The Barcelona Process*, last modified 19 March 2009, retrieved 21 March 2009 from [http://ec.europa.eu/external\\_relations/euromed/barcelona\\_en.htm](http://ec.europa.eu/external_relations/euromed/barcelona_en.htm); European Commission, 'The Euro-Mediterranean Partnership', *External Relations*, retrieved 21 March 2009 from [http://ec.europa.eu/external\\_relations/euromed/index\\_en.htm](http://ec.europa.eu/external_relations/euromed/index_en.htm).

<sup>270</sup> The original 12 Mediterranean partners were Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the PA, Syria, Tunisia and Turkey. This number shrank to 10 after Cyprus and Malta joined the EU. Dannreuther, 'Europe and the Middle East', p. 7; EuroMed Info Centre: The European Neighbourhood Policy's Southern Dimension, *About*



cultural relations<sup>271</sup> that operated both bilaterally (between the EU and a specific Mediterranean partner) and regionally (within the Mediterranean).<sup>272</sup> Although it was not designed as a framework for resolving the Arab-Israeli conflict, and included neither instruments nor fora for this purpose,<sup>273</sup> it was hoped that the EMP's institutionalisation of the Mediterranean partners' relations would complement the peace process by enabling them to build trust with one another.<sup>274</sup> As Keukeleire and MacNaughtan put it, the EMP 'provided a further tool to embed evolving Arab-Israeli relations into an even broader scheme of interregional cooperation'.<sup>275</sup> The EMP encouraged the Arab states to accept Israel as a partner (at least within the EMP process), and also it enabled the PA to participate on a footing equivalent to that of the other Mediterranean partners (thereby marking it as a 'quasi-national actor', with symbolic endorsement of its sovereignty, even though it still has no state).<sup>276</sup>

However, while the EMP still exists, and it has improved the EU's Mediterranean presence, any negotiations on formal regional cooperation 'ended before they had even started', as the Oslo process was severely shaken from late 1995.<sup>277</sup> The next section explains how the EU responded to

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*The EuroMed Partnership*, retrieved 21 March 2009 from <http://www.euromedinfo.eu/site.151.content.en.html>. Europa, 'Barcelona Declaration and Euro-Mediterranean partnership', *Summaries of Legislation*, last modified 26 July 2005, retrieved 21 March 2009 from <http://europa.eu/scadplus/leg/en/lvb/r15001.htm>.

<sup>271</sup> In this respect, it was something of a continuation of the Euro-Arab dialogue (EAD), which the EC established following the 1973 Arab-Israeli war, 'in the hope of improving relations with the Arab world through the promotion of economic and cultural ties'. The EAD's success was hindered by the Arab-Israeli conflict and the inability of the EC and the Arabs to agree on the PLO's participation in the framework, which resulted in 'the postponement of the first EAD meeting until June 1975'. The framework was suspended completely after Egypt's expulsion from the Arab League following the Camp David agreement. Rory Miller and Ashraf Mishrif, 'The Barcelona Process and Euro-Arab Economic Relations: 1995-2005', *Middle East Review of International Affairs*, 9:2 (June 2005), retrieved 20 March 2009 from <http://meria.idc.ac.il/journal/2005/issue2/jv9no2a6.html>.

<sup>272</sup> From 2004, the bilateral relations tended to be dealt with through the 'complementary' European Neighbourhood Policy (ENP) and the Associations Agreements signed between the EU and individual Mediterranean partners. Europa, *The Barcelona Process*.

<sup>273</sup> In fact, it was specifically designed to be 'independent from, and not to be held hostage to, the Middle East peace process'. Dannreuther, 'Europe and the Middle East', p. 7.

<sup>274</sup> Asseburg, 'The EU and the Middle East Conflict', p. 179; Miller and Mishrif, 'The Barcelona Process and Euro-Arab Economic Relations: 1995-2005'.

<sup>275</sup> Keukeleire and MacNaughtan, p. 285.

<sup>276</sup> Asseburg, 'The EU and the Middle East Conflict', p. 179.

<sup>277</sup> Keukeleire and MacNaughtan, p. 285.

the threatened Oslo process, adding to its diplomatic toolkit and increasing its potential for agency by creating the posts of EUSR to the Middle East Peace Process and Special Representative for the CFSP mentioned in chapter two.

*Oslo in crisis: A new opportunity for EU agency*

During the early years of the Oslo process, following the signing of the DoP, when the US-dominated bilateral talks between Israel and the Palestinians were producing results,<sup>278</sup> the EU was relatively content to remain on the sidelines of the negotiations, concentrating on developing its presence in the Middle East through its supportive structural foreign policy.<sup>279</sup> However, from late 1995, Palestinian-Israeli relations and the Oslo process became stressed by a number of factors. These included the November 1995 assassination of Israel's Labour Prime Minister Yitzhak Rabin by an anti-Oslo Israeli; the early-1996 spate of Palestinian retaliatory actions against the Israeli assassination of 'the Engineer' Yahya Ayyash; the May 1996 election of Benjamin Netanyahu's conservative Likud-led government; and its subsequent provocative actions, such as opening Jerusalem's Hasmonean Tunnel near Islamic holy sites in November 1996, and deciding in February 1997 to construct a new Israeli settlement (called Har Homa) in East Jerusalem.<sup>280</sup>

These events caused the EU to become extremely concerned. If Oslo collapsed, it might lose the EU its 'new-found status as a major political player in the region', and it would signal that the EU had miscalculated the willingness of Israel and the capacity of the PLO to work towards permanent peace.<sup>281</sup> In June 1996, therefore, the European Council emphasised that the Middle East peace process was a 'fundamental interest of the European

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<sup>278</sup> These results included the May 1994 Israeli-PLO Cairo Agreement, the September 1995 Interim Agreement (also known as Oslo II, which established the PA), and the January 1996 elections of the Palestinian President and Legislative Council. Miller, 'Troubled Neighbours: The EU and Israel', p. 644.

<sup>279</sup> Miller, 'Troubled Neighbours: The EU and Israel', p. 644.

<sup>280</sup> Dannreuther, 'Europe and the Middle East', p. 9.

<sup>281</sup> Miller, 'Troubled Neighbours: The EU and Israel', p. 644.

Union',<sup>282</sup> and in the following months it issued a number of declarations calling on Israel to stop hindering the peace process by illegally building and expanding settlements in the occupied territories, and to stick instead to the principle of 'land for peace' which Rabin's government had verbally subscribed to.<sup>283</sup> The most significant of the EU's statements was the October 1996 Luxembourg declaration, which, in addition to affirming that Israel should not 'prejudge the outcome of final-status negotiations' by constructing settlements in the occupied territories, urged Israel to release Palestinian prisoners 'in a timely fashion' (in order to bolster PLO/PA legitimacy), and restated that Israel does not have sovereignty over East Jerusalem, as it is inadmissible for territory to be acquired by war.<sup>284</sup> Although its impact was overshadowed by the 'tunnel intifada' provoked by the controversial opening of the Hasmonean Tunnel in Jerusalem and the subsequent peace summit in Washington, the Luxembourg declaration was the EU's 'most authoritative statement on the Arab-Israeli negotiations since the Venice declaration'.<sup>285</sup> In further delineating the EU's perspective on the Palestinian situation, and highlighting its shared views in favour of international law and against the illegal Israeli settlement policy, the Luxembourg declaration gave the EU a stronger presence in the region and contributed to the EU's identity as a morality-driven, normative power.

Cohering well with the EU's declarations reasserting its interest in the peace process was the December 1996 creation of the post of EUSR to the Middle East mentioned in chapter two.<sup>286</sup> This decision, led by French President Jacques Chirac,<sup>287</sup> 'marked the beginning of a concentrated effort ... to increase [the EU's] involvement in bilateral negotiations between Israel and

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<sup>282</sup> This was reaffirmed by the GAERC in October and another European Council meeting in December. European Council, *Florence European Council 21 and 22 June 1996: Presidency Conclusions*, retrieved 14 February 2009 from [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/032a0002.htm](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/032a0002.htm).

<sup>283</sup> Soetendorp, p. 112.

<sup>284</sup> Kenneth W. Stein, 'Imperfect Alliances: Will Europe and America Ever Agree?', *Middle East Quarterly* IV, 1 (March 1997), retrieved 15 February 2009 from <http://www.meforum.org/339/imperfect-alliances-will-europe-and-america-ever>.

<sup>285</sup> Stein.

<sup>286</sup> Or, as Dannreuther puts it, 'unlike previous occasions ... this time the European activism was not limited to bluster and rhetoric'. Dannreuther, 'Europe and the Middle East', p. 9; Gomez, p. 129.

<sup>287</sup> Stein; Dannreuther, 'Europe and the Middle East', p. 9.

the PA',<sup>288</sup> and many member-states hoped the special envoy would enable the EU to better exploit the political leverage generated by its considerable financial and economic aid to the region.<sup>289</sup> The appointment of Miguel Moratinos, a former Spanish ambassador to Israel, to the role was a 'shrewd move'; Moratinos had 'considerable inside knowledge of regional politics and the respect of core protagonists', was 'aware of the limits of EU diplomacy in a multilateral context' and was not a member of any of the 'big three' EU member-states, making him a more acceptable interlocutor in both Palestinian and Israeli eyes.<sup>290</sup> Partly to counter the 'traditional Israeli condemnation and US disdain' arising from his appointment,<sup>291</sup> Moratinos's mandate was defined much less strongly than either the French or the Arabs would have liked – Germany, Britain and Ireland were especially cautious to highlight the EU's complementary role with the US<sup>292</sup> – and he 'assumed a deliberately low-level and uncontroversial profile', intended to 'build up trust and to project a constructive EU role'.<sup>293</sup> In addition, the 1999 appointment of Javier Solana, a former NATO Secretary-General, to the new post of High Representative of the CFSP 'offered a much-needed element of continuity to EU policy which could buttress the work of Moratinos'.<sup>294</sup>

The dividends of these appointments were not immediate, however, and there are two ways of looking at the EU's slowly growing capacity to exercise agency at this point. On one hand, as Rory Miller states, the introduction of

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<sup>288</sup> Gomez points out that this effort had begun much less successfully a few months earlier, when the EU responded to the tunnel intifada by sending Irish Foreign Minister Dick Spring to speak with Netanyahu and Arafat, and the Troika to speak with Arafat and Israeli Foreign Minister David Levy. These rather ineffectual efforts were 'met with an extraordinary warning from US Secretary of State Warren Christopher', who wrote to each of the 15 member-states asking that the EU 'refrain from interfering in the peace process at such a "delicate moment"'. The decision to appoint the EUSR was 'the outcome of the [EU]'s experience during this tense period'. Gomez, p. 129; Miller, 'Troubled Neighbours: The EU and Israel', p. 645.

<sup>289</sup> Soetendorp, p. 112.

<sup>290</sup> Gomez, p. 129.

<sup>291</sup> Dannreuther, 'Europe and the Middle East', p. 9.

<sup>292</sup> Stein states that his mission was 'blandly' defined as: establishing and maintaining close contact with all sides; observing the negotiations so as to be prepared to offer EU mediation; contributing to the implementation of international agreements; supervising compliance with human rights and the law; and suggesting to the Security Council initiatives to revive the peace process.

<sup>293</sup> Dannreuther, 'Europe and the Middle East', p. 9.

<sup>294</sup> Dannreuther, 'Europe and the Middle East', p. 9.

the EUSR was ‘bolstered by the unprecedented role the EU played’ in the January 1997 negotiations that led to the Israeli redeployment from Hebron.<sup>295</sup> Roland Dannreuther sees the period 1998-2000 as ‘the historic high point of an intensive and constructive EU presence and role’ in the Israeli-Palestinian conflict, since when US President Bill Clinton and his administration took a more ‘hands-on’ approach to the peace process, the EU’s institutional developments allowed it, while remaining supportive of the US, to finally take on ‘the diplomatic role which it had so long sought’.<sup>296</sup> This new opportunity enabled the EU to accept its supplementary role, ‘significantly defus[ing] the transatlantic tensions that had undermined previous attempts at coordination’, and encouraging the US to realise that the EU’s positive image in Palestinian eyes could enable it to play ‘a critical third-party role’ in the peace process; both the US and EU ‘signed letters of reassurance’ supporting the implementation of the ‘US-promoted’ 1997 Hebron Protocol and 1998 Wye River Memorandum; and the EU’s 1999 Berlin declaration (which for the first time announced the EU’s support of a Palestinian state) served the US-coordinated diplomatic purpose of dissuading Arafat ‘from unilaterally declaring a Palestinian state’.<sup>297</sup> That is, these appointments reinforced and stabilised the EU’s ability to exercise agency.

On the other hand, these successes can be, and have been, framed as failures for the EU’s ability to exercise agency independently. Ben Soetendorp, Muriel Asseburg and Anoushiravan Ehteshami all stress the fact that Israel continued to refuse the EU ‘any significant role in the peace process’, insisting that the peace talks should only involve the concerned parties,

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<sup>295</sup> Miller, ‘Troubled Neighbours: The EU and Israel’, p. 645.

<sup>296</sup> Roland Dannreuther, ‘The Middle East: Towards a Substantive European Role in the Peace Process?’, in Roland Dannreuther (ed.), *European Union Foreign and Security Policy: Towards a Neighbourhood Strategy*, London and New York: Routledge, 2004, p. 160.

<sup>297</sup> If Israel and the Palestinians are the first two parties, it is tempting to view the US, as head mediator, as the third party, and the EU as the fourth. However I will continue to use the term ‘third party’ in the sense that it implies any party other than the first two. Dannreuther, ‘The Middle East: Towards a Substantive European Role in the Peace Process?’ p. 160.

‘without foreign participation, except at their request’.<sup>298</sup> Israel’s attempts to keep EU agency at arms length left the EU able only to act as a facilitator rather than a mediator, complementing the US’s diplomacy rather than initiating its own.<sup>299</sup> Its only independent efforts remained limited to contributing ‘directly and indirectly’ to the PA’s efforts to establish itself; the direct contributions including supporting the infrastructural and other projects mentioned earlier, and the indirect ones including treating the PA as ‘a state in being’,<sup>300</sup> and continuing to criticise Israel’s more inflammatory policies.<sup>301</sup>

### *The EU’s agency during the Oslo years*

Overall, then, while the EU cannot be seen as a diplomatic heavyweight in the Oslo period, it can nevertheless be seen as an agent of growing importance. Its declarations on the Palestinian-Israeli conflict helped ‘[put] the case of the Palestinians on the third party international agenda’, preparing the way for the discussions in Madrid and Oslo,<sup>302</sup> and although the US and Israel prevented the EU from taking a leading role in the bilateral negotiations, it did contribute to the multilateral working groups. After the Oslo ‘breakthrough’ the EU acted promptly to maximise the agreements’ chances of success, through the use of a structural foreign policy that focussed on helping support the creation of the PA, and building regional cooperation in the Middle East. However, the second part of this policy, like the peace process in general, began to be seriously undermined when Netanyahu’s right-wing government came to power in 1996. Despite the

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<sup>298</sup> Soetendorp, p. 112; see also Asseburg, ‘The EU and the Middle East Conflict’, p. 184 and Ehteshami, pp. 252-254.

<sup>299</sup> Soetendorp, p. 112.

<sup>300</sup> Soetendorp gives this example of the EU treating the PA as a ‘state in being’: in 1997, when the EU concluded an interim association agreement on trade and cooperation with the Palestinians, the PA was not permitted to make formal international agreements (as it had not yet negotiated its final status with Israel); instead the EU signed the agreement with Yasir Arafat – officially in his capacity as PLO chair, but, significantly, while he was also the PA President. Soetendorp, p. 112.

<sup>301</sup> Ehteshami notes that the EU’s 1996 ‘rejection of Israel’s “unilateral annexation of East Jerusalem”’, 1997 boycott of goods made in the occupied territories stamped ‘made in Israel’, and 1997 condemnation of Israel’s settlement policy, were particularly harmful to the EU-Israel relationship. Ehteshami, pp. 252-254.

<sup>302</sup> Keukeleire and MacNaughtan, p. 283.

EU's improved scope for complementary diplomatic agency in the peace process after its appointment of EUSR Moratinos and High Representative Solana, the EU remained prevented by Israel from playing a direct role in the peace process.

### **EU diplomatic agency in the era of the Quartet**

Although the EU's potential for agency has remained constrained by the limited opportunities it faces – a constraint faced by all actors – in the 21<sup>st</sup> century, the number of opportunities for the EU to act in the Israeli-Palestinian conflict began to increase. The collapse of the Oslo process was sealed by the outbreak of the second intifada in September 2000, with the official Israeli narrative that 'there is no Palestinian partner' with which to negotiate seemingly putting the final nail in the coffin of the peace process.<sup>303</sup> Despite some temporary successes in its attempts to reduce the intifada tensions, the EU's pro-Palestinian identity in the eyes of Israel and the US prevented it from having the opportunity to take lasting actions independent of the US. However, its identity as an important third party, built up by its complementary exercise of diplomatic agency during the Clinton years, did allow it to play a strong role in Clinton's last attempt to reach peace, at the Taba peace conference in January 2001. In April 2002 the EU's role as an important but complementary agent in the Middle East was institutionalised in the formation of the Quartet on the Middle East (mentioned in chapter one), which placed the EU alongside the US, the UN, and Russia as a leader of the international community interested in ending the Israeli-Palestinian conflict. This gave the EU greater power to influence international policy in the region – such as when its 'Roadmap' was adopted by the Quartet in 2002 – but, as we will see in chapter five, with the corollary that its own policies could also be influenced by the other Quartet members

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<sup>303</sup> This slogan was first proclaimed by Israeli Prime Minister Ehud Barak, and it has been taken up with particular gusto by his successors Ariel Sharon and Benjamin Netanyahu (although not so much by Sharon's deputy, Ehud Olmert, who succeeded Sharon in January 2006 – presumably because Israel was making a point of supporting Fatah against Hamas). Issam Makhoul, 'Sharon's Goal: Stamp out Palestine', *Political Affairs*, (1-6 November 2004), retrieved 18 June 2009 from <http://www.politicalaffairs.net/article/articleview/369/>.

(particularly the US) – such as when the Islamist Hamas movement was added to the EU’s terrorist list in 2003, and the PA was boycotted by the international community in 2006.

*The EU and the intifada: Limited opportunities for agency*

As indicated in the previous section, the high hopes that the international community had held for the Oslo process in the early 1990s were repeatedly dashed as the decade wore on.<sup>304</sup> In July 2000, Clinton supervised a new Israeli-Palestinian peace conference at Camp David which was probably doomed from the start; neither Netanyahu nor his successor Ehud Barak had put in the preparatory work required to achieve a final status agreement, and after ‘discreet’ track-two negotiations were ousted and ‘drawn to a peremptory halt’ in May 2000, any other preparation became secondary to the political considerations of ‘Barak’s disintegrating coalition government and Clinton’s expiring presidency’.<sup>305</sup> This left Barak able to offer only extremely limited concessions. He refused to withdraw to the 1967 borders, proposing instead a gradual Israeli withdrawal from most, but not all, of the Palestinian territories, which would leave the majority of the Israeli settlements in place, and keep the Palestinian state discontinuous, divided into cantons still subject to Israeli security checkpoints and surveillance, where the Palestinians had ‘little authority either on, above, or below the ground’.<sup>306</sup> In addition, while Barak was willing to concede more of Jerusalem than previous Israeli negotiators, he sparked the talks’ collapse with his deliberate vagueness over who would have sovereignty over Jerusalem’s Haram al-Sharif or Temple Mount, which contains both the original Wailing Wall from King Solomon’s Jewish temple, and Islam’s third-holiest site, the al-Aqsa mosque.<sup>307</sup>

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<sup>304</sup> Ilan Pappé, *A History of Modern Palestine: One Land, Two Peoples* (2nd ed.), Cambridge: Cambridge University Press, 2006, p. 276.

<sup>305</sup> Parsons, *The Politics*, pp. 254-255.

<sup>306</sup> Parsons, *The Politics*, pp. 253-254; Charles D. Smith, pp. 503-507.

<sup>307</sup> Charles D. Smith, pp. 507-509. On the dissatisfying proposed ‘concessions’ see also Penny Johnson and Eileen Kuttab, ‘Where Have All the Women (and Men) Gone? Reflections on Gender and the Second Palestinian Intifada’, *Feminist Review* 69 (Winter 2001), p. 23.



Any hope for an improvement on the Israeli offer was short-lived. On the 28<sup>th</sup> of September 2000, the fifth anniversary of the signing of Oslo II, Likud Knesset Member Ariel Sharon staged a provocative tour of Haram al-Sharif.<sup>308</sup> His visit sparked the second intifada, as Palestinian stone-throwing and tyre-burning demonstrations quickly escalated into all-out chaos after Israeli crowd-control police and soldiers began shooting to kill the protestors.<sup>309</sup> Although provoked initially by Sharon's visit, the Palestinian violence was sustained in protest at the rigid controls the occupation had placed on their freedom, particularly the way Israeli-run checkpoints had sprung up throughout the territories, preventing free movement both between and within Palestinian towns.<sup>310</sup> Israel added to the trauma by effecting a policy of 'closure', sealing off the Palestinian territories from Israel and shutting down internal checkpoints in the West Bank and Gaza for significant periods, severely damaging the Palestinian economy and precipitating a humanitarian crisis.<sup>311</sup> Suicide bombers added prominently to the protests from Sharon's election in February 2001, but the violence played into his hands, allowing him 'to argue that Israel's security justified a full military response, and to blame Arafat while Sharon himself strove to undermine the results of the Oslo process'.<sup>312</sup> Echoing a claim made by Barak, Sharon argued that there was now no Palestinian partner with which to negotiate, allowing him to further increase the number of checkpoints and begin building a Separation Barrier to close the settlements off from Palestinian towns, resulting in the 'gobbling up of still more Palestinian land,' and insulting the Palestinians even more.<sup>313</sup>

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<sup>308</sup> The move, 'a headline-grabbing assertion of Israeli sovereignty over Islam's third holiest site', was designed to add weight to Sharon's bid for leadership of the Likud party against his 'arch-rival' Benjamin Netanyahu. Parsons, *The Politics*, p. 263.

<sup>309</sup> Charles D. Smith, p. 512.

<sup>310</sup> Charles D. Smith, p. 513.

<sup>311</sup> UNSCO, *The Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions: 1 October 2000 - 30 September 2001*, retrieved 21 March 2009 from [http://domino.un.org/UNISPAL.NSF/361eea1cc08301c485256cf600606959/590a0502e7ecc12085256b4b006ca41e/\\$FILE/UNSCO\\_1.10.00\\_30.09.01.pdf](http://domino.un.org/UNISPAL.NSF/361eea1cc08301c485256cf600606959/590a0502e7ecc12085256b4b006ca41e/$FILE/UNSCO_1.10.00_30.09.01.pdf); Sara Roy, 'Palestinian Society and Economy: The Continued Denial of Possibility', *Journal of Palestine Studies* 30:4 (Summer 2001), pp. 15-16.

<sup>312</sup> Charles D. Smith, p. 516.

<sup>313</sup> Ziad Abu Zayyad, 'The Hamas Victory: Implications and Future Challenges', *Palestine-Israel Journal of Politics, Economics & Culture* 12/13:4/1 (2005), pp. 107-108. As Stephan

The EU response to the al-Aqsa intifada had two main components. The first, which will be examined in greater depth in chapter four, was to re-focus its aid policies to concentrate on alleviating the Palestinians' humanitarian crisis. The second was to increase its diplomatic efforts to ease tensions on both sides and encourage them to focus on peace negotiations. During Clinton's final peace conference, at Taba in January 2001, the EU's complementary role had seen EUSR Moratinos 'asked by both parties to listen to their respective points of view'.<sup>314</sup> Its presence, and capability, as a third party negotiator meant that, as Muriel Asseburg notes, although the international media did not lend much coverage to the EU's crisis intervention and management activities, the EU succeeded in reducing tensions in 'quite a number of cases'.<sup>315</sup> However, with neither conflicting party committed to ending the conflict, these successes could only have a limited, temporary impact on the overall crisis, like administering first aid to the victim of a serious injury. The EU's actions did not bring about a 'sustained diminution of conflict or anything close to a durable ceasefire'; on the contrary, in September 2002 the situation degenerated further, with the EU seemingly 'completely powerless' to halt Israel's siege and virtual destruction of the *Muqataa*, Arafat's presidential headquarters, in Ramallah.<sup>316</sup> The EU's lack of influential power was also highlighted by its inability to prevent Israel's retaliatory actions, such as in November 2002

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Stetter notes, the Separation Barrier also 'isolates Palestinian towns and villages in the West Bank from the rest of the Palestinian territories, ignores the Green Line [Palestine's 1967 borders set by the 1949 armistice] in crucial parts and, in conjunction with the many roadblocks set up since the 1990s, renders the movement of goods and people within the West Bank as well as between the West Bank and Gaza Strip almost impossible.' Stephan Stetter, 'Of Separate and Joint Universes: National Parliamentary Elections in Israel and Palestine', *Mediterranean Politics* 11:3 (November 2006), pp. 428-429.

<sup>314</sup> Dannreuther, 'The Middle East: Towards a Substantive European Role in the Peace Process?', p. 160.

<sup>315</sup> These include local ceasefires that EU observers helped to negotiate between Gilo and Beit Jalla in the Intifada's first year; German foreign minister Joschka Fischer's mediation between Arafat and Sharon after a Tel Aviv disco was bombed in June 2001, 'which prevented massive Israeli retaliation and an immediate further escalation'; and EU-mediated solutions to crises at Bethlehem's Church of the Nativity and the *Muqataa* in Ramallah in early 2002. Asseburg, 'The EU and the Middle East Conflict', p. 182.

<sup>316</sup> Asseburg, 'The EU and the Middle East Conflict', p. 182.

when Israel responded to a Palestinian attack on a kibbutz by reinvading Nablus, Tulkarm and Gaza City, probably with the US's support.<sup>317</sup>

An important reason why the EU's peace-making efforts proved unsustainable was the 'legitimacy deficit' resulting from its pro-Arab identity in the eyes of Israel and the US,<sup>318</sup> who, now that Barak and Clinton had been replaced by Sharon and George W. Bush, had returned to their deep suspicion of the Europeans' stance on the conflict. Although the EU's official statements on the intifada blamed both sides for the outbreak of violence, former Commission President Romano Prodi condemned Israel's 'utterly intolerable treatment of the Palestinian people', demonstrating EU sympathy for the Palestinians' 'frustration with ongoing statelessness and anger over the visit of ... Sharon to the Temple Mount'.<sup>319</sup> Israel's destruction of Palestinian infrastructure that the EU had funded – including Gaza's international seaport and airport, the Palestinian police headquarters, the Palestinian Broadcasting Corporation (PBC), two schools, a research laboratory, and a water treatment and pumping plant – also (not surprisingly) provoked condemnation of Israel by the EU.<sup>320</sup> But Israel had a much stronger ally in the US, and without any need to pacify the EU it felt relatively free to behave as it wished – even to the point of, rather symbolically, shelling the *Muqataa* while the EUSR was there visiting Arafat in March 2002.<sup>321</sup> In this regard the EU often found itself on the horns of a dilemma. If it tried to exercise agency by following up its statements against Israel's excessive use of force with 'either concrete or symbolic politics', such as freezing arms sales to Israel, or threatening to suspend its association agreement with Israel (a highly unusual move, made in April 2002)<sup>322</sup> it was seen as anti-Israeli, and risked being shut out of the negotiations. If it did not,

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<sup>317</sup> Chris McGreal, 'Israel Goes in after Killings on Kibbutz: New Military Action Comes as Mother and Children are Buried', *The Guardian*, 13 November 2002, retrieved 20 March 2009 from <http://www.guardian.co.uk/world/2002/nov/13/israel>; Asseburg, 'The EU and the Middle East Conflict', p. 183.

<sup>318</sup> Guy Harpaz, 'Normative Power Europe and the Problem of a Legitimacy Deficit: An Israeli Perspective', *European Foreign Affairs Review* 12:1 (2007), p. 89.

<sup>319</sup> Miller, 'Troubled Neighbours: The EU and Israel', p. 646.

<sup>320</sup> Miller, 'Troubled Neighbours: The EU and Israel', p. 646.

<sup>321</sup> Asseburg, 'The EU and the Middle East Conflict', p. 184.

<sup>322</sup> Asseburg, 'The EU and the Middle East Conflict', pp. 183-184

it could have little effect on Israel's actions. The EU's pro-Arab identity in the eyes of the US and Israel meant that, as long as the US remained the main powerbroker in the region, EU actions that were independent of, or contrary to, those of the US could have only a temporary impact on the crisis.<sup>323</sup>

Given the limited opportunities for the EU to act alone in managing – let alone solving – the Israeli-Arab crisis, it is perhaps not surprising that the EU initiated the formation of the Middle East Quartet, which first met in 2002. The next section will look at how the EU's membership of the international body provides it with more extensive opportunities for agency, by examining the EU genesis of the Quartet's 2002 Roadmap. This discussion contrasts with chapter five, which delineates the Quartet's ability to constrain EU action, by assessing the EU's 2006 decision to boycott the PA.

#### *The EU's increased opportunities for agency as a Quartet member*

In April 2002, Solana and the Spanish EU presidency, representing the EU, invited representatives of three other international powers with strong interests in the Middle East – the US, Russia and the UN – to their first meeting as the Quartet, a body designed as a coordinating mechanism for international policies towards the region.<sup>324</sup> This diplomatic tool allows for European influence while preserving US leadership,<sup>325</sup> institutionalising the EU's traditional role of complementing the US's policies in the region, and also providing it with greater scope for agency by allowing it the opportunity to shape the direction of the other three actors' policies. This contrasts with the sidelined roles the EU and the UN faced as 'observers' at the Madrid conference; now rather than 'managing' the diplomacy of others, the EU had an opportunity to express its ideas on a relatively equal footing with the US.

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<sup>323</sup> Asseburg, 'The EU and the Middle East Conflict', p. 187.

<sup>324</sup> The formation of the Quartet (sometimes referred to as the Quartet on the Middle East, or the Madrid Quartet) was first suggested at 2000's Sharm al-Shaykh summit. Almut Moeller, *The EU Has to Become a Mature Actor in its Neighborhood*, 19 April 2007, retrieved 19 June 2009 from [http://www.bertelsmann-stiftung.de/cps/rde/xbcr/SID-1FD15B75-9FFA80D9/bst\\_engl/Moeller\\_mature\\_actor.pdf](http://www.bertelsmann-stiftung.de/cps/rde/xbcr/SID-1FD15B75-9FFA80D9/bst_engl/Moeller_mature_actor.pdf).

<sup>325</sup> Asseburg, 'The EU and the Middle East Conflict', p. 187.

For example, the EU's internal discussions on finding a way to end the intifada included the drawing-up of a 'seven-point plan' presented by the German foreign minister to the August 2002 meeting of the EU foreign ministers in Helsingör.<sup>326</sup> The Council adopted the plan as a three-phase 'Roadmap', which 'had a great influence' on the September 2002 Quartet statement proposing a plan for a Palestinian state and a 'final status' peace settlement by 2005.<sup>327</sup> The Quartet Roadmap is much more vulnerable to derailment than the Helsingör plan (as it does not reference the 1967 borders, and it conditions progression from one Roadmap phase to another on achieving 'performance benchmarks'), and it is more vague on the international community's commitment to providing security than the German minister's original proposal. Nevertheless Asseburg rightly hails the Quartet Roadmap as 'an important success for European diplomacy'.<sup>328</sup> It shows the EU's ability to convince the US to keep trying to reach a common position (despite the Bush administration's focus on its operation in Afghanistan and preparation for war in Iraq<sup>329</sup>), its fortitude in achieving a comprehensive approach (including having a timetable and granting both sides immediate gains to increase the effectiveness of a ceasefire), and its success in convincing the US of 'the importance of protecting Arafat from physical elimination and preventing the complete destruction of the PA.'<sup>330</sup> The example of protecting Arafat and the PA demonstrates the usefulness of having the US 'onside' – something that was lacking in the EU's independent attempts to broker peace during the al-Aqsa intifada.<sup>331</sup> The diplomatic instrument of the Quartet framework gives the EU a greater presence and more political influence in the Middle East, allowing its

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<sup>326</sup> Asseburg, 'The EU and the Middle East Conflict', p. 185.

<sup>327</sup> Asseburg, 'The EU and the Middle East Conflict', p. 185; The Quartet, *Communiqué issued by the Quartet*, New York, 17 September 2002, retrieved 20 February 2009 from <http://domino.un.org/UNISPAL.NSF/d80185e9f0c69a7b85256cbf005afeac/54c9e0a5f8ccbd2b85256c3700653ea4!OpenDocument>.

<sup>328</sup> Asseburg, 'The EU and the Middle East Conflict', p. 185, 191; The Quartet.

<sup>329</sup> Charles Grant, 'The Eleventh of September and beyond: The Impact on the European Union', *The Political Quarterly* 73:Supplement 1 (August 2002), p. 149.

<sup>330</sup> Asseburg, 'The EU and the Middle East Conflict', p. 185.

<sup>331</sup> Asseburg, 'The EU and the Middle East Conflict', p. 183.

policies a greater chance of being adopted by the other main international players, giving them more legitimacy and making them more effective.

As we have seen, the EU's access to the diplomatic tool of the Quartet substantially reinforced its agency in the Middle East. It increased the EU's presence by marking it out as an international agent alongside the US, the UN and Russia, and by giving the EU another avenue through which it could express itself on the international stage. The Quartet's 2002 adoption of the Roadmap illustrates how the body also brought new opportunities for the EU to exercise agency in the Israeli-Palestinian conflict, by providing a mechanism which allowed the EU to influence the policies of the other international players in the region – including those of the US. However, chapter five will show that the Quartet also provided opportunities to decrease the EU's coherence, as illustrated by the case of the international boycott of Hamas.

Having increasing its general scope for agency through membership of the Quartet, the EU also began working on the removal of one specific hindrance to its agency in the Israeli-Palestinian conflict: its 'legitimacy deficit' in Israeli eyes. The next section will look at the progress the EU made towards 'upgrading' its relations with Israel in 2008, only to change its mind when Israel began its *Operation Cast Lead* offensive in the Gaza Strip in December that year. Although the operation saw the EU's member-state consistency unravel, denying it the capacity to act in favour of Israel, the period following the operation has also served as an opportunity for the EU to re-focus its diplomatic efforts on the issue of Israel's settlement expansion in East Jerusalem.

*Agency takes a new turn: Operation Cast Lead, Israeli settlements, and the Israeli-EU relations upgrade*

In June 2008, after 'a year of intensive negotiations', the EU's foreign ministers agreed at a Council meeting in Luxembourg to 'upgrade' the EU's

relations with Israel.<sup>332</sup> The move was aimed at removing a final stone from the EU's diplomatic shoe – the anti-Israeli identity which Israel and the US perceived it to have – in order to gain it greater acceptance as a mediator which was able to exercise meaningful political agency in the Israeli-Palestinian conflict. However, while the EU argued that the upgrade could better place the it to convince Israel to ease conditions in the Palestinian territories,<sup>333</sup> the clear corollary to the proposed upgrade was that, in trying to improve relations with Israel, the EU was threatening its more neutral, or pro-Palestinian, identity – a point of difference between the EU and the US which had helped it gain the confidence of the Palestinians in the Clinton-era negotiations mentioned above.<sup>334</sup> There was also a risk that the upgrade might not cohere with the EU's shared values of promoting human rights, both in general and throughout the Middle East. As will be seen in chapter four, the EU even embeds these values as conditions in its association agreements and action plans with its Mediterranean neighbours. An Italian Member of the European Parliament (MEP) pointedly asked the Commission whether, given the human rights provisions of the 2000 EU-Israel association agreement and the 2004 EU-Israel action plan, it would be

... appropriate to 'upgrade' relations with Israel, in light of continuous Israeli violations of human rights in the [Palestinian territories], the siege in Gaza, continuing to build the 'separation barrier' on its current track, restrictions on civilian and goods movements, the unjustified invasions of

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<sup>332</sup> According to the *EUobserver's* Andrew Rettman, the improved relations were to entail:

- More meetings at ministerial level
- Inviting Israeli diplomats to take part in Council working groups such as the Mashreq-Maghreb working group (MaMa)
- Creating a new sub-committee on human rights
- Integrating Israel more deeply with the EU single market
- More joint projects on health, transport, and scientific research

'Editorial: Israel's EU Upgrade', *Jerusalem Post*, 18 June 2008, retrieved 20 June 2009 from <http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1213794270358>. Rettman, p. 3.

<sup>333</sup> The Associated Press, 'Next EU Presidency Keen to Boost Israel Ties, Despite Some Member Doubts', *Ha'aretz*, 18 December 2008, retrieved 19 June 2009 from <http://www.haaretz.com/hasen/spages/1044676.html>.

<sup>334</sup> Dannreuther, 'The Middle East: Towards a Substantive European Role in the Peace Process?', p. 160.

[Palestinian] cities without respect to the PA, the expansion of settlements in the [Palestinian territories] and the confiscation of land.<sup>335</sup>

Her voice was one of many; Arab League members and international humanitarian organisations lobbied ‘vigorous[ly]’ against the proposed upgrade,<sup>336</sup> with Oxfam’s regional manager Adam Leach urging the EU to ‘use the upcoming upgrade negotiations ... to ensure [that] Israel ends the ever-worsening Gaza blockade, lifts movement restrictions, and halts settlement expansion in the West Bank, including East Jerusalem’.<sup>337</sup> In November PA Prime Minister Salam Fayyad appeared to have struck success when he convinced Britain, Belgium, Ireland, Cyprus and Malta not to approve the agreement unless it was ‘linked to progress in the Israeli-Palestinian final-status negotiations’.<sup>338</sup> However, Israel’s then foreign minister, Tzipi Livni, smoothed over the threatened derailment, not only changing the ‘linkage’ to a separate EU declaration that would ‘[stress] the need to continue the final-status talks’, but also convincing the French EU presidency’s representative Bernard Kouchner to leave a French-formulated action plan for the peace process as ‘a mere proposal’ rather than to have the EU officially adopt it.<sup>339</sup> Despite the Arabs states’ urging that the upgrade should ‘at least ... be conditioned on an Israeli settlement freeze’, the EU

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<sup>335</sup> She was essentially fobbed off with External Relations Commissioner Benita Ferrero-Waldner’s reply that ‘the further development of EU-Israeli relations [would take place] “in the context of the broad range of our common interests and objectives which notably include the resolution of the Israeli-Palestinian conflict through the implementation of the two-state solution”’. Luisa Morgantini, ‘Written Question by Luisa Morgantini (GUE/NGL) to the Commission’, *Parliamentary Questions*, P-3373/08, 13 June 2008, European Parliament, retrieved 19 June 2009 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2008-3373+0+DOC+XML+V0//EN>; Benita Ferrero-Waldner, ‘Answer Given by Mrs Ferrero-Waldner on Behalf of the Commission’, *Parliamentary Questions*, P-3373/2008, 8 July 2008, European Parliament, retrieved 19 June 2009 from <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P20083373&language=EN>.

<sup>336</sup> Barak Ravid, ‘EU Votes to Upgrade Israel Relations Despite Arab Lobbying’, *Ha’aretz*, 9 December 2008, retrieved 18 April 2009 from <http://www.haaretz.com/hasen/spages/1044840.html>.

<sup>337</sup> Care International, ‘EU Must Insist on Human Rights in Ties with Israel’, *Media Releases*, 17 June 2008, retrieved 20 June 2009 from <https://www.careinternational.org.uk/?lid=11422&tmpl=printpage>.

<sup>338</sup> Ravid, ‘EU Votes’.

<sup>339</sup> The action plan ‘stated that the EU would, inter alia, press Israel to reopen Orient House, the PA’s former headquarters in East Jerusalem’. Ravid.



foreign ministers unanimously approved the unamended upgrade on 8 December.<sup>340</sup>

Just a fortnight after the upgrade was approved, though, the EU was presented with an event that, like the OAPEC ‘oil weapon’, which presented an opportunity for changing its stance on the Palestinian issue, forced it to reconsider the wisdom of strengthening its ties with Israel. On 27 December, Israel launched a ‘massive’ attack on Gaza,<sup>341</sup> dubbed *Operation Cast Lead*, which featured ‘a week-long air campaign followed by a two-week air and land assault’.<sup>342</sup> The International Crisis Group (ICG) reported that Israel’s ‘overwhelming use of force’, at first directed at the broad target of ‘anyone or anything possibly related to Hamas’, became essentially indiscriminate as the war progressed.<sup>343</sup> By the time two unilateral ceasefires were reached on 18 January, ‘damage in Gaza’s northern areas was widespread, [and] in the east, destruction was systematic and close to complete’.<sup>344</sup> Combined with Israeli elections which saw a right-wing, Netanyahu-led government come to power,<sup>345</sup> ‘the Gaza war triggered a serious rethink’ for the EU.<sup>346</sup>

The *EUobserver*’s Andrew Rettman also points to another factor behind the EU’s rethink of the upgrade, one in accord with US President Obama’s policies:<sup>347</sup> the issue of Israel’s illegal settlement expansion, particularly in East Jerusalem. Rettman notes that even while the upgrade was being planned, the EU ‘continued its long-standing criticism of [the policy]’, and that ‘all the EU member-states’ diplomatic heads in Ramallah’, including

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<sup>340</sup> Ravid, ‘EU Votes.’

<sup>341</sup> International Crisis Group, *Ending the War in Gaza*: Middle East Policy Briefing No. 26, 5 January 2009, p. 4.

<sup>342</sup> International Crisis Group, *Gaza’s Unfinished Business*: Middle East Report No. 85, 23 April 2009, p. 1.

<sup>343</sup> International Crisis Group, *Gaza’s Unfinished Business*, p. 2.

<sup>344</sup> International Crisis Group, *Gaza’s Unfinished Business*, pp. 2, 4.

<sup>345</sup> Rettman, p. 4.

<sup>346</sup> The International Crisis Group stated this in the broader context of the EU’s relations with Hamas and the Israeli-Palestinian conflict in general, but it holds true for the upgrade nevertheless. International Crisis Group, *Gaza’s Unfinished Business*, p. 47.

<sup>347</sup> In addition to promoting the two-state solution in his June 2009 speech in Cairo, mentioned in the introduction, Obama also unequivocally stated his disapproval of Netanyahu’s settlement policy: ‘The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop.’ Haaretz Service.

those whose governments often ‘take a much more sympathetic view of Israeli actions in public’, endorsed a rather damning annual report, the *EU Heads of Mission Report on East Jerusalem*, drafted in December 2008 by the then French EU presidency.<sup>348</sup> This primary source is valuable, as ‘it gives an insight into the EU’s real thinking on the issue, free from diplomatic niceties’; it does not have official or legal status, serving only to inform debate in working groups such as the Mashreq-Maghreb Council working group (MaMa), and Sweden’s intention to make the next report public was vetoed by fears that this would ‘lead to a watering down of the content and undermine its usefulness’.<sup>349</sup>

The report stresses that the EU supports the principles of UNSCR 242, ‘notably the inadmissibility of acquisition of territory by force’, and states that the EU is opposed to ‘measures which would prejudge the outcome of permanent status negotiations ... such as actions aimed at changing the status of East Jerusalem’, an area Israel annexed in 1967 and included when it declared Jerusalem ‘the “complete and united” capital of Israel’.<sup>350</sup> In less diplomatic language, the report asserts that Israel’s ‘current illegal actions in and around the city’ (which include building new settlements and the separation barrier, ‘discriminatory housing policies, house demolitions’, a restrictive permit regime for Palestinians living or working in East Jerusalem, and the ‘continued closure of Palestinian institutions’) not only have ‘limited security justifications’ but amount to a pursuit ‘by practical means ... [of] the illegal annexation of East Jerusalem’, thereby ‘undermining prospects for a Palestinian capital in East Jerusalem and a sustainable two-state solution’.<sup>351</sup> Rettman argues that the EU’s reluctance to be seen as supporting Netanyahu’s policy of permitting the settlements’ ‘so-called “natural growth”’ is ‘intimately linked’ to the decision the EU foreign ministers ultimately made behind ‘closed doors’ at their meeting in the Czech Republic

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<sup>348</sup> Rettman, p. 3.

<sup>349</sup> Rettman, p. 3.

<sup>350</sup> *EU Heads of Mission Report on East Jerusalem*, December 2008, pp. 1-2.

<sup>351</sup> *EU Heads of Mission Report on East Jerusalem*, p. 1, 13-14.

in March 2009: to ‘freeze the planned upgrade with Israel’ unless it explicitly committed to move forward with the two-state solution.<sup>352</sup>

The frozen upgrade represents a significant opportunity for the EU to exercise diplomatic agency in the Israeli-Palestinian conflict. Even the ‘most keen’ supporters of the upgrade, such as current holder of the EU presidency, the Czech Republic,<sup>353</sup> expressed criticism of Israel,<sup>354</sup> and member-states found domestic legitimacy in supporting the freeze.<sup>355</sup> Although at the time of writing, the debate is continuing at MaMa working group level, since December 2008 the Commission has ‘opted not to organise any of the six or so sub-committee meetings with Israeli officials that should have taken place to push the process forward’, and neglected to put the new EU-Israel action plan forward, causing embarrassment for Israeli foreign minister Avigdor Lieberman when he had to return empty-handed from a meeting with the Council in Brussels at which he was to have agreed to the action plan.<sup>356</sup> As noted, the EU’s policy meshes well with the lines emerging from the new Obama administration in the US, and their combined pressure contributed to Netanyahu’s 14 June caveat-ridden endorsement of a Palestinian state.<sup>357</sup> While in practical terms the freeze has not affected ‘business as usual’

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<sup>352</sup> Rettman, p. 4, also quotes a letter from an EU foreign minister circulated at the meeting which states that ‘the EU must restore the balance in its relationship with Israel’, and that the EU must ensure that the Israel respects its peace process commitments, including halting settlement expansion and ‘drastically’ improving ‘movement and access of the Palestinians [in the West Bank]’ (Rettman’s square brackets). Barak Ravid, ‘New Government May Face EU Sanctions Over Two-State Solution’, *Ha’aretz*, 2 April 2009, retrieved 19 June 2009 from <http://www.haaretz.com/hasen/spages/1075557.html>.

<sup>353</sup> Rettman, p. 4, lists the Czech Republic and the Netherlands as leading France, Germany, and Romania (who in 2007 were the main parties involved in the EU’s €200 million worth of weapons exports to Israel), along with Poland, Denmark, Slovakia and Hungary in favour of the upgrade, with Portugal, Sweden and Belgium leading Spain, Ireland, Greece and Cyprus against it. Rettman further notes that Sweden, ‘also an active arms manufacturer, sold nothing [to Israel]’.

<sup>354</sup> Ravid, ‘New Government May Face EU Sanctions Over Two-State Solution’.

<sup>355</sup> Barak Ravid, ‘Livni Urges EU: Don’t Halt EU-Israel Relations Upgrade’, *Ha’aretz*, 24 April 2009, retrieved 19 April 2009 from <http://www.haaretz.com/hasen/spages/1080649.html>.

<sup>356</sup> Rettman, pp. 2-5; Leigh Phillips, ‘EU-Israel Meeting Ends with no Progress on ‘Upgrade’’, *EUobserver*, 16 June 2009, retrieved 19 June 2009 from <http://euobserver.com/24/28310>.

<sup>357</sup> Obama has also called for a settlement freeze, ‘bluntly’ rejecting their legitimacy. Netanyahu, on the other hand, repeated his stance that, while no new settlements would be built, the construction required to accommodate ‘natural growth’ would continue. As footnoted in chapter one, his caveats for the Palestinian state included ‘insist[ing] on “ironclad” guarantees from the United States and the international community for Palestinian demilitarization and recognition of Israel’s Jewish character’. Kershner.

between Israel and the EU,<sup>358</sup> as long as their relations remain in limbo, the EU has an opportunity to keep its new, more Israel-friendly, identity and retain its Palestinian-friendly one without seeming too incoherent; on one hand it is willing to resume the upgrade if Israel makes concessions, and on the other, now that it is using the opportunity to campaign for these concessions, it has ameliorated concerns within the Palestinian territories and the wider Arab world about it having abandoned the Palestinians.

### **Conclusion: The EU's diplomatic agency with respect to the Palestinians**

Since the 1967 Six Day Arab-Israeli war, the EU's movement towards stronger diplomatic cohesion, and thereby capacity for agency with respect to the Palestinians, has followed a relatively clear trajectory. Its member-states' divisions, so pronounced in 1967, have converged considerably, with France, as we shall see in chapter five, remaining the member-state most willing to support the Palestinian cause.

The increased consistency of the member-states on Palestinian issues has given the EU a stronger voice in the region, increasing both its presence and its ability to exercise agency. The building of this consistency, and the EU's agency more generally, has been substantially aided by certain events, or 'critical junctures', which have forced the EU to take up a position. The 1973 Arab-Israeli war and OPEC's use of the 'oil weapon' led at least to an increased EC wariness of exasperating the Arab nations. The 1978 Camp David accord, after a period of EC ambiguity, led to its first substantial statement on the Palestinian conflict, the 1980 Venice declaration. And finally, the 1993 Oslo agreements enabled the EU to adopt its 'structural foreign policy' in the Palestinian territories. The EU's joining of the Quartet in 2002 provided it with another opportunity for extending its influence and presence, as the Quartet's adoption of the (albeit adapted) EU-proposed Roadmap in 2002 shows.

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<sup>358</sup> Rettman, p. 5.

Indeed, the EU's access to an increasing arsenal of diplomatic tools has added substantially to its presence and its ability to be heard in the Middle East; prior to joining the Quartet, the EU built its voice up through the use of EPC in the 1970s and 1980s, the EUSR from 1996, and the High Representative for CFSP from 1999.

In the last four decades, the EU's opportunities, presence and capabilities have all contributed to its growing ability to exercise diplomatic agency with respect to the Palestinians – although the EU's role remains a 'complementary' one, with its policies' effectiveness largely dependent on their aligning with those of the US. The next chapter will address another facet of the EU-Palestinian relationship: examining how the EU's agency has been extended through its financial and technical aid to the Palestinians.

## **Agent EU: Licenced to Give Aid**

The largely chronological sequence of the previous chapter traced the growth in the EU's diplomatic agency since the 1967 Arab-Israeli war, particularly since it became a member of the Quartet. It established that the EU has remained a subsidiary diplomatic agent in the Middle East, supporting the US's more dominant role in the peace process.

In another field, financial and technical aid, the EU's agency in the Palestinian situation has been much stronger. Table 3 shows the substantial support that the EU provided in the seven main categories in 2008. The discussion will highlight the EU's capabilities and presence, and the opportunities which structure these, enabling us to draw conclusions about the EU's agency. The chronology is complex, and it is therefore more appropriate to explore these concepts by evaluating the EU's agency via its assistance to each of its major Palestinian aid commitments independently. These commitments include UNRWA; Madrid's MWGs, including REDWG; the major donor-coordination committee inaugurated following the Oslo accords known as the Ad-Hoc Liaison Committee (AHLC); and the EU's own assistance framework, the EMP.

We conclude that capabilities such as the EU's shared values and domestic legitimacy have remained relatively constant, shaping its actions and contributing to its civilian presence. Other capabilities, such as consistency, coherence, and access to economic policy implementation tools, have been more variable, being governed by available opportunities.

<b>Commitment</b>	<b>Amount (€m)</b>
PEGASE (Palestinian Reform and Development Plan: Recurrent Expenditure)	258.0
UNRWA (General Fund, SHC Programme and UNRWA reform)	76.0
Humanitarian and Food Aid through UNRWA, WFP, NGOs (ECHO)	73.3
PEGASE (Palestinian Reform and Development Plan: Development Projects)	53.0
Nahr el Bared (Emergency Aid for Populations Affected by the Conflict in Lebanon)	13.0
Civil Society (Partnership for Peace)	8.3
CFSP Actions (support to EUPOL COPPS and EUBAM Rafah)	5.1
<b>TOTAL</b>	<b>496.7</b>

**Table 3: EU assistance to Palestinian people in 2008<sup>359</sup>**

### **The EU's financial agency in UNRWA: Building presence in the Palestinian territories**

The EC's first foray into Palestinian financing coincided with its initial diplomatic efforts to build a coherent stance on the Arab-Israeli conflict; in 1971, as well as forming its first (non-public) joint position on the Middle East, the EC also agreed to begin funding UNRWA.<sup>360</sup> As noted in chapter 2, UNRWA is a UN-run organisation which was established after the 1948 Arab-Israeli war 'to carry out direct relief and works programmes for Palestine refugees,' and it is currently 'the main provider of ... education, health, relief and social services' to more than 4.6 million registered Palestinian refugees throughout the Middle East.<sup>361</sup> The UN funds only about 5 per cent of UNRWA's budget, enough for the salaries of its international

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<sup>359</sup> Europa, 'EC Assistance to the Palestinian People in 2008', *External Relations*, retrieved 28 June 2009 from [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/ec\\_assistance/ec\\_aid\\_to\\_pa\\_2008\\_en.pdf](http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/ec_aid_to_pa_2008_en.pdf), p.1.

<sup>360</sup> ECTAO, *History: Assistance before Oslo and Beyond*, retrieved 30 March 2009 from [http://www.delwbg.ec.europa.eu/en/cooperatio\\_development/history.htm](http://www.delwbg.ec.europa.eu/en/cooperatio_development/history.htm).

<sup>361</sup> UNRWA, *Establishment of UNRWA*.

staff, so UNRWA relies heavily on voluntary donations from governments, IGOs, NGOs, and ‘non-monetary assistance’ from the authorities hosting the refugees.<sup>362</sup> The EU’s cooperation with UNRWA, which the EU periodically formalises in conventions setting out its funding commitments for several years,<sup>363</sup> has grown markedly. From 1971 to 1980, when UNRWA was the primary route of EC assistance to the Palestinians, it received \$132 million.<sup>364</sup> Despite the subsequent diversification of aid, the EU has been the ‘single largest contributor to UNRWA’s General Fund since 2004’.<sup>365</sup> During 2007 and 2008 it was projected to contribute more than \$192.5 million,<sup>366</sup> in addition to member-states’ individual contributions, and the EU’s other contributions, including humanitarian and food aid.<sup>367</sup> In spite of its strong financial commitment, though, the EU (represented by the European Commission) only participates as an observer at the UNRWA’s Advisory Commission’s annual review meetings (although nine of the Advisory Commission’s 21 members are EU member-states).<sup>368</sup> Within the Advisory Commission the EU is a ‘constructive influence’, and it provides ‘expert advice’ on issues such as developing UNRWA’s performance indicators,<sup>369</sup> but the agency the EU gains from its support of UNRWA does not arise from any leadership over the organisation’s daily affairs. Rather, the EU’s status as UNRWA’s largest donor gives it credibility; backing up its

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<sup>362</sup> UNRWA, *Programme Budget: 2008-2009*, July 2007, retrieved 31 March 2009 from <http://www.un.org/unrwa/finances/pdf/ProgBudget08-09.pdf>, pp. 14, 19; UNRWA, *Finances*, retrieved 13 March 2009 from <http://www.un.org/unrwa/finances/index.html>.

<sup>363</sup> Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament: EC Support to the Middle East Peace Process*, Com(93) 458 final, Brussels, 29 September 1993, retrieved 13 March 2009 from [http://aei.pitt.edu/4300/01/000888\\_1.pdf](http://aei.pitt.edu/4300/01/000888_1.pdf), p. 6.

<sup>364</sup> Commission of the European Communities, p. 6.

<sup>365</sup> Karen AbuZayd, *Statement by UNRWA Commissioner-General to the Foreign Affairs Committee of the European Parliament*, Brussels, 27 November 2007, retrieved 2 April 2009 from [http://www.un.org/unrwa/news/statements/2007/Brussels\\_27Nov07.html](http://www.un.org/unrwa/news/statements/2007/Brussels_27Nov07.html).

<sup>366</sup> UNRWA, p. 19.

<sup>367</sup> European Commission, ‘EC Support to UNRWA’, *External Relations*, retrieved 1 April 2009 from [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/docs/ec\\_unrwa\\_factsheet\\_en.pdf](http://ec.europa.eu/external_relations/occupied_palestinian_territory/docs/ec_unrwa_factsheet_en.pdf).

<sup>368</sup> The Advisory Commission’s members are: Australia, Belgium, Canada, Denmark, EC, Egypt, France, Germany, Italy, Japan, Jordan, Lebanon, Netherlands, Norway, Saudi Arabia, Spain, Sweden, Switzerland, the Syrian Arab Republic, Turkey, the United Kingdom and the United States. The EC, League of Arab States and Palestine Liberation Organization attend as observers. UNRWA, *Organization*, retrieved 2 April 2009 from <http://www.un.org/unrwa/organization/index.html>.

<sup>369</sup> AbuZayd.



diplomatic statements by ‘putting its money where its mouth is’. This builds the EU’s presence in the Palestinian territories, and encourages its identity as an important financial agent in the region.

The EC’s involvement with UNRWA, and its commitments since the 1980 Venice declaration to various NGO projects in Palestine in areas including health, agriculture, and education, demonstrated the EC’s early willingness to contribute financially to the Palestinian cause.<sup>370</sup> This identity, combined with a broader international recognition of the EC as a primarily economic agent, contributed to the EC/EU’s being allowed to chair the REDWG multilateral working group, and later co-chair the AHLC, as we will see in the next section.

### **The EC/EU and the Oslo process: An opportunity for economic agency in the Israeli-Palestinian conflict**

As noted previously, the Madrid conference and Oslo process provided the EC/EU with an unprecedented opportunity to increase its influence in the Middle East. It is true that the US and Israel ensured the EC’s diplomatic voice remained unheard at Madrid and its ensuing bilateral talks, and that the EC was not party to Oslo’s secret negotiations. However, Israeli and US respect for the EC’s economic expertise (and willingness to allow someone else to pay the bill) won it ‘a “place at the table”’.<sup>371</sup> In the Madrid process, the EU’s place on the steering committee that coordinated the Arab-Israeli talks also gave it access to multilateral working groups designed to deal with various issues pertaining to the resolution of the Arab-Israeli conflict – including REDWG, which the EU chaired. After the Oslo accords were signed, the EU also gained access to the Ad-Hoc Liaison Committee (AHLC) which guided the international donor effort, eventually becoming co-chair. This section will examine the EC/EU’s role in these groups, which both

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<sup>370</sup> ECTAO.

<sup>371</sup> Anne Le More, *International Assistance to the Palestinians after Oslo: Political Guilt, Wasted Money*, London and New York: Routledge, 2008, p. 88.

contributed to its economic presence in the Palestinian territories, and gave it new opportunities to extend its agency.

*The EU and Madrid's multilateral working groups: An opportunity to build presence and promote shared values*

The multilateral working groups launched at a 1992 conference in Moscow as part of the Madrid process<sup>372</sup> (and, after the signing of the DoP, continued as part of the Oslo process)<sup>373</sup> presented the EC with an opportunity to reap the fruits of its economic presence and to exercise leadership in the Middle East peace process. The working groups were intended to 'provide a forum' in which the various parties could 'address a range of economic, social, and environmental issues which extend across national boundaries and whose resolution is essential for long-term regional development and security'.<sup>374</sup> This tapped into the EC's embryonic structural foreign policy, allowing it to 'further elaborate its proposals for regional cooperation'.<sup>375</sup> It was also in line with the EC's shared values of promoting multilateral, rather than bilateral or unilateral, solutions to Israeli-Palestinian issues, and shored up its presence as a civilian power working towards development in the region, adding another tool to the EC/EU's economic belt. However, the opportunity for agency decreased considerably from December 1996, when the Arab nations dropped their support for the multilateral working groups in protest at Netanyahu's stalling tactics over a redeployment from Hebron that was supposed to have taken place by March 1996.<sup>376</sup> This section will briefly

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<sup>372</sup> Miriam R. Lowi, 'Bridging the Divide: Transboundary Resource Disputes and the Case of West Bank Water', *International Security* 18:1 (Summer 1993); Foreign Affairs and International Trade Canada, 'Introduction to the Refugee Working Group', *Middle East Peace Process*, retrieved 7 April 2009 from [http://www.international.gc.ca/middle\\_east/peaceprocess/rwg-intro-en.asp](http://www.international.gc.ca/middle_east/peaceprocess/rwg-intro-en.asp).

<sup>373</sup> The multilateral talks were renewed with the launch of the Oslo process. Scott Lasensky, 'Chequebook Diplomacy: The US, the Oslo Process and the Role of Foreign Aid', in Michael Keating, Anne Le More and Robert Lowe (eds.), *Aid, Diplomacy and Facts on the Ground: The Case of Palestine*, London: Chatham House, 2005, p. 50.

<sup>374</sup> Peters, *Can the Multilateral Talks be Revived?*

<sup>375</sup> Keukeleire and MacNaughtan, p. 285.

<sup>376</sup> The redeployment was to have occurred 'within six months' of the signing of 'Oslo II', a follow-up to the DoP whose conclusion was necessary for the election of the PA, and which called for the expansion of the PA's authority and specified its responsibilities. *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip ("Oslo 2")*, 28

discuss the EC/EU's role in the refugee, water, environment, and disarmament working groups, as well as in the steering committee overseeing them, before examining how the EC/EU's expressed and extended its agency as REDWG chair.

The multilateral track was the only forum in which Israel and the US allowed the EC/EU to exercise any agency in the Madrid peace process.<sup>377</sup> Although it was a member of the steering committee overseeing both the Israel-Arab bilateral talks and the five multilateral working groups, the EC/EU had a much stronger economic than diplomatic presence there – a theme that emerged in the EC/EU's membership of UNRWA, and which has appeared time and again throughout the EC/EU's involvement with the Palestinians. Diplomatic heavyweights, the US and Russia, co-chaired the steering committee,<sup>378</sup> and the EC/EU best stood to maximise its influence by focussing on the multilateral track and its development issues. Indeed, after the first few working group meetings, it became clear that political decisions would be strictly confined to the bilateral discussions, while the consensus-based multilateral groups dealt only with 'non-political issues of mutual concern' such as building confidence between the parties and conducting fact-finding missions.<sup>379</sup>

Within these limits the EC/EU was nevertheless able to exercise some agency. It co-organised four of the five working groups – the multilateral working group on water resources (MWGWR), the environment working group (EWG), the refugee working group (RWG) and REDWG, where it

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September 1995, retrieved 11 June 2009 from <http://www.jewishvirtuallibrary.org/jsourc/Peace/interimtoc.html>. Lasensky, p. 50.

<sup>377</sup> Philip Robin, 'Always the Bridesmaid: Europe and the Middle East Peace Process', *Cambridge Review of International Affairs* 10:2 (1997), p. 77.

<sup>378</sup> Buchan, pp. 117-118.

<sup>379</sup> Aaron T. Wolf, *Middle East Water Conflicts and Directions for Conflict Resolution: Food, Agriculture, and the Environment Discussion Paper 12*, Washington: International Food Policy Research Institute, 1996, retrieved 9 April 2009 from <http://www.ifpri.cgiar.org/2020/dp/dp12.pdf>, pp. 13-14; Rex Brynen, 'Much Ado About Nothing? The Refugee Working Group and the Perils of Multilateral Quasinegotiation', *International Negotiation* 2 (1997), pp. 283-286.

was also ‘gavel-holder’<sup>380</sup> – and, ‘after battling against Israeli, and to some extent US, resistance’, it was permitted to belong to the fifth working group, on arms control and regional security (ACRS).<sup>381</sup> Participating in these groups allowed the EC/EU to extend its agency, to build on its earlier funding, to work with regional and international parties, and to help develop the region economically. The EC/EU contributed finance and technical expertise for the groups’ initiatives. For example, it was appointed ‘shepherd’, or leader, of the economic and social infrastructure ‘theme’, or sector, in the RWG, ‘defin[ing] the needs of [the] sector and mobilis[ing] an appropriate response [to them]’.<sup>382</sup> Similarly, though at a lower level, one of its early tasks in the MWGWR was working with the US to build regional capacity by designing ‘a series of 14 courses ... with and for participants from the region ... to cover subjects as broad as concepts of integrated water management and as detailed as groundwater flow modelling’.<sup>383</sup> Through the Japan-chaired EWG the EC/EU contributed funds to (amongst others) a World Bank anti-desertification project and the EU-led ‘Upper Gulf of Aqaba Oil Spill Contingency Project’.<sup>384</sup> The EC/EU’s role in these extended its agency, allowing it new avenues for Palestinian assistance, and building its presence as an economic agent in the region.

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<sup>380</sup> Brynen notes that the use of the term ‘gavel holders’ underscored the fact that ‘the chairs of the working groups [were to] act as facilitators rather than exerting any procedural power or direction’. Brynen, ‘Much Ado About Nothing’, p. 281.

<sup>381</sup> Buchan, p. 118; Peters, *Can the Multilateral Talks be Revived?*

<sup>382</sup> The terms ‘shepherd’ and ‘theme’ are those used by the RWG. Re x Brynen and Jill Tansley, ‘The Refugee Working Group of the Middle East Multilateral Peace Negotiations’, *Israel-Palestine Journal*, 2:4 (Autumn 1995), retrieved 9 April 2009 from [http://cmsweb.idrc.ca/uploads/user-S/12075982311The\\_REFUGEE\\_WORKING\\_GROUP\\_of\\_the\\_Middle\\_East\\_Brynen\\_Tansley.doc](http://cmsweb.idrc.ca/uploads/user-S/12075982311The_REFUGEE_WORKING_GROUP_of_the_Middle_East_Brynen_Tansley.doc).

<sup>383</sup> Wolf, p. 14.

<sup>384</sup> *Multilateral Working Groups on Water Resources and the Environment: Press Statement of the Gavelholder*, Amman, 22 June 1995, retrieved 10 April 2009 from <http://www.jewishvirtuallibrary.org/jsource/Peace/multiwater95.html>; Israeli Ministry of Foreign Affairs, ‘The Environment Working Group’, *The Multilateral Negotiations*, last modified 28 January 1999, retrieved 1 April 2009 from <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Environment%20Working%20Group>; Ministry of Foreign Affairs of Japan, *EWG Projects/Programs*, last modified June 1999, retrieved 10 April 2009 from [http://www.mofa.go.jp/region/middle\\_e/peaceprocess/ewg/projects.html](http://www.mofa.go.jp/region/middle_e/peaceprocess/ewg/projects.html).

As Fuchs states, ‘reputation can become a self-fulfilling prophecy,’<sup>385</sup> and chairing REDWG both capitalised on and contributed to the EC/EU’s presence. The multilateral track drew on the ‘functionalist’ paradigm of IR, with protagonists such as Shimon Peres holding that ‘functional cooperation’ in the form of ‘an ever-widening web of economic, technical, and welfare interdependencies’ would both ‘force’ the parties ‘to set aside their political and/or ideological rivalries and create a new perception of shared needs’, building confidence and eventually leading to regional cooperation.<sup>386</sup> This notion applied particularly strongly to REDWG.<sup>387</sup> Its ‘economic-driven multilateralist agenda’ of catalysing ‘the emergence of a more economically interdependent and pluralistic regional environment’ suited the EC/EU well, and it ‘set about its responsibilities ... with some energy and direction’.<sup>388</sup> In November 1993, the Copenhagen meeting of REDWG integrated a number of largely infrastructural and sectoral development initiatives into the Copenhagen Action Plan.<sup>389</sup> The plan marked REDWG’s ‘willingness to go beyond initial discussions’ by ‘tak[ing] more concrete action’,<sup>390</sup> and the EU funded a ‘significant proportion’ of the resources required for the plan’s implementation.<sup>391</sup> In June 1994 it attempted to institutionalise the group’s ‘emerging multilateral cooperation’ by establishing a monitoring committee (MC) comprising REDWG’s four ‘core regional parties’ (Egypt, Israel,

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<sup>385</sup> Fuchs, p. 36.

<sup>386</sup> Peters, *Can the Multilateral Talks be Revived?*

<sup>387</sup> Muriel Asseburg, ‘From Declarations to Implementation? The Three Dimensions of European Policy Towards the Conflict’, in Martin Ortega (ed.), *The European Union and the Crisis in the Middle East*, Chailiot Papers 62 (July 2003), Paris: Institute for Security Studies, European Union, p. 17; Shimon Peres and Arye Naor, *The New Middle East*, New York: Henry Holt and Co., 1993, pp. 34-36.

<sup>388</sup> Dannreuther, ‘The Middle East: Towards a Substantive European Role in the Peace Process?’, p. 156.

<sup>389</sup> As Dalia Dassa Kaye notes, ‘The CAP covered 10 sectors (including transportation, energy, tourism, finance, and trade) and proposed 35 regional projects. These projects included improving highway infrastructure, railways, and ports; linking electricity grids of Israel, the Palestinian territories, Jordan, and Egypt; building hydroelectric canals; and, in the finance arena, training banking personnel in the PA.’ Dalia Dassa Kaye, ‘Madrid’s Forgotten Forum: The Middle East Multilaterals’, *Washington Quarterly* 20:1 (Winter 1997), pp. 177-178. Emily B. Landau and Fouad Ammor, *Regional Security Dialogue and Cooperation in the South: Exploring the Neglected Dimension of Barcelona*, EuroMeSCo Paper 48, retrieved 10 April 2009 from <http://www.euromesco.net/images/regional%20security%2048%20eng.pdf>, p. 10; Dannreuther, ‘The Middle East: Towards a Substantive European Role in the Peace Process?’, p. 156.

<sup>390</sup> Landau and Ammor, p. 10.

<sup>391</sup> Dannreuther, ‘The Middle East: Towards a Substantive European Role in the Peace Process?’, p. 156.

Jordan, and the Palestinians) to oversee the action plan's execution.<sup>392</sup> The EU retained leadership of the MC, but only as co-chair – the other co-chair rotated six-monthly between the core regional parties.<sup>393</sup> This underlined the EU's aim of allowing the core regional parties 'to take a more direct role' in organising REDWG's activities, developing its priorities, and identifying its future projects; so too did dividing the sectors of the MC's work amongst the core regional parties – Egypt for finance, Israel for trade, Jordan for regional infrastructure and the PA for tourism.<sup>394</sup> REDWG's high workload led in 1995 to the establishment in Amman of a permanent support Secretariat which coordinated 'over a hundred' meetings and workshops in its first year.<sup>395</sup> As Joel Peters notes, '[a]lthough embryonic in its nature and functioning, the REDWG Secretariat in Amman reflects the first tentative steps towards the fashioning of new common structures of cooperation, coordination and decision-making in the Middle East'.<sup>396</sup> The EU's role in leading the 'largest and most active'<sup>397</sup> and 'perhaps the ... most successful'<sup>398</sup> of the multilateral working groups gave it increased economic capability and a stronger presence, its more than competent leadership supporting the image of a 'win-win' peace process.

Although successful, REDWG's achievements were more moderate than overwhelming; nevertheless, the EU's (and the core regional parties') growing presence in the economic arena of the peace process worried the US. Philip Robin suggests, somewhat ironically, that REDWG's 'modest successes were perhaps best demonstrated by the renewed interest of the US in exerting some political control over the activities of economic integration'.<sup>399</sup> It irked the EU by unilaterally hosting a conference in Washington in October 1993 at which donors (including the EU) were to

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<sup>392</sup> 'Core regional parties' is a term used by REDWG. Dannreuther, 'The Middle East: Towards a Substantive European Role in the Peace Process?', p. 156.

<sup>393</sup> Kaye, p. 178.

<sup>394</sup> Peters, *Can the Multilateral Talks be Revived?*

<sup>395</sup> Peters, *Can the Multilateral Talks be Revived?*; Landau and Ammor, p. 10.

<sup>396</sup> Joel Peters, 'The Arab-Israeli Multilateral Peace Talks and the Barcelona Process: Competition or Convergence?', *The International Spectator* 33:4 (October 1998), p. 70.

<sup>397</sup> Hollis, 'After Madrid: The EU and the Peace Process'.

<sup>398</sup> Landau and Ammor, p. 10.

<sup>399</sup> Robin, p. 78.

make aid pledges for the Palestinians, and insisting that aid distribution would be overseen by the US-based World Bank, rather than by REDWG.<sup>400</sup> In return, the EU flatly refused to help finance a Middle East Development Bank whose establishment the US had ‘insisted upon’ at the 1995 Middle East and North Africa (MENA) economic summit in Amman.<sup>401</sup> Despite this skittishness, REDWG and the multilaterals never truly threatened the US’s dominance of the peace process. As noted earlier, political issues were expected to be left to the bilateral peace talks; the less obviously political working groups such as REDWG were able to achieve more because they had greater freedom to manoeuvre, but other working groups were more constrained. The RWG, for example, was not permitted to deal with the Palestinian refugees’ right to return to the homes that they (or their families) had evacuated due to the 1948 or 1967 Israeli-Palestinian wars. Although the multilateral working groups collectively achieved much more than the US had expected,<sup>402</sup> they might have achieved more if the parties involved had shown greater commitment. An impasse in negotiations surrounding Israel’s redeployment from Hebron following Netanyahu’s election saw a slowdown, and from December 1996 an effective suspension, of the multilateral talks ‘at the behest of the Arab world’.<sup>403</sup> While the RWG, EWG, MWGWR and REDWG have not completely halted their activities, and ‘track-two academic meetings have discussed issues addressed by [ACRS]’, since May 1996 none has met in full plenary session, and ‘the multilateral talks have effectively disappeared from the agenda of the peace process’.<sup>404</sup>

Overall, the EC/EU’s involvement in Madrid’s multilateral working groups promoted its image as an economic agent in the Israeli-Palestinian peace process. As well as chairing REDWG, the EC/EU led the economic and social infrastructure sector of the RWG, and it contributed funds to the multilaterals’ various activities and technical expertise to projects such as MWGWR’s capacity-building courses. Although the EC/EU’s participation

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<sup>400</sup> Robin, p. 78; Lia, p. 27.

<sup>401</sup> Robin, p. 78.

<sup>402</sup> Kaye, pp. 173-181.

<sup>403</sup> Peters, *Can the Multilateral Talks be Revived?*; Lasensky, p. 50.

<sup>404</sup> Peters, *Can the Multilateral Talks be Revived?*

in the multilateral talks was backgrounded by its exclusion from the bilateral peace talks, the inclusionary nature of the multilateral track appealed to the EC/EU's sense that all involved parties should be able to contribute to the peace process. Its leadership role in REDWG especially allowed it to put this shared value into practice by allowing the core regional powers to influence their region's development. While the multilaterals were always subsidiary to the headline-grabbing bilateral talks, and eventually effectively discontinued because of stalling in the peace process, they contributed to the EU's growing presence in the Israeli-Palestinian conflict. They aligned with its identity as a civilian, multilateralist agent, and provided it with an opportunity to contribute in financial and leadership capacities to the Palestinians. Another opportunity for increased financial involvement occurred in 1993, at the aforementioned donors' pledging conference hosted by the US in Washington. Before we analyse the aid mechanisms provided in the EMP, the next section examines these more general funding arrangements, and the politics surrounding their initiation.

*The EU and the international donor community: Competing for agency in the AHLC*

The generation of mutual Israel-PLO recognition and the signing of the DoP after the secret Oslo discussions engendered substantial optimism not only amongst Palestinians and Israelis but also in the international community. After the official bilateral talks initiated at Madrid ended in stalemate, the Oslo accords seemed to be a significant breakthrough, and as Anne Le More states, 'in 1993, there was considerable optimism that the process of reaching a final peace deal would proceed uninterrupted during the five-year transitional period'.<sup>405</sup> This optimism was tempered by a belief that the parties would not achieve this goal without support, thus providing an opportunity for the EU to express some agency. As mentioned earlier, the 'essence of the Oslo approach' was that Israel would 'gradually relinquish control' over the West Bank and Gaza, while the new PA, 'as the

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<sup>405</sup> Le More, *International Assistance*, p. 3.



administrative arm of the PLO', would take over from the Israeli Civil Administration (ICA) and 'manage civilian affairs and maintain law and order until a permanent peace could be negotiated'.<sup>406</sup> As the World Bank's Nigel Roberts explains, the international community's role in this process was so 'essential' that it qualified as 'a true "third party" to Oslo'.<sup>407</sup> In addition to providing 'a structure that would simultaneously give comfort and provide discipline to two parties that had been unable to resolve their differences, either in war or by peaceful means', the international community believed it necessary to 'come up with the financial and technical resources to create a government and build a successful economy'.<sup>408</sup> Indeed, the idea that 'large-scale international aid would be required in order to implement an agreement' had been 'acknowledged early on' in the initial Oslo talks by the Palestinian and Israeli negotiators.<sup>409</sup>

The various reasons behind the international community's strong focus on providing these resources can be sorted into three major categories: practical, development-oriented reasons; semi-theoretical, conceptual reasons; and underlying political reasons. The practical reasons include the economic crisis in the West Bank and Gaza, which was due to the occupation and the withdrawal of funding by the PLO's major sponsors since the Gulf war.<sup>410</sup> This decline in the PLO's ability to exert agency provided an opportunity for external parties such as the EU to exercise agency through economic means. Adding to its financial woes, the Palestinian territories, 'like other post-conflict settings', also had 'major development needs'.<sup>411</sup> Thus, as Brynjar Lia puts it, 'a large donor package made sense'.<sup>412</sup> Another pragmatic reason for 'focus[ing] the aid agenda on the Palestinians' was to smooth the

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<sup>406</sup> Nigel Roberts, 'Hard Lessons from Oslo: Foreign Aid and the Mistakes of the 1990s', in Michael Keating, Anne Le More and Robert Lowe (eds.), *Aid, Diplomacy and Facts on the Ground: The Case of Palestine*, London: Chatham House, 2005, p. 18.

<sup>407</sup> Roberts, p. 18.

<sup>408</sup> Roberts, p. 18.

<sup>409</sup> Lasensky, pp. 44-45.

<sup>410</sup> As Mattar notes, the withdrawal of Gulf support also included the expulsion of Palestinian refugees living in the Gulf states; the loss of the remittances they had been sending back to the Palestinian territories was another contributor to the economic crisis there. Mattar, pp. 41-43. Lia, p. 26; Roberts, p. 18.

<sup>411</sup> Exactly what these needs were was to be left to the World Bank to determine. Lasensky, p. 47.

<sup>412</sup> Lia, p. 26.

establishment of the new Palestinian self-rule institutions.<sup>413</sup> With the PLO seen as ‘incapable of assuming the substantial economic costs involved in setting up and running a self-government administration’, providing funding (and technical experts) was a practical way the international community could provide assistance – and it would act as a palpable demonstration of the international community’s commitment to the peace process.<sup>414</sup>

Augmenting the practical reasons for providing assistance to the Palestinians, the international community hoped – ‘or at least promoted the assumption’<sup>415</sup> – that, at a slightly higher level, providing “‘tangible” improvements in basic infrastructure, living conditions and employment opportunities’ would ‘enhance public support for the negotiations, and create a positive environment for achieving a comprehensive peace settlement’.<sup>416</sup> As a World Bank spokesperson put it, ‘it is particularly important ... for the people to see very early that their situation will improve because of peace’.<sup>417</sup> There were two parts to this reason, as Le More explains: on one hand, from an ‘optimist, linear, functionalist’ viewpoint – espoused by Israeli Foreign Minister Shimon Peres in particular – peace would be strengthened and consolidated through the ‘spill-over effects’ resulting from economic development and increased regional cooperation.<sup>418</sup> Aid would, through rapidly delivering the tangible improvements mentioned above – an outcome commonly referred to as the ‘peace dividend’<sup>419</sup> – help maintain domestic Palestinian stability and keep up the momentum of the peace process.<sup>420</sup> The notion that ‘economic improvement in the lives of ordinary Palestinians was crucial to the success of the autonomy experiment’ was ‘a main theme in the public discourse on donor assistance’, and ‘perhaps’ the most important

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<sup>413</sup> Lasensky, p. 47.

<sup>414</sup> Lia, p. 26.

<sup>415</sup> Lia, p. 26.

<sup>416</sup> Le More, *International Assistance*, p. 3.

<sup>417</sup> Abdallah Bouhabib, 'The World Bank and International Aid to Palestine: An Interview with Abdallah Bouhabib', *Journal of Palestine Studies* 23:2 (Winter 1994), p. 66.

<sup>418</sup> Le More, *International Assistance*, pp. 3, 184.

<sup>419</sup> Rex Brynen, *A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza*, Washington: United States Institute of Peace Press, 2000, p. 4.

<sup>420</sup> Anne Le More, 'The International Politics of Aid in the Occupied Palestinian Territory', *Humanitarian Exchange Magazine*, 28 (November 2004), retrieved 18 April 2009 from <http://www.odihpn.org/report.asp?id=2669>.

reason why the international community was eager to support the Palestinians financially.<sup>421</sup> On the other hand, although it was ‘less openly said’, it was ‘well understood’ that granting the Palestinians ‘an economic “stake in peace”’ would be necessary to gain their acquiescence to ‘the political concessions that they would be asked to make in order to fulfil the requirements of what was essentially an Israeli-dominated peace process’.<sup>422</sup> In providing an early ‘peace dividend’, the international community intended to build confidence in the ultimate success of the peace process, making difficult sacrifices, such as compromising on the refugees’ right of return, appear more acceptable.

However, behind the international community’s ‘rhetoric of “economic growth equals peace and security”’, Lia finds ‘another and more powerful’ motivation for the international community’s assistance to the Palestinians.<sup>423</sup> With the ‘high-profile aid area’ of the occupied territories receiving attention from media and the international community, there was ‘a large potential for political returns on aid investments’.<sup>424</sup> On one side of the coin, donors ‘were keen to move into one of the world’s hitherto “untouched” trouble spots, with all the kudos that a success there would offer’.<sup>425</sup> On the other, a ‘manifold increase in foreign funding’ to the Palestinians, especially when decreased Arab funding had produced a financial ‘vacuum’, allowed the PLO to become dependent on aid from ‘a bloc of US-aligned and pro-Israeli countries’, creating an unprecedented opportunity to influence the PLO; in Lia’s words, it gained ‘a degree of ... leverage over the PLO ... hitherto ... unimaginable’.<sup>426</sup>

As we have seen, in comparison with the US, the EU has appeared much more even-handed, and even pro-Palestinian, in the Israeli-Palestinian conflict. It found the idea of a pro-Israel bloc gaining greater influence over the PLO and fledgling PA while the EU continued to ‘[shoulder] the primary

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<sup>421</sup> Lia, pp. 26, 74.

<sup>422</sup> Le More, *International Assistance*, p. 3.

<sup>423</sup> Lia, p. 27.

<sup>424</sup> Lia, p. 27.

<sup>425</sup> Roberts, p. 18.

<sup>426</sup> Lia, p. 27.

financial burden' unappealing,<sup>427</sup> and it is clear that although the international donor community was united in wishing to assist the Palestinians financially and practically, there was substantial competition between members of the community for influence over the assistance's distribution. Lia describes a 'hectic diplomacy' following the signing of the DoP as international donors 'jostl[ed] for high-profile roles' leading and coordinating donor assistance.<sup>428</sup> As noted earlier, the US's decision to host the October 1993 donors' pledging conference irritated the EU, which also opposed the US idea that the World Bank rather than REDWG should coordinate the assistance.<sup>429</sup> When the Washington conference appointed an Ad-Hoc Liaison Committee (AHLC) as 'the most senior donor mechanism', or steering committee, 'responsible for general guidance and the policies of the aid process', the EU vied with the US for the 'coveted' chair position – but each blocked the other's candidature.<sup>430</sup> Instead, at Saudi Arabia's suggestion, Norway took up the role, initially 'under an arrangement of rotating chairmanship',<sup>431</sup> but its position soon became permanent.<sup>432</sup> The compromise was not completely satisfactory to either of the major donors, and France complained frankly when Norway suffered 'a degree of ... inertia over the summer' and the US increased its dominance in the AHLC, marginalising the EU in the decision-making process.<sup>433</sup> The EU called for Norway's replacement as chair, 'or at least appointing an EU co-chair ... in order to gain more influence and visibility in the Middle East process [sic]', and while Norway's response – increasing its consultations with the EU member-states and 'promising a more systematic exchange of information on the informal donor talks' – temporarily placated France and the other

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<sup>427</sup> Brynen, *A Very Political Economy*, p. 91.

<sup>428</sup> Lia, p. 27.

<sup>429</sup> Brynen, *A Very Political Economy*, p. 92 ; Le More, *International Assistance*, p. 94.

<sup>430</sup> The AHLC was formally a sixth multilateral working group, but 'in practice it functioned separately from the multilateral tracks [sic]'. Its membership comprised the major donor countries – Canada, the EU, Japan, Norway, Russia, Saudi Arabia, and the US – and Egypt, Israel, Jordan, the PLO, Tunisia, and the UN were associate members, while the World Bank served as the AHLC's secretariat. Lia, pp. 27, 74; Brynen, *A Very Political Economy*, p. 91.

<sup>431</sup> Lia, p. 27.

<sup>432</sup> Brynen, *A Very Political Economy*, p. 249.

<sup>433</sup> Lia, pp. 27, 74; Le More, *International Assistance*, p. 94.

member-states, by the end of the 1990s the EU was effectively co-chairing the committee.<sup>434</sup>

Compared with the EU's subordinate role of supporting the US in the diplomatic sphere, the fact that in the donor community the EU is considered a real rival to the US – and that it sometimes even occupies the dominant position in the relationship – signifies a much stronger presence and opportunity for it to exercise agency here. Certainly, the EU has not been able to feel complacent about its victories; Norway and the World Bank kept US influence alive and well in the AHLC's leadership.<sup>435</sup> The issue of chairpersonship 'continued to plague' the EU-US relationship, re-emerging when the donor community began discussing 'whether, and how, to streamline the aid coordination mechanisms' during the second intifada.<sup>436</sup> However, due to 'US opposition, Norwegian selfishness, and the lack of EU cohesion', the discussions have not produced 'any major overhaul of the Oslo aid coordination structure', and in fact they facilitated the EU's gaining 'a greater lead' in the new coordination mechanisms: the Humanitarian and Emergency Relief Policy Group (HEPG) and the Task Force on Palestinian Reform (TFPR).<sup>437</sup> The fact that the EU has been able to punch at its weight, or close to it, in the politics of the donor arena is an achievement for its

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<sup>434</sup> Brynen, *A Very Political Economy*, pp. 93-94, notes that the February 1999 AHLC meeting decided that the member hosting an AHLC meeting would be its co-chair, and that (although the following meeting would be hosted by Japan, which also felt its economic contribution was 'mismatched' with its coordinating role) the EU would regularly host future AHLC meetings. Lia, pp. 27-28, 74.

<sup>435</sup> Brynen, *A Very Political Economy*, pp. 92, 87.

<sup>436</sup> Le More, *International Assistance*, p. 95.

<sup>437</sup> The quote 'US opposition ... EU cohesion' is a direct one from an EU official cited in Le More, *International Assistance*, p. 95. The HEPG is chaired by the EU and deputy-chaired by the UN. It focuses on developing a coherent donor strategy for dealing with the humanitarian crisis that emerged after the outbreak of the second intifada. The TFPR was established by the Quartet, and it assists the Palestinian reform agenda (initiated after a speech by George Bush in 2002, in which he explicitly linked movement towards Palestinian statehood with PA reform) by providing guidance to the donor community and monitoring the implementation of civil reforms. Its technical and sectoral monitoring activities are conducted by seven Reform Support Groups (RSGs), which cover financial accountability, local government, market economy, ministerial and civil service reform, the judiciary, elections and civil society. Anne Le More, 'Foreign Aid Strategy', in David Cobham and Nu'man Kanafani (eds.), *The Economics of Palestine: Economic Policy and Institutional Reform for a Viable Palestinian State*, London and New York: Routledge, 2004; Larry Garber, 'Palestinian Reform and International Assistance', *Arab Reform Bulletin*, (February 2005), retrieved 5 May 2009 from <http://www.carnegieendowment.org/arb/?fa=show&article=21604>.

agency. By contrast with its performance in the diplomatic side of the peace process, the EU managed to translate its economic power into a leadership role, gaining a greater say in setting the agenda for the distribution of donor funds, and building its economic presence in the Palestinian territories.

Here we have examined the reasons behind the EU's and the international community's commitment to supporting the new PA – first, to assuage the territories' economic crisis and help develop the West Bank and Gaza; second, to strengthen peace through the 'spill-over effects' of economic development and regional cooperation, and to supply a 'peace dividend' that encouraged the Palestinians to support the Oslo process; and third, to reap the political returns of supporting a well-publicised crisis spot and to gain leverage over the PLO. We have also seen how the EU strove to capitalise on its economic presence and take a leading position in the AHLC which was established to guide the distribution of international aid, gaining an agenda-setting role unavailable to it in the purely diplomatic arena of the peace negotiations. The next section will look at another strong manifestation of the EU's presence in the field of Palestinian assistance, the EMP. This framework guides the distribution of EU assistance to the Palestinian territories, giving it an opportunity to operate according to its shared values. As we will see, though, its ability to exercise agency has at times been hindered by two conceptually different types of obstacle. First, it has faced internal conflict between its interest in regional stability and its normative commitment to values of democracy and good governance; and second, achieving its policy of sustainable economic development had been made virtually impossible by the external (and immovable) obstacle of the Israeli occupation.

### **The EU and the EMP: Strong values but compromised agency**

The EMP gives a self-generated framework to the EU's economic agency in the Mediterranean region, including the Palestinian territories. Unlike Madrid's MWGs or the AHLC, the EMP is not an extraneous international

initiative but an EU policy. It gives the EU an opportunity to act independently in the Palestinian territories, growing its presence there through its own diplomatic and economic policy tools. The diplomatic side of the EMP has already been discussed in chapter three, leaving the economic aspects to be examined here. First, the development of the EMP's structure and its economic tools is outlined, including the changes made due to the ENP, and the EMP's revamp as the Union for the Mediterranean. Second, it is important to establish the shared values which inform the EMP. In addition to diplomatic goals, which are included here for completeness, the EMP is designed to uphold political values, such as good governance, and economic goals, such as building sustainable economic prosperity and combating poverty. These values shape the assistance provided via the EMP. The third part of this section assesses the EU's use of EMP tools to deliver democracy assistance and economic development to the Palestinian territories, finding that it faces challenges from clashing interests and the Israeli occupation.

#### *The EMP's development: Increasing access to economic tools*

The 2008 're-launching' of the EMP as the Union for the Mediterranean<sup>438</sup> was the second of two important changes that have been made to its operation. This re-launch gave the EMP a clearer governance structure, and meshed well with the first change, the EMP's 2003 're-invigorat[ion]'<sup>439</sup> when its association agreements were essentially overridden by the ENP's much clearer action plans.<sup>440</sup> Before analysing the EU's agency as exercised through the EMP, it is worth taking a moment to outline the EMP's development.

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<sup>438</sup> European Commission, 'The Euro-Mediterranean Partnership'.

<sup>439</sup> Benita Ferrero-Waldner, *Speaking Note: Press Conference to Launch First Seven Action Plans under the European Neighbourhood Policy*, SPEECH/04/529, Brussels, 9 December, 2004, p. 3.

<sup>440</sup> Margot Wallström, *The European Neighbourhood Policy and the Euro-Mediterranean Partnership*, SPEECH/05/171, Euro-Mediterranean Parliamentary Assembly, Cairo, 14 March 2005, retrieved 1 May 2009 from <http://www.euromed-seminars.org/mt/archive/ministerial/050314-Wallstroem-Kairo.pdf>. 3.

The momentum generated by the signing of the Oslo accords in September 1993 ‘provided a window of opportunity’ for the EU to renegotiate its relationship with the Mediterranean nations, as the accords had apparently removed the ‘conventional foreign policy issue’ (that is, the lack of peace between the Israelis and Palestinians) which had blocked Mediterranean reforms.<sup>441</sup> With the Israeli-Palestinian conflict apparently on track towards resolution, the EU felt it could extend its Eastern European policy of offering improved trade relations and assistance programmes, in return for democratic and other reforms, to its Mediterranean neighbours. During the Spanish presidency of the EU, Spanish foreign minister (and future High Representative for the CFSP) Javier Solana orchestrated the November 1995 Barcelona conference which established the EMP. This was designed to provide the partners with a multilateral framework (the Barcelona process) in which to work towards achieving regional ‘peace, stability and prosperity’.<sup>442</sup> It involves three ‘baskets of measures’.<sup>443</sup> The political basket encompasses the diplomatic dialogue forum mentioned in chapter three, and pledges by the Mediterranean Partner Countries (MPCs) to implement various security, democratic, and good governance measures.<sup>444</sup> The economic and financial basket focuses on establishing a Euro-Mediterranean free trade area, building economic cooperation between the partners, and substantially increasing the EU’s financial assistance to the MPCs.<sup>445</sup> The social and cultural basket includes measures such as cultural exchanges, civil society building, and inter-faith and inter-cultural dialogues.<sup>446</sup> Of the baskets, the economic one is probably the best supported, with allowances made for Mediterranean budgetary support to be provided not only by European Development Bank

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<sup>441</sup> Keukeleire and MacNaughtan, pp. 274-275.

<sup>442</sup> *Barcelona Declaration Adopted at the Euro-Mediterranean Conference (27 and 28 November 1995)*, retrieved 1 May 2009 from <http://www.ena.lu/>; Keukeleire and MacNaughtan, p. 275.

<sup>443</sup> EuroMeSCo, *Barcelona Process*, retrieved 1 May 2009 from [http://www.euromesco.net/index.php?option=com\\_content&task=view&id=20&Itemid=36&lang=en](http://www.euromesco.net/index.php?option=com_content&task=view&id=20&Itemid=36&lang=en).

<sup>444</sup> *Barcelona Declaration*; Europa, *Barcelona Declaration and Euro-Mediterranean partnership*.

<sup>445</sup> *Barcelona Declaration*; Europa, *Barcelona Declaration and Euro-Mediterranean partnership*.

<sup>446</sup> *Barcelona Declaration*; Europa, *Barcelona Declaration and Euro-Mediterranean partnership*.



loans, but also through the EMP-specific MEDA funding mechanism.<sup>447</sup> The MEDA provided finances ‘horizontally’ – that is, both multilaterally and bilaterally<sup>448</sup> – including through bilateral association agreements between the EU and the MPCs, which ‘complemented’ the EMP’s multilateral approach.<sup>449</sup> These agreements allowed the EU to take slightly varied positions towards each of the partners within the overall EMP framework, and provided greater scope for conditionality than their predecessors; like the other association agreements, the 1997 EU-PLO interim association agreement includes a ‘human rights clause’ whose violation would (in principle) validate the agreement’s suspension.<sup>450</sup>

The EMP was ‘reinvigorat[ed]’ by the European Neighbourhood Policy (ENP) in 2003,<sup>451</sup> just prior to 2004’s ‘historic and unprecedented’ enlargement of the EU, from 15 member-states to 25.<sup>452</sup> According to the EU, the ENP aimed ‘to avoid a new dividing line being drawn across Europe’, by strengthening the relationship between the EU and its neighbours; to prevent wide, unstable discrepancies between the ‘haves’ (member-states) and their neighbouring ‘have-nots’ (non-EU members), the EU sought greater integration with its eastern and southern ‘neighbourhood’ – including offering ENP partners access to the European internal market – though it explicitly dissociated participation in the ENP from future

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<sup>447</sup> MEDA stands for Mesures d’accompagnement, or accompanying measures. Keukeleire and MacNaughtan, p. 275.

<sup>448</sup> EuroMeSCo, ‘The MEDA (Mesures d’Accompagnement) Programme’, *Barcelona Process*, retrieved 1 May 2009 from [http://www.euromesco.net/index.php?option=com\\_content&task=view&id=76&Itemid=36&lang=en](http://www.euromesco.net/index.php?option=com_content&task=view&id=76&Itemid=36&lang=en).

<sup>449</sup> Keukeleire and MacNaughtan, p. 275.

<sup>450</sup> European Union Center of North Carolina, ‘Europe’s Role in the Palestinian-Israeli Conflict’, *EU Briefings*, 2006, retrieved 3 April 2009 from [http://www.unc.edu/euce/resources/business\\_media/mediabriefs/Brief6\\_Palestinian\\_Israeli\\_conflict\\_web.pdf](http://www.unc.edu/euce/resources/business_media/mediabriefs/Brief6_Palestinian_Israeli_conflict_web.pdf), pp. 5, 8; Nathalie Tocci, ‘Does the EU Promote Democracy in Palestine?’, in Michael Emerson (ed.), *Democratisation in the European Neighbourhood*, Brussels: Centre for European Policy Studies, 2006, p. 135.

<sup>451</sup> Ferrero-Waldner, *Speaking Note*, p. 3.

<sup>452</sup> The new member-states included eight from eastern and central Europe (Estonia, Hungary, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, and Slovenia) and two from the Mediterranean (Cyprus and Malta). Europa, ‘Enlargement 2004 and 2007’, *Summaries of Legislation*, retrieved 1 May 2009 from <http://europa.eu/scadplus/leg/en/s40016.htm>.

membership of the EU.<sup>453</sup> The ENP essentially replaced EMP's 'bilateral element',<sup>454</sup> as although the EMP's association agreements officially remained in place, the ENP's action plans were 'more precise, more concrete and better defined in [their] timing than ... the association agreements'.<sup>455</sup> They also opened the way for increased conditionality, with the 2004 EU-PA action plan stating 'that its principal raison d'être [was] that of furthering Palestinian reform and democracy'.<sup>456</sup> The ENP further superseded the EMP when the ENP's funding mechanism, the European Neighbourhood Partnership Instrument (ENPI), replaced the MEDA in 2007.<sup>457</sup>

In 2008 the EMP was 're-launched' as the Union for the Mediterranean.<sup>458</sup> Originally proposed by France as a 'Mediterranean Union' comprising the EU's Mediterranean nations and their southern neighbours, the idea was opposed by non-Mediterranean member-states, particularly Germany.<sup>459</sup> They worried that the new union might compete with the EU, and protested against being excluded from 'an important area of European integration'.<sup>460</sup> The final compromise 'bore faint resemblance to the original French blueprint';<sup>461</sup> as with the original EMP, all 27 EU member-states belonged, and no extra money was allocated to the organisation.<sup>462</sup> However, the French did secure some 'important innovations' for the new body: a rotating co-presidency (one co-president representing an EU member-state, and the other representing an MPC), and a Barcelona-based secretariat, which identifies and promotes 'projects of regional, sub-regional and trans-national

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<sup>453</sup> Ferrero-Waldner, *Speaking Note*, p. 3; Wallström, p. 2; Bretherton and Vogler, (2nd ed.), p. 184.

<sup>454</sup> Bretherton and Vogler, (2nd ed.), p. 157.

<sup>455</sup> Wallström, p. 3.

<sup>456</sup> Tocci, p. 136.

<sup>457</sup> Keukeleire and MacNaughtan, p. 279; Bretherton and Vogler, (2nd ed.), p. 157.

<sup>458</sup> European Commission, 'The Euro-Mediterranean Partnership'.

<sup>459</sup> Stephen Castle, 'Sarkozy and Merkel Draft Agreement Detailing Role of Nations on EU's Southern Border', *The New York Times*, 12 March 2008, retrieved 1 May 2009 from [http://www.nytimes.com/2008/03/12/world/europe/12iht-union.4.11005907.html?\\_r=1](http://www.nytimes.com/2008/03/12/world/europe/12iht-union.4.11005907.html?_r=1); Ian Traynor, 'Germany Pours Cold Water on Sarkozy Union', *The Guardian*, 14 March 2008, retrieved 1 May 2009 from <http://www.guardian.co.uk/world/2008/mar/14/france.eu>.

<sup>460</sup> Castle.

<sup>461</sup> Traynor.

<sup>462</sup> 'Summit Approves "Union for the Mediterranean"', *EurActiv*, 14 March 2008, retrieved 1 May 2009 from <http://www.euractiv.com/en/enlargement/summit-approves-union-mediterranean/article-170976>.

value across different sectors'.<sup>463</sup> The EU's publicity states that while the Union for the Mediterranean maintains 'the *acquis* of its predecessor, the Barcelona Process, ... [it] offers more balanced governance, increased visibility to its citizens, and a commitment to tangible ... projects'.<sup>464</sup>

With the development and basic tools of the Barcelona process thus outlined, we are now able to move on to assess the EU's agency as expressed through these economic instruments. We shall first examine first the shared values behind the EMP, before looking in more depth at the EU's effectiveness in wielding the EMP to achieve these goals.

### *Shared values in the EMP*

The Barcelona declaration listed a number of values which the EMP was designed to support. In order to achieve its overall goal of 'guaranteeing peace, stability and prosperity' by 'turning the Mediterranean basin into an area of dialogue, exchange and cooperation', the EMP was given the task of building 'democracy and respect for human rights', as well as promoting 'sustainable and balanced economic and social development [and] measures to combat poverty', and encouraging 'greater understanding' between the parties.<sup>465</sup> The goal of fostering regional understanding, cooperation and dialogue has already been discussed in the context of the EU's diplomatic agency in the Palestinian conflict. The other values, however, frame the assistance aspect of the EU's agency in the Palestinian territories.

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<sup>463</sup> European Commission, 'The Euro-Mediterranean Partnership'.

<sup>464</sup> The term '*acquis*' in this context is shorthand for the French phrase '*acquis communautaire*' ('that which has been acquired by the Community'); it refers to the total body of accumulated EU law. The tangible projects include:

- De-polluting the Mediterranean Sea
- Establishing maritime and land highways
- Creating civil protection schemes to combat natural and man-made disasters
- Designing a Mediterranean solar energy plan
- Setting up a Euro-Mediterranean University in Slovenia
- Establishing a Mediterranean Business Development Initiative to focus on micro-, small-, and medium-sized enterprises

European Commission, 'The Euro-Mediterranean Partnership'.

<sup>465</sup> *Barcelona Declaration*.

Supporting human rights and democracy in the West Bank and Gaza furthers the EU's scope for agency by conforming to its wider policy programme. The EU has been particularly committed to promoting democracy, human rights and good governance since the 1990s, lauding these values in fora such as the November 1991 meeting of the EU Development Council and in the December 1991 Maastricht Treaty.<sup>466</sup> Perhaps its most explicit statement of the policy was given by the European Commission in 1998:

The universality and indivisibility of human rights and the responsibility for their protection and promotion, together with the promotion of pluralistic democracy and effective guarantees for the rule of law, constitute essential objectives for the European Union as a union of shared values and serve as a fundamental basis for our action.<sup>467</sup>

The 1997 EU-Palestinian association agreement also places these values high on the agenda, with Article 2 stating that 'respect of democratic principles and fundamental human rights ... constitutes an essential element of this Agreement'.<sup>468</sup> Since 1999 'European financial assistance has also been made increasingly conditional on the reform of Palestinian institutions',<sup>469</sup>

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<sup>466</sup> Although 'good governance' may have a variety of interpretations, an explanation given by the November 1991 meeting of the EU Development Council included elements such as 'democratic decision-making, adequate government transparency and financial accountability ... measures to combat corruption ... respect for the rule of law, human rights, and freedom of the press and expression'. *Resolution of the Council and of the Member States Meeting in the Council on Human Rights, Democracy and Development*, 28 November 1991, retrieved 12 April 2009 from [http://ec.europa.eu/external\\_relations/human\\_rights/doc/cr28\\_11\\_91\\_en.htm](http://ec.europa.eu/external_relations/human_rights/doc/cr28_11_91_en.htm). 'Treaty on European Union', Official Journal of the European Communities C 191, 29 July 1992, retrieved 9 September 2008 from [http://eur-lex.europa.eu/en/treaties/dat/11992M/tif/JOC\\_1992\\_191\\_\\_1\\_EN\\_0001.pdf](http://eur-lex.europa.eu/en/treaties/dat/11992M/tif/JOC_1992_191__1_EN_0001.pdf). Karen E. Smith, pp. 142-150.

<sup>467</sup> European Commission, 'Human Rights', *EU Bulletin*, 12 (1998), retrieved 12 April 2009 from <http://europa.eu/bulletin/en/9812/p103022.htm>.

<sup>468</sup> 'Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the European Community, of the One Part, and the Palestine Liberation Organization (PLO) for the Benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the Other Part', *Official Journal L 187*, 16 July 1997, pp. 3-135, retrieved 21 April 2009 from [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0716\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0716(01):EN:HTML).

<sup>469</sup> These conditions include 'ratifying and enacting the Basic Law and the Law on the Independence of the Judiciary, establishing a Constitutional Court and a High Judicial Council, abolishing State Security Courts, holding general elections, redistributing competencies between the President and the cabinet, ensuring transparency of public finances and restructuring municipalities, the civil service and most critically the security sector'. The European Commission began 'focusing on Palestinian reforms before the US

and, in addition to human rights and democracy, good governance and financial accountability are emphasised in the 2004 EU-PA joint action plan,<sup>470</sup> and in statements made at the launch of the Union for the Mediterranean in July 2008 and by the Marseille meeting of the Euro-Mediterranean foreign ministers in November 2008.<sup>471</sup>

The EU's EMP goal of gaining economic development and poverty eradication in the Palestinian territories also coheres with broader EU policies. The EU has particularly emphasised its commitment to development within the last decade; in 2000 it announced its commitment to achieving the UN's Millennium Development Goals (MDGs), 'a global project designed to definitively reduce the many aspects of extreme poverty',<sup>472</sup> and in 2005 it issued the European Consensus on Development, a document outlining its allegiance to goals such as poverty reduction and equitable globalisation, carried out in line with the EU's democratic values.<sup>473</sup> The EU's promotion of economic progress in the Palestinian territories also complements more

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and Israel did so, laying out its rationale in the Rocard-Siegman Report of 1999'. European Union Center of North Carolina, pp. 5, 8; Tocci, p. 131. Yezid Sayigh and Khalil Shikaki, *Independent Task Force Report: Strengthening Palestinian Public Institutions*, (The Rocard-Siegman Report), 1999, retrieved 15 April 2009 from <http://www.cfr.org/content/publications/attachments/palinstfull.pdf>.

<sup>470</sup> 'EU / Palestinian Authority Action Plan', pp. 2-6.

<sup>471</sup> Union for the Mediterranean, *Joint Declaration of the Paris Summit for the Mediterranean*, Paris, 13 July 2008, retrieved 3 May 2009 from [http://www.ue2008.fr/webdav/site/PFUE/shared/import/07/0713\\_declaration\\_de\\_paris/Joint\\_declaration\\_of\\_the\\_Paris\\_summit\\_for\\_the\\_Mediterranean-EN.pdf](http://www.ue2008.fr/webdav/site/PFUE/shared/import/07/0713_declaration_de_paris/Joint_declaration_of_the_Paris_summit_for_the_Mediterranean-EN.pdf), pp. 8-10; Union for the Mediterranean, *Final Statement*, Marseille, 3-4 November 2008, retrieved 3 May 2009 from [http://ue2008.fr/webdav/site/PFUE/shared/import/1103\\_ministerielle\\_Euromed/Final\\_Statement\\_Mediterranean\\_Union\\_EN.pdf](http://ue2008.fr/webdav/site/PFUE/shared/import/1103_ministerielle_Euromed/Final_Statement_Mediterranean_Union_EN.pdf), p. 1.

<sup>472</sup> The MDGs include ending poverty and hunger; promoting gender equality; achieving universal primary education; improving maternal health; reducing child mortality; combating HIV/AIDS, malaria, and other diseases; ensuring environmental sustainability; and developing a global partnership for development. United Nations, *Millennium Development Goals*, retrieved 4 May 2009 from <http://www.un.org/millenniumgoals/>. Europa, 'The EU Contribution Towards the Millennium Development Goals (MDGs)', *Summaries of Legislation*, last modified 16 May 2008, retrieved 3 May 2009 from <http://europa.eu/scadplus/leg/en/lvb/r12533.htm>.

<sup>473</sup> These goals include 'respect for human rights, democracy, fundamental freedoms and the rule of law, good governance, gender equality, solidarity, social justice and effective multilateral action, particularly through the UN'. European Commission, 'The European Consensus on Development', *Development Policies*, retrieved 3 May 2009 from [http://ec.europa.eu/development/policies/consensus\\_en.cfm](http://ec.europa.eu/development/policies/consensus_en.cfm); Council and Commission European Parliament, 'The European Consensus on Development', *Official Journal of the European Communities C 46*, 24 February 2006, pp. 1-19, retrieved 3 May 2009 from [http://ec.europa.eu/development/center/repository/european\\_consensus\\_2005\\_en.pdf](http://ec.europa.eu/development/center/repository/european_consensus_2005_en.pdf), p. 3.

localised policy concerns – as noted earlier, the EU aims for economic stability to prevent a flood of migrants,<sup>474</sup> and (as will be elaborated on in chapter five) it hopes to deny terrorist organisations the desperate conditions that may boost their membership.<sup>475</sup>

In making clear statements linking the importance of economic development, poverty reduction, democracy promotion and support of good governance and human rights to the success of the EMP (/ENP/Union for the Mediterranean), the EU contributes to its potential for agency in the Palestinian territories. These values shape the EU's identity in the region, contributing to its presence and providing a meaningful framework for its actions. The coherence between these shared values and other EU policies in principle adds to the EU's capacity for agency; it enables the EU to be seen as a purposeful agent, striving to achieve its well-defined goals. However, as the next few paragraphs will show, the EU's agency has sometimes been compromised in practice by conflicting interests, which hamper its ability to execute its carefully-planned policy instruments. Despite strongly stated intentions, the EU has at times seemed lacklustre about executing them. Its democratic values are sometimes overruled by its wish for regional stability; and its economic goals have been severely restricted by the occupation.

#### *Exercising the EMP: Putting shared values into practice*

The EMP as a whole has been criticised as being 'strong in both intent and ... set-up [but] ... weak in ... output and effects'.<sup>476</sup> While the EMP aimed to improve life in the MPCs by insisting that the partners develop democracy, including respect for human rights, fundamental freedoms, good governance, and pluralism, Roberto Aliboni points out the problems inherent in partnering with a non-democratic regime to bring about democratic change. As he puts it, 'the partners and allies for reform have to be those who have

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<sup>474</sup> Youngs, *The European Union and the Promotion of Democracy*, p. 47, 57; Dumper, pp. 82-83.

<sup>475</sup> Karen E. Smith, p. 211.

<sup>476</sup> Keukeleire and MacNaughtan, pp. 275-276.

the strongest possible interest in bringing about democratic change' – and autocratic regimes are likely to be enjoying their power and not especially interested in jeopardising it.<sup>477</sup> Indeed, even when the West exerted 'tremendous pressure' on the Mediterranean governments following the end of the Cold War, the reforms they initiated were reversed 'as soon as the changes made threatened their stability', and since then, the regimes have tended to 'accommodate pressures by manipulating change in their economies and polities' without properly reforming.<sup>478</sup> Keukeleire and MacNaughtan point out the two-sided nature of the problem, noting that the lack of respect shown by many MPC governments for their EMP commitments was 'paralleled' by the EU's 'reluctance ... to use the Barcelona provisions to exert pressure on the states that failed to observe these principles'.<sup>479</sup>

Compared with the other MPCs, the EU seemed to be relatively successful in strengthening democracy and good governance in the Palestinian territories, as the PA's political and economic dependence on the EU 'translated into a high degree of potential EU influence on the PA'.<sup>480</sup> Through the EMP and ENP agreements the EU not only conditioned its aid to the PA on the PA's adoption of democratic and good governance values, but it also earmarked resources to help the PA make the necessary reforms, and support its implementation of democratic or good governance measures. For example, the EU contributed €17 million to assist with the preparation for the 2006 PLC election, and supplied 172 election observers to monitor its conduct.<sup>481</sup> And between 2002 and 2004, when the EU (and the US) believed too much power was concentrated in President Yasir Arafat's hands, they pressed for

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<sup>477</sup> Roberto Aliboni, *Promoting Democracy in the EMP: Which Political Strategy?*, EuroMeSCo, November 2004, retrieved 3 May 2009 from [http://www.euromesco.net/media/wgi\\_year3.pdf](http://www.euromesco.net/media/wgi_year3.pdf). 12.

<sup>478</sup> This practice is termed the 'liberalisation of autocracies', or the 'modernisation of authoritarianism'. Aliboni, pp. 11-12.

<sup>479</sup> Keukeleire and MacNaughtan, p. 276.

<sup>480</sup> Tocci, p. 131.

<sup>481</sup> European Commission, 'EU Election Observation Mission for Palestinian Legislative Council Elections', IP/05/1449, Brussels, 21 November 2005, retrieved 13 April 2009 from [http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/westbank/legislative/index.htm](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/westbank/legislative/index.htm); Martin Patience, 'Hundreds to Watch Palestinian Vote', *BBC News*, retrieved 13 April 2009 from [http://news.bbc.co.uk/1/hi/world/middle\\_east/4638962.stm](http://news.bbc.co.uk/1/hi/world/middle_east/4638962.stm).

(and the EU conditioned its budget assistance on) institutional reforms, including creating the post of Prime Minister, centralising the PA's income into one account overseen by the finance ministry, and bringing most of the security forces under the control of the ministry of the interior.<sup>482</sup> These examples indicate how the EU has used economic tools effectively to encourage behaviour and bring about changes in the Palestinian territories that align with its values. They indicate a strong level of EU agency with respect to the Palestinians.

Yet although the EMP has achieved a number of reforms in the Palestinian territories, the successes noted above were more the exception than the norm. During Arafat's reign in particular, reforms tended to be superficial, inadequate, or implemented primarily to placate the EU's demands,<sup>483</sup> and in response the EU used its leverage over the PA 'only very reluctantly', essentially 'turn[ing] a blind eye to increasing authoritarianism, corruption, and an uncooperative Palestinian leadership'.<sup>484</sup> With its 'primary interest' being 'short-term stability and the continuity of the Oslo process', the EU supported Arafat 'as *the* strong and reliable Palestinian partner in the peace process', despite his 'authoritarian tendencies, ... human rights abuses, and the lack of popular participation.'<sup>485</sup> It chose to 'shore-up ... Arafat's position against those forces opposed to the peace process', such as Hamas, rather than adhere to its general approach of 'apparently unreservedly' viewing democracy as essential to conflict reconciliation.<sup>486</sup> Although Arafat was replaced as President by his moderate Prime Minister Mahmoud 'Abbas after Arafat's death in November 2004, the 'pendulum of EU policies' had

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<sup>482</sup> Muriel Asseburg (trans. Meredith Dale), 'The Palestinian Hamas: Between Resistance, Reform, and Failure', in Muriel Asseburg (ed.), *Moderate Islamists as Reform Actors: Conditions and Programmatic Change*, Berlin: Stiftung Wissenschaft und Politik German Institute for International and Security Affairs, 2007, p. 69.

<sup>483</sup> Tocci, p. 131.

<sup>484</sup> Keukeleire and MacNaughtan, p. 284.

<sup>485</sup> Asseburg, 'The EU and the Middle East Conflict', p. 178 (her italics); Stephan Stetter, 'Democratization without Democracy? The Assistance of the European Union for Democratization Processes in Palestine', in Annette Jünemann (ed.), *Euro-Mediterranean Relations after September 11: International, Regional and Domestic Dynamics*, London and Portland, Oregon: Frank Cass, 2004, pp. 153-154; Richard Youngs, 'The European Union and Democracy Promotion in the Mediterranean: A New or Disingenuous Strategy?', *Democratization* 9:1 (2002), p. 42.

<sup>486</sup> Youngs, 'The European Union and Democracy Promotion in the Mediterranean: A New or Disingenuous Strategy?', p. 43.



swung further towards stability-support in the years following the 11 September 2001 attacks on US targets, amidst EU fears that democratisation could help radical Islamist movements come to power.<sup>487</sup> These fears were realised when Hamas was elected, and (as chapter five will elaborate) the EU refused to deal with it, delivering the Palestinians a ‘slap in the face’, and seemingly undermining its own promotion of democracy as ‘one of the main rules of the game’.<sup>488</sup> The EU’s potential EMP-derived influence has therefore not been fully realised.<sup>489</sup> Despite its democracy- and transparency-enhancing reforms in the West Bank and Gaza, the EU’s hesitancy to use its EMP tools to hold the PA to these principles, compounded by its reluctance to support democratic values when they conflicted with its interest in regional stability or produced results it disliked, prevented it from behaving as a strong, coherent agent.

Despite the setbacks that afflicted the initiatives drawn from the EMP’s political basket, the EU’s economic basket seemed to produce more successful activities. At the MPC level, it achieved ‘cooperation and exchange in a wide range of economic sectors’, and by the end of 2004 there were ten association agreements which ‘pushed’ the MPCs toward greater economic liberalisation.<sup>490</sup> Overall, however, the EMP proved unimpressive – increased cooperation had ‘very limited’ impact; establishing a free-trade area by 2010 ‘proved unattainable’; the hoped-for rise in intra-Mediterranean trade ‘did not materialise’ and, worse, the early stages of liberalisation caused many MPC citizens in ‘the weaker strata of society’ to suffer negative socio-economic effects.<sup>491</sup> The EMP’s shortfalls were compounded in the West Bank and Gaza by Israel’s closure policy (introduced in 1991 and ‘institutionalised’ in 1993);<sup>492</sup> combined with ‘the fragmentation of

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<sup>487</sup> Stetter, 'Democratization without Democracy? The Assistance of the European Union for Democratization Processes in Palestine', p. 154.

<sup>488</sup> Keukeleire and MacNaughtan, pp. 284-285.

<sup>489</sup> Tocci, p. 131.

<sup>490</sup> Keukeleire and MacNaughtan, p. 277; European Commission, *Euro-Mediterranean Association Agreements: the Partnership is Moving Forward*: MEMO/04/275, Brussels, 26 November 2004.

<sup>491</sup> Keukeleire and MacNaughtan, pp. 277-278.

<sup>492</sup> Anne Le More, 'Are 'Realities on the Ground' Compatible with the International State-Building and Development Agenda?', in Michael Keating, Anne Le More and Robert Lowe

Palestinian territories through the ongoing process of settlement and by-pass road construction', these made sustainable economic development essentially impossible even prior to the 2000 intifada.<sup>493</sup> When the intifada provoked even more severe Israeli blockades and curfews, the 1997 EU-PA association agreement became 'extremely difficult' to implement.<sup>494</sup> The Palestinian economy faced 'almost a total breakdown', with the economic losses due to Israel's closure policy far surpassing the international aid disbursements to the Palestinian territories.<sup>495</sup> The continuing occupation was clearly 'the main obstacle to the effective use of European aid'.<sup>496</sup> This was graphically illustrated when Israel attacked EU-funded infrastructure, including Gaza airport and seaport, two schools, and a water treatment and pumping plant, amongst other infrastructure listed earlier.<sup>497</sup>

Yet some analysts feel that Israel's behaviour should not have defeated the EU so easily; Keukeleire and MacNaughtan chastise it for 'sh[ying] away' from employing the economic tools of its 'extensive trade, contractual relations and cooperation projects with Israel' to halt Israel's military operations against Palestinian civilians, stop its settlement policy, and end its economic and humanitarian sanctions against the Palestinians,<sup>498</sup> and Asseburg points out the EU's naïvety in focusing on 'post-conflict peace building', ignoring the 'continuing conflict, occupation, [and] ... mobility restrictions hampering economic development, reconciliation, and institution-building'.<sup>499</sup> With the crisis continuing and no hope of a genuine peace process in sight, the EU adapted only by 'shifting its support from development to humanitarian aid and emergency programmes for

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(eds.), *Aid, Diplomacy, and Facts on the Ground: The Case of Palestine*, London: Chatham House, 2005, p. 30.

<sup>493</sup> Asseburg, 'The EU and the Middle East Conflict', pp. 176-177; Le More, 'Are 'Realities on the Ground' Compatible?', pp. 27-32.

<sup>494</sup> ECTAO, *Interim Association Agreement on Trade and Cooperation*, retrieved 12 June 2009 from [http://www.delwbg.ec.europa.eu/en/eu\\_and\\_palestine/ec\\_plo.htm](http://www.delwbg.ec.europa.eu/en/eu_and_palestine/ec_plo.htm); Keukeleire and MacNaughtan, p. 284.

<sup>495</sup> Office of the United Nations Special Co-ordinator, *The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities: 1 January 2002 - 30 June 2002*, October 2002, retrieved 4 May 2009 from <http://www.un.org/News/dh/mideast/econ-report-final.pdf>, pp. 23-24.

<sup>496</sup> Asseburg, 'The EU and the Middle East Conflict', p. 177.

<sup>497</sup> Miller, 'Troubled Neighbours: The EU and Israel', p. 646.

<sup>498</sup> Keukeleire and MacNaughtan, p. 284.

<sup>499</sup> Asseburg, 'The EU and the Middle East Conflict', p. 177.

employment, reconstruction, and the rehabilitation of victims of violence'.<sup>500</sup> While this helped stabilise the situation, David Shearer and Anuschka Meyer argue that it also played into Israel's hands, making its occupation less problematic and expensive than it would otherwise be, and taking over its responsibility (mandated by international humanitarian law) 'to provide assistance to those under its occupation'.<sup>501</sup> By facilitating what Meron Benvenisti has termed a "deluxe occupation",<sup>502</sup> the EU and may therefore be seen as inadvertently prolonging 'the state of reoccupation, closures and curfews, rather than working actively against it'.<sup>503</sup>

### *The EU and the EMP: Agency restricted*

This section has examined the EU's ability to act through its EMP, now known as the Union for Mediterranean. The EU built up its potential for agency by first creating the EMP to frame its assistance to the Palestinians, and then improving its economic tools through the ENP, which clarified its goals and produced more concrete timelines for their achievement, and the Union for the Mediterranean, which promised stronger commitment to tangible projects. These frameworks were based on clear values, which cohered with wider EU policies, adding to the EU's potential for agency by contributing to a coherent identity. However, coherence faltered when the EU attempted to put the EMP into practice. Though many democratic and good governance reforms were carried out in the Palestinian territories, these values conflicted with the EU's interest in short-term regional stability, and fear of radical Islam, leading it to support Arafat's autocracy and isolate the democratically-elected Hamas. The EMP's economic development goals

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<sup>500</sup> Le More indicates the strength of this shift: Whereas in 2001 the ratio of internationally-donated development aid to emergency assistance was 7:1, by 2002 this had switched to 1:5. Asseburg, 'The EU and the Middle East Conflict', p. 181. Le More, 'Are 'Realities on the Ground' Compatible?', p. 28.

<sup>501</sup> David Shearer and Anuschka Meyer, 'The Dilemma of Aid under Occupation', in Michael Keating, Anne Le More and Robert Lowe (eds.), *Aid, Diplomacy, and Facts on the Ground: The Case of Palestine*, London: Chatham House, 2005, p. 166.

<sup>502</sup> Meron Benvenisti, 'The Trusteeship Alternative', *Ha'aretz*, 13 March 2003, quoted in Nigel Parsons, 'Palestinian Statehood: Aspirations, Needs, and Viability after Oslo', *Middle East Journal* 61:3 (Summer 2007), p. 524.

<sup>503</sup> Asseburg, 'The EU and the Middle East Conflict', p. 181.

were similarly compromised, in this case by the Israeli occupation. Closure and curfews – and a lack of EU resolve to use economic tools to protest these – made sustainable development and poverty eradication virtually impossible.

### **The EU and the Palestinian police**

So far, this thesis has examined two of the three main types of policy-implementation instrument: diplomatic and economic, but not military. As mentioned in chapter two, although the EU has deployed military missions through the ESDP – for example to Macedonia and the Democratic Republic of Congo – such missions have been rare, fostering the EU’s identity as a civilian rather than military power. But while the EU does not have a strong military presence in the Palestinian territories, it does provide quasi-military assistance through two civilian missions, EUPOL COPPS, and the EU Border Assistance Mission at Rafah Crossing Point (EUBAM Rafah). These missions take place under the ENP action plan, and since their establishment in 2005 they have represented an important part of the EU’s technical aid to the Palestinian territories. This section outlines the EU’s early lack of leadership in the arena of police aid, which was due largely to the US denying it opportunities to stand out in the police donor consultations. It then notes the assistance the EU contributed to the Palestinian police prior to the second intifada. The next section discusses the how the opportunity provided by the international community’s re-focus on security, particularly after the 11 September 2001 attacks, combined with the Israeli withdrawal of its settlers and soldiers from Gaza in 2005, allowed the EU greater chance to exercise agency there. It details the origins, mandates, and activities of the missions before and after the Hamas victory, which, as we will see in the next chapter, put the work of EUPOL COPPS (amongst a range of other EU initiatives and operations) on hold, and eventually resulted in the suspension of EUBAM Rafah’s mandate.

### *Early EU involvement in Palestinian police assistance*

In the initial donor consultations following the signing of the DoP, police aid did not figure high on the agenda.<sup>504</sup> This was partly due to uncertainty over the police force's purpose and requirements, and partly due to the political sensitivity of negotiating security assistance packages with 'controversial national liberation or "terrorist" organisations such as the PLO'.<sup>505</sup>

Eventually, Israel's insistence that the PLO would need a strong force to control factions that rejected the peace process, such as Hamas, convinced the US to agree to provide the Palestinian police with 'substantial assistance', thus creating 'a new political momentum' for police aid.<sup>506</sup> This momentum did not attract the EU however. As AHLC chair, the US-loyal Norway had taken responsibility for police aid when no other party seemed willing to, and its 'willingness to shoulder a lead-nation role in this endeavour', including chairing 'yet another donor aid committee', irritated member-states such as France, Germany, and the Netherlands, who had hoped that police coordination could take place on an EU level rather than 'under US and Norwegian tutelage'.<sup>507</sup>

And indeed, the US exhibited a strong tendency to manipulate the police assistance for its own political ends. The first donor conference on police aid, in Oslo in December 1993, excluded the UN, and was held with less than a week's notice – 'effectively precluding proper preparations' – because of pressure on Norway from the US, which did not want to embolden the PLO and antagonise Israel with either 'solid support for a strong police force' or a UN police reform or peacekeeping offer.<sup>508</sup> The second police aid donor conference was an 'emergency' meeting held in Cairo in March 1994 because the US wanted to reward the PLO for resuming negotiations with Israel after an extremist Israeli settler massacred 29 Palestinians in a Hebron

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<sup>504</sup> Lia, p. 28.

<sup>505</sup> Lia, pp. 28, 36.

<sup>506</sup> Another factor behind the US's 'about-turn' was the PLO's strategy of appealing to both the US and Russia for assistance, attempting 'to play the two powers off against each other'. Lia, pp. 32-33.

<sup>507</sup> Lia, p. 38.

<sup>508</sup> Lia, pp. 33-34.

mosque. This resulted in a ‘package of measures’ including an ‘early entry of Palestinian police units into Hebron City, Gaza, and Jericho’, the deployment of international observers in Hebron, and ‘accelerated implementation of the Gaza-Jericho stage’ of transferring limited autonomy to the Palestinians.<sup>509</sup> Again, the meeting was held at extremely short notice, preventing the donors from making adequate preparations or finding ‘capital-level representatives’, while the US was able to send ‘a large, very senior-level delegation’, in a ‘deliberate move’ to avert donor consultations that might demand a more prominent role for agents competing against the US such as the EU.<sup>510</sup> Norway’s lead-nation role in the police sector was sealed, as it assumed both the secretariat and chair positions of the new Coordinating Committee of International Assistance to the Palestinian Police Force (COPP), and, although the EU was a member of the select group, alongside the US, Russia, Japan, Egypt, the PLO and Israel, it became ‘reluctant to give top priority to the issue’.<sup>511</sup>

Despite its sidelining in the police donor consultations, the EU did provide the police with an ‘important’ reallocation of €10 million from the Commission’s 1994 budget for supporting Palestinian self-rule, which, combined with member-state contributions, comprised around a third of the donors’ police funding in 1994-1995.<sup>512</sup> After the outbreak of the second intifada it stepped its contributions up to €9 million a month, as the idea of supporting the Palestinians to give them a ‘peace dividend’ and ‘demonstrate the benefits of peace’ went ‘back to the pre-Oslo doctrine of “strengthening Palestinian steadfastness”’ through state capacity-building and stability maintenance.<sup>513</sup> In addition, in 1999 the EU was given more scope for agency regarding the police when the Sectoral Working Group on Police

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<sup>509</sup> The international observer mission was known as the Temporary International Mission in Hebron (TIPH). ‘Accord Is Reported Near on Arab Force in Hebron’, *The New York Times*, 24 March 1994, retrieved 20 June 2009 from <http://www.nytimes.com/1994/03/24/world/accord-is-reported-near-on-arab-force-in-hebron.html>; Lia, pp. 40-41.

<sup>510</sup> In contrast with the previous meeting, the UN was invited to attend the emergency meeting. Lia, pp. 42-43.

<sup>511</sup> Lia, pp. 44-45, 54.

<sup>512</sup> Lia, pp. 62-66, 70, 142-144, 147.

<sup>513</sup> Lia, pp. 162-163, 182.

(SWG/Police, a Norway-led group which had essentially replaced the COPP in 1994) was brought under the wing of the EU's own Sectoral Working Group on Institution Building (SWG/Institution Building).<sup>514</sup> This meshed well with the fact that a number of member-states, particularly Sweden, Britain, and the Netherlands, had put considerable funds and expertise into Palestinian police training programmes during the 1990s.<sup>515</sup> As a somewhat 'junior partner' to the US, the EU had also worked on improving the security forces' counter-terrorism capacities through its so-called COTER programme, though its assistance was scaled down considerably after the second intifada broke out, both because member-states became wary of supporting police who seemed to be 'directly involved' in the fighting, and because Israel had destroyed EU donations such as 'surveillance equipment, communication systems, and an expensive forensics laboratory'.<sup>516</sup>

*Quasi-military policy tools: EUPOL COPPS and EUBAM Rafah*

The change in focus from economic prosperity to capacity-building and stability maintenance after the onset of the second intifada was only magnified by the 11 September 2001 terrorist attacks, which in Yezid Sayigh's words 'prompted a shift in the emphasis in western policy ... away from the promotion of democracy and human rights back to the previous, Cold War-era focus on stability'.<sup>517</sup> Coupled with the push for Palestinian reform since 2002, which inspired the formation of the TFPR mentioned above, and which is 'one of the core elements of the Quartet's [Roadmap]',<sup>518</sup> these provided a new opportunity for the EU to apply itself to the issue of police. In June 2004, the European Council, meeting in Brussels, 'reaffirmed its readiness to support the [PA] in taking responsibility for law and order and, in particular, in improving its civil police and law

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<sup>514</sup> Lia, pp. 200-207.

<sup>515</sup> Lia, pp. 254-258.

<sup>516</sup> Lia, pp. 301-308.

<sup>517</sup> Yezid Sayigh, *Security Sector Reform in the Arab Region: Challenges to Developing an Indigenous Agenda*, Arab Reform Initiative, December 2007, retrieved 26 April 2009 from <http://www.arab-reform.net/spip.php?article1120>.

<sup>518</sup> Roland Friedrich, *Security Sector Reform in the Occupied Palestinian Territories*: PASSIA Publications, 2004, p. 1.

enforcement capacity'.<sup>519</sup> Its promise to 'study practical steps to that end',<sup>520</sup> came to fruition in January 2005, when the EU Coordinating Office for Palestinian Police Support (EU COPPS) was established within the office of EUSR Mark Otte.<sup>521</sup> EU COPPS was tasked with supporting both 'immediate operational priorities', such as providing police vehicles and equipment including communication kits and personal protective gear, and 'longer-term change management', such as helping the police develop a policing strategy, supporting 'conferences and workshops to facilitate transformational planning and involvement of civil society', and developing a 'coherent legislative framework and proper accountability mechanisms' for a long-term donor commitment.<sup>522</sup> In July 2005, a month before Israel was to unilaterally withdraw its settlers and troops from Gaza,<sup>523</sup> the EU foreign ministers 'reiterated [the EU's] commitment' to help develop Palestinian security capacity, and agreed 'in principle' that this support 'should take the form of an ESDP mission' which built on the work of EU COPPS.<sup>524</sup> This led to the deployment in January 2006 of EUPOL COPPS, a three-year civilian mission comprising both unarmed international police and civilian experts and Palestinian personnel, aimed at helping the largest and 'most important of all the Palestinian security forces in terms of building a Palestinian state', the Palestinian civil police, transform 'into a modern force

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<sup>519</sup> Council of the European Union, *Brussels European Council 17 and 18 June 2004: Presidency Conclusions*, retrieved 30 May 2009 from <http://ue.eu.int/uedocs/cmsUpload/81742.pdf>, p. 25.

<sup>520</sup> Council of the European Union, *Brussels European Council*, p. 25.

<sup>521</sup> Though an exchange of letters between Otte and Palestinian Prime Minister Ahmed Qurei established EU COPPS formally, four EU police experts headed by Chief Superintendent Jonathan McIvor had already been deployed since January 2005, along with 'a local team that handles administrative tasks'. Javier Solana, *EU High Representative for the CFSP*, Javier Solana, *Announces the Establishment of the EU Coordinating Office for Palestinian Police Support*, 20 April 2005, Brussels, S163/05, retrieved 30 May 2009 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/declarations/84603.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/declarations/84603.pdf), p. 3.

<sup>522</sup> Solana, p. 4.

<sup>523</sup> Israel's 'disengagement' from the Gaza Strip, an election promise given by Prime Minister Ariel Sharon in 2003, began on the 15<sup>th</sup> of August 2005. See Jefferson Morley, 'Israeli Withdrawal From Gaza Explained', *The Washington Post*, 10 August 2005, retrieved 1 June 2009 from <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/10/AR2005081000713.html>.

<sup>524</sup> European Council, *Conclusions 2675th General Affairs and External Relations Council Meeting*, Brussels, 18 July 2005, retrieved 30 May 2009 from <http://electronicintifada.net/bytopic/historicaldocuments/385.shtml>; EU Council Secretariat, *Factsheet: European Union Police Mission for the Palestinian Territories (EUPOL-COPPS)*, 9 February 2006, retrieved 30 May 2009 from <http://www.consilium.europa.eu/uedocs/cmsUpload/051222-EUPOL-COPPS.pdf>, p. 2.



capable of enforcing the rule of law and stamping out growing chaos'.<sup>525</sup> Specifically, EUPOL COPPS was to contribute 'to the establishment of sustainable and effective policing arrangements' in the Palestinian territories by

- 'Advising and closely mentoring' senior Palestinian civil police officials 'at district and headquarters level' in order to help them implement a police development programme (which included both immediate operational priorities and longer term transformational change)
- Coordinating and facilitating member-state (and where requested, international) assistance to the civil police
- Advising 'on police-related criminal justice elements'.<sup>526</sup>

The timing of EUPOL COPPS's deployment was unfortunate, however. In chapter five we will see that the EU's official aversion to Hamas, elected the same month that the mission was installed in the Palestinian territories, and sworn in just two months later, prevented EUPOL COPPS from carrying out its work for a year and a half.<sup>527</sup> The EU's inadvertent constraining of its own opportunity to help improve policing in the West Bank and Gaza only ended in July 2007, when a pre-empted coup by Hamas chased Fatah from Gaza and the international community decided to recognise, and resume relations with, a Fatah-led PA in the West Bank. From this point, EUPOL COPPS's fortunes improved. Colin Smith, appointed Head of Mission from January 2007 to December 2008, cited two major areas of success: first,

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<sup>525</sup> The numbers cited in this report are of 33 international staff and 17 Palestinians, but these seem to be the intended figures rather than those actually deployed. Other reports cite around 12 to 15 international staff and around 4 or 5 Palestinian ones. While the second quote here comes directly from Raffi Berg, the first quote comes from Chief Superintendent Jonathan McIvor, quoted in Raffi Berg, 'Rebuilding the Palestinian Police', *BBC News*, 30 November 2005, retrieved 27 May 2009 from [http://news.bbc.co.uk/2/hi/middle\\_east/4481072.stm](http://news.bbc.co.uk/2/hi/middle_east/4481072.stm); EUCOPPS and Palestinian National Authority Ministry of Interior, *European Union Coordinating Office for Palestinian Police Support (EU COPPS) & Palestinian Civil Police Development Programme 2005-2008: Factsheet*, retrieved 29 May 2009 from <http://www.consilium.europa.eu/uedocs/cmsUpload/EUCOPPSHandoutFeb2006.pdf>.

<sup>526</sup> EU Council Secretariat, p. 1; EUCOPPS and Palestinian National Authority Ministry of Interior.

<sup>527</sup> EUPOL COPPS, *Press Conference by Colin Smith, Head of the EU Police Mission in the Palestinian Territories*, Brussels, 28 November 2008, retrieved 11 June 2009 from <http://www.consilium.europa.eu/uedocs/cmsUpload/081128%20summary%20PRESS%20CONFERENCE%20-carla.pdf>, p. 1.

capacity building (including contributions to infrastructure, vehicles, computers, and equipment) to improve a resource base greatly reduced after the outbreak of the second intifada; and second, public order training, in which 1000 civil police learned about managing ‘peaceful and hostile demonstrations’.<sup>528</sup> He also noted that EUPOL COPPS’s mission had expanded to include ‘the whole continuum of criminal justice, from police officers to prison, including prosecution and sentencing’, that its staff had increased from 14 in total to 57 international and 24 local personnel, and that its mandate had been extended for a further two years.<sup>529</sup> Its inability to operate while a government containing Hamas ruled in both the West Bank and Gaza notwithstanding, EUPOL COPPS has allowed the EU to exercise a considerable degree of agency in the West Bank. The fact that it remains constrained by Hamas’s hold on Gaza, however, shows the limits that the EU’s diplomatic policy has placed on this quasi-military tool.

The fortunes of the EU’s other civilian EDSP mission in the Palestinian territories, EUBAM Rafah, have followed a contrasting path to those of EUPOL COPPS. With a mandate to monitor the operations of the Rafah border crossing point between Gaza and Egypt, EUBAM Rafah’s operational phase began on 24 November 2005.<sup>530</sup> This was two months after Israel’s Airports Authority ceased managing the crossing as part of Israel’s unilateral disengagement plan, and less than a fortnight after Israel and the PA concluded an Agreement on Movement and Access (AMA) which defined principles for the crossing and specified a monitoring role for a third party, a role the Council of the EU agreed to undertake on 21 November.<sup>531</sup> Under

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<sup>528</sup> EUPOL COPPS, p. 1.

<sup>529</sup> EUPOL COPPS, pp. 1-2.

<sup>530</sup> Council of the European Union, ‘EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah)’, *Policies*, retrieved 11 June 2009 from <http://www.consilium.europa.eu/showPage.aspx?id=979&lang=EN>; Consilium, *EU Border Assistance Mission at Rafah Crossing Point (EUBAM Rafah)*, March 2009, retrieved 12 June 2009 from [http://www.consilium.europa.eu/uedocs/cmsUpload/090325%20FACTSHEET%20EUBAM%20Rafah%20%20version%2010\\_EN.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/090325%20FACTSHEET%20EUBAM%20Rafah%20%20version%2010_EN.pdf).

<sup>531</sup> Technically the AMA and the Agreed Principles for Rafah Crossing are separate documents. Council of the European Union, ‘EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah)’; *Agreed Documents by Israel and Palestinians on Movement and Access from and to Gaza*, S366/05, Jerusalem, 15

the Agreed Principles for Rafah Crossing, EUBAM Rafah was to ensure that the PA adhered to procedures such as letting the Israeli government know if humanitarian or other 'exceptions' to Palestinian ID card holders were to pass through the crossing; to evaluate the PA's running of the crossing; to train PA personnel on searching vehicles; and to run a liaison office to review the agreement's implementation.<sup>532</sup> Unlike EUPOL COPPS, EUBAM Rafah remained operational after the Hamas victory. This was because (as we will see in chapter five) the EU insisted that 'Abbas assume control of the crossing,<sup>533</sup> meaning that EU personnel had only to interact with 'Abbas's Presidential Guard, rather than with security forces from the Hamas-run Ministry of the Interior.<sup>534</sup> EUBAM Rafah was therefore able to maintain its presence, allowing almost 444,000 people to cross the Rafah border.<sup>535</sup> This included almost 165,000 people who were able to cross the border on the 83 days EUBAM Rafah was able to convince Israel to allow the crossing to open after it ceased its normal operations in June 2006, in response to Hamas's kidnap of Israeli soldier Gilad Shalit.<sup>536</sup> However, the Presidential Guard left Gaza with the rest of Fatah's forces when Hamas took over Gaza in June 2007, leaving the EU mission unable to simultaneously maintain its operations and avoid contact with Hamas. EUBAM Rafah's Head of Mission, Lieutenant General Pietro Pistolese, announced 'a temporary suspension of operations' at the crossing point, and although the mission has 'maintained its full operational capacity' since then, ready to redeploy at short notice, the EU's Hamas-boycotting policy prevents it from doing so while Hamas remains in power in Gaza.<sup>537</sup>

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November 2005, retrieved 12 June 2009 from  
<http://www.dfid.gov.uk/Documents/publications/agreement-movement-access.pdf>.

<sup>532</sup> *Agreed Documents*.

<sup>533</sup> Donald Macintyre, 'Abbas Takes Control of Crossing in Gaza as Tensions with Hamas Rise', *The Independent*, 7 April 2006, retrieved 16 June 2009 from  
<http://www.independent.co.uk/news/world/middle-east/abbas-takes-control-of-crossing-in-gaza-as-tensions-with-hamas-rise-473139.html>.

<sup>534</sup> Herb Keinon, 'Diplomats Deny EU Talk of Leaving Rafah', *Jerusalem Post*, Apr 18 2006, retrieved 12 June 2009 from  
<http://www.jpost.com/servlet/Satellite?c=JPArticle&cid=1143498871044&pagename=JPost%2FJPArticle%2FShowFull>.

<sup>535</sup> EUBAM Rafah, *EUBAM Still Operational*, December 2007, retrieved 12 June 2009 from  
<http://www.consilium.europa.eu/uedocs/cmsUpload/071211-Factsheet.pdf>.

<sup>536</sup> EUBAM Rafah.

<sup>537</sup> EUBAM Rafah.

The EU has thus had mixed scope for agency in the police arena. We have seen that the EU-US rivalry helped eliminate any opportunity available for the EU to take on a strong leadership role in the early international donor conferences on the Palestinian police, but that the EU was nevertheless able to build its presence in the area by supporting the police financially, and through initiatives such as the COTER programme. Its presence was increased further when SWP/Police was absorbed into the EU's SWP/Institution Building in 1999. However, during the intifada, member-states became reluctant to continue their support of a police force contributing to the fighting, and Israel reinforced the inclination to scale down police aid efforts by demolishing EU-funded infrastructure. On the other hand, the intifada also encouraged the EU to refocus on helping improve Palestinian stability, a notion reinforced by terrorism-related fears induced by the 11 September 2001 terrorist attacks, as well as by the 2002 movement to reform Palestinian institutions. Sharon's 2003 promise to withdraw from Gaza provided the EU with a final push to establish its two civilian EDSP missions, EUPOL COPPS and EUBAM Rafah. However, their ability to operate has been severely hindered by the election of Hamas in 2006. EUPOL COPPS's current success has been limited to the Fatah-controlled West Bank, and EUBAM Rafah's mandate, precariously allowed to continue while it only interacted with Fatah forces, has been suspended since Hamas took sole charge of Gaza.

### **Conclusion: The EU's assistance to the Palestinians**

The EU's ability to exercise economic agency is clearly much greater than its ability to exercise diplomatic agency. Not only is it much inclined to provide financial and technical assistance, but its ability to do so is also relatively strong, and its general presence as a powerful economic agent is reinforced by the variety of bodies and frameworks through which it contributes. In turn, this has enabled the EU to take leadership positions in both the multilateral working groups (particularly REDWG) and the AHLIC, building its presence further. The form of the EU's assistance derives from a skeleton

of values including democracy, human rights, good governance, economic development, support of multilateral fora, stability in the Mediterranean, and its support of the Palestinians in general. These cohere with the EU's wider policies, adding to the impression of a unified agent. However, tools are ineffective if opportunities for their deployment are constrained. For example, although REDWG was the most successful multilateral working group, the effective suspension of the multilateral track in 1996 restricted the EU's ability to continue making advances through this mechanism. In the donor community, US distrust of the EU's pro-Arab position caused it to block the EU from becoming sole chair of the AHLC. In the EMP, the EU has been restricted partly by clashing values and interests (stability-maintenance gaining the upper hand over the EU's much-vaunted values of democracy, good governance, and human rights), and partly by the Israeli occupation of the Palestinian territories and the lack of a genuine peace process. Though it attempted to provide assistance that would allow the Palestinians greater input into building their economy, the occupation sabotaged this initiative, engendering an economic crisis which forced the redirection of development finances into humanitarian aid and diminished or destroyed existing gains. Providing financial and technical assistance to the police sector has allowed the EU to improve its presence, and in the case of its EUPOL COPPS and EUBAM Rafah capacity-building projects to have considerable scope for influence over the way law and order are maintained in the Palestinian territories. However, the EU's anti-Hamas attitude has severely constrained the opportunities open to its otherwise quite successful missions; this theme will be seen on a larger scale in the next chapter.

In brief, the EU has shown much clearer agency in its policies and behaviour regarding aid and assistance than in its diplomatic efforts. The reason is simple: In the diplomatic sphere, it is constrained by its status as a subordinate to the US, whereas economically, it can largely dispose of its money as it sees fit.

However, the 2006 Hamas victory posed a severe challenge to both the EU's growing-but-constrained diplomatic agency and its much stronger economic

agency. The next chapter will outline how, through its membership of the Quartet, one of the tools providing the EU with diplomatic agency in the Israeli-Palestinian conflict, the EU used its considerable economic power to wreak havoc in the Palestinian political, economic, and social arenas, simultaneously violating many of its previous policies and shared values in its approach to the Palestinian territories, and reducing its capacity to be seen as a unified, independent international actor.



**Shaken *and* Stirred:**  
**How the Hamas Victory has Affected**  
**International Agent EU**

In chapter three, we traced the EU's increasing ability to exercise agency through diplomatic instruments, showing that although it has been constrained by its role as a complementary diplomatic agent in relation to the Palestinians, it has nevertheless been able to contribute to the peace efforts, and has influenced the way other actors have behaved towards the Palestinians. In chapter two we saw the much more significant capacity for agency that the EU derived from its economic and financial tools. Like all actors, the EU has been limited by the opportunities available to – and created by – it, but overall its economic tools have been much stronger than its diplomatic ones in allowing it to exercise agency in the Palestinian territories.

However, this chapter will show that the 2006 victory of Hamas in the PLC elections has proved a critical juncture for the EU's ability to exert agency. In 2003, under pressure from the US and Israel, the EU had added Hamas to its list of terrorist organisations. Three years later, when Hamas unexpectedly took up the reins of government, this classification was the starting point in a chain of logic that had an entirely unforeseen effect: organisations on the terrorist list could not receive aid; Hamas was listed as a terrorist organisation; a government led by Hamas must therefore be ineligible for EU assistance. The resulting abrupt funding cut was compounded by the EU's adoption of the Quartet's decision to financially



and diplomatically boycott Hamas unless it met certain conditions. The coverage begins with an outline of how the EU's isolation of Hamas violated its previously relatively coherent policies and shared values with respect to the Palestinians. It then discusses the boycott's economic effects on the Palestinian economy, and the ineffective TIM that was put in place to remedy the boycott policy while – incoherently – allowing it to continue. Next, it assesses the Quartet's gradual, and partial, success in meeting its aims of either encouraging Hamas to change, or encouraging other Palestinians to oust it from power. The chapter's final section delineates the EU's lifting of the boycott in the West Bank after Fatah's pre-empted coup against Hamas saw it chased from Gaza, and its continuation of the boycott in Gaza despite the policy's problems for EU coherence.

### **The Hamas victory: A challenge for EU actorness**

Hamas's 2006 election was a critical juncture that significantly challenged the EU's scope for agency. Suddenly, the EU's shared values of supporting democracy and assisting the Palestinians seemed to conflict with its post-September 11, US-influenced, anti-Hamas stance – and this lack of policy coherence was only enhanced by the Quartet's promise to cut off funding and contact with Hamas if Hamas refused to agree to the Quartet's conditions. The EU's subsequent withdrawal of assistance to, and contact with, the PA was increasingly inconsistent with the policy of some of its member-states (particularly France) to 'give Hamas a chance'. As a policy instrument, the financial and diplomatic boycott demonstrated the EU's ability to indicate disapproval via both two separate means, but it also highlighted the ineffectiveness of such instruments, since, if anything, the boycott hardened Hamas's stance. It also had a detrimental effect on the EU's presence in the Palestinian territories, as it lessened the EU's distinctive identity as a counterweight to the US. The EU's shared values as they pertain to the aid withdrawal, and the effectiveness (and the effects) of its use of its economic tools, will be the subject of this chapter.

*The EU's shared values and stated policies as they correspond to its relationship with the Palestinians*

The two previous chapters have elucidated a number of values shared by the EU's member-states, which pertain to its relationship with the Palestinians. First, a general framework affirming the Palestinians' right to self-determination and underlining its support of the peace process emerged from the EU's numerous declarations on the Israeli-Palestinian conflict (many of which were discussed in chapter three). Second (as noted in chapter four), the EMP, and later the ENP, aimed to encourage economic development and prosperity in the EU's close neighbours, and they included extensive funding arrangements between the EU and the PA. Third, in addition to the shared EU aim of helping its neighbours become financially stable, the EU used its economic agency to further its shared political objectives in the region; it used its association agreements and joint action plans to promote shared EU values such as democracy, human rights, and good governance. These values aligned with the EU's wider policy programme, allowing it to be seen as a coherent international actor.

In the aftermath of the 11 September 2001 attacks on US targets, the EU faced pressure from the US to adopt some new, shared, 'anti-terrorism' values, and it soon found itself approving anti-terrorism measures at a rapid pace.<sup>538</sup> Within a fortnight of the attacks, US President George Bush had declared that 'every nation in every region now has a decision to make: either you are with us or you are with the terrorists'.<sup>539</sup> The next day, on the 21<sup>st</sup> of September, the EU decided, at an extraordinary European Council meeting, on an action plan outlining a number of responses to terrorism, many of which 'had already been under discussion within the EU for some time', but

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<sup>538</sup> Bretherton and Vogler, (2nd ed.), p. 182.

<sup>539</sup> George Bush, 'Text: President Bush Addresses the Nation', *The Washington Post*, 20 September 2001, retrieved 12 April 2009 from [http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushaddress\\_092001.html](http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushaddress_092001.html).

whose adoption ‘proponents could now successfully argue ... was more urgent’.<sup>540</sup>

The December 2003 European Security Strategy highlighted the increased alignment of the member-states’ views on terrorism, terming terrorism ‘a growing strategic threat to the whole of Europe’, and declaring that ‘concerted European action [against terrorism] is indispensable’.<sup>541</sup> At this stage, the EU’s increased commitment against terrorism cohered quite well with its aid policy towards the Palestinians. At a general level, the EU often spoke of ‘eradicating the roots of terrorism by eradicating poverty’,<sup>542</sup> and the European Council’s June 2002 Seville declaration had noted as ‘priorities ... in the fight against terrorism’ both ‘devoting greater efforts to conflict prevention’ and ‘deepening political dialogue with third countries ... including [promoting] human rights and democracy as well as non-proliferation and arms control, and providing them with appropriate international assistance’.<sup>543</sup> More specifically, and at the diplomatic level, the 2003 security strategy also asserted that the ‘resolution of the Arab/Israeli conflict is a strategic priority for Europe’, as otherwise there would be ‘little chance of dealing with other problems in the Middle East’, and it stated that the EU ‘must remain engaged and ready to commit resources to the problem until it is solved’.<sup>544</sup>

### *Hamas: A challenge for the EU’s shared values and policy coherence*

But just three months prior to announcing the 2003 strategy, the EU made a decision that would eventually come into conflict with its other policies in the Palestinian territories; generating a then-unrealised critical juncture that

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<sup>540</sup> Karen E. Smith, p. 208; European Council, *Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001*, retrieved 20 April 2009 from [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/140.en.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/140.en.pdf).

<sup>541</sup> European Commission, *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003, retrieved 20 April 2009 from <http://ue.eu.int/uedocs/cmsUpload/78367.pdf>, p. 3.

<sup>542</sup> Karen E. Smith, p. 211.

<sup>543</sup> European Council, *Seville European Council 21 and 22 June 2002: Presidency Conclusions*, retrieved 27 October 2008 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/ec/72638.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/ec/72638.pdf), p. 33.

<sup>544</sup> European Commission, *A Secure Europe in a Better World*, p. 8.

would come to threaten the EU's ability to behave as a coherent agent. In September 2003, under pressure from the US and Israel, the European Council added the Hamas movement to its blacklist of terrorist organisations,<sup>545</sup> and thereby effectively promised to 'ensure that funds, financial assets or economic resources or financial or other related services will not be made available, directly or indirectly, for the benefit of [Hamas]'.<sup>546</sup> The unanimity required for this momentous decision had taken some time to achieve. Although the Council had added Hamas's military wing, the Izz al-Din al-Qassam brigades, to its terrorist blacklist in May 2002,<sup>547</sup> it had specifically kept the movement as a whole off the list, arguing that parts of the group were legitimate and that the entire organisation should not be punished for the actions of its military wing.<sup>548</sup> France and Germany, along with Belgium, Ireland and Spain, were particularly vocal in pointing out that 'such a move would be counterproductive to the peace process'.<sup>549</sup>

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<sup>545</sup> The US had designated Hamas a terrorist organisation 'in 1995 pursuant to Executive Order 12947, and also in 1996 pursuant to the Antiterrorism Act', a move that was repeated in the tense environment following the 11 September 2001 attacks, when 'it was added to the list of terrorist organizations subject to action under Executive Order 13224'. US Department of the Treasury, 'Shutting Down the Terrorist Financial Network', *Press Room*, PO-841, December 4 2001, retrieved 28 June 2009 from <http://www.treas.gov/press/releases/po841.htm>. Federica Bicchi and Mary Martin, 'Talking Tough or Talking Together? European Security Discourses towards the Mediterranean', *Mediterranean Politics* 11:2 (July 2006), p. 196; 'In Submission to Israel, EU Agrees to Put Hamas On Terror List', *Al Jazeera*, 12 September 2003, retrieved 12 June 2009 from <http://www.aljazeera.com/News%20archives/2003%20News%20archives%20/September/12%20n/In%20Submission%20to%20Israel,%20EU%20Agrees%20to%20Put%20Hamas%20on%20Terror%20List.htm>; Frank Bruni, 'The Mideast Turmoil: The Militants; Hamas Places on Terror List by Europeans', *The New York Times*, 7 September 2003, retrieved 12 June 2009 from <http://www.nytimes.com/2003/09/07/world/the-mideast-turmoil-the-militants-hamas-placed-on-terror-list-by-europeans.html>.

<sup>546</sup> Council of the European Union, 'Council Common Position 2001/931/CFSP of 27 December 2001 on the Application of Specific Measures to Combat Terrorism', *Official Journal of the European Communities* L 344, 28 December 2001, pp. 93-96, retrieved 20 April 2009 from <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:344:0093:0096:EN:PDF>, p. 94.

<sup>547</sup> Council of the European Union, *Decision Adopted by Written Procedure: Fight Against Terrorism: Updated List*, 8549/02 (Presse 121), Brussels, 3 May 2002, retrieved 8 June 2009 from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/misc/70413.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/70413.pdf), p. 4.

<sup>548</sup> Grant, p. 138.

<sup>549</sup> Leigh Phillips, 'Terror List Complicates EU Diplomacy in Middle East', *EUobserver*, 5 January 2009, retrieved 7 June 2009 from <http://euobserver.com/9/27347>; 'EU Blacklists Hamas Political Wing', *BBC News*, 11 September 2003, retrieved 7 June 2009 from [http://news.bbc.co.uk/1/hi/world/middle\\_east/3100518.stm](http://news.bbc.co.uk/1/hi/world/middle_east/3100518.stm); 'In Submission to Israel', ; Rory Miller, 'War has Not Eased EU Anti-Hamas Policy', *The Irish Times*, 28 January 2009, retrieved 7 June 2009 from <http://www.irishtimes.com/newspaper/opinion/2009/0128/1232923369299.html>.

Yet Britain and the Netherlands led an opposing view, holding that Hamas's political and military wings were, in the words of British Foreign Secretary Jack Straw, 'extensively intertwined', so the organisation as a whole could be seen as 'literally trying to blow [up] this peace process'.<sup>550</sup> France continued to stall Britain's push to cut off Hamas throughout 2002 and into the second half of 2003; in June that year its opposition caused the EU to 'put off' the decision.<sup>551</sup> In July, Hamas agreed to a three-month ceasefire and this concession was used as a buttress against ongoing US pressure to proscribe the movement,<sup>552</sup> but in August Israel provoked the ceasefire's end by assassinating a senior Hamas leader, Ismail Abu Shanab<sup>553</sup> leading to retaliatory suicide attacks by Hamas.<sup>554</sup> These finally caused France to '[drop] its earlier objections',<sup>555</sup> allowing Hamas to be set on the blacklist alongside more obviously terrorist groups such as al-Qaeda and the Real IRA in September 2003.<sup>556</sup>

By countermanding its earlier stance and nominating both the political and military wings of Hamas, the EU was unknowingly setting itself up to undermine its own ability to exercise agency in the Palestinian territories. When Hamas won the EU-monitored PLC elections in January 2006, the EU's blacklisting of the movement did not cohere with its stated policy of

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<sup>550</sup> Jack Straw, quoted in Miller, 'Troubled Neighbours: The EU and Israel', p. 653, and in 'France Stalls Push for EU Action against Hamas', *Jordan Times*, 26 June 2003, retrieved 12 June 2009 from

<http://www.aljazeera.com/News%20archives/2003%20News%20archives/June%202003%20News/26n/France%20stalls%20push%20for%20EU%20action%20against%20Hamas.htm>.

<sup>551</sup> 'France Stalls Push'.

<sup>552</sup> 'EU Suspends Embargoing the Political Wing of Hamas', *Arabic News*, 18 July 2003, retrieved 12 June 2009 from

<http://www.arabicnews.com/ansub/Daily/Day/030718/2003071812.html>; Roland Watson, 'Bush Urges EU Leaders Not to Back Palestinian Terrorists', *Times Online*, 26 June 2003, retrieved 12 June 2009 from

[http://www.timesonline.co.uk/tol/news/world/middle\\_east/article1145370.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article1145370.ece).

<sup>553</sup> The leader, Ismail Abu Shanab, was known as 'one of the most powerful voices for peace in Hamas'. Chris McGreal, 'Killing of Hamas Leader Ends Truce', *The Guardian*, 22 August 2003, retrieved 12 June 2009 from <http://www.guardian.co.uk/world/2003/aug/22/israel3>.

<sup>554</sup> Bruni; 'EU Blacklists Hamas Political Wing'.

<sup>555</sup> As pointed out in 'In Submission to Israel', France did, however, ensure that neither individual Hamas members nor charities affiliated with Hamas were placed on the list. 'In Submission to Israel'; Bruni.

<sup>556</sup> Council of the European Union, 'Council Common Position 2003/651/CFSP'; FRIDE, 'Europe and Palestinian Democracy', *Democracy Backgrounder*, 1 (March 2006), retrieved 23 March 2009 from [http://www.fride.org/download/BGR\\_EUDemoPal\\_ENG\\_Mar06.pdf](http://www.fride.org/download/BGR_EUDemoPal_ENG_Mar06.pdf), p. 2.

supporting the PA. One might argue that funding the Hamas-run PA would have violated the EU's policy of freezing 'terrorist' groups' access to finances – although a more defensible standpoint is that the EU's funds were intended for the PA rather than Hamas, and that Hamas would have respected this. A large proportion of Hamas's politicians were upstanding community leaders known for their involvement in charity work and commitment to the principles of Islam,<sup>557</sup> and Hamas was seen by the Palestinians as 'an effective and honest organisation'.<sup>558</sup> In addition, it had run for election under the banner 'Change and Reform',<sup>559</sup> with its campaign's 'top priority' being 'good governance and ... vigorous action against corruption, abuse of power, and nepotism in the PA', including 'sweeping reforms of all three branches of power' in order to protect political freedoms, 'promote the establishment of efficient democratic institutions, and guarantee the rule of law and division of powers'.<sup>560</sup> These promises, though aimed primarily at Palestinian voters, aligned closely with the EU's own policies. They gave Hamas strong political incentives to use the money as the EU had intended, in order to gain domestic as well as international legitimacy. Thus the EU could still have claimed policy coherence if it had continued to fund the PA's budget.

However, the EU hemmed itself in from another side. As a member of the Quartet it committed to deny Hamas – and thus the PA – either official diplomatic contact or financial assistance as long as Hamas refused to recognise Israel, renounce violence, and accept previous PLO-Israeli agreements (including the two-state solution).<sup>561</sup> This boycott also included suspending technical assistance, such as that provided through EUPOL

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<sup>557</sup> Menachem Klein, 'Hamas in Power', *Middle East Journal* 61:3 (Summer 2007), p. 448.

<sup>558</sup> Beverley Milton-Edwards, 'Prepared for Power: Hamas, Governance and Conflict', *Civil Wars* 7:4 (Winter 2005), p. 314; Lydia Saad, 'Gallup Palestinian Survey Reveals Broad Discontent With Status Quo: Corruption May Have Doomed Fatah Party', 27 January 2006, retrieved 5 April 2007 from <http://www.gallup.com/poll/21163/Gallup-Palestinian-Survey-Reveals-Broad-Discontent-Status-Quo.aspx>.

<sup>559</sup> Khaled Hroub, 'A "New Hamas" through its New Documents', *Journal of Palestine Studies* XXXV:4 (Summer 2006), pp. 7-15.

<sup>560</sup> Asseburg, 'The Palestinian Hamas: Between Resistance, Reform, and Failure', p. 68; Hroub, pp. 7-15.

<sup>561</sup> 'Middle East: Hamas Refuses Pressure To Recognize Israel, Disarm', *Radio Free Europe / Radio Liberty*, 31 January 2006, retrieved 12 June 2009 from <http://www.rferl.org/content/article/1065273.html>.

COPPS, which would have needed to engage with the PA apparatus in order to function.<sup>562</sup> The boycott threatened EU coherence – and its commitment to certain shared values – much more than Hamas’s accession to power did.

The first threat to EU coherence stemmed from the denial of support to the freely, fairly elected Hamas; this clashed with the EU’s value of democracy. Although, to the EU’s eyes, the win violated its ‘fundamental norms’, as Hamas’s use of violence in resisting the occupation ‘challenge[d] the notion of a democratic party’, Michelle Pace points out that the EU’s boycott of Hamas ‘weakened the normative consistency of the meaning of free, fair, and transparent elections as the basic conditions for its aid’, and undermined ‘its image as a “force for good”’.<sup>563</sup> That is, even though it had consistently promoted democracy through fora such as the EMP, the EU was now ignoring the results of the expression of the Palestinians’ democratic voice, contradicting its own ‘self-construction ... as a normative power in the region’.<sup>564</sup> This lack of coherence supported ‘the perception that there is a permanent double standard when it comes to reform and democratisation in the Middle East’,<sup>565</sup> sending a message to other Islamist movements in the region that their participation in the democratic system is unwelcome.

The second threat to the EU’s coherence derived from the conditions it placed on Hamas, and the way it introduced this policy. The EU had not required any renunciation of violence, acceptance of previous peace agreements, or recognition of Israel when it encouraged Hamas to participate in the Palestinian electoral process, and its sudden insistence that Hamas meet these criteria if it was to receive EU support, once elected, lacked coherence.<sup>566</sup> The conditions themselves posed other contradictions. The first two requirements were particularly unfair, given that Israel had never been

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<sup>562</sup> EUPOL COPPS, p. 1.

<sup>563</sup> Michelle Pace, 'The Construction of EU Normative Power', *Journal of Common Market Studies* 45:5 (December 2007), p. 1057.

<sup>564</sup> Michelle Pace, 'Paradoxes and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power', *Democratization* 16:1 (February 2009), p. 46.

<sup>565</sup> Pace, 'Paradoxes and Contradictions', p. 47.

<sup>566</sup> FRIDE, pp. 6-7.

asked to renounce violence, and that ‘most of the provisions of the various Oslo agreements had already been violated by *both* sides before the second intifada ... and have become largely obsolete since then’.<sup>567</sup> Additionally, although the Oslo agreements had been preconditioned on the PLO’s and Israel’s mutual recognition, Israel’s Oslo negotiators had adamantly rejected any reference to the state of Palestine;<sup>568</sup> the Quartet’s last condition, that Hamas recognise Israel, represented a continuation of this asymmetry. It was also rather vague, not specifying which ‘Israel’, with which borders, Hamas should recognise. Hamas political chief Khalid Mishal brought up this point when he visited Moscow in March 2006, stating that ‘Israel must withdraw to the 1967 borders ... if it wants peace’.<sup>569</sup>

The third threat to the EU’s coherence derived from the way the boycott challenged the EU’s previous commitment to peace in the Palestinian territories. Though boycotting the Hamas-run PA while Hamas refused to recognise Israel, renounce violence, or adhere to previous peace agreements may have agreed on paper with the EU’s commitment to the peace process, it could equally be viewed as a wavering of the EU’s dedication. Since the signing of the Oslo accords, the EU had used its support of the PA to represent its broader endorsement of the peace process; withdrawing diplomatic contact and funding from the Oslo accords’ major outcome could be seen as giving up on – or at least taking a lacklustre approach towards – the peace process in general. At the Palestinian level, as Muriel Asseburg notes, the funding withdrawal also ‘undermined’ the EU’s ‘proclaimed aim of peaceful conflict settlement among Palestinians’, since adherents of Fatah ‘interpreted the West’s stance as tacit encouragement to hover in the wings in the hope of retaking power upon an early collapse of the Hamas

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<sup>567</sup> My italics in Le More’s quote. Additionally, Noam Chomsky notes that ‘while Israel formally accepted the Road Map, it attached 14 reservations that eviscerate it’. Karen E. Smith points out that the boycott ‘ignored the fact that several of the EU’s partners elsewhere don’t recognise Israel or necessarily “accept” existing peace agreements’. Anne Le More, ‘The Dilemma of Aid to the PA after the Victory of Hamas’, *The International Spectator* 2 (2006), p. 87. Noam Chomsky, ‘Guillotining Gaza’, *Information Clearing House*, 30 June 2007, retrieved 17 April 2009 from <http://www.informationclearinghouse.info/article18092.htm>; Karen E. Smith, p. 159.

<sup>568</sup> Charles D. Smith, pp. 438-439.

<sup>569</sup> ‘Hamas: Peace with Israel for Withdrawal to ’67 Borders’, *Y-Net News*, 3 March 2006, retrieved 28 June 2009 from <http://www.ynetnews.com/articles/0,7340,L-3223438,00.html>.



government'.<sup>570</sup> Not only did this deter Fatah from 'transforming itself into an effective and democratic opposition', but 'some Fatah elements' also believed the West would support their recovering power by force if necessary – and this attitude was 'further hardened by [subsequent] arms shipments and military training for 'Abbas's forces' by the US.<sup>571</sup> It is clear, even without discussing the unintended effects of the Quartet's stance, that it did not cohere with the EU's previously stated values or policies relating to the Palestinians.

Unfortunately, the Quartet's policy against Hamas had more immediate, and damaging, effects than simply reducing the EU's ability to be seen as a coherent agent that acted in line with its own established values. As the next section will show, the Quartet-led financial boycott had devastating effects on the Palestinian population, and the EU's use of its economic tools was not only inconsistent with its values and previous policies, but it was also ineffective in achieving the EU's stated goals for peace and prosperity in the Palestinian territories. With the rest of the Quartet, the EU had 'hoped to force Hamas to change or [to] persuade the Palestinians to oust it'.<sup>572</sup> But as later sections will show, although the aid withdrawal eventually destabilised Palestinian life, and subsequently the Hamas-led government, and although the new Hamas-Fatah unity coalition (though not Hamas per se) committed to recognising past agreements, this represented only a partial victory for both Quartet goals. Yet as we will see, direct assistance was only restored when the unity government collapsed – and then only to the Fatah government in the West Bank. In Gaza, the Palestinians remain subject to inefficient Hamas-bypassing funding mechanisms, and the EU remains a conflicted, incoherent, and (with individual member-states speaking out against the policy) increasingly inconsistent, agent.

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<sup>570</sup> Muriel Asseburg, 'Palestine: EU Policies Frustrate Policy Aims', *Arab Reform Bulletin*, 5:1 (February 2007), retrieved 27 August 2007 from [http://www.carnegieendowment.org/files/asseburg\\_feb071.pdf](http://www.carnegieendowment.org/files/asseburg_feb071.pdf), p. 2; For details on the arms and training the US provided Fatah's forces in order to oust Hamas from power, see David Rose, 'The Gaza Bombshell', *Vanity Fair*, (April 2008), retrieved 12 June 2009 from <http://www.vanityfair.com/politics/features/2008/04/gaza200804>.

<sup>571</sup> Asseburg, 'Palestine: EU Policies Frustrate Policy Aims', p. 2.

<sup>572</sup> International Crisis Group, *After Mecca: Engaging Hamas*, Middle East Report No. 62, 28 February 2006a, p. i.

*The EU's Hamas boycott and the Temporary International Mechanism:  
Incoherent, ineffective, and detrimental to the Palestinians*

The Palestinian territories are heavily reliant on international funding,<sup>573</sup> and the EU is their largest donor, with a long history of financial and technical support.<sup>574</sup> In withdrawing budgetary assistance, the EU and the rest of the international community meted out ‘a form of collective punishment ... on the Palestinian people’,<sup>575</sup> crushing an economy that was already enervated by Israeli occupation – especially the increasingly restrictive checkpoints throughout the Palestinian territories – as well as by the chaos that had ruled since the outbreak of the second intifada. As shown in Figure 2, when Hamas was elected, the PA faced annual operating costs of between \$1.8 billion and \$2.0 billion.<sup>576</sup> Before the boycott, as shown in the graph below, approximately 21 per cent of this sum was raised via the PA’s own taxes and income, about a third came through ‘taxes, tariffs and other fees’ collected and passed on to the PA by Israel, and around 17 to 28 per cent was made up by AHLC donations given largely by Arab states, the EU, and its member-states, leaving the remaining 14 to 31 per cent to be generated ‘by “running down [PA] assets, selling them, or borrowing against them”’.<sup>577</sup>

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<sup>573</sup> John Dugard, 'Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967', A/HRC/2/5, 5 September 2006, UN General Assembly, retrieved 15 June 2009 from

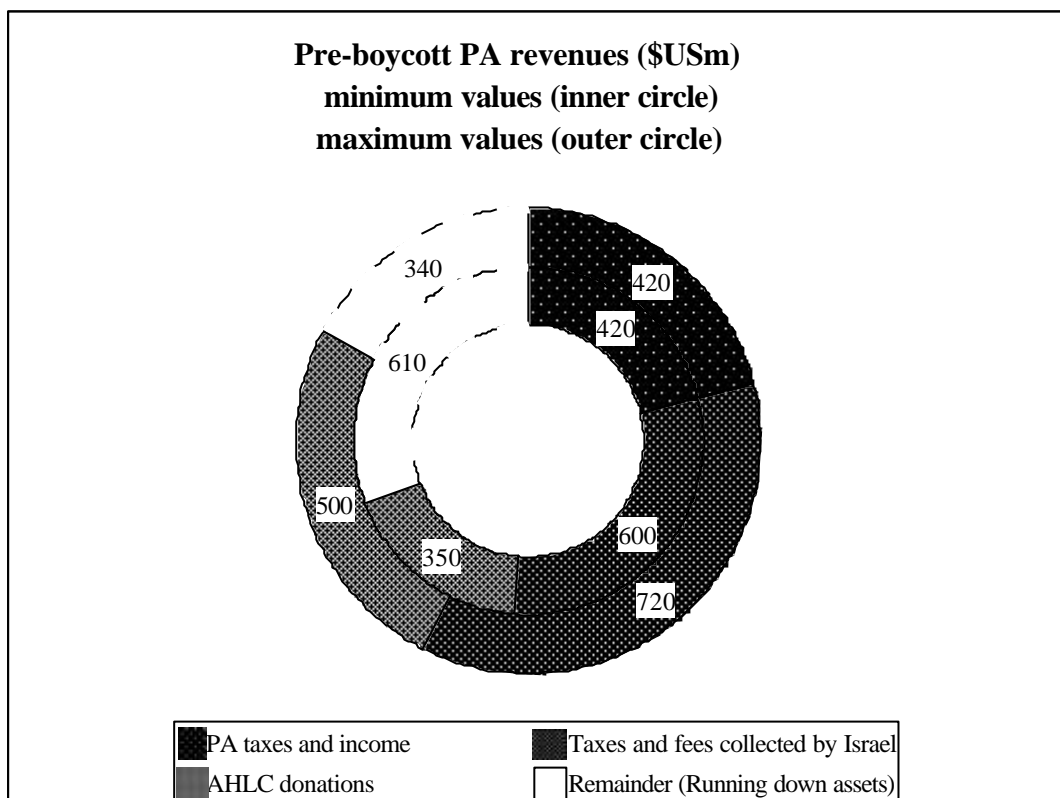
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/138/12/PDF/G0613812.pdf?OpenElement>, p. 20; International Crisis Group, *Palestinians, Israel and the Quartet: Pulling Back from the Brink*, Middle East Report No. 54, 13 June 2006c, pp. 21-22.

<sup>574</sup> European Commission, 'EU Practical & Financial Support for the Middle East Peace Process', *External Relations*, last modified 25 February 2009, retrieved 18 April 2009 from [http://ec.europa.eu/external\\_relations/mepp/practical/practical\\_en.htm](http://ec.europa.eu/external_relations/mepp/practical/practical_en.htm).

<sup>575</sup> Mandy Turner, 'Building Democracy in Palestine: Liberal Peace Theory and the Election of Hamas', *Democratization* 13:5 (December 2006), p. 750.

<sup>576</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 22.

<sup>577</sup> James Wolfensohn, cited and quoted in International Crisis Group, *Palestinians, Israel and the Quartet*, p. 22. Roughly similar proportions are given in the figures for 2005 published by the World Bank, *Coping with Crisis: Palestinian Authority Institutional Performance*, Jerusalem, November 2006, retrieved 5 April 2009 from <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/PAInstitutionalPerformanceNov.7.06.pdf>, p. 3.



**Figure 2: Before the boycott, the Palestinian Authority revenues from PA taxes, fees collected by Israel and AHLC donations varied between the minimum values in the inner circle and the maximum values in the outer circle; the white section shows the shortfall, which was made up from running down or capitalising assets**

The funding withdrawal saw the PA's gross revenues abruptly drop by 61 per cent from the previous year,<sup>578</sup> as the loss of Israeli-collected tax revenues and foreign donations also had the effect of depleting the Palestinian economic activity which generated the PA's domestic revenues.<sup>579</sup> A new level had been reached in what UNRWA already termed 'unprecedented macro-economic compression' in the Palestinian territories; although Israel had withheld the PA's tax revenues on previous occasions, the shortfall then had been alleviated by 'significant amounts of budget support' provided by Arab states and the EU.<sup>580</sup> Now, the EU was part of the boycott, and a threat

<sup>578</sup> World Bank, *Coping with Crisis*, p. 3.

<sup>579</sup> International Crisis Group, *After Mecca*, p. 3.

<sup>580</sup> These occasions were in 2000-2001 and again in 2002. As Dugard, p. 20, points out, 'in law Israel has no right to refuse to transfer this money, which belongs to the Palestinian Authority under the 1994 Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization (Paris Protocol).' UNRWA, *Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-Economic Impacts on Refugees and Non-*

by the US to blacklist any bank doing business with the PA meant that the Arab states had either to deposit their donations ‘in an Arab League account in Cairo (where no bank was prepared to transfer them to the PA treasury)’ or to redirect them to ‘Abbas’s office.’<sup>581</sup> The Arab states were also less inclined to provide assistance for fear of triggering a ‘tertiary boycott’ against themselves,<sup>582</sup> or concern that ‘a successful Hamas government [would] give a boost to their own Islamist movements’.<sup>583</sup>

The ‘economic strangulation’ caused by the financial boycott devastated Palestinian society.<sup>584</sup> The ICG points out that since the PA was the Palestinian territories’ ‘biggest employer, largest spender, and main service provider’, the Palestinians’ fortunes tended to closely reflect those of the government, which was ‘often ... the only barrier between subsistence and poverty’.<sup>585</sup> With private savings and investment having declined since the outbreak of the second intifada and the ensuing Israeli siege, the PA had assumed ‘an increasingly central economic role’; the economic activity it generated became more and more crucial for not only public sector employees, but also those working in the retail and service sectors.<sup>586</sup> According to John Dugard, the UN Special Rapporteur on Human Rights in the Occupied Territories, ‘about 1 million of Palestine’s 3.5 million people [were] directly affected by the non-payment of salaries to some 152,000 civil servants (and their families), but the whole population has suffered indirectly’.<sup>587</sup> In the first two quarters of 2006, UNRWA found that:

The PA fiscal crisis resulted in an estimated decline of more than [\$]500 million in ... household income ... As a result, real per capita consumption levels (including external assistance) declined by about 12 per cent, with food consumption down by 8 percent and non-food consumption down 13

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*Refugees*, UNRWA, November 2006, retrieved 8 April 2009 from [http://www.un.org/unrwa/news/SocioEconomicImpacts\\_Nov06.pdf](http://www.un.org/unrwa/news/SocioEconomicImpacts_Nov06.pdf), p. I.

<sup>581</sup> International Crisis Group, *After Mecca*, p. 3.

<sup>582</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, pp. 23-24.

<sup>583</sup> Turner, p. 750.

<sup>584</sup> Dugard, p. 20.

<sup>585</sup> International Crisis Group, *After Mecca*, p. 2.

<sup>586</sup> International Crisis Group, *After Mecca*, p. 2; World Bank, *Coping with Crisis*, pp. 7-8.

<sup>587</sup> Dugard, p. 20.

per cent relative to second-half 2005. **This increased the number of deep poor from an average of 650,800 in second-half 2005 to an average of 1,069,200 in first-half 2006—a 64.3 percent increase.** The individual deep poverty rate climbed from 17.3 to 27.5 percent as between these two periods.<sup>588</sup>

Adding insult to injury, the financial crisis severely decreased the PA's ability to supply social services to its poverty-stricken citizens. The World Bank reported delays of over five months for the 47,000 families qualifying for welfare payments through the 'Social Hardship Case programme',<sup>589</sup> and Dugard described how, with the PA being 'responsible for over 70 per cent of schools and 60 per cent of health-care services ... , both education and health care [had] suffered substantially'.<sup>590</sup> Unpaid health workers were 'simply unable to pay for transportation to the workplace;' medications were 'in short supply;' hospitals were unable to properly provide for kidney dialysis and cancer patients; and 'as a result of closures and the refusal of permits,' it had become 'particularly difficult' to transfer patients to other hospitals within the Palestinian territories, and especially to Egypt or Israel.<sup>591</sup>

The EU and the Quartet had intended to pressure Hamas, but not to cause Palestinians to starve.<sup>592</sup> The Quartet therefore 'responded to the negative effects of its own policy'<sup>593</sup> by endorsing the EU's implementation of a Temporary International Mechanism (TIM) designed by the European Commission to channel aid 'directly to the Palestinians while bypassing the PA'.<sup>594</sup> The introduction of the TIM amplified the (earlier-noted) trend to

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<sup>588</sup> UNRWA, p. iii (emphasis in original).

<sup>589</sup> World Bank, *Coping with Crisis*, p. 3.

<sup>590</sup> Dugard, p. 20.

<sup>591</sup> Dugard, p. 20.

<sup>592</sup> Asseburg, 'Palestine: EU Policies Frustrate Policy Aims', p. 1.

<sup>593</sup> Jonathan Whittall, "'It's Like Talking to a Brick Wall': Humanitarian Diplomacy in the Occupied Palestinian Territory', *Progress in Development Studies* 9:1 (2009), pp. 39-40.

<sup>594</sup> Oxfam International, 'Poverty in Palestine: The Human Cost of the Financial Boycott', Oxfam Briefing Note, April 2007, retrieved 9 April 2009 from [http://www.oxfam.de/download/Palestinian\\_Aid\\_Crisis.pdf](http://www.oxfam.de/download/Palestinian_Aid_Crisis.pdf), p. 5; European Commission, 'Temporary International Mechanism (TIM)', *External Cooperation Programmes*, last modified 19 July 2008, retrieved 20 April 2009 from

replace economic development assistance with humanitarian aid that had emerged during the second intifada. Progressively implemented from late June 2006, the TIM operated through three ‘windows’ – one supporting hospitals and clinics; one concentrating on water access and energy supply; and one providing social allowances to ‘the poorest segment of the population and to key workers delivering essential public services’.<sup>595</sup> Between June 2006 and 31 March 2008, when its (six times extended) mandate ended, the EU had contributed €455 million to the TIM and over 150,000 households – over a quarter of the Palestinian population – had benefited from the TIM’s social allowances.<sup>596</sup> At best, though, the TIM was only a mixed success for EU agency. On one hand, it demonstrated an attempt by the EU to differentiate itself from the (non-contributing) US,<sup>597</sup> and to realign its actions with its stated commitment to the Palestinian people. On the other hand, as Oxfam noted, ‘while the TIM has undoubtedly provided much-needed assistance to some of the poorest Palestinians, it has been unable to prevent the decline in the humanitarian situation as a whole’.<sup>598</sup> This deterioration was highlighted in February 2007 when the UN’s World Food Programme (WFP) and Food and Agriculture Organisation (FAO) reported that around 34 per cent of Palestinians were ‘food insecure’ – unable to access the minimum food required for ‘a healthy and active life’ – and that another 12 per cent were at risk of becoming so.<sup>599</sup>

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[http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied\\_palestinian\\_territory/tim/index\\_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied_palestinian_territory/tim/index_en.htm).

<sup>595</sup> Window I, which was a collaboration between the EU and the World Bank, was termed the Emergency Services Support Programme (ESSP); Window II was called the Interim Emergency Relief Contribution (IERC); and Window III was known as the Cash-Transfere Scheme (CTS). European Commission, ‘Temporary International Mechanism (TIM)’; Asseburg, ‘Palestine: EU Policies Frustrate Policy Aims’, p. 1; World Bank, *Coping with Crisis*, pp. 3-4.

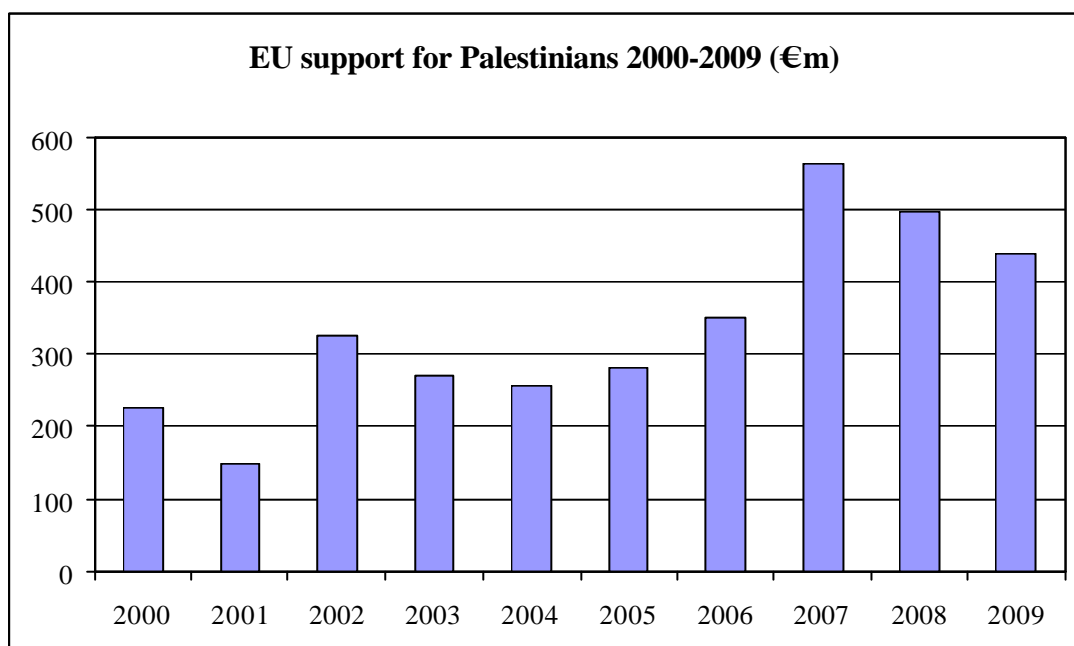
<sup>596</sup> Europa, *Key Facts on PEGASE and TIM*, 31 March 2008, retrieved 21 April 2009 from [http://www.delwbg.ec.europa.eu/en/tim/English\\_Website/Key%20Facts.pdf](http://www.delwbg.ec.europa.eu/en/tim/English_Website/Key%20Facts.pdf).

<sup>597</sup> In a report researched and written during August and September 2006, the International Crisis Group described the EU as being ‘alarmed at the vertiginous collapse of the West’s reputation in the Arab and Muslim worlds, worried about being tarnished by the same brush as the US, and mindful of domestic repercussions’ from its local Muslim and Arab populations. International Crisis Group, *The Arab-Israeli Conflict: To Reach a Lasting Peace*, Middle East Report No. 58, 5 October 2006b, p. 16.

<sup>598</sup> Oxfam International, p. 5.

<sup>599</sup> Donald Macintyre, ‘Half of Palestinians in West Bank and Gaza Malnourished’, *The Independent*, 22 February 2007, retrieved 15 June 2009 from <http://www.independent.co.uk/news/world/middle-east/half-of-palestinians-in-west-bank-and-gaza-malnourished-437343.html>; IRIN, ‘One-Third of Palestinians ‘Food Insecure’’, *The*

The report also noted ‘growing concerns about the sustainability of Palestinians’ resilience’ to the crisis.<sup>600</sup> Muriel Asseburg pointed out the incoherence in the EU’s simultaneously boycotting the PA and applying the TIM: while the TIM ‘certainly helped prevent a humanitarian catastrophe ... such a catastrophe was only [a] danger because of Western and Israeli policies’.<sup>601</sup> The TIM can be seen as the EU’s employment of one semi-effective economic mechanism to fix the problems caused by another. Constrained by the lack of coherency of its own policies, the EU prevented itself from exercising meaningful economic agency.



**Figure 3: EU support for Palestinians increased markedly since the TIM was introduced in mid-2006<sup>602</sup>**

The TIM’s effectiveness was compromised because bypassing the PA involved transferring the donors’ funds through a ‘multiplicity’ of less-than-

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*Electronic Intifada*, 22 March 2007, retrieved 15 June 2009 from <http://electronicintifada.net/v2/article6713.shtml>; World Food Programme, 'Poor Palestinians Unable Purchase Enough Food', *News*, 22 February 2007, retrieved 15 June 2009 from <http://www.wfp.org/news/news-release/poor-palestinians-unable-purchase-enough-food>.

<sup>600</sup> Macintyre, 'Half of Palestinians'.

<sup>601</sup> Asseburg, 'The Palestinian Hamas: Between Resistance, Reform, and Failure', p. 68.

<sup>602</sup> Europa, 'EC Support for the Palestinians 2000-2009', *External Relations*, retrieved 28 June 2009 from [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/ec\\_assistance/ec\\_aid\\_to\\_pa\\_2008\\_en.pdf](http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/ec_aid_to_pa_2008_en.pdf), p. 3.

transparent channels.<sup>603</sup> Not only were these inefficient, meaning that the EU's funding to the Palestinian territories actually had to increase (see Figure 3), but they also made it 'difficult to determine who gets paid how much, how often, and by whom', 'demolishing' the PA's Single Treasury Account – 'once the showcase of Palestinian reforms' – which had been designed to allow all PA expenditures and incomes to be traced back to a single source.<sup>604</sup> And there were other areas where the EU's anti-Hamas policy did not cohere with its previous insistence that the PA become more accountable and democratic. Hamas had promised to reform the PA's derelict institutions, but now it could neither pay government employees' salaries nor afford to improve the institutions in which they worked. In fact, the institutional reforms which the EU had previously successfully pressured the PA to achieve were now being reversed 'with explicit Western support', in order to strengthen President Mahmoud 'Abbas of Fatah against Prime Minister Ismail Haniya of Hamas.<sup>605</sup> As well as diminishing the nascent transparency of Palestinian fiscal arrangements by using the TIM to bypass the finance ministry, reforms in the PA's security arrangements were also being annulled; whereas the previous interior minister had held operational command over all security forces apart from the Presidential Guard, his Hamas successor 'was restricted to the duties outlined in the Basic Law,' – commanding only the Preventive Security Force (PSF), police, and civil defence, with control of general intelligence and the National Security Force (NSF) being de-devolved back to the President.<sup>606</sup> Rather than democratising Palestinian institutions, the EU and the international community were encouraging them to become less transparent and more autocratic.<sup>607</sup> The clear contrast with the EU's stated values of good governance (and with its

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<sup>603</sup> International Crisis Group, *After Mecca*, p. 6.

<sup>604</sup> International Crisis Group, *After Mecca*, p. 6; World Bank, *West Bank and Gaza Public Expenditure Review: From Crisis to Greater Fiscal Independence*, Volume 1, February 2007, retrieved 16 June 2009 from <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/PERVol1April07.pdf>, pp. vi-vii.

<sup>605</sup> Asseburg, 'The Palestinian Hamas: Between Resistance, Reform, and Failure', p. 69.

<sup>606</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 12.

<sup>607</sup> Katherine Lyons, *Fireworks in Palestine: The Brief Rise and Rapid Fall of the Palestinian Unity Government: A Research Report Presented in Partial Fulfilment of the Requirements for the Degree of BA (Hons) in Politics*, Palmerston North: Massey University, 2008, p. 48.



previous policies supporting these values) diminished the EU's ability to be seen as a coherent agent.

In this section we have examined the international boycott's ravaging effects on the Palestinian territories, which so contradicted the EU's commitment to supporting the Palestinians (and broader EU policies such as poverty-alleviation) that it was constrained to introduce the PA-bypassing TIM. This mechanism may be seen as an attempt to restore cohesion to the EU's Palestinian position, or equally as a further contradiction in EU agency, since it was designed to ease the effects of the EU's boycott policy. The TIM was also a much less effective and transparent way of distributing assistance, and – along with the boycott that inhibited reform of the PA's institutions, and the international community's acquiescence in the security forces' growing autocracy – it undermined the EU's previous commitment to good governance in the Palestinian territories. Having examined how the boycott undermined the EU's agency, we will now consider how the deployment of this economic tool strengthened hardliners within the movement, actually reducing the probability that Hamas would change. It was more successful in bringing about a change in government, as, in something of a Pyrrhic victory, it destabilised Palestinian social and political life so that a Hamas-Fatah national unity government formed and then collapsed, leaving Hamas reigning in Gaza and Fatah ruling in the West Bank. However, as we will see later, the Quartet demanded complete defeat or emasculation of Hamas before it would revoke its boycott. As neither of these goals was fully achieved, the boycott continued with only minor alterations throughout the term of the unity government, and although it was cancelled in the West Bank after Fatah assumed power there, it remains in place in Hamas-ruled Gaza.

*The boycott and the Quartet's goals: Only semi-successful*

The Quartet's attempt, via the boycott, to convince Hamas to change or to persuade the Palestinian public to expel it from power proved ineffectual. As

a number of authors have pointed out, Hamas is pragmatic and willing to compromise – even its running for the 2006 election was a compromise, as it had previously refused to stand candidates for a legislative assembly constructed by the Oslo negotiators;<sup>608</sup> Khaled Hroub was so struck by the evolution in Hamas’s ‘thinking and practice’ since its formation that he referred to a ‘New Hamas’.<sup>609</sup> In the lead-up to the 2006 election, several Hamas members had cautiously stated a willingness to recognise Israel, but the financial boycott stifled compromise, and pragmatism lost traction in Hamas.<sup>610</sup> The financial withdrawal also forced Hamas to look elsewhere for funding to alleviate the PA’s boycott-induced budgetary crisis, giving more influence to powers such as Syria and Iran.<sup>611</sup> The Quartet failed to convince Hamas to change its stance and was only slightly more successful in inspiring the Palestinians to oust it. The ICG observed in June 2006 that ‘discontent, while still palpably directed at the outside world, has begun to spill over to the government’.<sup>612</sup> However, despite protests calling for Hamas to ‘produce solutions or resign’, the ICG believed ‘it would be premature to speak of ... anything like majority support for unseating the government’.<sup>613</sup> The Quartet’s economic weapon seemed to have entirely missed its first target (to change Hamas) and barely winged its second (to persuade others Palestinians to oust it).

However, the financial boycott did worsen Fatah-Hamas relations, eventually enabling the Quartet to be portrayed as semi-successful. As the Palestinian economic crisis intensified, explosive clashes began to erupt between the rival movements’ supporters, overflowing into general discontent and clan feuds, and fuelling a growing sense of chaos and insecurity throughout the

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<sup>608</sup> Hamas claimed the Oslo process was illegitimate, as it was based on a Palestinian recognition of Israel. Its assertion in 1996 that it would not contest the first PLC election was softened somewhat when Hamas-affiliated ‘independents’ stood in some seats. Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence*, New York: Columbia University Press, 2000, p. 145; Azzam Tamimi, *Hamas: A History from Within*, Northampton: Olive Branch Press, 2007, pp. 193-194.

<sup>609</sup> Hroub, p. 6.

<sup>610</sup> Turner, pp. 750-751.

<sup>611</sup> Chas W. Freeman, Jr, quoted in Sherifa Zuhur, Ali Abunimah, Haim Malka and Shibley Telhami, ‘Hamas and the Two-State Solution: Villain, Victim or Missing Ingredient?’, *Middle East Policy* 15:2 (Summer 2008), p. 1; Tamimi, pp. 521-252.

<sup>612</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 8.

<sup>613</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, pp. 8-9.

Palestinian territories.<sup>614</sup> This sense was not helped by the fact that the traditional keepers of the peace, the Palestinian security forces, were instigating some of the fighting themselves. The security forces had previously been at the centre of a power struggle between President Arafat and Prime Minister 'Abbas. Now president himself, 'Abbas had reasserted 'presidential prerogative' to resume command over the NSF and general intelligence, and had transferred control of borders and crossings to his Presidential Guard (after the EU threatened to remove EUBAM Rafah if it had to deal with Hamas).<sup>615</sup> He had also appointed a Fatah loyalist who in 1996 had 'helped spearhead [an] anti-Islamist crackdown' in command of the interior ministry's forces, and announced plans to considerably increase the numbers Presidential Guard troops.<sup>616</sup> In addition to these threats to its authority, Hamas was also faced with the fact that the security forces it did oversee (the PSF, police, and civil defence) had for more than a decade been a vehicle for Fatah patronage, full of Fatah-loyalists, tasked with ensuring Israel's security by quashing the PA's 'terrorist' opponents, Hamas foremost amongst them.<sup>617</sup> The boycott's effects on the PA's budget also left the security forces poor, and 'armed and unpaid, they constitute[d] a formidable potential for anger and unrest'.<sup>618</sup> With Fatah officials stating that they would 'comply with a Hamas-led PA with as much respect as Hamas [had] complied with a Fatah-led PA', Hamas was threatened with becoming 'a general without an army'.<sup>619</sup> It therefore established its own 'auxiliary' Executive Support Force (ESF), sparking a series of clashes between the

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<sup>614</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, pp. 9-13; International Crisis Group, *After Mecca*, p. 28; Lyons, p. 49.

<sup>615</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 12; Macintyre, 'Abbas Takes Control of Crossing in Gaza as Tensions with Hamas Rise'.

<sup>616</sup> In late April the plan was to increase their ranks from 2,500 to 3,500, but a month later it was suggested this number might rise to 10,000. The name of the Fatah loyalist was Rashid Abu Shbak, and his official position was director general of internal security in the ministry of interior. International Crisis Group, *Palestinians, Israel and the Quartet*, p. 12; Mohammed Daraghme, 'Assuming Greater Control, Abbas Appoint Loyalist to Head Three Security Agencies', *The Financial Times*, 6 April 2006, retrieved 16 June 2009 from [http://www.accessmylibrary.com/coms2/summary\\_0286-14686040\\_ITM](http://www.accessmylibrary.com/coms2/summary_0286-14686040_ITM).

<sup>617</sup> Khaled Hroub, 'Hamas After Shaykh Yasin and Rantisi', *Journal of Palestine Studies* XXXIII:4 (Summer 2004), p. 23.

<sup>618</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 22.

<sup>619</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 12.

rival factions.<sup>620</sup> From May 'armed clashes were ... almost daily ... producing casualties', and despite the occasional 'lull' as the movements' leaders attempted to reach some compromise,<sup>621</sup> this pattern continued throughout 2006 and into 2007.<sup>622</sup>

The skirmishes between Hamas's and Fatah's various security forces, armed wings, and supporters defied the movements' (particularly Hamas's) tendencies towards pragmatism, but did not stamp them out completely. As civil war loomed on the horizon, the search for a peace agreement became more urgent.<sup>623</sup> In February 2007, at a conference brokered by Saudi Arabia, the movements' leaders finally solidified an agreement they had been working towards for some months.<sup>624</sup> Under the so-called Mecca agreement, 'Abbas sent Haniya a 'letter of commission', appointing him to form a new Palestinian government, and a 'preliminary agreement on the distribution of ministerial portfolios' spelled out a division of power which assigned nine of 24 ministerial portfolios (including that of Prime Minister) to Hamas, six to Fatah, five to independents and four to other Palestinian movements.<sup>625</sup>

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<sup>620</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 13; Greg Myre, ' Hamas-Led Government Deploys Security Force, Defying Abbas', *The New York Times*, 18 May 2006, retrieved 17 June 2009 from <http://query.nytimes.com/gst/fullpage.html?res=9507EEDD123EF93BA25756C0A9609C8B63&sec=&spon=&pagewanted=1>; International Crisis Group, *After Mecca*, p. 11.

<sup>621</sup> International Crisis Group, *Palestinians, Israel and the Quartet*, p. 15.

<sup>622</sup> International Crisis Group, *After Mecca*, pp. 13-15.

<sup>623</sup> International Crisis Group, *After Gaza*, Middle East Report No. 68, 2 August, 2007, p. 4.

<sup>624</sup> International Crisis Group, *After Mecca*, p. 18; 'The Text of the Mecca Agreement', *Al Ayyam*, 9 February 2007. Trans. Jerusalem Media and Communication Center, retrieved 12 April 2009 from <http://www.jmcc.org/new/07/feb/meccaagree.htm>.

<sup>625</sup> Some of these portfolios were allocated quite specifically in the agreement. It specified that

- 'Abbas would appoint the deputy Prime Minister,
- 'independent' former finance minister Salam Fayyad would resume this post (in fact, although the Mecca Agreement specifies Fayyad as an independent, he is the leader of the Third Way party, which, including Fayyad, has two representatives in the PLC),
- independent Ziad Abu Amr would take up the post of foreign minister
- that Hamas would appoint an independent approved by 'Abbas as interior minister.

International Crisis Group, *After Mecca*, p. 18; Mahmoud Abbas, 'The Text of the Letter of Commissioning from President Abbas to Hanieh', *Al Ayyam*, 9 February 2007. Trans. Jerusalem Media and Communication Center, retrieved 12 April 2009 from <http://www.jmcc.org/new/07/feb/haniehcomisionlet.htm>; The Associated Press, 'Text of Mecca Accord for Palestinian Coalition Government', *Ha'aretz*, 8 February 2007, retrieved 12 April 2009 from <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=823792&contrassID=1&subContrassID=0&sbSubContrassID=0>; 'Preliminary Agreement on the Distribution of Ministerial

Through the pressure it applied via the boycott, the Quartet (in practice, largely the EU, since the EU had been the principal contributor) had changed the Hamas-led government to a Fatah-Hamas-led unity government. It had also made significant progress towards getting Hamas to accept previous peace agreements: the letter of commission called on Haniya to ‘work on achieving [the Palestinians’] national goals as ratified by the resolutions of the PNC, ... the Basic Law, ... the national conciliation document, and [the resolutions of] Arab summits,’ and ‘based on this’ to ‘respect’ Arab and international resolutions and ‘the agreements signed by the PLO’.<sup>626</sup> Haniya’s pledge to respect past agreements, though it involved no commitment on the part of Hamas, was a step towards meeting one of the Quartet’s conditions for ending the boycott. In addition, the inclusion of Fatah and other factions in the government, combined with Hamas’s minimised role in the new government’s executive represented a step towards Quartet’s other goal of removing Hamas from power. The EU’s economic agency had played a significant part in this.

As the major economic force behind the Quartet’s semi-success, the EU might have been expected to celebrate the partial victory. But that victory’s incomplete, inconclusive nature left the EU unsure how to react. The next section explains how the constraints of the semi-victory combined with the EU’s multi-member character to produce a cautious ‘wait and see’ approach, followed by a conservative policy of maintaining the financial boycott while resuming contact with non-Hamas PA members.

*The EU’s response to the unity government:*

*Constrained by opportunity and by its own character*

Constrained by its multi-membered character, the EU responded cautiously to the proposal of the Palestinian unity government. Despite calls from France in particular that the EU ‘move more quickly to offer early

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Portfolios', *Al Ayyam*, 9 February 2007. Trans. Jerusalem Media and Communication Center, retrieved 12 April 2009 from <http://www.jmcc.org/new/07/feb/unitygovminist.htm>.

<sup>626</sup> Abbas.

encouragement to the new Palestinian Cabinet', perhaps even without insisting that Hamas explicitly recognise Israel, the EU announced in early March that it would maintain a 'wait and see' approach towards re-engaging with the PA until it had assessed the unity government's programme and actions.<sup>627</sup> Including the PA's actions in the assessment indicated an EU inclination towards pragmatism,<sup>628</sup> contrasting with its earlier knee-jerk decision to boycott an untested government. At the Spring European Council summit held in Brussels a few days later, the member-states praised the progress at Mecca – particularly the implicit recognition of Israel – but concluded that the EU would 'only resume direct financial aid payments to the [PA]' if it met the Quartet's conditions.<sup>629</sup> The Quartet echoed the EU's cautious leanings towards future pragmatism; it declared that the now newly sworn-in government would be assessed on its actions as well as its platform, and it endorsed the continued delivery of assistance via the TIM while it evaluated the situation.<sup>630</sup> While (following the lead of non-EU members Norway and Russia) France, Sweden, Italy and Spain indicated 'a certain willingness or propensity to deal with the government',<sup>631</sup> Germany and the Netherlands remained reluctant to end the boycott of Hamas.<sup>632</sup> The EU

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<sup>627</sup> Associated Press, 'EU Mulls Response to PA Government', *The Jerusalem Post*, 5 March 2007, retrieved 20 April 2009 from <http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1171894576543>.

<sup>628</sup> Paul Morro, *CRS Report for Congress: International Reaction to the Palestinian Unity Government*, 9 May 2007, retrieved 20 April 2009 from <http://italy.usembassy.gov/pdf/other/RS22659.pdf>, p. 4.

<sup>629</sup> Associated Press, 'EU Likely to Affirm Support for PA Gov't', *The Jerusalem Post*, 9 March 2007, retrieved 20 April 2009 from <http://www.jpost.com/servlet/Satellite?cid=1173173970086&pagename=JPost%2FJPArticle%2FShowFull>.

<sup>630</sup> This statement was much more in line with EU and Russian thinking than a pronouncement the Quartet made in early February, which insisted for that first time that the PA must 'commit' to the Quartet's principles rather than merely 'reflect' them. According to Nathan Guttman, the stronger-than-usual wording 'seemed to indicate that the United States had the upper hand in the debate over isolating Hamas'. Presumably, as the EU became more coherent in its position, it became better able to articulate its views, and to push for the pragmatism shown in the March statement. Shmuel Rosner and Associated Press, 'Quartet: PA Gov't will be Evaluated on Actions, Not Just Platform', *Ha'aretz*, 21 March 2007, retrieved 20 April 2009 from <http://www.haaretz.com/hasen/spages/840420.html>; Nathan Guttman, 'Quartet Stands Firm on Sanctions Against the P.A.', *Forward*, February 9 2007, retrieved 16 June 2009 from <http://www.forward.com/articles/10048/>.

<sup>631</sup> Khaled Amayreh, 'Unity at Last', *Al-Ahram Weekly*, 22-28 March 2007, retrieved 20 April 2009 from <http://weekly.ahram.org.eg/2007/837/re4.htm>.

<sup>632</sup> Slobodan Lekic, 'EU Stance on New Palestinian Government at Top of Agenda for Foreign Ministers', *Financial Times*, 4 March 2007, retrieved 16 June 2007 from [http://www.accessmylibrary.com/coms2/summary\\_0286-29846042\\_ITM](http://www.accessmylibrary.com/coms2/summary_0286-29846042_ITM); 'EU Adopts Wait

therefore retained its characteristic caution, its agency hindered by its multi-membered nature.

On March 31<sup>st</sup>, after a fortnight of unity government, the EU foreign ministers agreed to engage with the PA's non-Hamas members – including the finance minister, the interior minister, and the foreign minister – and to 'revise' its boycott of the government.<sup>633</sup> It offered Finance Minister Salam Fayyad 'technical assistance to get his finance ministry in order', without resuming direct aid.<sup>634</sup> The package, not launched till June 11<sup>th</sup>, was a two-year, €4 million project to ensure 'that Palestinian taxpayers' money is spent effectively and that all expenditures are accounted for to the highest international standards'.<sup>635</sup> The EU also promised to restart 'a major two-year programme of assistance to the [PA] Customs Department', and to renew assistance to the PA Tax Administration.<sup>636</sup> The slow thawing of financial relations with the non-Hamas parts of the PA shows how constrained the EU felt. The fact that the unity government only partially met the Quartet's conditions exacerbated existing EU divisions about how to deal with the PA; the EU's lack of consistency initially produced a weak 'wait and see' approach and later, another compromise; the resumption of contact with ministers and ministries which were not associated with Hamas.

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and Watch Policy: Feels Too Early to Resume Aid to Palestinian Authority', *New Europe*, 17 March 2007, retrieved 16 June 2009 from [http://www.neurope.eu/view\\_news.php?id=71654](http://www.neurope.eu/view_news.php?id=71654).

<sup>633</sup> 'EU to Deal with Non-Hamas Ministers', *Al Jazeera*, 31 March 2007, retrieved 20 April 2009 from <http://english.aljazeera.net/news/europe/2007/03/2008525123132873508.html>.

<sup>634</sup> DW staff / AFP, 'EU Says No to Aiding Palestinian Unity Government', *Deutsche Welle*, 11 April 2007, retrieved 20 April 2009 from <http://www.dwworld.de/dw/article/0,2144,2439662,00.html>.

<sup>635</sup> ECTAO, 'European Union Renews Support to Ministry of Finance', *What's New?*, 11 June 2007, retrieved 20 April 2009 from [http://www.delwbg.ec.europa.eu/en/whatsnew/eu\\_news.htm](http://www.delwbg.ec.europa.eu/en/whatsnew/eu_news.htm).

<sup>636</sup> ECTAO, 'European Union Renews Support to Ministry of Finance', 'EU Renews Support'.

*The fall of the unity government:*

*A new opportunity for EU agency in the West Bank, but more of the same in Gaza*

Just three days after the EU announced its resumption of aid to the finance ministry, it was presented with an opportunity for increased consistency and cohesion, and to realign with its previously-stated shared values towards the Palestinians. This opportunity was the collapse of the unity government, an event brought about by the same boycott-induced instability that had led to its formation.<sup>637</sup> The Mecca agreement failed to dispel the tensions between the adherents of the rival movements, not least because the international community kept up its isolation of Hamas. Its favouritism manifested itself most fatefully in June 2007, when Hamas got wind of a coup that would be launched by Fatah and supported by the US, who had for several months been covertly funding and supplying weapons to Fatah with the intention of helping it unseat Hamas.<sup>638</sup> Hamas pre-empted the putsch, launching its own attack which on June 13<sup>th</sup> chased Fatah from Gaza; President 'Abbas responded by denouncing the 'coup', dismissing the unity government, calling a state of emergency, and appointing an 'emergency government' in the West Bank.<sup>639</sup> Though this move was unconstitutional,<sup>640</sup> the EU, and even more, the US, embraced the change. Neither began funding Hamas,

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<sup>637</sup> Lyons, p. 57.

<sup>638</sup> Some aspects of this support had occurred quite openly too. In January 2007 the US Congress approved 'a \$86.3 million aid and assistance package focused on security forces under the PA president's authority, in particular the National Security Forces and Presidential Guard'. International Crisis Group, *After Gaza*, p. 9; Rose, p. 1.

<sup>639</sup> International Crisis Group, *After Gaza*, p. 1; Aluf Benn, Amos Harel, Shmuel Rosner and Avi Issacharoff, 'Hamas Conquers Gaza Strip', *Ha'aretz*, 16 June 2007, retrieved 20 April 2009 from <http://www.haaretz.com/hasen/spages/871283.html>; 'Fatah Militants Storm Parliament', *BBC News*, 16 June 2007, retrieved 20 April 2009 from [http://news.bbc.co.uk/2/hi/middle\\_east/6759567.stm](http://news.bbc.co.uk/2/hi/middle_east/6759567.stm); Isabel Kershner and Taghreed El-Khodary, 'Abbas Swears In Emergency Government', *New York Times*, 18 June 2007, retrieved 20 April 2009 from <http://www.nytimes.com/2007/06/18/world/middleeast/18mideast.html>.

<sup>640</sup> As the International Crisis Group explains, 'Hamas claims the government headed by Ismail Haniya remains the legitimate one, insofar as it reflects electoral and parliamentary realities. Fatah and President 'Abbas argue that the Gaza authorities are born of an illegal coup, and legitimacy resides in the interim government headed by Salam Fayyad. That government, in turn, is decried as unconstitutional by many who point out it has no basis in the Palestinian Basic Law, since it never was approved by the Legislative Council.' International Crisis Group, *Ruling Palestine I: Gaza Under Hamas*, Middle East Report No. 73, 19 March, 2008, p. 1. Yezid Sayigh, 'Inducing a Failed State in Palestine', *Survival* 49:3 (Autumn 2007), p. 24.



which retained its leadership over an ever-more poverty-stricken Gaza, but both seized the opportunity to resume full direct funding of the PA in the West Bank.<sup>641</sup> The European Council released a statement on June 18<sup>th</sup> promising to ‘resume normal relations with the PA immediately’, and to ‘develop the conditions for urgent practical and financial assistance’, which (along with resuming EUPOL COPPS to assist the West Bank’s Palestinian Civilian Police, and resuming EUBAM to help at the Rafah border crossing) included resuming ‘direct financial support for the government’ and ‘intensive efforts to build the institutions of the future Palestinian state’.<sup>642</sup> Within the West Bank, the EU was realigned with its commitment to supporting the Palestinian governing and security institutions, and alleviating poverty. As Fatah had not won an election the EU could not be said to be supporting democracy in backing 'Abbas’s new government (which Hamas refused to recognise), but it was at least supporting its values of transparency and accountability once more.

Within the Gaza Strip, though, the EU’s policy remained as incoherent as ever. Condemning Hamas for the coup,<sup>643</sup> but promising to ‘do its utmost to ensure the provision of emergency and humanitarian assistance to the population of Gaza, whom it will not abandon’,<sup>644</sup> it both renewed the TIM’s mandate and maintained Hamas’s financial and diplomatic isolation; this kept its policy consistent with its stance since Hamas’s election, but also, therefore, in violation of its commitments to democracy, transparency, and effective poverty reduction. The restored policy coherence in the West Bank may have briefly brought the member-states closer together and internal tensions over policy towards the PA may have reduced, but the deteriorating situation in the Gaza Strip meant that any satisfaction was short-lived. Even

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<sup>641</sup> 'US, EU Restore Palestinian Ties', *BBC News*, 18 June, retrieved 23 April 2009 from [http://news.bbc.co.uk/2/hi/middle\\_east/6764541.stm](http://news.bbc.co.uk/2/hi/middle_east/6764541.stm); Donald Macintyre, 'Aid Boycott Lifted to Reward Abbas for New Government', *The Independent*, 19 June 2007, retrieved 23 April 2009 from <http://www.independent.co.uk/news/world/middle-east/aid-boycott-lifted-to-reward-abbas-for-new-government-453729.html>.

<sup>642</sup> Council of the European Union, *Council Conclusions on Middle East Peace Process*, Luxembourg, 18 June 2007, retrieved 23 April 2009 from [http://www.delwbg.ec.europa.eu/en/whatsnew/council\\_conc.htm](http://www.delwbg.ec.europa.eu/en/whatsnew/council_conc.htm).

<sup>643</sup> International Crisis Group, *After Gaza*, pp. 28-30.

<sup>644</sup> Council of the European Union, *Council Conclusions*.

the EU's more pro-Quartet member-states were divided over continued isolation of Hamas; in August 2007, a British foreign affairs select committee found that the boycott had failed to 'deliver results,' concluding that 'any attempts to pursue a "West Bank first" policy would risk further jeopardising the peace process'.<sup>645</sup> In response, the British Foreign Office said that it was 'not unreasonable to expect that engagement should be based on the three conditions'.<sup>646</sup> Such attitudes limited the EU's agency in the Palestinian territories.

In the meantime – despite the indirect assistance provided by the TIM – the Palestinians in Gaza were sinking deeper into poverty. Israel's sanctions following Hamas's electoral victory increased markedly in Gaza after Hamas assumed control there, and with Gaza particularly dependent on Israeli entry and exit points for access to the outside world, Israel's dramatic constriction of cross-border passenger and goods traffic was 'devastating' to Gaza's economy.<sup>647</sup> The World Bank reported that 'the current closure policy ... has eroded [Gaza's] economic backbone in a manner that is difficult to reverse', badly affecting Gaza's agriculture sector, leading to 'the suspension of 95 [per cent] of Gaza's industrial operations' and ultimately 'transforming Gaza into a consumer economy driven by public sector salaries and humanitarian assistance only'.<sup>648</sup> But although EUSR Mark Otte spoke out against Israel's tactics, stating that 'the implications of Israeli activity may be that Gaza becomes Somalia',<sup>649</sup> the EU 'kept its own Gaza boycott intact'.<sup>650</sup> As had been the case since before Hamas's takeover, the humanitarian aid the EU distributed through the TIM and UNRWA mitigated the crisis, but did

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<sup>645</sup> House of Commons Foreign Affairs Committee, 'Eighth Report', *Session 2006-07*, prepared 13 August 2007, retrieved 27 April 2009 from <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmfa/363/36302.htm>.

<sup>646</sup> Simon Rabinovitch, 'Boycott of Hamas is Counterproductive - British MPs', *Reuters AlertNet*, 13 Aug 2007, retrieved 20 April 2009 from <http://www.alertnet.org/thenews/newsdesk/L13703981.htm>.

<sup>647</sup> International Crisis Group, *Ruling Palestine I*, p. 1.

<sup>648</sup> World Bank, *Investing in Palestinian Economic Reform and Development: Report for the Pledging Conference*, Paris, 17 December, 2007, retrieved 27 April 2009 from <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/294264-1166525851073/ParisconferencepaperDec17.pdf>, p. 8.

<sup>649</sup> Somalia is widely seen as a 'failed state', where poverty and lawlessness prevail. Barak Ravid, 'EU Envoy: Gaza Strip Could Turn into Somalia', *Ha'aretz*, 8 February 2008, retrieved 27 April 2009 from <http://www.haaretz.com/hasen/spages/951934.html>.

<sup>650</sup> International Crisis Group, *Ruling Palestine I*, p. 3.

‘nothing to revive [the] devastated economy’;<sup>651</sup> food aid and remittances reduced the deep poverty rate in Gaza from the nearly 67 per cent it totalled otherwise, but the rate was nevertheless ‘certainly higher’ than the 2006 figure of 35 per cent; and the crisis was far from improving, with unemployment (nearly 33 per cent, compared with around 19 per cent in the West Bank) predicted to rise to over 50 per cent by mid-2008.<sup>652</sup> As the ICG explained, with international donors ‘substituting humanitarian aid for development assistance’ there was little hope of an economic recovery, and ‘most Gazans’ were essentially turned into ‘wards of the international community’.<sup>653</sup> Nathan J. Brown similarly argued that the ‘cumulative effect’ of Israel’s and the international community’s actions ‘has been to convert a densely populated and poor region into an internationally-supplied welfare project’, and that rather than executing ‘calibrated pressure’ to weaken, discredit or oust Hamas – or even to press it to end rocket strikes against Israel – the international community had orchestrated a farcical tragedy:

The result ... is better described as an attempt to shut down an economy encompassing a million and a half people combined with an international effort to mitigate the most severe effects of engineered economic collapse.<sup>654</sup>

The contradictory, incohesive international policy in Gaza was also ineffective. Whereas, prior to the political division of the Palestinian

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<sup>651</sup> International Crisis Group, *Ruling Palestine I*, p. 4.

<sup>652</sup> World Bank, *Investing in Palestinian Economic Reform and Development*, pp. 6-7; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘The Closure of the Gaza Strip: The Economic and Humanitarian Consequences’, *OCHA Special Focus: Occupied Palestinian Territory*, (December 2007), retrieved 28 April 2009 from [http://www.ochaopt.org/documents/Gaza\\_Special\\_Focus\\_December\\_2007.pdf](http://www.ochaopt.org/documents/Gaza_Special_Focus_December_2007.pdf), p. 2. The figures reported by these two sources are close, but not identical, partly because they would have been recorded at slightly different times, and partly because – as noted by the International Crisis Group – ‘post June-2007 figures should be treated cautiously ... As a result of isolation, there is far less reliable data.’ International Crisis Group, *Ruling Palestine I*, p. 2.

<sup>653</sup> International Crisis Group, *Ruling Palestine I*, p. 4. According to United Nations Office for the Coordination of Humanitarian Affairs (OCHA), p. 2, ‘more Gazans than ever are almost entirely dependent on food aid and direct assistance’, with 80 per cent of Gazan families receiving humanitarian aid in December 2007, compared with 63 per cent in 2006.

<sup>654</sup> Nathan J. Brown, ‘The Road out of Gaza’, *Policy Outlook*, Carnegie Endowment for International Peace, February 2008, retrieved 28 April 2009 from [http://www.carnegieendowment.org/files/brown\\_gaza\\_final.pdf](http://www.carnegieendowment.org/files/brown_gaza_final.pdf), pp. 1-4.

territories, the Quartet's isolation policy had aimed at draining away Hamas's popularity, now there was nowhere for its support to drain to. Hamas was able to 'rule largely unimpeded', as the ICG points out, and while 'Gazans are turning against the Islamists', there was more to the story:

To the extent the movement has lost some popularity, the attempt to enfeeble it by squeezing Gaza arguably is working, but the success is meaningless. Hamas's losses are not Fatah's gains; Gazans blame Hamas for being unable to end the siege but also blame Israel for imposing it, the West for supporting it and Fatah for acquiescing in it.<sup>655</sup>

In addition, the continued international boycott in Gaza extended trends likely to threaten the peace process. The first trend was a boosting of 'the appeal of jihadi groups', particularly to the under-16s who make up half the Gazan population, as 'poverty and hopelessness' grew.<sup>656</sup> Despite the EU's policy of reducing the poverty in which support for jihadi groups flourished, the boycott continued. The second trend encouraged by the boycott was a strengthening of Hamas hardliners. As discussed earlier, with the international community maintaining its isolation of Hamas despite overtures from the moderates, there seemed little point in meeting the Quartet's demands. In addition, the ICG predicted that 'the more pressure on [Hamas] intensifies and the more polarised the intra-Palestinian conflict [between Hamas and Fatah] becomes, the more it will be tempted to derail negotiations between President 'Abbas and [Israeli] Prime Minister Ehud Olmert'.<sup>657</sup> The boycott's clear contradiction of the EU's commitment to the peace process also delegitimised the EU's presence in Arab eyes – they read it as 'a clear demonstration of political insincerity' – further contributing to the EU's declining ability to be seen as an independent international agent.<sup>658</sup>

Despite these violations of the EU's shared values and lack of cohesion with previous policies, member-states such as Britain, Germany and the

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<sup>655</sup> International Crisis Group, *Ruling Palestine I*, pp. i-ii.

<sup>656</sup> International Crisis Group, *Ruling Palestine I*, p. ii.

<sup>657</sup> International Crisis Group, *Ruling Palestine I*, p. ii.

<sup>658</sup> Esther Barbé and Elisabeth Johansson-Nogués, 'The EU as a Modest 'Force for Good': The European Neighbourhood Policy', *International Affairs* 84:1 (2008), p. 94.

Netherlands have remained convinced by the US to stand united against Hamas. Other member-states have been less happy to continue the EU's support of the Quartet's policy. France in particular has repeatedly pushed to lift the boycott, especially since Israel's implementation of the explosive *Operation Cast Lead* between December 2008 and January 2009.<sup>659</sup> In March 2009 Hamas and Fatah met in Cairo to work out details for forming a new, transitional unity government,<sup>660</sup> and it seemed that the EU, weary of its ineffective, incoherent policy might reconsider its position.<sup>661</sup> This again posed a problem of incoherence for the EU, since it would have to renege on its anti-Hamas policy and explain why the new unity government deserved its support whereas during the brief reign of the 2007 unity government the EU had kept to the US's line that any Palestinian government containing Hamas was to be isolated. However, the failure of the Cairo discussions to produce any new unity government deal<sup>662</sup> has averted this particular conundrum, at least for the present.

### **The EU's agency in the Palestinian territories since Hamas's 2006 election victory**

In this chapter, we have seen how Hamas's rule in the Palestinian territories has posed a considerable challenge for EU agency. Bretherton and Vogler have pointed out that opportunities can constrain as well as enable.<sup>663</sup>

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<sup>659</sup> Barak Ravid, 'Israel Stymies French Push to lift European Boycott of Hamas', *Ha'aretz*, 1 January 2009, retrieved 20 March 2009 from <http://www.haaretz.com/hasen/spages/1059097.html>; Akiva Eldar, 'Report: EU to Lift Sanctions on Hamas if Palestinian Unity Gov't Formed', *Ha'aretz*, 19 January 2009, retrieved 20 March 2009 from <http://www.haaretz.com/hasen/spages/1056821.html>.

<sup>660</sup> DPA, 'Hamas, Fatah Head to Cairo for Palestinian Unity Talks', *Ha'aretz*, 9 March 2009, retrieved 29 June 2009 from <http://www.haaretz.co.il/hasen/spages/1069742.html>.

<sup>661</sup> 'Hamas, Fatah Deal on Unity Government', *Arab News*, 19 March 2009, retrieved 21 March 2009 from <http://www.arabnews.com/?page=4&section=0&article=120455&d=19&m=3&y=2009>.

<sup>662</sup> Khaled Abu Toameh, 'Palestinian Factions Fail to Find Unity', *Jerusalem Post*, 15 March 2009, retrieved 29 June 2009 from <http://www.jpost.com/servlet/Satellite?cid=1236764183436&pagename=JPost%2FJPostArticle%2FShowFull;No+Unity+Deal+in+Palestinian+Talks>, *Al Jazeera*, 20 March 2009, retrieved 29 June 2009 from <http://english.aljazeera.net/news/middleeast/2009/03/200931912139908857.html>; 'No Breakthrough on Core Issues in Unity Dialogue: Haneya', *Xinhua*, 5 May 2009, retrieved 29 June 2009 from [http://news.xinhuanet.com/english/2009-05/01/content\\_11296275.htm](http://news.xinhuanet.com/english/2009-05/01/content_11296275.htm).

<sup>663</sup> Bretherton and Vogler, (2nd ed.), p. 24.

Hamas's victory in the 2006 PLC election is a clear example of an opportunity that the EU allowed to constrain its actions. The EU, having joined the Quartet, felt compelled to support its policy (which was dominated by US policy) by financially and diplomatically boycotting the Hamas-led PA until it had met the Quartet's conditions. Although Russia did not feel similarly compelled to support the policy, and although the policy contradicted the EU's shared democratic, Palestinian-supporting, values and policies, there were two strong forces that pushed it in this direction. First, by blacklisting Hamas as a terrorist organisation, it imposed a commitment on itself not to finance Hamas. Second, although its membership of the Quartet had been intended to act as a new tool that would increase its ability to exert agency diplomatically, in practice it found that the US used the Quartet to gnaw away at independence. Aid had been the EU's only significant area of independent action; when Hamas came to power, the US used its influence through the Quartet to erode the EU's agency as a provider of aid. with poverty and unemployment skyrocketing.

The lack of policy cohesion only increased as time progressed; so too did the suffering that the boycott brought to people the EU had previously pledged to support, with unemployment and poverty growing by the day. In continuing the boycott, but attempting to alleviate its worst effects with the opaque, ineffective TIM, the EU instigated a state of affairs with even less coherence. It also demonstrated a limited ability to use economic instruments to attain its goals. Rather than convincing Hamas to change its policies, the boycott strengthened hard-line elements within Hamas, and although eventually the government changed, the EU's caution in claiming victory and ending the boycott contributed to the collapse of the Hamas-Fatah unity government, and the division of Gaza and the West Bank. While the collapse provided the EU with the opportunity to restore its funding to the West Bank, it remains reluctant to do the same in Gaza, where Hamas remains in power, with less inclination to support the peace process than ever.

The EU's boycott of Hamas has demonstrated a lack of coherence and consistency; has proved an ineffective economic tool; and has hurt the EU's

presence as a counterweight to the US. This contrasts rather sharply with its diplomatic and assistance policies towards the Palestinians prior to the critical juncture of the 2006 PLC election.

## 6

### **Conclusion: Shaky Beginnings and Mid-Career Pratfalls, but Overall a Decent Little Performer**

This thesis has discussed the EU's exercise of agency with respect to the Palestinians through the use of diplomatic and economic tools.

Each of the previous chapters has addressed one of the research goals that were listed in the introductory chapter. This chapter draws these findings together into some general conclusions about the EU's performance in Palestine.

It begins with a brief recapitulation of the conceptual framework which has acted as a lens through which to scrutinise aspects of the EU's ability to perform on the world stage. It then summarises the main findings about the EU's ability to exert influence in the Palestinian territories through diplomacy and assistance policies, and concludes with a description of how the EU's 2003 decision to label Hamas a terrorist organisation indirectly reduced the EU's cohesion and ability to act independently when the political climate in the Palestinian territories suddenly changed in 2006.

#### **Summary**

The first research goal – the establishment of a conceptual framework for assessing the EU's ability to generate effects on the world stage and, in particular, Palestine – was dealt with in Chapter Two. The framework was



based on the three broad factors which Bretherton and Vogler posited as major influences on the EU's ability to act – its capabilities, its presence, and its opportunities. It was found useful to extend the Bretherton and Vogler model by incorporating Sjöstedt's concept of independent action as an assessment criterion when dealing with the relationship between the EU and the Quartet. It was pointed out that this (extended) model could be used as a checklist against which EU's ability to exercise agency in its external relations could be assessed. The checklist approach avoided the realist tendency to attribute actorness in a binary, either/or, fashion. Instead, actorness has been posited as a continuum, thereby making it possible to trace subtle variations in the EU's ability to act across time and within different policy spheres. In addition, in explicitly separating out the influences on the EU's actorness, first into capabilities, presence and opportunity, and then into various capabilities (shared values, domestic legitimacy, coherence and consistency, and policy instrument access) and markers of presence (identity and character, and the external consequences of domestic policies), the Bretherton/Vogler/Sjöstedt model allowed for a more nuanced assessment; rather than merely finding that in a certain area the EU only possessed a small scope for agency, for example, the checklist made it possible to highlight the particular structures limiting the exercise of agency.

It should be noted that the EU was not originally set up for the purpose of exhibiting an abstract academic quality called agency. However, the desire to be influential in world affairs was stated explicitly in 1997,<sup>664</sup> and it has certainly been a factor in many EU decisions; exhibiting influence in the troubled and important area of Palestine, which has taxed the ingenuity of diplomats and the international community for many years, is clearly one way of achieving this. It is therefore not fanciful to consider that the concept of agency is more than an academic convenience and, implicitly at least, has underpinned many of the EU's decisions in respect of Palestine.

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<sup>664</sup> European Commission, *Agenda 2000: For a Stronger and Wider Union*, 16 July 1997, retrieved 20 June 2009 from [http://www.ena.lu/commission\\_communication\\_agenda\\_2000\\_stronger\\_wider\\_union\\_1997-020006131.html](http://www.ena.lu/commission_communication_agenda_2000_stronger_wider_union_1997-020006131.html).

The second research aim, to assess the EU's ability to exert influence in the Palestinian territories through diplomatic means, was the subject of Chapter Three. That chapter established that the individual positions of the EC/EU member-states on the Arab-Israeli conflict, so diverse in 1967, have converged considerably since then. That increased consistency has allowed the EC/EU to express itself with a stronger voice, increasing its diplomatic presence and its ability to exercise agency in the Palestinian territories. Certain events, or critical junctures – including the Arab use of the oil weapon in the 1973 Arab-Israeli war, the 1978 Camp David accords, and the 1993 Oslo agreements – have served as opportunities which encouraged the EU to take diplomatic action; scope for agency has also been provided by the EU's increasing creation of and access to diplomatic tools – including the introduction of EPC in 1971, the appointments of the EUSR for the Middle East in 1996 and the High Representative for CFSP from 1999, and the EU's membership of the Quartet since 2002. Overall, the chapter established that the EU's ability to exercise diplomatic agency with respect to the Palestinians has increased considerably since the inconsistent state that existed in 1967, but that, rather than acting as an independent diplomatic agent as it hoped, it has generally only been able to take what the EU itself terms 'a complementary role ... alongside the leading role of the US'.<sup>665</sup>

The third key aim, to assess the EU's ability to exert influence in the Palestinian territories through its assistance policies, was explored in Chapter Four, which found that both the EU's will to provide the Palestinians with technical and financial aid and its ability to do so had been strong since 1971, when it first began contributing to UNRWA's budget. The EU's presence as a potent economic actor was bolstered by its contribution to a wide variety of bodies and frameworks and, this opened up opportunities for leadership in bodies such as REDWG (from 1991) and the AHLC (from 1999). The provision of aid therefore allowed the EU to build up its ability to be seen as a unified actor; it clearly enunciated shared values that were designed to govern its aid policies and which cohered with similar values in other policy

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<sup>665</sup> European Commission, 'The Role of the European Union'.

areas. However, opportunities such as the 1996 suspension of the multilateral track, the US's distrust of the EU's pro-Arab identity, the EU's preference for stability over democracy, the Israeli occupation, and the lack of a genuine peace process have all played a part in constraining the EU's ability to act in line with the intentions of its assistance policies. Overall though, until the events following the 2006 electoral upset, which we consider below, the EU demonstrated much clearer agency in its assistance to the Palestinians than in its diplomatic efforts, because in the aid arena, the EU was largely the master of its own domain, and was been able to dispose of its own money as it liked.

The exception to this last generalisation was explained in Chapter Five, which addressed the fourth key research aim, by investigating how the changing political climate in the Palestinian territories since the Hamas victory in the 2006 PLC elections has influenced the EU's ability to exert its will. That victory was a critical juncture that severely challenged the EU's ability to behave as a coherent, independent agent. A tangle of conflicting values and policies regarding Hamas compromised the EU's otherwise generally consistent desire to support and assist the Palestinian people: First, its shared democratic values clashed with its 2003 promise to shun the 'terrorist' – but now democratically-elected – Hamas. Second, its police initiatives were inoperative whenever and wherever Hamas was in power. (This affected EUPOL COPPS throughout the territories between March 2006 and mid-June 2007, and in Gaza, but not the West Bank, thereafter. EUBAM Rafah has been unable to operate since Mid June 2007.) Third, its commitment to supporting the Palestinians diplomatically and economically was undermined by its support of the Quartet's PA boycott. The TIM further contributed to the lack of coherence, alleviating the boycott's worst effects, but allowing it to continue. Only the collapse of the Hamas-Fatah government has permitted direct EU funding to resume in the West Bank, while in Gaza, Hamas's reign continues to challenge the EU's ability to exercise agency.

## **Discussion**

The analyses described above have largely dealt with specific aspects of the EU's ability to exert agency. Adopting a chronological perspective helps us to synthesise their disparate conclusions into a more general one.

The EU's policies regarding the Palestinians and their institutions began poorly; the member states had different historical perspectives and sympathies. Some were former colonial powers with interests in the Middle East; some were heavily influenced by US policy; some were pro-Israel, some were pro-Palestine. At this initial stage, the EU's ability to be perceived as a strong independent agent in the area of Palestine - however that was defined - was minimal.

After its inauspicious beginnings following the 1967 Six Day War, the unity of the EC/EU regarding the Palestinian region began to grow. as a result of events such as the establishment of EPC in 1970 and the deployment of the 'oil weapon' in the 1973 war. Although it had difficulty in expressing its agency through diplomacy, where it was always in the shadow of the US, it was more successful in the field of aid, where it was spending its own money and could act and exert agency independently.

However, two critical decisions in the early 2000s had unforeseen consequences that choked this growth, and indeed, reversed it. First, as a result of having - under intense pressure from the US - added Hamas to its list of terrorist organisations in 2002, the EU felt obliged to cut off aid to the Palestinian government when, in 2006, and against all expectations, that democratically elected government turned out to have the face of Hamas. The shambles that ensued as the EU tried to find ways of working around its own boycott damaged its agency significantly.

Second, the EU hoped that its agency would increase when it joined the Quartet in 2002 but, in fact, its membership gave the US more opportunity to exert leverage on the EU when Hamas came to power. As Sjöstedt says,

autonomy is a necessary condition for being seen as an actor, and in cosyng up to other, stronger, agents, the EU threatened its ability to be seen as an actor. The result was that, instead of growing its agency by developing a new diplomatic tool, the EU found that it had lost sole control of what had previously been its most independent policy area – the distribution of aid.

### **In Summary**

Diplomatically, the EU got its act together after an unpromising start, when it loitered in the wings, but despite strenuous and long-term efforts, it has been unable to steal the limelight from the US. As a financial benefactor supporting the Palestinian infrastructure and Palestinian people, it was able to act much more authoritatively, simply because it could spend large amounts of its own money, and it did not have to bow to US concerns in allocating its aid. Tragically, it did not foresee that joining the Quartet would cost it its independence in this, its strongest expression of agency.

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