

THE EUROPEAN UNION IN THE ARAB-ISRAELI CONFLICT - DOMINANT MEDIATOR OR TOOTHLESS TIGER?

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PUBLIC GOVERNANCE ACROSS BORDERS

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Abstract

This thesis addresses the question of what role(s) the EU had in the Arab – Israeli Conflict since the development of the Common Foreign and Security Policy (CFSP) and how the conflicting parties perceive this. By applying a qualitative mixed-method approach of literature analyses and semi-structured interviews this research aims at exploring what objectives, competences and means the Union has to intervene and assist in solving international conflicts, to what extent the EU policy changed during major confrontations between Israel and the Palestinians and gives a platform to ambassadors of the conflicting parties and an EU diplomat to elaborate on their perceptions of the role the EU plays in this conflict. The analyzed conflict is distinguished for the reason that it is neither a war between two countries nor a civil war; it is truly a conflict ‘sui generis’. For the reason that it remains unsolved for over 71 years now, it draws international and academic attention. This thesis opens new trajectories to the conflict resolution and contributes to the academic discussion of it by analyzing in detail how the Union uses its position as a powerful organization in order to intervene and assist in its resolution, evaluating its concrete approach in two recent significant violent confrontations between Israel and Hamas.

List of Abbreviations

Art.	Article
CSDP	Common Security and Defence Policy
CFSP	Common Foreign and Security Policy
EEAS	European External Action Service
EU	European Union
EUBAM Rafah	European Union Border Assistance Rafah
EUPOL COPPS	EU Police Mission in the Palestinian Territories
ENP	European Neighborhood Policy
FAC	Foreign Affairs Council
FPÖ	Freiheitliche Partei Österreichs
H.E.	His/Her Excellency
HR	High Representative of the Union for Foreign Affairs and Security Policy
IDF	Israel Defence Forces
PA	Palestinian (National) Authority
PLO	Palestine Liberation Organization
TEU	Treaty on (the) European Union
TFEU	Treaty on the Functioning of the European Union
UNRWA	United Nations Relief and Works Agency
WEOG	Western European and Others Group
UN	United Nations
US	United States
USA	United States of America

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1. Introduction

1.1 General introduction

The State of Israel is a western democracy and as such, integrated into the western political and value system. For instance, is Israel a permanent member of the Western European and Others Group (WEOG) at the United Nations. For some NATO countries, Israel is a regional strategical partner in the Middle East (*United States-Israel Strategic Partnership Act of 2014*, 2014). Hence, the Arab – Israeli Conflict and the possibilities of the EU to assist and intervene in this conflict are of societal interest.

When looking at the EU, one can find that the EU invests resources in stabilizing the countries and regions surrounding it. The European Neighborhood Policy (ENP) is one of the most famous expressions of the effort to bind non-EU countries to the values of the EU and ensure stability and security inside the EU by stabilizing and supporting countries and regions around it. Israel is part of the ENP program of the EU, and as such Israel is a member of the Union for the Mediterranean (Del Sarto, 2007). This implies legal harmonization between the EU and Israel and the establishment of project and initiatives in business development & employment, higher education & research, social & civil affairs, energy & climate action, transport & urban development and in water, environment & blue economy, although not on the same level as with a Member State of the EU (Whitman & Wolff, 2010).

Because of Israel's geographical proximity to the EU and their close cooperation in the fields mentioned above, the EU and the societies in its Member States have a substantial interest in reconciliation between the Arabs and Israel, especially in times of armed conflict (e.g. Michael E Smith, 2000; Whitman & Wolff, 2010). Research on this matter is a crucial key for achieving a systematic and fact-based approach to the resolution of this conflict. In the time of a globalized and interconnected world, where events in a specific region may cause global chain-reactions, such as migration movements, an academic approach to shed light on the capabilities of the EU to engage in conflicts around the world is of societal relevance.

Acknowledging these global developments, the Treaty of Maastricht gave the EU in 1992 a new tool to act externally. The Treaty established the Common Foreign and

Security Policy (CFSP). The purpose of this tool is to enable the EU to act externally to strengthen international security, promote international cooperation and developing and consolidating democracy, the rule of law and respect for human rights and fundamental freedoms (Art. 3 (5) TEU).

Although there is research on CFSP and the way the Union conducts its external affairs (e.g. Peterson & Sjursen, 2005; Michael Eugene Smith, 2004; Wessel, 2017), there is not sufficient research yet on the long term development of the EU's involvement in conflict resolution in concrete cases applying a comparative lens in order to achieve its aims and objectives for external actions flowing from Art. 21 TEU.

Art. 21 TEU states that the Union's external actions must be guided by the same principles which have inspired its own creation, namely, democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the UN's Charter and international law. The purpose of the research is to shed light on the way the EU manages to introduce these norms in the Arab – Israeli Conflict, hence on the role of the EU in that conflict in an academic sense in order to bridge academia and politics. This thesis discusses what instruments the EU has at its disposal to assist and to intervene in solving conflicts at its external borders, sheds light on the positions the EU took during major confrontations between Israel and the Palestinians in the 21st century and demonstrates the perceptions the conflicting parties and the EU itself have toward EU involvement in the given conflict. The debate concerning CFSP today centers around the question of the shift of focus from value promotion to security concerns (e.g. Biscop, 2016; Del Sarto, 2016; Schumacher, 2015). The thesis aims at contributing to this debate by analyzing the case of the Arab – Israeli Conflict which is essential for Europe's security and the enhancement of the values flowing from the Treaties (e.g. Bronstone, 2018; Øhrgaard, 2018; Olsen, 2018). Based on the principle of sovereignty, the EU can intervene and assist in a particular conflict only if the conflicting parties allow for such an action, effectively legitimating the involvement of a third party. Therefore, the thesis assesses the conflicting parties' perceptions of EU involvement.



1.2 Problem description

a. The Arab – Israeli Conflict

The Arab – Israeli Conflict is used in this thesis to evaluate the EU's efforts to intervene and assist in solving international conflicts. It is particularly appropriate to achieve the research aim since it is a conflict characterized by its sheer duration, lasting from 1948 until this very day, which takes place in the Middle-East, a complex region which presents external actors with various challenges for conflict resolution (Pace, 2007). The thesis omits to present at this point, an in-depth historical analysis of the researched conflict and opts for a summary of the main events in order to establish the status quo of the conflict. The analyzed confrontations did not happen in a vacuum and hence need to be discussed in the broader picture of the Arab – Israeli Conflict.

In 1917 the United Kingdom seizes the Geographical Area of Palestine which encompassed all of today's Israel, the Gaza Strip, the West-Bank and all of what today is Jordan. In the Balfour Declaration, the Foreign Minister of the United Kingdom supported the establishment of a national home for the Jewish people in Palestine (Balfour, 1917; Kolinsky & Jou, 1993).

After receiving the Mandate for Palestine by the League of Nations in 1920, Britain separates Transjordan from Mandate Palestine and forbids Jewish settlement in the former (Alon, 2005).

In 1947 the United Nations recommended the 'Partition Plan' for the remaining territory of the Mandate Palestine, encompassing a state for the Jewish population and another state for the Arab population with international control over Jerusalem. After the British Mandate for Palestine expired in May 1948, the Jewish state declared independence and was invaded by the surrounding Arab states. Israel managed to defend itself and seized further territories. Egypt occupied the Gaza Strip, and Jordan occupied the Westbank (Morris, 2008).

In June 1967, after months of tension, including border skirmishes, Egypt's expulsion of the UN buffer force from the Sinai Peninsula and its closure of the Straits of Tiran to ships bound for Israel, Israel launches a pre-emptive attack on Egypt. Jordan and Syria join the war to assist Egypt. The war lasts six days and leaves Israel in control of east Jerusalem, all of the West Bank, Gaza, the Golan Heights, and Sinai (Oren, 2017).

In November 1977 the Egyptian President Anwar Sadat visited Jerusalem and began the process that leads to Israel's withdrawal from Sinai and Egypt's recognition of Israel in the Camp David Accords of 1978.

In December 1987, the First Intifada, which is a violent uprising of parts of the Arab population in Israel, Gaza, and the West Bank, begins (Adwan & Bar-On, 2004). The Muslim Brotherhood in Gaza forms the Hamas movement, which rapidly turns to violence against Israel.

In 1993 the Israeli Prime Minister Rabin and the Palestine Liberation Organization (PLO) leader Yasser Arafat signed the Oslo Declaration to plot Palestinian self-governance and formally ended the First Intifada. Violence by Arab groups that reject the Oslo Declaration continues.

In May 1994 Israel withdrew from most of Gaza and the West Bank city Jericho, allowing Yasser Arafat to move the PLO administration from Tunis and set up the Palestinian National Authority.

After the assassination of the Israeli Prime Minister Yitzhak Rabin in Tel Aviv in 1996, the Likud Party led by Benjamin Netanyahu wins the elections with a pledge to halt further concessions to the Palestinians.

In 2000 Israel withdrew from southern Lebanon. After a visit of Ariel Sharon, the leader of the Likud party at the Temple Mount in Jerusalem, the Palestinian protests escalate into the second Intifada.

In March-May 2002 the Israeli Defense Force (IDF) launches the Operation 'Defensive Shield' in the West Bank after a spate of Palestinian suicide bombings. In June of the same year, Israel begins building its security barrier in and around the West Bank, aiming to stop Palestinian terror attacks (Catignani, 2005).

In September 2005, Israel withdrew all Jewish settler and military personal unilaterally from Gaza while retaining control over the airspace and the coastal waters (Mari, 2005).

In January 2006 the Hamas movement won Palestinian parliamentary elections. Rocket attacks on Israel from Gaza escalate. Israel met these attacks with raids and incursion over the following years (Kober, 2008).



In December 2008, Israel launched a month-long full-scale invasion of Gaza ('Operation Cast Lead') in order to prevent Hamas and other terror groups in the coastal territory from launching further rockets (Kasher, 2010). The same year Prime Minister Olmert offered the PLO under Abbas a peace plan based on the Palestinians receiving 93% of the West Bank territory and all of the Gaza Strip. Israel would retain control over 7% of the territory of the West Bank and offered in Israeli exchange territories which would equvalate for 5.5% of the West Bank. PLO president Abbas rejected this proposal (Benn, 2008).

In July 2013 talks with the Palestinian Authority (PA) resume under US auspices without reaching a conclusion (Staff, 2014c).

In July – August 2014 Israel responds to attacks by terrorist groups in Gaza by launching the Operation 'Protective Edge' which includes air and land campaigns to knock out missile launching sites and attack terror tunnels which were dug from Gaza into Israel. Clashes end in an Egyptian-brokered ceasefire agreement in August (Chorev & Shumacher, 2014).

b. Justification of choice of confrontations

This thesis focuses on two significant confrontations, namely the Operation Cast Lead and the Operation Protective Edge in order to demonstrate to what extent EU policy change during major confrontations between Israel and the Palestinians and what implications these changes potentially had on the role of the EU in the Arab – Israeli Conflict. These confrontations were chosen deliberately. The Operation Cast Lead was chosen because it started in December 2008, before the Treaty of Lisbon which re-organized the EU's External Actions, introducing new competencies for the role of the EU's High Representative. The way the EU involved itself in this conflict is furthermore distinguished for the fact that the rotating Council Presidency occurred during the operation. The Presidency switched from France to the Czech Republic five days into the conflict. On the 1st of January 2009, the Czech Republic, which espoused a friendlier approach toward Israel, took over the Presidency (Tocci & Network, 2009). The French President Sarkozy was unwilling to cede the diplomatic leadership on that matter to the Czech Presidency, claiming that the Czech Republic is not ready for such a task (Müller, 2012).



Further, the External Relations Commissioner Ferrero-Waldner expressed concern at Israeli military strikes in the Gaza Strip (Tocci & Network, 2009). The result was that in the conflict there were three separate European delegations which traveled to the region: the first led by French President Nicolas Sarkozy; the second representing the EU Troika of High Representative, Council and Commission and the third by the Spanish Foreign Minister Miguel Moratinos (O'Donnell, 2016). Such a constellation of EU involvement in conflict bears implications for the capacities of the EU to involve itself in the conflict and was not present, due to the reforms which came along with the Treaty of Lisbon in 2009, in the Operation Protective Edge.

The Operation Protective Edge was chosen because it took place in 2014, which means that enough time has elapsed to see if the High Representative, the European External Action Service (EEAS) and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' made a difference to the EU's resources and approached in mediation as well as its coordination and cooperation in the framework of multi-party mediation, which is the usual framework of mediation in all analyzed conflicts (O'Donnell, 2016).

Nevertheless, the conflicts also bear striking similarities. Both of the Operations were a defensive response by Israel toward continuing rocket attacks from the Gaza Strip, and both operations led to a similar level of casualties (O'Donnell, 2016).

1.3 Existing Literature concerning the research agenda

Although one can find extensive literature on the conflict between Israel and the Arabs in general and the Palestinians in particular and on the new tools and possibilities in the field of CFSP and the EU's external actions introduced by the Treaty of Maastricht and the Treaty of Lisbon (e.g. Bickerton & Klausner, 2007; Del Sarto, 2007; Schulze, 2013; Whitman & Wolff, 2010), the divergent interests of the Member States in situation of concrete international crises and hence the cumbersome development of a common external position found in some cases less attention in academia. Especially when it comes to the conflict between Israel and the Palestinians the cleavage lines between the Member States become more apparent, putting the EU's liberal consensus in international relations into question (Michael Eugene Smith, 2004). Theories about the EU's role as a crisis manager regarded through the lens of the tensions between



intergovernmental and supranational elements in the implementation of the CFSP contribute to the academic discussion when applied to the long-term role of the EU in the Arab – Israeli Conflict.

Scanning through the existing literature on Europe as a normative power, one can find a pattern in the discussions on the EU's role in the Arab – Israeli Conflict. The literature discusses how the EU separates its normative objectives in the Middle East from its economic policies in the region (Gordon & Pardo, 2015). One can find that there is a gap between how Europeans see themselves in contrast to how the conflicting parties, namely the Israelis and the Palestinians see the role of the EU in the conflict, demonstrating a divergence in the perception on of the EU being an 'honest broker' (Alpher, 1998). These discussions are usually settled at the end of the 20th century and therefore are unable to reflect current developments. When answering the research question, the perception of the role of the EU by the conflicting parties plays a crucial role. Hence, contemporary research on this issue needs to shed light on the current situation.

Much literature revolves around the various forms of cooperation between the conflicting parties and the EU, such as economic cooperation and cooperation in R&D (Alpher, 1998; Del Sarto, 2007; Pace, 2009; Tocci, 2007). Nevertheless, there is a lack of research on the question of and how the EU can use its existing forms of cooperation with the conflicting parties as potential leverage in a constellation where both parties have close economic relations to the EU.

1.4 Scientific and Social Relevance

Although the scientific and social relevance of the chosen topic is already described in the introduction, this section pays attention to this matter in a broader sense, outlining implications of the study and justifying its necessity.

In a globalized world, where events in a specific region may cause global chain-reactions bearing concrete implications for the local population in Europe (Boin & Rhinard, 2008). An academic approach to find appropriate ways for the EU to intervene and assist in global conflicts is hence of acute social relevance in order to avoid or contain international conflicts. The thesis aims to fill in shortcomings of the existing body of research by looking at all instruments and their objectives that can be utilized

to intervene and assist in international conflicts in a specific case and policy context. Such a case analysis, using an evaluative lens, can unravel patterns in dealing with a concrete international conflict and explain why it appears that the EU's efforts in the chosen case often seem to gasp into space.

1.5 Research Question

The previous introduction leads up to the following research question:

“What role(s) did the EU have in the Arab – Israeli Conflict since the development of the Common Foreign and Security Policy (CFSP) and how do the conflicting parties perceive this?”

1. What are the objectives and means of the European Union to intervene and assist in solving conflicts at its external borders?
2. What instruments did the EU use to intervene and assist in solving the Arab – Israeli Conflict?
3. To what extent did the EU policy change during major confrontations between Israel and the Palestinians?
 - a. Operation Cast Lead (2008 – 2009)
 - b. Operation Protective Edge (2014)
4. What perceptions do the conflicting parties have of the role of the EU in the conflict, and how does the EU perceive its role in the conflict?
 - a. The Arab perspective
 - b. The Israeli perspective
 - c. The EU perspective

The objective of the research question is to evaluate the EU's role in the Arab – Israeli Conflict, assessing the impact of the EU's policies in that field in order to provide evidence on the degree to which the policies of the EU achieve their intended objectives and the degree to which they may produce unanticipated consequences. The sub-questions are necessary to answer the research question since the first sub-question



establishes the competences of the Union in the broad field of foreign relations. The second sub-question uses these insights to demonstrate then what instruments the EU used to intervene and assist in the conflict. This point contributes to answering the general research question by elaborating on the concrete actions the EU took in the course of the conflict. Here, the reader obtains more sophisticated insights about the EU's role in the conflict in a more structured matter. The third sub-question shows how the positions of the EU may change over time, especially when taking into account possible new positions of Member States who joined since the establishment of the CFSP. Since the European Council together with the Council are the leading agents in shaping the EU's approach in foreign conflicts, a more comparative orientated presentation gives the reader a better insight about how the role of the Union in the Arab – Israeli Conflict developed over time, taking into account the institutional changes which occurred in the course of the two analyzed confrontations. Finally, the perception of the conflicting parties regarding the role of the EU in the conflict is crucial when it comes to understanding the limits of the EU's possibilities to assist and intervene in this particular conflict. This is important because involvement in a foreign conflict is only possible if the conflict parties agree to the EU participating in the conflict resolution. This point of view is based on the principle of state sovereignty and hence forms an imperative condition which must be met for any legitimate EU involvement in the conflict.

2. Theoretical Framework

This section establishes the theoretical framework this paper operates in by discussing existing concepts and theories relevant to the topic of the EU being a mediator in the Arab – Israeli Conflict. Hence, the context in which the paper operates is introduced.

2.1 International Mediation

It is vital to demarcate theories considering mediation. This thesis relies on Bercovitch's (2011) types of mediators. He elaborates that the resources a mediator has at its disposal

influence the type of strategy a mediator chooses and hence define the role of the mediator (Bercovitch, 2011). Bercovitch (2011) identifies three strategies of mediation in international conflicts, namely 'communication-facilitation' (facilitator), 'procedural' and directive strategies'.

Further, Bercovitch (2011) provides the theoretical discussion concerning the term 'mediation' which is used as the theoretical lens for this thesis. Bercovitch (2011) provides eight characteristics of mediation distinguishing mediation from other ways of involvement in the conflict. The criteria are:

- "1. Mediation is an extension and continuation of the parties' own conflict management.
2. Mediation involves the intervention of an individual, group or organization into a dispute between two or more actors.
3. Mediation is a non-coercive, non-violent and ultimately non-binding form of intervention.
4. Mediation turns a dyadic relationship into a triadic interaction some kind. By increasing the number of actors two to three, mediation effects considerable structural changes and creates new focal points for an agreement.
5. A mediator enters a dispute in order to affect, change, resolve, modify or influence it in some way.
6. Mediators bring with them, consciously or otherwise, ideas, knowledge, resources and interests of their own, or of the group they represent. Mediators are often important actors with their own assumptions and agendas about the dispute in questions. Mediators can often be both interested and concerned parties.
7. Mediation is a voluntary form of intervention. This means the parties retain their control over the outcome (if not always the process) of their dispute, as well as their freedom to accept or reject mediation or the mediator's proposals.
8. Mediation operates on an ad hoc basis only."



This thesis relies on Berkovitch's theoretical discussion when analyzing the role of the EU in the given conflict. The subsequent chapter on operationalization refers to the typology of a mediator and the demarcation criteria for mediation. When discussing the roles of the EU in the Arab – Israeli Conflict, its role as a mediator remains a vital position in the conflict. The theoretical demarcation of the role as a mediator is relevant for this paper in so far as to understand the nature of the EU involvement of the conflict. Throughout the further chapters of this thesis, the reader will find references to these considerations and hence, is able to distinguish between different roles the EU potentially plays in the given conflict.

2.2 Dialectic between intergovernmentalism and supranationalism in CFSP after the Lisbon Treaty and the issue of coherence and consistency

As discussed above, one can see that the CFSP offers the EU various tools to engage in international conflicts. Nevertheless, historically, this policy area remained an intergovernmental area, leaving the Member States of the EU as the principles and the EU institutions as the agents. This equilibrium between the Union's institutions and the Member States, which existed almost unchanged since the Treaty of Maastricht was reformed in the Treaty of Lisbon, putting the cooperation of EU Member States on a new contractual and institutional fundament (Laursen, 2016). This section elaborates on the dialectic between intergovernmentalism and supranationalism in the EU' external actions in general and CFSP in particular. The expressed goal of the Treaty of Lisbon regarding external action is stronger coordination regarding the content of the different areas of EU external action as well as greater coherence of external action instruments. That, in turn, should lead to the Union's goal of enhancing its capacity to act internationally through the development and more efficient interlocking of the European institutions under the central direction of the HR (Laursen, 2016).

The Lisbon Treaty dissolved the Union's 'three-pillar-model' in foreign affairs with the integration of the CFSP into the TFEU as a regular policy area. Further, The High Representative of the Union for Foreign Affairs and Security Policy (HR) was introduced. Concerning the issue of policy coherence, the EU's coherence in the field of external action can be categorized into horizontal and vertical coherence (Gauttier, 2004). Horizontal coherence encompasses mutual consultation and coordination of EU

institutions in the area of foreign policy. On the other hand, vertical coherence means that acts of Member States do not contradict EU interests. Particularly Art. 4 (3) TEU establishes the principle of 'sincere cooperation', enhancing the vertical coherence between the EU and its Member States. However, the achievement of sincere cooperation is impeded by the Member States reluctance toward the transfer of sovereignties onto EU institutions. This becomes visible when looking at the Declarations 13 and 14 of the Final Act, which accentuate that provisions on CFSP and CSDP in the TEU do not affect national provision concerning foreign policy and their particular characteristics, neither diplomatic services nor relations with third states. The role of the HR becomes crucial when it comes to understanding the tensions between the will to develop the EU into a global political actor, hence introduce supranational elements on the one hand and the reluctance of Member States to concentrate their powers in the Union's institutions on the other hand.

The HR is characterized by its 'double-hat' construction. The HR takes over the responsibilities of the former commissioner for external relations, becomes the Commissions' Vice-President and chairs the Foreign Affairs Council (FAC). Here, the HR is put into a position where it is involved in a supranational institution and an intergovernmental institution (Schmidt, 2010). The dual role of the HR is supposed to bridge gaps and balance tensions between the Commission and Council Presidents regarding external aspects of EU policies (Laursen, 2016). The dual character of the HR also mirrors the dialectic between intergovernmentalism and supranationalism in the field of external actions by the EU insofar as the HR is firmly committed to the Council, primarily because of the nomination procedure and the responsibility to ensure consistency and effectiveness in external relations together with the Council, on the other hand, it is the Commission's Vice-President (Art. 26 (2) TEU). The supranational character of the HR might appear to be accentuated by the ability of the Commission's President to suggest displacing the HR. Nevertheless, the Commission's President needs the European Council's agreement to displace the HR.



The European Council maintains its crucial role in giving guidelines and impulses for the direction of the EU's external actions. Art. 22 TEU encodes that the European Council decided the Union's strategic interests and objectives, which explicitly refers to not only CFSP external action aspects, enhancing the

intergovernmental character of this policy field. Further, the European Council's role is enhanced by its ability to define the conditions for the application of the qualified majority vote in CFSP matters (Art. 31 (3) TEU). The Council's role is enhanced by the Permanent President of the Council tasked with the external representation of the Union on issues concerning CFSP (Art. 15 TEU). The creation of the EEAS demonstrates the formulated tension between intergovernmentalism and supranationalism again when it came to the question of setting up the EEAS independently or instead by pursuing a supranational design by firmly tying it to the Commission. The tensions resulted in the EEAS being set up as an autonomous body of the EU, separate from the Council and from the Commission with legal capacities necessary to perform its task and attain its objectives. When understanding the above-demonstrated equilibrium between supranationalism and intergovernmentalism, decision-making procedures become a vital issue. CFSP is defined and implemented by the European Council and by the Council acting unanimously, except where the Treaties provide otherwise. By derogation from the unanimity rule, the Council may act by a qualified majority when adopting a decision defining a Union action or position based on a decision or a specific request of the European Council (Art. 31 TEU). Art. 48 TEU allows the European Council to decide to vote with a qualified majority on certain issues. This decision-making procedure gives the Member States effectively veto-powers concerning decisions in the framework of CFSP.

In Conclusion, this thesis proceeds on the presumption that the decision-making procedures in the EU's foreign policy remain intergovernmental. On the other hand, the representative aspect of foreign affairs became especially with the introduction of the HR and its dual-head position more supranational. Further, the implementation of decisions of the Union concerning external relations become more supranational too. This assumption is discussed in more detail in the chapter on the EU external competences. A possible change of the voting procedure on matters of CFSP is discussed in the general conclusion of this paper.

2.3 EU's liberal consensus put into question

The thesis further discusses the developing positions of the European Union during major confrontations between Israel and the Palestinians in the light of liberal



international relations theory. Liberalism, for the longest time of the EU's existence, remained a consensus among the EU Member States; with the admission of Central and Eastern European Member States, this consensus, with its implications for interventions in international conflicts is more openly put into question (Bruszt & Langbein, 2017). While existing literature often discusses the new tools and possibilities for the Union's external actions which came along the Treaty of Maastricht and the Treaty of Lisbon (e.g. Milcher & Slay, 2008; Peterson & Sjursen, 2005; Michael Eugene Smith, 2004; Whitman & Wolff, 2010) this paper views the development of CFSP, based on liberalist premises in a more critical light, assessing if the Union can live up to its full potentials flowing from the Treaties in the light of divergent interests of the Member States with the ability to veto external actions under CFSP. The thesis then continues to discuss the effect of the described development on the role of the EU as a mediator between Israelis and the Palestinians.

As discussed in the previous section, the Member States, through the European Council and the Council, remain main principles when it comes to the EU's external action. Therefore, it is crucial to understand what positions the heads of states and governments in the EU have concerning the international order and the Arab – Israeli Conflict. This is relevant for the fact that their positions, once agreed on in the European Council and the Council are more than a sheer sum of all individual positions of the heads of states and governments. Once they adopt a position in the framework of EU institutions, this position becomes an EU position. The EU's foreign policy is based on the school of Liberalism in international relations (e.g. Della Porta & Parks, 2018; Michael E Smith, 2011). This school of thought emphasizes three factors, aiming at more international cooperation and less conflict between states; these values are reflected in the Treaties. Liberalism emphasizes the necessity of international institutions, such as the United Nations, which provide a forum to resolve conflicts peacefully, and international trade in order to interconnect countries economically making the costs of war too high; the spread of democracy is crucial in liberalism since well-established democracies do not go to war with one another. All these aspects can be found quite directly in the architecture of the Union. Art. 3 (5) TEU commands the Union to strictly observe and support the development of international law, naming the

principles of the United Nations Charter explicitly. Further, the same article commands the Union to contribute to international trade. Nevertheless, the political landscape of Europe changed in the past few years (Della Porta & Parks, 2018). More governments, which either directly disregard certain established forms of international cooperation or emphasize state sovereignty, especially when it comes to European integration, get elected in Europe. One example, which is certainly not the norm among the head of states and governments, is the current Hungarian Prime Minister Victor Orban. In the forerun to the elections of the European Parliament in May 2019, his *Fidesz* party launched an advertisement campaign with false claims concerning immigration policies of the EU and directly discredit the current Commission's President Juncker (Gotev, 2019). Another recent expression of the erosion of the liberal consensus is the anti-globalist sentiments by various parties participating in governmental coalitions in the EU Member States, among them are the *Forza Italia* in Italy, the *Fidesz* party in Hungary and the *FPÖ* in Austria. The participation of parties questioning the EU's liberal consensus in international relations becomes exceptionally substantial in the realm of EU external relations for two reasons: (a) as demonstrated above, the intergovernmental dominated field of CFSP leaves such governments much power in shaping EU external relations and (b) the rotation system for Council Presidency puts these governments in critical positions when it comes to shaping the future course of the EU on the international scene. The effect of the erosion of the liberal consensus can be observed in May 2018 when a joint EU statement criticizing the relocation of the U.S. embassy to Jerusalem, was blocked by the Czech Republic, along with Hungary and Romania (Fulbright, 2018).

2.4 Concluding remarks

In conclusion, one can say that there exists extensive literature on the EU as a global actor, on the tools of the CFSP and the development of it since the Treaties of Maastricht and Lisbon. Nevertheless, more research is necessary to obtain a better understanding of the perspectives the conflicting parties have toward the EU as an honest broker in the conflict. The thesis also aims at bringing findings from different authors together to gain new insights and contribute to a systematic academic discussion.



This chapter shows that although the policy field of external relations remains in its core an intergovernmental policy field. Subsequently, the subsection concerning the state of the EU's liberal consensus on international relations demonstrates current trends in some of the Member States of the EU in which the liberal consensus is put more openly into question. This issue becomes particularly important when it is regarded in the framework of the EU treaties, which leave the European Council and the Council in key positions when shaping the EU's external relations.

3. Methods and Data

3.1 The type of research

The following section describes the research design of the thesis by explaining how the thesis answers the research question. Further, it justifies the chosen approach by outlining why it is the most promising approach to answer the research question, by reflecting on potential threats to the research design and approaches to counter these threats. In conclusion, this section explains the steps necessary in order to answer the research question.

The chosen type of research is evaluation research applying a qualitative mixed-method approach of literature analyses and semi-structured interviews, focusing on the evaluation of the policies of the EU concerning the Arab – Israeli Conflict. The thesis uses a case-study design in approaching the research, focusing on a conflict which was present before the establishment of the EU until this very day (Bickerton & Klausner, 2007). The chosen design is suitable to answer the research question since it focuses on policies of the EU regarding a specific case, namely the Arab – Israeli Conflict. The research question is mainly answered by first stating what the objectives, competencies, and means the EU has to intervene and assist in solving conflicts at its external borders. This way, a first overlook over the Union's legal possibilities is established. In the next step, the thesis assesses what means and instruments the EU used to intervene and assist in solving the Arab – Israeli Conflict in order to look in the following question for the reasons why the EU potentially did not use some of the available instruments, such as



sanctions. The chosen case-study design allows elaborating on the question of to what extent the EU policy changed during major confrontations between Israel and the Palestinians, allowing the reader to obtain a better understanding of the complex issue of developing a common foreign affairs policy in the context of the chosen cases. Subsequently, the thesis elaborates on the perceptions of the conflicting parties regarding the role of the EU in the conflict. The chosen design allows discussing the possibilities of the EU to use its instruments to assist and intervene in the chosen case. Individual perceptions by the conflicting parties of the role of the EU might hinder it from effectively using its instruments to involve itself in the conflict and are therefore included in the research.

Looking at potential threats to the chosen design, one can say that the generalizability of the design is limited. The aim of the chosen design is not to generalize the findings beyond theoretical propositions. A clear definition of this goal and the scope and limits of the research in the thesis seem to be an appropriate method of dealing with this issue. Another threat to the design is that in such a compelling case as the Arab – Israeli Conflict, the research might unravel new and unexpected insights and results during its course. This issue can be addressed by the ability to accept these developments and to incorporate them into the thesis rigidly as they occur.

3.2 Case selection

The selected case is the Arab – Israeli Conflict, and in that case, the policies of the EU toward the Arab – Israeli Conflict. Specifically, the thesis focuses on two significant confrontations between the Israelis and the Palestinians, namely ‘Operation Cast Lead’ (2008 – 2009) and ‘Operation Protective Edge’ (2014). These confrontations happened after the establishment of the CFSP and are characterized by (1) direct confrontations between the conflicting parties, (2) armed actions by both parties, and (3) by the involvement of third parties in the resolution of the immediate confrontation (Schulze, 2013).

This characterization-based case selection method allows for a systematic analysis of patterns occurring in the confrontations and of patterns in the involvement of third parties in the resolution of the immediate confrontation. The units of analysis



are the concrete policies of the EU in these confrontations, and the setting is the Middle East between 2008 and 2014. The discussed confrontations are a sample representing the phenomena which are analyzed in the thesis by uniting all three characterizing criteria in each phenomenon. The criteria make sure that the selected cases can contribute to answering the research question.

3.3 Operationalization of the central concept and data collection methods

This section describes the operationalization of the central concept and the data collection methods by describing the data that is used in the study, elaborating on why this data is appropriate and how it was collected. Further, this section discusses the type of data that is used.

As discussed in the theoretical framework, this thesis considers the EU to act as a mediator in the given conflict since it fulfills the relevant characteristics for mediation formulated by Bercovitch (2011).

Further, when it comes to mediating international conflicts, Bercovitch (2011) also defines the strategy, a mediator can apply in a particular conflict. His considerations serve here as the basis for the conceptualization and operation of 'mediation' in general and 'mediation strategy' in particular, which is referred to in the subsequent chapters.

According to Bercovitch (2011) a mediator can apply three different strategies or a combination of them in a certain mediation process: (a) communication-facilitation [facilitator], (b) procedural [the mediator may determine structural aspects of the meetings e.g. media publicity or distribution of information], and (c) directive strategies [most interventionist – the mediator affects the content and substance of the bargaining by e.g. providing incentives or issuing ultimatums]. These strategies are discussed in more detail in chapter six.

The collected data for the thesis falls into three main categories. The thesis heavily relies on previous research in the field, drawing upon academic literature, which deals with particular nuances of the researched phenomena. The second category of data is nonacademic literature, such as newspaper articles and EU policy documents, documenting developments in the Arab – Israeli Conflict and reactions of the EU and its Member States toward these developments. The third category is interviews, which were conducted with an Israeli ambassador, a Palestinian ambassador and an EU



member of the diplomatic corps. The applied strategy here is a dual strategy. Concerning the literature, a document analysis of the above-described literature was conducted — this way, the thesis obtains comprehensive and historical information concerning the relevant developments. A literature analysis of academic and non-academic literature is particularly suitable to answer the research question since such a data collection method focuses on insights gained by other authors concerning the heavily discussed case of the Arab – Israeli Conflict. Another benefit of this data collection method is that the necessary resources and capacity for conducting the data collection are moderate.

The second layer of the general data collection strategy is conducting interviews. This method is necessary for answering the research question since interviews allow to get the full range and depth of information concerning the attitudes of the Israeli and Palestinian side toward the role of the EU on the one hand and the experiences of assisting in the Arab – Israeli Conflict on the other hand. This way, relationships between stakeholders can be unraveled, showing some of the internal and external challenges the third party, here the EU faces when involving and assisting in an international conflict. Another benefit of interviews is that the structure of the interview can be flexible and hence allows for the immediate incorporation of new developments into the research itself and the structure of the data collection strategy.

Concerning the articles, articles published before the establishment of the CFSP will not be used. This way, the study makes sure to exclude insights which are obsolete due to the legal developments in the aftermath of the Treaty of Maastricht. In order to maintain a high level of transparency, articles must be publicly available to be included in the study.

To operationalize the concepts, when analyzing the literature, a keyword scheme is developed. Only articles are selected in which three different content levels are present: (1) articles have to contain at least one out of a list of keywords on a thematic level (e.g. CFSP, Arab – Israeli Conflict, attitudes towards EU involvement, Gaza War, Operation Protective Edge, Operation Cast Lead); (2) a second category is established by a list of keywords on a procedural or legal level (objectives, competencies, means of EU to intervene, EU instruments to intervene etc.); (3) and finally each selected article has to refer explicitly to at least the EU and its relationship to the Arab – Israeli Conflict, its Member States and their relationship to the conflict, Israel, Hamas, or PLO.

The questions of the interview relate directly to the attitudes of the Israeli and Palestinian governmental side toward the role of the EU on the one hand and the experiences of involving and assisting in the Arab – Israeli Conflict on the other hand. The questions are: (1) “In general do you find it legitimate for a third party, be it a foreign state or an international organization to get involved in a certain conflict to assist with its resolution?”; (2) “In what ways did the EU involve itself in the Arab – Israeli Conflict in the 21st century?”; (3) “Looking at the development of the conflict in the course of the 21st century; How would you evaluate the EU’s involvement in it so far?”; (4) “In what ways would you wish that the EU gets involved in resolving the conflict in the future?”

4. EU’s external relations competences

4.1 Introduction

This chapter answers the first sub-question by establishing if and why the Union can act externally and which competencies the EU has precisely in that field. In order to achieve the research aim of evaluating the Union's policies concerning the assistance in the conflict resolution, it becomes necessary to establish what competencies the Union has, in general, to act externally. This chapter applies a legal focus on the matter of EU external relations competencies and discusses EU external relations law in terms of the objectives, competencies and means the Union has at its disposal in order to intervene and assist in solving conflicts at its external borders.

4.2 The constitutional framework of EU foreign policy competences

Based on the principle of conferral, the EU can only act when a competence is conferred upon it by the Treaties. This principle is equally applicable for internal as well as external matters (Art. 4 (1) & 5 (1) TEU). Competences are conferred to the EU through a legal basis, which is usually a treaty provision. The legal basis, in turn, determines issues such as the fields of policy, the types of acts that the EU can adopt, the procedure to be followed, and the degree of harmonization. When the EU chooses to act externally,

it usually does so by choosing a specific legal instrument which needs to be connected with a treaty provision and ultimately with a treaty objective for external action. This way, the EU can ensure that the principle of conferral is respected (De Baere, 2008). A starting point for understanding the legal basis enabling the EU to involve itself in the given conflict is Article 3 (5) TEU which names the objectives the EU needs to pursue in its relations with the broader world.

“[...] to uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.” (Art. 3(5) TEU)

Further, Article 21 TEU specifies similar goals, as stated in Article 3 (5) TEU and allows for the Union explicitly to engage with third countries and international organizations. Art. 21 (3) TEU introduces the concept of ‘coherence’ which is a crucial issue in the EU’s foreign policy, as the chapter comparing the involvement of the EU in two confrontations between the conflicting parties demonstrates; Art. 21 (3) TEU renders coherence into a general and legally binding obligation of EU external relations applicable to all external policies of the European Union.

4.3 Existence and nature of external competencies

When discussing the possibilities of the Union to act externally, one needs to check for the existence of a particular competence. A competence can exist express in the Treaties or be implied. Next, one needs to determine the nature of the specific competence, which can be shared or exclusive, and finally, the scope of a particular competence needs to be defined by delaminating a given external competence.

When looking at competences to assist and intervene in an international conflict, the policy areas of CFSP and the Common Security and Defense Policy (CSDP) are the relevant framework for Union actions. In order to assess the EU's means of the European

Union to intervene and assist in solving conflicts at its external borders, it is essential to assess the legal nature of the European Union. The Treaty of Lisbon codified that the EU has legal personality (Art. 7 TEU). Here, the reluctance of the Member States to confer powers in external policy areas become apparent when looking at Declaration No. 24, attached to the Lisbon Final Act which clarifies that the legal personality of the EU will not in any way authorize the Union to legislate or to act beyond the competences conferred upon it by the Member States, further confirming the principle of conferral and underlining the Member States key position in the field of CFSP and CSDP. The Treaties did not specify the nature of the competences concerning CFSP and CSDP as an exclusive competence (Art. 3 TFEU), shared competence (Art. 4 TFEU) or competence to support, coordinate, or supplement the actions of the Member States (Art. 5 & 6 TFEU). The Treaty merely expresses that the Union shall have the competence to act. Hence, the legal nature of the external competence in the field of CFSP needs to be discussed.



Article 3 TFEU does not mention CFSP and CSDP in its categorization. Nevertheless, there are arguments in favor of categorizing these policy fields as ‘shared competence’. A shared competence allows both the EU and its Member States to take necessary decisions. Member State’s competences may only be exercised to the extent that the Union has not exercised its competences (Art. 2 (2) TFEU). The pre-emptive character of a shared competence becomes in the framework of external relations important. Due to the intergovernmental constitution of CFSP, there are good reasons to maintain that pre-emption does not apply to CFSP (Wessel & den Hertog, 2013). Nevertheless, it is difficult to maintain that a decision in the framework of CFSP and international agreements do not restrict Member State's freedom to act externally. Especially, when taking into account the duty of ‘sincere cooperation’, established by Article 4 (3) TEU which in effect can hinder the Member States to take specific external actions themselves when the Union took already actions. The degree to which CFSP actions by the Union can restrain the Member States is also dependent on the role the judiciary may play. CFSP and CSDP are exempt from ECJ judiciary control. CFSP could also be an exclusive competence for the EU. In such a case, the Member States cannot act in that specific field anymore, and the Union is exclusively competent to act (Rosas, 2015). Indeed, Article 3 (2) TFEU suggests that

"The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its external competence, or insofar as its conclusion may affect common rules or alter their scope." (Art. 3 (2) TFEU)

Although exclusivity based on legislative acts in the framework of CFSP is not likely, the Union is increasingly more active externally, especially in the conclusion of international agreements. This has the effect that Member States' actions increasingly risk affecting common rules or altering their scope, leading to gradually more exclusivity.

In sum, CFSP is a competence 'sui generis' with special procedures and jurisdiction. This follows expressly from Article 40 TEU. Nevertheless, the idea of exclusivity by exercise, codified in Article 3 (2) TFEU establishes more and more scenarios in which the Union can act exclusively when it comes to international agreements which build today a vital tool of the Union's external action (Koutrakos, 2015). The competence to conclude international treaties flows from Article 216 TFEU. This competence stretches beyond the TFEU and includes the domain of CFSP (Art. 37 TEU). All international agreements are concluded by the Council (Koutrakos, 2015). Nevertheless, internally, both the Union and its Member States are bound by the concluded agreements (Art. 216 TFEU). International agreements become relevant for this thesis when they are discussed in the light of the Union's entanglement with the conflicting parties and the implications such a relationship has for the capabilities of the Union to intervene and mediate in the conflict.

As established in the theoretical framework, due to the intergovernmental nature of CFSP, the European Council and the Council remain pivotal institutions to adopt measures in this policy realm. These measures can be decisions, which, according to Article 25 TEU can establish actions to be undertaken by the EU as well as positions to be adopted by the EU. The Council and the Foreign Affairs Council (FAC) can also adopt conclusions which formally present the EU's stance on international issues. Further, the Council can adopt restrictive measures. These are measures which the EU can impose on representatives of particular non-EU countries' governments, state



enterprises, and other legal and natural persons (Portela, 2012). If the Council chooses to adopt a restrictive measure, it needs to adapt it in the framework of CFSP and ground it in one of the CFSP objectives, defined in Article 24 TEU. The Council and the FAC can also adopt statements and declarations. The HR can publish a declaration on behalf of the EU, which the HR needs to agree on with all EU Member States. An HR declaration on behalf of the EU is usually issued in cases where an immediate reaction is not necessary. The HR can also issue a statement on her behalf when a swift response appears to be necessary and hence leaves not enough time to discuss the statement with the Member States. The statement must be in line with previously agreed EU positions on some issues. 'Political dialogue' with a non-EU country is an instrument of CFSP in order to exchange information and strengthen cooperation also in order to influence the dialogue partners' behavior and actions. The framework of this tool is usually established in international agreements or joint declarations. The Council might also appoint an EU Special Representative with a mandate concerning particular policy issues under Article 33 TEU. For this, the HR needs to propose to the Council to appoint such a Special Representative. Art. 31 (2) TEU established the necessity to take this decision with at least a qualified majority. The Special Representatives live up to their mandate under the authority of the HR to which the special representative need to report to.

Despite the question of the nature of the competence and the specific tools of CFSP, there is another question concerning to what extent the Union's external actions bind the Member States. As discussed in the theoretical framework, one main goal concerning external action is enhancing the coherence of the EU's external actions. Coherence can be hindered if the Union's external actions do not bind Member States. EU external actions may also be triggered based on a number of actions and situations, including the external effects of decisions under the framework of CFSP, CSDP actions, and missions and the participation of the EU in other international organizations (Wessel & den Hertog, 2013). Article 26 (2) TEU entails a general competence for the Council to frame CFSP and take decisions in this framework. Here, the Council has different legal and political instruments at its disposal. Article 25 TEU lists them as follows: *general guidelines*, which are usually a specific task for the European Council, *decisions*, which entail actions and positions as well as arrangements for the implication of the decisions and *systematic cooperation* between the Member States. Decisions



adopted by the Council are particularly relevant for this thesis since once adopted by the Council unfold a mandatory force (Art. 28 (2) TEU). They shall not be confused with decisions in the framework of Art. 288 TFEU. As a result, CFSP Decisions, once adopted, limit the freedom of Member States to adopt individual policies in so far as the Member States are then not allowed to adopt positions or otherwise act contrary to the Decisions adopted by the Council, for they have committed themselves to adapt their national policies to the agreed Decision (Wessel & den Hertog, 2013).

4.4 Concluding remarks

In Conclusion, this chapter shows that the Union often acts externally by concluding international agreements and by adopting actions by the Council. These tools were developed under the framework of the CFSP, which was reorganized in the course of the Lisbon Treaty. The Union is competent to involve itself in the conflict, pursuing the objectives of peace, security, solidarity and mutual respect among peoples and protection of human rights, which flow directly from Article 3 (5) TEU. The EU's competences to act in this conflict include Council Decisions, which can entail a variety of measures relevant to the Arab – Israeli Conflict. Be it the appointment of a ‘Special Representative for Middle East Peace Process (*Council Decision (CFSP) 2018/1248* 2018) or establishing an association between the EU and Israel, concerning the extension of the EU-Israel Action Plan (*Council Decision (EU) 2019/105* 2018). Another tool used in the conflict is Council conclusions, urging the conflicting parties to adopt a particular step or behavior, such as a Council conclusion urging the conflicting parties to refrain from military action or to de-escalate a specific situation. This way, the Union can use its external competences to intervene and assist in solving conflicts at its external borders. Moreover, this chapter highlights that the Union mainly acts in the conflict on the initiative of the Council. The role of other organs of the Union and the HR is discussed in the next chapter on what instruments the EU uses to intervene and assist in solving the Arab – Israeli Conflict.



5. Measures and instruments the EU deployed to intervene and assist in solving the Arab – Israeli Conflict

5.1 Introduction

This chapter answers the second sub-question by discussing the types of measures and instruments the EU deploys to intervene and assist in solving the Arab – Israeli Conflict. Some crucial actors, such as the HR are discussed at this point as well, to demonstrate the role of some organs of the Union in the Arab – Israeli Conflict.

The Union's approach to the conflict is a multifaceted one, which means that the Union applies a variety of instruments and takes different measures in the conflict. CFSP and CSDP are the main frameworks for the Union's actions in the conflict. CSDP is as a forming part of CFSP (Wessel & den Hertog, 2013). Article 42 (4) TEU provides the legal basis for some measures and instruments, specifically in some cases which are discussed under 'practical support' in this chapter, deployed in the conflict by the Council. In order to obtain a better understanding of the instruments used by the Union in the analyzed conflict, this thesis formulates categories for the various measures and instruments deployed by the EU. First, one can categorize the Union's assistance in the conflict into two categories, namely 'practical support' and 'financial support'. Both usually target specific fields and issues in order for the Union to direct their support in such a way that the desired goals and outcomes are achieved. The strategic objectives and scope of the support and cooperation between the European Union on one side and Israel and the Palestinian Authority on the other side are laid out in the EU – Israel Action Plan and the EU – Palestinian Authority Action Plan respectively. All action plans are formulated under the framework of the European Neighborhood Policy (ENP), which forms the main frame of action by the Union concerning the conflicting parties. Israel and the disputed Territories are included in the ENP over the 'Euro-Mediterranean Partnership'. This thesis calls the territories mentioned above 'disputed' for the reason that two peoples, at least partially, claim some of these territories. Since the future composition of a Palestinian State, including its future borders, is a matter up for negotiations between the conflicting parties, it appears to be inappropriate to label these territories as either Israeli or Palestinian. Hence, the chosen label appears to be the most



neutral description of these territories. The Euro-Mediterranean Partnership includes a comprehensive framework of political, economic, and social relations between the Member States of the EU and the conflicting countries (Gomez, 2018).

To understand the concrete measures the Union takes in order to involve itself and assist in the conflict resolution of the Arab – Israeli Conflict, the strategic goals of the respective Action Plan need to be demonstrated. The EU-Israel Action Plan was adopted in 2005 and covers diverse topics ranging from transportation to promotion of trade between the contracting parties, namely the EU on one side and Israel on the other. Relevant for this thesis are the parts concerning the conflict. The chapter "Regional and international issues" enumerates in a list of the fields of cooperation under CSFP in the field of crisis management. This section includes topics such as

“strategic issues and regional security, the fight against terrorism, regional issues in the Middle East and elsewhere, conflict prevention and crisis management, [including] cooperation on research and policy planning, civil protection and peace-keeping, international development co-operation, humanitarian aid and networking [to allow for] rapid reaction for disaster relief and other emergency situations that may arise worldwide.” (*EU-Israel ENP Action Plan*, 2006)

In the section "Situation in the Middle East" the action plan stresses the goal of strengthening political dialogue in order to achieve

“progress towards a comprehensive settlement of the Middle East conflicts, reaching a comprehensive settlement of the Israeli/Palestinian conflict, a permanent two-state solution, supporting efforts by the Palestinian Authority to dismantle all terrorist capabilities and infrastructure, improving economic and social conditions for all populations, improving coordination to facilitate the implementation and delivery of humanitarian and other forms of assistance [and to] facilitate the reconstruction and rehabilitation of infrastructure” (*EU-Israel ENP Action Plan*, 2006).

This section directly refers to the research agenda of this thesis and lays out the political side of EU involvement in the given conflict.



5.2 Practical and financial support

The EU-Palestinian Authority Action Plan came into force in 2013. The priorities here are

“[to] resolve the Arab – Israeli Conflict, the establishment of a sovereign Palestinian State, the support of state building measures in the disputed territories, including the support of the rule of law and the respect for human rights within a functioning democracy with accountable institutions, achieve fiscal consolidation and sustainable economic development, reduce poverty and social exclusion, enhance quality of education, research and innovation (*European Union-Palestinian Authority Action Plan*, 2013).

The respective Action Plans are concluded in the form of an international agreement between the EU and the respective partner. In order to answer the research question, this thesis analyzes some of the measures of the Action Plans. First, this thesis demonstrates some measures which can be categorized as ‘practical support’ to show then some measures which fall under the category of ‘financial support’. A practical example of the Union's assistance in the conflict under the ENP framework is the provision of technological solutions for the swift control of goods passing the borders between Israel and the disputed territories (“Middle East Peace process,” 2016). Although this specific measure does not appear to provide a direct measure to solve the conflict, it nevertheless falls into the category of assistance since a smooth control of goods contributes to a fast transition of the good into the disputed territories and hence mitigates the tensed humanitarian situation in some parts of the disputed territories. Such mitigation can have a positive effect on the conflict itself. First of all, the incentives for violent resistance are lowered by moderating quickly human suffering in the disputed territories. A smooth transition of goods also allows establishing bureaucratic procedures between the conflicting partners, contribution to institutionalizing their relationship with each other, and subsequently establishing regular relationships between the parties on an institutional level.

When analyzing the Union's ‘practical support’ in the conflict, one must also address its state-building activities in the disputed territories. State building activities



refer, in this thesis, to political and historical processes of creation, institutional consolidation, stabilization and sustainable development of states (Leibfried et al., 2015). The EU is a fierce advocate of the ‘Two-States Solution’, which entails the creation of a Palestinian state in some form in the disputed territories. In order to become a functioning state, the Palestinian Authority is assisted gradually by the EU when it comes to state building. An example of a concrete measure on the ground is the ‘EU Police Mission in the Palestinian Territories’ (EUPOL COPPS). This mission was established on the 1st of January 2006 in the Westbank. It is tasked with the support of the Palestinian Civil Police reform and development, with the strengthening and supporting the Criminal Justice System, with the improvement Prosecution-Police interaction and with the coordination and facilitation of external donor assistance to the Palestinian Civil Police (Bouris & İşleyen, 2018). The missions’ budget for the period of 1st of July 2018 till 30th of June 2019 is 12.667 million Euros. The mission includes 72 international staff members working together with 40 national staff members (Bouris & İşleyen, 2018).

Another example of ‘practical assistance’ provided by the EU was the ‘European Union Border Assistance Rafah’ (EUBAM Rafah). This mission was deployed at the Rafah crossing, which is the sole crossing between the Gaza Strip and Egypt. Until the unilateral disengagement of Israel in Gaza in 2005, Israel maintained the border crossing. From 2005 until 2007 EUBAM Rafah maintained the border crossing. The mission was tasked to monitor the operations of the border crossing point between the Gaza Strip and Egypt, after Israeli and the Palestinian Authority concluded an Agreement on Movement and Access in November 2005 (Bouris, 2012). The EU suspended this mission formally in 2007 after Hamas won the elections in the Gaza Strip and effectively became the dominant political organization of the coastal enclave (Bouris & İşleyen, 2018). The Union regards Hamas as a terrorist organization and hence pursues a policy of no contact with it (Charrett, 2019). Such a mission falls as well in the scope of ‘practical assistance’, allowing for tensions to deteriorate by mitigating the limitation of freedom of movement of the population in the Gaza Strip.

As mentioned above, despite the practical support, the EU uses ‘financial support’ as a means to intervene and assist in solving the conflict. The EU provides financial support via different projects aiming at achieving the goals formulated in the

action plans. This happens, for instance, in the form of EU Development assistance to the Palestinian Authority. Further, the EU helps the Palestinian Authority to meet its recurrent expenditure by contributing to the payment of salaries and pensions ("The EU contributes €15 million to the PA payment of April salaries and pensions," 2019). The EU also supports Palestine refugees through the 'United Nations Relief and Works Agency for Palestine Refugees in the Near East' (UNRWA). The baseline ENI contribution to UNRWA amount to 82 million Euros yearly. In 2017 the contribution reached 102 million Euros (Jaya & Van Ooij). Today this support draws international attention since the Palestinian Authority is criticized for their "pay for slay" policy, paying money to people and the families of people who commit terror attacks and other violent acts against the Israeli population (Asseburg, 2019; Feith & Gerber, 2017; Lazarov 2019).

These financial positions are crucial factors for the reason that the Union has clear goals and policies in the conflict and concerning the use of its funds, among them the promotion of peace, the rule of law and democracy. The use of EU funds for the pensions of the above-mentioned people might lead to a potential contradiction of EU goals.

5.3 Political involvement

Despite the practical and financial support to resolve the conflict, the Union involves itself in the conflict politically. Although the principle in matters of foreign policy remains the European Council and the Council, this thesis discusses political measures and positions adopted by it, the HR, and the Parliament, to obtain a coherent picture of the political involvement of the EU in the conflict. Isolated actions by some Member States are not discussed in this chapter since they imply questions concerning consistency and coherence of EU external actions. This matter is discussed in the next chapter when this thesis takes a closer look at the EU policies during some confrontations between the conflicting parties.

The European Council has a crucial role in the formulation of the CFSP. According to Article 22 TEU, it

"[...] defines the strategic interests and objectives of the Union". (Art. 22 TEU)

Article 216 TFEU adds that

"[t]he European Council shall identify the Union's strategic interests, determine the objectives of and define general guidelines for the common foreign and security policy, including for matters with defense implications. It shall adopt the necessary decisions." (Art. 216 TFEU)

The European Council thus facilitates the decisions taken by the Council and acts as a principle.

According to Article 25 TEU the European Union conducts CFSP via defining the general guidelines of its foreign policy, adopting decision defining actions to be undertaken by the Union, positions to be taken by the Union, arrangements for the implementation of the decisions referred to actions and positions taken by the Union and strengthening systematic cooperation between Member States in the conduct of policy. Further, the Council can adopt conclusions, declarations, and statements when addressing the conflict from a political angle. As mentioned above, the European Council and the Council are the key institutions in the field of CFSP. This thesis categorizes the measures taken by them into three categories which aim at (a) reaffirming their position in support of a 'Two-State Solution' and (b) reacting to current developments in the conflict to call for individual actions or demand the halt of other actions and (c) addressing technical issues, since these categories occurred as a pattern when analyzing the relevant policy documents.

An example of measures by the European Council falling into the scope of category (a) and (b) is the joint statement by the President of the European Council and the President of the European Commission in the name of the EU on the situation in Gaza, published on the 3rd of August 2014 condemning rockets fired into Israel from Gaza on the one hand and demanding from Israel, on the other hand, to react to these attacks maintaining proportionality, as well as reaffirming the EU's commitment to a 'Two-States Solution' (*Joint Statement EUCO 159/14*, 2014).

Another example is the declaration on behalf of the European Union on the escalation in the Gaza Strip published on the 18th of July 2014, expressing concern about



the escalation in the Gaza Strip including the resumption of rocket fire into Israel and the Israeli ground operation and deploring civilian deaths in Gaza. It further urges for a ceasefire between the involved parties and calls for a lasting solution to the conflict (*Declaration on behalf of the European Union 12079/14*, 2014).

The Council Conclusion on the Middle East (Gaza), published on the 15th of August 2014 the Foreign Affairs Council welcomes the ceasefire which has been in place since the 11th of August 2014, expresses concerns about the humanitarian situation in the Gaza Strip, calls for increased efforts to facilitate immediate humanitarian access into the Gaza Strip, calls for disarmament of terrorist groups in Gaza and reassures the EU's commitment to a 'Two-States Solution' (*Council Conclusions on the Middle East (Gaza)*, 2014). This is an example where all three categories are present.

When scanning the documents, one can find a structural pattern. First, the documents usually fall in one of the three categories described above. Despite for type (c) the scanned documents by the European Council and the Council reaffirm the Union's commitment to a 'Two-States Solution' and react to a current event, trying to avoid a one-sided representation. The analyzed documents further, demand almost always adherence to international law and call for proportionality and efforts to restore peace. This way, the European Council and the Council advance the goal of a coherent approach to external matters and gives a consistent response to the conflict parties.

When the European Parliament addresses the conflict, it does it usually in the form of a resolution. As already discussed above, when it comes to matters under CFSP, the main actors are the European Council and the Council. The European Parliament is, therefore, legally unable to take relevant external actions concerning the conflict in question. This is lamented by the 'sui generis' character of CFSP, with special decision-making procedures and the exclusion of legislative acts (Art. 24 TEU). Nevertheless, it has the opportunity to act when it comes to political responses toward the conflict. Here, the Parliament can demonstrate its position in the form of resolutions. It does so usually, reacting to occurrent events. For instance, in the resolution of the 15th of February 2009, addressing the 'Operation Cast Lead', the Parliament calls for a negotiated truce and emphasizes the role of Egypt in this process (*European Parliament Resolution 2010/C46E/14*, 2009).



Reacting to ‘Operation Protective Edge’, the Parliament adopted a resolution on the 18th of September 2014 with a similar set of calls and demands, supporting Egyptian authorities in their negotiations with the conflicting parties in order to establish a ceasefire, demands full access for humanitarian aid to the population in the Gaza Strip, urges the EU to participate effectively in the humanitarian aid effort, urges the EU to play a more active political role (*European Parliament Resolution 2016/C234/08*, 2014). The HR gives a political response toward the conflict, usually in the form of statements. In these statements, the HR briefly summarizes positions by the EU. These statements do not have legal implications and serve as a clear indicator of the EU's political stance on a topic under the framework of the CFSP.

5.4 Concluding remarks

This chapter addresses the second sub-question by introducing the reader first to the nature of instruments and measures the EU applies in the given conflict. It categorizes these instruments into supportive and political instruments. When it comes to support, this chapter groups the supportive measures by the EU into ‘practical support’ and ‘financial support’, demonstrating that in its capacity as a humanitarian actor, without formally taking a political stance on a particular issue, the EU can involve itself in the conflict. On the other hand, the EU in general, and the European Council and the Council as the main actors in the field of CFSP, involve themselves politically into the conflict. For that cause, they formulate decisions, conclusions, declarations, and statements when addressing the conflict from a political angle. The HR represents the political positions of the Union by communicating them through statements. Finally, this chapter discusses the role of the Parliament, which legally cannot act externally under the framework of the CFSP. Here, the Parliament nevertheless involves itself into the conflict by adopting resolutions addressing recent developments and crises between the conflicting parties. It demands from either other EU institutions, such as the Council, or the international community or the conflicting parties, specific actions and reiterates its position on the issue in question. Unlike the HR, the Parliament is not involved in the work of the Council and the Commission and hence discusses and decides on the matter in question independently from other EU organs, which can lead to the situation that the Parliament might demand other institutions to take certain steps on behalf of the EU.

6. EU Mediation in Operation Cast Lead (2008-2009) and Operation Protective Edge (2014)

6.1 General introduction

This chapter analyses the EU as a mediator in the Arab – Israeli Conflict by taking a closer look at two significant confrontations which occurred between the conflicting parties. Hence, it deals with the second last sub-question. As already discussed in the introduction, were these two confrontations chosen deliberately since occurred before the Treaty of Lisbon which re-organized the EU's External Actions, introducing new competencies for the role of the EU's High Representative went into force and the other one after the Treaty some institutions and positions such as the HR and the EEAS had already sufficient time to develop.



This chapter puts the effects of this development in the broader context of the two confrontations and analyzes this issue in more detail together with other distinguishing factors concerning the behavior of certain European actors in the two confrontations. This chapter applies an analytical scheme to enable a structural approach toward deconstructing the confrontations on the one hand and analyzing the role of the EU as a mediator in them on the other hand. First, the confrontation in question is generally introduced. In the second step, the EU's power resources in relation to the Palestinians and in relation to Israel are discussed. By understanding the EU's leverage toward the conflicting parties at the time of the respective confrontation, the reader can ground conclusions concerning the EU's role and policies in the respective confrontation. Next, the EU's strategies as a mediator in the specific confrontation are discussed. Subsequently, the EU's cooperation and coordination in the framework of a multi-party mediation is discussed, since in the analyzed confrontations the EU was never a sole mediator but rather a partner in a multi-party mediation approach.



6.2 Operation Cast Lead

a. Introduction to 'Operation Cast Lead' and the EU's role as a mediator in it

The 'Operation Cast Lead' began on the 27th of December 2008 and ended on the 18th of January 2009. It ended by a ceasefire agreement brokered by Egypt (O'Donnell, 2016). Over the 21st century, Hamas used financial resources and constructing materials to construct tunnels into Israel. These tunnels are used in order to smuggle goods, abduct and kidnap Israeli civilians and military personnel and in order to carry out terror attacks (Watkins & James, 2016). The Israeli Defense Force (IDF) hence, regards these tunnels as a threat and subsequently as a military target (Marcus, 2019). On the 4th of November, the IDF started a cross-border incursion into the area of Dayr al-Balah in central Gaza in order to destroy the opening of a tunnel which was concealed within a building circa 300 meters from the border fence on the Gaza Strip border into Israel (Spokesperson, 2008). The IDF code name of this procedure is 'Operation Double'. Hamas regarded this step as aggression and immediately increased sharply their rocket attacks targeting Israeli cities near Gaza. In the period between 'Operation Double' on the 4th of November 2008 and mid-December, more than 200 rockets and mortar shells landed on Israeli territory. On the 18th of December 2008, Hamas formally declared the end of a six-month ceasefire agreement with Israel which came into force on the 19th of June 2008 and launched more than 20 rockets into southern Israel (al-Mughrabi, 2008). Over the course of the next week, Hamas launched dozens of rocket attacks on Israel and Israel struck military targets in the Gaza Strip. On the 25th of December, the Israeli Prime Minister Olmert addressed the situation in the Arabic language channel al-Arabiya, warning Gaza militants and Hamas, stating "I am telling them now, it may be the last minute, I'm telling them stop it. We are stronger." (Press, 2008). Another six Qassam rockets were launched toward southern Israel the same day. The operation began two days later and ended on the 11th of January 2009 with a unilateral ceasefire by Israel, which was followed then by a ceasefire announcement by Hamas (O'Donnell, 2016). This confrontation had devastating results for the Gaza Strip with around 1,4300 Gazans killed and over 5,300 wounded and in around 90,000 people rendered homeless (*Gaza's Unfinished Business*, 2009). For the following, when it comes to the EU's role in the confrontation, one needs to note that the Union's lack of continuity hurt the EU's



response toward the confrontation. On the 1st of January, the Czech Republic took over the Council presidency. The Czech Republic envisioned a friendlier approach toward Israel in the confrontation (Tocci & Network, 2009). The French president Sarkozy rendered the Czech Republic to be not ready to take upon it the task of mediation in this conflict (Müller, 2012). This led to the application of different strategies, used by different EU actors, hindering the EU's ability to use its full potential as a mediator in the confrontation and hindering the EU's goal of coherence and consistency in global crisis management. The nature of EU foreign policy further stimulated this effect before the Lisbon Treaty. Although the CFSP High Representative's declarations followed the positions of the Council presidency, the External Relations Commissioner Ferrero-Waldner, a position which was part of the EU structures before the Treaty of Lisbon, was more concerned with the Israeli military strikes and hence distanced itself from the Commission's position that Israel's attacks were defensive in nature (O'Donnell, 2016). This resulted in the presence of three separate European delegations which traveled to the region on the beginning of January 2009. The French President Nicolas Sarkozy led the first, the second delegation was representing the EU Troika consisting of the Foreign Affairs Minister of the Czech Republic, the Secretary-General of the Council of the EU and the European Commissioner for External Relations and the third was led by the Spanish Minister Miguel Moratinos (*Situation in the Middle East/Gaza Strip (debate)*, 2009). This constellation further undermined the EU's position in the confrontation and further hindered the goal of a consistent and coherent approach in the field of CFSP. This chapter shows that although the Union was not left without resources in this confrontation, its ability to use its resources was hindered by the multitude of actors.

b. The EU's Power Resources in Relation to the Palestinians in Operation Cast Lead

The previous chapters already discuss that the EU is a significant donor to the PA and UNRWA. In 2009 the EU was, in fact, the largest single donor to both bodies, playing a crucial role in providing relief and support to the Palestinian population. The European Neighborhood and Partnership Instrument allocated in 2009 352.8 million EUR to the Arab Population in the disputed territories and provided UNRWA with 169.7 million



(*European Neighbourhood Policy (2009) – Progress report on the OPT – Working document/Non-UN document*, 2009). Furthermore, the EU concluded an ‘Interim Association Agreement on Trade and Cooperation’ for the benefit of the PA, as part of the ‘Barcelona Process’, which aims at increasing and liberalizing of trade between the EU and the PA (O’Donnell, 2016).

Additionally, to the economic support, as the previous chapters shows, the Union provides security resources to the PA, such as the EUPOL-COPPS launched in 2006 and the EUBAM-RAFAH Mission, which was suspended in 2007. These missions are still taken into consideration since the EU can use their reactivation as leverage in the conflict.

c. The EU’s Power Resources in Relation to Israel in Operation Cast Lead

The EU concluded with Israel an ‘Association Agreement’, coming into force in 2000. Although, the USA is Israel's main ally, the EU's Single Market remained in 2009, Israel's most significant market due to geographic proximity. Here, the EU only potentially poses economic leverage vis-à-vis Israel (Tocci, 2009). In the interview with a member of the team of the EU Special Representative on the Middle East Peace Process which was conducted as part of the research for this thesis, the interviewee expressed that Israel's trade with the EU is significant. Nevertheless, steps such as sanctions are out of the discussion for historical reasons, referring to the Shoah. Another point to consider at this stage is that Israel’ trade deficit with the EU makes maintaining the trade relationship highly lucrative for the EU (Miller, 2006). Further, Israel is a member of several European educational, cultural, and sports organization, also having considerable research cooperation in scientific and IT-sectors (Miller, 2006; Newman & Yacobi, 2004). The ENP gives the EU very little leverage over Israel since Israel is a developed economy. This makes Israel not eligible for EU financial assistance, unlike other ENP countries, and unlike the PA and other actors in the disputed territories (Tocci, 2009). Further, Israel and the EU have shared geo-strategic concerns due to their geographic proximity and their common desire for stability in the Middle East Region (Miller, 2006). This enhances co-dependency between Israel and the EU which has only increased with the flaring up of crises and tensions in the region.



In sum, such a relationship lowers the EU's leverage against Israel and hurts its role as a mediator. Nevertheless, the member of the team of the EU Special Representative on the Middle East Peace Process expressed that the EU's opinion enjoys a high stance on the international scene and in international organizations, and the fact that the EU is composed of 28 stable democracies makes their opinion relevant; hence the EU's leverage is increased because of the EU's good reputation internationally.

d. The EU's Strategies as a Mediator in Operation Cast Lead

For the reason that the EU has a no-contact policy with Hamas and that Israel refused to sit at the negotiation table with Hamas in this conflict, resulted in the EU being hindered from playing an active role in the negotiations (O'Donnell, 2016). Egypt stepped up as the lead mediator and mediated separately between the two parties. Despite this situation, the EU managed to still play a crucial role in the mediation over its Member State France, which held the rotating presidency until the end of 2008. France was a key actor in designing proposals for a ceasefire (O'Donnell, 2016). Generally, one can observe that for the enumerated reasons, the EU favors a more passive, communication-facilitation strategy, facilitating dialogue. For the no contact policy concerning Hamas, the communication aspect of the communication-facilitation strategy was primarily performed by Egypt. The EU played a role in this confrontation by beginning talks with Israel, the PA, and the Egyptians and by using the relatively small leverage it had against Israel to promote progress in the peace process. It did so by blocking the announced upgrading of its relations with Israel, which would entail the development of a new Action Plan within the framework of the ENP (Musu, 2010). Further, the Commission halted any meeting of EU-Israel sub-committees on technical issues for several months (O'Donnell, 2016). The EU also participated in the facilitation side of the communication-facilitation strategy by supporting Egypt's mediation efforts (Tocci & Network, 2009).



e. EU Cooperation and Coordination in Multi-party Mediation in Operation Cast Lead

Usually, the EU co-operated intensively with the USA as a mediator in the conflict and compared to the USA resumes to a more passive role in the mediation process (Tocci, 2009). Since the Bush Administration was in its final days during this operation, a window of opportunity to take a more dominant role opened to the EU in general and France in particular (O'Donnell, 2016). The cooperation and coordination between the US and EU were particularly low in this confrontation for the reason that Washington was on the one hand more absent in the mediation process and on the other hand restrained efforts of other parties to force Israel to halt its operation in Gaza (O'Donnell, 2016). Concerning Egypt, the will of France and the EU to be more actively involved in the conflict and the deployment of multiple delegations to the region hurt the cooperation between the EU and Egypt.

Even though the conflict ended by a unilateral ceasefire announced by Israel, Egypt and the EU were crucial actors in creating dialogue and in applying pressure for an end of the confrontation. In conclusion, the Union potentially had many resources and substantial leverage against the conflicting parties (O'Donnell, 2016). These resources, if used, were then cross-purposed and used by different actors, such as an overly active French Presidency, resulting in an inconsistent and incoherent approach (O'Donnell, 2016).

6.3 Operation Protective Edge

a. Introduction to Operation Protective Edge and the EU's role as a mediator in it

On the 12th of June 2014, three Israel teenagers were abducted in the disputed territories. The IDF suspected two men who were known members of Hamas to be behind the kidnapping and named Hussam Qawasameh, a member of Hamas, to be the organizer of the kidnapping (Kershner, 2014; Khoury, 2014). Hamas denied the group was involved in the kidnapping (Staff, 2014b). The PA named the Qawasameh clan, known for acting against Hamas's policies, to be behind the kidnapping (Khoury, 2014). On the 1st of July, the IDF launched 'Operation Brother's Keeper' which was a large-scale crackdown on Hamas infrastructure and personnel in the West Bank (Levitt, 2014). As

a result of the operation, 11 Palestinians were killed, 51 wounded and between 350 and 600 Palestinians including nearly all of Hamas's West Bank leaders arrested (Kamisher, 2016; Staff, 2014b). On the 30th of June, the corps of the teenagers were found near Hebron (Lappin, 2014; Staff, 2014a). As part of the 'Operation Brother's Keeper' and in response to rockets fired from Gaza, Israel conducted air strikes against Hamas facilities in the Gaza Strip. From the day of the abductions on the 12th of June until the 5th of June, 117 rockets were launched from Gaza and Israel conducted approximately 80 airstrikes on Gaza (Tzuri, 2014). On the 4th of July, Israel issued a warning that it would sustain militant rocket fire for another 24, or maximum 48 hours before undertaking a large-scale military offensive (Weiss, 2014). By the 7th of July, Hamas had fired 100 rockets from Gaza at Israeli territory, and Israel bombed military sites in Gaza (Sheizaf, 2014). 'Operation Protective Edge' started formally on the 8th of July 2014. The operation can be divided into three phases: Phase 1 were airstrikes, marking the beginning of the operation. Phase 2 was the ground invasion which occurred on the 20th of July with the IDF entering Shuja'iyya, a district of the Gaza City (Watt, 2016). Phase 3 was the withdrawal of Israeli troops which occurred on the 3rd of August 2014, after the IDF completed the destruction of 32 tunnels in the Gaza Strip (Rabinovitch, 2014). The confrontation formally ended with an open-ended ceasefire which was reached on the 26th of August 2014. In the course of the confrontation, 2,251 Palestinians and 71 Israel were reportedly killed (*Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1*, 2015). Although there are striking similarities to the previously discussed confrontation, the Franco-Egyptian efforts were replaced by a more circumscribed role of Egypt (O'Donnell, 2016). Further, the ceasefire agreement was signed not only by Israel and Hamas but also by the PA. Concerning the EU's power resources, one cannot observe a significant change in their existence, but rather in how they were used since the Treaty of Lisbon came into force (O'Donnell, 2016).

b. The EU's Power Resources in Operation Protective Edge

Concerning the Palestinians, the EU remained the biggest funder of the Palestinian Authority (O'Donnell, 2016). EUPOL-COPPS was still active, EUBAM-RAFAH could have been restarted, and the ENP remained a vital policy instrument for the Palestinians.



However, the lack of an EU special representative at that time hampered the EU's ability to coordinate its response between key actors (O'Donnell, 2016). Concerning Israel, the EU still had an intense relationship on the economic and scientific level, resulting in the same limitations as elaborated in the analysis of the previous confrontation. The critical difference is the Treaty of Lisbon coming into force and with it the 'Concept of Strengthening EU Mediation and Dialogue Capacities' becoming a crucial "component of the EU's conflict prevention and peace-building toolbox for the conflicting countries" (*Item Note 15779/09*, 2009). The establishment of the EEAS aimed at maximizing the impact of EU's foreign policy tools by centralizing its resources in one common institution, enhancing coherence and consistency (O'Donnell, 2016). The presence of the figure of the HR lead also to the EU being able to use its resources in a more political way (O'Donnell, 2016). Nevertheless, the Union remained still unable to use its 'Association Agreement' with Israel as leverage, since Israel remained a lucrative market. Such an approach is called 'conditionality approach' and can work if the opposing party is significantly weaker. Especially because Israel's strongest ally are the USA, its position vis-à-vis the EU is enhanced, making it less likely to apply a 'conditionality approach' concerning the economic cooperation between the EU and Israel. Further, as explained in the chapters above, the CFSP remains a highly intergovernmental policy field, making the role of the EU Member States central. The Member States are inconsistent on their approach toward the conflict in general, but also toward the deployment of political measures (O'Donnell, 2016).

In conclusion, this paper stresses that the Treaty of Lisbon enhanced the role of the Union, especially by strengthening its mediation capacities and bundling its resources, the severe impediments for its role as a mediator, the EU faced in 'Operation Cast Lead' remained nevertheless present in 'Operation Protective Edge'.

c. The EU's Strategies as a Mediator in Operation Protective Edge

The Union was still unable to facilitate communication between Hamas and Israel, for it remained the no contact policy toward Hamas. The primary strategy of the Union in this confrontation was the support of the mediation process led by Egypt, which in turn relied on the Unions readiness to reactivate the EUBAM-RAFAH Mission, using that as leverage (O'Donnell, 2016). Further, the creation of the role of the HR enhanced, on the

one hand, the consistency of the EU's representation, on the other hand, an HR does not have the national resources a rotating presidency has. On top of that, the HR is subject to accountability toward the Member States and the Commission and hence is less independent in its action than a rotating president.

In sum, the Union strategies did not change much compared to the previous confrontation. The effect of the Treaty of Lisbon can be observed in the role of the HR, which united the Union's representation and potentially allowed for a more political role.

d. EU Cooperation and Coordination in Multi-party Mediation in Operation Protective Edge

As described above, the Treaty of Lisbon increased the internal EU cooperation and united the positions of different institutions in order to represent it externally, having one contact point for external actors, the EEAS. Such a situation enhances the EU's ability to communicate and cooperate with other actors. Egypt was the main, and according to some views, the sole negotiator in the confrontation. The EU provided political and diplomatic support in order for Egypt to conduct successful negotiations (O'Donnell, 2016). The US took a more active role in the negotiations compared to the previous confrontation. The Secretary of State John Kerry visited Egypt and examined pressure on Hamas to accept Egypt's ceasefire offer ("US urges Hamas to accept Cairo talks offer," 2014). With the involvement of two dominant actors, such as Egypt and the US, there was little room for a soft power such as the EU to play a vital role in the negotiations. The development of the EEAS, the HR and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' could not change that fact, which led to the situation that the EU was not perceived as a leading partner that could help and facilitate mediation (O'Donnell, 2016). However, the enhanced consistency of the EU's approach toward the confrontation and the enhanced coherence made it easy for Egypt and the US to cooperate and coordinate their approaches in the negotiation, enhancing the EU's role in some way in assisting to solving the crisis. Paradoxical, although the absence of the rotating presidency which has the resources of its national state, made the EU more a secondary player to other mediators, it improved the EU's position as a partner to the other vital mediators. The weakened role of the EU made it more attractive for cooperation and coordination for the other mediators since they no longer felt threatened



by an active EU role in the mediation process and were keener to cooperate with the EU, hoping their position might be enhanced by the Union's 'stamp of legitimacy'. In the conducted interview with a member of the team of the EU Special Representative on the Middle East Peace Process underlined that part of the EU's leverage is that it enjoys a high reputation internationally.

In summary, the Union was able to support the efforts of the USA and Egypt better by adopting a coherent representation externally through the development of the EEAS and the HR. Nevertheless, its role remained a side role compared to active mediation partners such as the USA and Egypt.

6.4 Concluding remarks

This chapter discusses the role and policies of the EU in two confrontations between Israel and the Palestinians and how they changed over time. One of these confrontations occurred before the Treaty of Lisbon, which restructured the EU's foreign policy instruments, and which established the HR and the EEAS, the other one occurred five years after the Treaty of Lisbon went into force. Such a comparison allows this thesis to demonstrate in what ways the role of the EU as a mediator in the conflict was potentially influenced by the novelties of the Treaty of Lisbon. The developments since Lisbon did not increase the EU's resources substantially but instead increased the level of the EU's internal coordination. This, in turn, enhances a more coherent and political representation of EU policies externally by uniting the EU's representation into the central institution of the EEAS and the HR. Together with increased intra-institutional cooperation inside the EU and the EEAS, the Union managed to use its existing resources more efficiently. This effect can be observed when the involvement of the EU in the mediation of the two confrontations is reviewed. In 'Operation Cast Lead', the EU had a two-faced strategy, namely a 'directive strategy' and a 'facilitative strategy', as part of the 'communication-facilitation strategy'. In 'Operation Protective Edge', the EU focused more on the 'facilitative strategy'. This development can be explained by the absence of a rotating presidency, having national resources at its disposal in 'Operation Protective Edge'. It might appear that because of the 'directive strategy' applied in 'Operation Cast Lead', the Union had a more involved role in the 2008/2009 confrontation. Such an opinion omits that the downside of the 'directive strategy' in the



first confrontation lies in the diminished effectiveness of a multi-party mediation, which is the type of mediation applied in both confrontations. The ‘directive strategy’ in ‘Operation Cast Lead’ is underlined by the active role of the French Presidency. With that came the presence of three different EU delegations being present in the region during the confrontation in question. Such a situation potentially impacts the EU's ability to cooperate in the framework of a multi-party mediation negatively. In ‘Operation Protective Edge’, the Union avoided such a phenomenon by adopting a more ‘facilitative strategy’, establishing itself as a coherent partner in a multi-party mediation framework.

7. Perceptions of the conflicting parties and the Union toward the role of the EU in the Arab – Israeli Conflict

7.1 Introduction

This chapter assesses the perceptions the conflicting parties have concerning the role of the EU in the Arab – Israeli Conflict. On the other hand, it discusses the EU's self-perception of its role in this conflict and hence deals with the last sub-question.

In order to assess this, two interviews were conducted. This chapter is divided into three parts: (a) the Arab perspective, (b) the Israeli perspective, and (c) the EU perspective. The interviews were conducted with H.E.Dr. Abuznaid, Ambassador of Palestine to Portugal (interviewee a), H.E. Ambassador of the State of Israel to the Kingdom of The Netherlands Shir-On (interviewee b), and a member of the team of the EU Special Representative on the Middle East Peace Process (interviewee c). This chapter is part of the research for the reason that, based on the principle of state sovereignty, in the framework of international conflicts, the conflicting parties must agree to third parties, be it an international organization or a foreign state, to be involved in the conflict (Cullet, 2017). This is true for all cases except for cases where gross violations of human rights, such as genocide or crimes against humanity are committed. In these cases, based on the concept of ‘Responsibility to Protect’ (R2P), if a particular power is either unable or unwilling to protect its population against the crimes as



mentioned above, then the conflicting party or parties must not agree to third parties being involved in the conflict (Thakur, 2016). The international community may take action also without the consent of the conflicting party or parties. Since the given conflict is not a case where ‘R2P’ can be applied, it is crucial to assess the opinion of the parties in question toward international involvement in general and toward EU involvement in particular. To allow for an unbiased assessment, the self-perception of the assisting party in question, the EU, is necessary too.

7.2 The Arab Perspective

This part deals with the Arab Perspective toward the EU involvement in the Arab – Israeli Conflict.

This paper focuses on the PA and not on Hamas for the reason that Hamas is a terror organization acknowledged as such by various states and international institutions, among them the USA and the EU (*Council Decision (CFSP) 2017/154*, 2017; "Foreign Terrorist Organizations," 1997). It appears, therefore, to be a better choice to focus on the perspective of the PA in this analysis. When analyzing the given interview, one can find that interviewee (a) is highly supportive of international involvement in general and EU involvement in particular when it comes to resolving the given conflict. Dr. Abuznaid (2019) called explicitly for a more political role for the EU when saying:

“[...] Europe has to take [a] more active role in Palestine to say we are not just payer[s]. [...] We want to be a player, they have to be [a] player [...]. So I think it is time for Europe to take a more active role in the peace process.” (Abuznaid, 2019)

He evaluates the role of the EU since the development of CFSP in similar terms, consistently appreciating EU positions and calling for a stronger EU involvement. His elaborations concerning a more active role for the EU in resolving the conflict are grounded in the distrust toward the USA, maintaining that the USA are biased since they took clear pro-Israeli positions. Hence, Dr. Abuznaid (2019) explains:



“[...] Mr. Trump’s policy [...] really came in and violated international law. Its given up Jerusalem [...]”

The previous chapter already discussed a development in which a weak Bush Administration in the ‘Operation Cast Lead’ lead to a situation where Europe could step in and take a more active role in the conflict due to a weaker position of the USA. Such a trend can also be deducted from the statement given by the Palestinian Ambassador. Since the USA are not perceived as an ‘honest broker’ in the conflict by the Palestinian side, a desire for a more active role of the EU occurs. This can potentially be a window of opportunity for the Union to step up its role in the conflict as a more active European role is demanded by at least one conflicting party. When asked about future trajectories of EU involvement in the conflict Dr. Abuznaid (2019) explains that internal EU constitutional issues hamper a stronger and more active position of the EU in the conflict, referring to the requirement of unanimity in the Council. He explicitly criticizes that and gives examples of countries which supposedly block a pro – Palestinian position in EU institutions:

"We need a European position. [...] You have a country like Hungary or [...] Czech Republic [which] would say no. Then there is no deal.

In sum, one can find that the Arab perspective views the EU involvement in a positive light and urges even for a stronger role for the EU in the resolution of this conflict.

7.3 The Israeli Perspective

This part deals with the Israeli Perspective toward the EU involvement in the Arab – Israeli Conflict.

In order to assess the Israeli Perspective on the given question, an interview with H.E. Ambassador Shir-On was conducted. In this interview, the interviewee expressed that in principle, his government finds it legitimate for a third party to be involved in the given conflict. He stressed that in the present international system, one cannot find purely independent states. He continued expressing that globalization influenced the international system and conflicts around the world are experienced differently by

foreign societies. This, in turn, influences the political class to consider international conflicts as part of their political agenda. Further, he stresses that such involvement in an international conflict can only happen in coordination with the conflicting parties. Concerning the evaluation of the EU's involvement in the given conflict since the beginning of the 21st century so far, he stressed that often it seems that Europe ignores other conflicts in the Middle East and behaves as if the Arab – Israeli Conflict was the sole issue in the region. He said:

“Either you are active in a region or you’re not” (Shir-On, 2019).

The main difference between the EU approach and the US approach is precisely that the EU focuses mainly on the Arab – Israeli Conflict, meanwhile the US deals with the broad spectrum of issues in the region. Such a focus applied by the EU he deemed unbalanced. Further, he stresses that the EU, with its Member States, have an inconsistent approach. Some of the Member States, such as Sweden, recognize a Palestinian State, others do not. Further, he expresses that his government feels that the EU tries to impose a solution they seem fit onto the conflicting parties. Such a strategy he opposed and spoke of it in a critical tone. Nevertheless, when asked about future trajectories of EU involvement in the conflict, he stresses that in the past years, the economic support of the EU for the benefit of the PA lowers tensions between the conflicting parties. He states that throughout the conflict, beginning in the 20th century, Israel became a democracy, with a stable economy, and today, Israel is a high-tech power. On the other hand, the Palestinian population failed to make comparable achievements. Such development leads to rich-poor tensions which can be mitigated through EU financial and structural support programs, moving away from imposing what the EU considers fitting the conflict best. He further elaborates that the EU and Arab leaders must move away from the narrative that the Arab – Israeli Conflict is the root cause of tension in the Middle East. He explains that notably, the Arab spring demonstrated that this is not the case. He urges the EU and the international community to depoliticize the conflict and strive toward a peaceful resolution by mitigating the suffering of the local Palestinian population through supporting their access to essential goods such as water and electricity. In principle, he does not think that the issues of the





Palestinian population would be solved by achieving full sovereignty, but rather by eroding their causes of suffering which are described in humanitarian and economic terms.

In sum, one can find that the Israeli perspective is in general in favor of international involvement in resolving this crisis, nevertheless the role of the EU is envisioned in a more critical light, suggesting that the EU should take a depoliticized approach, focusing on mitigating the suffering of the Palestinian population through cooperation and support programs.

7.4 The EU Perspective

This part deals with the EU Perspective toward its involvement in the Arab – Israeli Conflict.

For this, a member of the team of the EU Special Representative on the Middle East Peace Process was interviewed. Concerning the question of the legitimacy of EU involvement in the conflict in the light of state sovereignty interviewee (c) stresses that this conflict is unique by being neither a civil war nor a war between two sovereign countries. Its longtime duration and strong international attention make it a conflict which has an impact on the international community. Unlike interviewee (b), who expressed that his government feels that the EU tries to impose a particular solution to the conflict, he stresses that the EU cannot replace the parties in finding a solution. The role of the EU is instead to support the parties in finding a solution themselves. The interviewee does not consider the EU to be involved in the conflict in general, but only in its resolution. Further, he stresses that the EU position on this matter is the position of the Member States, as the Member States of the EU substantially shape the EU's foreign policy. The HR closely consults with the European Council and the Council concerning their position on the conflict. The Member States, hence, decide on the EU policy in this matter. When asked a question concerning the eroding consensus of the Member States in this conflict, especially when it comes to adopting concrete measures and positions, the interviewee states that the EU policy here is not put into question for the aforementioned reason that the HR closely coordinates its positions also with the Member States, but admits that there is disagreement when it comes to certain measures. Concerning the evaluation of the EU's involvement in the given conflict since the



begging of the 21st century so far the interviewee stresses that the sole definition of the EU's position on this topic and the definition of the EU's goals already has an impact on the international scene, since the EU's word bears importance in the world. Like interviewee (a) and (b), the interviewee (c) stresses that one needs to focus on the needs of the Palestinian population and assist them financially. Concerning the future trajectories of EU involvement, the interviewee suggested that in the future, the EU will devote resources to make sure that whatever solution the Member States will advance will be non-violent. He further stresses that the Union will promote a 'Two-States Solution' as a nonviolent alternative to resolving this conflict.

In sum, one can find that the EU has a definite position in favor of a 'Two-States Solution', which is presented by the interviewee as a consensus position between all Member States. The importance of mitigating the suffering of the Palestinian population is recognized and introduced as a path to continue as part of the EU's future trajectories of involvement in this conflict. The role of the EU in this conflict is then abstractly presented as relevant in so far as the EU is a block consisting of relevant countries, making their position crucial on the international scene.

7.5 Conclusion

In Conclusion, this chapter outlines that there are striking similarities but also stark differences concerning the perception of the role of the EU in the given conflict. All parties agree that particularly the financial and structural support the EU provides for the benefit of the Palestinian population is a crucial instrument in contributing to find a solution to the given conflict. Further, all parties agree that the EU should play a role in assisting in resolving the conflict in some way. The European representative focuses more on stressing that the position of the EU in the conflicting lies in formulating a consensus opinion and strive for a non-violent solution. The strength of the position of the EU lies in its good reputation internationally and through a united stance formulated by the Member States. In the part on the Arab perspective, this paper shows that the Arab side wishes for a more political role of the EU. This might be carefully understood as the wish for a stronger role of the EU in the resolution of the conflict in general, allowing for the EU to involve itself in the peace process more profoundly. The Israeli side, although regarding in general international involvement in the conflict as



legitimate, stresses nevertheless that his government often feels the EU is imposing a particular solution on the conflicting parties. He formulates the possible future role of the EU more in terms of financial and humanitarian support for the Palestinian population, making sure that their suffering is mitigated. This perceptive is justified through the assessment that the most urgent need for the Palestinian population is not sovereignty but access to essential goods such as water and electricity.

In sum, all parties agree that the EU should play a role in assisting in solving the conflicting. The parties disagree though on how they envision the EU's role in the future and what the focus of EU's efforts in the region should be.

8. General Conclusion

This chapter concludes the thesis by summarizing the overall results of the research, formulating an answer to the central research question, discussing the current study, and providing theoretical and practical implications of it. Subsequently, the strengths and weakness of the research (design) are reflected in order to conclude this last chapter with recommendations for further research and recommendations for practice.

8.1 Summary of General Results of the Thesis

The Chapter on EU external relation competences demonstrates that the Union is in principle competent to intervene and assist in the Arab – Israeli Conflict especially when it comes to pursuing the objectives of peace, security, solidarity and mutual respect among peoples and protection of human rights, which flow directly from Article 3 (5) TEU, the Union is competent to act externally and involve itself in that sense into the given conflict. For this, it uses various tools, such as international agreements and council decisions.

The fifth chapter shows that the Union deployed various supportive and political instruments such as financial support for the benefit of the PA and council decisions addressing developing crises in order to intervene and assist in the given conflict. It also demonstrates that CFSP remains mainly an intergovernmental policy field. Further, this chapter demarcates the role and possibilities of relevant EU actors, such as the European



Council and the Council and the Parliament to participate in some sort in the foreign policy process of the Union in the framework of the Arab – Israeli Conflict.

The sixth chapter points out that the reforms which came along with the Treat of Lisbon did not increase the EU's resources substantially but rather increased the level of the EU's internal coordination which in turn enhances a more coherent and political representation of the EU policies externally by uniting the EU's representation into the central institutions of the EEAS and the HR. Considering the increased intra-institutional cooperation inside the EU enhanced by the EEAS, it appears permissible to argue that the Union managed to use its existing resources more efficiently.

The seventh chapter focuses on the perceptions of the conflicting parties concerning the role of the EU in the given conflict and the self-perception of the Union. It lines out that all parties find consensus when it comes to the beneficial side of the EU's 'financial and practical support' for the benefit of the Palestinians. Nevertheless, the parties disagree on the possible level of EU involvement in a more political fashion. The Arab side argues for a more political role for the EU; meanwhile, the Israeli side stresses that often the EU's efforts in the conflict are perceived as the EU trying to impose a specific solution of the conflict on the conflicting parties. This perception does not appear inappropriate as the EU has a clear stance in favor of the 'Two-States Solution' as the only viable, peaceful resolution of the conflict. The EU representative highlights the strength of the Union's good reputation internationally and positions itself more as a facilitator of the peace process.

8.2 Elaborations on General Research Question and Discussion of Current Study

The role of the EU in the Arab – Israeli Conflict is a multifaceted one. Although CFSP remains to be an intergovernmental policy field, the EU nonetheless has legal personality, and formulated goals in its Treaties to pursue when conducting its foreign policy. Hence, pursuing to Article 3 (5) TEU the EU focuses on a non – violent resolution of the Arab – Israeli Conflict. Doing, so it plays a role in mitigating some of the adverse effects the conflict has on the Palestinian population by providing 'financial and practical support' to the PA. On the other hand, the Union positions itself as a political actor and takes, depending on the concrete situation, a more or less active role



in negotiating an armistice between Israel and Hamas. Politically, the Union adopts a clear stance in favor of a ‘Two-States Solution’ and highlights it as the only viable, peaceful resolution of the conflict. In sum, one can say that although the Union does not take a leading role in direct negotiations between Israel and Hamas when it comes to violent confrontations between them, it nevertheless promotes a particular political agenda concerning the conflict and deploys ‘supportive’, as well as ‘political measures’ as a way to involve itself in the given conflict.

Regarding the theoretical and practical implications of the study, this thesis stresses that an analysis of the EU’s foreign policy in general, and the Arab – Israeli Conflict in particular, must also be made through the theoretical lens of intergovernmentalism. This view is reaffirmed by the interviewed member of the team of the EU Special Representative on the Middle East Peace Process when he stressed in the conducted interview the substantial importance of the Member States in shaping the EU’s foreign policy. Such a perspective implies that foreign policy in the EU is a field where a consensus decision must be found, which in turn bears implications on the EU’s possibilities to intervene and assist in the given conflict. This is reflected by the Treaties, which demand unanimity for most of the European Council decisions in the framework of CFSP. Such a situation might serve in part as an explanation of the often-minor roles the EU plays in ad hoc situation such as violent confrontations between Israel and Hamas.

After applying the chosen research design, I would like to discuss the strengths and weaknesses of it briefly. The limited number of interviews and cases is certainly a weakness of the study. The study focuses on the comparison of two confrontations to conclude the general role of the EU. Comparing a higher number of confrontations between the conflicting parties would allow to obtain a broader picture of EU involvement in the general conflict. Further, the concept of triangulation could have been applied more stringently in order to avoid biases even further. Nevertheless, the study has some strengths. Although it does not fully apply the concept of triangulation, it avoids biases by combining several data sources and methods, among them literature analysis and discussions of both academic and non – academic literature and interviews. It also generates new data by conducting interviews. This data can, in turn, be used for further research in this field. In principle, since this study interviewed members of the



diplomatic corps and higher-ranking civil servants, it gives the involved parties an opportunity to elaborate directly on their perception of the given research problem.

In conclusion, based on this thesis I would like to argue that the often-suggested change of the voting procedure in the European Council from unanimity to majority has, on the one hand, the potential to enable the EU to act more quickly in global crises. Such a constitutional change must be carefully evaluated. Supranationalization must not necessarily enhance the EU's abilities in the field of foreign policy. It bears the danger to become a disintegrative factor. Since foreign policy is a sensitive and highly debated policy field, some Member States may not follow the majority decision taken in the European Council and pursue their own, deviant foreign policy. This situation would be a disintegrative momentum for the Union and could not enhance cohesion and consistency in the EU's foreign policy. That such a situation can occur was demonstrated in the 'refugee crisis', where some Member States refused to follow up on majority decisions concerning, for instance, the migrant redistribution mechanism (Toygür & Benvenuti, 2016). One needs to bear in mind that Member States are still sovereign entities which can ignore their contractual obligations with the EU. Although the next opinion might appear to be cynical for some readers, I still would like to discuss it here. Non – agreement between the Member States concerning the general policy in the given conflict can bear a strength and enhance the position of the EU as a mediator in the crisis, since both conflicting parties can look at the discussion of the Member States in the European Council and their positions and pick and choose the perspectives and suggestions they agree with. Israel would focus on the more pro-Israel leaning Visegrad – States and the PA could look at the more pro Palestine leaning Ireland and Sweden.

Finally, I want to warn the reader to draw conclusions beyond the scope of the research. As outlined above, the thesis has certain limitations and can only be regarded in the light of them. It shall serve more as a starting point for future research which could shed a better light on how exactly coherence and consistency in the conduct of CFSP could be achieved or which possibilities exist to enhance the EU's role in the conflict and its response to ad hoc crises situations. Another research trajectory could focus on the potential effect disagreement between the Member States on specific issues in the Arab – Israeli Conflict could have on the perception of the EU by the conflicting parties.



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10. Appendix

Transcript of interview with H.E. Ambassador Dr. Abuznaid

Interviewed on the 28th of June 2019 over the phone

Interviewee [00:00:00] The importance of Norway. No one expected it would clear that toward it which means the secrecy over the talks could really have been more [inaudible]. Any other place. That's why we think these talks were successful and ended in the Oslo agreement. So sometimes countries they need a third party. They need a trusted party which take [inaudible]. For example if you look today how you can take the United States as a third party you need a party who could be trusted between the parties over the conflict took pray to play a role in bringing between these countries. So I I think it's important for one European country or Europe as a whole to play a role in trying to solve this conflict.



Interviewer [00:01:04] I understand you just mentioned Oslo. If we look back at the time after Oslo the 21st century and in what ways did the EU involve itself in the Arab-Israeli conflict in the time of Oslo?

Interviewee [00:01:20] Well Europe politically they really were a big supporter of the two state solution. They were supportive of this solution to be without violence in peaceful negotiations. They supported the Palestinians financially. Also they stood with the Palestinians against Israeli behavior in international law when Israel violated the basic rights of the Palestinians in their daily life and also Europe supported the Palestinians in joining international organizations to really behave and be like a state so that European and [inaudible] was very essential to the Palestinians in supporting the peace in building their own the Palestinian organizations in really joining the international community and solution and. Really to make the Palestinian state possible so the European role was important. Look into this conflict as many people thought the only one can make peace in this process was the United States. Oslo and Europe were never thought to be important as the United States. And what Oslo what they, Norwegians. But it is really it started the talks leaving America outside which I believe in the first stages of Oslo. America was not informed about the details about America was not informed about the secret talks. So that means in this way Norway or Europe proved they can take a role which the role always was taken hostage by the United States. So many people that America is the only country who holds the keys for peace in the Middle East. So European involvement is important and also it's really change the believe that it is just America.

Interviewer [00:03:52] What I heard from your statement correct me if I'm wrong is that you could divide Europe's support in this conflict into financial support also for

the Palestinian people but also into political support. What would you say is more dominant when it comes to the European Union the political support or the financial support?

Interviewee [00:04:15] Well this is very interesting. The question we see how the Israelis view the support to Europe for us Palestinians. We do appreciate it. That Europe supported Palestinians to build their state. They supported the Palestinian struggle against the injustices against that Israeli behavior violated international law. But to the Israelis sometimes they took advantage of that whether to Netanyahu he says let Europe protest all they want. Let them pay the Palestinians. We don't care because by international law the occupying power is responsible to take care of the needs of the population under the occupation. So when the Europeans are paying, Netanyahu is happy and he is saying well fine. Let the Europeans pay instead of I am paying. So he's taken advantage of Europe. And that's why I think Europe will make really serious conditions to the Israelis to say yes we know if we don't support the Palestinian hospitals or institutions things would be very difficult for them to survive. But Mr. Netanyahu we don't expect you to take advantage of us to expect us to pay what the occupying authority has to pay. So on the political level I think Europe has to move to serious position but really to tell the Israelis if you don't behave we are not. I know the Palestinians would suffer. But why do you expect us to keep paying and you are enjoying the benefit of your responsibility as occupying power. So this is what I think Europe has to do. Second Europe has to take more active political role in Palestine to say we are not just payer. We just want to pay. We want to be a player they have to be player in the politics or in achieving solution. If this conflict. So just paying paying and not being a player is not right. So I think Europe has to move to more steps to tell the Israelis look for example. We are tired of criticizing you. We really see you violated all international laws and always we have position in Europe against it. But we are not getting anywhere. Seems like this is not the right leadership. You're in our way. Mr. Netanyahu said the Palestinians cry all they want. Let the Europeans pay all what they can protest all they want. But I do what I want. For example its settlements. When Europe from day one said this is illegal. This should not happen. Look now where we are every day Israel Israel is violating international law and violating more of the Palestinian rights in defending their land. So I think it is time for Europe to take a more active role in the peace process. They cannot be left as payers or criticizer. I think they have to move to a decision for example to tell Netanyahu. Mr. Netanyahu if you not listen it is time for us to recognize the Palestinian state because we believe in the two state solution. We see this occupied territories both West Bank, Gaza, East Jerusalem and this is part of the Palestinian state. This is our position. We would not let you every day confiscate land that destroy this peace process claim that this is a disputed land. It is not a Palestinian. So for us we recognize it as Palestinian land. We recognize the Palestinian state And we still believe it's an occupied territories. I think why Europe not doing it. It is encouraging Netanyahu to do what he wants. It is time



for Europe to act. It is time for Europe to take more responsibilities because if you look today how Europe connected to the Middle East they have interests in the Middle East. They have business with the Middle East. Immigration or terror could destroy Europe more than anyone else so Europeans have to see what they can really do to end this conflict that I believe there is no conflict in the world cannot be ended. Conflicts are created by human beings that it should if by human beings. Then we call to the European position. You always Europe they say or we could keep our position. We need agreement from all European countries and that's why. If a country like Czech Republic says no we cannot have a deal. So this is an issue way European countries believe that the our decision serious decision has to be by full agreement by all European countries. Sometimes when you'll find one or two countries which they have more relations or interests with the Israeli occupation they say no then you have. You cannot have a collective position from European Union. So this is a question. Sometimes it is very hard to have all Europe in agreement in one position. And I talk to countries let's say Portugal they are sympathetic to Palestine. They would like to see the Palestinian state as many European countries but we say we can't do it alone. We need a European position. Therefore you have a country like Hungary or a Czech Republic would say no. Then there is no deal. This is a situation I think European countries they have to meet their responsibilities. They have you know if you have a one country it should go by majority not to change the whole European position. And then the Israelis and the occupation are benefiting from this system within Europe or Europeans toward the conflict.

Interviewer [00:11:09] I understand thank you a lot. Let's imagine a situation where internal affairs of the European Union don't matter at all. Basically we just look at the external factor. In what ways would you wish that the EU gets involved in resolving the conflict in the future? You already talk a little bit about it but let's just forget for a second about the internal issues Europe. Europe might have.

Interviewee [00:11:36] Well Europe has to take a more active role because they are not taken seriously by the Israelis so they have to show they can do serious efforts toward peace process. Look for example these days the Israelis don't care about Europe position. They say it's nice if they want to criticize us but no big deal. We have America we have Mr. Trump on our side. Who cares. I think this is how the Israelis see it who cares about what Europe would say. We have to enjoy the benefit or Mr. Trump policy which really came in and violated international law. Its given up Jerusalem and all these issues in the same time. You know the question with Europe with the Holocaust which is I think it was against the humanity not just against Jews it's against all kinds of people. What happened in Europe so see what Germany is doing because the feeling of guilt toward the Jews there are saying any criticism of Israel which if is or means anti-Semitic and this is could be a crime. Okay. We are not going to criticize Jews. We are a criticizing occupation. And really this pressure from

Israel or so. I don't know how it goes or it will go to some countries in Europe in a way when you have a meeting or gathering of a group let's say in Portugal. At the Israelis say well this meeting was against Israel against the Jews. This is antisemitics and this could be a crime. So you can't even support the Palestinian rights. You cannot do anything. So that's why I think Europe they have to be more clear and more determined and to tell the Israelis look we are going to take decisions and we expect our decisions to be taken seriously or otherwise we have to take up positions. Well when some positions they will say OK we don't want to support the Palestinians financially. This is your responsibility. Maybe they feel guilty doing that because then the Palestinians will suffer more. So it is a very catchy situation. What Europe should do but Europe could be more active. The U.N. Security Council. Within international organizations at the UN they could use their leverage with the United States. They can't really talk seriously to the Israelis but if you see Germany making it a crime to be critical of the occupation. This is I think it's not going to be this policy European policy effective with Israel. So the Israelis, the Jewish lobby working hard against you know the European position in supporting Palestine their lobby. They have different interests and I fear with the Middle East situation with Europe are busy in their own situation. The Palestinian problem would be more forgotten and would not be less involvement from Europe in the near future. I think Europe has to maintain its support and a clear position there demanding this occupation or this resolutions have to be implemented but if not they have to really take new positions which the Israelis can make Europe more seriously.

Interviewer [00:15:40] I understand. Thank you a lot. Mr. Ambassador I'm done with my questions. I think which I've got at the beginning of the recording is to ask you I asked you before if you agree to this recording so if you would kind of just state at the end of the recording that it was okay for me to record you.

Interviewee [00:15:59] Yes I agree but to be used to copy it for your own [inaudible] purposes. I don't want you to go to put it in radios this but you can use it. You can benefit from it. But for instead of writing you have it. It's on record then to be used the recording for you [inaudible] personally.

Interviewer [00:16:30] Yes. I will also send you our privacy policy which states exactly what you just said. Mr. Ambassador to your secretary so you also have this for your documents.

Interviewee [00:16:42] Thank you.

Interviewer [00:16:43] Thank you a lot for taking your time. That flex that flexible and that spontaneous. Also in the light of you having a full agenda and being sick it is appreciated a lot. I wish you a very speedy recovery and a very great day.

Interviewee [00:16:58] Thank you. Have a good day and Good luck with your research.

Interviewer [00:17:01] Thank you a lot Mr. Ambassador. Goodbye.

Notes of interview with H.E. Ambassador Shir-On

Interviewed on the 13th of June 2019 in person in The Hague



Interviewer: In general, do you find it legitimate for a third party, be it a foreign state or an international organization to get involved in a certain conflict to assist with its resolution?

Interviewee: Yes, basically; The world of today is interconnected. In the present international system there are more purely independent states, everyone depends on relations with others (countries, international organisations, trade, R&D, culture).

In history farmers were growing food, they ate it and that's it. Today this is not the case. On the free market you sell, you buy. People in the west can't imagine their life without connections to the other world. This makes dependent on others. We face challenges we can't solve ourselves and need others. That influences politics and political relations between countries. Israelis must accept that the Dutch government will have an opinion on Israel and Israeli politics. I want to give a limit to my yes. If we are talking about problems of others, it must be in coordination with the party or parties concerned. Not imposing a national opinion on others. We need agreement, consent. Tensions can be solved in cooperation agreements, if these agreements are concluded without imposing a will on others.

You can't close issue you like and leave other issues aside in the Middle East. Europe concentrates only on one conflict. Israel says that there are other conflicts which need to be addressed too because they influence one-another. Europe ignores major conflicts in the Middle East. „either you are active in a region or you're not“ *Remark: this is a direct quote*

That is the difference between Americans and Europeans. Americans are dealing with a broad spectre of issues. Europeans only deal with what they want which leads to an unbalanced focus. Some Europeans adopted the Arab viewpoint even when it comes to negotiations. There is also a change of attitudes of some Europeans throughout the years. For example the Netherlands; The relations and public opinion used to be closer to Israel. That has changed. EU is a success and delivered the longest period of peace in history. The challenge for the EU is a united foreign policy, which in turn affects conflict situations. Israel's bilateral relations with many Member States are better than with the EU as a whole. There are different Member States in the EU. For example Sweden; it



recognizes a Palestinian State. Is this the most urgent issue for a new government? When Member States sit together by definition the collective EU position will be less positive than what we can reach ourselves vis á vis Germany, Greece the Netherlands. The Palestinians are never independent enough. They always took others, like the Arab League etc., to negotiate on their behalf. The more cooks, the worse. There are always many parties involved in the Middle East. This is also the result of the involvement of the international community, the Soviet Union, USA involvement then contributes to tensions. Today the US carries burden of defence of the West. European states don't want to commit to 2% budget spending for NATO. That creates doubts about Europe's credibility as a crisis manager. Europe's credibility is impeded by many examples. For instance the promise of the German government to participate in the Iraq war with Alpha jets. This government policy got disputed by the Parliament then. Often Europeans want to give Israel security guarantees in exchange for Israeli concessions in the conflict. This example shows the issue with European credibility when it comes to defence and commitments. Americans on the other hand stand to their word. Another example for the lack of credibility by the broader international community is what happened in Egypt at the beginning of the 6 Day War. The UN forces left Egypt immediately. This is another example of no reliability and no credibility also in front of the conflicting parties. They are not able to reach a unified political position and have internal issues. There is a lack of coherence and no guarantee that promised actions will actually happen. When we talk about the economic Area; Europe is an economic power, which contributed economically to the Middle East. Eu then wants to be not only a pay but also a player. Europe imposes their ideas or what their position is on the conflict resolution. This raises also the issue of European imperialism. They bring their European ideas to an area which thinks differently, operates differently with different traditions. People in the Middle East think different than Europeans. Some European ideas don't work in the Middle East. Sometimes Europe doesn't know the facts about the root of the conflict which is the recession of the Arab World toward Jewish independence in that part of the world. That is the basic cause for the conflict. For example the UN Partition Plan; The rejection of it is the root cause for the problems we face today.

It is not merely a territory issue. Take 1948 as an example. Morocco declared war on Israel because they refused Jewish independence. Morocco is geographically not even close to the conflict. Other developments also increase tensions: the refugee problem, Jerusalem. Religion is also a major issue in the conflict, which makes it even more complicated to bridge.

Interviewer: In what ways did the EU involve itself in the Arab-Israeli Conflict in the 21st century so far? And, in what ways would you wish that the EU gets involved in resolving the conflict in the future?

Interviewee: Economic activities. One reason for tensions is that Israel became a democracy with a solid economy and is today even a high-tech power house. This creates

a rich/poor tension. Here the role for the EU can be to try to improve the situation of Israel's neighbours. They should try not impose their will on the parties but rather improve the situation on the ground. This creates a better atmosphere and increases the chances to achieve a compromise. In the past many Arab leaders and the EU were following that the Israeli – Palestinian Conflict is the root conflict in the region. It is not. Look at the Arab spring as an example. We need to understand that the main issues of Arab states is not Jewish independence but economic, social, internal issue. With EU economic and social programs we can create better chances for compromises. The people need water, help with border crossings, electricity. The conflict in general needs depolitization which can be achieved by using experts not politicians to improve the situation on the ground. That makes peace more likely.

Interviewer: Looking at the development of the conflict in the course of the 21st century; How would you evaluate the EU's involvement in it?

Interviewee:

EU was and is an important player. Europeans have a history in the Middle East. Israel and Europe are intertwined. Europe and the Middle East are intertwined. If EU and US can reach an understanding on foreign policy issues then the EU might play a more important role in the conflict. They need to find and maintain a solution which is political and economical. They can use the relations of the EU with the Arab world for the EU to be more influential, involving countries. Israel doesn't have these relations with the Arab world and can use the EU's relations to reach a solution. The EU should use economic prosperity and their market as an incentive.

[Notes of interview with a Member of the team EU special representative for Middle East Peace Process](#)

Interviewed on the 11th of June 2019 in person in Brussels

Interviewer: In what ways did the EU involve itself in the Arab-Israeli Conflict in the 21st century so far?

Interviewee: The position of the EU pre-existed the creation of the EEAS. The Member States conclude positions on foreign policy agree to take them forward together which is the basis for the EEAS positions. The EEAS position hence is the position of the Member States. Member States are the principles and the EEAS is the spokesperson for the Member States. They decide on the policies. The EEAS is in charge of executing these policies.

Interviewer: Is there still a Member States consensus on the Middle East Policy?

Interviewee: The policy of the EU is not put into question. What line of action to be derived from the policy is put in question. The High Representative is touch with the Member States about the policy and asks them frequently. The Member States do not want to change the general policy. Differences then come up in operationalisation of the process.

Interviewer: In general, do you find it legitimate for a third party, be it a foreign state or an international organisation to get involved in a certain conflict to assist with its resolution?

Interviewee: State sovereignty is in premises of state. This conflict is a unique conflict for the reason that it is in between a war and a civil war. It is neither a war between two countries nor a civil war. For a long time this conflict was internationalised. It has an impact on the international community because it has an impact on two peoples. The EU's role was never to try to replace the parties in finding a solution but to support the parties to reach a solution. Certain values are important which a country needs to uphold to have full cooperation with the EU. The cooperations is based on generic rules for that certain party. The is not involved in the conflict. It is a member of the quartet, the quartet did never decide the faith of a country. It represents the international community. The EU is therefore a supporter for the forts between the two parties.

Interviewer: In what ways would you wish that the EU gets involved in resolving the conflict in the future?

Interviewee: That's a difficult junction. Both parties lost faith to find a diplomatic solution. What will be the EU's guiding principle for acting: to devote resources to make sure whatever solutions the governments find to advance will be a non violent one. In the Palestinian society that means to advocate for a peaceful resolution, with a state for Palestinians. These people are undermined considering these efforts have failed so far. In Israel we can see a sense of a spiritual duty; Today there is no break what is possible for them, not by the US anymore. Therese is a sense that the extremist agenda is becoming more mainstream I mean by that the annexation of the West Bank is not a taboo anymore for instance. The EU needs to make a statement in favour of non violent alternatives. I don't see any other option than a two state solution.

Interviewer: Looking at the development of the conflict in the course of the 21st century; How would you evaluate the EU's involvement in it?

Interviewee: We define goals to make clear what we want this already has an impact. If EU indicates that they want to have a two state solution then this alone has a signal effect. The EU is a provider for international legitimacy because it is made of countries following the rule of law, being strong democracy. The EU's word has importance in

world that leads to an effect and it matters. It might be difficult to see that it has an importance. We need to focus on Palestinian needs and we need to look what is the best interest of the EU and the peoples of the world as best achievement today. The financial Assistance to the Palestinians is crucial. Sanctions against Israel are for historic reasons not on the agenda.