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THE MAKING OF EUROPEAN UNION FOREIGN POLICY: THE CASE OF THE PALESTINIANS(1969-2009)

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THE MAKING OF EUROPEAN UNION FOREIGN POLICY:
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The author of this thesis declares that this study is his own original work, conducted under the supervision of Professor Emma Murphy. All sentences or passages quoted in this dissertation from other peoples' work have been specifically acknowledged by clear cross-referencing to author, work and page(s). None of the materials in this thesis has been submitted in support of an application for another degree qualification in this or any other university.

Dedication

To Mr. Abdullah Mohamed Saleh for his genuine support and for my mother Rbaiha Abdullah Ghanem Jaghoob

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Notes on Translation

Unless otherwise noted, all translations in the manuscript are mine. I have recorded all the interviews and then divided questions and answers thematically.

Transliteration of Arabic Terms

All diacritical marks in Arabic letters, such as ت,ب,ه, اب Arabic scripts have been omitted throughout the dissertation for the sake of simplicity.

List of Abbreviations

AA	Association Agreements
CFSP	Common Foreign and security Policy
CFP	Common Fisheries Policy
CSCM	Conference of Security and Cooperation in the Mediterranean
COREPER	Committee of Permanent Representatives
CAP	Common Agricultural Policy
DG1B	Directorate-General for the External Relations
DoP	Declaration of Principles
DG	Directorate General
DG RELEX	Directorates-General for External Relations
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
EDF	European Development Fund
EUBAM-Rafah	European Union Border Assistance Mission at the Rafah Crossing Point
EEAS	European External Action Service
EUPOL COPPS	Co-ordinating Office for Palestinian Police Support
EMP	Euro-Mediterranean Partnership
EP	European Parliament
EMFTA	Euro-Mediterranean Free Trade Area
EOM	EU Election Observation Mission
EMAA	Euro-Mediterranean Association Agreements
EMFTA	Euro-Mediterranean Free Trade Area
EFP	Economic and Financial Partnership
EPC	European political cooperation
EEC	European Economic Community
ERSG	Elections Reform Support Group
EU BAM Rafah	EU Border Assistance Mission Rafah
ESDP	European Security and Defence Policy
EMPA	Euro-Mediterranean Parliamentary Assembly
EFP	Economic and Financial Partnership
EUSR	EU Special Envoy to the Middle East
EIB	European Investment Bank
ECU	European Currency Unit
EEAS	European External Action Service
EC	European Commission
EUPO- COPPS	European Union Police Mission in the Palestinian Occupied Territories
EMU	European Monetary Union
ECSC	European Coal and Steel Community
ESCWA	UN Economic and Social Commission for Western Asia
Fatah	Palestinian National Liberation Movement
FRG	Federal Republic of Germany
GAERC	General Affairs and External Relation Council
GMP	Global Mediterranean Policy
GNI	Gross National Income
GFUNRWA	General Fund of the United Nations Relief and Works Agency for the Palestinian Refugees in the Near East
GATS	General Agreement on Trade in Services
Hamas	Islamic Resistance Movement
HR	High Representative for the CFSP/Secretary-General of the Council
IERC	Interim Emergency Relief Contribution
IMF	International Monetary Fund
IA	Interim Agreement

ICJ	International Court of Justice Intergovernmental Conference
JPC	Permanent Joint Committee
LACC	Local Aid Coordinating Committee
MEPP	Middle East Peace Process
MEDA	Thefinancial instrument of the Euro-Mediterranean partnership
MENA	Middle East and North Africa
MEPPC	Special Coordinating Group on the Middle East Peace Process
MEP	Member of European Parliament
NATO	North Atlantic Treaty Organisation
NOGs	Non Governmental Organisations
OPTs	Occupied Palestinian Territories
PLO	Palestinian Liberation Organisation
PNUG	Palestinian National Unity Government
PAMoP	Palestinian Authority Ministry of planning and administrative development
PRDP	Palestinian Reform and Development Plan
PCHR	Palestinian Centre for Human Rights
PM	Prime minister
PA	Palestinian Authority
PLC	Palestinian Legislative Council
PSC	Political and Security Committee
PJCC	Judicial Co-operation in Criminal Matters
PSC	Political and Security Committee
PRDP	Palestinian Reform and Development Plan
PEGASE	French acronym for: Palestinian-European, Socio-Economic Management and Assistance Mechanism
PECDAR	Palestinian Economic Council for Development and Reconstruction
QMV	Qualified Majority Voting
RMP	Renovated Mediterranean Policy
REDWG	Regional Economic Development Working Group
SEA	Single European Act
SSR	Security sector reform
SMPs	South Mediterranean Parterres
SEM	Single European Market
TIM	Temporary International Mechanism
U.S	United States of America
UNSC	United Nations Security Council
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNIFIL	United Nations Interim Force in Lebanon
UN	United Nations
UNDP	United Nations Development Program
UNRWA	United Nations Refugee Work Agency
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNSCCRs	UN Security Council Resolutions
UFM	Union for the Mediterranean
UM	Union Mediterranean
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organisation
WEU	Western European Union
WB	World Bank
WWII	World War II
WBGS	West Bank and Gaza

Abstract

This thesis sets out to examine how the EU develops its foreign policy towards the Palestinians, with what objectives, through what mechanisms and with what impact. The thesis draws principally from realist understandings of the EU and its foreign-policy making, arguing that this remains essentially an intergovernmentalist collaboration of self-interested rational nation-states. However, the process of building collective foreign policy making institutions, and socialising within them, and the functioning of those institutions themselves, generates functionalist dynamics as well which results in supranationalist institutions and "moments" when they are predominant over the general intergovernmentalism of the process.

As a consequence, decision-making and implementation within the current CFSP, even in the post-Lisbon era, is diffused across different actors and institutions, creating a complex and at times contradictory mechanism which is dominated in the end by intergovernmentalism and the (differences between) member states' interests.The thesis shows that when it comes to EU policy towards the Middle East, since the 1970s there have been some very clear shared interests of member states belonging to the EU. These have been grounded in security concerns, albeit promoted through liberal normative and institutionalist means. Precisely because these are shared interests, which are in each national case are only a part of a larger "bundle" of interests, they have been sufficient to drive inter-governmental collaboration but not sufficient to promote sustained supranationalist tendencies.

Each member state has to balance the security interests they may share with partner countries, with other, sometimes conflicting interests. In order to manage this, national governments have retained a preference for inter-governmentalist foreign policy decision-making in the EU. The evolution of EU foreign policy towards the Middle East (via the Mediterranean global policy [GMP], Euro-Mediterranean Partnership [EMP], European Neighbourhood Policy [ENP], and the Union for the Mediterranean [UfM]) supports realist arguments that these largely security-based interests have guided states in their intergovernmental contributions to the EU policy-making process.

Ultimately he EU uses the tools of liberal theory, mainly those of economic liberalisation, such as trade, aid, democracy promotion, human rights and sanctions, to achieve security and stability in the region. The EU's support for the MEPP can also be understood within this context. When there is a contradiction between these liberal values and the security interests of the member states, security interests take priority. In other words, the EU is a realist actor in liberal clothes.

The thesis demonstrates how EU policy towards the Palestinians ultimately reflects this pre-occupation with the EU's own security, despite its normative commitments to Palestinian democratisation and its declared support for Palestinian economic development through financial and

technical assistance. Whilst EU member states largely share a common vision for the political resolution of the Arab-Israeli conflict, and one which is embedded within the supranationalist institutions like the Commission, their ability to advance their own collective role in that process is restricted by differing relations with third parties and varying priorities, which are advanced through the dominant intergovernmentalist institutions (like the Council). The ultimate result has been to make policy towards the Palestinians a victim of the failing Peace Process, and to limit the implementation and effectiveness of declared EU policy.

Introduction

The Arab World, the Middle East and the Israel-Arab conflict have occupied prominent positions on the agenda of Europe and its institutions for as long as the latter have existed. Due to the proximity of the two regions, their historical- particularly colonial- ties, and their cultural linkage, Europe has always prided itself on a 'special relationship', considering itself to have a better understanding of Arab and Middle Eastern issues than others[1]. In reality, of course, the Middle East and North Africa (MENA) region raises significant concerns for Europe regarding security, combating terrorism, securing energy and trade interests and the migration of peoples.[2] For Europe, the on-going Israeli-Arab conflict acts as a constant impediment to the stability and security of its interests in the Middle East, and over the years it has consequently developed a deep concern with, and involvement in, the Middle East Peace Process (MEPP) which it aims to resolve. Together, these concerns provide a context for the development of European policy towards, and relations with, the Palestinians in the Occupied Palestinian Territories (OPTs)

This thesis aims to establish the processes by which the European Union devises its policies towards the Palestinians, the substance of those policies, and their impact. It asks the following research questions:

1- How does the EU "make" its foreign policy, through what institutions and mechanisms and to what ends?

2- How is EU policy towards the Middle East, its conflict, its Peace Process and towards the OPTs, in particular, formulated, with what objectives, under what constraints and with what impact?

3- What does the making of EU policy towards the Middle East, its conflict, its Peace Process and towards the OPTs tell us about the mechanisms, instruments, and processes of EU foreign policy-making in general?

Despit many scholars have addressed elements of this topic through the lens of EU policy towards the MEPP, EU democratisation efforts in the OPTs and European aid and technical assistance for example - none have so far set out to systematically examine how the EU devises policy towards the Palestinians in general, or with what objectives and policy goals in mind. Similarly, the many studies of EU foreign policy-making have failed to provide adequate explanations for the specificity of policy toward the Palestinians. This research, therefore, will utilise theories of International Relations (IR) and integration and bring together an examination of the processes, instruments and institutions of EU

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[1] D'alançon, F. (1994). The EC Looks to a New Middle East. *Journal of Palestine Studies.* 23, 41-51.p.16.
[2] Ibid.p.16

foreign policy-making in general, with an analysis of how these combine to formulate particular policies towards the Palestinians, or which directly affect the Palestinians through the MEPP. The thesis also examines the issues which arise from the implementation of those policies, both in terms of the institutional and process-related constraints and, uniquely, through an examination of how the recipients of policy perceive and respond to it.

The thesis focuses inevitably, but not exclusively, on the EUs main foreign policy structure – the Common Foreign and Security Policy (CFSP). The main argument fits comfortably within the large body of existing research which suggests that the CFSP is "conflict-prone, disaggregated, and unbalanced", and that its mechanism and "ill structured decision–making process"[3] are emblematic of the intergovernmental approach of the Union towards foreign policy making.

The thesis will demonstrate that, despite efforts over both the previous EPC and the present CFSP to speak with a single voice to the outside world (in recognition of some shared interests at the level of strategic and security issues), the member states of the EU still lack sufficiently comprehensive shared interests, common vision of a foreign policy role, or political will to overcome the temptations of self-serving intergovernmentalist structures and tactics. Responsibilities for foreign policy-making and implementation are consequently split between the intergovernmentalist European Council on the one hand and the supranationalist institutions of the European Community (notably the European Commission and European Parliament) on the other. In the end, intergovernmentalism trumps internationalism and, even when EC institutions are able to over-ride the interests of individual states' through functionalist mechanisms, and so arrive at a common foreign policy objective, subsequent policies can still be subverted by the the Council of the European Union and the member states within it. The result is confusion, complexity and contradiction in EU foreign policies, as well as a propensity to fail at the stage of implementation.

The thesis will show that, when it comes to EU policy towards the Palestinians, these problems are all too evident. The thesis locates EU policy towards the Palestinians within the two broad frames of reference of the EU; that is the MEPP on the one hand, and the EU efforts to engage with its regional neighbourhood through the Mediterranean global policy (GMP), Euro-Mediterranean Partnership (EMP)/European Neighbourhood Policy (ENP), and the Union for the Mediterranean (UfM), on the other. In both foreign policy arenas, the divergent national interests of member states within the Middle East are apparent, as are their differing visions for the role which the EU should be playing and, consequently, the nature of the foreign policy which it should be pursuing. National perceptions of the role of the EU relative to the U.S differ too, and the potential for EU policy is circumscribed by the policies of both the U.S and - when it comes to the Palestinians - Israel. Whilst

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[3] Zielonka, J. (1998). Explaining Euro-paralysis: Why Europe is Unable to Act in International Politics. New York: St. Martin's Press, p.177.

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developments in the Peace Process in the 1990s and early 2000s offered greater scope for a proactive foreign policy on the part of the EU, these divergences stymied the efforts of the EU to fully exploit the new opportunities, ultimately leaving the efforts at Mediterranean regional cooperation and integration hostage to a crumbling peace process.

Through a series of case studies of specific EU foreign policy areas towards the Palestinians and the OPTs, (the MEPP, democratisation and political reform, and aid and technical assistance) the thesis demonstrates how the levels of tension within and between component parts of the EU subsequently led to contradictions and implementation failures. Finally through a fieldwork-based examination of Palestinian perceptions of EU policies in these areas, the thesis shows how recipients of EU foreign policy are not simply passive agents, but can identify the flaws in EU foreign policy making instruments and processes and exploit them accordingly, further subverting the original objectives of the policies.

Overall, the thesis argues that the CFSP has not resolved the inter-governmentalism of the previous EPC, but - despite its more complex institutional arrangements - has reproduced it with significant negative consequences for EU foreign policy making. For the Palestinians, this has meant that the EU has failed to live up to its potential, or to translate its economic power into political leverage in a manner that can fulfil its own stated objectives in the region. Consequently, their expectations of the EU do not match the EU's ambitions, whilst EU policy fails to meet Palestinian needs.

The thesis thus contributes to the research literature which seeks to analyse the EU foreign policy making institutions and structures themselves, as much as to our empirical understanding of EU policy towards the Palestinians.

Surveying the Literature

There is no shortage of relevant literature on the EU itself, (which will be examined in detail in Chapters One and Two of this thesis). The achievements of the EEC in the realms of economic integration, the creation of a single European market, a single currency, liberalized trade, harmonized macroeconomic strategy, and centralized regulatory decision-making have prompted many theorists and scholars of IR to study the integration process of the EU. It has been, according to Moravcsik, "the most ambitious and most successful example of peaceful international cooperation in world history "…yet there is little agreement about the proper explanation for its evolution." [4]

The growing international presence of the EU in the Middle East has triggered an interesting academic debate about the EU Policies towards the Middle East in general, and OPTs in particular.

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[4] Moravcsik, A., & Siedento P. L. (2001). Despotism in Brussels? Misreading the European Union. Foreign Affairs 80, p.114.

The region still occupies a significant position on researchers, scholars and European decision-makers agendas. This importance stems first from the dynamic nature of the EU as a global actor, and second, a result of the variety of its policies; either its direct involvement in the region which dates back to the 1960s, or to its multiple initiatives towards the region.

As this research will demonstrate in the next chapters, the Middle East and the conflict in the region has been one of the most widely debated among member states in the past thirty years. For example, the conflict was the first subject on the EPC in its first meeting in the 1970.[5] As a result, many scholars consider the European role and efforts in the Middle East as a mirror which reflects the capabilities of the EU and its members to push for more integration and harmonise their policy, divergent interests, and identities in order to speak in a unified single European voice.[6]

As the first chapter will demonstrate (in substantially more detail than is provided here), the theorising of the external relation of the EU is not an easy task. Therefore, most of the European studies scholars struggle to define and explain the nature and motivations of the EU integration process, and the developments and the impact of these, on decision-making in the realm of foreign policy. However, since the inception of the EPC mechanism in the 1970s and then the CFSP mechanism, there are plenty of studies dealing with theories, actions, and presence of the EU in general and its foreign policy in particular. Thus, there have been several attempts from European scholars to understand to rationale behind the creation of EPC and CFSP and to study its role as an international actor. This attempt to answer several questions, such as what is the nature of the European integration process, and why the EU failed to integrate the foreign affairs in the integration process of the EU; in other words, why the external relations of the EU are kept outside of the European integration process. (such as, Haas[7], Tatlor, [8] Baylis & Smith[9], Moravcsik,[10]Cram,[11]Puchala,[12] Pollack[13],White[14]; Hill,[15]

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[5] Musu, C. (2010). European Union Policy Towards The Arab-Israeli Peace Process: The Quicksands of Politics. New York:Palgrave Macmillan, p.6.

[6] Ibid. p.6.

[7] Haas, E. B. (1964). Beyond the nation-state: functionalism and international organization. Stanford, Calif, Stanford University Press

8 Tatlor, P. (Eds.), Functionalism Theory and Practice in International Relations. London: University of London Press Ltd

[9] Baylis, J., & Smith, S. (2005). The globalization of world politics: an introduction to international Relations. Oxford, Oxford University Press.

[10] Moravcsik, A. (2001). Despotism in Brussels-Misreading the European Union. Journal of Foreign Affairs, 80/3

[11] Cram, Laura (1997). Policy Making in the European Union: Conceptual Lenses and the Integration Process. Routledge, London.

[12] Puchala, D.J. (1999). Institutionalism, Intergovernmentalism and European Integration: A Review Article. Journal of Common Market Studies (JCMS), 37/2, pp.317-331.

[13] Wallace, H and Wallace, W. (Eds.) Policy-Making in the European Union. Oxford: Oxford University Press

[14] White, B. (2001). Understanding European foreign policy. Houndmills, Basingstoke, Hampshire, Palgrave

[15] Hill, C. (2003). The changing politics of foreign policy. Houndmills, Basingstoke, Hampshire, Palgrave MacMillan.

Nugent[16]). Moreover there are several scholars who have built links between the formulation of the EPC/CFSP and the identities of the EU members. (Such as, Johansson-Nogué,[17] Holsti,[18] Calleo,[19] Hyde-Price,[20] Müller,[21] Behr,[22] and Whitman[23])

In addition to this, there have been attempts to shed light on the challenges that EPC and the CFSP face, and their limitations, constraints, and their impact on the European Union's ability to conduct the CFSP coherently and consistently towards international events and crises. (Zielonka[24], Monar[25], Hill[26], Allen and Pijpers,[27] Smith, Peterson and Shackleton, White[28]). This literature and their contributions are discussed at length in Chapter One. At this point, however, we may ask what has been written thus far specifically on Europe, the Middle East and Palestine, which can help us with our study.

The Middle East and its chronic conflict have been on the European agenda for a long time, and there is no shortage of literature in this regard. The academic community has been trying to analysis and address the European role and policies since the 1970s and 1980s, when several researchers studied the role of the EEC/EU in the Middle East and the impact of its mechanisms- either the EPC or CFSP- on the EU's presence in the region (such as, Garfinkle,[29] Allen and Pijpers,[30] Mustafa,[31] Greilsammer

16 Nugent, N. (1994). The government and politics of the European Union. Durham, NC, Duke University Press
17 Johansson-Nogués, E. (2009). Is The EU's Foreign Policy Identity an Obstacle? The European Union, the Northern Dimension and the Union for the Mediterranean. European Political Economy Review 9, 24-48.
18 Holsti, K.J. (1970). National Role Conceptions in the Study of Foreign Policy. International Studies Quarterly, 14/3, pp.233-309.
19 Calleo, D. P. (1978). The German problem reconsidered: Germany and the world order, 1870 to the present. Cambridge, Cambridge University Press
20 Hyde-Price, A., 2004. Interests, institutions and identities in the study of European foreign policy. In:Christiansen, T. and Tonra, B., eds. Rethinking European Union Foreign Policy. Manchester: Manchester University Press, pp. 99-113.
21 Müller, P. (2007). Germany's Contribution to Europe's Common Foreign Policy (EFP) in the Middle East - from Brakeman to Key Supporter of a Strong European Role in Middle East Peacemaking. Paper for the Sixth Pan-European International Relations Conference. Retrieved from http://turin.sgir.eu/uploads/Mueller-Patrick_Mueller_Conference_Paper.pdf.
22 Behr, T. (2008). Enduring Differences? France, Germany and Europe's Middle East Dilemma. Journal of European Integration, 30/1, pp.79 - 96.
23 Whitman, R (2008). Foreign, Security and Defence Policy and the Lisbon treaty: Significant or Cosmetic Reforms? CFSP Forum 6 (2)
24 Zielonka, J. (1998). Explaining Euro-paralysis: Why Europe is Unable to Act in International Politics. New York: St. Martin's Press.
25 Monar, J. (1998). Institutional Constraints of the European Union's Mediterranean Policy. Mediterranean Politics, 3 (2), p.39-60.
26 Hill, C. (1993). The Capability-Expectations Gap, or Conceptualizing Europe's International Role. Journal of Common Market studies. 31, 305
27 Allen, D and Pijpers, A. (1984). European Foreign Policy-making and the Arab –Israeli Conflict. The Hague, Boston and Hingham: M. Nijhoff.
28 White, B. (2001). Understanding European foreign policy. Houndmills, Basingstoke, Hampshire, Palgrave
29 Garfinkle, A. M. (1983). Western Europe's Middle East diplomacy and the United States. Philadelphia: Mason Crest Publishers.
30 Allen, D and Pijpers, A. (1984). op cit.
31 Mustafa, N. (1986). Orupa wa al Alam al Arabi [AR] (Europe and the Arab World). Beirut: Centre For the Study of Arab Unity.

and Weiler;[32] Coffey and Bonvicini;[33] Jawad ;[34] Jünemann;[35] and Bicchi) as mentioned before the variety of the European involvement in the region has contributed to enrich the European studies and research. Most of the literature and studies related to the European policies towards the Middle East and North African Region (MENA) can be divided into two sections. First, study and analysis of the political role of the European EPC/CFSP diplomatic role, Declarations, Joint Position and Joint Action as a result of direct involvement in the region and the MEPP. Second, studying the regional initiatives to the region such as The Global Mediterranean Policy (GMP) in 1970s, the Euro-Mediterranean Partnership (EMP) in 1995, The European Neighbourhood Policy (ENP) in 2003, and recently the Union for the Mediterranean (UFM) in 2008. The European initiatives mentioned above, its multiple dimensions and the European Union's stances on a number of central issues such regional cooperation and economic cooperation, security, immigration, relations between Islam and the West democracy promotion and human rights, rule of law, reforms, and financial aid, technical assistance, have been widely analysed and examined by the academic community. (Such as, Bicchi,[36] Youngs,[37] Brauch et al, Joffé,[38] Gomez, Jünemann[39], Del Sarto and Schumacher[40])

The vast majority of the researchers that have covered the European policies towards the region during the 1970s focus on two aspects. First, the economic and trade relations with the MENA region. Second, the development of the EEC stances towards the conflict which are expressed through the EPC's declarations (1970-1992).

There are several scholars who analyse the EU's policies towards this region, and study the motivations and interests of the EU, and additionally the limitations and restrictions that are imposed on the CFSP towards the region, such the divergent interest of the EU members and the American and the Israeli challenges to the European role in the MENA (such as, Laipson[41], Robins[42], Alpher[43],

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32 Greilsammer, I. and Weiler, J. (1987). Europe's Middle East Dilemma: The Quest for a Unified Stance. Westview Press: Davis Institute Studies in International Politics.

33 Coffey, J. I. and Bonvicini, G. (1989). The Atlantic Alliance and the Middle East. Pitt Series In P*olicy and Institutional Studies.* Pittsburgh: University of Pittsburgh Press.

34 Jawad, H. (1992). *Euro-Arab Relations: A study in Collective Diplomacy.* London, New York Garnet Publishing.

35 Jünemann, A. (2003). Security-Building in the Mediterranean After September 11. *Mediterranean Politics 8 (2&3)*, pp.1 - 20.

36 Bicchi, F. (2007). European Foreign Policy Making Toward the Mediterranean New York, Palgrave.

37 Youngs, R. (2010). Europe Should Rethink Its Aid to Palestine, Financial Times. March 18

38 Joffé, G. (2005) The Euro-Mediterranean Partnership and Foreign Investment in Amirah Fernández, H., & Youngs, R. (2005). The Euro-Mediterranean partnership: assessing the first decade. [Madrid], Real Instituto Elcano de Estudios Internacionales y Estratégico.

39 Jünemann, A. (2003). Security-Building in the Mediterranean After September 11. *Mediterranean Politics 8 (2&3)*, pp.1 - 20.

40 Del Sarto, R. A. and Schumacher, T. (2005) From EMP to ENP: What's at Stake with the European Neighbourhood Policy towards the Southern Mediterranean? *European Foreign Affairs Review*, pp. 17-38.

41 E. Laipson (1990). Europe's Role in the Middle East: Enduring Ties, Emerging Opportunities *Middle East Journal,44* (1) 7-17 p.7

42 Robins, P. (1997). Always the Bridesmaid: Europe and the Middle East Peace Process. Cambridge review of International Affairs. 10, 69-83

Gillespie, Olson[44], Jünemann). The most significant of these literatures are outlined below.

Thorough their research, Allen and Pijpers explain the national foreign policy positions of the European Community vis-à-vis the Middle East conflict, demonstrating by examples that the joining the European Community and participating in the EPC has contributed to "Europeanising" the national policy of the big four European members mainly Britain, Italy, Germany, and France. They argue that participation in the EPC provides EEC members a new window to play roles in the Middle East, and leads the EEC's members to alter the national foreign policy to be more balanced towards the conflicting parties.[45]

Jawad, in her comprehensive and engaging overview of European involvement in the Middle East since 1950s *Euro-Arab Relation: A Study in Collective Diplomacy* adopted a historical analytical approach to understanding and analysing the nature of economic, trade and political relationships between both sides, and the development of the political stances of the European Community towards the conflict. Through a detailed study, Jawad analyses the obstacles that faced the Euro-Arab relations and the impact of the oil crisis in 1973 on the dialogue. In her explanation, the lack of European political initiatives towards the MENA region the 1970s and 1980s, except its declarations, added to the desire of the EEC to achieve economic and political integration among its member states.[46] Up to the 1970s, the community's attention was directed inwards rather than outwards (e.g. by moving the trade barriers among the member states, building up its agricultural policy and achieving ever-improving standards of living for its members.[47]) Jawad argues also that the political stances of the EEC towards the MENA region were motivated by realist concerns, mainly their economic interests:

"The reactions toward the oil crisis were based on the degree of oil vulnerability and dependence, hardly surprising since "sixty percent of the European total energy requirement during the 1970s came from the Arab world."[48]

In another impressive study of the European Union's involvement in the Middle East, Richard Youngs analyses the European policies towards Iraq, Turkey, OPTs and Iran since 9/11, providing through six case studies an assessment of how mechanisms of the European policies work in practice. He explains how EU member states attempt to build a balance between their commitments to political reform and democracy promotion and their strategic interests in counter-terrorist and containment-

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[43] Alpher, J. (1998). The political role of the European Union in the Arab-Israel peace process: an Israeli perspective. New York, American Jewish Committee

[44] Olson, R. K. (1997). Partners in the Peace Process: The United States and Europe. Journal of Palestine Studies, 26/4, pp.78-89.

[45] Allen, D and Pijpers, A. (1984). *European Foreign Policy-making and the Arab-Israeli Conflict.* The Hague, Boston and Hingham: M. Nijhoff.

[46] Jawad, H. op.cit., p.1.

[47] Ibid. p.1.

[48] Ibid. p.2

oriented cooperation. He argues that European strategies in different parts of the Middle East shed light on the impact of 9/11 suggesting that "post-9/11 challenges associated within international terrorism triggered important changes in EU polices, but not an overreaching paradigm shift."[49] However, according to Youngs much of the European policy in the wake of 9/11 "appeared to have little to do with the replication of democratic norms and values, but rather more traditional power-protection security. Cooperation on counterterrorism deepened between European and Middle Eastern security and intelligence service." [50]In addition, Youngs argues that, although the EU utilises cultural exchanges and economic liberalisation as tools to encourage reform and democracy promotion, these policies "rarely activate real political transform nor did they reinforce the egalitarian movements within the area."[51]

Costanza Musu's book *European Union Policy towards the Arab-Israeli Peace Process:* The *Quicksands of Politics,* is a significant contribution to the literature on EU policy towards the Middle East. By conducting an extensive analysis of European policy towards the MEPP. Musu identifies the factors and interests underlying the formulation of the Union's policy.[52] Her research is an attempt to answer several questions relating to the European role in the Middle East, such as what are the main achievements, limits and failures of the EU involvements in the Israeli-Palestinian conflict, and why has the EU been unable to develop an autonomous and effective policy towards the conflict, despite its efforts and the inordinate amount of time and resources it has committed over the years? She argues that, although the EU policy towards the Middle East witnessed signs of convergence as a result of compatibility between the EU's members, "the consolidation of this convergence into a 'truly collective policy' has been hampered by persistent differences."[53]

Thus Jawaad, Youngs and Musu all identify failures to develop a consistent European policy towards the region and all identify the underlying self-interested and security related concerns of member states which locates them within a realist perspective, despite attention to normative aspects.

By contrast, in her analysis of the decision-making of the EU and the Mediterranean, Federica Bicchi adopts a constructivist and liberal intergovernmental approach to understand the nature of the European decision- making towards the region. She claims that "cognitive uncertainty" gives a great insight to understand how societal factors represented in institutional level and stresses the difficulties

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[49] Youngs, R. (2006). *Europe and the Middle East in the Shadow of September 11*. Boulder, Colo. & London: Lynne Rienner Publishers, p.222.
[50] Ibid. p.223.
[51] Ibid. p.222.
[52] Musu, C. (2010). European Union Policy Towards The Arab-Israeli Peace Process: The Quicksands of Politics. New York: Palgrave Macmillan, p.6.
[53] Ibid.p.110.

to produce the common knowledge,[54] and sees that "cognitive uncertainty" and lack of knowledge and resources are the main motivations that make the EU members tackle these new threats at the European level. She considered these factors as a window of opportunity that allows EEC/EU members to initiate policy. She argues that fears of terrorism after the Munich attack in 1972, where a group of Palestinians killed members of the Israeli Olympic team, and the oil crisis of 1973, were the motivation of the German government at that time to tackle the issues at the European level with their European counterparts. In addition, she argues that the fears of migration and fundamental Islam which considered as a high security continuum across Europe were the main Spanish motivation to address these issues on the European level, by proposing the Barcelona Process in 1995 as a comprehensive and multilateral and regional solution to these challenges, creating cooperative security arrangements. [55]

In addition to the research that looks at the regional EU policies toward the MENA, there is also a large literature dealing specifically with European policy towards Palestine. There are several scholars who have focused on the specific aspects of the policy, such as the EU's economic involvement in the peace process, European democracy promotion and reform policy, and European aid and technical assistance. (Such as, Musu, Bicchi, Pace, Le More, Roy, Al-Fattal, Youngs).

Good governance and democratization, reform and human rights have become the main issues of concern in the literature covering EU-OPTs relations. In fact, these policies are considered as the second pillar of the EU policies towards OPTs after its political role and its aid and technical assistance. As with the rest of the EU policy, the academic community paid enormous attention to this branch of the EU policy since it been injected in the treaty of the EU as part of the CFSP, and become one of the main elements of the EU Association Agreements and action plans with EU's neighbours, mainly the Mediterranean. Scholars such as Youngs, Gillespie, Pace,[56] Keohane,[57] Brown,[58] and Jünemann are among others who have devoted more attention to the good governance/democratization dimension of EU-Palestinian relations.

Despite it's special character as non- state actor under the Israeli occupation, the interest in the OPTs is overlapped by the broader study area of the Mediterranean region, where promoting peace, democracy and prosperity in the Middle East and North Africa have been the guiding ideas of the Barcelona Process, the European Neighbourhood Policy, the Union for the Mediterranean.

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[54] Bicchi, F. (2007). European Foreign Policy Making Toward the Mediterranean. New York: Palgrave Macmillan.

[55] Ibid. p.30.

[56] Pace, M. (2009). Paradoxes and Contradictions in EU Democracy Promotion in the Mediterranean: the Limits of EU Normative Power. Democratization 16/1, pp.39-58.

[57] Keohane, D. (2008). The Absent Friend: EU Foreign Policy and Counter-Terrorism. *Journal of* Common Market Studies. 46, 125-146

[58] Brown, N. J. (2002). The Palestinian Reform Agenda December Piecework's No. 48. United States Institute of Peace.

The main aims of the literature relating to the EU's good governance, democracy promotion, reform and human rights programmes in OPTs are, first, to explain EU motivations, and second, to measure to what extend that the EU has been successful in its aims to export its values to its partners in the region; mainly the Palestinians and the Israelis.

There is a consensus among the researchers that the European democracy promotion and reform directed to the MENA region were "temporary outburst of idealistic enthusiasm of the post-Cold War years, but now the EU and its members moves 'back to normal' retuning to "stability-oriented alliance-building with authoritarian governments."[59] This accordingly has created deficiencies in the objectives of EU policy, as well as incoherence between aims and political implementation.[60] This gap has widened since 9/11, where the EU policies in this regard towards the region have become, according to Jünemann, markedly 'securitised', and a variety of strands of EU external action policy of the EU from counter-terrorism to migration, energy to trade, "are now seen through an increasingly narrow security lens."[61] This literature endorses then the realist perspective of EU foreign policy making.

International aid and technical assistance to the Palestinians has played an important and multifaceted role in the OPTs. As with the rest of the EU policy towards OPTs, European aid and technical assistant to the MEPP, the PA, and the Palestinians has attracted the attention of the academic community. The importance of the subject derives from several reasons. First, the EU aid and technical assistance is considered the third pillar of the EU policy towards Palestine, after its political involvement and its democracy promotion and reform programmes. Second, by providing approximately €500 million per year, the EU and its Members states became undoubtedly the biggest donors to the Palestinian.[62]

There are several important studies that shed light on the impact of the international aid on the Palestinians and the Peace Process. These studies addressed several issues relating to the international aid to MENA region in general, such as the political and ideological determinants of aid, the role of aid in fostering development, the complex political effects of humanitarian aid, the impact of aid on the peace process and conflict, and the effect of aid on civil society.(such as, the UN Economic and Social Commission for Western Asia (ESCWA),[63]Le More,[64] United Nations Conference on Trade

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[59] Jünemann, A. (2003). Security-Building in the Mediterranean After September 11. Mediterranean Politics 8(2&3), pp. 1 - 20.
[60] Pace, M. (2009). Paradoxes and Contradictions in EU Democracy Promotion in the Mediterranean. *The Limits of EU Normative Power. Democratization, 16: 1,* pp. 39 - 58
[61] Jünemann, A. (2003). op cit.
[62]Bertrand-Sanz, A. (2010). The Conflict and the EU's Assistance to the Palestinians in European Involvement. In Bulut Aymat E. (Ed.), *The Arab-Israeli Conflict Chaillot Papers.* Institute for Security Studies (EUISS), p.44.
[63] United Nations Economic and Social Commission for Western Asia. (2007). *Economic Trends and Impacts. Foreign Aid and Development in the Arab Region, 4*. New York: United Nations.
[64] Le More, A. (2008). International Assistance To The Palestinians After Oslo. London: Routledge.

and Development (suxh as, UNCTAD[65], Crisis Group,[66]Taghdisi-Rad, S.,[67]Sharp,[68] ESCWA,[69]Weber,[70] World Bank).[71]

These studies demonstrate how the international aid has been utilised to support the Peace Process and encourage both the Palestinians and the Israelis to adopt a peaceful solution for the conflict. With regards to the EU aid and technical assistances, this subject has been in the centre of the academic debate since the Middle East Peace Conference in Madrid. For example, Le More; Catholic International Cooperation for Development and Solidarity (CIDSE,[72]Wake,[73]Al-Fattal,[74] CIDSE,[75]Youngs,[76] Emerson, Tocci, and Youngs[77]) all examine the nature of donor engagement and motivations behind the EU aid, the internal and external challenges facing the EU aid, and finally the impact of aid on the MEPP itself, and on fostering sustainable economic growth and development. Researchers in this regard have some disagreement among them regarding the impact of the EU. While some argue that European aid has had helped the Palestinian economic growth and human development (ESCWA[78], CIDSE), others, which are the majority, (Le More; Wake[79]; Weber, Emerson et al 2009, Youngs), think that EU's aid impact on economic growth and living standards has been limited.

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[65] UNCTAD (2006). The Palestinian War-Torn Economy: Aid, Development and State Formation. In United Nations Conference on Trade and Development. UNCTAD/GDS/APP/2006/1 New York and Geneva, United Nation

[66] International Crisis Group. (2010). Tipping Point? Palestinians and The Search for a New Strategy. *Middle East Report N°95.*

[67] Taghdisi-Rad, S. (2010). The Political Economy of Aid in Palestine: Relief from Conflict or Development Delayed? London: Routledge.

[68] Sharp, J. (2010). US Foreign Assistance to the Middle East: Historical Background, Recent Trends, and the FY2011 Request. Congressional Research Service Report.

[69] ESCWA. (2007). Economic Trends and Impacts: Foreign Aid and Development in the Arab Region, 4. United Nations: New York.

[70] Weber, W. (2009). The Dilemmas of Humanitarian Action in the Occupied Palestinian Territories. *Macalester International 23.*

[71] World Bank. (2008). Interim Strategy For West Bank and Gaza For The Period FY08-FY10 And The Request For Replenishment Of The Trust Fund For Gaza And West Bank.

[72] CIDSE. (2008). The EU's aid to the occupied Palestinian territory: How to improve coherence and effectiveness in line with international law? An Expert Seminar. Seminar, Brussels.

[73] Wake, C. (2008). An Unaided Peace? The (Unintended) consequences of international aid on the Oslo Peace Process. *Conflict, Security and Development, 8.* (1), pp. 109-131.

[74] Al-Fattal, R. (2010). The Foreign Policy of the EU in the Palestinian Territory. CEPS Working Document, pp.328-33

[75] CIDSE. (2009). The EU's Aid to the Occupied Palestinian Territory (II): The Deepening Crisis in Gaza. Policy Note.

[76] Youngs, R. (2010, March 18). Europe should rethink its aid to Palestine. *Financial Times.* Retrieved from http://www.ft.com/cms/s/0/c7967fce-32c7-11df-a767-00144feabdc0.html Access date: March 20, 2011.

[77] Emerson, M., Tocci, N., Youngs, R., (2009, January 13) *Gaza's hell: Why the EU Must Change its Policy.* CEPS Commentary.

[78] United Nations, ESCWA. (2007). Foreign aid and development in the Arab Region. New York.
Amirah Fernández, H., & Youngs, R. (2005). The Euro-Mediterranean partnership: assessing the first decade. [Madrid], Real Instituto Elcano de Estudios Internacionales y Estratégico.

[79] Wake, C. (2008). An Unaided Peace? The (Unintended) Consequences of International Aid on the Oslo Peace Process -Analysis. Conflict, Security & Development Journal, 8/1

Studying the impact of the international assistance to the Palestinians after the Oslo process, Le More found that supporting the two states solution through the Peace Process, fostering economic and social development and, finally, institution-building, are the main reasons for the provision of international aid to the Palestinians. However, according to Le More, despite the huge amount of aid that the international community poured into OPTs and the Peace Process, the Palestinian are poorer than before the MEPP. She argues that since the main aim of the international community is to support the peace process, this goal has "dominated" their aid policy and shifted their attention from ending the occupation to managing it.[80]

In his assessment of the EU aid to Palestine, Youngs criticised the realist approach of the EU in this regard, considering that avoiding dealing with Hamas government and channelling the European aid through Fatah in the West Bank has contributed to widening the division within the Palestinian society, increasing divisions between Palestinian factions.[81] He believes that this policy has "turned the wheel" of reform and transparency that the EU is promoting back. [82]

Roy is aware of the importance of the international aid to help the Palestinians, however she sees that assistance "cannot be a kind of compensation for the lack of, or deficiencies in, the political process".[83] Roy added; "economic growth and development cannot occur under Israel occupation."[84]

The literature tells us then, that the EU in its dealings with the Middle East and the Palestinians in particular, has been motivated principally by its self-interest and security, which might best be explained within a realist understanding of IR. It also tells the researcher that it is necessary to look at where initiatives come from, how they are progressed within the EU itself, and the mechanisms by which they are implemented. Bicchi'c work gives us a final clue by showing how constructivist attention to how the interests of individual member states are constructed (and can alter) impact upon the sum total of EU policy-making.

Methodology and Structure of the Thesis

The thesis attempts therefore, to map out the processes, mechanisms and instruments of EU foreign policy making in general. To this, it must first establish the nature of the EU as an actor in international relations. A survey of the EU in international relations theory in Chapter One establishes that, whilst neo-realism offers the most convincing explanation of the EU as an international

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[80] Le More, A. (2008). International Assistance To The Palestinians After Oslo. Routledge: London. P.14
[81] Youngs, R. (2010, March 18). Europe Should Rethink Its Aid to Palestine. *Financial Times.* Retrieved from http://www.ft.com/cms/s/0/c7967fce-32c7-11df-a767-00144feabdc0.html Access date: March 20, 2011.
[82] Ibid.
[83] Roy, S. (2008). The EU's Aid to the Occupied Palestinian Territory: How to Improve Coherence and Effectiveness in Line with International Law. *An expert seminar Perspectives on Palestinian De-development.* Brussels: CIDSE Working Group on Palestine/Israel, p.8.
[84] Ibid. p.8

organisation and actor, we can nonetheless draw usefully on constructivist understandings of how the national interests of member states and of the organisation as a whole are constantly constructed and reformulated through the processes of interaction with one another and with the wider world. Similarly liberal institutional explanations shed light on the normative dimensions of the EU, and on the trajectory of its supranational ambitions. Thus the thesis, whilst working largely within a neo-realist theoretical framework, is careful throughout to high-light where alternative theoretical schools can offer additional insights and explanations.

Theoretical discussions also lead to a framework which juxtaposes inter-governmentalism and supranationalism. Neo-realism highlights the key role played by member states as they advance their own interests through membership of the EU. Whilst this suggests an inter-governmentalist dynamic (which is proved to be predominant in foreign policy making through the course of the thesis), the institutions of the EU itself embody functionalist overspills which develop supranationalist dynamics of their own. The thesis thus examines the processes, mechanisms and instruments of collective foreign policy-making through the distributions and balances of power between the national governments and the supranational institutions. It does so by examining the evolution of collective foreign policy-making, from the early EPC to the current day, in Chapter Two.

This high-lights the importance of the structures of foreign policy making, rather than just the stated objectives. These structures – which privilege intergovernmentalist bodies over supranationalist institutions within the EU, such that the former largely make the policy while the latter implement it, mean that realist objectives of national and collective security (broadly defined), preservation of sovereignty, and maximising power within the EU, play a greater role in determining collective foreign policy than the liberal normative ambitions of the institutions themselves. The thesis therefore focuses on the process of foreign policy-making as it a consequence of the distribution of powers and competences between the parts of the structure of the EU, specifically between and among the member states and the EU institutions.

To locate EU policy towards the Palestinians, the thesis first has to provide the context for that policy which it does through study of the EU's Mediterranean regional initiatives and the MEPP (Chapter Three and Four). Both chapters provide a chronological account of the evolution of these policy areas, mirroring the chronological presentation of the evolution of EU foreign policy making in general offered in Chapter Two. This enables the researcher to present the dynamic nature of the policy formulation process, and specifically to identify how the relative roles or influence of the member states (via the inter-governmentalist institutions) and the supranationalist institutions of the EU can fluctuate in response to wider international contexts or internal developments.

Chapter Three traces the main European initiatives towards the MENA region; it shows how Europe

gradually upgraded its relations with the Mediterranean region from the Global Mediterranean Policy in the 1970s, to the Union For the Mediterranean policy in 2009. It does so for two reasons: to elaborate on the intra-regional context within which European policy towards the OPTs and the Palestinians was formulated and to demonstrate how context itself was fundamentally the product of realist international relations as previously outlined. Within this, the chapter aims to illustrate EU decision-making process and mechanisms towards the region by exploring three main questions. Firstly, how does the EU "formulate" its foreign policy towards the region, i.e. through which institutions and mechanisms and to what ends? Secondly, how are EEC/EU policies towards the Mediterranean region formulated, i.e. with what objectives, under what constraints and with what impact? Third, what does the EU policy formulation towards the Mediterranean suggest about the context of the EU–Palestinian relationship?

The thesis progresses to examine how specific areas of policy towards the Palestinians have been developed and with what impact. The three case study areas chosen were first, the political stance and policy of Europe under the EPC and the CFSP. Second, the financial and technical aid assistance to the OPTs, and finally, the EU democracy promotion, reform and human rights programes direct to the OPTs. The last two cases studies were chosen because they constitute the largest areas in which the EU has been directly engaged with the Palestinians. Moreover, they both represent normative dimensions of EU foreign policy-making, offering an opportunity to test the realist argument that the security interests of member states ultimately trump the liberal ambitions of the EU.

 In Chapter Four the thesis traces the evolution of the European policies and stances towards the conflict and the MEPP under the EPC and the CFSP. It shows how the European policy towards the conflict has developed in parallel with the development of the European decision making in foreign affairs and the change in the political landscape of the Middle East especially after the lunch of the MEPP in the 1990s.

The chapter shows how the EEC/EU have managed through their declaratory policy to establish a European vision and principles on which European policy makers believe that solution of the conflict between the Israelis and the Arabs should be based. In addition, it concluded that the EU member states may largely share the same view about the conflict, but they are differing on the "proper" policy towards the parties/countries involved in the conflict. This due to difference in their perceptions of current self-interest, and partly as a result of differing visions of the correct nature of any European role. As a consequence, there is a gap between European ambitions and performance. The chapter un-picks and identifies the main determinants of the European role and policies towards the conflicting parties and the MEPP. It concluded the European policy towards the conflict and the MEPP are victim of the intergovernmental, the lowest common dominator which can be reached through bargaining.

The chapter found that the member states' foreign policies have themselves been affected by membership of and participation in the EU. The chapter demonstrates that, despite the EEC/EU members coming to the negotiation table of the EPC/CFSP with their own pre-defined interests and political stances towards the conflicting parties and the MEPP, the processes of socialising and interacting with other members states on the European level, do have an impact on the perceptions of these interests and can alter them. In addition, the thesis shows that there are also cases where the members go-it- alone and conduct national policy against, and in contradiction with, the common foreign policy of the EU. Finally, tracing the EEC/CFSP policy towards the MEPP shows that despite the intergovernmentalism of the CFSP, there is an element of neofunctionalism, which advocates supranationalism in the CFSP. The increasing roles of the HR, the EU special envoys in the MEPP, the European Commission in implanting the European aid and technical assistances, and the important role of the EP in advocating the human rights issues are examples supports the argument that the CFSP contains some supranationalistic elements.

Chapters Five and Six look at European aid and democracy promotion towards the OPTs. The chapters first locate the specific policy areas within broader EU objectives. For example, Chapter Five introduces the record and objectives of EU economic aid in general, setting out both the normative dimensions and the more direct interests which aid-giving serves. The chapter then examine the stated objectives of EU policy towards the Palestinians in each field, the form in which EU policy has been manifest, and assesses the outcomes of the policies in terms of both whether they have met stated objectives but also the impact they have made on the ground. The chapters demonstrate how the EU's inherent imbalance of power and the intergovernmental approach to the CFSP have limited the EU's ability to achieve the overarching goals in the OPTs.

Chapter Five shows how the EU utilises liberal values and principles in order to achieve its political aims, mainly stabilising the region through its financial support to the PA and the MEPP. Through tracing the allocation of the European aid on the ground, the chapter shows the EU invested heavily in building a strong Palestinian police force and reforming its institutions at the expense of other economic sectors. The EU supported the MEPP partners in the region despite the corruption in the PA and despite the Israeli systematic destruction of the Palestinian infrastructure. The facts support the realists' understanding of European policy towards the MEPP. In Chapter Six the thesis asseses the EU democracy promotion efforts in the OPTs by asking to what extent European democracy promotion, reforms and human rights programmes have served its stated objectives of building democratic, transparent Palestinian institutions that respect human rights and principles. The chapter concludes that despite the liberal discourse that the EU is adopting in its democratisation programmes, its policy in this regards has been driven by security ends.

EU democracy promotion in the OPTs builds on the strategy that reforming the PA and its institution

would increase international and even Israeli confidence in the PA and enhance its ability to negotiate authoritatively on behalf of the Palestinians. Second creating a democratic, viable and peaceful sovereign Palestinian state would be the best guarantee for Israel's security and Israel's acceptance as an equal partner in the region. Therefore, the intergovernmental approach and dualism in the decision-making has led first to realist politics triumphing over liberal principles and values. Second, the democratisation process and reform policy of the EU has become victim to the member states' interests. As a result of the priority given to short term considerations, the member states prefer to support the partners of the MEPP at the expense of longer-term democracy and reform.

The final chapter introduces a new dimension to EU foreign policy studies, by examining how the recipients of the EU policy understand it and even exploit its flaws. This offers an additional component to our essentially neo-realist understanding of EU foreign policy-making by viewing it as an interactive process between policy-maker and policy-recipient, the latter also acting as "realist" agendas pursuing their own self-interest and broadly-defined security needs. It should be stated that this is not conceptually fully developed – the Palestinian leadership are not a unified government of a sovereign nation state. However, the chapter does provide some useful insights on how the structural flaws of EU foreign policy making are recognised by, and leave it vulnerable to exploitation or manipulation by, those whom its policy targets.

Sources, Fieldwork and Issues of Objectivity

The thesis draws on case studies of policy areas, with data being drawn from statistics and figures from the EU and the Palestinian Authority, EU and PA official documents, political and development journals, books, public speeches made by the European and Palestinian leaders, articles published in the newspapers, and interviews given to the media by European and Middle–Eastern diplomats.

The researcher spent four months as an intern with the EU where he gained practical experience of the EU. During that time the researcher was able to establish a network which included members of the EP and the European Commission. Through interviews and informal meetings with the EP members who showed an interest in the Middle East and the conflict the researcher gained alternative views and an understanding of European policy towards the Middle East. In addition, this established a forum where academia and actual policy on the ground met and were bridged. However, there were several issues that challenged the research. Some of these constraints are related to the ability of the researcher to gain access to the information that the research is looking at, while others concern the nature of the research. Despite the researcher having spent four months in the European Parliament, he was unable to access the EU database since he is not a citizen of the EU.

The Palestinian Delegation does not have embassy status and this limits its influence in assisting Palestinian researchers. The researcher was unable to gain access to the European Commission where

most of the decisions have been made regarding aid and, democracy promotion and reform programmes. This factor limited the researcher's ability to conduct face-to-face interviews with EU decision- makers. Therefore, the researcher has relied heavily on public statements made by EU diplomats.

In some parts of the research, mainly in Chapter Five, the researcher depended on the statistics and figures provided by the EU and the PA especially in the field of aid allocation. The research utilised the EU data in order to draw a wide picture of the development of the European aid towards the OPTs while the statistics of the Ministry of Planning in the PA gave the researcher the opportunity to trace the allocation of the European aid and technical assistance on the ground and gain an idea of the direction of the European priorities and agendas in the OPTs. Finally the last chapter draws upon a significant number of face-to-face interviews.

The research spent two months in OPTs conducting his field work and interviewing the Palestinian leadership in the West Bank and Jerusalem who have links to the EU and European policies in the OPTs. The research aimed to utilize the comparison between the voices of the EU projected from its own material with the voices of the Palestinians as expressed in these interviews, to highlight any disparities between stated EU objectives and how the policy is actually manifested on the ground. The precise methodology of the interviews in this chapter is provided in Chapter Seven.

During the research process, the researcher was aware of the need to offer an objective insight into an environment that he had grown up in and been shaped by, socially, economically and politically. I would argue however, that neutrality and objectivity are related concepts which are difficult to attain without borrowing from any researcher's accumulated knowledge and experiences. Thus it is impossible to offer an entirely neutral analysis and such an analysis might not be meaningful if it fails to adequately analyse the reality which it studies. For example, in some places, where the analysis is critical of Israeli actions or policies, it has not been deemed necessary to provide counter-arguments which provide an Israeli perspective. The objective has been to present and discuss EU policy and policy-making, and offer the researchers' assessment of it, not the responses of all parties involved. Throughout, the researcher has limited criticism of Israel to areas which have been identified by the EU itself as problematic, and has reflected their criticism, and that of the Palestinians to whom the policy is directed, rather than the researcher's own opinions. Similarly, the researcher has sought to fairly reflect EU and other analysts' criticisms of the Palestinian Authority when appropriate.

In order to be as objective as possible, the researcher began with consideration of specific terminologies. Although some of the EUliterature utilised the term "Palestine", the researcher decided to utilise instead the term Palestinian Territories, which has more often been used by the UN and The

Quartet on the Middle East.[85] The research covers the Palestinians who live in the West Bank, the Gaza Strip and Jerusalem but this is because the inclusion of Jerusalem has been an issue for the subjects of the research (the Palestinians) and is not a political choice on the part of the researcher. The Palestinian Territories are referred to in some instances as occupied – borrowing from the terminology of the UN where it is relevant to do so. The author has sought to avoid making political statements.

For all the efforts at objectivity, the researcher accepts that – as a Palestinian – his research might ultimately look different from a similar project undertaken by an Israel, although he has tried to limit such differences as much as possible, whilst staying true to his subject.

Overall, the thesis argues that the CFSP has not resolved the inter-governmentalism of the previous EPC, but – despite its more complex institutional arrangements - has reproduced it with significant negative consequences for EU foreign policy making. For the Palestinians, this has meant that the EU has failed to live up to its potential, to translate its economic power into political leverage in a manner that can fulfil its own stated objectives in the region. Consequently their expectations of the EU do not match the EU's ambitions whilst EU policy fails to meet Palestinian needs.

The thesis thus contributes to the research literatures which seek to analyse the EU foreign policy making institutions and structures themselves, as much as to our empirical understanding of EU policy towards the Palestinians.

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[85]The Quartet was established in 2002 and is composed of the United States, the European Union, the United Nations and Russia.

Chapter One: Theorising the European Union's Foreign Policy

1.1. Introduction

The drive towards integration is fundamental to the EU's continued existence: the complex and uncertain process by which the organisation's twenty-seven member states come together. In 'unpacking' this process, we can examine how and why it approaches collective foreign policy-making the way it does. The main aim of this chapter is to present the different theoretical explanations for the political behaviour of the EU. By shedding light on the driving force behind the transfer of sovereignty, from national governments to a new centre of authority, and how these mechanisms and processes of integration subsequently shape collective decisions and policy-making. The author believes that the evolution of certain European policy can be better explained, particularly when considering the case of the OPTs and the Palestinians. As Brown says, there is a difficulty in trying to understand foreign policy making if we have no "clear sense of what it is that states are motivated by, what their function is, or how they work."[86]

The chapter begins by setting out the contributions made to our understanding of the EU by international relations theory, specifically realist, neo-realist, constructivist and neo-liberalist theoretical propositions, which are those most frequently and most usefully drawn upon for this purpose. It shall then focus further on the two key frames through which European integration efforts have been understood: functionalism and inter-governmentalism. Finally, it elaborates upon the multi-level governance model.

This shall demonstrate that, despite the European Economic Community (EEC), and later the EU, being the most successful example of an institutionalised inter-governmental organisation to exist in international society since the late 1950s, there is little agreement about the proper explanation for its evolution.[87] However, there is evidence, in important clues and indicators, which can guide the subsequent study and provide us with a 'road map' to understanding both the EU's foreign policy and the means by which it is formulated and implemented.

This is not, however, a simple task. Difficulties arise in theorising EEC/ EU foreign policy for several reasons. First, there are a multitude of actors and levels of activity within the EU, including member states, the Council of the European Union, the European Commission, and the European Parliament. The simultaneous hierarchical and horizontal settings, in which foreign affairs have subsequently been considered, have confused scholars. Second, the unique nature of the EU is a challenge in itself, which makes it difficult for international relations theories to evaluate it and its foreign policy.

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[86] Brown, C. (1997). *Understanding International Relations*. Basingstoke: MacMillan, p. 69.
[87] Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalism Approach. *JCMS: Journal of Common Market Studies*, 31(4), 473-524.

According to Christopher Hill and William Wallace, it represents a different order in the international system.[88] The EU is not a state, so it lacks many of the characteristics of statehood such as exclusive territory, a centralized hierarchical structure, authoritative decision-making or external sovereignty.[89] Third, the EU has a well-developed and complex institutional structure that goes far beyond the permanent secretariats and attached delegations of other international organizations, with a far wider range of policy responsibilities than other international organizations.[90] Finally, the EU and its foreign affairs are dynamic, and still the object of evolutionary process.[91] Thus, as the chapter will illustrate, no one theoretical position seems to fully capture the EU and its foreign-policy making process. Indeed, this unique complexity and multidimensionality poses particular problems for foreign policy political analysts who have been conventionally "wedded to [a] comparative cross-country methodology". [92]

Before detailing the theories behind European integration, it is important to define the term integration itself. The researcher will adopt Haas' definition

> "The process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states."[93]

This might be contrasted with Galtung's simpler definition, that "political integration can be defined very generally as the process whereby two or more actors form a new actor"[94], or Karl Kaiser's definition as:

> "Forming parts into a whole or creating interdependence the concept denotes a relationship of community or strong cohesiveness among peoples in political entity; it involves mutual ties and sense of group identity and self –awareness."[95]

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[88] Hill, C and Wallace, W. (1996). Introduction: Actors and Actions. In Hill, C (Ed.), *The Actors in Europe's Foreign Policy*. London and New York: Routledge

[89] Brain, W. (2001). *Understanding European Foreign Policy*. Hampshire: Palgrave Macmillan, p.20.

[90] Nugent, N. (1994). *The Government and Politics of the European Union*. Basingstoke: Macmillan, p.207.

[91] Hill, C and Wallace, W. (1996). Introduction: Actors and Actions. In Hill, C (Ed.), *The Actors in Europe's Foreign Policy*. London and New York: Routledge, p.85.

[92] White, B. (2004). Foreign Policy Analysis and the New Europe. In Carlsnaes, W , H. Sjursen, H and White, B (Eds.), *Contemporary Europe Foreign Policy*. London: SAGE Publications Ltd., p.29.

[93] Haas, E.B. (1968). *The Uniting of Europe; Political, Social, and Economic Forces*, *1950-1957*, Stanford: Stanford University Press, p.21.

[94] Galtung, J (1968). A Structural Theory of Integration. *Journal of Peace Research 5/4,* 375-395.

[95] Kaiser, K. (1968). The Interaction of Regional Subsystems: Some Preliminary Notes on Recurrent Patterns and the Role of Superpowers. *World Politics, 21/. 1,* 84-107.

1.2. The EEC/EU in International Relations Theory

1.2.1. Realism- Neo-realism

As a result of the EU's unique facets, some IR scholars believe that the EU integration process has never fitted easily within the rationalist approaches that have dominated international relations theories.[96] Realists, Neorealists and Neo-Liberals have, on the other hand, maintained that the EU can still be explained from the perspective of inter-state cooperation.[97]

Realism as a rational construct has dominated the study of international relations and has consistently provided the most reliable direction for statecraft. According to advocates of the theory, realism and its advanced branches have "consistently offered the most convincing justification of state behaviour."[98] It explains the state of war and the motivations of states, essentially through the lens of the effort to maximize power. [99]

The first contribution in realist literature was by Thucydides (C460-406 BC). His '*Peloponnesian War*' is main classic of IR theory, explaining the struggle for power as the main feature of human nature. Key texts which have developed this include Hans J. Morgenthau's *Politics among Nations*, which re-evaluated the nature of human power struggle.[100] In addition, historical realist Edmund H. Carr wrote *The Twenty Years' Crisis: 1919-1939,* and with Machiavelli's The *Prince* came an explanation for the shift in world politics' power configuration.

For realists, there are four key principles to international relations: first, that human nature is selfish, self-interested and power-hungry. They are sceptical that universal moral principles exist and therefore suggest that political actors will not sacrifice their interests for them. Secondly, politics takes place within and between groups, the most important of which in today's world are states. Thirdly, in the absence of global government, the world exists in a state of anarchy, in which agents (states) must engage in self-help to survive. Finally, they perceive politics to be largely concerned with power and the effort to maximise power within the group.

A further important dimension to realist thought was added in the form of structural realism, introduced by Kenneth N. Waltz in two seminal books: *Man, the State and War* and *Theory of International Politics*. Waltz emphasises the importance of the structure of the international system

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[96] Tonra, B. (2006). Conceptualizing the European Union's Global Role. In Cini, M and A.K Palgrave (Eds.), *Advances in EU Studies (117-30)*. Basingstoke, Hampshire: Palgrave Macmillan, p.9.

[97] Ibid, p.9.

[98] B. Frankel. (1996). Realism: Restatements and Renewal. *Security Studies, 5.3*, 9.

[99] Dunne, T and Schmiat, B.C. (2001). Realism. In Baylis, J and Smith, S (Eds.), *The Globalization of World Politics.* Oxford: Oxford University Press, p.141.

[100] Baylis, J. and Smith S., op. cit., p. 149.

and its role as the primary determinant of states' behaviour.[101] He explains the international system as the main determinant of international politics and state behaviour, which seeks to maximize power within the system.

There are structural distinctions here, classified as the 'balance of power' and the 'balance of threat,' which seek to identify the pattern of opposition and pattern of competition between powers. Waltz defines the balance of power as the 'distribution of power in the international system.'[102] It is an effective instrument; by balancing the distribution of power, states may deter war and check the ambitions of hegemonic states. On the other hand, Stephen Walt contributes to realist literature by conceptualizing the balance of threat.[103] In his book *The Origin of Alliance*, he focuses on the motivation of states in constructing alliances, in the face of rising threats. He stresses that weak states are likely to join alliances as a form of 'bandwagoning' to ensure their own security.[104]

In short, realist and neo-realist theorists have common principles, explaining the behaviour of states according to which are main players and have legitimacy. They use their power not only to enforce law, but to protect their security - to survive - in an anarchical international system in which they must engage in self-help. The objective is to maximise power in order to reduce threat and increase security relative to other states. As realists are sceptical about whether universal moral principles exist, leaders cannot sacrifice the state's interest for their sake. To secure their survival, they may draw on military resources of the state, or they may join alliances and collective security organisations to draw on collective power. Liberal realist literature, which goes back to Thomas Hobbes's *Leviathan* and Hedley Bull's seminal work *The Anarchical Society*, suggests that international anarchy can be cushioned by states, if those states have the capability to deter other states from aggression through a managed co-existence.[105]

Waltz's theory of international politics does not specify any particular international regime[106], but it does explain how the interdependent relations impede war and create more co-operation.[107] If anarchy drives states to secure their short-term survival, then an inter-dependent and managed co-existence can not only reduced the likelihood, or incentive, to use war as a means of maximising power, but enable longer-term objectives to be achieved.

[101] Lamy, S. (2001). Contemporary Mainstream Approach: Neo-realism and Neo-liberalism. In Baylis, J and Smith, S (Eds.), *The Globalization of World Politics*. Oxford: Oxford University Press, p.183.
[102] Kenneth, W. (1986). *Theory of international Politics*. New York: McGraw-Hill Higher Education, p.98.
[103] Walt,S.M. (1987). *The Origin of Alliances*. Ithaca, N.Y: Cornell University Press, p.12.
[104] Ibid. p.35.
[105] Baylis, J and Smith,S. op.,cit, p. 149.
[106] Krasner, S.D. (1983). *International Regimes*. Ithaca and London: Cornell University Press.
[107] Waltz , K.N. (1978). *Theory of International Politics.* London: Longman.

1.2.1.1.   Realist Rationality and the EU

Realists suggest that European integration is nothing but an outcome of efforts to create a balance of power resulting from the anarchic system of states. In this view, the EU is little more than the 'sum of member-state diplomacies.'[108]Thus, the extent of cooperation among member states, the creation of the European Economic Community, and more recently cooperation in the realm of the EPC/CFSP presents a serious challenge for realists. However, realists believe that being involved in a regional arrangement or collective security alliance is a means of enhancing and extending national interest, mainly national security and ambitions, and should not be seen as pursuing an alternative to a state-centric approach.[109] Further, they suggest that EU member states may still fail to co-operate because of "the risk of being exploited since the international system lacks a central authority that would monitor and sanction defection, co-operative behaviour may be exploited by other states."[110]

Regionalism simplifies the conflict at the international realm by combining the states together under the leadership of one or more dominant powers. Nation-states enhance their security against external threats by involving themselves in a regional bloc. The motives behind the formation of regional blocs are political, and the success of the integration process depends on the willingness of one or more superpowers. The realists look at European integration as exchanging and sharing mutual benefits. They recognise the existence of institutions and recognise their roles as tools, or instruments, of statecraft. Accordingly, states work to set up these regimes and institutions if they serve their interests. In addition, the advocates of realism give credit to the assumption that the institutions can shape the direction and content of certain issues, so long as these policies are not central to the security interests of given states, and that national security is not threatened.[111]

Waltz's understanding of European integration acknowledges that some states might have been "seeking goals that they value more highly than survival,"[112] and as such may have preferred "amalgamation" with other states.[113] However, Waltz believes that the kind of integration taking place does not mean that the main characteristics of the international system have changed, but rather that this integration would simply change the distribution of power among different units. Even if a European superpower were to emerge, this would not alter the basic characteristics of the international

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[108]Hill,C. (2002). The EU's Common Foreign and Security Policy: Conventions, Constitutions and Consequentiality. *The International Spectator*, *XXXVII*, p.3.

[109] Gilpin, R. (2001). The Political Economy of Regional Integration. *Global Political Economy Understanding the International Economic Order*. Princeton, N.J: Princeton University Press.

[110] Wagner,W..(2003). Why the EU's Common Foreign and Security Policy will Remain Intergovernmental *Journal of European Public Policy*. *10:4*, p.567-595.

[111] Lamy, S. op. cit., p.186

[112] Waltz, K.N. (1979). *Theory of International Politics.* New York: McGraw-Hill Higher Education, p.72.

[113] Ibid.

system, which would remain dominated by anarchy.[114] He adds that "the effective international institutions depend on the support of major powers." [115]

Although the integration of nations is often discussed, in actuality it rarely takes place. Nations could mutually enrich themselves by further dividing not just the labour that goes into the production of goods, but also tasks such as political management and military defence. Why, then, does their integration not take place?[116]

The father of realism theory is suspicious as to the potential of the EU to become a great or super-power, in the absence of dramatic change and the turning of the union into one state.[117]

Other scholars have likewise sought to adapt or extend realist theory to account for European integration, identifying when and how international cooperation and even integration is possible and indeed whether it is a rational choice for states in certain circumstances.[118]

For example, Gilpin[119] understands the European integration process as a result of the American rise to the status of a superpower. He argues that during the Cold War era, the U.Swas interested in supporting a strong and unified Western Europe, seeking to strengthen the European capabilities to stand against the Soviet threat and to therefore increase their collective economic and military efficiency through its Economic Aid Marshall Programme and through its military shelter under NATO. The U.S reduced the tension between European former enemies, and encouraged them to unify their collective economic and trade policies.[120] He concludes that the cooperation between states is possible when a state is capable of "imposing order in the international system by virtue of its superpower status."[121] He added "when there is a clear hierarchy of power, there are few or no clashes of interests, as the stronger can impose its will and the weaker ones have to conform."[122]This argument is echoed by Art, who believes that we should analyse the European integration process through the security lenses. As explained above, the states might cooperate with each other as a strategic policy, to survive against external or internal threat. To cope and face the potential threat, and to survive, is an important factor in realism for the process of integration.

 In other words, the realist believes that security threats, either internal or external, are the main

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[114] Ibid.
[115] Lamy, S. op. cit., p. 186.
[116] Waltz, K. op.cit., p.105.
[117] Ibid. p.105.
[118] Gilpin, R. (1981). *War and Change in World Politics*. Cambridge: Cambridge University Press.
[119]Ibid
[120] Andreatta, F. (2005). Theory and the European Union's International Relations. In Hill, C and Smith, M. (Eds.), *International Relations and the European Union: Themes and Issues.* Oxford: Oxford University Press, p.26.
[121] Ibid. p. 26.
[122] Ibid. p. 26.

motive for integration. When that threat is absent, political unification is unsuccessful.[123] Examining the historical evolution of European integration, they found a relationship between the speed and process of European integration and internal and external threat. The first wave of integration of the EEC in the 1950s was as a result of the western European states' attempts to contain the Soviet Union and stop communism from spreading in Europe. The basic aim of integration was not to forge a common power, but to empower individual states through common means.[124] Building on the same arguments, the realist believes that the desire to constrain a newly unified Germany and "to Europeanize Germany rather than Germanize Europe" was also an important factor in unifying Europe. Finally, the realist believes that the desire of the European decision-makers to make Europe a cohesive and powerful economic and political player, in the mould of the U.S and Japan, is another factor that unified Europe.[125]

According to realism, alliances are created for two main reasons: "capability aggregation and the control of alliance, and in order to gain on these two fronts, states are willing to limit their autonomy and follow the prescriptions of alliance and other international agreements."[126] Gowan has linked European integration with the nature of the international system, believing that the agreement and cooperation in bipolar systems are stable and durable, since alignment is structurally determined, thus allowing for high cooperation and trust. Alignments in multiple systems can be change over time and according to the interests of the states due to the multiple options. Therefore, cooperation is limited by the risk that "today's friends will become tomorrow's adversaries."[127]

Realists argue that the international role of the EU in fact represents a collection of the policies and interests of its two, or three, major member states: those who have the economic and political resources to influence other members of the EU.[128] As mentioned above, although the Neo-realists recognise the role of international institutions in developing and implementing policy, for example in fields such as human rights and democracy promotion, the commitment of nation states to these is a secondary concern, behind their strategic interests and security.

For realists, then, the importance of the EU lies in the interests of its member states, and how they are expressed in high politics and aggregated into a collective position. The power of EU within the international system, as an entity in and of itself, is constrained by the limitations on integration which are the result of nation states securing their own interests first and foremost. Integration may, and

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[123] Art, R. (1996). Why Western Europe Needs the United States and NATO. *Political Science Quarterly 111/1:1-39*, p.1.
[124] Norris, D. (2002). Neorealism and the European Union Balance of Power in the Post-Cold War Era. Phd., Ohio University. Retrieved from http://etd.ohiolink.edu/send-pdf.cgi/Norris%20David%20A.pdf?ohiou1015857663. Access date: March 12, 2011, p.63.
[125] Art, R. op. cit. p. 1.
[126] Andreatta, F. op. cit., p. 27.
[127] Ibid. p. 27.
[128] Hill, C. (1996). *The Actors in Europe's Foreign Policy*. London and New York: Routledge, p.9.

does, take place when nation states find greater reason to surrender sovereignty than to maintain it, but until such integration has succeeded to the point of the EU becoming a single sovereign body; it cannot take its place as a global superpower.

1.2.2. Neoliberal Institutionalism

The second major theoretical school, in considering the EU, is that of Neoliberal institutionalism. This is the study of international organisations and regional integrations, and was originally termed regime theory. This was actually located within the broad spectrum of realism, accepting the proposition that state behaviour is rooted in interest and power, but beyond that, that states could and did engage increasingly in collective institutions, both formal and informal (hence the institutional rebranding) which might actually change or improve the world (hence the liberal component).

Neo-liberal institutionalists understand the world as a global political economy; for example, Francis Fukuyama's 1989 essay *The End of History* and later his book *The End of History and the Last Man*, argued that liberal democracy is "the final form of human government."[129] Unlike historical materialism, another form if global political economy, neo-liberalism understands three processes as occurring simultaneously and for the good of humankind: economic liberalisation, political democratisation and cultural universalism.[130] Whilst neo-liberals believe that the nature of international economic relations is harmonic, historical materialists see it as a source of conflict. Neo-liberals encourage distribution of goods for economic process, but historical materialists criticise distribution of wealth as unfair, and leading to clashes between classes. Both theoretical approaches to the influence of economy are evaluated as a main driving force of politics.

However, while historical materialists argue that economic processes lead to conflict between sovereign nation-states, neo-liberals aim to encourage the collaborations and interdependencies that are beneficial.[131]All states have mutual interests and gain from cooperation, as exemplified by issues such as human rights and the environment. States will adopt a more flexible approach than realists suggest in international politics, giving more of a role to supranational institutions, which address these shared interests.[132] Thus, neo-liberals have a more optimistic vision of cooperation among states and international organisations.[133] They argue that democracies do not go war against each other, as democracy creates domestic institutions aimed at cooperation, which in turn helps pave the way for international institutions. Economic interdependence promotes transnational relations in general, and

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[129] Fukuyama, F. (1989). The End of History? *National Interest 16, 2-18*.p.271.
[130] Strange, S. (1996). *The Retreat of the State*. Cambridge: Cambridge University Press.
[131] Weber, C. (2001). *International Relations Theory: A Critical Introduction*, London & New York: Routledge, p.105.
[132] Lamy, S. op. cit., p. 182.
[133] Andreatta, F. op. cit., p. 28.

creates an incentive for developing international cooperation.[134]

Neo-realists argue that neo-liberalism is little different in reality from realism: international institutions do not exist independently of the international system, or the states that comprise it; they are merely the organisers of the rules of the game. By contrast, the so-called English School, recognise an *international society* in which norms are also shared, not just interests, and these may be reflected in states signing up to international institutions which then make demands of them, rather than simply serving their national self-interest. Game Theory similarly explains international institutions as solutions to the self-help dilemmas of states, where states voluntarily cede some of their freedom in order to achieve better outcomes than those arrived at in a state of anarchy.

Neo-liberal institutionalism provides us with important questions to ask of any international organisation or institution: not only why does it matter and what difference does membership make to members' interests, but also in terms of how membership shapes the behaviour of states themselves. Why do states comply with the commitments they have made, even if this is not in their short-term interest, and what "added value" is there from the institution itself? How did they come into being, and was it simply a result of impositions by stronger powers? How do they organise themselves, their institutional design? The link between domestic and international politics, and between high and low politics is particularly interesting, not least since international institutions tend to focus more on low politics (issues like the environment, or trade) rather than high-politics (security). How and why do they grow or die (historical institutionalism)? Neo-liberal institutionalism also widens the focus beyond states to include new players in the form of transnational corporations, non-governmental organisations and a new pattern of interaction based on interdependence and integration.[135] It acknowledges the complexity of the world and its multiple protagonists, whose complex interdependency recognises the multiple channels for interaction, across national boundaries.[136]

1.2.2.1.   Neo-Liberalism and the EU

The EU is the latest incarnation of European institutionalism which originated with the European Coal and Steel Community (ECSC) and which was only one of a number of post World War II international institutions to emerge in the context of the Cold War, with the United Nations, the North Atlantic Treaty Organisation (NATO) being established at the same time. Haas[137] and Mitrany[138] explain the new co-operation between European countries as contextual, collective problem solving,

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[134] Baylis, J and Smith, S. op. cit., p. 171.
[135] Baylis, J and Smith, S. op. cit., p. 171.
[136] Keohane, R.O. (1987). *International Institution and State Power: Essays in International Relations Theory.* Boulder, Colorado: West view, p. 8.
[137] Haas, E. (1968). Technology, Pluralism, and the New Europe. In Nye, J.S (Ed.), *International Regionalism.* Boston: Little Brown, pp.154-8.
[138] Mittrany, D. (1943). *A Working Peace System.* London: RIIA.

while Nye and Keoh-Joanes explain the necessity of interdependent relations between states[139] leading to the integration process of the European Community. The EC started as a regional community for encouraging multilateral cooperation after the tragedies of the Second World War.[140] Over time, as cooperation increased, so did the ambitions of the member states for it. Interactions increased both between states and between people within them. The EC developed normative dimensions, as well as complex institutional arrangements wherein specific institutions developed their own agendas. Over time, the community grew in size, broadened its areas of collaboration, and deepened the extent of integration. Within the EC itself, liberal economic and political ambitions were predominant, although member states have continued to be the principal actors and have only surrendered limited sovereignty in certain areas.

A Neo-liberal model would look at EC/EU foreign policy-making through the lens of absolute gains, just as a realist model would. Participating states arrive at the negotiating table with a pre-established hierarchy of interests and proceed to bargain over these interests with those of their EU partners on the basis of self-interest.[141] However, as the organisation and its institutions develop, extend and deepen, they become the route through which states increasingly seek to resolve shared dilemmas, to construct new security regimes, and even promote shared normative concerns.

1.2.3. Constructivism

This leads us to a third approach to international relations which can be useful for our study. Constructivism is a relatively new theoretical approach in IR, but has quickly become one of its most important perspectives.[142] Constructivism is not itself a theory of IR, but rather a theoretically informed approach, which is based on the notion that international relations, and states' interests within them are socially constructed. While neo-realism and neo-institutionalism have materialist approaches to IR (material items like geography, weapons or resources have impacts on outcomes unmediated by ideas), constructivism suggests that social and relational meanings and practices can mediate or alter impacts.

In his famous article, "Anarchy is What States Make of it" (1992) and, as he later expounded in his book, "Social Theory of International Politics," Alexander Wendt asserted that "anarchy is what states make of it." Constructivism denies that anarchy is externally given, as realism suggests, instead emphasising that there is an intervening variable: the intersubjectively constituted identities of state

[139] Nye, J. and KeohJoane, R.O. (2001). *Power And Complex Interdependence.* New York: Longman.
[140] Lamy, S. (2001). op. cit., p.189.
[141] Tonra, B.(2003).. Constructing the CFSP: The Utility of a Cognitive Approach. *JCMS: Journal of Common Market Studies 41(4):731-756,* p.77.
[142] Folker, J. (2006). *Making Sense of International Relations Theory.* London: Lynne Riemner, p.11.

actors.[143] Intersubjectivity refers to ideas that are shared by groups of peoples, rather than held by individuals, and refers to things like collective memory, educational systems, government practices and social norms. Leading from this, constructivists argue that state *interests* are then articulations of intersubjective ideas and are also socially constructed. Therefore they are not, as realists would have us believe, unchanging and fixed, but rather relational; for example, if circumstances and environment change, which thus leads to a change in social ideas, so too may be the perceived interests of a state, relative to others. This attention to the social construction of identities and interests manifests itself more broadly in a concern with relationships between structure and agency. As Ian Hurd puts it:

> "A constructivist approach to co-constitution.. Suggests that the actions of states contribute to making the institutions and norms of associational life, and these institutions and norms contribute to defining, socialising and influencing states. But the institutions and the actors can be defined in the process."[144]

Finally, since anarchy is also socially constructed, Wendt allows for multiple forms of anarchy, which can range from rivalry to community, dependent again on relations between states. Social interaction among international actors might lead to comparative, rather than absolute, anarchy among states. As ideas, socialization and normative values impact upon regional arrangements; they may change state interests and create new ones. Nevertheless, norms do not determine actions.[145] Constructivists argue that we create our own security problems and competitions through our particular interactions with one another, so that the outcomes appear to be inevitable.[146] Accordingly, if we were to perceive one another as potential friends rather than enemies, international outcomes could be very different.[147] Thus, the nature of international anarchy can be co-operative or competitive.

State identities are not pre-determined but formed through interaction with other identities and with collective social institutions. Hence, the main principles of constructivism, anarchy and self-help take place within these social interactions. These social processes constitute institutions and then create a superstructure to organize interactions.[148] Social theory presumes that the identities, norms and interests are components of dynamic change in society.

1.2.3.1.   Constructivism and the EU

Constructivism suggests that membership of the EC/EU, and participation in its institutions, can itself

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[143] Sorenson, G. (1997). An Analysis of Contemporary Statehood: Consequences for Conflict and Cooperation. *Review of International Studies, Vol. 23*, p. 253-269.
[144] Hurd, I. (2008). Constructivism. In Christian Eus-Smit and Duncan Snideal (Eds.), *The Oxford Handbook of International Relations*. Oxford: OUP, p.304.
[145] Karacasulu, N. and Uzgören, E. op. cit., p. 32.
[146] Folker, J. Op. cit., p.116.
[147] Ibid. p.116.
[148] Wendt, A. (2007). *Social Theory of International Relations*. Cambridge: Cambridge University Press, p.24.

alter the identities and interests of member states, thus creating a dynamic progression. Glarbo says this in reference to how the history of integration on foreign and security policies cannot be reduced to national concerns/interests, because integration has also been a product of social construction, as a result of communication between national diplomacies.[149]

According to constructivism, the dynamic of socialisation between the main actors of the EU, such as the high ranking national representatives and European institution players, holds an important role in defined or redefined interests, identities, preference, political stances and the outcomes of the EU policies.[150]Constructivists believe that identities might change with social interaction that will influence the security behaviour of states.[151]They assume that normatively based persuasion is the main mode of negotiation between EU players, rather than inter-governmental bargaining over preferences. Although the member states arrive at the negotiation table with pre-established interests, as a result of socialising, the building of mutual trust, political will, consultation and finally increased communication, the foreign policies of members become "Europeanised" and modified.[152]

In addition, according to the constructivists, national representatives of the member states take into consideration the views and positions of their counterparts in the EU before introducing any proposal at the European level. According to Tonra they are actively seeking to internalise the views of their colleagues in order to see that their own positions are at least complimentary in the common and shared endeavour of CFSP.[153]Tonra borrowed the concept of "Logic of appropriateness" from Olsen and March (1998), where the political players at the EU level consider the context and expectations of the decision-making situation in which they find themselves, and base their resulting decisions accordingly. He adds: "the actor's identities and options for choice are shaped by the institutional structures that she inhabits these self-same institutional structures exit and evolves as a result of actors' identities and choices."[154]

According to Tonra, in order to arrive at a common understanding and a common approach, the EU players' approach will shift to become "What will the European partners think? Rather than "What is our position on this?"[155] In his attempt to explain the negotiation of EU Foreign Policy, Thomas found that the argumentations and persuasions between the EU agents are pursued through the

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[149] Glarbo, K. (1999*). Wide-awake Diplomacy: Reconstructing the Common Foreign and Security Policy of the European Union. *Journal of European Public Policy 6(4),* pp.634–65.

[150] Thomas, D.C. (2009). Explaining the Negotiation of EU Foreign Policy: Normative Institutionalism and Alternative Approaches. *International Politics, Vol. 46*, p.351.

[151] Karacasulu, N. and Uzgören, E. op. cit., p. 39.

[152] Aggestam, L. (2003). Quoted in Tonra, B. Constructing the Common Foreign and Security Policy: The Utility of a Cognitive Approach. *The Journal of Common Market Studies Vol. 41. No. 4*, p. 746.

[153]Tonra,B. (2003). Constructing the Common Foreign and Security Policy: The Utility of a Cognitive Approach. *The Journal of Common Market Studies Vol. 41. No. 4*, p.74.

[154] Ibid, p.74.

[155] Ibid, p.74.

"communication of normative reasons,"[156] and are likely to be exchanged through "bilateral channels between Member States and within various Council formations such as CFSP working groups".[157] Questions are raised, such as why particular Member States should reconsider their identities and fundamental interests, and thus their views on why particular policies are more desirable or more appropriate, particularly with reference to the target's identity as an EU member.[158] Finally, as a result of a socially constructed system, building a sense of unity in coping with the common security threats, the conception of European security has changed in three directions: the understanding of what constitutes threats to security, the means to address these threats/challenges and the ways for conflict resolution.[159] In sum the Constructivists argue that the socialization progressively leads to a convergence of foreign policy actors' interests and identities.

1.3. Theories of International Organisation and Institutionalism

Neo-liberal institutionalism emerged out of the study of international organisations and institutions, one field of which was to study the nature of interactions between member states within such organisations. This approach has been well developed in relation to the EEC/EU and specifically in the effort to determine whether the organisation represented a means of integration or simply co-operation, the reasons why this should be so and the processes through which it occurred. These breakdown broadly into two possibilities: functionalism or inter-governmentalism.

1.3.1. Functionalism, Neo-Functionalism and Externalism

Functionalism and Neo-functionalism belong to the supranationalist school of thought which developed in the 1950s and 1960s, and was one of the first attempts at theorising European integration. Developed from the classic text by Ernst Haas, published in 1958, neofunctionalism has perhaps become the main theory associated with European integration. The theory assumes that modern complex society, especially European society, is dominated by matters of low politics, such as the welfare of citizens and economic growth.

The theory builds on the concept of gradualism, and the bridging of the gap between states through the creation of functionally specific organisations. Instead of integrating big and sensitive areas such as foreign policy-making and defence, advocates of functionalism believe that they can better achieve cooperation and peace through promoting integration in non-controversial sectors like trade, industry and services. The fundamental motive for integration would not concern the legal relationships between political communities, but would stem from the inability of nation states to provide essential

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[156] Thomas, D.C. (2009). Explaining the Negotiation of EU Foreign Policy: Normative Institutionalism and Alternative Approaches. *International Politics 45(4),* pp.339–57.
[157] Ibid.
[158] Ibid.
[159] Karacasulu, N. and Uzgören, E. op. cit., p. 39.

services to their citizens.[160] Functionalists believe that international regimes are:

> "Created and maintained because they help states to overcome collective action problems International regimes reduce transaction costs and, by providing information, uncertainty. In particular, international institutions help states to overcome the second-order problems of compliance and distribution."[161]

Mitrany developed a theory of functionalism during WWII. The theory expressed optimism that the traditional authority of the state could be reduced through the building of networks linking the different territorial communities through economic and cultural activities. He opposed full-scale regional integration because it would - in his view - increase the strength of the new regional institutional structure and thus increase its ability to use force in international relations, leading to new possibilities for war. Functionalism therefore embodies a theory of 'community-building' rather than 'institution-building'- through collective learning and technocratic management. It distinguishes between political cooperation and technical/functional cooperation in the advocacy of a new international society.

For Mitrany the task was clear: the aim must be to achieve the greatest opportunities for cooperation, while touching as little as possible upon the latent or active points of difference and opposition.[162] He advocated the development of technical international organisations structured on the basis of functional principles that would perform collective welfare tasks, reducing internal political conflict and ending the interminable debates about the boundaries of national sovereignty.[163]

In the context of European integration, Mitrany's functionalism remains important not least because of its influence on two of the key architects of the ECSC: Jean Monnet and Robert Schuman. The ECSC borrowed key aspects of what might be termed the functionalist methods, without adopting Mitrany's central goal. Monnet and Schuman employed Mitrany's "focus on technical, sector specific integration," and his emphasis on avoiding political debates about the surrender of national sovereignty, in order to facilitate the incremental establishment of "territorially based organisation and the creation of a new regional authority structure."[164]

They, and other European policy-makers of the time, such as Hallstein and Spaak, might be termed "functional federalists openly working toward a united of Europe by functionalist rather than

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[160] Andreatta, F. op. cit., p.21.
[161] Wolfgang, W. op. cit., p. 579.
[162] Mitrany D. (1967). *The Functional Theory of Politics*. London: Martin Robertson and Company, p.58.
[163] Ibid. p.10.
[164] Cram, L. (1997). *The Politics of EU Policy-Making: Conceptual Lenses and the Integration Process.* London: Routledge, p. 11.

federalist tactics."[165] According to functionalists, the EPC and the CFSP can be understood within this context. The EPC is a result of the influence of the European Common Market and the European Common Agricultural Policy, and the CFSP is a result of pressure from the Single European Market (SEM) and the Monetary Union (EMU). Additionally, according to the functionalists' philosophy, international crises "cannot be contained by purely economic means," creating the need for a common foreign policy to represent and pursue the interests of the Union.[166]

Functionalism has its critics: it is often accused of being technocratically naive, having a poor record of prediction, and lacking scientific rigour. Political scientists argue that the division between technical non-controversial economic issues on the one hand and political issues on the other is untenable. Economic integration, however defined, must be based on political motives and frequently begets political consequences."[167] Moreover, in the context of Europe, functionalist theory failed to accommodate several phases of European integration, especially in the field of political cooperation.[168]

 The unrealistic division between the technical/functional issues and political/constitutional issues prompted Ernst Haas and then Leon Lindberg to develop a new theoretical frame explaining the European integration process. The new theory proposed the concept of spill over, rejecting the notion that technical tasks could be separated from politics and arguing that:

> "Power and welfare are far from separable. Indeed, commitment to welfare activities
> arises only within the confines of purely political decisions, which are made largely
> on the basis of power considerations... the distinction between the political and
> technical, between the political and the expert, simply does not hold because issues
> were made technical by a prior political decision."[169]

What is termed neo-functionalism describes and explains the process of regional integration based on empirical data from the ECSC Community experience. Neo-functionalism places special emphasis on the importance of institutions in the creation of a new centre. Successful economic integration leads to political integration. Key actors are interest groups who lobby national governments, who themselves eventually realise the benefits of integration and consequently relinquish sovereignty.

For neo-functionalists, institutions are the crucial causal links in the chain of integration. Haas

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[165] Pentland, C. (1975). Functionalism and Theories of International Political Integration. In Groom, J.A and Tatlor, P. (Eds.), *Functionalism Theory and Practice in International Relation*. London: University of London Press Ltd, P.17.
[166] Gordon, P. (1998). The limits of Europe´s Common Foreign and Security Policy. In Moravsik, A (Ed.), *Centralisation or Fragmentation? Europe Faces the Challenges of Deepening Diversity and Democracy.* New York: Council on Foreign Economic Relations, p.54.
[167] Cram, L. op. cit., p. 12.
[168] Pentland, C. op. cit., p. 16.
[169] Haas, E.B. (1964). *Beyond the Nation-State: Functionalism and International Organization*. Essex: European Consortium For Political Research Press, p.87.

believes that, for integration to occur, it must be perceived by political elites in various groups to be in their own self-interest. Haas found that the elites in the European Community, found in organizations such as political parties, business groups and trade associations, played a significant role in advancing the European integration project and were even a driving force behind European integration. The promise of material reward from increased interactions will motivate domestic groups to lobby their governments to further integration:

> "The process of community formation is dominated by nationally constituted groups with specific interests and aims, willing and able to adjust their aspirations by turning to supranational means when this course appears profitable."[170]

This integration will lead to political integration. Haas identified four forms of spill-over: functional, political, cultivated, and geographical spill over, or what is now referred to as wadding or expansion.

In his work *The Uniting of Europe*, Haas paid a lot of attention to supranational non-governmental actors as influential actors in the integration process. He pointed out the importance of the interconnected nature of modern economics, which makes it difficult to confine integration to particular economic sectors; integration in one sector produces pressure for integration in adjoining and related other sectors.[171] Therefore, businesses and other interest groups will seek to create new ways of integrating. In other words, economic integration automatically generates increased interaction in other areas at the regional level. Haas' neo-functionalism sees the main dynamics of European integration as being located within a broad process of modernization, the rise of technocracy and what we today would call 'globalization.' Haas considered this functional spill-over as an automatic, continuous, and inevitable process leading to a European super-state. The process of integration would therefore continue in the European Economic Community: "Liberalization of trade within the customs union would lead to harmonization of general economic policies and eventually spill-over into political areas and lead to the creation of some kind of political community."[172] Haas thus saw the EEC as a functional residue of the ECSC.

Political spill-over results from the learning process which accompanies economic integration, as elites perceive that supranational solutions serve their interests better than national ones, leading to shifts in expectations and activities which further the integration process.[173] According to neo-

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[170] Bukowski, J. (1995). *European Integration Reconsidered: Redistribution of Authority in European Union Member States.* Paper presented at The Fourth Biennial International Conference of the European Community Studies Association. Charleston, SC, US, p.45.
[171] Haas, E.B. (1964). op. cit., p58.
[172] Haas, E.B (1968). *Contemporary European Politics and Society*. Stanford: Stanford University Press.
[173] Niemann, A. (1998). The PHARE Programme and the Concept of Spillover: Neofunctionalism in the Making. *Journal of European Public* Policy*, 5: 3*, pp.428-446.

functionalism, national elites increasingly turn their attention to the supranational level of activity and become progressively more favourably disposed towards the integration process and the upgrading of common interests. Over time, nation states and governmental actors become less influential, and the increasing importance of integration generates pressure and demands for political control and accountability at the supranational level. According to Haas, "the values of various interest groups compete for dominance and merge and overlap in a new supranational political community."[174]

As Haas predicted, spill-over has indeed led to a gradual adaptation of integration by political elites. Leaders of political parties, trade associations and trade unions increasingly appeal to the new centre, shifting their loyalties from national politics in the belief that their interests are better served by seeking supranational methods rather than national methods. European institutions themselves foster governing; the elite are free of national ties, and become the focus for interest groups and popular loyalties.

The new supranational agents or the new centre (the institutions of the European Community) have a mixture of characteristics. Firstly, supranational institutions are independent sites of authority with distinct agendas that often diverge from the national governments preferences.[175] Secondly, supranational agents are themselves political actors interested in enhancing their power via the increased authority of the institutions they direct.

However, their objective is to protect and promote the welfare and security of the transnational society that is coming increasingly under their jurisdiction.[176] Supranational cooperation means that rules can be made in the EU which have a direct impact on the member states and thereby also a direct effect on the citizens of the member states. EU co-operation relating to the internal market, agriculture, fisheries, etc. are examples of areas in which there is supranational co-operation.

Many scholars argue that, since the signing of the treaty of the EU, elements of functionalism have occurred due to the increased utilising of the European Commission instruments, resources and capacities to implement the CFSP decisions. This cooperation has reduced the sensitivity between high and low politics, and consequently empowered the role of the supranational actors in the CFSP.[177] In addition, they believe that the European Commission can play an important mediating role, drafting projects and proposals for the CFSP. They suggest that the power that the EP has over the budget can push the EU institutions to adopt certain policies, for example in the realm of human

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[174] Haas, E. (1968). op. cit., p.18.

[175] Gordon, P.H (Ed.) (1998). *The Limits of Europe's Common Foreign and Security Policy*. Brussels Council on Foreign Relations Press.

[175] Puchala, D.J. (1999).

[176] Puchala, D.J. (1999). Institutionalism, Intergovernmentalism and European Integration: A Review Article. *Journal of Common Market Studies (JCMS), 37/2*, 317-331.

[177] Smith, K.E. (2003). *European Union Foreign Policy in a Changing World*. Cambridge: Polity, p.8.

rights.[178]

Haas' neo-functionalist approach introduced an external dimension, recognising that the external environment creates strong pressures for common action.[179] What is termed externalisation theory considers the international system, international crisis and international development as important factors which shape the integration process and, subsequently, the foreign policy making of international organisations. The absence of this element from conventional functionalist theory was viewed as one of its key weaknesses.

Externalisation theorists believe that international crises put pressure on international organisations to coordinate and harmonise their collective responses. Thus, they defined externalisation as a "process whereby a regional organization achieves the recognition of non-members and of other international organizations as having the status of a full and equal participant in the international system, especially in shaping the rules which govern that system."[180] According to the theory, there exists both a defensive factor and an offensive component. The achievement of any community, in economic integration such as economic cooperation and a common market, cultural integration, or regional collective security, would promote the international organisation to agree on certain measures and objectives relative to non-member states in order to "safeguard the benefits reaped" from these achievements.[181] This is seen as a defensive policy, which will ultimately extend the integration process to other areas. In addition, policies such as commercial and legal discrimination against potential rivals in non-member states are viewed as "offensive" policies, which aim to take "steps extending the grouping or sealing it off more completely from the rest of the world."[182]

Externalisation can be a good theoretical framework by which to explain EU foreign policy making and integration in the EPC and the CFSP as the structure and the mechanism of the EU foreign affairs has developed and grown in response to increasing demands made upon it.[183]

In sum, the main contribution of functionalism for our purposes is that it notes the concept of the 'state' to be more complex than realists have suggested: the activities of interest groups and bureaucratic actors are not confined to the domestic political arena, but extend into the community created by inter-state co-operation and functional integrations. Non-state actors are thus important in international politics, as are the unintended outcomes or 'spill-over' processes between different areas of functional operation.

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[178] Ibid, p.8.
[179] Haas, E.B. and Rowe, E.T. (1973. Regional Organizations in the United Nations: Is there Externalization? *International Studies Quarterly 17/1*, pp. 3-54.
[180] Ibid.pp. 3-54.
[181] Ibid.pp. 3-54.
[182] Ibid. pp. 3-54.
[183] Smith, K. (1999). The Making of EU foreign policy the case of Eastern Europe. London:Palgrave, p.20.

1.3.2. Intergovernmentalism

In response to neo-functionalism, a counter-argument was put forward by Stanley Hoffmann. Contrasting with neo-functionalism, which emphasises the autonomy of supranational officials and transnational elites, Hoffmann's intergovernmentalism, takes a State-centric governance approach to understanding the European integration process.

Intergovernmentalism drew heavily on realist assumptions about the role of states or, more accurately, the governments of states in IR. Intergovernmentalist approaches criticised the functionalist and neo-functionalist approach on several grounds: firstly, for neglecting the wider global context since regional integration was only one aspect of the development of the global international system. Secondly, marginalising the role of governments in the integration process. Intergovernmentalism argues that the member states are the most powerful actors in the integration process and they control the nature and the speed of integration in order to protect and promote national interests.The governments' domination of the integration process was due to two reasons according to Hoffmann; first because "the governments possessed legal sovereignty; and second, because they had political legitimacy as the only democratically-elected actors in the integration process."[184]

In this view, where the power of supranational institutions increased, it did so only because governments believed it to be in their national interests. Finally, intergovernmentalists criticised the neo-functionalist prediction that the spill-over factor would reach high politics, stating that although governments might accept closer integration in the technical functional level, the integration process would not spread to areas of 'high politics' such as national security and defence.[185]

Much in the vein of the realist school of international relations, intergovernmentalism insisted that nation-states would not adapt smoothly to social changes which challenged their sovereignty, but that their reactions were shaped first and foremost by the competitive dynamics of the anarchical international system. [186]

Intergovernmentalist theorists also reject the idea that supranational organisations are on an equal level, in terms of political influence, as national governments. Their main point is that integration depends on bargaining. States negotiate with each other, and the result of bargaining depends on the power of the states. This determines the policy outcomes. Moravcsik, a leading neo-liberal proponent of intergovernmentalism, explains that "historic agreements (mainly treaties) are not driven by a supranational entrepreneur like the Commission but they are results of bargains struck between key

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[184] George, S. and Bache, I. (2001) Politics in the European Union, (Oxford: Oxford University Press, p.12.
[185] Moravcsik, A. (1993), op. cit.
[186] Jachtenfuchs, M. (2001). The Governance Approach to European Integration. Journal of Common Market Studies (JCMS), 39/2, pp. 245-264.

powerful member states, such as Germany and France."[187] He acknowledges "a gradual process of preference convergence," but he says that European integration is not at its origin, further denying the idea of elites' socialization.[188] National preference formation is shaped by domestic and not European pressures. He recognizes that there are other actors than states, but they do not play an important role.[189]

Moravcsik argues that major intergovernmental bargains, such as the Single European Act or the Maastricht Treaty, were not driven by supranational entrepreneurs, unintended spill-overs from earlier integration, or transnational coalitions of business groups, but rather by a gradual process of preference convergence among the most powerful member states, which then struck central bargains amongst themselves and offered side-payments to smaller, reluctant member states. Thus "Intergovernmentalists see the terms of international co-operation, the accompanying rules that guide it and the institutions that frame it, as reflecting the relative bargaining power of different governments who, while never abrogating their sovereignty, may be willing to 'pool' or 'delegate' it as efficiency and effectiveness require."[190]

This theoretical approach asserts that integration occurs only when the largest member state governments perceive that the benefits of integration outweigh the costs of surrendering sovereignty to supranational institutions.[191] European integration can thus be explained in terms of a convergence of state interests within Europe in the context of the Cold War, and the greater shared external threat. As a final point, according to the intergovernmental approach, no government has to integrate more than it wishes because the bargains rest on the lowest common denominator of the participating member states. Consequently, the sovereignty of the state is not damaged.

Nugent details the criticisms that have been levied against intergovernmental theory: it has been accused of being too selective of the evidence which its adherents analyse, putting too much emphasis on the "historic" decisions of states and not enough on more commonplace and routine decisions.[192] Intergovernmentalist theory ignores the influence of informal integration and the constraints that such integration imposed on the formal decision makers.[193] Moreover, it neglects entirely the influences of ideology, beliefs and symbolism which connect member states and their populations. It sees international politics as "a rational process in which the preferences of states and the result of a

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[187] Nugent, N. (2006). The Government and Politics of the European Union. Durham, N.C: Duke University Press, p.565.
[188] Ibid. p.565.
[189] Pollack, M.A. (2006). Theorizing EU Policy-Making, Policy Making in the European Union. In Wallace, H and Wallace, W. (Eds.), *Policy-Making in the European Union*. Oxford: Oxford University Press.
[190] Puchala, D.J. op. cit., p.98.
[191] Gordon, P.H. op. cit., p.53.
[192] Nugent, N. (2006). *The Government and Politics of the European Union*. Durham, N.C:Duke University Press, p.566.
[193] Ibid.

bargaining can be calculated and it potentially underestimates totally the importance of supranational institutions themselves."[194] Nonetheless, the EU clearly displays intergovernmentalist attributes. Intergovernmental EU cooperation is used in political areas where it might be difficult for countries to enter into a form of cooperation as close as supranational cooperation such as policing, legal cooperation and - as we will see – the CFSP

1.3.3. Liberal Intergovernmental

Building on Hoffmann's work, Andrew Moravcsik (1993) developed a subsequent version of the intergovernmental explanation of the integration process. His liberal intergovernmentalist approach to the EC/ EU offers a critical analysis of both neo-functionalist and intergovernmentalists approach and regards EC/EU policy-making and integration mainly as a consequence of interstate bargaining, making the interests and preferences of EC/EU member states the key to understanding the policy reform. Moravcsik's approach, like that of Hoffmann, is built on the assumption that states were rational actors, however, he developed Hoffmann's theory by arguing that that the first political process, "the balance between economic interests" within the domestic arena determined the definition of the national interests. Moravcsik considers the formulation of national interests as the first part of the analysis; after determination and formulation of interests at the domestic level, the member states will take them to the second level - which is the European level.

At this level, Moravcsik divided the negotiation into parts; the first being negotiation through the bargaining through 'positive-sum games'[195] rather than zero sum games as realists propose, to reach an agreement and consensus on the problem, and the second the negotiation on the institutional arrangement in order to implement the common policy agreed in the first level.[196] In addition, Moravcsik believes that member states play the two- level game in their negotiations tactics which Putnam (1988) has explained in his famous article *Diplomacy and Domestic Politics: The Logic of Two-Level Games International Organization.[197]* According to Putnam, the "two-level approach recognises that central decision-makers strive to reconcile domestic and international imperatives simultaneously."[198] He argues that decision makers in democratic states have to take domestic pressures into their consideration during the negotiations process, and make sure that the outcomes of the agreements that they are negotiating will not have a negative effect at home.[199] Finally, he argues

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[194] Ibid.

[195] Bicchi, F. (2007). *European Foreign Policy Making Towards the Mediterranean*. New York: Palgrave Macmillan, p.12.

[196] Moravcsik, A. (1993). op. cit.

[197] Putnam, R. (1988). Diplomacy and Domestic Politics: The Logic of Two-Level Games. *International Organization, Vol. 42, No. 3,* p.460.

[198] Ibid,p.460.

[199] Ibid,p.460.

that, when domestic and international concerns overlap, agreement is likely.[200]

Liberal intergovernmentalism believes that bargaining outcomes are shaped by the interests and preferences of EC/EU member states, providing room for autonomous supranational institutions which influence policy-making.[201] Second, the location of authority and policy-making influence at the state level implies that non-state pressure groups form part of the domestic societal interests that shape negotiating positions.[202]

EU decision-making is not aimed at establishing global governance, and so liberal intergovernmentalism provides an opportunity to increase agreement and negations, integral parts of the European identity. Studying the negotiations behaviour and the outcomes of the main European treaties and agreements such as: the negotiation process and the outcomes of the Treaties of Rome, the Common Agriculture Policy, the Single European Act and the negotiation of the Treaty on EU (TEU), providing answers as to how EEC/ EU has succeeded so far. Moravcsik found that that the outcomes of all these agreements worked in favour of government preferences and interests, rather than the interests of the supranational institutions. In addition, he found that the results of these negotiations reflected the balance between the interests of the domestic society, interests groups, economic interests and the strategic security concerns of the EU members. Finally, the sharing of sovereignty or "handing over decision-making authority to supranational institutions reflects the desire of the EU governments to ensure that the commitments of these agreements will implements and monitored through independent supranational body."[203]

In his article *Europe's Uncommon Foreign Policy*, Gordon argues that there are several reasons the make member states surrender or share their sovereignties with supranational institutions. Firstly, when they perceived "gains of common action through the advantages of scale outweigh the potential costs of lost sovereignty or national prestige."[204] Secondly, when the member states have similar interests in common they prefer to act jointly so the concept of sovereignty become like less matter. Finally, when the member starts relations with main large states guarantee their interests either "through application of strict limits or conditions to the terms of integration or through the "opting-out" of the state with the particular interests."[205]

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[200] Ibid,p.460.

[201] Moravcsik, A. (1998). *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*. London: Routledge.

[202] Birger Skjærseth, J and Wettestad, J. (2010). Fixing the EU Emissions Trading System? Understanding the Post-2012 Changes. *Global Environmental Politics, Research Articles,* p.101.

[203] Moravcsik, A. (1993). op. cit.

[204] Gordon, P.H. (1997). "Europe's Uncommon Foreign Policy." International Security 22(3):74-100, p.80.

[205] Ibid. p.80.

1.3.4. The Multi-Level Governance Model

The multi-level governance theory provided another alternative approach to the state-centric intergovernmentalist approaches towards EC/EU policy making. The model dealt mainly with the complexity of decision-making processes within the EU itself, focusing on the relationships between institutionalized, hierarchically structured sets of actors with varying degrees of unity/coherence, commitment to EU norms, and power resources.[206] Its roots are found in earlier neo-functionalist theories- Ernst De Haas (1958) Gary Marks and Liesbet Hooghe are the pioneers of Multi-level Governance approach through their article "European Integration from the 1980s: State-Centric v. Multi-level Governance." However, rather differently, it confronted traditional state-centric views, arguing that the sovereignty of European states were restricted by the application of collective decision-making and by the growing capability of supranational institutions.[207] These theorists believed that the multi- level approach involved the relocation of authority upwards, downwards, and sideways from central stats.[208] However, the multi-level model "[did] not reject the view that states' executives and state arenas [were] important or that these remain[ed] the most important pieces of the European puzzle."[209]

The main assumption of multi-level governance was that European integration weakened member states, explaining the complexity of actors and institutions involved at different levels of decision-making. "The supranational institutions such as the European Commission, the EP and the European Court ha[d] independent influence in policy-making that [could] not be derived from their role as agents of states executives." Gary Marks and Liesbet Hooghe believed that "collective decision-making among states involve[d] significant loss of control for individual states' executives.[210] Lowest common dominator outcomes [were] available only on a subset of EU decisions, mainly those concerning the scope of integration."[211]

They argued that member states' executives "d[id] not determine the European agenda because they [we]re unable to control the supranational institutions they ha[d] created at the European level."[212] From a multi-level governance point of view, it seemed that the power of agenda-setting had increasingly become a shared and contested competence among the European institutions. Additionally, according to the multi-level model "states [didn't] monopolize links between domestic and European actors, but [was] one among a variety of actors contesting decisions that [were] made a variety of levels". The founders of the multi-level governance approach justified the weak role of the

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[206] Smith, M. (2004). Toward a theory of EU Foreign Policy-Making: Multi-Level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy. *Journal of European Public Policy, 11:4,* p.743.
[207] Marks, G. and Hooghe, L. (1996). European Integration from the 1980s: State-Centric v. Multi-level Governance. *Journal of Common Market Studies*, V*ol.34, No. 3*, 341-378.
[208] Ibid.p.1.
[209] Ibid. p.346.
[210] Ibid.
[211] Ibid.
[212] Ibid.

states in the EU, arguing that "policy making in the EU [was] characterized by mutual dependence, complementary function and overlapping competencies."[213]They found that evidence from the EU decision-making process suggested that: "the growing diversity of issues on the Council's agenda, the sheer number of states executive principals and mistrust that exits among them, and the increased specialization of policy –making have made the council of minister reliant upon the commission to set the agendas forage compromise and supervise compliance."[214] In addition, according to these authors, when the political benefits outweigh the cost of losing control, or when states want to shed responsibilities for unpopular decisions, they shifted their sovereignties to supranational institutions. They add[ed] that, even though states decision-makers wanted to keep sovereignty, they were often not able to do so because state executive could easily be outvoted since most resolutions in the Council were under the decision rule of qualified majority voting.[215] The added supranational actors, such as European Commission and Parliament, had influence on policy making independently, not as agents of national governments, and should have thus been considered actors in EC/ EU policy making[216], influencing policy making not only through the formation of national preferences, but also directly through EU-level institutions as an important part of the integration process.

Although the decision-making and the legislative power remained in the hands of the Council of Ministers according to the European Treaties, multi-level governance theorists argued that the reality on the ground is that the Council depended on the other European bodies and institution for knowledge and resources in order to perform its function in the policy making process. Therefore, state representatives' authority became eroded in the decision-making process by the legislative power of the EP and the efforts of interest groups to influence outcomes in the European arena.[217]

1.3.4.1.   The EU and the Multi-Level Governance

Applying multi-level governance to EU foreign policy Smith, (2004) found that European foreign affairs decision-making displayed several elements of multi-level governance, specifically more so under the CFSP that the EPC.[218] He argued that, although the EU was clearly still a treaty-based polity and its member states reserved ultimate authority to approve all decisions, especially in foreign/security policy, and although the European treatises had built a separation wall between three EUpillars, the complexity and the interdependencies between EU pillars made it difficult to separate them. This lead to overlap and fuzzy borders between the competencies of the various European actors (the Council, the member states, the European Commission, the European Parliament). It soon

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[213] Ginsberg, R. H. (2001). *The European Union in International Politics: Baptism by Fire.* Lanham: Rowman & Littlefield, p.34.
[214] Marks, G. and Hooghe, L, op. cit., p.370.
[215] Ibid.p.370.
[216] Underdal, A. (2002). One Question, Two Answers' in Miles, E.L et.al. (Eds.)*, Environmental Regime Effectiveness: Confronting Theory with Evidence.* Cambridge, MA: MIT Press, pp. 3-46.
[217] Marks, G. and Hooghe, L, op. cit., p.370.
[218] Smith, M (2004). op. cit., p.740.

became formal EU policy domain with complex linkages, procedural and substantive, to other EU policies.[219]

These strong links between executive power in the first pillar and the legislative power in the second pillar of EU institutions eliminated the traditional boundaries between the domestic international politics. Agenda setting, decision-making, competencies, implementation, funding, mentoring and evaluation of the CFSP were shared by actors at different levels, rather than being monopolized by national governments. The structure of CFSP governance came to involve four major elements. Firstly, the CFSP involved a much greater "coherence of the policy sector and rationalization of the policy process, far beyond what had existed under EPC Its linkages to the policies, organizations, and procedures of the EU's first pillar (the EC), and its practical operation." Secondly, according to Smith, the "CFSP legally bind[ed] EU member states, including some limited compliance mechanisms. Thirdly, the CFSP included several authoritative decision-making rules, in the form of qualified majority voting (QMV), which represented a breach of the long-standing taboo against supranational decision-making procedures for EU foreign policy."[220]

Finally, the TEU "provide[d] a greater degree of autonomy for EC organizational actors in European foreign policy during specific phases of the policy process."[221]The distribution of legislative, executive and evaluation process among several EU actors encouraged this multi-level model. While the European Council of Heads of States and the the Council of the European Union Minsters of Foreign Affairs, with participation of the European Commission, was responsible for the agenda-setting, defining the general political direction and priorities of the Union, the decision making relating to specific issues was distributed among several committees and other bodies, such as the Council of the EU and the Commission. In turn, these were supported by COREU, the Political and Security Committee, the European Correspondents Working Groups and the CFSP Policy Planning and Early Warning Unit. With regard to the implementation of common positions and common actions, responsibility was spread between the EU presidency, the High Representative for the CFSP, the Commission and special representatives. Finally, the performance evaluation in terms of policy coherence and compliance was also spread between the Council of the EU, the Commission, and the Political and Security Committee, while the EP was meant to oversee the funding and had a limited role in legitimizing the CFSP.[222] This multi-level governance approach drew criticism for limiting the decision making of the CFSP to circles located in Brussels and this neglecting real integration between EU actors, specifically the member states and the international organisations.

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[219]Ibid.

[220] Ibid.

[221] Ibid. p.744.

[222] Ibid. p. 741

1.4. Conclusion and Assessment of IR Theories

As this chapter demonstrates, theorizing about European integration process and understanding its behaviour as an international actor has been a difficult matter. Most theories suffered from their inability to explain or predict the processes of integration since this appears to have changed more rapidly than the majority of theoretical thinking.

The main aim of integration theory was to explain why the European states integrated, and who led the integration process. Was European integration a result of the member states' efforts and willingness? Or was European integration a result of the efforts of the European institutions? Or was it a tainted mixture of both? Finally, one ought to have considered the integration process of Europe, and how it affected its decision-making, and specifically the mechanisms and decisions of the EPC/CFSP.

If the EU is looked at through the lens of International Relations theory, mainly from the perspective of neo-realism, which argued that EU members would seek to maximise their absolute gains, the EU merely would have become a group of states gathered in order to achieve a beneficial balance of power within an anarchical system of states. International regional institutions, such the EEC/EU, had resultantly been established by the states to decrease uncertainty and counter anarchy.

Although realism accepted the notion of cooperation between the member states, it further suggested that this cooperation would neither alter the nature of international anarchy nor the anarchic relationship between the new political unit and those units which did not provide cohesion. In addition, neo-realists suggested that regional groupings can never have been able to maximise their power unless the states within them actually merged into a single super-state. Thus, for realists and neo-realists, the EU remained essentially an intergovernmental institutional framework, depending on the sovereign decisions of member states.

In comparison, liberal and neo-liberal theories had a much more optimistic view of the EU, believing that the member states had mutual and shared interests and that, as rational political actors, they were aware of the collective benefit to be gained from cooperation. They believed that EU cooperation at the level of economics and "low politics" could have political spill-overs in terms of enhanced security cooperation and peace. They lay emphasis on the important role of the international institutions in promoting this economic cooperation, (opening markets, promoting democracy and developing ideas of collective security). In their vision, new players, such as transnational corporations and non-governmental organisations, and new pattern of interaction, presented opportunities for interdependence and integration.[223] The complexity of the world and its multiple

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[223] Baylis, J. and Smith, S. (2001). *The Globalization of the World Politics.* Oxford: OUP, p. 171.

actors had become increasingly interdependent in complex ways which demolished differences between "high and low" politics.

This process was understood, to some extent, through the lens of neo-functionalism, which saw this process as leading to a gradual transfer of power to a new centre and new central institutions, which was not necessarily a straight-forward, inevitable or linear process. While functionalist theories dominated explanations of European integration during the heady years of the 1960s, when European integration subsequently seemed to stall in the 1970s, this approach went out of fashion.[224] European integration seemed to have become victim to something of an "empty chair policy". But, as Haas argued, "even if a spill-over tendency [would have been] brought to a halt, this by no means implie[d] a return to a purely national framework of action; it may signify merely a more or less prolonged period of stagnation and integrative plateau."[225] Events subsequently witnessed a renewed commitment to political integration, although it had not been a consistent progression, and nowhere more so than in collective foreign policy-making.

Here, the predicted automatism between functional and political spill-over had not always happened. It could not explain how or why the EPC of the 1970s, which lacked all the institutions and diplomatic trappings of a supranational foreign policy institution, evolved in the manner that it had. Nor could it explain why, despite subsequently increasing economic integration, there did not seem to be a spill-over to transform the EPC into something more than inter-governmentalism (and since neo-functionalism was not clear as to what form the final destination ought to have been – that of a supranational state or an alternative arrangement - no relative progress could have been measured).

In contrast, inter-governmentalist approaches to progress (or the lack of it) in collective foreign-policy making saw European integration as a process whereby the governments of states voluntarily entered into agreements to work together to solve common problems. Some constraints operated on the autonomy of national governments, but they remained in control of the process through the strict limits on future transfers of sovereignty. Whilst this seemed to explain much of the history of the EPC, it failed to recognise the degree or extent and complexity of intergovernmental negotiations and co-ordinations, and diverted attention away from the degree to which bureaucratic politics had been externalized in negotiating forums. It also ignored the role of non-governmental actors in the policy making and implementation process; while it could account for lowest-common-dominator deals and the unwillingness of the states to compromise their core national interests.[226] Nonetheless, it had failed to entirely account for the growing role of EU institutions in collective foreign policy-making

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[224] Gordon, P.H. op. cit., p. 98.
[225] Lewis, J. (1995). The European Union as a Multi-Perspective Polity. In *The Fourth Biennial International Conference of the European Community Studies Association*, Charleston: University of Wisconsin-Madison, p. 99.
[226] Gordon, PH, op. cit., p.99.

and the renewed commitment exhibited by the CFSP and subsequent developments.

Whilst similarly located within realist theory, constructivism did offer us the possibility of acknowledging a progressive "Europeanization" of national policy-making, which might have account for, along with neo-functionalist spill-over, the revival of efforts to have formed a collective foreign policy mechanism, and the ways in which such a mechanism had impacted upon the identities and interests of member states. By introducing the constructivist approach to theorising the EU, one was subsequently able to move beyond the intergovernmental-supranational dichotomy. Instead, one came to recognise the socialising effect of membership of the EU in defining national interests, assisting in progressing towards more shared notions of interests, and in redefining the bargaining process between member states on the one hand; and, between member states and supranational institutions on the other.

Finally, the multi-level governance model encouraged the populace to consider the ever more complex and inter-linked hierarchy and network of institutions, formal and informal, sub-national, national and supranational, as an organic whole, rather than a simple collective of discrete and autonomous units. The multi-level governance model never denied the strong role of the states in the decision making process; however, it recognised that since the Treaty of the European Union, there had been a growing capability of supranational institutions which was leading to the relocation of authority in the EU- upwards, downwards, and sideways from the member states.[227]

In conclusion, there has never been one single international relations theory which could alone fully explain European integration or how the nature of the development of the EU had impacted upon its will or ability to make or implement foreign policy. Whilst overall the realist assumption of the state as the primary unit of international relations underpinned much of the research,, in most of the relevant schools of thought, a broader acknowledgement of the complexity of determinants, dynamics, processes and mechanisms had become necessary. Specifically, the literature discussed here leads one to examine how and why EEC/EU foreign policy towards the Palestinians was made by first acknowledging the member states as key actors with interests of their own which were represented through collective foreign policy making structures and mechanisms. These structures and mechanisms have had to be assessed to determine whether foreign policy outputs were a result of inter-governmentalist bargaining of interests (albeit interests which may be altered by the process of membership itself) or of supra-nationalist, perhaps normative (liberal) ambitions, represented by the EEC/EU institutions themselves).

The next chapter of this thesis offers an analysis of the evolution of EEC/EU external policy, from the

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[227] Hooghe, L. and Marks, G. (2003). Unravelling the Central State, But How? Types of Multi-Level Governance. *The American Political Science Review 97(2):233-243*, p.1.

EPC to the EEAS. It will seek to demonstrate this complexity, whilst recognising the way in which different dynamics have been evident at different points in the trajectory.

Chapter Two: The Institutional Evolution of EU External Policy from the EPC to EEAS

2.1   Introduction

The first chapter of this thesis established the importance of key international relations and integration theories, in order to gain an understanding of the international behaviour of the EU. This chapter seeks to assess the progress of efforts which were aimed specifically at introducing integration into collective European foreign policy-making. It traces the evolution of European foreign affairs from the EPC at the end of 1970s through to its successor, the CFSP in 1992, then to the European External Action Service (EEAS) in 2009. The chapter will map out the origins, the decision-making processes, and the instruments of these mechanisms. It will further seek to offer an interpretive narrative of the development of EEC/EU foreign policy by drawing on the theoretical propositions presented in the previous chapter.

2.2   The EPC: A First Stab at Collective Foreign Policy

World War II's decimation of Europe provides the historical backdrop for the creation of the European Community. The post-war era allowed for the rise of ambitious, rival superpowers in the U.S and the Soviet Union, creating what Cormick describedas "a nervous new balance for Europe".[228] As the Soviet Union claimed most of Central and Eastern Europe, the U.S found itself locked into commitments based on its strategic interests in the west of the continent. Through a strengthening alliance with Western Europe, America aimed to use its economic assistance to deter the Soviet Union and stave off the looming threat of communist expansion. Europe, in the meantime, sought "…to keep the Americans in, the Russians out and the Germans down"[229] as emphasised by the then first NATO Secretary General, Lord Ismay.

Fear of the Soviet Union played a key role in pulling Western Europe together into a unified economic and military front. In part as a result of the shelter offered by the United States, Western European governments managed to set aside their differences and build a bridge of cooperation and unity while removing the causes of war between them through the founding of the EEC in 1957. Ironically, these achievements would never have been substantiated without the supportive protection of the U.S and its own strategic views of a united Europe.

In 1965 a new European organisation, The European Community, developed out of a coal and steel policy co-ordination organisation and was established through the Treaty of Rome. This initially

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[228] McCormick, J. (2002). *Understanding the European Union: A Concise Introduction*. London/Basingstoke: Palgrave Macmillan, p.63.

[229] Nye, J. S. (2000). The US and Europe: Continental Drift? International Affairs *Royal Institute of International Affairs 76 (1), 51-59*, p.53.

included France, Germany, Belgium, Luxembourg, the Netherlands and Italy. The new organisation had no defined external relations component. However, it soon became clear that some mechanism was needed for determining how to collectively deal with third party countries, with an increasing number of challenges requiring collective foreign policy responses in the late 1960s and early 1970s. The subsequent initiatives to speak with one European voice developed in spite of an absence of any legal framework within the Treaty of Rome. While the Treaty did include legal clauses establishing how economic issues, such as trade agreements, would be dealt with, the Treaty did not include any specific legal text in relation to political relationships.

Thus, the first collective foreign policy-making effort, the EPC was actually built outside of the legal framework of the Community's treaties. European foreign policy experts argued that the EPC developed in an "incremental and often disguised manner."[230] According to Johansson-Nogués, during the 1970s and the 1980s, members of the EEC "were experimenting with foreign policy cooperation, sometimes with a successful outcome, sometimes not;"[231] while Monar suggested that the result was foreign policy "conducted by diplomats for diplomats with diplomatic means in a diplomatic manner,"[232] a view supported by Schneider.[233]

A decade after the foundation of the European Community, and as it demonstrated an increasing solidarity through the foundation of a common internal market, a common European agriculture policy, and monetary coordination, there grew an expectation that areas other than economic, such as foreign policy-making, would be similarly integrated. This aspiration motivated European leaders to attempt to coordinate their stances towards international issues and crises and fed the dreams of those European leaders who dreamt of an ultimately united Europe.

It was believed that the EEC would reap political benefits from their collective economic weight, achieved through economic co-ordination and integration. Their combined economic power would allow them increased international recognition and status relative to powerful players in the international community, such as the U.S, the Soviet Union or the Arab world, which could be capitalised upon if they were able to speak with one voice in world affairs. This desire prompted the six original Community states to move towards a coordinated foreign policy. Of course, individual member states also had their own individual motives for pursuing those ends. The 'self- image' of each member state, their domestic policies, military capabilities, and in some cases their colonial

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[230] Zielonka, J. (1998). Explaining Euro-Paralysis: Why Europe is Unable to Act in International Politics. London: Palgrave Macmillan, p.25.
[231] Johansson-Nogués, E. (2008). The Construction of an EU Foreign Policy Identity: Identitarian Resonance and Dissonance in the European Union's Relations with the Mediterranean, Northern Europeans and Western Balkan Borderlands. Politics and History Barcelona. Doctoral thesis, University of Barcelona, p.87.
[232] Monar, J. (1991). Western Europe's Dual System of Foreign Affairs: the EC and ECP Systems and their Coherence after Single European Act. Retrieved from: < http://hdl.handle.net> Access date: 3rd March 2009.
[233] G. Schneider Seybold, et al. (1997). Twelve tongues, one voice: An evaluation of European Political Cooperation, European Journal of Political Research (31/3) 367-396.

histories played a significant role in the proliferation of the EPC. Moreover, the global ambitions of some members, most notably France, aspired to a leading international role and served to be important factors behind the adoption of the EPC

West Germany, for example, had initially been motivated to form the ECSC and the EEC by a desire to reassure its Western European neighbours of its peaceful intentions and by the need to locate itself within the United States' sphere of protection - the so-called Westpolitik. In 1969, however, Chancellor Willy Brandt sought to normalise West Germany's relations with the German Democratic Republic - a shift to a new Ostpolitik. By supporting the EPC, Brandt believed he could both continue to reassure Western European partners of his country's commitment to the Community, and increase his own country's political weight in its dealings with the East.

According to Nuttall, "Germany was extremely anxious to avoid any suspicion that it was encouraging renewed ties with the countries of Eastern Europe at the expense of its commitment to west Europe integration."[234] Meanwhile, Germond and Turk believed that West Germany switched its policy from Westpolitik to Ostpolitik because, having been defeated and politically dismembered at the end of World War II, it was now seeking to establish a new identity and other directions and possibilities for Europe and itself.[235] This point was echoed by Reinhardt Rummel, who argued that in the 1970s and 80s, West Germany could be described as "an economic giant but a political dwarf" and that the EPC provided a significant opportunity for Germany to advance its political position on the global stage.[236] France was similarly a key driver of the EPC. In general, its Gaullist doctrine in the 1960s "put the emphasis on sovereignty and independence as the best ways to maintain the French position in international politics."[237] However, Grosser explained that the French under General de Gaulle saw the American presence in Europe as a possible factor that might have impelled it towards new conflicts.

Seeking to reduce European dependence on the U.S, the French became the main driving force behind the EPC. They viewed it as an opportunity to enhance the profile of French diplomacy, potentially raising it to a level that could challenge the primacy of the U.S. in Europe or, at the very least, construct a voice that differed from those of the U.S and the Soviet Union. The French government thus seemed to have been pursuing two goals: on one hand, to promote within the European

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[234] Nuttall, S. (1996). Two Decades of EPC Performance. In De Schoutheete, P., Regelsberger, E. & Wessels, W. (Eds.), *Foreign Policy of the European Union: From EPC to CFSP and Beyond*. London: Lynne Rienner Publishers Inc., p.54.

[235] Germond, C. & Türk, H. (2008). *A history of Franco-German relations in Europe: from "hereditary enemies" to partners*. New York: Palgrave Macmillan. p.8.

[236] Rummel, R. (1996). Germany's Role in the CFSP, Normalitat or Sonderweg? In Hill, C (Ed.), *The Actors in Europe's Foreign Policy*. London and New York: Routledge, p.45.

[237] Terpan, F. (2005). *France and the European Security and Defence Policy*. Paper presented at the EUSA Biennial Conference 13 March 2005 Austin, Texas. Retrieved from: < http://aei.pitt.edu/3089/> Access date:[19 July 2009, p.12.

framework a foreign policy-making system which mirrored France's own constitutional doctrine in determining that policy should be made by Heads of States; and on the other, to preserve the unity and continuity of French policy itself[238]. Pardalis suggested that the main advantage of the EPC for France was that the new coordination mechanism provided France with a framework which allowed her to soften or moderate the positions of allies in the European Community. In sum, the member states utilised the EPC as a means of "deflecting" external pressure and as a face for moves in their own national policy.[239]

Wallace concluded that "the development of the political cooperation machinery served, particularly during a rather sticky period for the European integrative enterprise, both the interests of those who wished the EEC to devolve rapidly into some sort of EU and those, like the UK, who were unenthusiastic about such progress."[240] For the supporters of Europe, political cooperation proved to be an area where at least some progress could be reported despite the stalemate and deadlock within the formal community institutions. As such, it was something of a morale booster. For the British in particular, and perhaps for the French, political cooperation as it developed represented an area of European activity that caused no offence to their firmly-held objections for further extensions of the principle of super-nationality.

Before The Hague summit in 1969, several efforts had been made to institutionalise political cooperation among the six member states and to incorporate political cooperation within the structure of the European Comunity. The 1950s witnessed plans for a European Defence Community and European Political Community, which were followed up with the so-called Fouchet Plan in the 1960s. Both plans were unsuccessful due to the irreconcilable positions of the member states, the Dutch veto proving decisive. Without the participation of Great Britain, the smaller countries feared the hegemony of France and the Federal Republic of Germany (FRG) within such a structure of close political cooperation.[241] At the Hague Summit on 2 December 1969, President Pompidou suggested a new EPC. At that summit, the heads of the six member states of the EEC instructed their foreign ministers to examine the question of how progress could be made in the field of political unification. The Hague Suggestion proposed that entry upon the final stage of the common market meant "paving the way for a united Europe capable of assuming its responsibilities in the world of tomorrow and of

[238] Pardalis, A. (1987). European Political Co-operation and the United States, Journal of Common Market Studies 25 (4) 271-294
[239] Ibid.
[240] David A. and W. Wallace (1982). European political Cooperation: The Historical and Contemporary Background. In Wallace, W., Wessels, W. & Allen, D. (Eds.), *European Political Cooperation*. Bonn: Butterworths European Studies, p.46.
[241] Ham, P. V. (1993). *The EC, Eastern Europe and European Unity: Discord, Collaboration, and Integration Since 1947*. London: Pinter Publishers, p. 25.

making contribution commensurate with its traditions and its mission."[242] Under the chairmanship of Foreign Minister Walter Sheel, the Ministers drew up three Reports as Figure No1. shows the Luxembourg Report of 1970, the Copenhagen Report of 1973, and the London Report of 1981. Together, the three reports emphasised that the EPC had two objectives: to ensure greater mutual understanding with respect to the major issues of international politics, by exchanging information and consulting regularly; and, to increase their solidarity by working "for a harmonization of views, concentration of attitudes and joint action when it appeared feasible and desirable".[243]

Figure 1: The Development of the European Common Foreign and Security Policy
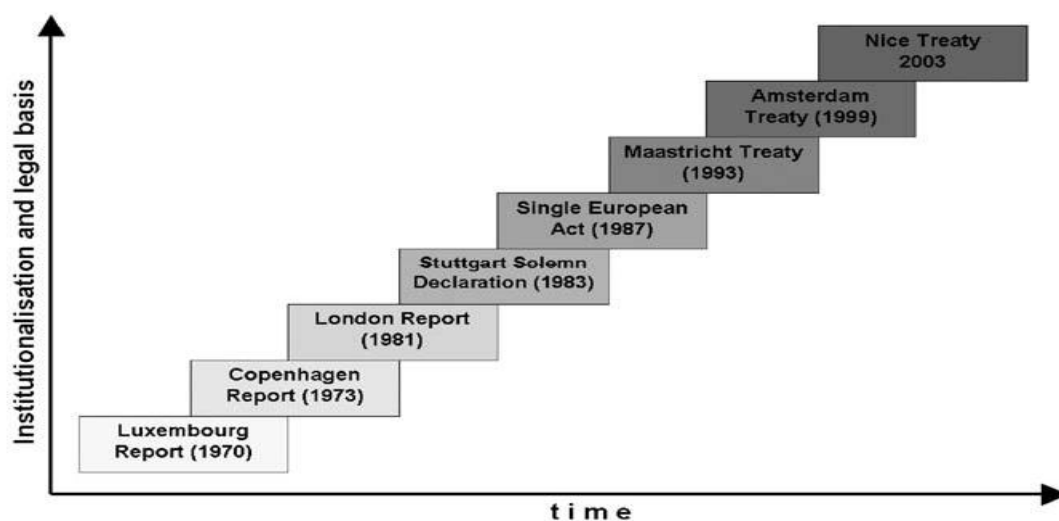
Social Europe: the Journal of the European Left Volume 3 • Issue 1 Summer/Autumn 2007

2.2.1 Inter-Governmentalism in the EPC

At the heart of the inter-governmentalism of the EPC lay two fundamental truths; the European Community members might have shared economic interests which favoured integration, but their political and foreign interests were frequently profoundly different and they had little inclination to surrender these to a common good. The larger and more influential states, like France, Britain and West Germany, had little incentive to sacrifice their material interests to those of smaller states, such

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[242] Hague Declaration (1969). *Final Communiqué of the Conference of Heads of State or Government on 1 and 2 December 1969 at The Hague.* Retrieved from:
<www.ec.europa.eu/.../19691202fr02finalcommuniqueofsummitconference.pdf. p.1> Accessed on: 10th October 2009.
[243] Davignon Report. (1970). *Davignon Report, Hague Summit: Political Cooperation*. European political Cooperation: European Community.

as the Netherlands, Belgium or Luxembourg. Secondly, they did not share a vision as to what a European political union might have looked like or how it might have situated itself in the greater world context. France, for example, sought to build a greater 'Europe with a French favour,' while Britain held competing loyalties to its 'Special Relationship' with the U.S. Detrimentally, West Germany was constrained by its position within the American fold but equally innocuous in its desire to pursue rapprochement with its eastern neighbour.

The relationship between the EEC and the U.S., along with the differing national preferences as to what it should have looked like, undoubtedly contributed to the ongoing preference for an inter-governmental approach. Cold War politics dominated international politics until the end of the 1980s and the containment of the spread of communism - specifically in the form of reliance on an American security umbrella - served to unify Western European states in an apparently common agenda. The U.S for its part supported the EEC integration process which it believed helped solidify that containment and might even enable Europe to contribute to its own defence. After World War II, the U.S helped rebuild Europe through the Marshall Plan,[244] and later provided military shelter through the NATO agreement.

The Truman Administration, moreover, was the first third-party country to provide the ECSC with formal recognition.[245] However, "the early American post-war presence in Western Europe was a major structuring feature in the shaping of post-war Europe",[246] and the Europeans proved disinclined to develop a collective military profile, preferring to take advantage of American protection and concentrate on their economy development[247]. Indeed, Robert Kagan argued that the presence of American forces as a security guarantee in Europe was, as intended, the critical ingredient to having begun the process of European integration.[248]

According to Thompson, the relationship between the U.S and Western Europe was consequently "a pattern of complex interdependence between both sides enabling them to move beyond the limits of a traditional military alliance"[249] For the Europeans, this meant building a strategic relationship with the

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[244] Bereuter, D. K., & Lis, J. J. (2003). Broadening the Transatlantic Relationship. *Washington Quarterly. 27,* pp. 147-162.

[245] Burghardt, G. (2006). The European Union's Transatlantic Relationship, EU Diplomacy Papers, Department of EU International Relations and Diplomacy Studies. Working Paper, *EU Diplomacy Papers Department of EU International Relations and Diplomacy Studies (2)*, p. 23.

[246] Walt, S. M. (1987). *The Origins of Alliances*. Ithaca: Cornell University Press, p.23.

[247] R. Kagan, (2002). Power and Weakness; Why the United States and Europe see the world differently? *Policy Review 113 (2).*

[248] Ibid.

[249] Mahncke, D., Rees, G. W. & Thompson, W. (2004). *Redefining Transatlantic Security Relations: The Challenge of Change*. Manchester, UK: Manchester University Press, p.76.

U.S that still allowed them to "establish themselves as a distinct and original entity."[250] Just as the U.S was ultimately suspicious of Europe as an emerging power, the Europeans were fearful of American hegemony over their own continent. Mets argued that the Europeans believed that the U.S participation in European affairs was "vital to both the security of the continent and its economic prosperity."[251] However, they were reluctant to allow that influence to extend to economic, cultural or internal matters. According to Musu, the "US, always supportive of European integration, also nurtured a distinct dislike for any European initiative that was not fully consonant with the U.S strategies." [252] Bereuter believed that this dilemma created a "rift that developed within Europe itself over the issue of support for the United States. [253]

Karimi identified two schools of thought within the European Community: "Atlanticists," such as Britain and Germany, who preferred a close partnership and special status with the U.S. due to an historically strong transatlantic-shared value system; and "Europeans" like France, who preferred to promote a unified European identity and structures.[254] This division was exacerbated by the fact that US administrations had historically favoured dealing with the individual member states rather than with the EC through the EPC mechanisms. According to Pardalis, "European Political Co-operation and the United States." the U.S had been being "reluctant to accept an EPC multilateral perspective, preferring to emphasise the importance of bilateral ties" [255] Pardalis accused the U.S of using and promoting the policy of "divide and rule" among the member states of the EC, especially in crisis situations since "the U.S considers a cohesive position within EPC could be to the detriment of Washington".[256] So, while EC member states all recognised that the European Community was becoming an international actor in its own right and therefore needed to develop its political external policy-making apparatus, they had been unable to fully agreed on how to do so or to what ends; thus, ending up with an EPC which had been designed to do little more than co-ordinate intergovernmentalism despite its normative nods to integration. This contradiction was inherent within the EPC throughout its existence, but had become more acute as the EEC extended beyond its original ambitions. The EPC, a victim of its own success, found that it was expected to play an international role for which it was unprepared and ill-equipped, with national member states resisting

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[250]Document on The European Identity published by the Nine Foreign Ministers on 14 December 1973, in Copenhagen. *The European identity in relation to the world.* Available at: < http://www.ena.lu/> Accessed on: 22nd February 2009.

[251] Mets, D (1981). NATO Dilemmas. *Air University Review, September-October 1981.* Available at: <http://www.airpower.au.af.mil/airchronicles/aureview/1981/sep-oct/mets.htm> Accessed on: 21st November 2009.

[252] Musu, C. (2010). *European Union Policy Towards The Arab-Israeli Peace Process The Quicksands of Politics.* London: Palgrave Macmillan, p.141.

[253] Bereuter, Doug and John Lis. op. cit. p. 162.

[254] Wieland-Karimi, A. (2007). *Transatlantic Relations: Together the West is Exploring New Shores.* Working Paper, Friedrich-Ebert-Stiftung, Berlin. Available at: <http://library.fes.de/pdf-files/iez/05163.pdf. > Retrieved at:: 17th October 2009.

[255] Pardalis, A. op. cit. p. 272.

[256] Ibid .p.272.

the substantive reforms which might have enabled it to do more than make declarations which it then had little power or capacity to implement. As Smith argued, the EPC was "initially established as a mechanism to privilege member state governments in the decision-making process." As a result, EPC rested on informal practices and rules not formally codified by treaty, and not closely involved with EC actors; it was generally a decentralized, flexible, secret, non-enforceable policy domain."[257] In sum, the EPC had been developed from unwritten rules into a structure of formal and informal legal commitments, but under the intergovernmental framework.

2.3 The CFSP trying to Move beyond Inter-Governmentalism

By the end of the 1980s, it was becoming clear that the EPC mechanism needed serious revision in order to deal with some substantial new challenges facing the Europeans. A number of key events, such as the Arab oil embargo in the 1970s, had already demonstrated the shortcomings of the EPC as a means for Europe to respond to international affairs and crises.[258] By the end of the 1980s the international context was rapidly changing; in 1989 the Berlin Wall fell, and by 1991 the Soviet Union was dissolving. Even as Germany was re-unified the Yugoslav Federation was falling apart, bringing war to European soil once more in 1991.

In 1990 Iraq invaded Kuwait, with European countries becoming heavily involved in both the resulting United Nations actions and the military coalition which subsequently expelled Iraq. By 1992 the then twelve member states of the European Community had realised that significant further enlargement was likely and that it was more important than ever for Europe to speak with a single and co-ordinated voice. Koliopoulos adds a further reason by arguing that the collapse of the Soviet Union had led to a US withdrawal from its commitment to the defence of Europe. Henceforward, the member states would have to take more responsibility for their own collective security.[259] The consequence of these combined developments was the Treaty on European Union, the Maastricht Treaty of 1992, which established the European Union.

The Maastricht Treaty represents a new stage in European integration since it explicitly opened the way to political integration. It introduced the current 'three pillars' system of the European Union. The first pillars of the European Communities which handles several linked areas of responsibility such as monetary union, the single market, the customs union, social and environmental policies, citizenship, external trade policies, the Common Agricultural Policy (CAP), the Common Fisheries

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[257] Smith, M. E. (1996). *The 'Europeanization' of European Political Cooperation Trust, Transgovernmental Relations, and the Power of Informal Norms.* Berkeley, California: Political Relations and Institutions Research Group. Available at: < http://www.ciaonet.org/wps/smm01/> p.2. Accessed on: 11th November 2009, p.2.

[258] Smith, K. (1999). *The Making of EU Foreign Policy: the* Case *of Eastern Europe*. New York: Palgrave Macmillan, p.8 .

[259] Koliopoulos, K. Pappas, S. A., &Vanhoonacker, S. (1996). The European Union's Common Foreign and Security Policy: The Challenges of the Future. *Proceedings of EIPA Colloquium, Maastricht, 19-20 October 1995*. Maastricht, the Netherlands, European Institute of Public Administration.

Policy (CFP), competition law, and immigration.

The (second) Foreign and Security Policy pillar handles several issues starting from the Union's external affairs to democracy promotion, human rights, foreign aid, and engagement in peace processes. In fact, this pillar replaces the provisions of the Single European Act and allows member states to take joint action in the field of foreign policy.[260] The (third) Police and Judicial Co-operation in Criminal Matters (PJCC) pillar brought together co-operation in the fight against crime.[261] While the Maastricht Treaty included a number of distinct articles and chapters emphasising the aims and the importance of the CFSP, the actual mechanisms and instruments have been defined through a series of subsequent treaties. In Article J.1 in the Amsterdam Treaty (1997) it was stated that; "the Union shall define and implement a CFSP covering all areas of foreign and security policy."[262] The Treaty called upon the member states to "support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity".[263] In addition the Treaty stated that: "the Member States shall work together to enhance and develop their mutual political solidarity and refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations."[264] The Nice Treaty (2003) revised the articles of the Maastricht and Amsterdam Treaties and enhanced the effectiveness of the CFSP by introducing the position of High Representative for the CFSP/Secretary-General of the Council, a post first entrusted to Javier Solana.[265] The new position according to Nice Treaty should "ensure that the EP and all members of the Council are kept fully informed of the implementation of enhanced cooperation in the field of the CFSP."[266] As this piece of research will continue its effort to trace the evolution of the CFSP mechanisms in the coming sections the thesis will demonstte how the the Nice Treaty has been superseded and amended by 2009 Lisbon Treaty.

2.3.1 Who Makes European Foreign Policy?

Despite the apparent clarity of the Three Pillars system, the question of how EU foreign policy had actually been made, and by whom, remained extraordinarily complex. The answer had always

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[260]Council of the European Union (2006). *What are the three "pillars?* Available at: <http://www.consilium.europa.eu/faqHomePage.Asp?command=details&node=4&lang=en&cmsId=1> Accessed on: 22nd February 2008.

[261] Archer, C. (2000). *The European Union: Structure and Process.* New York: Continuum International Publishing. p.158.

[262]Article J.1 in the Amsterdam Treaty (1997) Treaty of Amsterdam Treaty (1997) *Official Journal c. 340, 10 November 1997.*

[263] Treaty of Amsterdam (1997) Provisions on a common foreign and security policy: Article 11 Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Related Acts *Official Journal c 340, 10 November 1997.*

[264] Ibid.

[265] Treaty of Nice (2001). Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts (2001/c 80/01).

[266]Article 27d Treaty of Nice. Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts (2001/c 80/01).

differed sharply between the political and economic realms.[267]

This section will detail the structures of foreign policy-making and the functions and responsibilities of the main actors in the decision-making process of the CFSP. In theory, the foreign policy-making process can be broken down into six basic stages: agenda setting; decision making; policy implementation and external representation; providing resources for the CFSP; evaluation and compliance; and democratic oversight and accountability.[268] However, as a result of the gradual development of the EC/EU, there have emerged a number of different actors involved in the elaboration and implementation of the CFSP, several of which were previously located under the CFSP pillar, and others of which had come under the supervision of the European Community pillar, mainly the European Commission. Under the removed CFSP pillar, the actors politically responsible for CFSP diplomacy were the European Council (prime ministers and presidents) and the Council of the European Union.Under these two bodies there were several further actors, which included a number of senior or lower ranking Council bodies and committees responsible for formulation, preparation and setting of the agenda of the CFSP. Specifically, these included the Political and Security Committee, the European Correspondents, the CFSP Working Group and the CFSP counsellors**.** To these one may also have added the High Representative for CFSP/Secretary-General of the Council of the EU, who assisted the Council in foreign policy matters. In the European Community pillar and within the domain of the European Commission, there existed the Directorate Generals for External Relations, the European Neighbourhood, Development and Humanitarian Aid within the European Community pillar and the Parliament, all of whom played a substantial role.

2.3.2   Foreign Policy-Relevant Institutions in the CFSP Pillar

The highest foreign policy decision-making forum was the European Council, which included the heads of government of member states and the European Commission's President. The European Council met at least four times a year with the main responsibility, according to Article 13 of the TEU (Maastricht) Treaty, being to "set priorities and give broad guidelines for EU policies, including the CFSP."[269] The European Council had become increasingly important in shaping and voicing the EU's international position since the late 1990s; its importance having stemmed, according to Edwards, from the legitimacy it drew by virtue of its comprising of the European political leaders who had the final say when decision makers within the EU institutions themselves were unable to reach an

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[267] Meunier, S. & Kalypso. K (1999). Who Speaks for Europe? The Delegation of Trade Authority in the EU. JCMS: Journal of Common Market Studies 37(3) 477-50, p.478.

[268]Smith, M. (2004). Toward a Theory of EU Foreign Policy-making: multi-level governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy. Journal of European Public Policy 11, 740-758, p.65.

[269]Article 13 of Maastricht Treaty, European Communities (1991). *Treaty on European Union (Maastricht Treaty)*. Retrieved at: < http://www.europa.eu > Accessed on: 8 April 2010.

agreement due to problems inherent in "trans-pillar" coordination.[270] Smith emphasized that the European Council may have been the most direct way for national governments to set the EU agenda. The second important decision maker was the General Affairs and External Relations Council (GAERC) of the EU. The GAERC could easily have been referred to as the 'Kitchen of Europe' since it was one of the main theatres for lobbying and it reflected the intricate relationship between the EU's governing structure and its foreign policy behaviour. It was the main and the most important theatre both during the period of EPC and the current CFSP in which the member states and the European Commission interacted and negotiated policies.

It was, in fact, where the majority of the decision-making took place once policy direction and guidelines had been set by the European Council.[271] The GAERC comprised of ministerial representatives (Foreign Ministers in the case of CFSP), who scheduled monthly meetings, adjusting them more frequently when urgent decisions were required to be made together with the European Commissioner for External Relations and the High Representative for CFSP.[272] It was the GAERC, more than any other EU body, that set the pace and direction for the CFSP. But, only the Council could have taken decisions of any political significance, whether that meant the application of an arms embargo to a conflict zone, the appointment of EU special envoys, the determination of the EU's stance on a UN conference or recommendations that all member-states should ratify various international agreements. Therefore, the GAERC was unswervingly considered the most important player in CFSP.[273]

Of course, the European Council of Heads of Government also played a role in the CFSP – by issuing statements on various international issues and by taking decisions on 'common strategies' and The Commissioner of External Relations in the European Commission and the High Representative for the CFSP participate in the GAERC meeting. However, the key decision-making body in the CFSP was the GAERC, which once it had decided on external relations issues, including the CFSP, their joint actions and common positions.

The structure of the GAERC retained an inter-governmental approach which relied on a requirement for unanimity among member states before a proposal could have been adopted, thereby ensuring that each member state had its interests taken into account in the fashioning of a consensus.[274] However, member states were able to exercise constructive abstention, i.e. an abstention which did not block the adoption of the decision and/or might conflict with the Union's action under that decision. The previously amended Title V of the EU Treaty had allowed for adoption by a qualified majority in two

[270]Everts, S. (2002). Shaping a credible EU foreign policy. *Centre for European Refom.* Retrieved at: <http://www.cer.org.uk/pdf/p_everts.pdf. Access Date: 26th April 2009, p.17.
[271] Soetendorp, B. (1999). *Foreign Policy in the European Union: Theory, History, and Practice.* London: Longman, p.71.
[272]*Common Foreign and Security Policy (CFSP) for the European Union.* Retrieved at: <http://ec.europa.eu/external_relations/cfsp/intro/index.htm#2> Access Date: 26th March 2009.
[273] Everts. op. cit., p.17.
[274] International Crisis Group (2005). EU crisis response capability revisited. Europe Report N°160 – 17 January 2005, p.16.

cases: for decisions applying a common strategy defined by the European Council or for any decisions implementing a joint action or common position already adopted by the Council.[275] Under the CFSP pillar, the member states in the GAERC shared the right of initiative with the European Commission. However, the Commission did not have the right to vote in the Council. Member states enjoyed the ultimate rights in the decision-making mechanism with regard to foreign and defence policies, as well as having been able to exercise great strength in terms of the proposal. Before CFSP proposals reached the GAERC, they were to have first passed the hurdle of numerous actors involved in their preparation, including the Committee of Permanent Representatives (COREPER), the Political and Security Committee (PSC), expert working groups, and the High Representative for the CFSP/Secretary-General of the Council.

The Council's work was prepared by a committee consisting of permanent representatives of member states, appointed at an ambassadorial level and responsible for assisting the Council with its agenda. This committee had immediately become a forum for dialogue between member states and a body with partial political control over the agenda. Its job was to "seek common ground between member states and coordinate with the Political Committee and the General Affairs Council."[276] The ambassadors covered the full spectrum of EU business and prepareed the dossiers for all Council meetings. [277]The Political and Security Committee was another body that handled the CFSP proposals before they were set to reach their final destination on the GAERC agenda. It was made up of the political directors of the member states' foreign ministers and the commissions' representative in the form of the Director General for External Political Relations.[278] Its responsibilities included the preparation all the CFSP work for the COREPER and the Foreign Ministers, and dealing with routine matters such as non-controversial foreign policy declarations.[279]

Expert working groups in the meantime brought together directors and/or government experts or delegates from the member states' permanent representations to the EU to report on, prepare opinions for and give proposals to the PSC on CFSP matters. (For example, for the Middle East the CFSP had established the Committee and Working Group Ad Hoc Middle East Peace Process (COMEP) which dealt with all issues relating to the Middle East Peace Process). This group replaced the Special Coordinating Group on the Middle East Peace Process.

Finally, as a way of keeping EU officials up-to-date with political situations around the globe, the High Representative for the CFSP created the Policy Planning and Early Warning Unit which monitored and analysed developments in areas relevant to the CFSP by providing assessments of the

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[275] (Article 23), Title V Provisions on a Common Foreign and Security Policy, European Communities, 1991. *Treaty on European Union (Maastricht Treaty)*. Retrieved at: http://www.europa.eu. Accessed on: 4th April 2010.

[276] Nugent, N. (1999). The Government and Politics of the European Union. Basingstoke: Macmillan, p.458.

277 Council of the European Union (2008). CFSP Guide, "What are the three "pillars available at : http://mp3umax.org/?p=Three_pillars_of_the_European_Union

[278]bid. p.458.

[279] International Crisis Group (2005). EU crisis response capability revisited. Europe Report N°160 – 17 January 2005, p. 16.

Union's interests in relation to the CFSP.[280]

In order to improve the effectiveness and profile of the European Union's foreign policy, and in order to limit the administrative burden of the rotating Presidency among the Member States, the Amsterdam Treaty created the positions of the Secretary-General of the Council and the High Representative for the CFSP. This position was to be held by the Secretary General of the Council and was meant to assist the Council, especially the Council presidency in all CFSP matters including external representation.

According to the treaty, he or she should "assist the Council and especially the Council presidency in all CFSP matters, including external representation."[281] In addition, the HR "assists the Council in matters coming within the scope of the Common foreign and security policy in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third countries."[282]

The HR acted as the lubricating oil of the Council machinery and having had considerable influence over policy development. The Council may, whenever it deemed it necessary, have appointed other special representatives with (temporary) mandates to handle particular policy issues.[283] The role of the Presidency in the CFSP had not changed much from its role in the former EPC. According to the Treaty of Amsterdam, every six months a different member state took over the chair of the Council, performing several noteworthy functions. For example, the Presidency was the driving force in the legislative and political decision-making process. The member state which held the rotating Council Presidency had the responsibility for the day-to-day management of the CFSP and the President–in–Office chairs all of the EU's meetings, from the European Council to the Council of Europe down to Working Groups, including agenda-setting and the drafting of compromises.[284] One of the main responsibilities of the presidency was setting the political priorities when beginning their terms. The member state holding the presidency released a programme outlining their priorities and what they aim to achieve. In addition, the president mediated between other member states to resolve controversies. Finally, the president represented the EU internationally and acted as spokesperson for the EU in international conferences and international organisations.[285] The president was also a member of the Troika, which included the immediate successor and the previous president of the EU, the main objective of which was to smoothly manage the process of the regular transfer of the presidency.

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[280] Ibid.
[281] Article 26, of the Treaty of Amsterdam.
[282] Article 26, of the Treaty of Amsterdam.
[283] International Crisis Group (2005). EU Crisis Response Capability Revisited. *Europe Report N°160 – 17 January 2005,* p.8
[284] Soetendorp, B. (1999). *Foreign Policy in the European Union: Theory, History, and Practice*. London: Longman. p.75.
[285] International Crisis Group. (2005). op.cit., p.40.

2.3.3 Foreign Policy-Relevant Institutions in the European Community Pillar

Whilst the CFSP offered a specific external relations framework, the institutions of the first pillar had also developed their role in external relations. As Fiquer No. 2 shows the European Commission (EC) gained more power, authority and responsibility with every wave of reform or new treaty signed by the member states. With these waves of treaties, it had become one of the most operational actors of the CFSP along with the Presidency and the High Representative. Significantly, its involvement in external affairs changed with the launching of the EU Treaty. Under the EPC structure, the European Commission was only to "be consulted if the activities of the European Communities [were] affected by the work of the Ministers."[286] However, under the CFSP mechanism the European Commission gained the right to be 'fully associated' with the CFSP, thereby allowing it to participate in Council meetings alongside member states. Importantly, however, and despite this license for membership, it did not have the right to vote.[287] Its responsibilities were spread between the first and the second pillar, the CFSP.

On the CFSP side, the Commission had been given a marginal power in the decision-making process but a strong position in the implementation process. Under the Maastricht Treaty, the Commission was able to submit CFSP proposals, a privilege hitherto granted only to the member states. Its role in implementation of CFSP policies, specifically CFSP joint actions, was largely a function of its funding capacities. Where a joint-action required funds to be made available for implementation, the Commission came into its own.[288]

On the European Community side, specifically its economic aid and development external policies, the European Commission was to some extent marginal although the Maastricht Treaty had given the EC the "sole right of initiative" though decisions were taken by the Council of Ministers. Economic and trade decisions were often taken through Qualified Majority Voting (QMV), in which each country had a voting weight related to population. The role of the Commission was limited to proposing initiatives to the Council, sending recommendations to Council, and - when delegated - conducting negotiations and drawing up and implementing agreements with third parties, final approval for which were still granted by the Council.[289]

It can be concluded that, in contrast to the European Community's supranational approach to internal economic policy, its external economic relations were managed very differently, with policies being largely determined through mechanisms which privilege the interests of member states.I In other

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[286] Bindi, F. (2009). *The Foreign Policy of the European Union. ; Assessing Europe's Role in the World*. Brookings Institution Press.p.19
[287] Ibid. p.40.
[288] Duke, S. (2006). The Commission and the CFSP in the EU-Consent Workshop 'Institutions and Political Actors: New Forms of Governance.' Edinburgh: European Institute of Public Administration, p.13.
[289] International Crisis Group. (2005), op., cit., p.40.

words, it retained the primacy of inter-governmentalism. It can also be stated that, once policy had been made, the European Commission had sole responsibility for Community Actions in the areas of humanitarian aid, development assistance, rehabilitation and reconstruction and sanctions regulations.[290]

The Commission housed several Directorates General, working under the umbrella of the Presidency of the European Commission (currently chaired by President Barroso) each of which was responsible for a particular area of activity. Five of these directors dealt with aspects of external relations, including: External Relations, Enlargement, Trade, Development and Humanitarian Aid and Assistance and Fishery Policies. The Lisbon treaty and the establishment of the EEAS had permanently changed the structure and the role of the Directorates General which worked under the responsibility of the European Commission. For example, the two Directorates General, namely development cooperation and development aid, had merged into one body which was renamed 'Europe Aid Development and Co-operation.' This new body became integrated as a part of the EEAS, which meant that all development cooperation strategies for individual countries and regions were under the responsibility of the latter service.[291] Through the Directorates General, the Commission was represented at all levels in the CFSP structure and was able to play a role in shaping policy implementation even beyond its direct jurisdiction. For example, one of the main responsibilities of the Commission was to coordinate the policies of the European Community and the the Council of the European Union on conflict prevention and management in other parts of the world. DG Trade was charged with carrying out EU international commercial policy as well as key aspects of intellectual property, investment and competition policy and had had little directly to do with foreign policy or conflict prevention. However, the systematic inclusion of human rights clauses in trade agreements with third parties could have been read as a forward looking conflict prevention measure. "Indeed, DG Trade ha[d] much potential for involvement in conflict prevention issues, not least through the units that deal[t] with sustainable development, by including conflict impact assessments in trade agreements."[292] Another example might have been Europe Aid, which was the implementing agency for both DG Development and DG RELEX projects. Under its European Initiative for Democracy and Human Rights (EIDHR) program, it was also responsible for managing the EU Election Observation Mission (EOM) project cycle.[293] Since Barroso had chaired the Commission, he returned Europe Aid to the direct responsibility of the External Relations Commissioner, Ferrero-Waldner.

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[290] Ibid. p.15.
[291] Euro Step (2010, December 1)European External Relations under the Lisbon Treaty, available at: http://www.eurostep.org/wcm/dmdocuments/BP_50_EU_external_relations_after_lisbon_revv.pdf. Accessed on 29.11.2011.
[292] International Crisis Group (2005). op.cit., p.88.
[293] Ibid. p.88.

The power that came from implementation mechanisms was reinforced by the operational capacity of the Commission, which had 100 delegations in 120 countries around the world. These delegations played a much greater role in protecting Community interests (such as trade agreements) than in promoting wider EU interests such as the CFSP). However, their political reports played a significant role in the CFSP by having represented a huge information resource and one which was more extensive than that of some member states themselves.[294] The Commission could rely on its administrative structure in Brussels, its extended diplomatic network in a multitude of states (which was more than the diplomatic network of most of the smaller member states) and its experience with, and knowledge of, the countries concerned to give weight to its own voice in shaping both policy agendas and implementation.[295] In sum, the Amsterdam Treaty made the European Commission "fully associated" with the CFSP; however the latter was never run solely along inter-governmental lines.

The second major European Community actor was the European Parliament. Under the Rome Treaty, the Parliament had few formal powers with respect to external relations by remaining marginal to the CFSP process.[296] With the single European Act, it acquired the right to approve association and membership agreements. This was extended under the Maastricht Treaty to all but very simple trade agreements.[297] The EP had to be regularly "informed" by the Presidency and the Commission of the development of the Union's foreign and security policy of the "main aspects and the basic choices of the CFSP," and its views were to be duly taken into consideration. In addition, the Maastricht Treaty gave the Parliament the right to ask questions of the Council or make recommendations to it; yet it played no formal role in decision-making.[298] However, the Parliament certainly had various committees which considered issues relating to the CFSP, such as the Committee on Foreign Affairs, Committee on Human Rights, and the Common Security and Defence Policy (AFET).

These committees were the principal EU public debating forum for issues with foreign policy implications. Additionally, the EP had a capacity to influence the CFSP by using its power on budgetary issues, including operational spending for the CFSP as part of the Community's budget. Stetter argued that Parliament had been able to regularly assert its role in the policy- making process through its control on budget-setting, including through its relating of aid to the CFSP, although the relatively small size of the CFSP budget suggested this was a limited power.[299]

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[294] N. Nugent (2006). *The Government and Politics of the European Union*. Durham: Duke University Press, p.566.
[295]Keukeleire, S. (2003). The European Union as a Diplomatic Actor: Internal, Traditional, and Structural Diplomacy. *Diplomacy & Statecraft 14. 31-56,* p.50.
[296]Soetendorp, B. (1999). *Foreign Policy in the European Union: Theory, History, and Practice*. London**:** Longman. p.76.
[297] Smith, K. E. op. cit., p.8.
[298] Article J.7 of Maastricht Treaty.
[299]Stetter, S (2004). Cross-Pillar Politics: Functional Unity and Institutional Fragmentation of EU Foreign Policies. *Journal of European Public Policy*, *11(4) 720 - 739,* p.731.

In general, then, the weak role of the Parliament made its voice one without echo. The Parliament's involvement in the decision making procedure ultimately depended upon the good will of the member states and the Commission to keep it informed about decisions which were awaiting adoption in the Council.[300] It can then be seen that when it came to the CFSP, the most relevant decision-making actors in both the first and second pillars of the EU remained those in which member states retained their influence and where inter-governmentalism regained the dominant paradigm. The Commission had admittedly increased its formal role and its informal capacity to influence policy, most particularly through implementation, but decision making rested with the European Council and the the Council of the European Union which lingered fundamentally beholden to consensus-based mechanisms for policy-making and which could then be subverted by differences between the member states, whether over their interests or their visions of what Europe was and what it ought to have been doing.

2.3.4 The Instruments of the CFSP

If the new mechanism offered some, but not sufficient, change to represent genuine integration in foreign policy (as opposed to co-ordination), did the new instruments for the CFSP offer the EU the chance for its foreign policy to be more effective? The previous section explained how the EPC lacked the legal power to implement its policy decisions. However, the European treaties, notably the TEU, gave the GAERC three specific legal tools for action to implement its CFSP decisions. Those legal tools as Table No. 1 shows consist of Common Positions (statements and declarations), Joint Actions (an operational tool) and Common Strategies, which were added to the CFSP by the Treaty of Amsterdam in 1997.

According to Article J.5 of Maastricht Treaty, a Common Position "define[d] the approach of the Union to a particular matter of a geographical or thematic nature."[301] It was the first tool that requested EU member states to adjust their attitudes regarding foreign and security policy in accordance with the goals and rules of the CFSP.[302] Common Positions compelled the member states which had no alternative but to defend them in international organisations and conferences. Joint Actions "address[ed] specific situations where operational action by the Union [was] deemed to be required."[303]The Joint Actions were more important due to a requirement of physical and/or financial commitments from the member states.[304] For instance, in respect to funded projects, election observers or peace envoys, Joint Actions must legally have taken into account international laws and conventions, as well as UN resolutions, for in the realm of foreign policy even EU decisions must

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[300] Ibid. p.731
[301]   Article J.5 of Maastricht Treaty.
[302] Article J.4 of Maastricht Treaty.
[303] Article J.4 of Maastricht Treaty.
[304]   Article J.4 of Maastricht Treaty.

have shown some sensitivity to decisions taken elsewhere, particularly in the UN.[305] Both Common Positions and Joint Actions should have been adopted unanimously to protect the interests of all member states.[306]

The Common Strategy was the main tool for EU policies towards particular regions or countries with which member states "have shared and crucial interests in common."[307] The GAERC was able to recommend Common Strategies to the European Council, to be adopted by a qualified majority. Under the Treaty of Amsterdam, the EU adopted several Common Strategies including the Mediterranean and Russia Common Strategies. However, these Common Strategies expired and thus no common strategies exist at the present time

Common Strategies were implemented through Common Positions and Joint Actions. With the exception of measures taken to implement Common Strategies, all CFSP instruments required unanimous decision-making and thus both of the instruments had an intergovernmental nature. Even where QMV was permitted, an individual member state could have blocked it if it is argued that the policy in question impinged upon important national interests. If a member state undertook such actions, the GAERC Council may still have been able to decide, through a qualified majority, to refer the matter to the European Council for a unanimous decision taken by heads of state and government.[308]

When it came to the instruments through which the European Commission could implement the CFSP policies of the GAERC, these took the form of "regulations, directives or decisions" by Council or Commission that were legally binding under EC law.[309] These subordinate national governments more specifically to the European Community, but since they related to implementation rather than decision-making, the overall privileging of inter-governmentalism remained. Indeed, the binding nature of its directives increased the incentive for member states to seek to exclude the Commission from exercising influence over foreign policy decision-making. A fundamental tension arose between the institutions of the first and second pillars - between the Council and the GAERC on the one hand and the Commission on the other - which not only represented the struggle between inter-governmentalism and integrationism, but also an opportunity which member states could exploit for their own, diverse national interests.

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[305] Smith, M, op. cit., p.
[306] Ibid.
[307] Article J.3 of Maastricht Treaty.
[308]Thomas, D. C. (2005). *The Institutional Construction of EU Foreign Policy: CFSP and the International Criminal Court*. Austin: Texas p. 56.
[309]Monar.J. (1998). Institutional Constraints of the European Union's Mediterranean Policy. *Mediterranean Politics, 3 (2)*, p.39-60.

Table No 1: The Instruments of the Common Foreign and Security Policy of the EU

Instrument	Who proposes	Who decides	Who implements
general guidelines	Member States and Commission	the European Council	the Presidency
common strategies	Member States and Commission	the European Council	the Presidency
joint actions	Member States and Commission	the Council	the Commission
common positions	Member States and Commission	the Council	Member States

2.3.5   Has the CFSP Moved Foreign Policy-Making beyond the EPC?

How then can the complexities of the CFSP making process be understood? Clearly, as Figure No 3. shows, the EU mechanism for making and implementing foreign policy was based on a set of complex hierarchical and horizontal institutional forms. It was "a multifaceted process of convoluted interactions between many actors, whose embedded differences are revealed in a wide range of diverse structures, bureaucracies, interests and ambitions."[310] Baun argued that in "the EU's system of complex, multi-level governance, political power has been diffused from the national to the European (and in many cases sub-national) level."[311] He added that the decision making of the EP/CFSP was by an extensive and often frustrating practice of "multi-level bargaining and consensus-building among a variety of national and EU institutions and actors." Thus, policy outcomes reflected the lowest common denominator, as "intergovernmental bargaining and horse-trading".[312] In sum, despite efforts attempting to integrate the EU's foreign affairs into wider Union activity, the process of policy-making under the CFSP had not in practice differed dramatically from that under the EPC.[313] The European foreign policy system had maintained its main features which were originally designed to protect the interests of the member states and to maintain and preserve respective sovereignties, at the expense of, and in tension against, the growing strength of European institutions.

The three-pillar structure itself clearly reflected the outcome of the tension between those member

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[310]   Hill, C. (2003). *The Changing Politics of Foreign Policy*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, p.9.

[311] Baun, M (2005). *The European Union as a Strategic Actor: Evidence, Explanation, and Consequences*. Paper presented at the annual meeting of the Southern Political Science Association, Inter-Continental Hotel, New Orleans, LA. Available at: http://www.allacademic.com/meta/p66903_index.html. Accessed on 1st February 2010, p.4.

[312]   Ibid.

[313] White, B. (1999). The European Challenge to Foreign Policy Analysis. *European Journal of International Relations 5 37-66*, p. 53.

states who sought to move towards an integrated Europe and those who strove to keep foreign policy decision-making strictly in the hands of the national governments.[314] Like the EPC, it maintained the separation between political external policy-making and economic external policy-making. At the decision-making level, the intergovernmental and unanimity-based approaches ensured that each member state has its own interests taken into account in the fashioning of any particular consensus towards the CFSP - something that had not changed since the EPC. The member states were still the main players who laid down the major lines of policy and took the political decisions and they were using the mechanisms in ways which demonstrate their continuing preference for this. As explained, excepting the adoption of the Quality Majority Voting on implementation of the joint actions, decisions in the CFSP continued to be made essentially on a consensus basis. Member states had kept the right to conduct independent initiatives and policy as long these did not contradict the main trends of the CFSP.

Finally, the role of the European Commission remained effectively marginalised when it came to policy-making, although it had increased its responsibilities during implementation. Lodge and Flynn argued that the member states' attitudes towards the Commission reflected two things: "first, a desire to guard against one or two states dominating outcomes and making the CFSP in the image of their own national priorities and interests; and secondly, a desire to preserve national independence and deter compromising national sovereignty."[315] Since the outset of political cooperation in the 1970s, there has effectively been a power-struggle between the European Commission and the member states with the Commission have been constantly seeking to extend its authority and influence with the member states continuous resistance**.** Where foreign policy making was concerned, Dijkstra claimed that "because the Member States, and in particular France, were afraid of too much European Commission involvement in the area of high politics, they decided to continue to keep the latter at arm's length by delegating various tasks to the Council Secretariat. The Secretariat is thus performing the tasks the Commission is not allowed to do.[316]Moreover, Everts argued that although the Maastricht Treaty confirmed that the Commission would be 'fully associated' with the CFSP - and the Treaty even gave it a right of initiative - "in practice, the Commission has played only a limited role in the CFSP, partly because it recognises the sensitivities of the member-states."[317]

Despite such sensitivities, the Commission had been disgruntled with the procedures and the mechanism of the European CFSP.The Commission argued against the three-pillar system, asserting

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[314] Musu, op. cit., p.51.
[315] Lodge, J. & Flynn, V. (1998). The CFSP after Amsterdam: The Policy Planning and Early Warning Unit. *International Relations.* London David Davies Memorial Institute, p.7.
[316] Dijkstra, H. (2008). The Council Secretariats Role in the Common Foreign and Security Policy. *European Foreign Affairs Review (13) 149-166,* p.3.
[317] Everts, op. cit., p.71.

that the cross-pillar institutional setting was a source of incoherence within the CFSP,[318] and had hence called for the abolition of the cross-pillar institutional setting.[319] Monar supported the suggestion, arguing that the cross-pillar institutional mechanisms for foreign-policy making had led to a dualism within the EU's foreign affairs system, evident in different legal bases, decision-making rules and procedures, institutional setup and, perhaps most importantly, divergent rationales. [320]The role of the EP in the CFSP still had not changed substantively from that which it held under the EPC: while there were some developments, its role remained limited to the right to be "informed" about the decisions and the directions of the CFSP. In return, the Parliament began to put forth questions and recommendations to the Council.[321] However, the EP enjoyed a high degree of autonomy from member states which it used to develop alternative policy agendas in areas where other actors had only a limited interest. Pace emphasised that the Parliament "plays[ed] an important role in constructions of normative power of the European Union"[322] (NPEU) focusing, for example, on human rights and democracy promotion in the European Union's external relations. Here, it had been able to use its budgetary powers to promote its agenda, although the weak formal role of the Parliament in the CFSP and the decision-making mechanism when it came to imposing sanctions on flouting governments made the voice of Parliament ineffective. Nor had the role of the Presidency changed much with the CFSP, although the TEU allowed some minor developments.[323] European foreign affairs still suffered from the Rotating Presidency of the EU which affected the direction and the agenda of the EU in general. The Presidents' potential to have used their position to advance personal interests was in reality severely constrained by the brevity of the Presidential term, which was a mere only six months, as well as the limited extent to which they could select which issues should have been included in the agenda. Furthermore, Presidents were said to have abided by the normative principle that they should be 'neutral brokers' by refraining from using this position to further their own interests. Violation of this norm could have resulted in criticism and retaliatory measures from other member states.[324] Nonetheless, the limited term suggested an inability to

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[318] European Commission, (2002). For the European Union: Peace, Freedom, Solidarity – Communication of the Commission on the Institutional Architecture. *COM (2002) 728. Luxembourg*, p.17.

[319]Jürgen, M. (2002). *The Parliamentary Dimension of CFSP/ESDP: Options for the European Convention, study submitted for the European Parliament Directorate-General for Research Under Contract No IV/2002/01/01 Final report.p26.* Available at <http://doc.utwente.nl/44911/1/wessel3.pdf> Accessed on 20.2.2010.

[320] Monar, J. (200)'Institutional constraints on the EU's Middle East and North Africa Policy', in Sven Behrendt & Christian Hanelt (eds.), Bound to Cooperate: Europe and the Middle East (Gütersloh: Bertelsmann Foundation, 2000), 209-43niversity Press.p.25.

[321] Diedrichs, U. (2004). The European parliament in CFSP: more than a marginal player? *International Spectator*. 39, 31-46. p.32.

[322] Pace, M. (2007). The Construction of EU Normative Power. *Journal of Common Market Studies JCMS, 45 (5) 1041-1064.*

[323]Loriga, J. D. (1996). CFSP: The View of the Council of the European Union. In Pappas, S.A., Vanhoonacker, S. & Koliopoulos, K. (Eds.), *The European Union's Common Foreign and Security policy, the Challenge of the Future*. Maastricht, p.117.

[324] Thomson, R. (2008). The Council Presidency in the European Union: Responsibility with Power. *Journal of Common Market Studies.* 46, 593-617, p. 596.

promote long-term projects through to completion and a lack of incentive to do so. Finally, when it came to external representation, there was a growing confusion resulting from the multiplicity of actors.

In theory, the High Representative of the EU represented the Community in all international negotiations on matters covered by the EU Treaty. Yet, in the CFSP, it was the member state holding the Presidency that represented the Union in all matters of foreign and security policy. This split in the external representation of the EU created the danger of mixed or missed messages. One could have argued that, contrary to its aspirations, the CFSP not only replicated the inter-governmentalism of the EPC which led to lowest-common-denominator policy-making, but actually aggravated it by introducing new, or enhancing existing, actors' roles, and by making the mechanisms for policy-making more complex and fraught with internal contradictions.

Figure 2: The Institutional Structure of the CFSP from 1993 to 2000
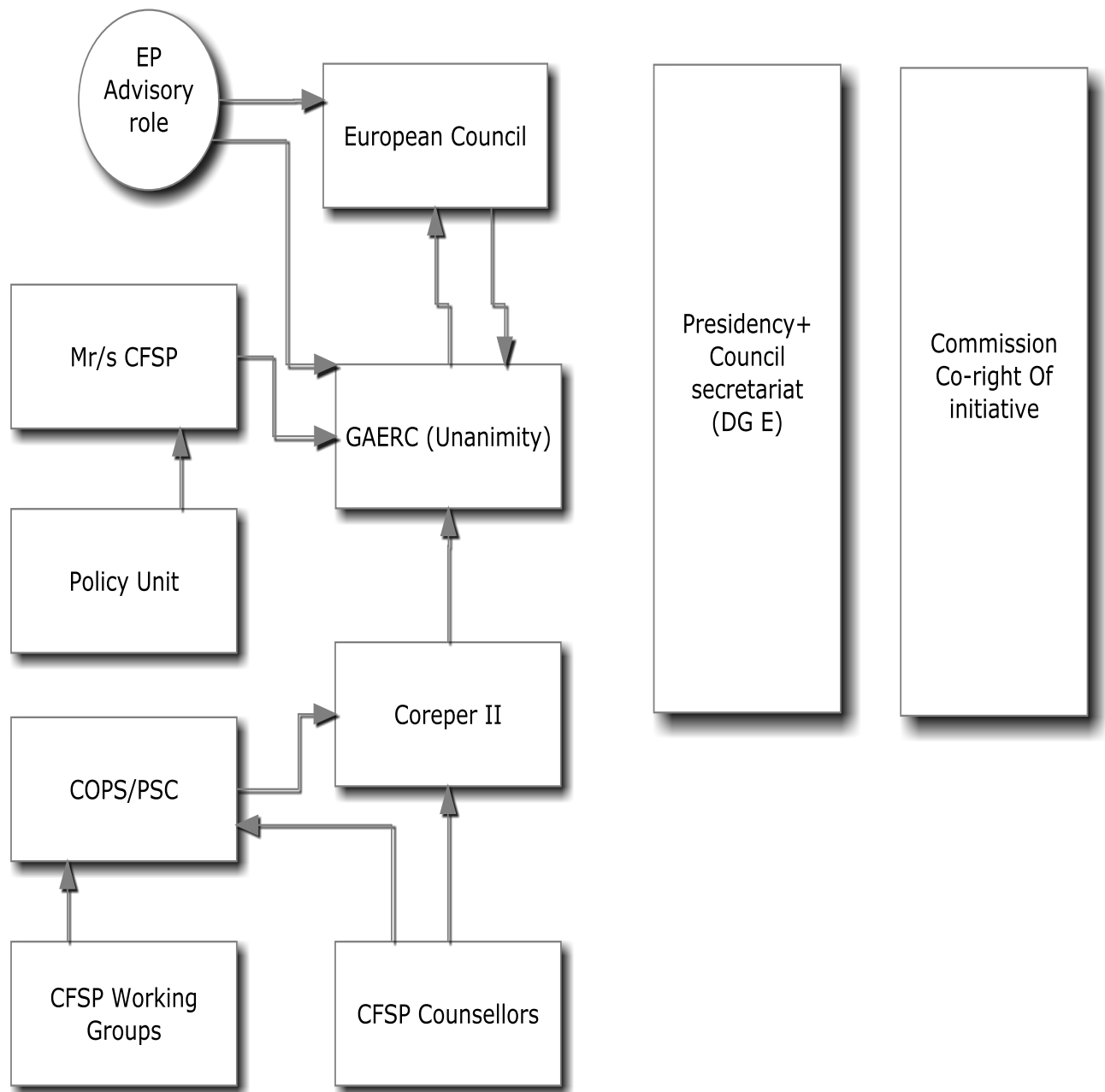
Sources: Social Europe: the Journal of the European Left Summer/Autumn 2000

Figure 3: The Responsibilities and Functions of the CFSP's Institutions and Actors

Agenda setting: defining general Principles/areas for the CFSP	→	European Council of Heads of State/ Government (includes a member of the Commission)
Decision making: formulating CFSP common positions and joint Actions	→	Council of Foreign Ministers, Commission (Supported by CFSP telex system, the Political Committee, European Correspondents, working groups, CFSP Secretariat, and the Committee of Permanent Representatives to the EU)
Implementing positions and Actions (includes external Representation)	→	EU Presidency, Council of Foreign Ministers, Commission, plus the Western European Union. Involves qualified majority voting in some cases and consultation with the European Parliament
Providing resources/funding	→	EU Presidency, Council of Foreign Ministers, Commission, European
Performance evaluation in terms of consistency (EC/CFSP) and Compliance	→	EU Presidency, Commission, European Parliament, and the Committee of Permanent Representatives to the EU
Democratic oversight (limited)	→	European Parliament, national

2.4 The Lisbon Treaty and the Creation of the European External Action Service (EEAS)

Although this thesis is specifically concerned with European foreign policy making towards the OPTs and the Palestinians during the post-1993 period and concluding in early 2009, it is worth examining the more recent developments in EU foreign policy making which have been manifested in the Lisbon Treaty, which came into force on 1 December 2009. The "ill structured" complex decision-making, multiplicity of actors, imbalance of power between legislative power and the executive power of the pillar structure of the EU and inability of its CFSP mechanism to tackle in an efficient, effective,

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coherent and consistent manner the global challenges, such as globalisation, migration and demographic changes, security threat, energy, and international economic crisis prompted the member states to reform EU institutional structure especially its foreign affairs structure.[325] These efforts culminated in The Treaty of Lisbon (initially known as the Reform Treaty) which was signed by the EU member states on 13 December 2007, and entered into force on the first of December 2009. The treaty came to complete the reforming process that started by the previous treaties of Amsterdam and Nice. The main aim of the treaty was for "enhancing the efficiency and democratic legitimacy of the Union and to improving the coherence of its action." [326] In an attempt to offer greater coherence, the Lisbon Treaty introduced some innovations aimed at harmonising and increasing the efficiency of the EU's institutional architecture and mainly the external action, the treaty undyingly dismantled the EU's pillars. Instead, it created; (1) The President of the European Council (a renewable two and a half-year term which aimed to eliminate the lack of continuity which was inherent within the six-month rotating presidency system, and (2) The High Representative (HR) of the Union for Foreign Affairs and Security Policy (a five-year term).

The HR also was the Vice-President of the European Commission, conducted the CFSP and was the president and chairperson of the Foreign Affairs Council. Their main responsibility was to ensure the consistency and coordination of the European Union's external action. In November 2009, the European Council agreed that its first president under the Lisbon Treaty would be Herman Van Rompuy and in the same month the European Council appointed Catherine Ashton by a qualified majority to the post of High Representative of the Union for Foreign Affairs and Security Policy. The Lisbon Treaty also created the European External Action Service (EEAS) which contained members and staff from the General Secretariat of the Council and the Diplomatic Services of EU Member States, the European Commission and which acted as the EU's "ministry of foreign affairs". [327]

2.4.1 The Responsibilities of the President of the European Council

The treaty of Lisbon had changed the competences of the Presidency of the European Council. The Treaty gave the President of the Council, who was elected by the members of the European Council and who served for a maximum of five years, a variety of new duties, including chairing the Council meetings and ensuring the preparation and continuity of the Council's work in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council.[328] The

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[325]Europe Union (2011). *The Lisbon Treaty Taking Europe into the 21st century*. Available at: <http://europa.eu/lisbon_treaty/take/index_en.htm > Accessed on: 24March 2011.
[326] Treaty of Lisbon (2007). *Official Journal of the European Union*. Available at: <http://eur lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0001:0010:EN:PDF> Accessed on: 24 March. 2011, p. 2.
[327] The European Union External Action (2011). Available at: <http://eeas.europa.eu/what_we_do/index_en.htm.> Accessed on: 24 March 2011
[328] Article 15 (6) of the Treaty on the European Union. *Official Journal of the European Union C306 Volume 50 17 December 2007*. Available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML> Accessed on: 29 March 2011.

President was instructed by the Treaty to "endeavour to facilitate cohesion and consensus within the European Council" and to present a report to the EP after each of the Council's meetings.[329] Finally "without prejudice to the powers of the High Representative", the treaty emphasised that the president's role was to "ensure the external representation of the Union on issues concerning its CFSP."[330]This marked a change from the previous system where Member States, holding the six-month EU Presidency, also chaired the European Council Summits. For example, these sumits were now chaired by the President of the Council, not by the leader of the member state, in the rotating presidency. The latter also did not preside over meetings of the European Council, which quarterly and was responsible for providing the EU with general political directions and priorities. The aim of creating the new President of the European Council was to make the EU's actions more visible and consistent.

2.4.2 The Role of the High Representative in the European External Action Service

The new position of the High Representative of the Union for Foreign Affairs and Security Policy combined the previous two posts of the High Representative (previously Javier Solana) and the Commissioner for External Action (previously Benita Ferrero Waldner). The new position played a key role in the formulation, preparation and implementation of the CFSP.[331] According to the treaty, the job-holder; (1) "conducts the Union's common foreign and security policy" [332]; (2) "contributes by her proposals to the development of that policy, which she will carry out as mandated by the Council, and ensures implementation of the decisions adopted in this field." The HR shared the right to make proposals with the member states.[333] That meant that this person had a major role in shaping the external agenda of the EU and its priorities, as well as in structuring debates and brokering a consensus; (3), as one of the Vice-Presidents of the Commission, the HR was also meant to "ensure the consistency of the Union's external action". Thus, according to the treaty, the HR was to be "responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action"; (4) represented the Union on matters relating to the CFSP; (5) conducted political dialogue with third parties on the Union's behalf and expressed the Union's position in international organisations and at international conferences. Finally, the HR "exercises authority over the European External Action Service and over the Union

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[329] Ibid.

[330] Ibid.

[331] Articles 18 and 27 of the Treaty on the European Union. The Official Journal of the European Union C306 Volume 50 17 December 2007.

[332] Article 18 (2) TEU– of the Treaty on the European Union. The Official Journal of the European Union C306 Volume 50 17 December 2007.

[333]Article 30 (1) and 42 (4) of the Treaty on the European Union. The Official Journal of the European Union C306 Volume 50 17 December 2007.

delegations in third countries and at international organisations."[334]

2.4.3 European External Action Service (EEAS)

In order to build coherence and consistency in the CFSP mechanism and the EU's external affairs, the Lisbon Treaty established the European External Action Service (EEAS) which aimed to assist the HR in fulfilling her mandate.[335] The EEAS is under the authority of the HR and was separated from the Commission and the Council Secretariat, having autonomy in terms of its administrative budget and the management of staff".[336] The EEAS included members from Departments of the General Secretariat of the Council, of the Commission and of the national diplomatic services of the Member States. According to the guidelines for the European External Action Service, adopted by the European Council in October 2009, recruitment is based on merit, "with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity, while ensuring adequate geographical balance".[337]

The main responsibility of the EEAS is to work in cooperation with the diplomatic services of the Member States to "prepare policy proposals and implement them after their approval by Council".[338] It is also designated to help the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations to ensure close cooperation with the member states. In addition, as a way to help the HR and the President of the European Council, the treaty established crisis management structures as part of the EEAS and under the direct authority and responsibility of the High Representative. Finally, according to the treaty, the Commission's delegations "will become Union delegations under the authority of the High Representative and will be part of the EEAS structure".[339]

2.4.4 Differences between the Lisbon Treaty and the Rest of the EU Treaties

Giving the EU a "legal personality" was one of the most advanced developments that the Lisbon treaty introduced. This would have theoretically allowed the EU to conduct international agreements in all area of competence and would enhance the EU's external capabilities.[340] Nonetheless, in terms of the decision-making processes and mechanisms, the Lisbon Treaty had not really changed all that much. The formulation of general policy directions and objectives for the CFSP was still in the hands

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[334] Articles 18 and 27 of the Treaty on the European Union. The Official Journal of the European Union C306 Volume 50 17 December 2007. Available at:
<http://eurlex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML> Accessed on: 29 March 2011.
[335] Council Of The European Union (October, 2009). Presidency report to the European Council on the European External Action. POLGEN 163 14930/09. LIMITE Service Brussels, Available at:
<http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf.> Accessed on: 27 March 2011.
[336] Ibid.
[337] Ibid.
[338] Ibid.
[339] Ibid.
[340] Franziska, B. and Wolfgang, W. (2008). The Institutional Architecture of CFSP after the Lisbon Treaty – Constitutional Breakthrough or Challenges Ahead? *Research Paper No. 10*, p 11.

of the European Council - of heads of state or governments of the member states. In addition, both the European Council and the Council of Ministers acted largely by unanimity, except where specifically provided otherwise, limiting the capacity to over-rule the preferences of individual states.[341] The treaty retained the right and the option of the member states to use "constructive abstention" in respect of both unanimous and qualified majority decisions in the CFSP. It specified the cases in which the Council of Ministers may have made decisions by qualified majority as being only where a decision would have: (1) define[d] an action or position on the basis of a European Council decision regarding the Union's strategic interests or objectives; (2) define[d] an action or position on the basis of a proposal made by the High Representative "following a specific request from the European Council, made on its own initiative or that of the High Representative"; (3) implement a decision defining an action or position; or appoint an EU special representative.[342]

Nor had the role of the EP in CFSP matters been substantially modified (and thus the treaty did not increase the democratic scrutiny over CFSP). Under the previous CFSP, the EP was to be informed of the direction and policy of European foreign policy. However, the new treaty had given the EP a very limited power over the CFSP. Firstly, the High Representative of the CFSP had to inform the EP of the processes and direction of the CFSP, a task previously belonging to the European Commission and the European Council. In addition, the European Parliament's consent was required in the appointment of the HR.[343] Also; the treaty had increased the frequency of debates within the EP on CFSP matters to be bi-annually instead of annually. The communication between the EP and the HR was not limited to the direction of the CFSP but also included the administrative and operating expenditures of the CFSP which, according to Wolfgang Wessels and Franziska Bopp, gave the EP some kind of influence via the budgetary procedure.[344] However, these were all marginal gains: Whitman argued that the CFSP remained "a distinctive pillar" with the roles of the Commission, European Court of Justice and the EP remaining very heavily circumscribed".[345] Although the ECJ in particular had no jurisdiction over the CFSP provisions,[346] it did not have powers to bring rulings against member states which may have violated CFSP acts and neither could the Council or the High

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[341]*Article (129) of the Lisbon Treaty*. Available at: <:http://www.parliament.the-stationery office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm. Accessed on: 23.02.2010.

[342] *Article (134) of the Lisbon Treaty*. Available at: <http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm> Accessed on: 25 March 2011

[343]European Parliament (February, 2008). *Policy Department External Policies (the Lisbon Treaty and its implications for CFSP/ESD.)* Available at: <http://www.europarl.europa.eu/document/activities/cont/200805/20080513ATT28796/20080513ATT28796EN.pdf.> p. 4 Accessed on: 26 March 2011

[344] Franziska, B. and Wolfgang, W. (2008), op. cit., p.11.

[345] Whitman, R (2008). Foreign, Security and Defence Policy and the Lisbon treaty: Significant or Cosmetic Reforms? Foreign, Security and Defence Policy and the Lisbon treaty: Significant or Cosmetic Reforms? *CFSP forum 6 (2)*, p.7.

[346] Ibid. p.7.

Representative sanction member states in any formal way.[347] However, a numbers of scholars believed that the veto power over the budget of the new European External Action Service (EEAS), and its approval for the personal appointment of the EESA, might have enhanced the European parliament's role and power to a degree, especially when it pertained to "denouncing human rights violations in the EU's neighbourhood."[348]

By contrast, looking at the balance of power under the under Lisbon Treaty, it could be argued that the European Commission's role had been weakened in favour of the High Representative. Firstly, most of the references to the Commission were removed. For a start, it had lost its right to be "fully associated" with the CFSP.[349] In fact, the Lisbon Treaty went further and stripped the European Commission of the right of initiative to refer CFSP matters to the Council and to make CFSP-related proposals.[350] Under the Lisbon Treaty, this right had been passed to member states who retained their existing right to submit CFSP proposals and to the new High Representative for Foreign Affairs and Security Policy, who would have been the Commission's Vice-President.

Secondly, the Commission had lost its role as the contact between the Council and the EP, being replaced by the High Representative. Finally, although the EEAS had geographical desks dealing with the candidate countries, from the overall foreign policy perspective, the European Commission was to deal dealing with the enlargement file. Besides, the European Commission would also have retained the responsibility of the Commission Trade and the Development Policy as defined by the Treaty, and should have remained the responsibility of relevant Commissioners and DGs of the Commission.[351]

The role of the president of the European Council had been extended to include chairing the meetings of the Council, preparing reports for the EP after each European Council meeting, and being the main 'spokesperson' of the EU in all matters of international interest. However, the role of the president faced several challenges. Firstly, the President still had to cope with the rotating Council presidency. Secondly, there were overlapping responsibilities with other EU personnel, such as the HR and especially in right of representing and open dialogue with the European partners.[352] That meant the Union's external representation would be 'shared' between these two institutions in everyday practice, which meant that the EU would have multi players and representation. This was seen in their overlapping responsibilities in relation to the European Parliament, with both the president and the

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[347] House of Commons (2007-08). *Foreign Affairs - Foreign policy in the Lisbon Treaty, Third Report Session , Publications on the internet Foreign Affairs Committee Publications.* Retrieved from:: <http://www.parliament.the-stationery office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm.> Accessed on: 24 March 2011.

[348] Kausch, K. (2010). The Return to Realism. European Union Policies in the Middle East in Europe and the Middle East perspectives on Major Policy Issues. *Al-Siyassa Al-Dawliya Issue 182*. Available at:< http://www.siyassa.org.eg/esiyassa/Index.asp?CurFN=cont0.htm > Accessed on 12th October 2010, p. 48.

[349] The European Parliament (February, 2008). *Policy Department External Policies (the Lisbon Treaty and its implications for CFSP/ESD.* Available at: <http://www.europarl.europa.eu/document/activities/cont/200805/20080513ATT28796/20080513ATT28796EN .pdf.> p. 4 Accessed on: 26 March 2011.

[350] Ibid. p. 4.

[351] Council of the European Union (2009). op. cit.

[352] Franziska, B. and Wolfgang, W. (2008). op. cit., p.18.

HR being responsible for keeping Parliament informed about developments in the CFSP.

The nature of the president's mandate was itself problematic: his/her responsibility was to promote consensus among the EU leaders while at the same time he /she had to be influential enough to 'steer' the Union and ensure member states' implementation of their political promises. In their assessments of his position, Wessels and Bopp argued that this position "move[d] between two extreme positions: one the one hand, a merely coordinating chairperson with representative functions, and on the other, a kind of strong 'President of Europe' or 'Mr/Ms Europe', seen to represent the Union in its role in the international system."[353]

In sum, the CFSP remained essentially an intergovernmental affair despite the efforts of the Lisbon Treaty to create a coherent and unified European voice, with a mechanism to match.[354] Differences between the Lisbon Treaty and the Rest of the EU Treaties

Giving the EU a "legal personality" is one of the most advanced developments that the Lisbon treaty introduced. This will allow the EU to conduct international agreements in all area of competence and will enhance the EU's external capabilities.[355]Nonetheless, in terms of the decision-making processes and mechanisms, the Lisbon Treaty has not really changed all that much. The formulation of general policy directions and objectives for the CFSP is still in the hands of the European Council - of heads of state or governments of the member states. In addition, both the European Council and the Council of Ministers act largely by unanimity, except where specifically provided otherwise, limiting the capacity to over-rule the preferences of individual states.[356] The treaty kept the right and the option of the member states to use "constructive abstention" in respect of both unanimous and qualified majority decisions in the CFSP. It specifies the cases in which the Council of Ministers may make decisions by qualified majority as being only where a decision would; (1) define an action or position on the basis of a European Council decision regarding the Union's strategic interests or objectives, (2) define an action or position on the basis of a proposal made by the High Representative "following a specific request from the European Council, made on its own initiative or that of the High Representative", or (3) implement a decision defining an action or position; or appoint an EU special representative.[357]

The General Affairs and External Relations Council (GAERC) existed only until 2009 when it also split, leaving a Foreign Affairs Council, on the one hand, and the General Affairs Council, on the other. The General Affairs Council deals with dossiers that affect more than one of the EU's policies,

[353]   Ibid.
[354]   Kausch, K. op. cit., p.48.
[355] Franziska, B. and Wolfgang, W. (2008). The Institutional Architecture of CFSP after the Lisbon Treaty – Constitutional Breakthrough or Challenges Ahead? *Research Paper No. 10*, p 11.
[356]*Article (129) of the Lisbon Treaty*. Available at: <:http://www.parliament.the-stationery office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm. Accessed on: 23.02.2010.
[357] *Article (134) of the Lisbon Treaty*. Available at: <http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm> Accessed on: 25 March 2011

such as negotiations on EU enlargement, preparation of the EU's multi–annual budgetary perspective or institutional and administrative issues. In addition, the General Affairs Council co–ordinates preparation for and follow-up to meetings of the European Council.[358] It also exercises a role in co–ordinating work on different policy areas carried out by the Councils other configurations, and handles any dossier entrusted to it by the European Council. The The Foreign Affairs Council meets once a month. Its Meetings bring together the Foreign Ministers of the Member States responsible for European Affairs, Defence, Development or Trade also participate depending on the items on agenda. The configuration is unique in that chaired by the High Representative rather than the Presidency of the Council of the European Union.[359]

Nor has the role of the EP in CFSP matters been substantially modified (and thus the treaty did not increase the democratic scrutiny over CFSP). Under the previous CFSP the EP was to be informed of the direction and policy of European foreign policy However, the new treaty has given the EP a very limited power over the CFSP. Firstly, the High Representative of the CFSP has to inform the EP of the processes and direction of the CFSP, a task previously belonging to the European Commission and the European Council. In addition, the European Parliament's consent is required in the appointment of the HR.[360] Also, the treaty has increased the frequency of debates within the EP on CFSP matters; now twice instead of once per year. The communication between the EP and the HR is not limited to the direction of the CFSP but also includes the administrative and operating expenditures of the CFSP which, according to Wolfgang Wessels and Franziska Bopp, gives the EP some kind of influence via the budgetary procedure.[361] However, these are marginal gains: Whitman argues that the CFSP remains "a distinctive pillar" with the roles of the Commission, European Court of Justice and the EP remaining very heavily circumscribed".[362] Although the ECJ in particular has no jurisdiction over the CFSP provisions,[363] it does not have powers to bring rulings against member states which may violate CFSP acts and neither can the Council or the High Representative sanction member states in any formal way.[364] However, a numbers of scholars believe that the veto power over

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[358] Ibid

[359] Europan Council (2011) Available at http://www.consilium.europa.eu/policies/council-configurations/foreign-affairs?lang=en. Accessed on: 25 November 2011.

[360]European Parliament (February, 2008). *Policy Department External Policies (the Lisbon Treaty and its implications for CFSP/ESD.)* Available at:
<http://www.europarl.europa.eu/document/activities/cont/200805/20080513ATT28796/20080513ATT28796EN.pdf.> p. 4 Accessed on: 26 March 2011

[361] Franziska, B. and Wolfgang, W. (2008), op. cit., p.11.

[362] Whitman, R (2008). Foreign, Security and Defence Policy and the Lisbon treaty: Significant or Cosmetic Reforms? Foreign, Security and Defence Policy and the Lisbon treaty: Significant or Cosmetic Reforms? *CFSP forum 6 (2)*, p.7.

[363] Ibid. p.7.

[364] House of Commons (2007-08). *Foreign Affairs - Foreign policy in the Lisbon Treaty, Third Report Session , Publications on the internet Foreign Affairs Committee Publications.* Retrieved from::
<http://www.parliament.the-stationery office.co.uk/pa/cm200708/cmselect/cmfaff/120/12007.htm.> Accessed on: 24 March 2011.

the budget of the new European External Action Service (EEAS), and its approval for the personal appointment of the EESA, might enhance the European parliament's role and power to a degree, especially when it comes to "denouncing human rights violations in the EU's neighbourhood."[365]

By contrast, looking at the balance of power under the under Lisbon Treaty, it could be argued that the European Commission's role has been weakened in favour of the High Representative. Firstly, most of the references to the Commission are removed. For a start, it has lost its right to be "fully associated" with the CFSP.[366] In fact the Lisbon Treaty went further and stripped the European Commission of the right of initiative to refer CFSP matters to the Council and to make CFSP-related proposals. [367] Under the Lisbon Treaty, this right has been passed to member states who retain their existing right to submit CFSP proposals and to the new High Representative for Foreign Affairs and Security Policy, who would be Commission's Vice-President.

Secondly, the Commission has lost its role as the contact between the Council and the EP, being replaced by the High Representative. Finally, although the EEAS will have geographical desks dealing with the candidate countries, from the overall foreign policy perspective, the European Commission will be in charge dealing with the enlargement file. Beside, the European Commission will retain the responsibility of the Commission Trade and the Development Policy as defined by the Treaty, should remain the responsibility of relevant Commissioners and DGs of the Commission.[368]

The role of the president of the European Council has been extended to include chairing the meetings of the Council, preparing a report for the EP after each European Council meeting, and being the main 'spokesperson' of the EU in all matters of international interest. However the role of the president faces several challenges. Firstly, the President still has to cope with the rotating Council presidency. Secondly, the overlap responsibilities with other EU personnel such as the HR especially in right of representing and open dialogue with the European partners.[369] That means the Union's external representation will be 'shared' between these two institutions in everyday practice, which mean that in the EU will have in the same problems as before- i.e. multi players and representation- "in the future the EU might then have at least 'two telephone numbers."[370] This is seen in their overlapping responsibilities in relation to the European Parliament, with both the president and the HR being responsible for keeping Parliament informed about developments in the CFSP.

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[365] Kausch, K. (2010). The Return to Realism. European Union Policies in the Middle East in Europe and the Middle East perspectives on Major Policy Issues. *Al-Siyassa Al-Dawliya Issue 182*. Available at:< http://www.siyassa.org.eg/esiyassa/Index.asp?CurFN=cont0.htm > Accessed on 12th October 2010, p. 48.
[366] The European Parliament (February, 2008). *Policy Department External Policies (the Lisbon Treaty and its implications for CFSP/ESD.* Available at: <http://www.europarl.europa.eu/document/activities/cont/200805/20080513ATT28796/20080513ATT28796EN .pdf.> p. 4 Accessed on: 26 March 2011.
[367] Ibid. p. 4.
[368] Council of the European Union (2009). op. cit.
[369] Franziska, B. and Wolfgang, W. (2008). op. cit., p.18.
[370] Ibid. p.18.

The nature of the president's mandate is itself problematic: his/her responsibility is to promote consensus among the EU leaders while at the same time he /she has to be influential enough to 'steer' the Union and ensure member states' implementation of their political promises. In their assessments of his position, Wessels and Bopp argue that this position "moves between two extreme positions: one the one hand, a merely coordinating chairperson with representative functions, and on the other, a kind of strong 'President of Europe' or 'Mr/Ms Europe', seen to represent the Union in its role in the international system."[371] In sum, the CFSP remains essentially an intergovernmental affair despite the efforts of the Lisbon Treaty to create a coherent and unified European voice, with a mechanism to match.[372]

2.5 Conclusion

The 'story' of the evolution of common foreign policy mechanisms offered above suggests that the early effort at constructing a common foreign policy (the EPC) was something of a political "spill-over" from the economic integration process. However, member states remained fundamentally unwilling to surrender meaningful sovereignty to the process so the EPC remained dominated by inter-governmentalist processes and mechanisms and outside of the EC itself. Realist propositions that member states engage in collective organisations in order to promote their own national self-interest on a rational basis seem to best explain this.

However, the EPC proved to be paralysed by this structure, unable to respond effectively to its international environment or to move beyond declaratory policy due to a lack of both tools and political will. As the European Community developed, however, and interaction progressed in the economic sphere and in terms of the competences of its institutions (specifically the Commission), supranationalist efforts were made to overcome these structural weaknesses, leading to the CFSP.

The CFSP was one of the pillars of the EU, but again separated it from the European Community as member states resisted the erosion of their national "veto" power. Whilst the CFSP allowed for some development of supranationalist foreign policy-making, not least because it relied on supranationalist institutions like the Commission to actually implement its policies, this was continually constrained by the still inter-governmentalist nature of the CFSP mechanisms themselves. The CFSP mechanism consequently resulted in a multifaceted process of convoluted interactions between many actors, including the member states and the European institutions through a complex of hierarchical and horizontal institutional forms. It developed a hybrid institutional structure with an ambiguous distribution of roles and instruments. Since the EU decision makers and legislators had managed to design the institutional structures and the mechanisms of the CFSP to function in a manner that

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[371] Ibid.
[372] Kausch, K. op. cit., p.48.

continued to protect the member states' interests, the efforts of the Commission were ultimately able to gain sufficient traction to overcome the deficiencies of intergovernmentalism. When member states were in agreement over a policy, supranationalist dynamics were stronger, but when member states differed significantly on policies, the supranationalist dynamic was impeded.

The Lisbon Treaty represents the latest effort to improve the institutional coherence of the CFSP and to create a single voice for Europe. But whilst the creation of specific foreign policy making institutions like the EEAS suggest a revival of the supranationalist dynamic, the Commission has in effect once more been subordinated to a set of structures which preserve the fundamental intergovernmentalism of policy-making. The EU members are still trying to have their cake and eat it: to have collective policy institutions but to retain their sovereignty and self-interests. The mechanisms themselves ultimately give the winning hand to the latter.

This "realist" interpretation needs some qualifying, however. The "story" also shows that the institutions of the EU, particularly the Commission and the Parliament, have developed "lives of their own" and have sought to exert supranationalist influences which, at times, have had some successes. Moreover, there is a "feedback loop" in so far as the interests of member states have become progressively redefined over time to take account of what can be gained from proactive membership of the EU and from bargaining or negotiating their interests. For example, the extended rotating Presidency gives member states a vested interest in making the CFSP a meaningful institution, even as they themselves might undermine it when the rotation goes against their own interests. Constructivist approaches to international relations can inform our understanding of this process, which can be understood in terms of the evolving "European" identities of member states, even as they simultaneously exhibit, divergent national or even transatlantic identities. Member states' interests have therefore to be considered as non-static, as evolutionary and fluid, with membership of the collective foreign policy-making community itself shaping their individual understandings of what best suits them.

Nonetheless, as this chapter shows, despite the wave of reforms and calls to strengthen the EU institutions, the member states have not given up their sovereign rights to any new supranational institution, such as the Commission, that could potentially act above and beyond their own national interests. Therefore, although intergovernmentalism and supranationalism are both represented in the CFSP, intergovernmentalism ultimately still prevails within the CFSP. Even worse, at times the mechanisms have actually contributed to the exacerbation of the differences between the member states' interests, as the opportunities to exploit the flaws, duplications, and ambiguities of the process allow national interests to be advanced at the expense of the CFSP.

Chapter Three: From the Global Mediterranean Policy to the Union for the Mediterranean:

The EEC/EU Regional Mediterranean Policies

3.1   Introduction

The Arab World, the wider Middle East and the Israel-Arab conflict have occupied prominent positions on the agenda of Europe and its institutions for as long as the latter has existed. From the 1970s until the present day, the EEC and its successor, the EU, have been trying to strengthen relations with their neighbours in the Mediterranean basin. In fact, European regional initiatives have developed in parallel with the institutional development of the EEC/EU itself. As pointed out in the introduction to this thesis, the proximity of the two regions, and their economic, political, security and cultural linkages, make this a region that Europe cannot ignore.

This chapter examines the main European initiatives towards the region, including the Global Mediterranean Policy in the 1970s, the Renovated Mediterranean Policy at the end of 1980s, the Euro-Mediterranean Partnership in the 1990s, the European Neighbourhood Policy in 2004, and finally the Union for the Mediterranean policy in 2009. It does so for two reasons: to elaborate on the intra-regional context within which European policy towards OPTs and the Palestinians was formulated, and to demonstrate how this context was itself the product of the fundamentally realist international relations of the EEC/EU outlined in the previous chapter.

The main aim is to draw a picture of the EU decision-making process and mechanisms towards the region by answering three questions: how did the EU "make" its foreign policy towards the region (through what institutions and mechanisms and to what ends?); how were EEC/ EU policies towards the Mediterranean region formulated (with what objectives, under what constraints and with what impact?); and what did the making of EU policy towards the Mediterranean reveal about the context of the EU–Palestinian relationship?

3.2   The Global Mediterranean Policy (1972-1989)

In October 1972, the Heads of Government of the EEC at the Paris summit adopted the principle of a Global Mediterranean Policy (GMP) towards all Mediterranean countries from Spain to Turkey.[373] The new initiative was considered by observers to be the first unified attempt by the EEC since it was established to develop a comprehensive policy framework for the Mediterranean basin.[374] It might also

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[373] Bicchi, F. (2007). European foreign policy making toward the Mediterranean. New York: Palgrave MacMillan, p.91.
[374] Gomez, R. (2003). Negotiating the Euro-Mediterranean partnership: strategic action in EU foreign policy? Aldershot, Hants, England: Ashgate, p.25.

be considered as the first sustainable "economic diplomacy of the EEC towards the region."[375]

Of course, there already existed several economic agreements between the EEC, and a number of Southern Mediterranean states before this project, but most of these agreements were limited, and lacked a comprehensive vision and strategy. Thus, the GMP might be considered to be the first successful attempt by the EEC at a self-styled foreign policy.[376]

According to Bicchi, the first phase of the Mediterranean policy of the EEC had, until that point, been characterised by a case-by-case approach towards the Southern Mediterranean, resulting in a variety of bilateral agreements.[377] These took a variety of formats, ranging from unlimited association with Greece (1961) and Turkey (1963); to limited associations with Tunisia (1969), Morocco (1969), Malta (1970), and Cyprus (1972); non-preferential trade agreement with countries like Israel (1946), Lebanon (1965), and Yugoslavia (1970); arrangements involving unilateral trade concessions such as those with Spain (1970) and Egypt (1972); or reciprocal concessions like the second agreement with Israel (1970). Ultimately, most of these agreements looked like temporary, if not extemporaneous, responses to local trade problems.[378] Indeed, while the Community had concluded agreements with twelve of the seventeen countries in the area by 1971,[379] according to Bicchi, the Mediterranean region still "ranked low on the EEC agenda, and the EEC tackled the problems coming from the region as they arose."[380] She added that each problem from this region was "examined individually and was given a different solution." She attributed this to the European preoccupation with Cold War tensions and their consequent inability or unwillingness to redefine Europe's role in the international politics. She argued that the EEC adopted a low profile in the Mediterranean to avoid any threat of confrontation, seeking only to "neutralise Soviet influence in the area and stabilise political regimes against possible Soviet infiltrations or take-overs."[381]

However, by the mid-1960s the international situation was already beginning to change, with a reduction in the tension between the U.S. and the Soviet Union, which allowed the EEC members to begin defining and subsequently protecting their own economic interests through a second wave of preferential association agreements with non-members of the Mediterranean region. Between 1969 and 1972, the EEC signed several agreements with states such as Morocco, Tunisia, Spain, Israel, Malta, Cyprus and Egypt. They were granted free access for their exports of industrial products and

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[375] Holden, P. (2011). A New Beginning? Does the Union for the Mediterranean Herald a New Functionalist Approach to Co-operation in the Region? Mediterranean Politics. 16. 155-169. p.167.
[376] Ginsberg, R. H. (1989). Foreign policy actions of the European Community: the Politics of Scale. Boulder: L. Rienner. p. 120.
[377] Grilli,E.R op.cit., p.181.
[378] Ibid. p.181.
[379] Tsoukalis, L. (1977). The EEC and the Mediterranean: Is 'Global' Policy a Misnomer? International Affairs (Royal Institute of International Affairs 1944-).53, 422-438. p. 427.
[380] Bicchi, F. op. cit., p.43.
[381] Bicchi, F. (2007). op. cit., p. 46.

some concessions for their agricultural exports.[382] However, although the European Community began to strengthen its relations with its southern neighbours, the Cold War continued to constrain its vision and that of its members.[383]

Moreover, as Bicchi pointed out, the Community lacked "policy entrepreneurship" to initiate a more proactive collective approach. The European Commission did not show any interest in playing this role and the the Council of the European Union was victim to the exceptional interests of member states. In this environment, domestic lobbies within member states were able to exert significant influence, an example being the strong Italian opposition - based on the interests of its own domestic citrus-producers - to a cut in the common external tariff on all imports of oranges.[384]

As chapter two demonstrated at the 1969 Hague Summit, EEC leaders agreed to harmonise their foreign policy through the EPC mechanism and negotiations for a Global Mediterranean Policy (GMP) started shortly thereafter. At the Paris summit in 1972, the EEC leaders instructed the European Commission to resolve to ensure an overall and "balanced handling of the Community's relations with Mediterranean third countries, and instructed the Commission to review the Association Agreements with non-members of the Mediterranean basin".[385] In September 1972, the European Commission responded to the EEC leaders by proposing the Global Mediterranean Policy. It involved all the non-EEC member Mediterranean countries except Libya and Albania.

The new project was not regional, but bilateral, and the agreements offered within it were quite different from each other. However, the EEC offered all its partners in the Mediterranean basin new Co-operation Agreements except Greece and Turkey, which maintained their previous Association Agreements.[386] The EEC signed the first GMP agreement with Israel in 1975, then with Morocco, Algeria, and Tunisia in 1976 and with Egypt, Jordan, Lebanon, and Syria in 1977. These Co-operation Agreements included components dealing with trade relations, financial and economic cooperation, and - for the first time - social co-operation such as provisions aiming to improve the standard of living of immigrant workers from North Africa and Turkey who were living in the EEC states.[387]

The main aim of the GMP was to create a "free trade areas covering the EEC and the Mediterranean

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[382] Xenakis, D. K. (2000). Order and Change in the Euro-Mediterranean System. *Mediterranean Quarterly. 11*. 75-90. p.81.
[383] Ibid. p.80.
[384] Bicchi,F. (2007). op. cit., p. 51.
[385] Gomez, R. op.cit., p.27.
[386] Bicchi. F. (2009). Euro-Mediterranean Relations in Historical Perspective in The Euro-Mediterranean dialogue: prospects for an area of prosperity and security: A report edited by the Foundation for European Progressive Studies with the support of Fondazione Italianieuropei. p.14.
[387] Ibid. p.14.

littoral."[388] Through these areas, the EEC partners would be able to overcome the boundaries of their internal markets and persuade growth; accordingly the GMP members would have free trade areas for their own industrial goods with some notable exceptions such as textiles and concessions in the agricultural field in order to avoid interference with the Common Agricultural Policy of the EEC. According to GMP provisions the EEC was "to lower its tariffs to imports of industrial goods and then phase them out by January 1977."[389]

The trade provisions were supported by financial protocols. Under the pressure from the European Commission the EEC included several measures to help the GMP partners mainly to the relatively less developed countries of the area. Through a various forms: grants, European Investment Bank loans "at lower market interest rates and Commission loans at a 1% interest rate".[390] In addition, the financial protocols of the GMP addressed technological transfers, workers' training and financial cooperation.[391] Finally, in order to assess the progress and the evaluations of the GMP, the EEC established bilateral cooperation councils and committees with every participating Mediterranean country.[392]

3.2.1 The Global Mediterranean Policy: Economics and/or Security

How can we explain this apparent shift towards an EEC desire to harmonise foreign policy towards the Mediterranean?

The security dimension, and its relevance in the ongoing, if slightly less immediate, Cold War tussle, was evident when Italy circulated a document on the Mediterranean, in which it stressed Soviet penetration in the era through non-military means. The Italian document emphasised the way in which not only the Arab–Israeli conflict, but also economic underdevelopment, represented avenues for the USSR to exploit regional tensions. Italy thus stressed the necessity of trying to ease the social and economic problems in a region of undoubted importance to the western camp in the context of the Cold War.[393]

The 1967 Arab-Israeli war had highlighted not only the Cold War significance of the region, but also its economic value as a source of oil and other raw materials.[394] Not only did the Mediterranean region include some of the main producers of oil, but also a substantial part of Middle East oil was -

[388] Pomfret, R. (1981). The Impact of EEC Enlargement on Non-Member Mediterranean Countries' Exports to the EEC. The Economic Journal, 91. p.726.
[389] Bicchi, F. (2009). op.cit.,p.15.
[390]MEDA Programme. (2000). Euro-Mediterranean Cooperation Retrieved from http://www.medea.be/index.html?page=2&lang=en&doc=767. Access date April 24th 2011.
[391] Bicchi, F. (2009). op.cit., p15.
[392] Ibid. p.15.
[393] Gomez, R. op.cit., p.26.
[394] Tsoukalis, L. op.cit., p.424.

and is - transported along its shipping routes.[395] Statistics show that in 1974, 18.5 per cent of the EEC member's crude oil imports came from the Mediterranean, of which 64.8 per cent came from Libya and another 27.7 per cent from Algeria.[396]

Moreover, in terms of trade, the Mediterranean countries were becoming increasingly connected to the EEC. In 1960, the Mediterranean non-member states as a group (including Spain and Portugal) absorbed over 15 per cent of community exports. In turn, 60 per cent of exports of Mediterranean third countries went to the community, South-North trade being dominated by the agricultural and energy sectors.[397] By 1974, 9.2 per cent of all EEC exports, including intra-Community trade, ended up in Mediterranean countries. This was of the same importance as the whole of the North American market plus Japan.[398] Spain, Yugoslavia and Greece absorbed as much as 42.8 per cent of all EEC exports to the Mediterranean.[399] In return, an average of more than 50 per cent of all Mediterranean exports was destined for the Community.[400] Thus, extending associationism to the Mediterranean region appeared to be a natural move for the EEC. It would deepen markets for European goods while offering markets (and income) for poorer neighbours, enhancing their security and stability and reducing any inclination to turn 'East' for inspiration.

Germany and Belgium openly supported the document. Italy then proposed the creation of a working group within the EPC framework devoted to the problems of the Mediterranean.[401] Subsequently, in February 1971, Andre Rossi wrote a report and presented it to the European Commission and the EEC member states suggesting "formulation of an overall scheme of principles governing relations with Mediterranean non-members countries."[402] However, disagreement among the EP members and among the European Commissioners over the best approach contributed to neglect of the report.

The German Commissioner for External Relations, Ralf Dahrendorf, defended the mosaic approach, which prevailed in the 1960s as the best way to address different partners, while the Jean-François Deniau Commission for Developing Countries was: "more favourable to holistic solution."[403] This early set-back in the face of a lack of shared vision could not, however, hold back the tide of shared security concerns.

In her analysis of the GMP, Bicchi found that the security concerns of members were

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[395] Ibid. p.424.
[396] Ibid. p.424.
[397] Gomez, R. op.cit., p.26.
[398] Tsoukalis, L. op.cit., p.424.
[399] Ibid. p.424.
[400] Ibid. p.424.
[401] Bicchi, F. (2007). op. cit., p.92.
[402] Ibid. p.92.
[403] Bicchi, F. (2007). European Foreign Policy Making Toward the Mediterranean. New York: Palgrave Macmillan. p.92.

ultimately sufficient to trigger the EEC into developing a common initiative for the Mediterranean. Faced by a number of arising challenges, the members were confronted by what she termed "cognitive uncertainty," a lack of information, knowledge, and experience, which forced them into devising new initiatives and in effect to opening a policy window."[404] Specific events included the Munich operation in September 1972 when a group of Palestinian fighters broke into the Israeli area in the Olympic Village in Munich, killing nine Israeli athletes. The Arab-Israeli conflict had now moved onto European soil, with an enormous impact on the European perceptions of security and creating a direct connection between the domestic arena of western European countries and the Middle East.[405]

According to Bicchi, over the period 1968-1972, Palestinian attacks on European cities quickly "escalated from the private sphere, involving criminal means and policing measure to the security area, demanding emergency measures, and passing through an intermediate stage of politicisation."[406] This was compounded in 1973 with the oil shock crisis. In an environment of sudden and significant uncertainty, the EEC was impelled to search for new information about their southern neighbours and new policy solutions; they were, as she put it, "cognitively motivated" to explore a window of opportunity to rethink relations with the Mediterranean and the Arab world."[407] For Bicchi, what had begun as an economic relationship in the late 1960s had rapidly become a security issue.

Immigration also played an important role in driving forward the GPM since most of the immigrant workers in the Community came from the Mediterranean basin. According to statistics there were about 6.5 million foreign workers in the EEC countries in 1974. These labours contributed to the economic growth of the European Community, which was facing a labour shortage.[408] But how to deal with the migrants was a contentious question, particularly for those countries which were the largest migrant destinations and none more so than France.

France has had a long colonial history in the Southern Mediterranean, and its on-going legacies included not just cultural and linguistic links, but also deep economic ties, particularly with North Africa. These were so important to France that it had insisted on including a special protocol in The Treaty of Rome allowing it to keep its special relations with its former colonies, Morocco, Tunisia and Algeria. These included special trade ties: during the 1960s France "accounted for 40 per cent of exports to the Maghreb and received around 45 per cent of Maghrebi imports to the community, benefiting from its strong commercial presence in the region though a mixture of private and public

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[404] Ibid. p. 66.
[405] Ibid.p. 66.
[406] Bicchi, F. op. cit., p. 66.
[407] Ibid. p.80.
[408] Tsoukalis, L. op.cit., p.424.

investment."[409] Finally, France's rapid economic growth in the 1960s meant a growing demand for North African labour.[410] Thus France was particularly eager to drive foreign policy towards the region forward.

French enthusiasm for a GMP further reflected a desire to strengthen its own, and Europe's, position on the international stage, and to gain the "international recognition of its big power statutes,"[411] in other words, to build policy independent from the two superpowers. French diplomacy under Pompidou utilised the Mediterranean card to consolidate the French self-image after de Gaule's departure, not just on the international level, but also on the European community level.[412] Setting Franco-Mediterranean relations on a firmer footing was to be the springboard for France's quest for international recognition.[413] Supporting the European Community policy towards the Mediterranean basin was considered to also be a way to balance the Ostpolitik policy of Germany which aimed to develop and reconcile relations between Eastern and Western Europe. [414]

France may then be understood to be a "policy entrepreneur" of the GMP, making use of a policy window created by the collective need to respond to new, largely security, challenges. But France was not the only player. Other EEC members had also tried to take the GMP in directions that served their own interests. While states like Belgium, which had relatively few connections to the Southern Mediterranean states, were reluctant to endorse the generous financial support proposed for packages like that offered to Spain, others like Italy - geographically proximate to the non-members and concerned with the political consequences of their underdevelopment - sought to ensure that the costs of supporting association packages were evenly spread among EEC members; [415]

> "The number of trade concessions (by southern European countries) was to be equated to the amount of aid provided (by northern European countries), in order to distribute the GMP's cost among all member states." [416]

The United Kingdom meanwhile expressed objections to free trade with the Mediterranean non-members, hesitant to accept the idea without first consulting the U.S. During the preparation stage of the GMP, the U.S had expressed its fears that the GMP was both an indication of Europe's desire to create a "third pole" and meant that the EEC would effectively be excluding the U.S's own products.[417] Thus, the UK was pushing for pre-consultation with the U.S before the Community took

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[409] Gomez, R. op. cit., p.27.
[410] Ibid. p. 27.
[411] Bicchi, F. op. cit., p. 87.
[412] Ibid. p. 87.
[413] Ibid. p.87.
[414] Ibid. p. 87.
[415] Ibid. p. 98.
[416] Ibid. p. 64.
[417] Grilli, E.R. op.cit., p.187.

any final decisions.[418] The Germans and the Dutch, however, supported the French proposals; not least, they sought to include Israel in the GMP. [419]

The EEC institutions also played an important role in the GMP. The report prepared by French member of the EP Andre Rossi, was the foundation of the GMP policy, and June 1972 the EP parliament supported the French proposal for a jointly agreed set of rules and policies towards the Mediterranean non-members.[420]Notwithstanding the intergovernmental nature of the GMP, the European Commission played a role in its design and implementation. In addition to negotiating the agreements with the EEC partners, under the supervision of the Council, the Commission began to set the agenda of the GMP. It insisted that that the free circulation of goods alone would not promote development in the region, and that the GMP should also include provisions on capital movements, technology transfers, technical cooperation, labour, environmental and financial cooperation.[421]

It thus endorsed the view that the EEC members should shoulder part of the burden of economic development through providing aid to partners.[422] The Commission managed to lobby the member states to expand the scope of goods addressed by the GMP agreements, stressing the importance of financial cooperation, "to spark economic development."[423] It further promoted the idea that the long term aim of the GMP was a "natural extension of European integration."[424]

We can therefore conclude that the GMP served as an example of a complex decision-making situation, characterized by ongoing relations between multiple stake-holding actors.[425] The initiative was driven by member states, responding to new collective security challenges in diverse ways which had to be negotiated through inter-governmental mechanisms. At the same time, however, the decision–makers of the European Community relied on their economic instruments to deal with these challenges.[426] What looked at first like a liberal institutionalist trade expansion was in fact motivated by self-interested security concerns.

But whilst this supported a realist interpretation of the logic of the GMP, one also had to recognise the non-state actors involved in the process: the European Parliament, which sparked the debate about the Mediterranean, the Commission which then drafted and altered the GMP proposal, insisting on

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[418]   Bicchi, F.(2007). op. cit., p. 99.
[419]   Ibid. p. 99.
[420]   Ibid. p.92.
[421]   Gomez, R. op.cit., p.30.
[422]   Bicchi, F. (2007). op. cit., p.97.
[423]   Ibid. p.94.
[424]   Grilli, E. R. (1993) *The European Community and the Developing Countries*. Cambridge: Cambridge University Press.p.186.
[425]   Cini, M., & Pérez-Solórzano Borragán, N. (2010). *European Union Politics*. Oxford: Oxford University Press. p.114.
[426]   Bicchi, F. (2008) *From Security to Economy and Back? Euro-Mediterranean Non-Members-on-Members-Relations in Perspective.* Retrieved from http://ies.berkeley.edu/research/bicchiconvergenceofciv.doc.p.3. Access date April 24th 2011.

aid and development to partner states, shifting power towards itself and establishing an agenda which went beyond the initial aspirations of the member states, and finally the importance of domestic lobbies on shaping brief study of the collective foreign policy making of the EEC during the GMP preparations. This supports the conclusion of the previous chapter that this was a process that ccannot be captured entirely by static models of decision-making processes. The policy process comprised several tiers of authority i.e. the European, the national and sub national, albeit that the national governments remained the most important sites of authority, and the inter-governmental mechanisms predominated in decision-making.

3.2.2   The Limits of the GMP

As explained above, the main stated aim of the GMP was to create a free trade area between the EEC and the Mediterranean region. In fact, progress was severely limited. Although it contributed to easing economic and even political relations on the ground, the GMP did not manage to boost the economic and trade relations between the regions, nor did it achieve its developmental ambitions. In fact, Mediterranean exports to the EEC did not increase significantly except in a few cases.[427] This was the case for several reasons. First, the 1970s witnessed a period of "recession and high inflation in Europe corroded the effective value of financial provisions."[428] Moreover, according to Bicchi, there was:

> "A mismatch between the economies of scale approach embedded in the GMP, which suggested an export-led process of development and the prevailing approach to economic development among Arab Mediterranean countries, which relied on a strategy of import-substitution."[429]

Ultimately, economic development "lagged far behind rapid population expansion in the Magrherb, Mashreq and Turkey," resulting in a significant drop in GDP per capital from 1974-1990. In the EU the GDP per capital stood at 16,500 ECUs, while in the Maghreb and Mashreq countries it stood at least 1.500 ECUs.[430] Second, there was a contradiction between its claims to be a "Global policy" and its actual limitation to trade and aid and to a geographically limited space.[431] With so much room for ambiguity, the GMP soon became a victim of the differences between the member states visions and priorities on how to deal with the diverse states envisaged as partners, especially in relation to trade concessions, in the course of which the impetus for a Mediterranean-wide policy was lost. While

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[427]   Bicchi, F. (2009). op. cit., p16.
[428]   Grilli, E. R. op.cit., p.190.
[429]   Bicchi, F. (2009). op. cit.,p16.
[430]   Gomez, E.R op.cit., p. 47.
[431]   Cardwell, P. J. (2011). Euro Med, European Neighbourhood Policy and the Union for the Mediterranean: Overlapping Policy Frames in the EU's Governance of the Mediterranean. *JCMS: Journal of Common Market Studies. 49*. p.224.

France was interested in a regional approach, Germany preferred a bilateral approach.[432]

Moreover, as Gomez argues, although the new agreements of the GMP were "more comprehensive" than the earlier trade agreements, nevertheless the fundamental guide of EEC's relations with the member states persisted on "derogations" and "protective measures when the interests of domestic producers where threatened."[433]While the EEC was concerned to assurance continuous supplies of oil and gas, it was thus was "less keen to encourage the development of potentially competitive indigenous processing industries in the associate countries."[434] Excluding the agriculture, petroleum and textile products coming from the North Africa and Arab states, the figures showed that there was selectivity in the implanting the GMP which strengthened the argument that the GMP was biased and designed to protect European agricultural products.[435]

The southern enlargement of the EEC to include Greece, Portugal and Spain put further limits on the GMP since they threatened to erode the value of preferences held by other Mediterranean countries as the EEC improved its own self-sufficiency.[436] The accession of these countries meant that the EEC was first preoccupied with negotiations and then with assuring the development of its (largely agricultural) new members through the Common Agricultural Policy (CAP). EEC self-sufficiency in key areas of typical Mediterranean production went up to 100% for products such as tomatoes, potatoes and olive oil.[437]

Finally, the creation of free trade areas implied that Mediterranean countries would do the same, but the issue of reciprocity was highly contentious. The U.S. put up fierce opposition to the creation of what could be seen as a Euro - Mediterranean trade bloc, while Mediterranean countries agreed in principle, and defected as soon as possible after the entry into force of the agreements.[438] Thus there was a latent, and at times not so latent, opposition to the GMP on the part of theU.S.[439]

3.3 The Renovated Mediterranean Policy (1989-1995)

The 1980s thus saw declining European interest in the Mediterranean region for two reasons. Not only had interest shifted to the challenges of southern enlargement, but the Europeans "fell back into traditional Cold War mindsets and behaviour" as a result of the Soviet invasion of Afghanistan. As the GMP produced few satisfactory outcomes, the Mediterranean members - Spain, Italy and France - were compelled to cooperate themselves in order to put the Mediterranean back on the European

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432 Ibid. p.224.
433 Gomez, R. op.cit., p.34.
434 Ibid.p.34.
435 Bicchi, F. op. cit., p. 107.
436 Pomfret, R. op. cit., p.726.
437 Bicchi, F. (2009). op.cit, p.16.
438 Ibid. p15.
439 Ibid. p.15.

agenda. [440] Based on a document entitled "Redirection of the Community's Mediterranean Policy," prepared and introduced by Spanish Commissioner Able Matutes to the Council and EP in 1989, which aimed at narrowing the prosperity gap between the European Community and the Mediterranean, the GMP was replaced In December 1990 by the Renovated Mediterranean Policy (RMP).

The Matutes report linked development and prosperity in the MENA region with security in the European Community arguing that both are "inseparable,"[441] an argument taken from Barry Buzan that "economic underdevelopment and poverty were causal factors in the type of social disorder that might threaten the stability of failing states."[442] The member states were forced to acknowledge that the poor economic performances of the majority of Mediterranean associates and their failure to meet the demand for jobs represented major threat to social stability which could overspill into the European mainland.[443] Thus the resulting the RMP emphasised the problems of population growth, migration from the non-EU Mediterranean countries to the EU and the intra-regional income differences. Additionally the RMP emphasised the importance of human rights, with a new clause enabling the EP to freeze the budget of a financial protocol if serious human rights violations justify it."[444]

According to Köhler, the RMP also added for the first time a "regional cooperation and civil society cooperation dimension to a cooperation paradigm".[445] The European Commission managed to convince the EEC members to increase the RMP budget for financial co-operation with the Mediterranean region.[446]Thus, 1.8 billion ECU was allocated for the conclusion of regional cooperation, out of which 500 million was designated for environmental protection.[447]

The RMP represented an upgrade of Euro-Mediterranean relations, first in the increase of the aid budget which was three times higher than before.[448] Second, it embodied several new conceptual developments such as, regional cooperation, civil society cooperation and human rights promotion, which later featured in the Barcelona process. Third, it promoted multilateral networks, decentralising

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[440] Bicchi, F. (2007). European foreign policy making toward the Mediterranean. New York, Palgrave Macmillan p. 111-112

[441] Gomez, R. op.cit., p.26.

[442] Buzan, B. Quoted in Gomez, R. (2003). *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy?* Aldershot, Hants, England: Ashgate. p.48.

[443] Gomez, R. op.cit., p. 26.

[444]MEDA Programme. (2000). *Euro-Mediterranean Cooperation* Retrieved from http://www.medea.be/index.html?page=2&lang=en&doc=767. Accessed on 28th April 2011.

[445] Köhler, M. (2003). The Security Concept of the European Union for the Mediterranean. In Brauch, H. G. (Ed.), *Security and Environment in the Mediterranean: Conceptualising Security and Environmental Conflicts.* New York: Springer. p. 203.

[446]MEDA Programme (2000) *Euro-Mediterranean Cooperation* Retrieved from http://www.medea.be/index.html?page=2&lang=en&doc=767. Access date 28th April 2011.

[447] Siousiouras, P. (2003). The Euro-Mediterranean Free Trade Zone: Prospects and Possibilities. *Mediterranean Quarterly, 14*.112-121.p.114.

[448] Bicchi, F. op. cit., p. 168.

cooperation and promoting public/private partnerships.[449]

In fact, for all these innovations, the achievements of the RMP were similarly limited. Under the RMP the trade agreements with the Mediterranean partners were left untouched.[450] Moreover, according to Bicchi, the final result of the RMP was poor since EC states were reluctant to share their resources. EEC aid, she stated, "represented 3 per cent of all overseas development assistance received by Mediterranean non-member countries." She added that, "aid per capital was 1.2 ECU per year compared to eastern European's ECU 6.8 and CAP countries' ECU 4.7."[451] Besides historical animosities among the states in the region, unending political tensions, combined with the unwillingness of the states to share their resources with their neighbours within the framework of development assistance programmes, were leading causes for the RMP's failure in fulfilling expectations.

The Global Mediterranean Policy and the Renovated Mediterranean Policy were nonetheless the first European attempts to approach the Mediterranean non-members in a coherent collective manner after the uncoordinated agreements that dominated the EEC's relation with region during the 1950s and 1960s. What they set in motion was to be more fully realised in their successor, the Euro-Mediterranean Partnership.

3.4 The Euro-Mediterranean Partnership (1995-2004)

Europe's security interests were similarly to drive the launching of the EMP in November 1995, which took a far more comprehensive and long-term approach to security in the Mediterranean. Following a European Council decision, a Euro-Mediterranean Conference of Foreign Affairs Ministers was held in Barcelona. The subsequent European Mediterranean Partnership, also known as the Barcelona Process, aimed to build a strategic partnership between by then the fifteen EU members and the states in MENA region.

The 1995 Barcelona Declaration established a number of principles on which the EU predicated its new partnership with the Southern Mediterranean. The first was that of its vision for the region: its stated aim was to "turn the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity."[452] As with the GMP and RMP, economic co-operation and exchange would provide the route to enhanced security. Secondly, this co-operation was to be based on a liberal normative vision which included both economic liberalisation and political democratisation within the Southern partner states. European financial and technical support would assist an economic liberalisation process, while political dialogue, civil society promotion, promotion

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[449] Ibid. p. 155.
[450] Ibid. p. 169.
[451] Ibid. p.168.
[452] Barcelona Declaration, op.cit.

of social cohesion, and respect for human rights would enable convergence towards a shared secure common area. The latter also entailed cooperation in the areas of disarmament agreements, combating terrorism, drug trafficking, illegal immigration, and arms control.[453]

To tackle this very wide agenda, the EMP set up three different "baskets" of activity: a political and security partnership, an economic and financial partnership and a partnership within cultural and human affairs.[454]

The first basket stressed that: "the peace, stability and security of the Mediterranean region are a common asset."[455] It therefore promoted an agenda which assumed democratic government would best ensure the stability and security of the region, and underpinned collective efforts to deal with shared "hard" security concerns. On the one hand, political dialogue at regular intervals would promote democratic government in Southern partner states, addressing sensitive subjects like respect for human rights, freedom of expression, freedom of association and freedom of thought. On the other hand, the EMP required its partners to strengthen their cooperation in combating terrorism, organized crime and drugs smuggling.[456] Finally, the political basket encouraged partners to "pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems."[457]

The second basket of the EMP emphasised the importance of sustainable and balanced economic and social development. The EMP pledged to create a Free Trade Area by 2010 and to assist Southern Partner states to improve their own socio-economic development so as to reduce the development gap between North and South shores.[458] To this end the EU set up a new financial instrument that became known as MEDA[459]. The EU agreed to set aside ECU 4.685 million for this financial assistance in the form of available Community budget funds for the period 1995-1999. This would be supplemented by EIB assistance in the form of increased loans and bilateral financial contributions from the Member States. A second phase, MEDA II, was later introduced in 2000 with an increased budget of 5,350 million EUROS.[460]

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[453] Ibid.
[454] Ibid.
[455] Ibid.
[456] Ibid.
[457] Ibid.
[458] Ibid.
[459]MEDA is the main financial instrument of the Euro-Mediterranean partnership. MEDA comes from MEsures D'Accompagnement (French for accompanying measures). The programme's regionaldimension deals with problems common to Mediterranean Partners and emphasises the Partners' complementary nature. There is also a bilateral dimension (e.g. Country Association Agreements). Avialbale at: http://www.emwis.org/overview/fol101997/fol221357. accessed on 32.October 2009.
[460] *Twelve Questions about the Euro-Mediterranean Cooperation: The Barcelona Process Explained* Retrieved from http://ec.europa.eu/europeaid/where/neighbourhood/documents/barcelona_qa_en.pdf. Access date 28th April 2011.

The third, cultural, basket of the EMP was designed to establish partnerships in social, cultural and human affairs, "bringing people closer" by increasing knowledge of, and understanding between, peoples and cultures; fighting racism, xenophobia and intolerance, and increasing exchanges between young people across the Mediterranean.

The Partnership worked on two levels: the bilateral (that is between the EU and the Partner Country), and the Regional (between the EU and countries of the region). Bilateral relations were established with each country of the Mediterranean through the Euro-Mediterranean Association Agreements (EMAA) which included commitments to specified economic, political and social policies on the part of Partner countries, in return for specified trade openings and financial assistance from Europe.

Regional relations involved multi-lateral dialogues and agreements covering broad cooperation in sectors such as industry, energy, the environment, finance and agriculture, tourism, and youth between the South and North shore of the Mediterranean. Regional cooperation was expected to support and complement bilateral actions.[461] The process appeared to have much appeal and the EU quickly signed a series of association agreements with Tunisia (1995), Israel (1995), Jordan (1997), the PA (Interim Agreement 1997), Egypt (2001), Algeria (2002), Lebanon (2002), and Syria (initialled 2004), while Libya had been given observer status.

3.4.1   The International Political Environment and the Road to the EMP

Clearly something momentous had happened to move the EU from the wishful inactivity of the RMP to this new, wide-ranging set of collective foreign policy commitments to its Southern neighbours. For a start, the end of the Cold War, the collapse of the Soviet Union and the collapse of the Berlin Wall prompted Europe to reorient its strategic landscape toward the southern Mediterranean.[462] The vacuum left by the withdrawal of a Soviet power offered the EU the opportunity to secure its territorial integrity, while making an impact on the international scene by preserving peace and prosperity in its southern and eastern peripheries.[463]

Although the absence of a Soviet threat enabled European member states to cut their own military spending,[464] new threats to regional "societal" security[465] were appearing in the form of illegal migration, Islamic fundamentalism and terrorism.[466] The three were not unconnected. In contrast to the 1970s, when Europe welcomed immigrants as a vital labour force to fuel its own growth, by the 1990s economic conditions in Southern Mediterranean states (and beyond) were driving illegal immigrants into Europe in numbers so large as to seem unmanageable. Migration became a hot

461   Ibid.
462   Xenakis, D.K. op. cit., p.75.
463   Ibid. p.75.
464   Bicchi, F, (2007), op. cit., p. 134.
465   Ibid. p. 107.
466   Ibid. p. 132.

political issue inside member states and collective "cognitive" uncertainty as to how to deal with the issue drove member states to seek a collective solution.[467] As the EU took measures to tighten its borders, the issue became "securitised" within the European Commission and European Parliament.

This was not least due to the linkage between migration and Islamic fundamentalism. The early 1990s witnessed a number of terrorist attacks inside the EU, specifically in France, which some linked to the Muslim immigrant population living inside its borders. The attacks were attributed to desires to punish western support for the Algerian military coup, which had put an end to the democratic experience of that state. The outbreak of violence on a huge scale in Algeria following the suspension of the electoral process in 1992 was a major concern for Europe in the early 1990s;[468] the Islamist nature of the opposition to authoritarian rule being something unfamiliar and hard to grasp.

How to combat what was perceived to be an ideological war became a European pre-occupation, and the EU directed its energies to securing itself from the Islamist threat from within (European police cooperation and the institutionalisation of the EU justice is a result of the result of the efforts to tackle this problem),[469] but also sought to combat the problem at its source.[470] Yacoubian, Bicchi and Gillespie have all analysed how Europe understood that a declining North Africa would be a "recipe for the rise of Islamist regimes and a major exodus of economic migrants and political refugees to Europe."[471]These new security challenges, it was believed, could not be countered by traditional power politics and military means, but called instead for a more comprehensive and liberal approach to security.[472]

If the Soviet collapse provided the opportunity for new policy, and the new threats provided the reason, the internal developments within the EU made a response of the scale of the Barcelona Process possible, the Maastricht Treaty of 1992 and the creation of the CFSP had increased the capabilities of the EU to unify its policies and approach the Mediterranean basin with a "comprehensive" approach.

A final catalyst had come at the regional level, with the initiation of a new MEPP in 1992. According to Junemann, "encouragement of Europe's aspirations to play a role in the Middle East which came from the Madrid and Oslo Peace Processes, gained additional energy and urgency out of self-interest

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[467]   Bicchi, F. (2007), op. cit., p. 107.
[468]   Gillespie, R. (1997). Northern European Perceptions of the Barcelona Process, *Afers Internacionals, 37*. 65-75, p. 67.
[469]   Bicchi,,F. op. cit., p.144.
[470]   Bicchi, F. (2007). op. cit., p.143.
[471] Gillespie, R. (ed.) (1997). *The Euro-Mediterranean Partnership, Political and Economic Perspectives*, London: Frank Cass Publishers p .1.
[472]   Malmvig, H. (2004). Cooperation or Democratisation? The EU's Conflicting Mediterranean Security Discourses. *DIIS working paper no. 2004/8.* p. 4.

in Europe's own security."[473] Although the Europeans insisted that the Barcelona Process would not replace the Madrid or Oslo initiatives, many observers considered the EMP a response to the marginalisation of the EEC/EU in the Middle East Peace thus far.[474]

In sum, as Bicchi concluded, and similar to the motivations behind the GMP in the 1970s, the EMP had been a collective response to the cognitive uncertainty in how to respond to these new security challenges, and had had little to do with desires for either common market enlargement or wider regional and intra-regional economic integration on the one hand, or liberal normative objectives on the other.

3.4.2 Drivers of the EMP: Spain, France, Italy and the Commission

The Barcelona Process was also, like the GMP, propelled forward by specific, self-interested member states. If France had been the prime mover before, during the 1990s Spain took this role, preparing and then mobilising the EU institutions, resources and members to put the Mediterranean region on the European agenda through the Barcelona Process.

Why did Spain shift its focus from its previous near-exclusive focus on Morocco to the rest of the Mediterranean non-member countries of the Mediterranean? In fact, it had already done so at the start of the 1990s, when the developing problems in North Africa were becoming clear, fostering and increasing the belief in Spain that there was "urgency to engineering a rapid improvement in the economic situations in all North Africa."[475] Together with Italy, Spain initiated an intensive consultation with other EEC members, the U.S, the USSR and several Arab states regarding establishing a Conference of Security and Cooperation in the Mediterranean (CSCM) [476]which could mirror the relative success of the Conference on Security and Cooperation in Europe (CSCE). [477] The Hispano-Italian proposal ultimately floundered due to German, Dutch, British and US opposition. [478] The Northern Europeans were at the time unconvinced that the problems of North Africa were European, and "not merely southern European, problems,"[479] while the U.S rejected the idea since it might strengthen the European presence in the Mediterranean at the expense of itself.[480]

The 1991 Gulf War and unfolding events in Algeria encouraged Spain to intensify its effort to change

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[473]   Junemann, A. (2003). Security-Building in the Mediterranean after September 11. *Mediterranean Politics, 8*, 1-20.

[474]   Bicchi, F. (2007). op. cit., p. 134.

[475]   Tovias, A. (1999) Spain's Input in Shaping the EU's Mediterranean Policies, 1986-96. In Rein, R. (1999). *Spain and the Mediterranean since 1898*. London: F. Cass. p.224.

[476]   Gomez, R. op.cit. p.49.

[477]   Tovias, A. op.cit., p.227.

[478]   MEDA (2002) *Conference of Security and Cooperation in the Mediterranean* Retrieved from http://www.medea.be/index.html?page=2&lang=en&doc=50. Access date 30 April 2011.

[479]   Gillespie, R. (1997). op. cit., p.66.

[480]   Tovias, A. op. cit., 227.

northern Europe perceptions of Mediterranean co-operation "as an unnecessary luxury".[481] They argued that the fundamental problems of the Mediterranean were not merely economic problems but rather a combination of social and economic challenges which were potential sources of unrest or so-called soft security threats.[482]

Spain was also motivated by a desire to consolidate its own transition to democracy. The government under Gonzalez saw the Mediterranean basin as a gateway for more involvement in the European foreign policies and felt that it could position itself as a key gatekeeper, enhancing its status and role within the EU, locating itself among western democracies, and gaining acknowledgement as a middle power.[483] It was a means to change its international identity: from being a "backward country receiving external aid, it becomes an industrialised, donor country. From emigration country, it turned into an immigration destination".[484]

France and Italy, bordering the Mediterranean, shared Spain's concerns and were natural allies in the project, although Spain played the major role in putting the Mediterranean on the European agenda at the time. Enjoying the "functionalist moment" made possible by the creation of the CFSP, the European Commission and the EP also played a significant role in advancing and utilising EU resources to support the Spanish proposal. Together, led by Spain, they exerted pressure on a number of fronts.

First, Spain courted German support. Not only was the financial support of Northern member states crucial,[485] but Germany specifically was considered 'the only country which [could] launch a realistic attempt to rebalance Europe's relations with its neighbours.[486] The friendship between Felipe González and the German Chancellor played a key role in persuading Germany to drop their opposition to the idea[487] but Gonzales also showed flexibility during negotiations to bring the Norther Europeans on board. Under British pressure Spain accepted the extension of the scope of the EMP to include the eastern Mediterranean rather than just 'Euro-Maghreb.' Second, under pressure from Britain and France, Spain showed readiness to exclude Libya from participation.[488] On the other hand, Spain had threatened its northern partners to block their attempts to moves towards an eastern expansion of the EU "unless a semblance of balance between east and south was introduced into the

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[481] Gillespie, R. (1997), op. cit., p. 67.
[482] Malmvig, H. op.cit., *p.4.*
[483] Bicchi, F. (2007), op. cit., p. 154.
[484] Ibid.
[485] Gillespie, R. (1997), op. cit., p. 66.
[486] Marín, M. Quoted by Gillespie, R. (1997). Northern European Perceptions of the Barcelona Process , *Afers Internacionals, 37*, 65-75. p. 66.
[487] Tovias, A. op.cit., p 228.
[488] Gillespie, R. (1997). Northern European Perceptions of the Barcelona Process, *Afers Internacionals*, *37*. 65-75, p. 66.

EU's external relations."[489]

Spain also intensified its diplomatic efforts in the European Commission, the Trade Commissioner of which – Manuel Marin – was a Spanish national. He proposed several communications to the Council in order to enhance the Euro-Mediterranean policy on their behalf.

One of the factors in Spain's favour was that the three EU presidencies stretching from 1 January 1995 to 30 June 1996 were in the hands of three Mediterranean members, France, Spain, and Italy, all of whom shared concerns over the new security threats.[490] In fact, during the preparation of the EMP, there was a joint policy entrepreneurship of Spain and France as they sent a joint letter from their two Ministers of Foreign Affairs, Juppe and Solana, in October 1994 to the President of the European Commission Jacques Doelo, and for EU presidency, in which their asked for more time on the EU agenda for consideration of the Mediterranean.[491]

France and Spain took on the lion's share of the task of drafting the Declaration and produced a document that reflects both the priorities of the Mediterranean members and the EU's interests in strengthening its economic grip on the region.[492]Greece, another Mediterranean member state, supported the initiative and nominated Barcelona to host the conference. Greece particularly welcomed supranational involvement in fighting the immigration problem.[493] Other members were hesitant to accept the original proposal especially with regards to the priorities of the EMP, its budget, and the nature of the Association Agreements. Germany, for example, feared that France might use the third basket to consolidate its own political influence in the Mediterranean, and further pushed to exclude cultural commitments to the region from the framework of the EMP arguing that "cultural politics were not the responsibility of the EU and should therefore be left out." Instead, Germany stressed the "importance of the fight against drug trafficking, terrorism, organised crime and, especially, migration."[494] It was clear that, while the Barcelona Process ultimately gained traction because of a growing shared sense of security threat, the EU member states had different priorities in terms of how they wanted these to be addressed. The Northern member states encouraged the Euro-Mediterranean initiative as a response to common security challenges, but were less interested in providing extensive economic assistance or engaging in cultural and political dialogues than in offering preferential trade concessions and "emphasizing the role of the private sector in providing

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[489] Ibid. p. 66.
[490] Tovias, A., op.cit., p 228.
[491] Bicchi, F. (2007), op. cit., p.144.
[492] Ibid. p.164.
[493] Bicchi, F. (2001) European Security Perceptions vis à vis the Mediterranean: Theoretical and Empirical Considerations from the 1990s. *JMWP 39*. (1) Working paper.
[494] Tanner , F. (2005). Security Cooperation: A New Reform Orientation? In Amirah Fernández, H., & Youngs, R. (Eds.) (2005). *The Euro-Mediterranean partnership: Assessing the First Decade*. Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico.p.115.

investment funds."[495] They sought economic reform solutions to the MENA region's problems and succeeded in reducing the EMP's funding package from the original ECU 5.5 billion sought by Commissioner Manuel Marín to ECU 4,685 million."[496]

> "The predominant domain of northern interest has remained the economic dimension,
> within which the main British contribution at Barcelona was an insistence on the need
> to stimulate trade and investment."[497]

Southern European member states were more concerned with the wider range of secure solutions and with using economic assistance as a tool for closing the development gap as quickly as possible. The tension was clear in the negotiations over the Association Agreement with Morocco:

> "While the northern European states wanted to give commercial concessions to
> certain Moroccan food products the southern Europeans maintained that aid should be
> used to help Morocco become self-sufficient in food."[498]

3.4.3   The Role of the European Commission in the EMP Preparation Process

As member states lobbied for their own preferences, with Spain and France leading the way as policy entrepreneurs, the Commission and the European Parliament, newly empowered by the Maastricht Treaty and their roles relating to the CFSP, also contributed, albeit differentially across the baskets of the EMP.

The EMP had been built on reports that were initially prepared by the European Commission and on its communications with the rest of the European. In 1992, the Commission proposed a Euro-Maghreb partnership, a dialogue on all matters of common interest between the EU, Algeria, Morocco and Tunisia. By 1993, EU participation in the stop-start multilateral track of the Middle East Peace Process had convinced, External Relations in the Commission (DG1B) that this partnership concept should be extended to Israel and the Mashreq countries.[499]

As mentioned previously, the Trade Commissioner, Manuel Marin, presented a proposal in October 1994 for the establishment of a Euro-Mediterranean Partnership, later to be submitted to the European Council in Essen in December, and subsequently discussed in more detail at a ministerial conference. The main elements of the proposal were (1) the creation of a Euro-Mediterranean free trade area by about 2010; (2) a doubling of the financial assistance drawn on the Community's own budgetary

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[495] Spencer, C. (1996, January). *The Mediterranean and the European Union*. Paper presented at the International Centre for Islamic Studies. Cited in Gillespie, R. (1997). Northern European Perceptions of the Barcelona Process, *Afers Internacionals, 37*. 65-75. p.67.
[496] Ibid. p. 67.
[497]   Gillespie, R. (1997). op .cit., p. 70.
[498]   Ibid.p. 66.
[499]   Gomez, R. op.cit., p.70.

resources for the period 1995-99 (about 5.5 billion ECU); and (3) increasing technical cooperation (based on the experience drawn from the Poland and Hungary Assistance for the Restructuring of the Economy (PHARE) programme with central and eastern European countries.[500] The European Council endorsed the proposals.

The Commission then participated in all the preparation meetings of the EMP. At the subsequent implantation level the Commission were in charge of negotiating the actual Association Agreements with the EMP partners. This gave it considerable influence in shaping the operational and technical aspects of the EMP, which in turn enhanced its own status and power relative to both member and non-member states..

3.4.4 Evaluation of the EMP

Over time, a number of scholars and commentators have examined the achievements and failings of the EMP and by all accounts it has fallen short of meeting its declared objectives. All three baskets of the EMP have demonstrated significant deficits, failing to meet the lofty objectives enshrined in the Barcelona Declaration.[501] These deficits arose variously from problems with the programmes and aims of the EMP itself, the impact of external influences such as the MEPP, and the institutional structures of the EMP.

The first criticisms came from the EU's MENA partners. They criticised the EU for its lack of prior consultation with the Mediterranean states on what the latter understood to be their real problems and needs before the Process was constructed. This is understood to be "patronising and a form of new imperialism."[502] They then pointed to the institutional set-up of the EMP, which favours the European side. They argued that agendas were set and meetings chaired either by the EU Presidency or the European Commission, giving EU institutions the exclusive right to control the schedule and, to some extent, even the outcome of negotiations.[503] In such an unbalanced context, conditionality becomes a tool reinforcing a powerful bias in favour of European values and interests. Some analysts have therefore argued that the political conditionality behind the economic and financial partnership "exposes the Mediterranean partner countries to the good will of the Europeans, thus offending their demand for equal partnership."[504]According to Johansson-Johansson-Nogués, these arrangements exacerbated the weakness of SMP states' positions as they "were not kept sufficiently or timely

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[500] Tovias, A. op.cit,.p.228.
[501] Amirah Fernández, H., & Youngs, R. (2005). *The Euro-Mediterranean partnership: Assessing the First Decade*. Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico. p14.
[502] Gomez, R. op.cit., p. 73.
[503] Johansson-Nogues, E. (2011). The UfM's Institutional Structure: Making Inroads towards 'Co-Ownership'? *Mediterranean Politics. 16*, 21-38. P. 22.
[504]Jünemann, A. (1998). Europe's Interrelations with North Africa in the New Framework of Euro- Partnership - A Provisional Assessment of the Barcelona Concept. *Proceedings of The European Union in a Changing World.* Luxembourg. p. 383. Quoted by D. K. Xenakis and D. N. Cryssochoou, art. cit., p. 11.

enough informed with regard to the agenda of the Euro-Med Committee."[505]Accordingly, this made it difficult for them to "elaborate alternative options to the EU's proposals, had they so desired."[506] Correspondingly, Bicchi blamed the partner states for their inability to impress a clear direction to the EMP's agenda. This, according to Bicchi, was due to the fragmentation of the Arab countries and has led to an imbalance in the partnership in which the European participants fixed the EMP agenda without taking into consideration the needs and agendas of their partners.[507]

SMP states also criticised the EMP for its failure to take into account "intra-regional diversity"[508] - the programmes were not sufficiently accommodating of different political, economic and cultural environments in partner states.[509] Finally, they accused the Europeans of paying more attention to their own security, whilst ignoring the interests of their partners. Excluding the status of migrant workers in the Union from the draft documents and the EU's reluctance to make substantial new trade concessions to its partners have been cited as examples of this trend.[510]

Further criticisms were levelled at each of the baskets specifically. The political and security basket which aimed to establish regional confidence-building measures and a common area of peace and stability came under fire from Spencer, who concluded that the lack of mutual trust among the EMP partners, mainly the Israelis and the Arabs, fundamentally undermined the basket's ambitions. Who saw the resolution of the Arab-Israeli conflict as being essential to a normalization of their relations with Israel.[511] For the Arabs, resolution of the conflict was a precondition for normalisation with Israel, inhibiting progress in any other area. Secondly, Spencer suggested that basket had suffered from the exclusion of the U.S, without whom wider co-ordinations with other initiatives such as the North Atlantic Treaty Organisation (NATO) and the Western EU (WEU) would not have been possible.[512]

The European Security Strategy stressed the importance of well-governed democratic states as the best protection for European security,[513] and the EMP laid significant emphasis on democracy promotion, political reform and human rights. All the Association Agreements included articles relating to respect for human rights and EU advocates pointed out that by including specific clauses

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[505]   Johansson-Nogues, E. (2011), op.cit., p.22.
[506]   Ibid. p. 22.
[507]   Bicchi, F. (2004). The European Origins of Euro-Mediterranean Practices. UC Berkeley: Institute of European Studies. Retrieved from http://www.escholarship.org/uc/item/8c44c395 .p.11 Access date 28th April 2011.
[508]   Calleya, S. C. (1997). Navigating regional dynamics in the post-cold war world: patterns of relations in the Mediterranean Area. In Gomez, R. (2003). *Negotiating the Euro-Mediterranean partnership: strategic action in EU foreign policy?* Aldershot, Hants, England: Ashgate. p. 73.
[509]   Gomez, op.cit., p. 73.
[510]   Ibid. p. 73.
[511]   Spencer, C. (1997). Building Confidence in the Mediterranean, *Mediterranean Politics, 2*(2*), 23-48.* p.42.
[512]   Ibid. p. 42.
[513] European Council. (2003, December) A Secure Europe in a Better World. *European Security Strategy* Retrieved from http://ue.eu.int/uedocs/cmsUpload/78367.pdf. Access date 28th April 2011.

relating to human rights, reform and democracy promotion issues in the EMAA, the EU managed to put the democracy and human rights issues on the negotiation table with its partners in the south. In addition, the EMP, through the European Initiative for Democracy and Human Rights (EIDHR), had initiated and funded several projects aimed at promoting democracy and human rights projects, providing electoral assistance, observation missions, and support for gender equality, womens rights, the media, and civil society groups.[514]

However, the evidence suggests that the EU was not truly interested in enforcing compliance on its partners in the EMP when this jeopardises its own more direct security interests. Indeed, critics argued that it would even support undemocratic, authoritarian regimes when necessary to address more immediate concerns such as fighting terrorism, stopping illegal migration, and combating drug trafficking. If pushing harder on issues like political reform might have jeopardised the EU's security cooperation relations with these regimes, then the EU wouldn't push. [515]

Tanner argued that European security concerns mentioned above "have taken precedence over institutional reform objectives, such as enhancing respect for human rights, accountability and civilian oversight over security forces of southern Mediterranean countries." [516] Tanner went further, arguing that the EU and its members utilised EMP financial resources to support the existing regimes in MENA to enhance the efficiency of their security forces, mainly to stop undocumented migration across the Mediterranean.[517] In his study, he found that the EU allocated a 250 million Euro fund for supporting third countries in preventing irregular migration towards the EU, and in 2004 a project by the European Police College was carried out aimed at training police forces of southern Mediterranean countries in fighting terrorism and human trafficking.[518] Such support could have had direct adverse effects on the security of Partner state populations at risk from their own national security forces. This tendency has increased as September 11, where the Mediterranean governments have become important partners in the fight against terrorism.[519]

 In his evaluation of EMP approaches to human rights and democracy, Aliboni attributed the reluctance to impose democracy-related conditionality on the MENA regimes to be an example of the absence of political will, pointing out that "trade and aid benefits have not been withdrawn in

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[514] European Union (2009). *The Euro-Mediterranean Partnership (EMP) - The Barcelona Process European Union Factsheet.* Retrieved from http://www.consilium.europa.eu/uedocs/cmsUpload/MEDIT.pdf. Access date 20th October 2010.
[515] Tanner, F. op.cit., p.74.
[516] Ibid.
[517] Ibid.
[518] Ibid.
[519] Jünnemann, A. (2004). *Euro-Mediterranean Relations after September 11. International, Regional and Domestic Dynamics.* London: Frank Cass. p.7.

response to authoritarian practice,"[520] while Attina argued that conditionality clauses in the EMP were written in an ambiguous way where the articles "do not define in detail when the mechanisms are to be activated, how serious the infringement should be before they are activated, nor what is to be considered as a severe, a persistent or a continuing violation of human rights".[521] She adds: "the activation is ambiguous as the agreement provisions do not identify who decides when to do it and what institutional procedure should be involved".[522]

Gillespie argued that European decision-makers have always been more focussed anyway on the second basket, which aimed to develop an economic and financial partnership, than on the first political and security basket or on the third basket which aimed to promote social cultural and human affairs dialogue.[523] This was built on the assumption that "economic liberalization was the key to the success of the whole Barcelona Process".[524] There remain divergences here between Northern and Southern European states: while the "Northern European countries have, at times, manifested a remarkable interest for the Mediterranean, although they have only seldom turned that interest into specific discussion points the interest of Southern Europeans has been deeper and more consistent, while at the same time not necessarily affecting the agenda."[525] As Yacoubian puts it, due to their proximity, concerns over illegal migration and instability, the Southern European states "have been less willing than their northern neighbours to rock the boat and push for reform." They were more "uncomfortable with the notion of conditionality"[526] while "northern-tier countries such as Britain and Germany have pushed for a more stringent interpretation of the human rights clause embedded in the association agreements."[527]

As a result of unwillingness of the EU members to challenge the MENA regimes, the EU shifted its attention to focus more towards issues of human rights rather than democracy, since European public opinion was more sensitive to this and it was somewhat less controversial for the Mediterranean regimes.[528] The latter has also been able to play on European fears that democracy might have brought to power anti-western radical religious forces. These fears dominated the concerns of southern European governments more than their northern counterparts.

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[520] Aliboni, R. (2005). EMP Approaches to Human Rights and Democracy. In Amirah Fernández, H., & Youngs, R. (2005). *The Euro-Mediterranean partnership: Assessing the First Decade*. Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico.p.48.
[521] Attina, F. (2003) The Euro- Mediterranean partnership Assessed: the Realist and Liberal Views *European Foreign affairs review 8* (2). p.11.
[522] Ibid. p.11.
[523] Gillespie, R. (2003) Reshaping the Agenda? The Internal Politics of the Barcelona Process in the Aftermath of September 11 *Mediterranean Politics, 8* (2) 22 - 36.p.21.
[524] Ibid. p.21.
[525] Bicchi, F. (2004). op.cit., p.11.
[526] Yacoubian, M. (2004). *Promoting Middle East Democracy European Initiatives*. Washington, DC: U.S. Institute of Peace. Retrieved from http://purl.access.gpo.gov/GPO/LPS59638.p.7. Access date: 28th April 2011.
[527] Ibid.p.7.
[528] Aliboni, R. op.cit., p. 52.

The limited budget resources allocated to democracy promotion and supporting human rights in the MENA region, in comparison to that provided to Central and Eastern European partners, was also a factor limiting these EMP programmes.[529] A final point to note is that democracy and human rights cannot be imposed without or against the will of local constituencies nor implemented overnight.[530] Not only had European attempts failed to take account of the different understanding and perceptions of democracy between European and the MENA region,[531] as Jünemann pointed out, the EMP "must not be based on a dialogue between governments only, but has to include populations, in particular their democratic forces."[532] In sum, she blamed the limited influence of the EMP on "complex structures" and the "lack of political will on both sides to put life into the normative spirit of the Barcelona Process."[533]

Ironically, given the EU's determination to separate the two tracks, the main problem for the first basket had been in keeping the EMP independent from the MEPP. Since the two areas included the same, conflicting parties, the Barcelona Process became a hostage to, and at the mercy of, the MEPP. The November 2000 Marseilles meeting and the April 2002 Valencia meeting of Foreign Ministers of the EMP were clear examples of the negative impact of the Peace Process on the EMP. The Syrian and Lebanese representatives boycotted both meetings, "in protest at the Israeli reaction to the Intifada".[534] Peters suggested that even considering bringing the Israeli and the Arab foreign ministers to discuss areas of future co-operation before the core political issues at the heart of the conflict had been resolved was "idealistic and naïve."[535] More than this, he argued that the EMP and MEPP between them introduced too many competing multilateral regional projects that aimed to promote peace in the region. He argued that this led to the "emergence of competing frameworks and approaches and in duplication of resource and activities without any analysis of the effectiveness."[536]

This is acknowledged by the Commission itself. In an internal evaluation of the EMP, the Commission statesd that: "the difficulties in MEPP have slowed progress and limited the extent to which full regional co-operation could develop."[537] The report added: "not only are the countries in the region very different in terms of political systems and levels of economic development but some are much more affected by the evolution of the MEPP than others." [538]

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[529] Ibid. p.53.
[530] Ibid. p.53.
[531] Attina, F. op.cit., p.11.
[532] Jünemann, A. (2003). op.cit., p. 1-20.
[533] Ibid.
[534] Asseburg, M. (2003). The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership *Mediterranean Politics, 8*(2&3) 74 - 193. p.174.
[535] Peters, J (1998). The Arab-Israeli Multilateral Peace Talks and the Barcelona Process: Competition or Convergence? *The International Spectator, 33* (4) 63-76.
[536] Ibid. p.44.
[537] Communication from the Commission to the Council and the European Parliament to prepare the fourth meeting of the Euro-Mediterranean Foreign Ministers. *Reinvigorating the Barcelona Process COM 2000.* 497-final, p. 3.
[538] Ibid. p. 3.

Finally, bureaucracy and structural complicity was another challenge facing the EMP due to the multiple layers of diplomats and bureaucrats from the national governments and the European Commission, the multi-budget cycles, cumbersome bureaucracy, and complex and dualist decision making which hindered effectiveness and delayed the crucial decision-making process designed to improve economic efficiency.[539] The end result was a widening gap between the European statements and policies on the ground. Notably, for example, according to Yacoubian, in the first five years of the EMP, "only 26% of the amount committed in economic aid was ever actually disbursed."[540]

3.4.5 Evaluation of the Economic Basket of the EMP

According to Yacoubian, conflicting loyalties between the European Council, which represented the interests of individual member states, and the European Commission, whose mandate was tied to the interests of the EU as a whole, also added to bureaucratic tensions. The Commission often looked to enhance the EU structure, while the Council could be constrained by individual members who jealously guard their prerogatives.[541] Moreover, since the EU Presidency rotated between different EU member states every six months, the prioritization of different issues tended to differ from one EU presidency to another, which clearly had a negative impact on continuity and consistency of the agenda of the process.[542]

The economic basket of the EMP drew its own evaluations. The main aim of the economic and financial partnership was to establish a Euro-Mediterranean Free Trade Area (EMFTA), which included over 800 million people, 60 per cent of whose total trade was with each other.[543] This tantalising prospect might explain why the EU allocated over "90 per cent of the funds provided for the EMP to the Economic and Financial Partnership (EFP)."[544] The economic basket was itself structured via three pillars; first, the Euro-Mediterranean Association Agreements, second, economic cooperation among the partners and finally, financial and technical assistance. The EMP funded projects in each country, from the MEDA financial instrument, based on five criteria;(1) the beneficiaries' priorities, (2) their evolving needs, (3) their absorption capacity, (4) progress towards structural reform and (5), the effectiveness of those measures in achieving the objectives of

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[539] George, J. (2005). The Euro-Mediterranean Partnership and Foreign Investment. In Amirah Fernández, H., & Youngs, R. (2005). *The Euro-Mediterranean partnership: Assessing the First Decade.* Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico. p.39.

[540] Yacoubian, M. op.cit., p.8.

[541] Yacoubian, M. op.cit., p.8.

[542] Johansson-Nogués, E. (2008). The Construction of an EU Foreign Policy Identity Resonance and Dissonance in the European Union's Relations with the Mediterranean, Northern Europeans and western Balkan borderlands. *Universitat Autonoma de Barcelona* .1-273 Retrieved from http://www.tesisenxarxa.net. p. 122.

[543] Brach, J. (2006). Ten Years After: Achievements and Challenges of the Euro-Mediterranean Economic and Financial Partnership GIGA Research Unit. *German Institute for Middle East Studies, GIGA Working Papers, 36.* p.6.

[544] Ibid. p.6.

Community support.[545]

There were two main schools of thought regarding how to assess the impact of the economic basket. The first, propagated by the European institutions themselves, argued that despite the economic and political challenges that the economic basket has faced, it had managed to achieve the significant goal of integrating the Mediterranean economy sufficiently to protect the SMPs from falling into international economic isolation in a difficult environment. According to the European Union's own figures, the EMP managed over the last 15 years to strengthen the relationship between both shores of the Mediterranean on several levels.

The EMP "created a wave of cooperation among its member in several fields, such as financial assistance, trade, agriculture, archaeology, education and the empowerment of women".[546] It managed to bring the Mediterranean partners' regulatory procedures closer to EU rules, and to facilitate access to the EU market and remove non-tariff barriers to trade.[547] Plus, through the Regional Assistance Programmes, the EMP managed to promote intra-regional co-operation among the different Mediterranean countries. Several regional agreements had been concluded among the Southern Mediterranean countries themselves. For example, in 2007, Tunisia, Morocco, Jordan, and Egypt signed the Agadir Free Trade Agreement. Israel and Jordan signed a Free Trade Agreement. Additionally Egypt, Israel, Morocco, the PA, Syria, and Tunisia signed bilateral agreements with Turkey.[548] According to EU figures the total trade between the Mediterranean members of the EMP and the EU was €127bn in 2007 – some 5% of total EU external trade. The total exports to the EU from the Mediterranean region grew by an average of 10% a year since 2000 to reach €67 billion. The Mediterranean imports from the EU increased by 4% since 2000 and the Imports from the EU increased by 4% between 2000 to reach €60 billion.[549]

At the same time, more than €20 billion of EU funding was allocated to bilateral and regional projects. For example, the technical and implementation instrument of Barcelona Process (MEDA) allocated more than €3.4 billion between 1995 to 1999 while the total amount of funds MEDA II spent on the Mediterranean partnership increased between the periods 2000-2006 to reach €5.3 billion

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[545] Council Regulation (EC) (1996). Financial and Technical Measures to Accompany (MEDA). *The Reform of Economic and Social Structures in the Framework of the Euro-Mediterranean Partnership Official Journal. 1488* (96).

[546] Pace, M. (2005). EMP Cultural Initiatives: What Political Relevance? In Amirah Fernández, H., & Youngs, R. (2005). *The Euro-Mediterranean partnership: Assessing the First Decade.* Madrid: Real Instituto Elcano de Estudios Internacionales Estratégico.p.67.

[547] Euromed. (2010). *Euro-Mediterranean Trade Relations are Healthy and Growing.* Retrieved from: http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/euromed/. Access date 20th October 2010.

[548] European Union (2009). *The Euro-Mediterranean partnership (EMP)- The Barcelona process European Union Factsheet.* ,op.cit.

549 Euromed. (2010). Euro-Mediterranean trade relations are healthy and growing. Retrieved from http://ec.europa.eu/trade/creating-opportunities/bilateral relations/regions/euromed. Access date 20th October 2010.

in 2006.[550]

The second school believed that the EMP's economic basket had more or less failed. Not only had it failed to utilise economic tools to leverage political reforms in partner states, but in spite of the marginal economic reforms that the SMPs had adopted, they were unable to attract the kind of foreign direct and private investment which would have helped to create new jobs and reduce poverty, which were the aims of the programme.[551] In their assessment to the second basket of the EMP Eberhard Kienle and George Joffé found that over the last decade much of the potential domestic investment fled the region towards more profitable markets elsewhere. According to Joffé "the SMPs lack comparative advantages outside of the oil and gas industries."[552] Moreover, failure to progress political reform meant economies had become rife with unattractive poor governance, crony capitalism and corruption.

The EU also comes in for criticism for its own structure. It allowed its members to impose protectionist policies against the products coming from the SMP states under the Common Agricultural Policy. The Euro-Mediterranean Free Trade Area (EMFTA) was de facto limited to trade in industrial goods, excluding the agricultural products which were an important source of revenues were for and which only accounts for six per cent of the total trade between the Mediterranean non-members and the EU.[553] Even the import of industrial goods from its partners into the EU was also not by and large free of customs, but was only "granted if a 60 per cent local content requirement is met."[554] As a result, the SMP partners couldn't expand their agricultural products to the European markets far beyond the preferential treatment they had already been granted since the 1970s.[555] According to Brach, the EMFTA "establishes a preferential unilateral opening on the side of the Mediterranean partners for European exports, rather than reciprocal trade liberalization".[556] Moreover, although the EMP emphasised freedom of movement of people and goods as essential elements of a free trade zone, fears of waves of immigration prompted the EU to restrict this in policy terms.[557]

Finally, we should note that the difficulties of integrating Israel into regional trade were another factor that hindered regional economic integration: the vast majority of the Arab stated boycott Israeli

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550 Ibid.
551 Kienle,E. (2005). Political Reform through Economic Reform? The Southern Mediterranean States Ten Years after Barcelona. In Amirah Fernández, H. & Youngs, R. (2005). The Euro-Mediterranean partnership: Assessing the First Decade. Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico. p.33.
552 Joffé, G. (2005) The Euro-Mediterranean Partnership and Foreign Investment in Amirah Fernández, H., & Youngs, R. (2005). The Euro-Mediterranean partnership: assessing the first decade. [Madrid], Real Instituto Elcano de Estudios Internacionales y Estratégico.p.41.p.41.
553 Brach, J. op.cit., .p.18.
554 Ibid. p.21.
555 Ibid. p.18.
556 Ibid. p.18.
557 Ibid. p.21.

products.[558]

Cultural activities across the Euro-Mediterranean space, the third basket of the EMP,   had increased considerably since the launching of the EMP, especially in the wake of the September 11 attacks, although they had not drawn the same attention that the first and second baskets had, and remained relatively modest overall.[559]

According to Pace, there were several reasons behind the modesty of the cultural dimension of the EMP. First the constraints to mobility and the complexity and rigidity of the European visa regulations prevented true cultural dynamism from taking place within and among Euro-Mediterranean societies. [560]Secondly, the EMP programmes related to culture, audiovisual and educational areas were"elite oriented and remain relatively unknown outside certain milieux."[561]Third, the exchange programmes aimed to enhance EU member states' knowledge and understanding of Mediterranean partner societies' culture, outlooks and priorities "have not been sufficiently two-way."[562] Cultural programmes were largely limited to non-sensitive issues and avoided subjects considered uncomfortable for both sides of the EMP such as religion and principles of tribal law.[563]

3.4.6 Analysis of the EMP

The discussion of the motives of the EMP offered above shows that European policy-makers had acknowledged that instability in the Mediterranean was linked to failure of the SMP governments to meet the needs of their citizens, both in terms of economic growth and opportunities, and in terms of democracy and basic freedoms. These deficits proved to be a dangerous cocktail that fuels terrorism, political extremism and violence, as well as illegal immigration into Europe. [564] Thus it was not only because of its energy dependence on the MENA region that Europe could not afford to neglect the Mediterranean basin. Its own security remained the key factor creating a shared European interest in that region.

The EMP drew upon the philosophy and principles of neo-liberal institutionalism in what amounted to a soft power exercise. Economic tools like trade reform and financial assistance had been used to achieve security-oriented and political ends, the assumption being that economic growth in, and co-

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[558] Weidenfeld, W. Janning, J. and Behrendt, S. (1997). *Transformation in the Middle East and North Africa. Challenge and Potential for Europe and its Partners.* Bertelsmann Foundation Publishers: Guetersloh .p.26.
[559] Amirah F, H., & Youngs, R. (2005). The Euro-Mediterranean partnership: Assessing the First Decade. Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégicos.p.7.
[560] Pace, M. (2005). EMP Cultural Initiatives: What Political Relevance? In Amirah Fernández, H., & Youngs, R. (2005). *The Euro-Mediterranean partnership: Assessing the First Decade.* Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégico.p.68.
[561] Ibid. p. 64.
[562] Ibid.p. 64.
[563] Ibid. p. p. 67.
[564] Malmvig, H, op.cit. p.4.

operation (and even integration) with SMPS would bring stability and security not just to them but to mainland Europe itself.

Acknowledging that building a zone of peace and stability needed more than just economic incentives and bilateral trade agreements, the EU emphasised in the EMP that economic reform had to be backed up by political and social reforms,[565] and also that cooperation between governments and economies required popular engagement and endorsement (co-operation between peoples, culture and civil societies),[566] reflecting the normative liberal dimensions of the EU itself. This approach drew on the cumulative European experience in multilateralism and regional co-operative structures,[567] which suggested that economic integration itself promotes, indirectly, political reconciliation, stability, and cooperation.[568] The basic idea was that "political liberalisation in the Mediterranean area will follow automatically from economic liberalisation;"[569] in other words, the EU, by supporting economic opening in the SMPs, was exporting the functionalist spill-over effect such that the political and security basket would benefit from the achievements of the economic integration in the second basket.[570]

So the EMP had origins and motivations which were predicated on common rational self-interests of member states (the security agenda) whilst the language and tools of the process suggested a more normative and liberal agenda. The two were not entirely incompatible: adopting a realist understanding of the EMP did not mean denying the role and relevance of liberal principles and values, such as multilateralism, human rights and democracy promotion. What realists questioned according to Hyde-Price was:

> "…the claim that such idea continues to determine policy when they conflict with vital national or common interests. Consequently, concerns about human rights and democracy promotion are more likely to influence those who make EU foreign policy when Europeans' security or vital economic interests are not at stake"[571]

The evidence lie in EU's reluctance to push for democratisation and respect for basic human rights in the Mediterranean states when this threatened relations with SMP governments which secured Europe's borders from migrants, terrorism, Islamic fundamentalism, organised crime and drug trafficking.

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[565] Barcelona Declaration, op.cit.
[566] Xenakis, D.K. op.cit., p. 87
[567] Perthes, V. (2004). Europe looks at plan for a Greater Middle East. *The Daily Star*
[568] Smith, M. E. (2004). *Europe's Foreign and Security Policy: The Institutionalization of Cooperation.* Cambridge: Cambridge University Press. p.25.
[569] Gillespie, R. (1997), op.cit., p.70.
[570] Attina, F (2003), op.cit., p.17.
[571] Hyde-Price, A. (2008). A 'tragic actor'? A realist perspective on 'ethical power' Europe. *International Affairs*. *84*, 29-44.p.39.

The EMP did, however, represent an advance on the pure inter-governmentalist self-interest of the GMP. The "policy window" created by a convergence of events in the early 1990s, together with the new momentum for collective foreign policy-making represented in the CFSP, meant that the member states with the most at stake (due principally to geographic proximity) could collaborate with newly empowered EU institutions (specifically the Commission when it came to foreign policy-making, but also the Parliament) to promote a more normatively directed and generally broader Mediterranean policy.

The EU and its institutions increasingly understood their role to be that of an 'ethical' power, serving as the institutional repository of member states' shared second-order normative concerns. The EU was to be regarded as a 'force for good' in the world, championing values and principles that have universal applicability and reflect cosmopolitan norms.

This meant that there was now a fundamental contradiction at the heart of the EU's identity and role as an international actor. The member states preserved the basic inter-governmental dominance of EU structures in the CFSP and used it to protect a security-first agenda. But the "moment" of supra-nationalism in foreign policy-making meant that the discourse and instruments extended Mediterranean Policy beyond this, raising expectations in ways which were ultimately unfulfilled and which undermined the EMP's credibility.

At the same time, however, the role of Spain and France in the drafting and preparation process illustrated how membership of the EU, and participation in its institutions and processes, helped the governments of EU members' states to discover their common interests, redefine their own interests, and explore the possibilities for efficient cooperation. Thus it would be wrong to assume that the only actors who formulated and decided the outcome of the EMP making were the EU members or that their interests and positions were unchanging. In other words, the EMP supported the argument that functionalism still had a certain logic, and that functionalist pressures did exist, even if they were not always strong enough to provoke deeper changes. The EMP showed that, although EU members had their own pre-determined political stances and agendas that reflected their domestic preferences, the outcomes of CFSP were not just a product of the self-interested behaviour of EU members but also as a result of fulfilling the obligations of EU membership, the socialising impact of membership of its institutions, and the impact of the international system. For example, the way that Spain managed to convince its partners of the importance of the EMP for all the EU members and its threat to block the European initiatives to eastern European countries showed that the EU states improved their prospects for cooperation by shifting from a bargaining style of cooperation to a problem solving style of cooperation. Finally, the demands of domestic lobbies within member states to protect local agriculture through protection from SMP agricultural imports, in defiance of the spirit and purpose of the EMP showed that domestic politics within member states could also play a role in shaping policy

and contradicting the over-arching security logic of the process.

So, in sum, we can say that the EMP was a good exemplar of the strengths and flaws of the CFSP itself. It operated at multiple levels and through multiple agencies; the dominant logic was a realist self-interest on the part of member states which was protected through inter-governmental mechanisms which ultimately determined policy. However, it was influenced in form and content by supranationalist and normative dynamics which were embedded within the institutions of the EU and empowered, albeit temporarily and restrictedly, by the CFSP and which were manifest in operational, implementational and budgeting functions of the Union. Moreover, this was a dynamic process, influenced both by the socialising effect of membership and by the upward pressures from domestic lobbies. In the end, however, alternative agendas were sacrificed to the imperatives of security, undermining the EMP's efficiency, effectiveness and credibility.

3.5 The European Neighbourhood Policy (2005-2009)

Despite its failings, the EMP had not been entirely abandoned but rather reformulated. In 2005, the EU formulated a new Neighbourhood Policy, reasserting the same basic goals that the Barcelona process had failed to achieve. The factors that led Europe to launch the Barcelona process (security, energy dependency, instability, and immigration) remained salient, with EU enlargement demanding the EU to rethink its relations with its southern and eastern neighbours. The ENP was a European attempt to "prevent the emergence of new dividing lines between the enlarged EU and its neighbours."[572] In its report the European Commission had stressed the point: that "the EU has a vital interest in seeing greater economic development and stability and better governance in its neighbourhood."[573]

The idea of the Neighbourhood Policy dated back to March 2003, when External Relations Commissioner, Chris Patten, and High Representative, Javier Solana, proposed in a Commission communication to the to the Council and the European Parliament, entitled "Wider Europe—Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", that enhanced EU relations with Ukraine, Moldova, Belarus and the Southern Mediterranean countries should be based on a long term approach promoting reform, sustainable development and trade.[574] The Wider Europe proposal was followed by several proposals from the European Commission such as "Paving the Way for a New Neighbourhood Instrument" (July 2003) and The Strategy Paper on the European Neighbourhood Policy (May 2004). The latter emphasised that the ENP has several objectives, mainly "to share the benefits of the EU's 2004 enlargement with neighbouring countries in

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[572] European Commission. (2006). Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy COM. 726- Final. p.2.
[573] Ibid.p.2.
[574] European Commission (2003): Wider Europe Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, in: Communication from the Commission, COM (2003) 104 final.p.12.

strengthening stability, security and well-being for all concerned through participating in various EU activities."[575]

In its internal repots to the Council the commission emphasised that the ENP "will build on a mutual commitment to common values" and would be with nations that "share the same values of democracy, respect for human rights, and the rule of law"[576]. Thus, in the hopes of developing a "zone of prosperity," the EU would offer its new neighbours the prospect of entry into its internal market and, ultimately, the four freedoms (freedom of movement of goods, of persons, of services, and of capital) of EU membership in exchange for the implementation of significant political, economic, and institutional reforms.[577]

The new European Neighbourhood Policy (ENP) was considered a different type of instrument, based on deepening the EU's bilateral relations with neighbouring states without the prospect of joining the EU in the near future. The initiative was initially designed to target the ex-Soviet states which shared direct land or sea borders with the EU. However, after the European Union's southern-tier members lobbied the EU the Mediterranean states were included in the new policy.[578]

This extended the geographic area of the ENP to include Jordan, Egypt, Algeria, Belarus, Georgia, Lebanon, Israel, Moldova, Ukraine, Syria, Libya, Morocco, the PA, Tunisia, Ukraine and the countries of the South Caucasus (Georgia, Armenia and Azerbaijan).

The ENP was similar in a key respect to the preceding EMP. In late 2005, Ferrero-Waldner emphasised the importance of the ENP as a tool to serve first and foremost European interests stating that the ENP was:

> "A virtuous circle, based on the premise that by helping our neighbours we help ourselves. By investing in our neighbours and by helping to create prosperous, stable and secure conditions around us, we extend the prosperity, stability and security of our citizens."[579]

However, Pace argued that the EMP was mainly "a region-building exercise while the ENP is a policy built on the idea of bilateralism."[580] "Tailor-made agreements were regulated with each member of the EU neighbours via the Action Plan based on the country's needs and capacities. The Action Plan was

[575] European Commission, (2004) Communication from the Commission Neighbourhood Policy Strategy Paper. COM 373. p.3.
576 European Commission (2004): European Neighborhood Policy – Strategy Paper, in: Communication from the Commission, COM(2004) 373 final.p.3
[577] Ibid.
[578] Yacoubian, M. op.cit., p.9.
[579]Ferrero-Waldner, B. (2005, December) *The European Commissioner for External Relations and European Neighbourhood Policy* Retrieved from www.europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/. Access date 21st June 2010.
[580] Pace, M. (2005). The European Neighbourhood Policy: A Statement about the EU's Identity? *Policy brief Report on the European Neighbourhood Policy.* p.8. Retrieved on http://www.fes.de/fes6/pdf/Pace.pdf Accessed on 22 June 2010.

the ENP Instrument and allowed the Partner countries to pursue a policy of "self-differentiation."[581] The ENP allowed the EU to develop bilateral relations which were suited to each individual partner and the progress made by each country was not dependent on progress made by other countries.

The ENP extended the logic of conditionality, which was perceived as the key mechanism of power for inducing reform in the neighbourhood.[582] The amount of aid and technical assistance provided by the EU depended on the degree to which reform policies and democracy were adopted. According to Barbé "utilising the incentives as carrots - and the sanction and isolation as a stick was the major tool and instrument of the ENP for promoting 'stability, security and well-being for all."[583] This differed from the EMP in so far as, as Pace argued, while the EMP was based on the principle of 'negative conditionality', where the Association Agreements would be suspended if the Mediterranean partner violates the respect for human rights, the ENP was based on the principle of 'positive conditionality.[584] It was hoped that positive conditionality would prove more effective (and easier to implement) than the negative conditionality of the EMP.

However, the ENP had come in for criticism just as the previous Mediterranean policies did. Some of its difficulties were a result of deficits in the European CFSP with others were due to the tension between the European institutions and the member states interests and agendas. These conflicts were a result of the flexibility of the EU treaties, which allowed member states to act individually outside of the EU as long as their policies and initiatives did not contradict the EU's main policies. The result had been to multiply European voices, and led to a weakening of European power. The desire of the member states to maintain their sovereignties and their ability to initiate their own policies prompted the ENP's partners to take advantage of European divisions and to neglect EU policies.

As explained in the first chapter, the European Commission had been a key player in initiating EU polices towards third parties. In addition, the European Commission was responsible for proposing, planning, and implementing European policy initiatives such as the EMP and the ENP. Its responsibilities also included implementing EU trade, development, and aid programmes under MEDA. However, according to Jones and Clark, the discourse for neighbourhood policy had been "shaped fundamentally by the bounded constraints of national interests imposed upon the Commission by Member States."[585] For example, if the Commission wanted to apply some of its policies and laws, particularly in the field of human rights, democracy and the imposition of

[581] Hänggi, H. and F. Tanner, (2005). Promoting Security Governance in the EU´s Neighbourhood. *Chaillot Paper*, Paris: Institute for Security Studies .p.27.
[582] Bengtsson, R. (2008). Constructing Interfaces: the Neighbourhood Discourse in EU External Policy. *Journal of European Integration, 30* (5). *597 - 616.* p 612.
[583] Barbé, E. and L. Mestres (2004). The new EU's External Action: A significant step forward towards the EU's single voice? *Working Paper 56.* Barcelona: Universitat Autònoma de Barcelona.p.48.
[584] Pace, M. (2005). The European Neighbourhood Policy: A Statement about the EU's Identity? op.cit., p.8.
[585] Jones, A. and Clark, J. (2008). Europeanisation and Discourse Building: The European Commission, European Narratives and European Neighbourhood Policy. *Geopolitics, 13* (3) 545 - 571. p.557.

sanctions, it would not be able to do so if the policies were objected to by any members of the EU. This might explain the accusation made against the EU of double standards and contradictions in its policy regarding human rights issues and reforms.

In an interview, a senior British diplomat explained the nature of the relations between the member states and the European Commission, emphasised that "Britain doesn't have a problem with the Commission being the driver of the ENP agenda and the process, but we do try to keep it in check if we think it's going too far or going too quickly or if we think their tactics are slightly off".[586] There had been cases where the member states distanced themselves from EU policies, mainly those of the European Commission. Member states were not interested in compromising their long-standing domestic bilateral relations with third countries for the sake of their alliance within the ENP, even though this might have been at the expense of the EU policy. The southern member states in particular had habitually been reluctant to be too heavy handed in terms of imposing democracy and human rights conditionality to push any foreign policy objectives which could, however slightly, upset the political stability of the region.[587]

As a consequence, the credibility of the EU policy was often undermined in the eyes of its partners. A senior official from DG Relex stressed this point stating that:

"There are some areas where the member states are happy to see us doing the 'dirty jobs', for example in the recent meeting with Tunisia. And then when the French talk bilaterally to the Tunisians, and this is a good example, they say very flowery things about them! We understand that this is part of our role and we are there to deliver the tough messages. We do not have the domestic consequences that member states have."[588]

Another diplomat, this time from the UK Foreign Office, also highlighted the contradiction between European Commission policies and statements of the member states, arguing that:

"There have been cases where the Commission has had to deliver strong messages which we have endorsed in Whitehall but there have been cases where a member state has sided up to a neighbourhood country and said 'this isn't true' or that their position is different and it's x, y, or z. And you normally get all hell breaking loose the following morning. It is very frustrating because it means the EU as a whole lacks any credibility if we are not really prepared to deliver tough messages to individual countries and by certain member states doing this it obviously drives a wedge

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[586] Ibid.p.558.
[587] Johansson-Nogués, E. (2008). op.cit., p. 147.
[588] Jones, A. and J. Clark. op. cit., p.559.

amongst ourselves. "[589]

Despite the member states' desire for greater foreign policy consistency, they had at the same time shown themselves to be reluctant to allow the Commission to freely manage their external relations or to endow the Commission with the necessary competences.[590] The divergent interests of the member states were another challenge facing the European Commission and the ENP. As a consequence there were different views of the European approach toward the MENA region and the EU's general agenda. While the Mediterranean states were keen to see the EU tackle uncontrolled immigration from their Mediterranean neighbours, other members wanted the EU to deal with potential infiltration of their national territories by Islamist terror networks in the wake of 9/11, and the Scandinavians, particularly the Swedes and Finns, saw human rights as their key priority.[591]

In addition, the claims of member states contradicted their actual policies, especially when European policy went against their interests or their domestic agendas which were sometimes driven by internal lobby groups such as farmers and textile companies. According to senior official, DG Relex;

> "Spain, France, Italy and Greece, are the ones who are most defensive in certain areas like agriculture. Those countries press us for certain things and when you come to test them as to whether they would be willing to liberalise more in Mediterranean agricultural products they don't show much interest."[592]

This indicated an ambivalent foreign policy discourse, whereby on the one hand outsiders were encouraged to emulate the EU in order to avoid the trappings of power politics, but at the same time the EU member states did not seem content with, or were even suspicious of, the very institution which they themselves created to achieve that purpose.[593]

Although the European decision makers were keen to build an ENP agenda "in partnership"[594] with EU southern partners of the Mediterranean shores through tailor-made action plans, several scholars accused the EU of trying to promote its norms, values and interests aiming to encourage its partners to "enter the EU's orbit" [595] without considering the needs of its partners and their political and social norms. Javier Solana admitted that the EU was interested in changing the structure of its neighbours. In his speech at the College of Europe in 2006, Solana said "We do want system change, not regime change, we do it slowly, in partnership and without military force. Once they enter the EU's orbit,

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[589] Ibid. p. 560.
[590] Johansson-Nogués, E. (2008). op.cit., p. 59.
[591] Jones, and Clark, op. cit., p.555.
[592] Ibid.p.555.
[593] Johansson-Nogués, E. (2008), op.cit., P. 59.
[594] Solana, J. (2005, October) *Speech at the European Union 342* (5) p.2. Retrieved from www.coleurope.eu/file/content/news/speeches/20051017_solana.pdf. Accessed on 27th June 2010.
[595] Ibid.

countries are changed forever."[596] Bengtsson, one of the main critics of the ENP approach, argued that the EU determines the ENP agenda, and the:

> "EU rhetoric analysed displays EU power superiority vis-à-vis the ENP countries in a number of different ways, both in terms of determining the actual setup of interaction (institutional arrangements, incentives, requirements etc.) and by outlining the meaning and value of core concepts of cooperation (such as security, democracy and development."[597]

He added that the:

> "EU sees itself as the superior power in the relationship, a potent actor possessing forceful resources (money, knowledge and normative framing) that can bring about change for the EU as well as others. The neighbouring countries, on the other hand, are inferior to the EU in need of help and dependent on the EU for their future security and prosperity."[598]

3.6 The Union for the Mediterranean (2008-2011)

The Barcelona Process: Union for the Mediterranean (UFM), launched in 2008, has been the latest European initiative towards the Mediterranean region which aims to "revitalise efforts to transform the Mediterranean into an area of peace, democracy, cooperation and prosperity."[599] In addition, the initiative has aimed to address the "common challenges facing the Euro-Mediterranean region."[600] The new project has been an attempt to build on the previous European initiatives while "avoiding the deadlock and inflexibility imposed by the conditionality associated with the ENP, and to revive the MEPP through a European initiative."[601] The important aspects of the new project are its calls for a new partnership between public and private sectors, especially in funding the UFM's new projects.[602] The new European initiative has taken the Euro-Mediterranean relation to new areas of cooperation, and at the same time reemphasises old channel of cooperation such as "economic and social development; world food security; protection of the environment, including climate change and desertification, promoting sustainable development; energy; migration; terrorism and extremism; as

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[596] Ibid.
[597] Bengtsson, op. cit., p.612.
[598] Ibid. p. 611.
[599] *Joint Declaration of the Paris Summit for the Mediterranean Paris* (July 2008). Retrieved from http://www.ambafrance-uk.org/summit-of-the-union-for-the.html. p.1. Accessed on 5th April 2011.
[600] Ibid.
[601] Al-Fattal, R. (2010) The Foreign Policy of the EU in the Palestinian Territory. CEPS Working Document No. 328, May 2010. [Working Paper].p.85.
[602] Bicchi, F. (2011). The Union for the Mediterranean, or The Changing Context of Euro-Mediterranean Relations. *Mediterranean Politics. 16*, 3-19. p. 11.

well as promoting dialogue between cultures."[603]

The UFM has, however, represented a dramatic change from the past in three very important ways: first by "upgrading the political level of the EU's relationship with its Mediterranean partners,"[604] second, "providing for further co-ownership to our multilateral relations" and finally making these relations more concrete and visible through additional regional and sub regional projects, relevant for the citizens of the region.[605]

3.6.1   The Union for Mediterranean: Motives and Aims

The UFM needs to be understood within the context of how it came into being. After a year and a half of preparations and negotiations, French President Nicholas Sarkozy launched it on the 13th of July 2008 in Paris. The new European project was launched in the presence of representatives of 43 governments, including the 27 member states of the European and 12 EMP partners on the southern Mediterranean rim and 4 new additions, (Bosnia-Herzegovina, Croatia, Montenegro, Monaco), the European Commission and the League of Arab States.[606]

Sarkozy was aided in his efforts to establish a new initiative by the prevailing situation. Delgado highlighted the "Mediterranean's progressive economic marginalisation" the "deteriorating political and social situation particularly in the great Middle East" and finally the "worsening of relations between Israel and Palestine, acting as an epicentre of regional frustrations"[607] at the European level. She argued that the "stagnation of the Euro-Mediterranean Partnership (EMP) and its disappointing results favoured the window of opportunity."[608]

It was also a propitious time for France in particular to lead on the new initiative. According to Delgado, Sarkozy was ambitious to strengthen French influence in the EU in fear of losing influence in a more competitive and interconnected world. She promoted the notion that France's Mediterranean policy needed strengthening to establish a new world from the social unrest which had marked Chirac's government, making a tacit promise that the new president represented a change, a break with the past.[609] Thirdly, France sought to balance the intensive focus of Germany towards Eastern European members after the enlargement.[610] The new French project surprised most of his partners in the EU since the initiator, Sarkozy, had not consulted or communicated with them before

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[603]   *Joint Declaration of the Paris Summit for the Mediterranean Paris* (July 2008). Retrieved from http://www.ambafrance-uk.org/summit-of-the-union-for-the.html. p.1. Accessed on 5th April 2011.
[604]   Ibid.
[605]   Ibid.
[606]   Bicchi, F. (2011),.op.cit.,p.6.
[607]   Delgado, M. (2011). France and the Union for the Mediterranean: Individualism versus Cooperation. *Mediterranean Politics. 16*, 39-57. p.41.
[608]   Ibid.p.41.
[609]   Ibid.p.41.
[610]   Ibid.p.41.

he proposed it to the EU members in February 2008. In addition, the French proposed that the Mediterranean Union should be limited to the Mediterranean countries only. The new French initiative was not in fact all that "new" since it had been mooted during Sarkozy's ascent to the French Presidency.

The French president launched the idea of a re-configuration of trans-Mediterranean relations in the form of the so-called 'Mediterranean Union' during his 2007 electoral campaign.[611] Whether the UFM has been as a result of French state interests or the ambitions of one person, the aims and objectives declared in the Paris summit were deeply familiar: they were dominated by security concerns, migration, trade, and markets. In other words, the motives behind EU endorsement of the 2009 initiative have not really changed from those of the 1970s.[612] Despite the differences between the EU members in their approaches to the region, there was a consensus among them that these interests were vital for their collective interests. For example, security is mentioned 8 times in the Paris Declaration, migration is mentioned 7 times; energy 5 times; and terrorism 6 times. The Declaration has stated that "Europe and the Mediterranean countries are united by a common ambition: to build together a future of peace, democracy, prosperity and human, social and cultural understanding."[613] It has aimed "to build on that consensus to pursue cooperation, political and socioeconomic reform and modernisation on the basis of equality and mutual respect for each other's sovereignty."[614] Most crucially, it would:

> "promote conditions likely to develop good-neighbourly relations among themselves and support processes aimed at stability, security, prosperity and regional and sub-regional cooperation; consider any confidence and security-building measures that could be taken between the parties with a view to the creation of an "area of peace and stability in the Mediterranean", including the long term possibility of establishing a Euro-Mediterranean pact to that end."[615]

The Union for the Mediterranean will not replace the Barcelona process but rather "build on the acquis and reinforce the achievements and successful elements of the Barcelona Process."[616] The three chapters of cooperation (Political Dialogue, Economic Cooperation and Free Trade, and Human, Social and Cultural Dialogue) will continue to remain central,"[617] but the UFM has kept the bilateral ENP framework in place for those interested in joining it. While the UFM Paris declaration has

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[611] Johansson-Nogues, E. (2011). op. cit., p. 23.
[612] Bicchi, F. (2011), op. cit., p.5.
[613] *Joint Declaration of the Paris Summit for the Mediterranean Paris* (July 2008). Retrieved from http://www.ambafrance-uk.org/summit-of-the-union-for-the.html. p.1. Accessed on 5th April 2011.
[614] Ibid.
[615] Ibid.
[616] Ibid.
[617] Ibid.

underlined the importance of supporting and strengthening democracy, to "build a common future based on the full respect of democratic principles, human rights and fundamental freedoms, as enshrined in international human rights law."[618] The emphasis is very much more on building co-operation at the level of (equal) governments rather than on promoting notions of conditionality, sanctions, or inequitable power status within the partnership. This is not least since the key security challenges identified in the Declaration require co-operative inter-governmental collaboration.

The European decision makers and their Mediterranean partners were all aware of the importance of the Middle East Peace Process. Therefore they stressed that the UFM would support Peace Process, recalling that "peace in the Middle East requires a comprehensive solution."[619] A second priority was countering terrorism, albeit with an emphasis on ensuring respect of the rule of law and human rights, particularly through more effective joint counter-terrorism policies and deeper co-operation. Emphasis has been given to the "need to address the conditions conducive to the spread of terrorism in all its forms and manifestations without qualification, committed by whomever, wherever and for whatever purposes". In this regard, it became necessary to "reiterate the complete rejection of attempts to associate any religion or culture with terrorism".[620]

Fighting illegal migration also has occupied a significant place on the UFM agenda. The UFM statement stated that "fostering links between migration and development are issues of common interest which should be addressed through a comprehensive, balanced and integrated approach."[621] Creating a Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems has also been an important element on the UFM priorities.[622]

Finally, the UFM declaration has identified six priority areas for increased co-operation: focusing on these projects reflected the belief that the future of the Euro-Mediterranean region "lies in improved socio-economic development, solidarity, regional integration, sustainable development and knowledge."[623]

(1) De-pollution of the Mediterranean: Maritime and Land Highways, in order to enhance the trade and movement of good and people the UFM has introduce De-pollution of the Mediterranean.

(2) Maritime and Land Highways: the project reflects the importance of the Mediterranean Sea as high way for commerce and enhancing regional trade. This, according to the UFM, "development of motorways of the sea, including the connection of ports, throughout the entire Mediterranean basin as well as the creation of coastal motorways and the

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618 Ibid.
619 Ibid.
620 Ibid.
621 Ibid.
622 Ibid.
623 Ibid.

modernisation of the trans-Maghreb train, will increase the flow and freedom of the movement of people and goods. The deceleration of the UFM high lights the importance of "cooperation in the field of maritime security and safety, in a perspective of global integration in the Mediterranean region."[624]

(3) Civil Protection: considered as a main priority for the region thus joint Civil Protection programme on prevention, preparation and response to disasters, linking the region more closely to the EU Civil Protection Mechanism. [625]

(4) Alternative Energies: Mediterranean Solar Plan: as a result of increased demand on oil and gas as the main source of energy the UFM strains the need "to focus on alternative energy sources as a major priority in efforts towards assuring sustainable development."[626]

(5) The Mediterranean Business Development Initiative: is aimed at assisting the existing entities in partner countries operating in support of micro, small and medium-sized enterprises by assessing the needs of these enterprises

(6) Building links between universities between both sides is considered as important as the rest of other areas therefore, the declaration's emphasis on enhancing the cooperation in the education by creating new university (Euro-Mediterranean University) the UFM partners believe that "the Euro-Mediterranean University will develop postgraduate and research programmes and thus contribute to the establishment of the Euro- Mediterranean Higher Education, Science and research area".[627]

3.6.2   The Institutional Structure of the UFM

The Paris Summit has established new institutional structures to contribute to the political goals of the initiative, particularly reinforcing inclusive co-ownership, upgrading the political level of EU-Mediterranean relations and achieving visibility through projects.[628] The Co-presidency, Joint Permanent Committee and the Secretariat are the main bodies of the UFM.

These institutions represent the innovative dimension of the UFM. In order to reinforce inclusive co-ownership and allow the non EU members to take part in the decision-making, the UFM has created the Co-presidency of the UFM which - according to the decelerations - shall apply to summits, all ministerial meetings, senior officials' meetings, and the Joint Permanent Committee.[629]The co-presidencies will submit the agenda to all parties for approval and work to obtain consensus for the

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[624]   Ibid.
[625]   Ibid.
[626]   Ibid.
[627]   *Joint Declaration of the Paris Summit for the Mediterranean Paris* (July 2008). op cit.
[628]   Ibid.
[629] Marseille Declaration (2008). *Barcelona Process: Union for the Mediterranean Ministerial Conference Marseille, 3-4 November 2008*. op.cit.

common conclusions of summit, ministerial, and other meetings.[630]

According to the Marseille Declaration, the Co-presidents will include one from the EU and the other from the Mediterranean partner countries. From the EU side, the co-presidency must be compatible with the external representation of the EU in accordance with the treaty provisions in force, [631] while from the Mediterranean partners' side, the co-president must be chosen by consensus for a non-renewable period of two years.[632] In addition, the declaration has declared that the two co-presidencies will call and chair the meetings of the UFM and the co-presidencies will submit for approval the agenda of the meetings.[633]Consensus is an important element of the new structures: decision-making, particularly at the conclusion of summits, ministerial, and other meetings, must be adopted by consensus after the co-presidencies conduct the necessary consultations with all partners.[634] France and Egypt assumed the UFM co-Presidency in 2008.

The second institution that the UFM has created is the Permanent Joint Committee (JPC). The Committee will "convene regularly in order to prepare the Ministerial meeting, and submit project proposals to them as well as the annual work programme for adoption."[635] The JPC composed of national representatives is also a new UFM institution to be based in Brussels where its main responsibilities are to prepare the meetings of the Senior Officials and ensure the appropriate follow-up. The JPC may also act as a mechanism to "react rapidly if an exceptional situation arises in the region that requires the consultation of Euro-Mediterranean partners."[636]

Finally, the UFM has established its Joint Secretariat for the UFM which was launched in July 2010 and is based in Barcelona.[637] The Secretariat is an institutional novelty compared to the Barcelona Process. It will work on the basis of guidelines to be set by senior officials and will be responsible for several issues starting form "identification, follow-up, promotion of new projects and the search for funding and for implementation partners to including by preparing working documents for the decision-making bodies."[638]

According to the UFM, the Joint Secretariat for the UFM will have a separate legal personality with an autonomous status. However, the Secretariat will inform the Joint Permanent Committee and report to the Senior Officials. Its mandate is of a technical nature, while the political mandate related to all aspects of the initiative remains the responsibility of the Ministers of Foreign Affairs and Senior

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[630]   Johansson-Nogues, E. (2011). op.cit., p.25.
[631] Marseille Declaration (2008), op. cit.
[632]   Ibid.
[633]   Ibid.
[634]   Ibid.
[635]   Ibid.
[636]   Ibid.
[637]   Johansson-Nogues, E. (2011), op. cit., p.26.
[638]   Marseille Declaration (2008). Barcelona Process: Union for the Mediterranean ministerial conference Marseille, 3-4 November 2008.

Officials.[639] With regards to its costs, the UFM declaration has articulated that these costs will be "funded from an operating grant on a shared and balanced basis by the Euro-Mediterranean partners, on a voluntary basis and the Community budget."[640]

The Heads of State and Governments at the Paris Summit came to a consensus that there would be one Secretary General and five Deputy Secretaries General, to be selected by consensus by senior officials following proposals made by Euro-Mediterranean partners and on the basis of a short-list presented by the co-presidency and the Commission, following consultations to be held with all partners and for a term of 3 years. Each has a portfolio corresponding to one of the six priority issues identified by the Paris Declaration.[641] Moreover, the work of the secretary-general and the deputies will be assisted by seconded officials in an advisory capacity from relevant national ministries and from the EEAS. The nomination of Ahmed Masadeh, a Jordanian diplomat, as the first secretary-general of the Secretariat was confirmed by the foreign ministers of Egypt, France, Jordan, Spain and Tunisia in January 2010.[642]

The funding and implementation of projects will be pursued on a case-by-case basis by the various interested partners according to their own procedures and by *ad hoc* sub-groups, if necessary, including the possibility of involvement in contributing capital from the Gulf countries and the creation of a new financial instrument, possibly funded by creating a subsidiary of the European Investment Bank.[643]

The founders of the UFM were aware of the important role that parliamentarians, local and non-governmental actors have played in the Barcelona Process. Therefore both the Paris and Marseille Declarations emphasis include these actors in implementing the UFM. For example the Paris declaration sought to "underscore the importance of the active participation of civil society, local and regional authorities and the private sector in the implementation of the Barcelona Process: Union for the Mediterranean."[644]

The declaration added that: "the Euro-Mediterranean Parliamentary Assembly will be the legitimate parliamentary expression of the UFM" and the "Heads of State and Government strongly support the strengthening of the role of the EMPA in its relations with Mediterranean partners."[645] The Paris declaration further has stated that the "ultimate success of the initiative also rests in the hands of citizens, civil society and the active involvement of the private sector.[646] The Marseille Declaration

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639   Ibid.
640   Ibid.
641   Ibid.
642   Ibid.
643   Ibid.
644   Ibid.
645   Ibid.
646   Ibid.

also shed the light on the Euro-Mediterranean Parliamentary Assembly (EMPA) as a way to "reinforce the democratic legitimacy of the Partnership". The declaration stated that the UFM "requires a strong parliamentary dimension".[647] Therefore the Ministers have underlined that the position of the EMPA should be further consolidated and its work better articulated with the other institutions of the Partnership.[648]

3.6.3 Analysis of the UFM

The design of the institutions can be understood as consolidating the sovereignty of member and partner states, rather than as surrendering it to political integrationist tendencies. This corrects a major flaw of previous proposals (the imbalance between formal status' of North and South Mediterranean) but, since consensus has been reinvigorated as the principle for decision-making, also means that there is less chance of getting anything substantive done. Like the EMP, the UFM is "the framework of multilateral relations" between EU countries and the Mediterranean non-EU countries.[649] Although it aims at a wider partnership with EU neighbours through the use of a functional methodology, the new initiative has similarly become a victim of the intergovernmental approach which was adopted by the UM founders in order to support the concept of co-ownership.

This contrasts with the functionalist approach of the UFM in promoting development and regionalization, and in the continuing preference for utilizing the trade liberalization and market power as a policy tools.[650] For example, the six priority areas for projects[651] which were outlined in the Paris Declaration reflected the strategy and philosophy that promote peace and development through fixable co-operative projects (involving the public and private sectors) in key socio-economic areas.[652] The areas which have been chosen for cooperation included projects in which all members and partners shared an interest, showing a desire to take advantages of existing economic interdependencies and tackling the modern and complex challenges which required regional and global cooperation. The project places emphasis on visible, tangible development projects that directly affect the lives of ordinary people in the hope that successful co-operation in this sphere will lead to a popular acceptance of the institutions [653]

Functionalism is also reflected in the 'project-orientated' independent Joint Secretariat, based in Barcelona, which handles the technical aspects of the relationship.[654] The new institution is an attempt to create specialized technical agencies as well as new political and administrative institutions linking

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[647] Johansson-Nogues, E. (2011). op.cit., p.26.
[648] Ibid.
[649] Al-Fattal, op.cit. p. 88.
[650] Holden, P. op.cit. p.156.
[651] The main priorities of the UFM according to Paris Declaration are De-pollution of the Mediterranean, Maritime and land highways, civil protection, alternative energies and Mediterranean solar plan, Higher education and research; and (supporting business (small to medium sized enterprises in particular.
[652] Holden, P. op.cit., p.156.
[653] Ibid. p.160.
[654] Ibid. p.163.

the chain of cooperation and focusing on 'community-building.'[655] Thus Bicchi has described the UFM as "a union of projects" or, "a project of projects" In this respect, she argues that the UFM "represents a number of ambitious innovations."[656]

Meanwhile, the emphasis on the private sectors, NGOs, business groups and trade associations, and small to medium sized enterprises, has also reflected a functionalist approach, assuming that the elites in such groups can play a significant role in advancing the integration process through spill-over.

Finally, the UFM has reflected the founders' desire to avoid bringing sensitive political issues to the UFM table, mainly the conflict in the Middle East, and avoiding political debates about the surrender of national sovereignty which have been the main obstacles that faced the previous initiatives such as the EMP.

All these functionalist dimensions are ultimately undermined by the institutional reliance on inter-governmentalism and on the requirements of consensus. Thus, although the UFM is a new attempt to overcome the shortages and challenges that faced the previous Euro-Mediterranean policy, the institutional structure and the decision-making of the UFM has weakened these attempt and strengthened the intergovernmental approach at the expenses of functional one. To some extent, this was evident in the very manner in which the project was composed.

Sarkozy sketched out the first version of the UFM, which he called the Union Mediterranean for a French domestic audience during his presidential election campaign. After the election he continued to work on a proposal without any communication or consultation with his partners[657] in the EU which was, according Bicchi, "a major breach to the CFSP's plea for solidarity among member states on matters of foreign policy." [658]

Whether the UFM was ultimately a result of "high domestic politics"[659] reflecting the personal ambitious of the dynamic and energetic French president or a result of the "policy uncertainty"[660] which resulted from the on-going conflict in the Middle East, the drafting and preparation period of the UFM shows that despite the fact some members, mainly Germany, expressed its observations, the EU members cooperated with each other to support the French proposal to serve their own interests. France acted as the "policy entrepreneur" in the driving seat with support and cooperation from

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[655] Bicchi, F. (2011). op.cit., p. 11.
[656] Ibid, p.11.
[657] Gillespie, R. (2011). Adapting to French Leadership? Spain's Role in the Union for the Mediterranean. *Mediterranean Politics. 16, 59-7*, p65.
[658] Bicchi, F. (2011). op.cit. p.3.
[659] Ibid. p.6.
[660] Bicchi, F. (2007) European Foreign Policy Making Towards the Mediterranean, New York: Palgrave Macmillan, p.20.

Spain[661], which was itself willing to compromise and alter its own proposal in order to meet the needs of its partners. The process demonstrated a "Europeanisation" of their own policy and interests.

Bicchi used the attitude, motivation and amount of resources that member states invested in the UFM imitative as a way to identify the role that various actors played in the UFM. She divides the main players into "leaders, laggards, and fence-sitting actors."[662] She states that "according to the amount of resources invested, leaders playing a central role against an initiative can, however, act as veto-players, blocking its adoption." With regards to the motivation, she argues the "motivation of leaders helps to distinguish between, on the one hand, strategic leaders and, on the other, genuine entrepreneurs that strive to achieve consensus in the name of the common good." Finally, she believes that the marginal players might behave as low-profile supporters or unhappy laggards, but they can also strategically look for side payments in exchange for their support or collectively block developments through lack of enthusiasm."[663]

According to her analysis, the German role was in the beginning that of "fence-sitting", changing to "calling the bluff" by acting as a veto-player because Sarkozy appeared set on pursuing his scheme at the expense of the EMP.[664] Therefore, Germany played an important role in bringing about substantial changes to the initiative and in establishing a full role for the EU.[665] Merkel argued that the creation of a Union Mediterranean (UM) that included only Mediterranean riparians had the potential to "set in motion gravitational forces within the EU that in turn could generate a process of fragmentation and, eventually, disintegration." EU funding for the pursuit of such exclusively national interests could not be justified.[666]

According to Schumacher this strategy was intended to "portray Merkel as acting in defence of the 'common good'" and to "prevent France from becoming *primus inter pares* in European foreign policy matters and thereby undermining Germany's role as the leading actor within the EU, and to preclude a resurgence of French colonial ambitions."[667] By utilising its veto power and financial resources, and by mobilising eastern, northern European members who were considered as unhappy laggards, Germany managed to pressure France to alter its initiatives and include all the EU members instead of only those on the Mediterranean shore.[668]

According to Bicchi, the central and eastern European members swung between being "low profile

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[661] Bicchi, F. (2011), op.cit., p.6.
[662] Ibid.
[663] Ibid.
[664] Schumacher, T. (2011). Germany and Central and Eastern European Countries: Laggards or Veto-Players? *Mediterranean Politics. 16, 79-98*, p.84.
[665] Bicchi, F. (2011). op.cit., p.6.
[666] Schumacher,T. op.cit., p.84.
[667] Ibid
[668] Ibid.

supporters, favour exchangers and unhappy laggards, calling for an eastern equivalent and thus supporting the Eastern Partnership,"[669] while according to the same classification the other northern European countries, such as the UK, maintained a low profile on the issue, reflecting the low priority assigned to the dossier and the lack of interest in what is regarded as an essentially French political game.[670]

Schumacher found that the Polish position was scattered between its tragic partnerships with France as its main allay in the EU and between its special relations with Germany. Accordingly, the Polish leaders "refrained from making any reference to the UM/UfM, as positive and negative comments alike" since this would have generated criticism either at home or in France. The Polish government considered that supporting the French initiative might have affected the intersection of interests and attitudes between Poland and Germany. However, fears of a negative impact of the UFM on Germany's ambitions in Eastern Europe prompted them to side with the German Chancellery in its opposition to the creation of the UM.[671] Schumacher believes that this attitude was also evident in both Hungary and the Czech Republic which could thus be described as "unhappy laggards". Both countries took a negative attitude towards France's UM initiative but neither played a visible role in seeking to undermine it.[672]

The way that these two countries dealt with the differences between EU presidency and the UFM co-presidency is a good example of the "side payment" approach that the EU members have utilised in order to reach agreement. Hungary managed to build a balance between Franco-Hungarian and Franco-German relations both of which are of major importance to Hungary, first by supporting the German and Swedish calls to pay more attention to the eastern members of the EU, and by building a bilateral strategic partnership with France after Hungary's Prime Minister Ferenc Gyurcsany visited France. This deal can be considered "a reward and a side payment in exchange for Gyurcsany's moderate public stance on the French initiative."[673]

According to Schumacher, the Czech Republic accepted to allow France to keep the co-Presidency of the UFM, even during the Czech's own EU Presidency, as part of deal with Sarkozy according to which the French president promised the domestically-weakened Czech Prime Minister, Mirek Topolánek, that he will first "refrain from interfering in eastern European matters", second "acknowledge Topolanek as the leader of central and eastern European EU member states, and third, facilitate President Barack Obama's presence at the EU–US summit in Prague in April 2009.[674]

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[669]   Bicchi, F. (2011). op. cit., p.6.
[670]   Ibid. p.7.
[671]   Schumacher, T. op. cit., p.84.
[672]   Ibid. p.94.
[673]   Ibid. p.95.
[674]   Schumacher, T. op.cit., p.95.

However, in 2010 the Czech caretaker government of Prime Minister Fischer took a different direction from Topolanek and allied his country with Germany, the United Kingdom and Sweden in opposing all the French efforts to secure a generous budget for the UFM Secretariat.[675]

Bicchi places the Southern European partners, Spain and Italy, in the role of "low-profile supporter or favour exchanger" despite their efforts to promote, and the resources they put into, supporting the project.[676] France, Italy and Spain have traditionally constituted the main alliance in the Mediterranean club and there has been a strong cooperation between them when it comes to Euro-Mediterranean policy. As previously explained, Spain was behind the EMP and invested a great deal of political capital in promoting the initiative from the early 1990s with support from France, which since 1994 and until the Barcelona conference, behaved as a de facto policy co-entrepreneur with Spain and the European Commission.[677] During the preparation and drafting for the Barcelona process, the Spanish government made enormous efforts to convince the rest of the EU members that the Barcelona Process was not simply a southern European issue, wanting to "see further enhancement of the EU Mediterranean Policy rather than an alternative approach to the area."[678]

Yet despite the long history of co-operation between France and Spain, the 2007 French Mediterranean Union (UM) initiative was a surprise for Spain since France did not consult before launching its initiative, either bilaterally or through the Euro-Mediterranean framework.[679] Nonetheless, according to Gillespie, although Spain was concerned at the implications of the UFM on the EMP, it joined with Italy in supporting the new project and "tried to work as co-entrepreneurs." Ultimately they failed to do so as France insisted on its role as "the sole leader." Gillespie argues that while this was against the trend of cooperation that both countries had built in the run-up to the Barcelona Conference, it was inspired by previous forms of co-operation.[680]

Spain supported the UM/UFM project for various reasons: first they are considered advocates of a Euro-Mediterranean policy and therefore it is difficult for Spain to oppose a new initiative that supports its own basic policy towards what it considers as its backyard, "especially now that the eastern enlargement had increased the EU's focus on the East."[681] Second Spanish –French cooperation is not limited to co-operation in the Euro-Mediterranean region but includes other areas of co-operation important to Spanish security and economic progress, such as co-operation against Basque separatists, Islamist terrorism, the management of migration flows and major infrastructural

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[675] Ibid. p.95.
[676] Bicchi, F. (2011). p.7.
[677] Ibid. p.7.
[678] Gillespie, R. (2011). op.cit., p.65.
[679] Ibid. p.65.
[680] Ibid. p.64.
[681] Ibid. p.65.

projects (energy networks, high-speed train links).[682] Similar to the Czech Republic, Spain made a deal with France whereby France would support the "candidature of Barcelona to host the permanent Secretariat in return for Spain accepting that 'Barcelona Process' would disappear from the name of the UfM."[683]

This process of states responding to the French initiative, in the variety of ways depicted by Bicchi and Schumacher, is a good illustration of the role of member states within the CFSP as a whole, as discussed in the previous chapter. States are fundamentally self-interested and utilise inter-governmental mechanisms to pursue those interests. At the same time, however, being members of the EU means that they are constantly re-evaluating and refining those interests, balancing their relative priorities and seeking to maximise gain through bargaining *within* the Union. They utilise compromises and side payments to reach agreements.

3.6.4   The Institutional Architecture and the Intergovernmental Elements of the UFM

However, when it comes to the UFM, its decision-making mechanism has been built on consensus and states, including non-member states, can exercise veto power, which they have done to politicise the UFM agenda. The founders of the UFM were aware that the unequal balance of power between the EU members and their Southern and Eastern (SEM) Mediterranean partners was one the reasons that limited the scope of cooperation among the EMP partners. Southern Mediterranean states had been faced with a "take it or leave it" option regarding the proposed EU initiatives in the EMP and the institutional structure of the EMP had been "slanted in favour of the interests of the European Union."[684] Thus, to redress this imbalance, France had insisted on co-ownership in agenda-setting and decision-making within the UFM, as well as intergovernmental co-operation based on consensus.[685]

Adopting the intergovernmental approach will, Delgado argues, well serve all the UFM partners: for the Arab partners this will allow them to guarantee fully their sovereignty thus they "will have a more interested and constructive attitude towards the functions of the UFM."[686] For the European members they would not be "subjected to the European Union; all countries would be given more leeway, gaining independence.[687]

However, the outcomes of the UFM activities to date have not met the expectations of its founders for several reasons. First, unlike the previous EMP initiatives, the UFM has become not just a victim of the divergent interests of the EU members but has also proven vulnerable to conflicts between the political interests of the non-EU members who have subsequently politicised the UFM agenda. For

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[682]   Ibid.
[683]   Ibid.
[684]   Johansson-Nogues, E. (2011). op.cit., p.23.
[685]   Ibid. p.23.
[686]   Delgado, M. op.cit., p.52.
[687]   Ibid. p.52.

example, the conflict between the Arabs and the Israelis, and the dispute between the Turks and the Greeks over Cyprus, and between Algerians and Moroccans over Western Sahara, has both obstructed consensus-based decision-making. In other words, instead of being used in a constructive manner, full sovereignty has been employed as an obstacle with conflicting parties utilizing their veto power as for political ends.

This has been particularly true of the Arab-Israeli conflict. Since the launch of the UFM the Israeli-Arab conflict has blocked any substantive policy developments in Euro-Mediterranean relations and every new project becomes its victim.[688] From the first day of the UFM, it has been plagued by questions on how to address the Middle East Peace Process, and on the possible role for the Arab League. Unwilling to sit with Israeli delegations, three leaders of the MENA region were absent even on the launch day of the UFM in Paris meeting; former Libyan President Muammar Gaddafi, who once described the union as a new form of colonialism,[689] King Mohammed VI of Morocco and King Abdullah II of Jordan. In addition, the Syrian president snubbed Israel by walking out of a speech by Ehud Olmert.[690]

The participation of the Arab league in the UFM has split its members. The debate was on whether or not to allow the Arab League to participate in the UFM meetings dominated a meeting of the Union in Marseille. Israel opposes granting the Arab League observer position with rights to intervene in the UFM meetings, arguing that the Arab League "has been unhelpful in the search for peace in the Middle East" and denying it should have an expanded role.[691] The Arabs have meanwhile insisted on the Arab League's participation since it has been customary for a representative of the Arab League to participate in EMP meetings.

By the end of 2008 a deal was done: after an Israeli official was appointed as deputy secretary-general (joining officials from the Palestinian National Authority, Greece, Italy, and Malta) Israel dropped its opposition to the Arab League's request to participate in the UFM as observers, which also gained the right to participate with full rights.[692]

This supports the argument that it is difficult to separate between the non-controversial technical and economic issues on the one hand and political issues on the other. The weak role of the supranational

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[688] Soler, L. E. & García, I. (2009). The Union for the Mediterranean: What Has it Changed and What Can Be Changed in the Domain of Security? *No. 4 / December 2009 International Peace Research Institute in Oslo.*

[689] BBC (13 July 2008). *Mediterranean Union is Launched*. Retrieved from:
http://news.bbc.co.uk/1/hi/7504214.stm.

[690] Erlanger, S. and Bennhold, K. (2008). *Sarkozy Helps to Bring Syria Out of Isolation*. New York Times: July 14. Retrieved at: http://www.nytimes.com/2008/07/14/world/europe/14france.html.

[691] *Union for the Mediterranean Split Over the Arab League*. (2010). Retrieved from:
http://www.europeanvoice.com/article/imported/union-for-the-mediterranean-split-over-the-arab-league/62856.aspx.

[692] Johansson-Nogues, E. (2011). op.cit., p. 26.

institutions, such as the Joint Secretariat, the European Commission and the EP in decision-making, reinforces the flaws of the UFM's inter-governmentalism. The political mandate relates to all aspects of the initiative remains the responsibility of the Ministers of Foreign Affairs and Senior Officials. And even at this level, there are problems.

The Treaty of Lisbon which entered into force on 1 December 2009 has aspired to overcome the constraints that had hampered the CFSP, including complex decision-making, dualism of representation and tension between the EU institutions. However, the picture that emerges from the UFM structure, interactions, and activities to date show that these expectations have not been met.

First, with regard to the presentation of the EU in the UFM there has been no clear answer to several questions such as, who will represent the EU in the UFM Conferences of the Heads of State and Governments? What kind of roles will the UFM give to the new positions that the Lisbon Treaty has created? I.e. the President of the European Council (Herman Van Rompuy), and the High Representative for External Affairs and Vice President of the Commission (Catherine Ashton).

The UFM has a shared EU and non-EU co-Presidency, whose representatives is elected by the parties and remains in office for two years. As explained above, France has managed through its policy of making side payments to convince the Czech Republic, Hungary and Spain to ensure it will keep its co-presidency position even after the end of the rotating president. However, the European representation in the UFM has still not been clear: especially that the European co-President of the UFM will not be the new EU President but an "ad hoc" co-President who will take over from France for two years.[693] This leads to questions such as whether the Council should nominate an *ad hoc* representative to the UFM for the prescribed two year period or should the EU President in office be the co-President for a six month period?[694] In addition, the concept of the co-presidency that France created in order to support co-ownership has raised the suspicion that "their notion of the UFM sits uneasily with the policy line pursued by Paris and this fact contributes to their perception of loss of ownership over Euro-Mediterranean co-operation processes when compared to the Barcelona Process."[695]

The UFM intergovernmental approach which was designed and supported by France has troubled some EU members who believe that, although the UFM is French project, it is still an EU policy and therefore it should conform to Treaty stipulations.[696] As a result, there has been tension among member states over the role of the European Commission and the role of the EEAS. The smaller members, such as Spain were in favour of involving the EU institutions more, particularly the

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[693] Aliboni, R. (2009). op.cit., p.6.
[694] Ibid. p.6.
[695] Johansson-Nogues, E. (2011). op.cit., p.31.
[696] Ibid. p.31.

European Commission. Spain has thus been more of a "team player and has looked to entrepreneurship and alliances rather than a unilateral style of leadership in order to exert influence in Euro-Mediterranean relations."[697]   Marginalizing the role of new Lisbon Treaty institutions such as the EEAS have also worried Germany, which believes:

> "It is necessary that the EEAS will speak for the European countries' '[w]e do not want southern European countries to focus exclusively on the southern border and eastern European countries doing the same on the eastern border. This would lead to a division of the European Union".[698]

In addition to the tension among the UFM member over the location of the Secretariat, the tension over its responsibility and role has also affected its ability to function. Ahmad Masa'deh the former Secretary General of the Union for the Mediterranean, was prompted to resign, stating in an interview that the Secretariat budget was reduced by more than 60% which reflects the willingness and the orientation that the countries have.[699]

Two years after its establishment, the UFM has not achieved any significant policy outcomes and a visible rapprochement between the two shores of the sea is still lacking. The Israeli attacks on the Gaza Strip at the end of 2008 effectively stalled the UFM, as the Arabs refused to meet their Israeli counterparts prompting the UFM to cancel all the ministerial meetings scheduled for the first half of 2009.

The second summit of the Head of States and Governments in Barcelona, which was planned to take place in Barcelona on June 7 2010, was cancelled as well under the threat from the Arab side to boycott it if Israelis foreign minister, Avigdor Liebermann, would attend. This decision prompted the Spanish presidency and the two co-chairs of the Mediterranean Union, Egypt and France, to postpone the summit to November "to give the peace talks between Israelis and Palestinians a chance to succeed and time to bear fruit."[700]   Sectoral meetings of the Union for the Mediterranean have also been affected by the Arab-Israeli conflict.

Although the 43 ministers of the UFM countries managed during their ministerial summit in Barcelona in April 2010 to reach an agreement on the technical aspects of water co-operation in the

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[697]   Gillespie, E. (2011). op. cit., p.67.
[698]   Johansson-Nogues, E. (2011). op.cit., p.31.
[699]   Masa'deh, A. (2010). *The Union for the Mediterranean Cannot Function Without the Member States Commitment, States its Secretary General.* Retrieved from:
 http://www.catalannewsagency.com/news/politics/union-mediterranean-cannot-function-without-member-states-commitment-states-its-secret. Accessed on: 15 April 2011.
[700] *Failed Summits Union for the Mediterranean at a Standstill* (2010). Retrieved from: http://eu-med.blogspot.com/2010/06/failed-summits-union-for-mediterranean.html

Mediterranean region, they failed to reach agreement on the political issues.[701] The summit failed to approve a joint strategy for guaranteeing the water resources of the whole Mediterranean basin because of the conflict between the Israeli and the Arabs over the terminology when Israel and Arab countries disagreed over how to name the occupied Palestinian Territories. Israel's representatives objected to "occupied territories" in the document and proposed instead the term "territories under occupation" which was not accepted by the Arab bloc.[702]

According to the former Secretary General of the Union for the Mediterranean Ahmad Masa'deh, neither was there an agreement in the ministerial meeting on labour. Two other ministerial meetings, on higher education and agriculture, were cancelled because of the same discrepancy. The political dialogue and security cooperation among the UFM also remains hostage to the conflict,[703] as the war on Gaza has led to suspension of a Foreign Affairs Ministers meeting which was planned to take place in Istanbul in November 2009.[704] The conflict in the Middle East has also affected the funding opportunity of the UFM. The UFM founders expected the Gulf region to contribute to the project with funding, however the "investors from the Gulf regions will have to be reassured that there will be no indirect advantages for Israel."[705] The conflict between Turkey, Greece and Cyprus has also affected the UFM implantation and process. Cyprus was against appointing a Turkish official as a Deputy Secretary General, although after a long negotiation, Cyprus accepted the creation of a sixth Deputy Secretary General Position assigned to a Turkish official.[706]

Thus, although the UFM adopted a flexible, functionalist approach to supporting regionalisation, by adopting a purely intergovernmental approach to decision-making and structural institutions, it has led to strengthening "bilateral deal-making" at the expense of regionalism in contradiction to community policies.[707] The UFM has aimed to deploy a strategy of attracting rather than coercing countries into co-operation and interdependency, utilising functionalist incentives to increase the sub-regional co-operation among the UFM members. In fact, it has diluted the supranationalist elements, such as they were, of the ENP and moreover, as Bicchi pointed out, the increase in the number of participants has further contributed to the dilution of regionalism.

> "By increasing the range of diverse interests that must be accommodated, it implies
> the need to focus on sub-regional projects and the related impossibility to achieve

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[701] Masa'deh, A. op. cit.

[702] *Failed Summits Union for the Mediterranean at a Standstill* (2010). Retrieved from: http://eu-med.blogspot.com/2010/06/failed-summits-union-for-mediterranean.html

[703] Soler I Lecha, E. & García, I. op.cit., p.3.

[704] Ibid. p.4.

[705] Aliboni, R. (2009). The Union for the Mediterranean Evolution. *Istituto Affari Internazionali, Prospects Documenti IAI 09 39e*, p.7.

[706] Bicchi, F. (2011). op.cit., p.14.

[707] Ibid. p.14.

anything substantial with over 40 members".[708]

3.7 Conclusion

This chapter traced the succession of European initiatives towards the Mediterranean region (of which the OPTs is a key part), assessing the motivations for such initiatives, the means by which they come into being, the institutions which they have constructed, and the challenges which they have faced. There are several conclusions that can be drawn from this chapter.

First, with regards to the motives of the European initiatives, this chapter demonstrates that despite the importance of economic benefits of such initiatives, such as opening up new markets for European products in southern Mediterranean states, European initiatives towards the Mediterranean have been motivated predominantly by the shared security concerns of EU member states. Some of these security concerns reflected the Cold War era during the 1970s and 1980s; others until now occupying a position on the European agenda. In general, instability, fears of violent spill over into Europe, combating terrorism, securing energy and controlling illegal migration have been the main motives of the European regional initiatives towards the Mediterranean region from the 1960s to 2009.

The EU has sought to secure these interests by adopting an approach which builds on and extends its own successful experience in economic integration. Drawing on liberal principles and values, such as trade liberalisation, complex economic interdependencies, the eradication of differences between "high and low" politics, and economic aid to support reform, they have adopted economic tools to achieve political ends. In this they have endorsed a largely functionalist approach. However, at times – and corresponding to the more supra-nationalist "moments" in the CFSP's own history - they have attempted to advance a more normative approach which has sought to promote democratisation and respect for human rights not just as means to an end but as desirable in their own right. The fortunes of these initiatives have founded on a lack of political commitment on the part of member states to pursue the sanctioning tools available to them when doing so threatened the short-term security interests they had been most eager to defend.

They have also been victim to the basic inter-governmentalism which continues to lie at the heart of all the regional initiatives. The EU institutions, particularly the Commission, have admittedly played significant roles in developing and promoting the initiatives, but the institutions which have subsequently been set up have not had the power to overcome the self-interested politicking and bargaining of member states. The EU institutions have in many ways and instances set the agenda in favour of the regional initiatives. For example, the European Parliament's reports on human rights violations were important in putting human rights issues onto the Euro-Mediterranean agenda. The European Commission reports added new inputs to the member states' proposals and

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[708] Ibid. p. 9.

contributed to bringing closer the views of member states. The European Commission was also behind the increase in the European aid to the Mediterranean states to go in parallel with trade agreements. It has acted as the executive power of the EMP and the ENP. In fact, the European Commission was in some ways the father of the ENP, showing that the role of the supranational actors in European foreign affairs has increased since the Maastricht Treaty and the power and influence affecting decision-making the European foreign affairs have been diffused across different institutions and actors in the European institutions. That the roles of the European Commission and the EP in proposing and implementing policy have generated a functionalist dynamic goes in parallel with inter-governmentalism.

But at the same time, the inter-governmentalism of the various initiatives has been subverted by member-states themselves. The chapter shows although EEC/EU members come to the negotiating table at the European level with pre-determined interests that reflect their domestic preferences, the outcomes of European policies are not just a product of self-interested behaviour. Despite the strong divergent interest of the member states, they can co-operate with each other in order to achieve their common goals. The French, Spanish and Italian alliance to support the GMP and the EMP and later the UFM support this argument. In addition, the preparation, formulation and negotiation of these initiatives shows that the members had been flexible in their negotiation positions; they bargained and compromised, exchanging favour for favour.

The side payments that Sarkozy offered to the Czech Republic and Spain in order to gain their support for the UFM was a clear example of this tendency. Thus, we see the socialising impact of membership. The French submission and compliance to the German pressure to include all the EU members in the UFM is another example shows that EU members modify their national preferences to correspond with the rest of the EU members. Thus membership of the EEC/EU can itself affect how understandings of state interests are constructed at any given point in time (again suggesting that constructivist approaches to understanding EU policy-making can be useful). Finally, and whilst there is no space to elaborate fully on this aspect now, the roles which have been played by dominant individual personalities like Nicolas Sarkozy or Angela Merkl, and their political preferences, can influence the will and formulation for policy.

This chapter shows how small and medium members, states such Spain, can change and influence the policies of the big members and the direction of the European policies in general. Domestic pressure, local constituencies and party politics within states also has also played a role in shaping European policies and changing its outcomes. Excluding the agricultural products coming from Mediterranean non-members from the GMP and EMP agreements have been a result of the pressure coming from Italian farmers, for example. In sum, member states have been constructing their national understandings of interest as much within the framework of their EU membership as on the basis of

their status as independent nation states. Membership of the EEC/EU can itself affect how understandings of state interests are constructed at any given point in time so constructivist approaches can also be useful where constructivists have argued that EU actors alter their behaviour and interests and identities as a result of the socialising process in the EU.

Nonetheless, in tracing the European initiatives towards the Mediterranean region it is clear that the members are the main players. They upload their national preference to the European level believing this is the best way to pursue these preferences more effectively since they cannot attain them through unilateral action. The Spanish and the French enthusiasm for the EMP and the UFM are examples of that. In contrast, the research shows that the member states also adjust their policies to go with the EEC/EU regulations and norms.

In other words, there are both top down and bottom-up dimensions to European foreign policy toward the Mediterranean. There are both inter-governmental and supranationalist dynamics driving and shaping collective foreign-policy making, and there are both state and non-state (both sub-national and supra-natioal) actors involved. It could then be argued that the European regional initiatives towards the Mediterranean have developed along a "third way" which does not match to one single classic theory or model. In this multi-level multi-actor environment, and given the still dominant position of inter-governmentalism in the policy-making process, it can be concluded that the member states will mostly co-operate and adopt the CFSP if they have a clear convergence in their interests. If they believe that 'collective action' through EU mechanisms will serve their interests better than going it alone, they come together to gain a maximum interest. However, if member states believe that going with the EU will put their interests at risk, they are unwilling to co-operate. Finally, if the member states' interest becomes contradictory with EU's policy programs, including institutional engagement within EU, they rather choose their own national interest and sacrifice the EU's CFSP. In the middle, there are an infinite number of negotiable "bargains" to be made.

This creates tension between the member states and the European institutions themselves, especially when member states retreat from the normative dimensions to supranationalist commitments, such as with human rights or democracy promotion. EU members prefer to approach the region in a realist manner, focusing more on short-term priorities, mainly security cooperation and limiting the influence of Islamist parties which are seen as hostile towards the West and Israel.

This leaves a gap or paradox between the European Union's stated intentions and actual policy on the ground. It shows that the EU is a realist actor in liberal clothes. In other words, democracy and rule of law are not an ends of European policies, but rather a means to enhance European security. If liberal values and policies put European security at risk or lead to instability and conflict in the short run, they are abandoned (or at least relegated) in the EU's priorities.

Thus, the political behaviour of the EU towards the Mediterranean can be explained and understood principally within the realist framework where the security, stability and self -interest of the EU and its member states are the main factors determining its behaviour. Finally, external factors also play a role in limiting European regional initiatives, specifically the Israel-Arab conflict. The European attempts to establish security guarantees between the conflicting parties of the region and to create a stable regional environment through regional cooperation have been undermined by the interests of the conflicting parties who have politicised the European initiatives and made them victim of their own conflict. The next chapter will explore the EU's political role in, and policy towards, the MEPP in more detail, extending the context of EU policy-making towards the OPTs which has been started in this chapter.

Chapter Four: The EPC/CFSP Political Involvement in the Middle East Conflict and Peace Process from the 1970s -2009

> "The Europeans will be unable to achieve anything in the Middle East in a million years."
> Henry Kissinger.[709]

4.1 Introduction

According to Gomez, the Arab-Israeli conflict has long been "a benchmark of its [the EU's] status as an international political actor."[710] This chapter will focus on the developing political positions of Europe towards the Conflict and the Peace Process under the EPC and the CFSP starting from the beginning of 1970s until the beginning of 2009. The objective of the chapter is twofold. Firstly, to provide a narrative of the developing policies and role of the EEC/EU over the period, and secondly, to "un-pick" this narrative to identify the main determinants of that role. These determinants are identified as: a) the divergent interests and identities of the member states, b) the relations of member states towards the U.S and, relatedly, the U.S position towards the European role, c) the inclination of Israel to resist a European political role, and the preferences of some member states to protect Israel's interests, and d) the hindrances caused by the institutional structures and mechanisms of the EPC/CFSP in presenting a unified, coherent and independent political role.

The chapter focuses on the collective policy pursued by the EEC/EU rather than on the policies of individual European states, although separation of the two is not always practical and it will be necessary to highlight specific instances of member-state policy. The chapter concludes that the analysis demonstrates the relevance of realist interpretations of EU foreign-policy making, highlighting the ongoing prevalence of inter-governmentalism, and suggesting that the development of a (limited) European political role in recent decades has been more a consequence of functional spill-overs and external environment than supranationalist integration within the EU.

4.2 The Narrative of Developing European Collective Foreign Policy towards the Arab-Israeli Conflict and the MEPP

This section provides a narrative of the development of collective European foreign policy towards the conflict and the MEPP. It is divided into sections addressing the era of the EPC and that of the CFSP. It does not seek to address in detail the most recent era of the European

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[709] Kissinger, H, Quoted by Musu, C. (2010). *European Union Policy Towards The Arab-Israeli Peace Process; The Quicksands of Politics*. New York: Palgrave Macmillan, p.1.
[710] Gomez, R. (2003). *Negotiating the Euro-Mediterranean partnership: Strategic Action in EU Foreign Policy?* Aldershot, Hants, England: Ashgate, p. 123.

External Action Service (EEAS) since it is still too early to make a measured assessment of that component and since the thesis "ends" its analysis with the events of early 2009.

4.2.1 The EPC Mechanism and the Community's Policy towards the Middle East and the Arab-Israel conflict

Modern European relations with the Middle East can be divided into four major phases. The first phase being from the First War World War until the Second World War (1914-1950s). This period witnessed two major events; first the colonising of the vast majority of the Arab World by the main European powers France, Britain and Italy, and second, establishing Israel under support and protection of the Western empires mainly Britain.[711] The second phase started in the 1950s and lasted until the end of the 1980s. This period witnessed two major political developments. First, the decline of the European presence in the Arab World; second, "triumphs of independence movements in the Arab states."[712] A result of these events the Europeans, as Hollis described it, "retreated into the background and focused increasingly on developing their European Economic Community."[713]

The third phase of European-Arab world relations began with the collapse of the Soviet Union and the establishment of the EU in 1992, until the start of the Second Intifada in 2000, and the collapse of MEPP. This period was marked by the launch of the MEPP in Madrid Conference in 1991. Finally, the last phase of the European involvement in the Middle East covers the period from 2000 till 2009.

To place the second phase in context, we must first briefly examine the earlier historical period. The era from 1914 onwards witnessed the major events that have since shaped Middle Eastern politics. After the conclusion of World War I in 1918 and the downfall of the Ottoman Empire, the main European powers - Britain and France - sought to implement their secretly managed plans to redesign and partition the Arab world between themselves. The 1916 Sykes-Picot Agreement was a secret agreement between the governments of Britain and France, according to which Syria and Lebanon would come under French rule, while Iraq and Palestine would be placed under British rule.

Britain had, however, made contradictory promises to both the Arabs and British Jews in order to obtain their support for the war effort.[714] In the Hussein-McMahon correspondence of 1915, the British promised their Arab allies, led by Sherif Hussein of Mecca, that they would support the

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[711] El-Sayed Selim, M. (2009). The European Union and the Arab Israeli Conflict: In Search of a New Approach in Europe and the Middle East perspectives on Major Policy Issues. *Al Siyassa Al Dawliya*. Retrieved from <http://eeas.europa.eu/delegations/egypt/documents/syasah_dawlia_final_en.pdf.P.17> Access date: July 12, 2010.

[712] Hollis, R. (2004). Europe, the US and the Middle East: Where do we go from here? The Middle East Centre at the University of Utah, p.1. Retrieved from <http://www.humis.utah.edu/humis/docs/organization_302_1130959353.pdf.> Access date: July 12 2010.

[713] Ibid.

[714] Sherman, A. J. (1998). *Mandate Days: British Lives in Palestine, 1918-1948.* New York: Thames and Hudson, p.33.

creation of an independent Arab state if they fought with Britain against the Ottomans and the Germans. At the same time they promised the international Zionist movement support for a Jewish homeland in Palestine via the 1917 Balfour Declaration. In the event, the League of Nations awarded Britain and France mandates to rule over the territories as they had wished in their own Sykes-Picot agreement.[715]

As a result of the Balfour Declaration and a tolerant policy towards Jewish migration to Palestine, the Jewish population in that territory increased rapidly during the inter-war period at the expense of the native Palestinians. According to Sherman "the Jewish population in Palestine grew from one-sixth to almost one-third of the total". [716]Additionally, under the supportive structures of the British mandate, the new Jewish migrants managed to build a Jewish quasi-state, equipped with both financial and military resources. [717]

During the 1920s and 1930s the conflict between the Palestinians and the Zionist movement intensified in Palestine. The British tolerance of Zionist immigration and the latter's exclusivist practices against the Palestinians provoked increasingly fierce Arab resistance, with violence breaking out between the two communities in instances such as the Jaffa riots in 1921 and the Great Uprising of 1936-1939. After a respite during World War II, tensions mounted once more, with the Zionists now turning their attention towards the British themselves. Jewish terrorism and the pressures of maintaining order in Palestine proved too much for war-exhausted Britain, and it turned the "problem" of Palestine over to the new UN for resolution. On 29 November 1947 the United Nations General Assembly approved UNGA Resolution 181, which recommended partitioning Palestine into two states, one Jewish and one Arab, with Jerusalem remaining an International City under UN control. The fighting intensified after the partition resolution, as the Zionists sought to extend and consolidate their control over as much of Palestine as possible in advance of any territorial division. The armies of their Arab neighbours - Egypt, Jordan, Lebanon, Syria and Iraq – moved in to liberate Palestine and in the resulting war (and largely as a consequence of forced evacuations by the Zionist army) a hundred thousand Palestinians were killed and hundreds of thousands more forced to flee their homes and become refugees. The State of Israel was declared on the date on which the British mandate expired and the British withdrew from Palestine, 14 May 1948. When in the subsequent war the Arab armies were defeated, a new reality was created which would shape the entire region henceforth.

In the surrounding Arab states, the humiliation of defeat provided fuel for anti-colonial resistance movements, which blamed the poor performance on old elites which had collaborated with the British

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[715]Ibid. p.33.
[716] Ibid. p.33.
[717] Ibid. p.33.

and French at the expense of their own peoples. A wave of populist revolutions and nationalist coups d'états swept across the region, pushing Britain and France out of their colonial outposts and leading to newly independent Arab nation-states.

Britain and France were thus largely supportive of the new Jewish state which represented a remaining "European" bastion in the region. Together with the United States, on the 25th of May 1951 they issued the Tripartite Declaration advancing a collective position towards the Arab-Israeli conflict. This sought to stabilise the Armistice Agreements which had ended the war and to control the flow of arms to the Middle East so as not to supply weapons to states harbouring aggressive designs. The three countries thus supported the existence of the State of Israel within the 1949 armistice lines, not the borders set by the 1947 partition resolution, therefore recognising Israeli sovereignty over those areas occupied by force in 1948-9.

Many other Western states also supported Israel, particularly those countries that were most culpable in the Holocaust - especially West Germany. The latter provided the young Israeli state with extensive reparation payments (including a first payment of $865m in 1952) and clandestine shipments of weapons.[718] West German economic aid continued throughout the 1960s, long before America became Israel's main source of outside support (Economist, 2006). Meanwhile, France was soon to break the Tripartite Agreement, becoming Israel's major arms supplier, and providing Israel with a modern air force and ultimately with nuclear power. In 1956, France and Britain collaborated in and supported Israel's attack on Nasser's Egypt as their interests in resisting Arab nationalism in other colonial outposts coincided with Israel's ambitions to extend its borders.[719]

Whilst European states were individually supportive of the Israeli state, in general during the 1950s and 1960s, the EEC did not arrive at a collective or positive position towards Palestinian issues such as the right to self-determination, the return of the refugees or the desirability of a Palestinian state. According to Othman; "the West saw the solution of the refugee problem as occurring over time with the absorption of the refugees into their host societies and believed the Palestinians would come to accept this."[720] To sum up this period, it can be argued that the Western European colonial states, mainly Britain and France, and then West Germany, played vital roles in laying the groundwork for the creation and consolidation of Israel.

The second phase of the European policies towards the Middle East began in the mid-1950s. This phase witnessed the retreat of the European empires from the Middle East and the embedding of the

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[718] Othman, O. (1996). The EU, the Middle East and the Arab-Israeli Conflict up to the 1980s. *Training and Education in International Affairs*. Retrieved from <http://www.passia.org/seminars/95/s1-23.htm>. Access date: July 12, 2010.
[719] Ibid.
[720] Ibid.

Cold War. In addition, this period witnessed the establishment of the EPC in the 1970s. Indeed, the 1970s and 1980s could be seen as a period in which the European Community and its member states were experimenting with foreign policy cooperation, sometimes with a successful outcome, sometimes not.[721] From 1970 to the Oslo agreement, Europe changed its view of the case on the issue of Palestinian refugees into a national cause and Europe has subsequently played an important role in promoting the idea of with the Palestinian Liberation Organization and the right of the Palestinian people to self-determination.

Over the years that followed the establishment of the European Community in 1957, and then the establishing of the EPC in 1971, the Arab-Israeli conflict was a pivotal issue for the European Community in its foreign affairs and dominated the relationship between Europe and the Arab World, even to the point of becoming hostage to it. The conflict was one of the most controversial foreign policy issues for the Community, and served to unify it on some points and divide it on others. It was not too be long before conflicts between the interests and priorities of the European countries began to surface, due to distinctions and differences in the historical ties between various European countries and the Arab world.

In the first decade after the Treaty of Rome was signed in 1957 the European Community was considered quite supportive of Israel.[722] However, by the mid-1960s a group of countries, led by France, had converted to the Arab cause and were seeking a new, common European position with respect to the Arab-Israel conflict. Other states, however, proved disinclined to support the common policy that France had been looking for.[723]

The June 1967 war brought to light the divisions within the EEC over the role and policies of the Community towards the Middle East in general, and particularly with regard to the Israeli-Palestinian conflict.[724] The six member states did not take a common position towards the June War and the European Community had been incapable of presenting a common stance.[725] The problem was so intense that avoidance of the issue was even deemed preferable to confronting it. The German Chancellor, Kissinger, said after the Rome Summit "I felt ashamed at the Rome Summit, just as the war was on the point of breaking out, we could not even agree to talk about it." [726]

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[721] Johansson-Nogués, E. (2008). The Construction of an EU Foreign Policy Identity Resonance and Dissonance in the European Union's Relations with the Mediterranean, Northern Europeans and Western Balkan Borderlands. *Universitat Autonoma de Barcelona*, pp.1-273. p.100. Retrieved from http://www.tesisenxarxa.net Access date: July 12, 2010.

[722] Persson, A. (2009 May). *The Transformation of Just Peace: EU and the Middle East Peace Process.* Paper presented at the JAD-PbP Regional Seminar, p.16.

[723] Johansson-Nogués, E, op. cit., p.100.

[724] Persson, A, op. cit., p.17.

[725] Musu, C. op. cit., p.45.

[726] Ibid. p.24.

Each member state had taken a separate position based on its national interests and policies at the time. France was the only member which condemned the Israeli aggression, and considered that Israel had started the war. Trying to retain some of its historic influence within the Arab region in the new, post-independence era, France supported the position of the Arab states in the UN and demanded the implementation of UN Security Council resolution 242, itself largely formulated by France.[727] General De Gaulle declared that the Arab-Israeli conflict had to be settled on the basis of a full Israeli withdraw from the territories recently occupied and mutual recognition among the parties to the conflict. France also imposed a complete cessation of future arms sales to Israel.

France's position stood out as unique amongst the other generally pro-Israeli European countries.[728] The other five members of the community, especially Germany and Holland, were largely supportive of the Israeli aggression, not least out of a sense of obligation to the Jewish state in the wake of the Holocaust.[729] Within that rubric, however, some differences prevailed. Belgium, not wanting to form its own policy, was a staunch supporter of the UN, while Italy held a pro-Israeli stance despites factional difference within its own government.[730] Britain, somewhere in the middle, saw itself as neutral in the conflict but hoped to achieve an international solution which would satisfy its own pro-Israeli ally, the United States.

The efforts at constructing an independent European identity and voice free of American dominance in a Cold-War-divided continent and led by France bumped up against British trans-Atlanticism. Larger states sought to influence the continent disproportionately as smaller states took refuge behind the United Nations; and historical national interests and concerns took precedence over any urgency to find a common voice. The result had initially been in Israel's favour. However, following Israel's territorial expansion in the wake of the 1967 war, European governments began to adjust their policies in the direction of greater balance. Concerns over the European failure to act commonly towards the 1967 war, and the increased economic power of the community after its enlargement to include the UK, Denmark and Ireland, prompted the Community to coordinate and harmonise their foreign policy through the EPC. During the 1970s, the European Community issued a series of official publications and declarations towards the conflict in the Middle East within the framework of the EPC, each of which introduced a new political stance towards the conflict. The Community, via these declarations managed to define a set of principles on which the member states could agree the solution of the conflict should be based.

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[727] Sus, I. (1974). Western Europe and the October War. *Journal of palestinin Studies*, *3*. 65-8.
[728] Ibid.p.66.
[729] Othman, O. op., cit.
[730] Nuttall, S. J. (1992). *European Political Co-operation*. Oxford, England: Clarendon Press.p.76.

4.2.2 Schumann Paper of May 1971

The Schumann Paper of May 1971 is the first example of the Community's effort to grapple with the Arab-Israeli conflict. Only a couple of months after the establishment of the EPC system, and at the first EPC ministerial meeting in Munich in 1970, the first item on the agenda was the Middle East conflict, put there at the request of France.[731] Due to considerable differences in the points of view and perceptions of the member states, the meeting failed to reach any kind of consensus or common position on the conflict. This failure motivated the French government to propose a new initiative, through the Political Committee, a diplomatic manoeuvre aimed to persuade the European Community of the advantages of having a common position on the conflict.

The Political Community meeting had exposed a huge gap in the positions of members on a range of related aspects of the conflict including, for example, the question of Palestinian refugees, the city of Jerusalem, and the demilitarized zone to be established between the conflicting parties.[732] After intensive negotiations, the meeting ended with reconciliation among the six members and by the middle of May 1971 the Community announced the Schumann Paper, which was the first official stance toward the conflict in the Middle East within the framework of the EPC.[733] The main ideas within the document repeated elements of the United Nation Resolution (UN) 242. It first established demilitarized zones between Israel and the Arab states and second, the stationing of the UN troops to separate the conflicting parties. Third, it laid out an Israeli withdrawal from all occupied territories with minor border modifications. Fourth, internationalisation of the City of Jerusalem. Finally, it established the solution of the refugee problem by either repatriation in stages or compensation under the supervision of an international commission, and finally, the regulation of shipping in the Gulf of Aqaba and the Suez Canal. The paper addressed the problem of the 'Arab' refugees and not the 'Palestinians' – a point that was later to become the crux of EEC declarations on the Middle East question.

The Schumann Paper had been met with approval in the Arab capitals, but had provoked a vehement Israeli "denial of the Community's right and qualifications to involve itself in the Middle East dispute".[734] In spite of its reserved language, Germany, Italy and the Netherlands - more sensitive to Israeli concerns - only approved the statement on the condition that it was not made public.[735] However, while the paper was never published, its contents were leaked to the press. Domestic pressure caused the German Foreign Minister, Scheel, to assert during a visit to Israel that the

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[731] Regelsberger, E., Schoutheete, P. D., & Wessels, W. (1997). *Foreign Policy of the European Union: from EPC to CFSP and Beyond.* Boulder, Colo: L. Rienner, p.86.
[732] Allen, D. and Pijpers, A. op. cit., p.33.
[733] Ibid.p.33.
[734] Ibid.p.33.
[735] Lyons, K. (2009). *The EU: An International Agent in Palestine?* (Doctoral Dissertation, Massey University, 2009*)*, p.43. Retrieved from http://muir.massey.ac.nz. Access date: July 12, 2010.

document was only a working paper and merely constituted a basis for further discussion, in turn causing great irritation in Paris, and clearly showing the limitations of a common European policy towards the conflict at the time.[736]

Nonetheless, and despite the German attitude, the paper did show the capability of former enemies within Europe to bind together and produce a common position towards a controversial and crucial issue such as the Arab-Israeli conflict. It was, then, perhaps of more importance internally than externally. Secondly, the paper showed the potential for the Community to play a role in the conflict in spite of divergences within itself. Thirdly, the French efforts, led by the French Prime Minster, Maurice Schumann, showed the French weight in the Community, and its eagerness to exploit this in pursuing a common foreign policy.[737]

The degree of understanding which had been achieved between the member states gave Europe the chance to enhance its system of Political Cooperation and to affirm its international identity. The declaration was envisaged as a significant step towards a coordinated foreign policy.

There had been no further joint papers or declarations towards the Middle East for several years. According to Allen and Pijpers, the attitude of each of the now nine members of the community nonetheless continued to develop toward a positive reassessment of Arab demands while their relations with Israel continued to worsen.[738] The next test as to whether they could formulate their shifting positions into a shared policy was to come in 1973.

4.2.3   The Oil Crisis and the 1973 Declaration

The October 1973 war between Egypt and Syria, on the one hand, and Israel, on the other, showed the impact of the Cold War competition between the superpowers - the U.S and the USSR - on the region. Once war had broken out, and as Israel came under intense pressure from Arab armies, the U.S supported and sided with Israel, while the Soviet Union supported the Arabs.

As a result of their "anger and impotence to confront Israel militarily" the Arab oil-producing states utilized their oil as a political weapon against the U.S and related allies of Israel.[739] They selectively applied an oil embargo against certain European Community member states. Britain and France were considered friends and were treated accordingly, with no sanctions imposed on them; the Dutch, like the United States, were considered "hostile states". The rest - Belgium, Denmark, Germany, Ireland and Luxembourg - were "neutrals"[740] against whom a 5% cutback sanction was applied.[741] As a

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[736] Musu, C. op. cit., p.32.
[737]   Allen, D. and Pijpers, A. op. cit., p.134.
[738]   Ibid.p.134.
[739]   Copaken, R. (2003). The Arab Oil weapon of 1973-74 as a Double-edged Sword: It's Implications for Future Energy Security University of Durham: Centre for Middle Eastern and Islamic Studies, p.5.
[740] Musu, C. op.cit.,

consequence of the crisis, the price of oil quadrupled by 1974 to nearly US $12 per US barrel, affecting all member states regardless of status.[742]

The European powers found themselves in a defensive position, suffering the repercussions of the war in the Middle East, but for the first time being unable to bring an influence to bear upon it. The nine's initial reaction to the October 1973 war was in some ways similar to that following the Six–Day war, with each member state adopting a different stance.[743] Reactions toward the crisis were based on the degree of oil vulnerability and dependence, hardly surprising since "60 per cent of the European total energy requirement during the 1970s came from the Arab world."[744]

The greatest divergence in response was evident between the positions of France and the Netherlands. French policy towards the Middle East had changed after the 1967 war. Under President Georges Pompidou, it had shifted quite markedly from traditional support for Israel to favouring the Arab countries. In continuation of Charles de Gaulle's policy, and his attempts to establish a European identity and foreign policy independent from that of the United States, the French adopted a relatively anti-Israel and pro-Arab stance on the war.[745]

A few days after the war started, and while the Arab forces were still in a state of advance, the French government stated that it was still in favour of a peaceful and negotiated solution for the Arab-Israeli conflict based on the UN resolutions. The French considered a cease-fire as a step to pave the way to real negotiations in a framework to be defined in accordance with UN Security Council Resolution 242.[746]

Britain had tried to establish a balance in its policy towards the war, between its political interests with its close ties with the U.S on the one hand, and its economic and energy interests on the other. In the end, Britain followed the French political stance. In addition, the British government "decreed an embargo on all arms to the Middle Eastern countries liable to resort to violence to solve the crisis. The British stance towards the conflict provoked the Israeli government, led by Golda Meir, who accused Britain of "sacrificing small nations to win peace".[747]

West Germany tried to satisfy all the conflicting parties by announcing its "neutrality" towards the conflict. At the same time, demonstrating its on-going bias towards Israel, it allowed the Americans to utilise its territories and airports to provide Israel with weapons. The "double-faced policy toward the

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[741] Allen, D. and A. Pijpers op. cit.,p.134.

[742] Musu, op. cit., p.23.

[743] Ibid.23.

[744] Jawad, H. A. (1992). *Euro-Arab relations: A Study in Collective Diplomacy.* Reading, UK: Ithaca Press. p.18.

[745] Allen, D. and Pijpers, A. op. cit.,.p.134.

[746] Sus, I. (1974). Western Europe and the October War. *Journal of Palestinian Studies*. *3*, 65-8. p.66.

[747] Ibid.p.66.

conflict", as Sus[748] called it, did not last after the scandal had been exposed by the press, as a result of which the government asked the U.S to stop using its land to transit arms to Israel. The rest of the member states of the Community had different political positions on the war. As Denmark and the Netherlands accused Syria and Egypt of being the aggressors and of having started the war, both countries refused to allow France and Britain to speak on behalf of the Community in the Security Council at the United Nations.[749]

It seemed, then, that the 1973 war had increased the divisions within the European Community, revealing the fragility of the EPC. The main options of the Community were either to face the oil crisis with a united front and succumb together if necessary, or to sacrifice unity on the rock of national interests and thus renounce all hopes of becoming a great bloc.[750] The tension between the member states was ultimately resolved through secret diplomacy encouraged by the United States.[751]

The exploitation of the oil weapon forced those member states which had previously pleaded neutrality to take sides on the issues stemming from the Arab-Israeli conflict.[752] With their economies under threat, Germany, the Netherlands and Denmark became more receptive to France's arguments in favour of a united European position on the conflict, and a more balanced (or less pro-Israeli) policy approach.[753] Under pressure from Britain and France to counter the crisis by a common action, the nine had published a joint statement in which they defined the principles that they believed should form the basis of a Middle-East peace agreement.

In their statement, the Council of Ministers called for a ceasefire which would pave the way to start negotiations between the warring parties based on UNSCR 242. In addition, the statement stressed "the need for Israel to end the territorial occupation which it has maintained since the conflict of 1967." The most important element of the 1973 Declaration is that the European Community, for the first time, mentioned the "legitimate rights" of the Palestinians. The Community recognised that "in the establishment of a just and lasting peace, account must be taken of the legitimate rights of the Palestinians." [754]

The Arabs acclaimed the new stance of the European Community expressed through the Declaration

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[748] Sus, I. (1974). Western Europe and the October War. Journal of palestinin Studies, 3. 65-8

[749] Stein, J. G., & Dewitt, D. B. (1983). *The Middle East at the Crossroads: Regional Forces & External Powers.* Oakville, Ont., Canada: Mosaic Press.

[750] Jawad, H.A. op. cit.,.p.43.

[751] Hephaistos, P. (1987). *European Political Cooperation: Towards a Framework of Supranational Diplomacy?* Aldershot, Hants, England, Avebury. p.33. Cited by Musu, C. (2010). *European Union Policy Towards The Arab-Israeli Peace Process: The Quicksands of Politics* Palgrave Macmillan: New York .p.33.

[752] Lyons, K. op.cit,. p.47.

[753] Ibid.

[754] European Economic Community (1973) Declaration of the Nine Foreign Ministers of the European Economic community on the Situation in the Middle East. Brussels. 6 Nov. 1973. Retrieved from http://www.ena.lu/. Access date: July 7, 2010.

and regarded it as a new step forward for the recognition of Palestinian rights. In addition, they considered the new stance of the Community as ushering in a new era of Arab-European friendship. In response to the Declaration, the Arab oil ministers made the decision to exempt the Community Members (apart from the Netherlands) from the 5 percent cut in exports scheduled for December.[755] Furthermore, at the Algiers summit on the 29th of November 1973, the Arabs issued a communiqué directed at Western Europe, in which they remarked on "the improvement indicated by the November 6th Communiqué in the attitude of the nine European countries to the Palestine question."[756]

4.2.4 European-Arab Dialogue 1973

The oil crisis prompted the European Community to open a dialogue with the Arab world, to discuss any future problems occurring between them, in recognition of the strategic importance of the Arab region to their collective interests. As a result of the French diplomatic efforts - first in strengthening the Community unity and the European voice towards the Arab World, and secondly in strengthening the European ties to the Arab world - the European-Arab (Euro-Arab) dialogue was initiated in Copenhagen in December 1974, co-hosted by the European Community and the League of Arab States.[757]

Since then the Euro-Arabian relationship has always revolved around the Palestinian issue, it has been a source of both trouble and cooperation between the two sides. The nucleus of difficulties has been the Arab preference to focus on the Arab-Israeli conflict and the rights of the Palestinian people, and the European preference to limit cooperation to the economic and commercial fields, excluding any political consideration.[758]

As the Europeans saw it, the dialogue was to be a forum to discuss economic affairs (and thus secure oil supplies among other things), whereas the Arab side saw it as a forum to discuss political affairs. The Community member states, fearing that their own deferring national policies towards the conflict would obstruct a consistently unified Community position, had produced a consensus formula. It stressed the view that the initiative should not hinder international efforts in the oil and raw material sectors, nor interfere with the diplomatic efforts for a peace settlement in the Middle East. "Thus it was clear from the beginning that the Arab–Israeli conflict would be absent from the agenda of the dialogue."[759]

During the dialogue, the European Community continued to repeat the statement that had already

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[755] Lenczowski, G. Middle East Oil in a Revolutionary Age. Cited by Jawad, H. A. (1992). Euro-Arab Relations: A Study in Collective diplomacy. Reading, UK: Ithaca Press. p.78.
[756] Al-Dajani, A. (1980). The PLO and the Euro-Arab Dialogue. *Journal of Palestinian Studies*. Studies 9, (3):81-98. p.80.
[757] Ibid.
[758] ibid
[759] Jawad, op. cit., p.67.

been issued, unable to progress beyond it. The Arabs hoped to achieve such political goals as the recognition of the PLO and the adoption by the Community of strong action against Israel policy in the occupied lands. The Europeans had been unable to satisfy their partners in the dialogue due to the different attitudes of the community members towards the Palestinian question, which in the end confined the community as a whole and restrained its movements.

As a result, in the end the gap between both sides over the Sadat peace initiatives blocked any progress in the dialogue and led to its suspension. The Arab states were insistent that the Palestinians should be independently represented in Arab-Israeli negotiations, something that the Europeans were neither able to agree upon among themselves nor able to impose upon the negotiations even if they had wished to do so. While some European states were prepared to be more accommodating to the Arab position - France and Britain in particular had certain established position of interests and commercial advantage to protect - others including the Germans and the Dutch still had special sensitivities over Israel which made any far-reaching, comprehensive relationship with the Arab world hard to defend.

In any case, no group of nations would readily enter into negotiation so conscious of its own vulnerability and so sceptical of the other side's ability to deliver any positive contribution. The Arab League was weak, united only in readiness to engage in log-rolling in the interest of the Palestinians.[760] There had also been structural reasons for the failure of the Dialogue to progress. The ECC had no structures to accommodate the Euro-Arab dialogue, the objectives of which extended beyond political cooperation into areas of community competence.

 As a result it was hard to handle bureaucratically or to take seriously in economic terms. On the economic side, aims for progress towards economic co-operation were stagnating. Although the economic programme was ambitious and serious, few concrete projects were actually implemented. There was a contradiction between what the Arabs wanted and what the European Community was ready to offer. This was especially so in the field of financial investment and trade co-operation. The Arabs asked for multilateral trade agreements on preferential terms, but the Europeans rejected this on the grounds that most of the Arab countries had already signed individual preferential agreements with the Community. Similarly, the Arabs demanded the protection of their investment against commercial risks which the Community was unwilling to offer. The Community argued that in the present economic situation, it was difficult for it even to protect its own citizens against such risks.

Ironically, even though the Euro-Arab dialogue took in principle an inter-governmental approach, it began to reflect a second level of tension within the European Community, that is the tension between

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[760] Tomkys, R. (1987). European Political Cooperation and the Middle East: A Personal
Perspective. *International Affairs (Royal Institute of International Affairs 1944-). 63*. 425-437.p.428.

the member states on the one hand and the European institutions on the other. The Arab states were pushing for deals which necessitated the involvement of the European Commission, something propelled not least by the economic interests of European member states including their own dependence on Arab oil.

However, as the Commission became more involved through its working groups on economic cooperation and trade, tension developed between the member states and the ECC. France in particular feared that the involvement of the European Commission might strengthen the latter's role and its authority in the EPC, which would put the member states' interests at risk. As a result France lobbied for the Commission's role to be limited to offering consultation and expertise.[761]

Other critics considered the European Commission's involvement in the Euro-Arab Dialogue to be breaking down the boundaries between the EEC and the EPC, since the dialogue required the creation of special EPC-EEC working groups which reported directly to the Political Committee of the EPC and the Committee of the Permanent Representative.[762]

Despite the failure of the Euro-Arab Dialogue to establish a political dialogue between the European Community and the Arab League, some scholars believed that it nonetheless contributed to building mutual understanding between both sides and brought the European Community to a closer appreciation of issues close to Arab hearts.[763] For example, in 1977, four years after the 1973 Declaration, the Community came closer to recognising the political rights of the Palestinians. During the London Summit, the EEC issued the London Declaration which introduced into an official EEC text the words "homeland for the Palestinian people" [764]crucially implying a recognition of Palestinian national identity.

4.2.5   Venice Declaration of 1980

The Dialogue had also paved the way for the next European initiative, the Venice Declaration of 1980. Following the signing of the Camp David Agreement between Israel and Egypt under an American umbrella, the European Community was moved to initiate an independent European initiative towards the Middle East, once more led by France and Britain who put pressure on the other members to launch this initiative.[765]

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[761]Smith, M. E. (1996). The 'Europeanization' of European Political Cooperation Trust, Transgovernmental Relations, and the Power of Informal Norms. *Political Relations and Institutions Research Group, Berkeley*. Retrieved from http://www.ciaonet.org/wps/smm01. Access date: June 22, 2010.

[762] Musu, C. op. cit.,

[763] Jawad, H.A. op. cit., p.43.

[764] Gianniou, M. (2006). *The European Union's involvement in the Israeli-Palestinian conflict: an active paradigm of European foreign policy?* The European Consortium for Political Research 3rd Pan-European Conference on EU Politics. Istanbul: Bilgi University. p.5.

[765] Musu, C. op. cit.,

The renewed diplomatic efforts of the nine members towards the Middle East culminated in the Venice Declaration on 13 June 1980, which was considered the most cohesive, advanced and coordinated European initiative towards the Middle East thus far. The unsatisfactory Camp David Accords had prompted France and Britain to consider either amending UNSCR 242 or drafting a new resolution that explicitly referred to the Palestinian right to self-determination as an integral component of any peace settlement.[766] However, the U.S threatened to veto any alteration of the UNSCR 242, so instead the European Community drew up the Venice Declaration.[767]

The essential part of the Declaration was the European Community's emphasis on the right of the Palestinian people to self-determination, and the need to "associate the Palestinian Liberation Organization in any peace talks in the region."[768]The European Community emphasised that the Palestinian problem was not "simply a refugee issue," that the Palestinian people should be allowed to exercise "fully their rights to self-determination," and that the Palestinian Liberation Organisation should be associated with peace negotiations.[769] The Declaration also included unambiguous statements on the illegality of Israeli settlements in the Occupied Territories and the need for an end to Israeli occupation. Additionally, the nine stressed that "they will not accept any unilateral initiative designed to change the status of Jerusalem."[770]

During the 1980s, indeed until the Madrid Conference in 1991, the European Community remained fettered to the text of the Venice Declaration, and did not move beyond its parameters in the slightest. What had amounted to a subsequent deterioration of the European role in the 1980s came about as the result of various factors.

4.3 The Role of the EU in the Madrid Peace Process Conference 1991 and the Era of the CFSP

The last section established the divisive effects of superpower rivalry in the Middle East during the Cold War era. However, the political landscape of international relations had changed in the 1990s, resulting in opportunities for new patterns of behaviour to emerge. With the end of the Cold War and the establishment of its CFSP, Europe saw new opportunities to increase its influence in the Middle East, which were given added potential with the initiation of first the Madrid and then the Oslo processes. This section will consider firstly the developments of the MEPP from its inception in the early 1990s. At each stage of the MEPP the section will highlight the European Union's role and contributions to the process.

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[766] Nuttall, S.J. (1992), op. cit.,

[767]European Commission. (June 1980) *Venice Declaration.* Retrieved from http://www.knesset.gov.il/process/docs/venice_eng.htm. Access date: July 7, 2010.

[768]Ibid.

[769] European Economic Community (1980, June). *Venice Declaration.* Retrieved from http://www.knesset.gov.il/process/docs/venice_eng.htm. Access date: July 22, 2010.

[770] Ibid.

The end of the 1980s witnessed the collapse of the Soviet Union and, accordingly, the end of the old, bipolar order.[771] The global impact was soon evident when in August 1990 Iraq invaded Kuwait. The subsequent Gulf War of 1991, when the U.S led an international coalition of forces to expel Iraq, marked a change in the rules of international relations and acknowledged the emergence of a new world order.[772] In a speech to the American Congress in March 1991, following the cessation of the military operation, U.S. President George Bush set out the new rules: peaceful settlement of disputes, solidarity against aggression, protection of the weak against the strong, reduction and control of weapons arsenals, and the principles of justice and fair play.[773]Also, during the Gulf War the two superpowers had coordinated their policies against Iraq, indicating an end to superpower competition and the victory of "moral and legal norms dictated by the U.S rather than by real-politick of norms negotiated by superpower rivalries."[774] In sum, the U.S was left as the centre of power around which all others revolved.

These changes at international level had been reflected directly in the Middle East. The dramatic change in the international balance of power and the Soviet withdrawal from the region had created a new environment and opened new "windows of opportunity",[775] one of which was the instigation by the U.S of new efforts to resolve the Arab-Israeli conflict. The U.S invited the various relevant parties to a multi-lateral peace conference, to take place in Madrid at which the nature of the New World Order was made evident when Bush said in his introductory speech that "the U.S and the Soviet Union are here today - not as rivals, but as partners." [776] Without the possibility of shelter behind either an American or Soviet super-power sponsor, old adversaries were compelled to attend. Egypt and Jordan, long-time US allies and eager to see a resolution to the conflict, were quick to sign up, whilst Syria – deprived of military and diplomatic support from a dramatically-weakened Soviet Union-[777] saw attendance as a better alternative than isolation and marginalisation.

The PLO, meanwhile, had been brutally weakened by the Gulf War. Not only did they face the loss of financial support from the Gulf as punishment for Arafat's perceived support of Saddam, but thousands of Palestinian workers had been expelled from the Gulf States and became a new wave of refugees. The Arab world was deeply divided by the war and in no condition to collectively promote Palestinian rights. The Soviet Union was no longer available to support progressive liberation movements. In short, there was no option but to participate in a peace process which might have been

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[771] Nye, J. S. (1992). What New World Order? *Foreign Affairs 71*,(2). p. 83.
[772] Joseph, R. (2006). The New World Order: President Bush and the Post -Cold war Era. In Medhurst, M. (ed.) *The Rhetorical Presidency of George H.W. Bush,* Texas: Texas and A&M University Press. p.18.
[773] Ibid.
[774] Elshelmani, S. A. (2000). *The New World Order and Its Impact on the Arab-Israeli Peace Process (1991-1999).* Centre For Middle East and Islamic Studies Durham: Durham.p.58.
[775] Murphy, E. (1995). The Arab-Israeli Conflict and the New World Order. In Hifaa Jawad (ed.) *The Middle East in the New World Order*. London: Macmillan Press Ltd.p.84.
[776] Bush, G. (1991,October) *Speech by George Bush during the Madrid Conference Opening Speeches.*
[777] Murphy, E. op. cit., p. 84.

the last chance for the PLO to overcome its international isolation and political and financial crisis.

On the Israeli side, the War - and the superpower alliance - had demonstrated that Israel was no longer a unique strategic asset for the U.S; indeed it had proven something of a liability. Iraqi missiles falling on Israeli cities prompted Israel to rethink its security, whilst American pressure on the Shamir government, including threats to withhold economic and military aid, prompted Israel to participate in the peace process.

The changes in the political vision and security strategies of both Israel and the Palestinians, therefore, made possible the launching of the American peace initiative. The conflicting parties were sent letters of invitation by the U.S and the Soviet Union as co-sponsors, although the U.S was to dominate the peace process itself. The delegations invited were from Israel, Lebanon, Syria, Egypt and Jordan. A Palestinian delegation was to be included as part of the Jordanian delegation (part of the deal agreed between the U.S and Israel) and was to include Palestinians from inside the West Bank and Gaza rather than representatives of the PLO. The Conference opened amid much posturing by the various parties in October 1991.

The European Community was invited to the conference as an observer, alongside the Gulf Cooperation Council and the United Nations. This signified that the EU was not to be granted a significant political role in the peace process.[778] In the event, the then-European Economic Community governments asked for 13 seats in the conference, one for each of the 12 member states and one for the European Community as a collective entity.[779]

Despite their numerical presence, their subsequent role was very limited. Despite intensively participating in the conference itself, their role was limited to chairing the Regional Economic Development Working Group (REDWG), which aimed at strengthening intra-regional ties and enhancing cooperation through the establishment of institutions, and providing financial support to the working groups on Water and Refuges, Arms Control, and the Environment. The multilateral track was the only form in which Israel and the U.S allowed the EEC to exercise any agency in the Middle East Peace Process.[780] These multilateral negotiations started in Moscow a year after the original Madrid meeting in 1992. They soon became hostage to the bilateral negotiations, however, and made little progress.[781] On the positive side, the involvement of the European Community in Madrid's

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[778] Müller, P. (2007). Germany's Contribution to Europe's Common Foreign Policy (EFP) in the Middle East - from Brakeman to Key Supporter of a Strong European Role in Middle East Peacemaking. Paper for the Sixth Pan-European International Relations Conference. Retrieved from http://turin.sgir.eu/uploads/Mueller-Patrick_Mueller_Conference_Paper.pdf. Access date: July 12, 2010.

[779] Tahir, N. A (2007). European Policy on the Israeli-Palestinian Conflict: From Inception to the Present Day, Journal of European Studies, 23 & 24(2 & 1) 48-117. p.48.

[780] Robins, P. (1997). Always the Bridesmaid: Europe and the Middle East Peace Process. Cambridge Review Of International Affairs. 10, 69-83.

[781] Musu, C. op. cit.

multilateral working groups promoted its image as a new economic agent in the MEPP.[782]

4.3.1 Europe's Role in the Oslo Peace Process

Although the Madrid Peace Conference succeeded in bringing the parties together around a negotiation table, and although the negotiations lasted for a total of 18 months, they had not produced any fruitful results. The distance between the conflicting parties remained insurmountable and the U.S was unwilling to use its economic and political power to force the parties to make concessions. As a result of the lack of progress in the multilateral negotiations, the PLO and Israel started direct and secret negotiations in Oslo in 1992. The secret talks were assisted by mediators from non-EU Norway and led to the dramatic Oslo Declaration of Principles on Interim Self-Government Arrangements and the subsequent Israeli-Palestinian Accords of 1993. Signed in Washington on 13 September 1993, the Declaration directed the PLO to establish a new Authority in the Occupied Territories for which it was to be given temporary civil responsibilities for a period of five years (1994-99).

The main points of the Oslo Accords were that the Israelis would withdraw their forces from parts of the Gaza Strip and West Bank, and would affirm a Palestinian right of self-government within those areas through the creation of a Palestinian National Authority (PNA). This would have an elected Council for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on UNSCCRs 242 and 338. The Oslo Accords gave the PA the responsibility for the administration of the territory under its control.

They outlined the transfer of powers and responsibilities to the Palestinians in the West Bank and Gaza Strip so they might have control over their own education, culture, health, social welfare, direct taxation and tourism - the main five responsibilities that were to be transferred to the Palestinians immediately following the implementation of the Gaza-Jericho Agreement signed in Cairo between Israel and the PLO on 4th May 1994. However, the Accords kept the security of the OPTs, of Israelis in the West Bank and Gaza, of the Israeli settlements in those areas, and of Israeli freedom of movement on roads in Israeli hands. In addition, the Oslo Accords gave Israeli forces the upper hand in controlling the international borders and the crossing points to Egypt and Jordan.

The main permanent status issues such as Jerusalem, refugees, settlements, security arrangements, and borders were excluded. Moreover, as a result of the secret negotiations, both parties signed letters of mutual recognition whereby the PLO recognised the right of Israel to exist (along with renouncing terrorism, violence and the desire for the destruction of the Israeli state - in other words ending the Palestinian Intifada) and in return the Israeli Government recognised the PLO as the legitimate representative of the Palestinians.[783]

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[782] Lyons, K. op.cit., p.43.
[783] Perlmutter, A. (1995). The Israel-PLO Accord Is Dead. *Foreign Affairs,74* (5) .p.60.

Following the signing of the Oslo Accords, which set out the main principles of the peace process, both sides spent seven months negotiating the practical terms of implementation. Agreement was finally reached and signed in Cairo on 4 May 1994 by Chairman Arafat and the Israeli Prime Minster, Rabin. This agreement set out the processes and procedures for the Israeli withdrawal from Gaza and Jericho and for the transfer of administrative authority to the PA. Israeli withdrawal from Palestinian cities, towns and villages began after a further Taba Agreement was signed on 28 September 1995. The first stage was withdrawal from the main cities of the West Bank; Jennin, Nablus, Tulkaram, Qalqilia, Ramallah, and Bethlehem.

In the second stage, the Israeli army withdrew from 459 Palestinian towns and villages. The agreement called for the creation of the Palestinian Legislative Council - which would consist of 88 members - and the launch of the Palestinian general election process (presidential and PLC), which would be staged 22 days after Israeli withdrawal from a selected number of areas in 1996.[784] On the ground the agreement divided the West Bank into three zones. Area A, amounting to 4% of the West Bank, includes Gaza and the main Palestinian cities. According to the agreement this area is totally under Palestinian civil jurisdiction and internal security control. Area B, totally under control of the Palestinian civil jurisdiction, but with overriding Israeli internal security, covers around 450 Palestinian towns and villages and makes up 25% of the West Bank. Finally Area C, with Israeli civil and overall security control, includes the remaining 71% of the West Bank, including uninhabited locations, Israeli settlements, military installations, and the Jordan Valley and bypass roads between Palestinian parts was split into two security zones, H1 and H2. Palestinian police controlled the smaller area, H1, while Israel remained in control of the larger area, H2, where Jewish settlements and many historic sites important to both Jews and Muslims are located.[785]

The Israeli withdrawal from Hebron was supposed to start in March 1996 according to the Taba Agreement. However the assassination of Israel's Prime Minister Rabin by an Israeli Jewish extremist on 4 November 1995 and then the election of Benjamin Netanyahu as Prime Minster in May 1996 slowed down the speed of the peace process, especially when Netanyahu took a different approach from the previous Labour governments of Rabin and Peres. Netanyahu insisted on renegotiating the agreements in line with his campaign slogans which stressed a "peace with security" agenda that is land-for-security instead of land-for-peace, which had been the premise of the MEPP thus far.[786]

After months of tense negotiations, the Hebron Protocol was signed on 17 January 1997, detailing the Israeli redeployment from the city. According to the protocol the "Palestinian Police will assume responsibilities in Area H-1 similar to those in other cities in the West Bank; and Israel will retain all

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[784] Al-Fattal, R. (2010). The Foreign Policy of the EU in the Palestinian Territory *CEPS Working Document*.p.8.
[785]Ibid.p.8.
[786] Elshelmani, S. A. (2000). *The New World Order and Its Impact on the Arab-Israeli Peace Process(1991-1999)*. Centre For Middle East and Islamic Studies Durham: Durham.p.60.

powers and responsibilities for internal security and public order in Area H-2."[787] In addition, Israel would continue to carry the responsibility for overall security of Israelis."[788] As a result of the hostile attitudes of the Israeli Likud Government towards the peace process, their refusal to withdraw from Palestinian towns as the Taba agreement required, and as a result of Netanyahu's decision to construct a new Jewish settlement on Gabel Abu Ghneem (Har-Homa in Hebrew) in East Jerusalem, extremists on the Palestinian side initiated a series of suicide bombings targeting the Israeli cities, bringing the MEPP to a halt.

The U.S intensified its efforts, attempting to relaunch the MEPP and complete the implementation of the Oslo II Agreement.[789] The conflicting parties met at the Aspen Institute's Wye River Conference Centre, with the meeting culminating in an agreement known as the Wye River Memorandum signed on 23 October 1998 under the auspices of the American President Bill Clinton. According to the agreement, Israel would withdraw from 13% per cent of the West Bank in several stages, liberating a number of Palestinian prisoners then held in Israeli prisons, allowing the opening of an airport in Gaza, and opening a "safe corridor" between the Gaza Strip and the West Bank. In return, the Palestinians were to revise their Palestinian National Charter, take tough anti-terrorist measures, and reduce the numbers of Palestinian police forces.[790] However, despite US pressure, the strict conditions imposed by the Israeli Cabinet and by the Knesset, especially on their own Government, meant that further Israeli withdrawals from the West Bank would not exceed one per cent for two years.

Israeli troops finally withdrew from parts of the West Bank close to the northern town of Jenin carrying out the first stage withdrawal from 2% of the West Bank in November 1998.[791] (MEDA, 2010). Four days later another commitment of the agreement was implemented with the opening of the Palestinian airport in Gaza. However as result of fierce objections to the Israeli withdrawal from religious parties in Netanyahu's government coalition, and what Israel viewed as an insufficient Palestinian commitment to ending terrorism and incitement to violence,[792] Netanyahu announced that he would not continue to implement the next phase of withdrawal that was scheduled for December.

In fact, on 20 December 1998, he suspended implementation of the agreement altogether. In May 1999 Israeli elections took place and were won by the Labour candidate Ehud Barak. This gave the MEPP new momentum since he had been elected on the promise of progress in the negotiations with the Palestinians and unilateral withdrawal from Lebanon. Responding to American pressure to revive the peace process quickly, Barak began new negotiations with the Palestinians, aiming for an updated

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[787] Schulze, K. E. (1997). The Hebron agreement. *Mediterranean Politics 2* (1), 201- 205.
[788] Ibid.
[789] Stein, K. (1996). The Arab-Israeli Peace Process. *Middle East Contemporary Survey, XX*..34-65. Retrieved from http://www.ismi.emory.edu/BookChapters/MECS96.html>. Access date: June 28, 2011.
[790] Ibid.
[791] Stein, K.op.cit.p.44.
[792] Musu, C. op. cit.p.56

version of the Wye River Agreement, culminating in the Sharm El-Sheikh agreement of 5 September 1999.

Under this agreement, both Israel and the PLO committed themselves to full and mutual implementation of the Interim Agreement and all other agreements concluded between them since September 1993.[793] In addition, the two sides pledged to conclude "a comprehensive agreement on all Permanent Status issues within one year from the resumption of the Permanent Status negotiations."[794] According to the agreement, the Israelis would withdraw from 11% of the OPTs by 20 January, 2000. They would also release some 350 Palestinian political prisoners.

However, the optimism surrounding the MEPP under Barak's leadership vanished when both conflicting parties failed to agree on the areas to be handed over to the Palestinians. In addition, as consequence of the continuous Israeli settlement activities in West Bank, the negotiations were halted on 5 December by the Palestinian side.

The U.S maintained pressure on both sides, inviting them to the Camp David summit in July 2000. Nonetheless, Arafat, Barak, and US President Clinton still failed to resolve their issues and the Summit broke up with both sides blaming each other for its failure. The situation in the OPTs rapidly deteriorated and, following a controversial visit by Ariel Sharon to the Harem el-Sharif in Jerusalem, a second Palestinian Intifada began, inviting fierce Israeli retaliatory measures.

Although the EU had a representative at the signing in Washington of the 1993 Oslo Accords, the Europeans had played no role in the secret negotiations, and were largely excluded from playing a political role in the subsequent peace process in the early years. However, they did enlarge on the role - previously carved out under Madrid - of economic sponsor for the MEPP. On the 8th September, five days before the Declaration of Principles was signed, the Commission of the European Community proposed a U$600 million [€420 million] aid plan for the OPTs over the following five years. The American administration subsequently organized an international donors' conference to mobilize the resources needed to support the Palestinian institutional framework on which the peace process was to be built. The objective, according to Lasensky, was "intended to mobilise resources needed to make the agreement work therefore more than two billion dollars was pledge over five years".[795]

International donors pledged over $2 billion to the development of the West Bank and the Gaza Strip

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[793] European Commission. (1999). *The Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations.*
[794] Ibid.
[795] Lasensky, S. (2005). Chequebook Diplomacy: the US, the Oslo Process and the Role of Foreign Aid. In Michael Keating, Anne Le More and Robert Lowe (Eds.) *Aid Diplomacy and Facts on the Ground; The Case of Palestine.* London: Chatham House.p.4.

over the course of the next five years.[796] The sum continued to increase incrementally during subsequent years as a result of the faltering peace process and accompanying instability in conditions prevailing in the Palestinian Occupied Territories. Nonetheless, the Palestinian Occupied Territories have received over $6 billion in assistance to the Palestinians since 1993[797], an amount that "is exceptional in its extent per capita and is considered as the highest since WW2 to a population."[798] During the conference the EU, through the European Commission, proposed an amount of €700 million ECUs to support the Palestinian economy by the end of 1997, [799] and the EU was subsequently to become the most proactive donor of all (many more details of which will be provided, and a more elaborate analysis given, in a later chapter of this thesis).

By now, the EEC had transformed into the EU and was determined to use its new CFSP instrument, the Joint Action, to strengthen the EU's political involvement in the MEPP. On 29 October 1993 the European Council declared the Middle East to be one of five priority areas for the implementation of joint actions on the basis of the Maastricht Treaty.[800] The EU actually adopted a Joint Action on 25 September 1995, announcing its intention to participate in observing the elections for the Palestinian Council provided for by the Declaration of Principles, and to organise the coordination of the observation in accordance with international rules.[801] One year later, on 25 November 1996, another very important action was undertaken when Mr Miguel Angel Moratinos was nominated as the EU Special Envoy for the MEPP.[802] The last EU Joint Action towards the Middle East was adopted on 29 April 1997, establishing an assistance programme in order to support the PA in its efforts to counter terrorist activities emanating from the territories under its control and to assist in the establishing of a related Palestinian administrative structure.

Looking at the role of the EU in the MEPP during this period, it can be observed that there was a gradual increase in European presence in the region. Although the EU's role was limited to financing the PA and monitoring its first general elections on 20 January 1996, this nonetheless represents an improvement on the very marginal role of the EEC during the Madrid Conference, and one which has developed a new political dimension since the development of the CFSP with the appointment of a

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[796] Hollis, R (1997). Europe and the Middle East: Power by Stealth? *International Affairs (Royal Institute of International Affairs 1944) 73*(1).15-29. p.15.

[797] Schmid, D. Moses, S. Tovias, A. and Calleya. S. (2006). Mapping European and American Economic Initiatives Towards Israel and the Palestinian Authority and Their Effects on Honest Broker Perceptions *EuroMesco Paper.*

[798] Keating, M. (2005). Aid Diplomacy and Facts on the Ground. In Keating, M. Le More, A. and Lowe, R. (Eds.) *Aid Diplomacy and Facts on the Ground: The Case of Palestine*. London: Chatham House.p.17.

[799] European Union Committee. (2006). *European Union Committee 26th Report of Session, the EU and the Middle East Peace Process.* London: House of Lords. p.13.

[800] Barbé, E., Sabiote M.A. and Lecha, E.S. (2008, February). Spain and the Arab-Israeli conflict: A Demand for a Greater European Role. *Working paper Monograph of the Observatory of European Foreign Policy, 4.*

[801] European Commission (1996, January 22). European Union Action Decision on the 1996 Palestinian Election. *Official Journal of the European Communities Press. 11* (4491/96).

[802] European Commission (1996). European Council Joint Action on the EU Special Envoy for the Middle East Peace. *Official journal of the European Communities.*

Special Representative/Envoy of the EU to the Middle East, the latter significantly enhancing the presence, visibility and political impetus of the EU.

The first test for the Special Envoy was the negotiations for the Hebron Protocol in which Moratinos played the role of mediator between the Israelis and the Palestinians."[803] In addition, for the first time the EU gave both sides letters of assurance carefully negotiated by the EU Special Envoy and signed by the EU Presidency.[804] Moratinos was working quietly behind the scenes and the EU to supplied Arafat with a letter assuring him that it would use all its political and moral weight to ensure that the agreement would be fully implemented.[805]

Al-Fattal considered the European letter "a new quality of commitment by pledging to use all its political and moral weight to ensure that all the provisions in the agreement already reached will be fully implemented".[806] During the Wye River Memorandum negotiations in 1999, however, the EU Special Envoy's role in the negotiation was limited to monitoring the process and was once more fairly marginal.

4.3.2 Berlin Declaration 1999

In order to convince Arafat not to proclaim a Palestinian state unilaterally as a result of Netanyahu's policy, the EU issued in March 1999 Berlin Declaration. The declarations stressed several points, first reaffirming the "continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfilment of this right." Second, creation of a democratic, viable and peaceful sovereign Palestinian State on the basis of existing agreements and through negotiations would be the "best guarantee of Israel's security and Israel's acceptance as an equal partner in the region. Finally, and more importantly, the EU declared its "readiness to consider the recognition of a Palestinian State in due course in accordance with the basic principles referred to above."[807]

As a result of the Berlin Declaration, the PLO Central Council postponed its own declaration of Palestinian statehood. Perhaps more importantly, by declaring its own commitment to supporting a Palestinian state in due course, the EU was moving the international agenda towards that position.

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[803] Peter, J. (1999). Europe and the Middle East Peace Process Emerging from the Sidelines. In Stavridis, S. (Ed.) *The Foreign Policies of the European Union's Mediterranean States and Applicant Countries in the 1990s* USA : St .Martin's Press Inc. p. 302.
[804] Ibid.
[805] Peter, J. (1999). Europe and the Middle East Peace Process Emerging from the Sidelines. In Stavridis, S. (Ed.) *The Foreign Policies of the European Union's Mediterranean States and Applicant Countries in the 1990s* USA : St .Martin's Press Inc. p. 302.
[806] Al-Fattal, R. op.cit., p.33.
[807] European Commission. (1999, March). *Presidency Conclusions on Berlin Submit European Council*. Retrieved from http://domino.un.org/UNISPAL.NSF/0/f6ed2f19b37dacca85256f95007a259f?OpenDocument. Access date: June 28, 2011.

This was to become more significant as the MEPP threatened to dissolve entirely.

4.3.3 Europe's Role in Sharm-el Sheikh 2001

Fearing the collapse of the peace process, President Clinton convinced both Israel and the PA to meet in Sharm-el Sheikh. The meeting included representatives from Egypt, Jordan, the UN and the EU. The scale of the meeting was designed to pressure the parties into reaching a new agreement on how to move the MEPP forward. The summit established a fact-finding commission, resulting in the Sharm El-Sheikh Fact-Finding Committee Report, which proposed recommendations on how to end the cycle of violence, rebuild trust and resume negotiations.[808] The commission was chaired by former US Senator George J. Mitchell and included the EU's CFSP High Representative Javier Solana, affirming the developing political role of the EU. In April 2001 the Mitchell Committee presented its report to the new President of the United States, George W. Bush. However the new American administration showed little interest in the MEPP, other than to send CIA Director George Tenet to the region to attempt to build a ceasefire as the violence escalated, an effort which failed with its rejection by Hamas and Islamic Jihad. American interest was revived, however, after the 11th September attacks in 2001, but according to Musu the main motivation for this renewed interest was to convince Arab allies to participate in the international collation in the war on terrorism rather than to actively pursue peace.[809]

The U.S sent retired Marine Anthony Zinni to implement the Mitchell Committee Report and the George Tenet recommendation. But Zinni had failed to stop the violence and the Palestinian Intifada, since his efforts did not address the root cause of the violence - the Israeli occupation.[810] Nonetheless, President Bush was moved to give a major speech in which, for the first time in American foreign policy towards the Israel-Arab conflict, the U.S explicitly expressed its desire to see a Palestinian state existing alongside Israel in peace and security, evidence of how far the international agenda was swinging in favour of Palestinian statehood.[811]

In response to the escalating violence between Israeli and Palestinian groups, threatening the collapse of the PA itself, the U.S revived its role in the MEPP and supported the formulation of the Middle East Quartet, also called the Quartet on the Middle East. On April 10th 2002, Colin Powell announced the formation of a "Quartet" of forces aiming to make progress towards the implementation of Bush's vision of a two-state solution and addressing the looming humanitarian crisis within the Palestinian

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[808] Musu, C. (2010). op.cit.

[809] Musu, C. (2010b). The Madrid Quartet: An Effective Instrument of Multilateralism? The EU and the Quartet for Peace in the Middle East. Implementing Effective Multilateralism? Paper given at the Annual Meeting of the Theory vs. Policy? Connecting Scholars and Practitioners, New Orleans, LA.

[810] Musu, C. (2010) op.cit.,

[811] Bush, G. (2002). *Speech given by George Bush on Israel-Palestinian Settlement.* Retrieved from http://www.mideastweb.org/bushspeech1.htm Access date: July 28, 2011.

community.[812]In contrast to Clinton's efforts to maintain American dominance in the political management of the MEPP, this effort was a way to reactive a multilateral approach to the MEPP, encouraging the engagement of outside actors. The U.S invited the UN Secretary-General, the EU High Representative for CFSP, and the Russian Foreign Minister to participate in the new Quartet. The Quartet then appointed its own Special Envoy, currently the former British Prime Minister Tony Blair. Blair's appointment came after the former World Bank President, James Wolfensohn, had quit the position in 2006 in response to American restrictions on his mandate and responsibilities, which were limited to the economy and coordinating the aid of international donors. It seemed that, for all the U.S's apparent new multilateralism, it remained unwilling to allow partners a genuine political say.

In order to enhance the European role in the MEPP and to put an end to the violence in the OPTs, German Foreign Minister Jaschka Ficher drafted an initiative in April 2002 called the "Seven Point Plan." The main point of the plan was that Israel should withdraw to a line close to the pre-1967 borders, after which a Palestinian state would be established. Four months later, in August, Denmark (who then held the presidency of the European Union), added a time frame to the seven-point plan and presented it to the EU Foreign Ministers' meeting which subsequently adopted it.

In the absence of any alternative vision, the Quartet had adopted, adapted and elaborated upon the European initiative, calling it the Road Map for Peace in the Middle East. Officially, the Road Map was launched at the Sharm el–Sheikh summit of April 2003, hosted by the U.S President Bush and attended by Prime Minster Sharon for Israel and (the then) Prime Minister Mahmoud Abbas for the Palestinians. The main points of the Road Map were that the Palestinians would have, by the end of 2005, a Palestinian state. However, this required them to abandon the use of violence, and to reform the PA. In return, the Israelis were to halt settlement activities in the OPTs and accept the emergence of the reformed democratic Palestinian government. The Road Map comprised three goal-driven phases with the ultimate goal of ending the conflict as early as 2005. However, as a performance-based plan, progress depended upon the good faith efforts of the parties, and their compliance with each of the obligations. The three phases of the Road Map were as follows:

> "Phase I (as early as May 2003): End to Palestinian violence; Palestinian political reform; Israeli withdrawal from Palestinian cities and freeze on settlement expansion; Palestinian elections. Phase II (as early as June-Dec 2003): International Conference to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian

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[812] Musu, C. (2010b). *The Madrid Quartet: An Effective Instrument of Multilateralism? The EU and the Quartet for Peace in the Middle East. Implementing Effective Multilateralism?* Paper given at the Annual Meeting of the Theory vs. Policy? Connecting Scholars and Practitioners, New Orleans, LA.

state with provisional borders; revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues; Arab states restore pre-intifada links to Israel (trade offices, etc.) Phase III (as early as 2004-2005): second international conference; permanent status agreement and end of conflict; agreement on final borders, clarification of the highly controversial question of the fate of Jerusalem, refugees and settlements; Arab state to agree to peace deals with Israel."[813]

Musu argued that inherent contradictions in the Road Map limited its potential for success. The Palestinians were in fact unable to take the steps required; for example, they could not take tough measures against terrorism when their infrastructure and security facilities had been destroyed by the Israeli Army. As a result, the tension between both parties continued.[814] In 2005 Israeli Prime Minister Ariel Sharon unilaterally, and without any coordination with the PA, withdrew Israel from the Gaza Strip. An agreement was subsequently concluded between Israel and the PA on movement and access between Gaza and Egypt.

On the 12th of November 2005 the Council of the EU welcomed the agreement and issued a Joint Action establishing an EU monitoring mission to oversee implementation of the Israeli/Palestinian agreement on operation of the Rafah border crossing point between the Gaza Strip and Egypt. Alongside EUBAM Rafah, the the Council of the European Union adopted a Joint Action establishing an EU Police Mission for the Palestinian Territories (EUPOL COPPS) for a period of three years which aimed to support the PA in establishing a sustainable and effective policing arrangement.[815]

We can see, then, that since the breakdown of a meaningful MEPP in 2000, the EU has been able to move its role on beyond simply economic and technical support. Its growing involvement in the actual political processes, although still subordinate to that of the United State, has allowed it to become actively engaged in designing processes and assisting in their implementation. Through its declaratory policies, it has moved the agenda towards support for Palestinian statehood as an end-goal of the MEPP, and through its participation in the Quartet, and design of the Road Map, it has established its own place in the negotiating framework. Furthermore, through its Joint Actions it has played a significant role in reforming and training the Palestinian policy and security agencies as part of the Road Map process. Furthermore, the EU plays a vital role in managing the border between Gaza and Egypt after the Israeli withdrawal from Gaza.

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[813]BBC (2003). *The Roadmap* Retrieved from: http://news.bbc.co.uk/1/hi/world/middle_east/2989783.stm Access date: July 28, 2011.
[814] Musu, C. (2010) op.cit.,
[815] European Council. (2008). Council Decision Amending Decision 2008/134/CFSP on the European Union Police Mission for the Palestinian Territories. *The Official Journal of the European Union.*

There have been several reasons for the increased role of the EU's involvement in the MEPP. First was the development of the mechanisms, instruments, and capabilities of the CFSP after each reform treaty; second, the EU's membership in the Quartet which contributed to softening the Israeli rejection of a European role; and third, the close relations between the EU and the U.S as a result of the participation in the Quartet.

Although the deterioration of the Peace Process after the Second Intifada began in late September 2000 as result of the collapse of the Camp David summit and the provocative visit by Ariel Sharon to Al-Haram Al-Sharif (the Temple Mount), the dramatic changes in the Middle East had opened up new opportunities for the EU to increase its political presence in the MEPP. Alongside its participation in the MEPP, the EU's role shifted from being that of a receiver or negative participant to policy-maker and initiator of the Road Map. The Danish proposal to the Quartet, the European Neighbourhood policy, and the EU Common Strategy for the Mediterranean, were clear examples of an increased European ability to approach the Middle East in a relatively unified way.

The first direct involvement in the Middle East Peace Process after the Intifada was the participation side by side with the U.S in Sharm El-Sheikh Fact-Finding Committee which aimed to propose a recommendation to end the violence and rebuild the trust and resume negotiations. The commission was chaired by the former US Senator George J. Mitchell and members of CFSP High Representative Javier Solana and others.

The EU continued to utilise European declarations as instruments to set the political agenda. After the outbreak of the Second Intifada on the 22nd of September 2002, for example, the EU issued the Seville Declaration, emphasising that a settlement "could only be achieved through negotiation". The declaration stressed that the aim of the negotiations was to put an end to the conflict in the Middle East through "establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties".[816]

As result of the terrorist attacks on the U.S on the 11th of September 2001 and on European cities and fears of the spillover of violence to Europe, the European Security Strategy European and decision makers considered resolution of the conflict in the Middle East conflict to be "a strategic priority for Europe". The Strategy emphasised that "without solving the conflict there will be little chance of dealing with other problems in the Middle East". Finally, the EU repeated its insistence that it "must

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[816]Seville Declaration (2002). Presidency Conclusions – Seville European Council, *Available at:*
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72638.pdf#p
age=36. Accessed on 28th May 2009.

remain engaged and ready to commit resources to the problem until it is solved."[817]

The change in the mechanism of the common security policy following the appointment of the High Representative for the CFSP after the Amsterdam Treaty, contributed to enhancing the EU presence and coordination. In addition, the European Union was striving to provide economic aid and assistance to the Palestinians and the peace process. Furthermore there had been a change in America's attitude towards the peace process and a multilateral approach to the Middle East conflict through the Quartet. This approach, which allowed the international community to take part in finding a solution and settlement to the conflict, increased EU-US coordination and cooperation in the Middle East and led to a reduction in Israeli fears of European involvement in the conflict especially as they had been considered as pro–Arab.

4.3.4   The EU's Role in the Middle East Quartet 2002

The role of the EU in the Quartet has been controversial and there have been divergent views on it. On one hand some believed that participation in the Quartet "gave the European role a higher political relevance and resonance.[818] It was seen as a unique opportunity for the EU to sit equally at the negotiation table with the rest of the main international players, especially the U.S who had dominated the MEPP since its inception in the 1990s. Therefore, supporting the Quartet would enhance the EU's presence and influence in the peace process, and would provide Europe with a tool with which to influence American policies as they were formulated. David Quarrey stressed that the European Union, through the Quartet, managed to contribute to the peace process in the Middle East either through the meetings between the Quartet and regional parties that had now effectively become Quartet policy, or through EU initiatives, such as the Temporary International Mechanism, as a vehicle for maintaining humanitarian and other support to the Palestinians.

Quarrey emphasised that building on the above success and achievements "it would be unfair to say that the EU merely signs up to whatever line the U.S wants to take in the Quartet."[819] On the other hand, there were others who argued that the EU being part of the Quartet was a main factor in the European role being weakened in the Middle East, especially in terms of the political identity of the EU in the Mediterranean region being conditioned by the presence of the U.S.[820] Thus far, the Quartet had failed to substantially alter the dynamics of international involvement. Rather, it had

[817] European Security Strategy Brussels. (2003, December) *A Secure Europe in a Better World* Available at: http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf Access date: July 12, 2010.

[818] Musu, C. (2010b) The Madrid Quartet: An Effective Instrument of Multilateralism? The EU and the Quartet for Peace in the Middle East. Implementing Effective Multilateralism? Paper given at the Annual Meeting of the Theory vs. Policy? Connecting Scholars and Practitioners, New Orleans, LA.

[819] House of Lords European Union Committee (2006). op.cit.,

[820] Johansson-Nogués, E, op. cit., p.14.

predominantly provided a multilateral cover for persisting unilateral US action - or inaction.[821] In fact they believed that European participation in the Quartet did not add any value to the European role for several reasons: First, the U.S dominated the Quartet having supported its creation in order to absorb the external pressures yet maintained an undisputed role as the sole mediator accepted by both parties.[822] Second, the limited role of the Quartet in the political level of negotiations was due to the Israeli and American rejection of any role of the Quartet in the negotiations.

The resignation of the Quartet's former special envoy over his role and authority was a clear example of the limited role of the Quartet. As a consequence there were voices calling upon the EU to withdraw from the Quartet as its role is limited to justifying, implementing, and ratifying US policy in the region. In his "End of Mission Report", Álvaro de Soto, the UN's former Middle East envoy, described the decision-making in the Quartet stating that the Quartet:

> "Functions in a flimsy framework of ritual and tradition passed orally from person to person. Unfortunately, it is a bit like the children's game of "Chinese Whispers", here the message transmitted at one end reaches the other end in a manner that doesn't necessarily resemble the original."[823]

He stated that the U.S considered the members of the Quartet as a group of friends therefore the "US doesn't feel the need to consult closely with the Quartet except when it suits it."[824] As a consequence de Soto believed that the other members of the Quartet, the EU, Russia and the UN - had become a "side-show".[825] De Soto considered the way that the U.S dealt with the Hamas government as a clear example of this.

> "In a 13 January meeting, I had gathered the impression that, though the U.S had clearly decided who were "the bad guys"... On 29 January, we received a draft statement prepared by the U.S that would have had the Quartet, in effect; decide to review all assistance to the new PA government unless its members adhered to three principles: nonviolence, recognition of Israel, and acceptance of previous agreements and obligations including the Road Map."[826]

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[821] Tocci, N. (2005). The Widening Gap between Rhetoric and Reality in EU Policy Towards the Israeli-Palestinian Conflict. *CEPS Working Document*. p. 217.

[822] Musu, C. (2008). *The Instruments of European Foreign Policy and Their Use in the Case of the Arab-Israeli Peace Process: A Case of Insufficiency, Inadequacy, Misuse or Under-Utilization?* Paper presented at the Annual Meeting of the ISA's 49th Annual Convention. Retrieved from <http://www.allacademic.com/meta/p253355_index.html.> Access date: June 2, 2011.

[823] Soto, A. (2007). *End of Mission Report Former UN's Middle East Envoy* New York: UN. p.32.

[824] Ibid.

[825] Ibid.

[826] Ibid.p.54.

4.3.5 The Election of Hamas 2006

Among its activities, the EU had been insistent that the January 2006 Palestinian parliamentary (legislative council) elections should go ahead as scheduled. To this end, they funded and supervised the elections to ensure appropriate standards of fairness and regulatory conduct. To their chagrin, however, the Islamic Resistance Movement, or Hamas, emerged as the largest party in the Legislative Council, an outcome that was against the mainstream predictions and which presented a major change in the Palestinian political landscape which had been, until that time, dominated by the secular nationalist Fatah faction of the Palestinian Liberation Organisation. Hamas won 74 seats in the 132-seat Legislative Council. Following its triumph, Hamas nominated its leader, Ismail Haniyeh, to serve as Prime Minister, presenting the EU with a major dilemma.

The international community, including the European Union, refused to recognise or deal with a Hamas-led government, or any National Unity Government in which Hamas participated, as long as the movement refused to accept the Middle East conditions which included: first, renouncing violence; second, recognising the State of Israel; and third, respecting previous agreements and obligations in the MEPP. In a statement, the EU General Affairs and External Relations Council endorsed the Quartet conditions and gave its "full support for President Abbas' determination to pursue a peaceful solution of the conflict with Israel".[827] Moreover, the Council stressed that "violence and terror are incompatible with democratic processes and urged Hamas and all other factions to renounce violence, to recognise Israel's right to exist and to disarm."[828]

Finally, the Council committed to a peaceful and negotiated solution of the conflict with Israel based on existing agreements and the Roadmap, as well as to the rule of law, reform and sound fiscal management as pre-conditions to continue to support Palestinian economic development and democratic state building."[829] As result of Hamas's rejection of the Quartet conditions, the EU froze its direct aid to the PA, the first time that the EU "made use of its economic instrument as a way not only to enforce political reform but also a change in the diplomatic and political perception of the conflict by one interested party."[830]

In addition the EU created a new funding mechanism called the Temporary International Mechanism (TIM) which aimed to bypass the Hamas government in administering funds to avoid a humanitarian crisis in Palestine. The mechanism facilitated needs-based assistance directly to the Palestinian people, including essential equipment, supplies, and support for health services, support for the

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[827] Council of the European Union. (2006). *Council Conclusions on the Middle-East Peace Process, 2706: The External Relations Council Meeting, Brussels.* Retrieved from:
http://www.diplomatie.gouv.fr/en/IMG/pdf/Conclusions_MEPP_EN.pdf Access date: June 2, 2011.
[828] Ibid.
[829] Ibid.
[830] Gianniou, M. op.cit,.p.103.

uninterrupted supply of fuel and utilities, and basic needs allowances to poor Palestinians.[831] The election of Hamas and the EU's subsequent rejection of the Palestinian government demonstrated the contradictions in its own policies towards the Palestinians. On the one hand it endorsed democratic reforms of the PA to create a political structure capable of being a partner in the MEPP and of subsequently running the Palestinian state. On the other, it was unwilling to support Palestinian democracy when it threatened the EU's own interests in securing a peace agreement to its own liking. Moreover, it was concerned to thwart the ambitions of Islamist political movements which it perceived to pose a security threat to itself, as well as to Israel. The limitations of EU policy towards the MEPP were all too evident, and the consequence was that, once more, in effect the EU was limited to role of economic support for the Palestinians rather than the political activism to which it had aspired.

However, the outlook for the EU role in the post-Annapolis future seemed less promising. Annapolis designated the U.S. as the sole arbiter of the peace process, leaving little space for the EU, or indeed the Quartet, in the negotiations.

4.3.6 The Annapolis Conference

Following a series of bilateral meetings between Palestinian President Mahmoud Abbas and Israeli Prime Minister Ehud Olmert, beginning in February 2007, U.S President George W. Bush, on 16 July 2007, called for an international meeting of representatives from nations that support a two-state solution. Thus, on 27 November 2007 The U.S. administration under Bush leadership organised Annapolis Conference in Annapolis, Maryland, with the aim of reviving the MEPP. In addition to the conflicting parties and the U.S, several intergovernmental organizations that attended the conference include: the United Nations represented by the Secretary General, the Arab League represented by its Secretary General, the EU Commission, the EU High Representative and the Quartet Special Envoy. The conference marked the first time a two-state solution was articulated as the mutually agreed upon outline for addressing the Israeli-Palestinian conflict. The Annapolis Conference ended without immediate results but both sides committed themselves to reach an agreement by the end of 2008.[832] Despite the promises that had been made at Annapolis, there was not much progress at the meetings of the steering committee in the following months.[833]

The EU participated in the preparation of the conference. From 11 to 14 November, the head of the CFSP Javier Solana visited the cities of Ramallah, Jerusalem, Tel Aviv and Cairo in order to

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[831] European Commission. (2007). *Temporary International Mechanism.* Retrieved from :http://www.delwbg.ec.europa.eu/en/tim/tim_in.htm Access date: June 2, 2011.
[832] PLO Negotiations Department (2007) *Joint Understanding on Negotiations.* Retrieved from www.nad-plo.org. Access date: June 2, 2011.
[833] Tahir, N.A. op.cit.,p.108.

encourage the leaders attending the conference.[834] Germany and France had also played an important role in mobilising the diplomatic momentum to make the Annapolis conference a success. Thus in the weeks before the Annapolis, German Chancellor Angela Merkel and her Foreign Minister Steinmeier had met numerous top Arab officials to persuade them that their participation and support in the conference was crucial for lasting peace.[835] During the conference, the Presidency of the EU reaffirms the EU's "determination to support the efforts of reaching comprehensive peace in the Middle East through a lasting and just settlement of the conflict."[836]

In addition, the EU presidency stressed the EU "ready to offer a wide-ranging and coherent contribution as highlighted in its state building for Peace in the Middle East: an EU Action Strategy."[837] Finally, the Presidency reiterated the "EU's engagement to further strengthen its on-going programs to foster the economic and financial development of a future Palestinian State through the continuation of assistance and in close cooperation with the Quartet Representative."[838] Although its effort in preparing and convincing the conflicting parties to attend the conference the EU did not play any role in the bilateral negotiation.

4.4 Un-Picking the Determinants of EPC/CFSP Policy towards the Conflict and the MEPP

This section seeks to identify the key determinants which have shaped the narrative provided above. It demonstrates the fact that European polices towards the conflict in the Middle East, and towards OPTs in particular, cannot be considered without reference to domestic, regional and international factors; to those within the EU and those which relate to its environment. In fact, the EPC /CFPS were themselves the outcome of the interaction between these broader determinants.

This section will argue that the EPC /CFSP policies towards the Middle East have been shaped by four determinants: First, the divergent interests and identities of the EEC/EU members and their consequent differing political stances towards the conflicting parties. Second, the Europeans' Transatlantic relationships, both individually and collectively. Third, Israel itself has been a determinant in shaping European policies towards the region and its political involvement in the Middle East through its resistance to such a role and its ability to draw on particularly sympathetic relations with some member states to sustain that resistance. Finally, the institutions of the EEC/EU have interacted with each other in order to produce certain policy directions, and in fact member states

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[834] Solana, J. (2007, November) Interview with Javier Solana, EU High Representative for the Common Foreign and Security Policy, ahead of the Annapolis conference. Retrieved from http://www.ejpress.org/article/21966 Access date: June 14, 2011.
[835] Tahir, N.A. op.cit.,p.108.
[836] EU Presidency. (2007, November). European Union Statement on the Annapolis conference. Retrieved fromhttp://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/03_copo20080128_eupresidencyannap olis_/03_copo20080128_eupresidencyannapolis_en.pdf Access date: June 14, 2011.
[837] Ibid.
[838] Ibid.

have been able to exploit these interactions to circumvent European constraints when it has suited them.

4.4.1 The First Determinant: the Divergent Interests and Identities of the EEC/EU Members and the Lack of a Unified Vision over the European Role in the Middle East

The EU members did not just differ in their interests and political stances towards the conflicting parties but were also divided over what the role of the EU in the region should be. While some members had been supporting strong independent European role in the Middle East, others preferred only a peripheral role complementing the U.S role, not competing with it.

Despite the fact that the member states had always supported the principle of a peace process between Israel and the Palestinians, there was little disagreement as to what a final solution might look like.[839] This was due to the fact that the vast majority of the Community's members still looked at the Middle East and their own foreign policy in "purely national terms and have national interests or policy preferences in the region."[840]

The following analysis will focus on the six members of the EEC/EU that have been particularly active in the trying to influence and direct the EPC and CFSP towards the Middle East France, Germany, Great Britain, Italy, the Netherlands, and Spain. It is the objective here is to expose the main nation-state driven policy trends in the EEC/EU and how these trends affected the direction of the EPC/CFSP. It is important to shed light on the policies of these members, since the EPC/CFSP have dominated by their national interests, which notably hinder a common and coherent policy.

4.4.1.1 France

As the previous chapter shows, France, alongside Spain, had a huge interest in the Middle East and North Africa (MENA) for several reasons, including geographical proximity and on the basis of the previous French colonial rule in large parts of the region demographically. For example, as France has been home to the largest Jewish community in Europe at around 600 thousand, it is also home to about 2.9 million Muslims, mostly descended from the Maghreb.[841]

In addition, French interests have also been related to its colonial history in the region where it

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[839] Muller, P. (2006). Europe's Political Role in the Israeli-Palestinian Peace Process – A Comparison of the Foreign Policies of the "Big-Three" EU Member States vis-à-vis the Peace Process. Paper given at BISA Conference. p. 16.
[840] Laipson, E. (1990). Europe's Role in the Middle East: Enduring Ties, Emerging Opportunities. Middle East Journal 44(1) 7-17.p.8.
[841] Sieffert, D. (2010, November). France and the Israeli-Palestinian Conflict, Paper presented at European Foreign Policy towards Palestinian Issues, Al-zaytouna Centre for Studies and Consultation. p.1.

inherited Lebanon and Syria after the dismantling of the Ottoman Empire and Sykes-Picot Agreement in 1916.[842] Before World War II France did not support the efforts to establish a Jewish homeland in in Palestine since they were focusing on the Maghreb and considered Zionism as a tool of the British Empire.[843]

However, the sense of guilt over the holocaust changed the French policy after World War II. Between 1948 and 1967 France had become the leading supplier of arms to Israel by helping it build its nuclear station.[844] This policy continued until 1967, when Charles de Gaulle accused Israel of starting the 1967 war. French policy has since become characterised by a clear pro-Arab stance with its priority being the promotion of closer relation with Arab states.[845] Since then, there has been a foreign policy concept which understands "France's role as one of the 'great powers.'" De Gaulle's main objectives were to "ensure France's national sovereignty and independence in a bipolar international system."[846] As demonstrated in chapter three, France had adopted the role of 'entrepreneur' in the 1980s, and it continued to demand a greater role for Europe in the Middle East Peace Process, believing that European involvement in the region could usefully counter-balance the impact of super-power rivalries. Indeed, France believed that Europe would gain a decisive influence in the Middle East once a peace agreement had been reached.[847] As the French Minister of Foreign Affairs, Michel Jober, stated "sooner or later the Soviet Union and the U.S would be fed up with confrontation between each other and both the Israelis and the Arabs would ask the community for help."[848]

 Secondly, French governments promoted European collective policies and activities in the region as a vehicle for those initiatives which France alone could not accomplish, and which were intended to supplement French efforts at the national level. Ultimately, this has impacted European attempts to build a balanced relationship between the conflicting parties in the region, and left France a biased actor in its dealings with the peace process.[849]

In his assessment of the impact of the oil crisis on West European foreign policies, Feld found that the stage was set for France to offer a vision of Europe's role in the Middle East at odds with America's.

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[842] Ibid.p.1.
[843] Ibid .p.2.
[844] Hollis (2011). The UFM and the Middle East 'Peace Process': An Unhappy Symbiosis. *Mediterranean Politics. 16*. 99-116. p 111.
[845] Musu, C op. cit.,p.34.
[846] Behr, T. (2009). France, Germany and Europe's Middle East Dilemma: the Impact of National Foreign Policy Traditions on Europe's Middle East Policy. *Politics Baltimore* 1-371 p.241. Retrieved from http://proquest.umi.com Access date: June 2, 2011.
[847] D'alançon, F. (1994). The EC Looks to a New Middle East. *Journal of Palestinian Studies Studies. 23*, 41-51.p. 45.
[848] Jober, M. (1973 November 7th). *The Guardian*. Cited by Jawad, H. A. (1992). *Euro-Arab relations: A Study in Collective Diplomacy*. Reading, UK: Ithaca Press. p.77.
[849] Musu, C. op. cit.,.p.34

The Americans wanted to build a consumer's alliance to oppose the embargo, while the French favoured bilateral negotiations and bargaining with oil-producing countries, aspiring to an improvement of relations with the Arabs.[850] In the end, France refused to participate in the conference and instead, along with Britain, led the European diplomacy which resulted in the 1973 Declaration.[851]

France's pro-Arab positioning extended significantly towards the Palestinians. On 14 October 1974, France supported a UN Resolution inviting the PLO to participate in the General Assembly's November debates on the Palestinian question, which led to PLO Chairman Yasser Arafat's historic speech at the United Nations on 13 November 1974.[852] France had been one of the first countries to allow the PLO to open an Office of Information and Liaison in its capital city in October 1974. And French diplomacy under the leadership of Valery Giscard D'Estaing was behind the inclusion of the word 'homeland' in the 1977 London EPC Declaration.[853]

All French initiatives in support of the Palestinian cause, from General de Gaulle to President Mitterrand, had revealed continuity and it is fair to say that French diplomacy was the driving force behind the EPC's (re)orientation towards the Middle East during the 1970s and to some extent into the 1980s.[854] There were various factors which helped the French leadership to achieve this.

Firstly, Britain did not join the Community until some years after the EPC had been initiated and France's own leading role in policy formulation towards the Middle East had been established.[855] The other significant power, Germany, apart from holding its normative commitments to Israel, had little interest in the region other than in developing economic ties. The way was open then for France to fill the policy direction void with its own self-interest.[856] When domestic changes within European states in the mid-1980s began to shift their collective interests in the Middle East, the French adopted a more unilateralist approach towards the Middle East, abandoning the EU as the main vehicle for the promotion of their interests. For example, according to Gianniou, during the Lebanon war on June 1982, France "disassociated itself from its European partners, who were unable to agree on a common approach."[857] Since the Charles de Gaulle era, French policies have fluctuated between being pro-Arab and pro-Israeli. Georges Pompidou (1969–1974) adopted the de Gaulle doctrine while Valéry Giscard d'Estaing (1974–1981) and François Mitterrand (1981–1995) tried to build a balanced policy

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[850] Feld, W.J. (1978). West European Foreign Policies: the Impact of the Oil Crisis Journal of World Affairs, (Spring). Cited by Musu, C. (2010). European Union Policy Towards The *Arab-Israeli Peace Process; The Quicksands of Politics* New York: Palgrave Macmillan p.34.

[851] Allen, D. and Pijpers, A. op. cit.,.p.4.

[852] Gianniou, M. op. cit.,

[853] Ibid.

[854] Hollis R. (2011), op. cit.,p 111.

[855] Mustafa, N. (1986). Europe and the Arab World. *Beirut Centre For the Study of Arab Unity*. p.12

[856] Ibid.p.12

[857] Gianniou, M. op. cit.

between the Arabs and the Israelis.

For example, despite the pro- Israeli policy of Mitterrand, he interfered twice to save Arafat's life: once in Beirut in 1982, again in 1983, as well as having invited and treated him as president.[858] Jacques Chirac (1995–2007) meanwhile revived de Gaulle doctrine supporting the Palestinian rights and trying to build an independent policy from the U.S. Thus, he opposed the American invasion of Iraq and was critical of Israeli policy. When Chirac visited to Jerusalem's Old City in 1996, he provoked Israel by asking it to accept the creation of a Palestinian state, to return the Golan Heights to Syria and to withdraw from the Israeli buffer zone in southern Lebanon. He also sent a junior minister to pay a call on Orient House, the PLO headquarters in Jerusalem".[859] From there, Chirac went to Egypt and, in a joint press conference with President Mubarak, the French president emphasised that "Egypt and France must have a leadership role; Egypt for the whole of the South and France for the whole of Europe."[860] During the 2006 Lebanon war, France supported Lebanon against the Israeli attacks, calling from the start for an immediate ceasefire.[861] France directly entered the arena to negotiate for ceasefire without consulting with the EU.

 Despite his efforts to renovate the Euro-Mediterranean Partnership through the UFM initiative French policy towards the Middle East and the U.S. under Nicolas Sarkozy has been going in the opposite direction from Chirac policy Sarkozy, has deliberately sought closer relations with Washington and has shown greater warmth towards Israel than was typical of France in the past.[862] He has tried to gain the trust of both conflicting parties.

 Thus, during his visit to Israel, Sarkozy repeatedly described himself as a "friend of Israel"[863] while at the same time calling on Israel to halt Jewish settlement activity in the West Bank and to ease travel restrictions on Palestinians living there. It can be concluded that from the 1970s to the end of 2007 the French political stances towards the Middle East was part of a wider French strategy to balance the U.S. and to create an independent French and European voice from those of the U.S. and the USSR. In addition, while the French approach was to utilise the EPC to strengthen France's own policy-making, it actually weakened the European voice by adopting unilateral polices outside the EPC frame-work when convenient.

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[858]   Sieffert, D. op. cit.,p.8

[859]   Schmemann, S. (1996, October 23). Chirac and Israelis Irritated Over Visit, *The New York Times*. Retrieved from http://www.nytimes.com/1996/10/23/world/chirac-and-israelis-irritated-over-visit.html Access date: June 2, 2011.

[860]   Levi, I. (2006). *The EU policy in the Middle East; Problematic Nature and Potential Role.* (Doctoral dissertation, Hamburg, 2006) Retrieved from <http://nbn-resolving.de/urn:nbn:de:gbv> 18-28566 p. 86. Access date: July 28, 2011.

[861]   *The Economist*, op. cit.

[862]   Hollis, R. (2011), op. cit., p 111.

[863]   Frenkel, S. (2008, June 23). Nicolas Sarkozy heralds new era in Israel-France relations with Iran threat, *The Sunday Times* Retrieved from http://www.timesonline.co.uk/tol/news/world/europe/article4199267.ece. Access date July 28, 2011.

In order to maintain this control over the policy directions of the EPC, and at French insistence, the activities of the EPC were kept as separate as possible from those of the Commission and the Parliament, illustrating France's clear intention to keep the collective foreign policy-making process strictly separate from of the Community itself and strictly within the limits of intergovernmental procedures.[864] Nonetheless, French diplomacy during the 1970s and 1980s did manage to transform the Palestinian question from a refugee problem to a political issue in the international arena and established the principle of there being a place for a European voice in Middle Eastern affairs. [865]

4.4.1.2 West Germany

Despite the Franco-German friendship at the European level and their intensive cooperation, their policies towards the Middle East and the conflicting parties have followed distinctly different, and occasionally conflicting, approaches.[866] In addition, they have had conflicting views over the role of the EEC/EU in the Region. The World War II atrocities and the Holocaust heavily influenced German policy towards the Middle East. The "moral standard" resulting from the Holocaust became the basis of German foreign policy towards the Palestinian cause and the Arab region as a whole.[867]

This factor made Germany the main and strongest supporter of Israel, although it adopted the "role of 'low-profile supporter'" of the MEPP and occasionally "vetoed any European initiative which could be depicted as biased against Israel".[868] In addition, Germany policy emphasised multilateralism and reliability, while traditionally displaying a reluctance to press hard for national interests (almost the reverse of the French approach)."[869] Thus, Germany perceives the EEC/EU as being a civilian or 'soft power,' concerned primarily with trade and economic power as the main states' power instruments.[870]

Germany did not build a diplomatic relation with Israel until May 1965. However, since 1949 and without exception, all the German governments since the establishment of Israel have shown strong support for Israel. However, their political stances towards the U.S. have varied widely. For example, the first Chancellor Konrad Adenauer supported Israel firmly and pledged to pay $3 billion dollars for the Holocaust survivors.[871] This policy continued during the 1960 until the beginning of the 1970s

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[864]   Musu, C, op. cit.,
[865]   Gianniou, M, op. cit.,
[866]   Behr, T. (2008). Enduring Differences? France, Germany and Europe's Middle East Dilemma. *Journal of European Integration. 30*, 79-96 p.80.
[867]   Everts, S. (2002). Shaping a credible EU foreign policy. Centre for European Reform. p.34.
[868]   Hollis R. (2011), op. cit.,p 111.
[869]   Calleo, D. (1980). *The German Problem Reconsidered: Germany and the World Order, 1870 to the Present*, Cambridge: Cambridge University Press. Cited by Behr, T. (2009) *France, Germany and Europe's Middle East Dilemma: The Impact of National Foreign Policy Traditions on Europe's Middle East Policy*. (Doctoral dissertation, John Hopkins University, 2009).
[870]   Ibid.
[871]   AboKhazleh, M. (2010, November). *The German Foreign Policy Towards the Palestinian Issue* Paper presented at European Foreign Policy towards Palestinian Issues, Al-zaytouna Centre for Studies and Consultation. p.21.

which witnessed intensive interest in the Middle East after the Palestinians shifted their struggle against Israel to Europe cities. Since 1970, the German policies have witnessed a marginal shift through trying to find a balance between the right of Israel to exist and the rights of the Palestinians.[872]

Germany accepted the Schumann document in 1970 which asked Israel to withdraw from the Palestinian land occupied in 1967. In addition, Germany participated and supported the French President Pompidou's initiative (the Euro-Arab Dialogue) in 1973 following the October War and the first oil shock, between the EEC and the Arab League and the Vince declaration in 1980, which was pioneering and advanced all the policies which will be explained in the analysis of the collective policy of the EEC under the EPC.

This change might be explained as a result of the EPC and the impact of the oil embargo on the countries supported Israel during the 1973 war. During the Helmut Kohl period (1982–1998) Germany maintained it traditional policy towards the region, but at the same time the German decision-makers tried to build a balance between the German growing economic, trade and energy interests with its partners in the Arab world on one hand and its special relationship with Israel on the other hand.[873]

However, the German foreign policy under Gerhard Schröder (1998–2005) witnessed a shift mainly towards the U.S. Schröder considered the German and the European interests as priorities for his government at the expanse of the German -US traditional alliance and historical ties. Therefore, Germany withdrew its unconditional support to the U.S. and rejected the U.S. plan to invade Iraq, and the concept of clash of civilisation. In contrast, the German diplomacy increased its presence in the Middle East through its initiatives and visits to the parties of the conflict in the region, such as several visits by the former German foreign minister Joschka Fischer to Israel and the OPTs between 1998 and 2002.[874] In addition, under the German EU Presidency in the first half of 1999, the EU issued its Berlin Declaration that for the first time mentioned the EU's readiness to recognize a Palestinian state.[875]

As I will explain in detail in the next section, Germany accepted the Berlin Declaration of 1999 and strengthened its role in the MEPP through its 'idea paper' which was prepared by Fischer and became

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[872] Müller, P. (2011). *Germany and EU-Foreign Policymaking toward the Israeli-Palestinian Conflict: Assessing National Europeanization Experiences* Paper prepared for the EUSA Conference 2011 in Boston, Institute for European Integration Research, Vienna. p.9.

[873] AboKhazleh, M. op. cit., p.21.

[874] Müller, P. (2007). *Germany's contribution to Europe's Common Foreign Policy (EFP) in the Middle East – from Brakeman to Key Supporter of a Strong European Role in Middle East Peacemaking*. Paper for the Sixth Pan-European International Relations Conference. Retrieved from http://turin.sgir.eu/uploads/Mueller-Patrick_Mueller_Conference_Paper.pdf Access date: July 28, 2011.

[875] Ibid.p.16.

later the origin of the Road Map. In addition, Germany participated in the United Nations Interim Force in Lebanon (UNIFIL), and was active in European missions in the region, either the border monitoring mission, EU-BAM, between the Gaza Strip and Egypt, or the established police mission, EU COPPS, in Palestine.[876]

There were several reasons behind this shift in German policy. Firstly, Germany was seeking to develop its role and expand its influence in the ongoing efforts to settle the conflict. Secondly, the Schengen Agreement, which led to the eradication of internal European borders, had made Germany more exposed to security threats emanating from Europe's southern neighbours. Thirdly, there were fears of a spillover of violence from the (MENA) region after the outbreak of the second Intifada in Palestine. These fears were exacerbated the 9/11 terrorist attacks on the United States, the 11 March 2004 Madrid train bombings and the 7th July 2005 London bombings.[877]

However, the changes did not reflect a German desire to replace the U.S. role as a third party mediator in the MEPP. The Germans believed that their role and that of the EU in the peace process should be complementarily to, rather than in competition with, the role of the U.S. Schröder said that Europeans "cannot and will not play the role of patron in the peace process; this part belongs to the U.S and international organizations."[878] Nevertheless, Schröder stressed that instead of focusing on the political aspects Europeans could contribute through "pointed economic aid, opening of regional markets, and participation in the construction of infrastructural measures. Thereby we can do justice to our historical responsibilities to Israel and peace."[879]

Schröder's government did not change the civilian identity of German foreign policy. According to Calleo, the Nazi past and the devastation of the World War II meant that Germany "willingly accepted limits to its own sovereignty, exercised a policy of self-restraint in international affairs, and supported all attempts to create an international order based on mutually accepted reciprocal dependence."[880] Accordingly, the German collective approach kept a low political profile and focused on non-political aspects of peace making, such as economic assistance and development aid."[881]

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[876]   Ibid. p.5.
[877]   AboKhazleh, M. op. cit., p.9.
[878]   Quoted by Behr, T. (2011). *France, Germany and Europe's Middle East Dilemma: The Impact of National Foreign Policy Traditions on Europe's Middle East Policy.* (Doctoral dissertation, The Johns Hopkins University, 2011) Retrieved from: Dissertations & Theses: Full Text. (Publication No. AAT 3357037).
[879]   Quoted by Behr, T. (2011). *France, Germany and Europe's Middle East Dilemma: The Impact of National Foreign Policy Traditions on Europe's Middle East Policy.* (Doctoral dissertation, The Johns Hopkins University, 2011) Retrieved from Dissertations & Theses: Full Text. (Publication No. AAT 3357037). Accessed on May 22. 2011.
[880] Calleo, D. (1980). *The German Problem Reconsidered: Germany and the World Order, 1870 to the* Present, Cambridge: Cambridge University Press. Cited by Behr, T. op. cit.
[881]   Müller, P. (2007), op. cit., p.28.

German relations with Israel were a highly sensitive issue. The special German commitment included providing financial assistance to Israel and a responsibility that Israel should not stand alone, and thus German governments have often been hesitant to criticise Israel policy too harshly. Further, Germany imposed its conditions on the mandates of the European envoys to the region in order to protect its interests and alliance. This policy continued under Angela Merkel's leadership which reconfirmed strong pro-Israel German-US alliance,[882] which ended in the support the Israeli governments during their attacks on Lebanon in 2006 and on Gaza in 2008 during a three day visit to Israel. During this visit to Israel, Merkel gave a landmark address to the Knesset, Israel's parliament, and signed off on a range of projects, including education, the environment and defence.[883]

In sum, the Holocaust and the economic interests of Germany in the region were the main factors driving the largely passive German foreign policy towards the region. To balance its policy Germany invested a lot in build-up of Palestinian infrastructure and the PA. For example, between 1992-2006, Germany had invested more than €500m in the improvement of the Palestinian economy and infrastructure and the establishment of PA institutions.[884]

4.4.1.3 The United Kingdom

Britain has tried to build a balance between the conflicting parties despite being more sympathetic to the Arabs. Britain took a tough decision during the 1980s when Margaret Thatcher took a tough line on terrorism, including refusing to meet members of the PLO.[885] In fact, there has inevitably been some European influence on the British perspective. The British sometimes have gone further than they might otherwise have gone in order to maintain consensus; they might also have agreed on some points in order not to be left behind by some of their partners in the EEC.[886]

As member of the EEC, Britain had accepted all the EPC declarations and the idea of involving the PLO in any settlement between the Arabs and the Israeli. But Britain was closely aligned with the U.S. throughout the Cold War and thus followed a similar Middle East foreign policy approach as that of the United States.

Thus, Britain has tried to function as a bridge between Europe and the U.S, believing that American involvement is crucial to the chances of peace.[887] Indeed, UK relations with the U.S. were considered a far more crucial national interest than the construction of an independent European role in the

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[882] Hollis, R. (2011), op. cit., p. 111.
[883] Merkel strengthens ties with Israel. (2008,March 18) *France24* Retrieved from http://www.france24.com/en/20080318-merkel-strengthens-ties-with-israel-germany-israel Access date: May 22, 2011.
[884] Müller, P. op. cit., p.13.
[885] Hollis, R. (2011). op. cit., p.111.
[886] Allen, D. and Pijpers, A. (1984). *European Foreign Policy-Making and the Arab-Israeli Conflict*. Dordrecht: Martinus Nijhoff Publishers.
[887] Allen, D. and Pijpers, A op. cit., p.201.

Middle East, or anywhere else for that matter. According to Musu, the United Kingdom's policies towards the EPC and the Middle East were torn between two different propositions. On the one hand, "given its historical past as a colonial power, it has a natural inclination to encourage European initiatives in the peace process and is very reluctant to accept the secondary role to which the European Community and then the EU is relegated."[888] On the other hand, Musu argued, the "high priority given to transatlantic relations prompted the United Kingdom to exercise caution in encouraging the development of an independent European policy towards a peace process that so often not only differs from the American policy, but goes openly against it."[889] As the Foreign Secretary, Lord Carrington, said in the early 1980s "I believe that our contribution to a settlement of the Arab–Israeli dispute can be made most effectively in co-operation with the United States."[890] For this reason the UK first refused to support the launching of the Euro-Arab dialogue unless an agreement was found on how to associate the U.S with the political cooperation procedures.[891]

Britain joined the U.S and twenty-six other countries in sending forces to the Gulf to eject the Iraqis from Kuwait. Under Tony Blair (1997 -2007) Britain strengthened its relation with US at the expense of the EU policy. In addition, in a policy that contradicted the policy of Germany and France, Blair supported the U.S. in its war on Iraq in 2003 and also supported Israel and the U.S. during the war on Lebanon in 2006, asserting Israel's right to self-defense and refusing an immediate ceasefire. In addition, Britain convinced the rest of the EU members to put Hamas on the European terrorist list.[892] In sum, except the London Conference, which aimed to reform the PA, Britain under Blair's leadership was a passive actor in the MEPP. This continued under Gordon Brown.[893]

To conclude, the main pillars of the British policy towards the Middle East have been, firstly, supporting the European involvement in the MEPP as long as this role did not distract the U.S. away from its efforts to reach a settlement between the conflicting parties. Secondly, the European involvement in the MEPP and the region should therefore be limited to the activities that were welcomed by the Americans, the Arabs, and the Israelis.

4.4.1.4 The Rest of the EU Members

The Netherlands has traditionally sympathised with Israel and been one of its staunchest supporters in the EEC.[894] During the 1973 war the Netherlands accused Syria and Egypt of being "the aggressors

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[888] Musu, C. op. cit., p.90.
[889] Ibid.
[890] Allen, D. and Pijpers, A. op. cit.,p.52.
[891] Hēphaistos, P. and Panayiotis, L. op.cit., p.90.
[892] Crooke, A. (2011). Permanent Temporariness *London Review of Books,33* (5) 24-25 Retrieved from http://www.lrb.co.uk/v33/n05/alastair-crooke/permanent-temporariness Access date: March 22, 2011.
[893] Hollis, R. (2011). op. cit., p 111.
[894] Allen, D. and Pijpers, A. (1984), op. cit., p. 201.

and of starting the war,"[895] and along with Denmark refused to allow the (pro-Arab) France and Britain to speak on behalf of the Community in the Security Council at the United Nations.[896] However, Dutch foreign policy towards the conflict in the Middle East has since softened, not only as a result of the oil embargo, but also through the reconciliatory processes of the EPC mechanism. According to Soetendorp, the Dutch "allied with the other five member states in acknowledging the Palestinian question had a political dimension too."[897]In addition, the Netherlands joined with Luxembourg, Belgium, Britain, France and Italy in voting for a UN resolution stating that recognition of Palestinian's rights were an essential component of any Arab-Israeli peace settlement.[898]

During the 1970s and 1980s, Italy was considered one of the stronger supporters of a common European approach to the conflict, mainly within the framework of a broader Mediterranean policy. This trend in Italian foreign policy aimed to balance the distribution of power within Europe itself, where most of the interests and activities were dominated by - or in - the northern European Community states.[899] Italy was also considered one of the supporters of the recognition of Palestinian rights along with France. Italy was one of the first European member states to have accorded political recognition to the PLO before the publication of the Venice Declaration. Studying the voting behaviour of the European Community members in the UN General Assembly, Lindeman found that – along with France and Ireland - Italy defended the PLO's national cause and was "more openly critical to the Israeli State and rather supportive to the cause of the Palestinian people".[900]

Good relations with the Arab states and with the Palestinians remain by large and a constant factor in Italy's policy. Greece also was one of the main supporters of Palestinian political rights. Greece did not recognize the State of Israel de jure until it joined the European Community in 1981, when at the same time it recognised the PLO as the only legitimate representative of the Palestinian people.[901]

There are some observers who consider the Greek political stance towards the conflict in the Middle East as a product of its own, complex, historical experience with the Turkish invasion in the North part of Cyprus. They argue that the Greek support of the Palestinian's rights is motivated by the belief that the Palestinians, like the Greek Cypriots, are "suppressed peoples" and that if Greece accepts the Israeli occupation of the Palestinian lands, it will mean that they will have accepted the Turkish

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[895] Ibid.p.134.

[896] Stein, J.G. and Dewitt D. B. op.cit., p.152.

[897] Soetendorp, B. (1999). *Foreign Policy in the European Union: Theory, History, and Practice*, London: Longman.

[898] Ibid.

[899] Musu, C. op. cit., .p.90.

[900] Lindemann, B. (1982). European Political Cooperation at the UN: a challenge for the Nine. In Allen, D., Rummel, R. & Wessels, W. (Eds.) *European Political Cooperation: Toward a foreign policy of Western Europe*. London: Butterworth Scientific.

[901] Gianniou, M. op. cit.

occupation of Cyprus.[902]

The perspective of Greece, for example, is a clear example of the fulfilment of that influence. The most recent joint military exercise between Israel and Turkey has raised Greeks concerns since "Greece believed that the Turkish-Israel agreement to hold joint military exercises changed the balance in the area and undermines peace and stability."[903] The Irish are highly sensitive to the Palestinian problem since it has itself been a colony which, like Palestine, has been divided.[904] In the same context Cyprus is sensitive to the Palestinian problem since it shares with Ireland the experience of occupation by foreign forces.[905] In addition to the Mediterranean EU states the Scandinavian member states, especially Norway and Sweden, are inclined to pursue more pro-Arab policies.[906] In fact Sweden took a controversial decision towards the conflicting parties Swedish government to grant in May 2006 a Schengen visa to a Hamas minister, despite the EU's political boycott of the Islamist Palestinian movement.[907]

Like its Mediterranean neighbours, the Spanish Franco-led regime also tried to position Spain as a "friend" of the Arabs, refusing to recognise the Israeli state.[908] Spain has a long historical connection with the Arab areas of North Africa, especially with Morocco. According to Segal, despite shared cultural affiliations, and although most of the EC members considered the Soviet Union as the main threat for their national security during the Cold War, the Spaniards perceived instability in the Maghreb as posing a greater and more immediate threat to themselves.[909]Accordingly, this led to significant and frequent bipartisan efforts to secure broad understandings and working agreements between Spain and its North African neighbours.[910]

Spain was also at pains to develop empathetic relations when it came to the Middle East in general, for example allowing the PLO to establish offices in Madrid. Any pro-Republican sympathies with Israel were dashed by Israel's abstention in 1967 of a UN Resolution, put forward by Spain and ardently supported by Arab states that advocated that Gibraltar be returned to Spanish sovereignty. In 1973 and under pressure from America, Spain made airbases available to US planes providing logistical support to the Israeli war effort but in 1979, the centre-right Suarez government refused to

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[902] Ibid.
[903] Kurikkala, F. (2003). *Representation of a Changing Self: an EU Performance in the Middle East*. Faculty of Social Science, University of Tampere. 1-270 Retrieved from www.google.co.uk. Access date: March 22, 2011.
[904] Levi, I. op.cit,, p. 86.
[905] Ibid.
[906]Kaim, M. and Lembcke, O. (2002). German Foreign Policy and The Middle East Conflict, The German Role in the Middle East: High Time for a Check Up. In Overhaus, M., Maull, H. W and Hamisch, S. (Eds.) *German Foreign Policy in Dialogue, German Foreign Policy and the Middle East Conflict Editorial*. Germany: University of Trier.p.71.
[907] Müller, P. (2011). op. cit., p.5.
[908] Segal, A. (1991). Spain and the Middle East: A 15-Year Assessment. *Middle East Journal, 45* (2) 250-264, p.250.
[909] Ibid.p.250.
[910] Ibid.p.253.

allow the U.S to send F-15 fighters to Saudi Arabia via Spain, and, during the 1986 US bombing raid on Libya, the socialist government similarly allegedly refused to allow the use of US bases in Spain.[911] Efforts in 1981 to bring Spain into line with new NATO allies in its relations with Israel were disrupted further by Spanish anguish over the Lebanon war.

Thus the Spanish stance towards the Arab-Israeli conflict only really changed when Spain joined the European Community, at which point the Spanish government was forced to recognise the Israeli state as a condition of its accession.[912]Spain began to see itself as a facilitator of the Peace Process, within the context of the EEC. PLO chairman Arafat was received in January 1989 by Prime Minister Gonzalez and, during Spain's six-month presidency of the EC that same year, its representatives worked actively on Arab-Israeli issues.[913] It was no coincidence, then, that the Spanish hosted the first Peace Conference in Madrid in 1991.

For historical and ideological reasons the new EU member states which have recently joined the EU after the enlargement, such as Poland and the Czech Republic show pro-Israel policies.[914] In fact the EU enlargements have further interrupt the progression towards a unified Middle East policy by introducing more diverse interests and less cohesiveness into the EU, thereby making cooperation even more difficult.[915] This latter group of member states in Eastern and Central Europe have their own perspective on the EU's approach to the MEPP, especially from their recent experience of the importance of the role of democracy in bringing about and consolidating peace.[916] Kolarska-Bobinska and Mughrabi found that the new member states are the strongest US allies and are thus considered potential allies of Israel.[917]

The role of the U.S. has a distracting impact on certain new member states which have come to view Israel less within the conflict and more as an ally of the U.S.[918] The 2003 war in Iraq is a clear example of how the attitudes of new EU members are increasing the divisions within the EU and its policies towards the Middle East. Most of the new EU member states contributed to the U.S-led coalition in Iraq. According to a Crisis Group report, these members "feel gratitude to the U.S. and

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[911]Ibid.p.255.

[912] Barbé, E. Sabiote, M.E. and Eduard S. Lecha, op.cit.,

[913] Segal, A.op.cit., p.255.

[914]   Overhaus, M. (2008). New German Foreign Policy in the Middle East? *German Foreign Policy and the Middle East Conflict Editorial, German Foreign Policy in Dialogue Newsletter*. p.50.

[915]   Levi, I. op.cit.,p. 86.

[916]   European Union Committee, House of Lords (2006) op.cit.p.31.

[917] Kolarska-Bobinska, L. and Mughrabi, M. (2008). New EU Member States Policy towards the Israeli-Palestinian Conflict: the Case of Poland. *Euro Mesco Paper 69.*

[918] Patokallio, P. (2004). European Union Colicy on the Arab-Israeli Conflict: from Payer to Player , *Working Paper at Centre for Middle Eastern and Islamic Studies, Durham University.*

believe their ultimate security depends on its continued engagement with Europe."[919]

An example of these attitudes is the Czech Republic's view toward the 2009 war on Gaza. Kaczyński, the Czech President, expressed a partiality to the democratic vision that Israel seeks to project and for the fact that it puts a strong emphasis on security.[920] It thus adopted a stance more in line with the U.S, distancing itself from southern EU countries, which expressed their concern for a degree of reconciliation.[921]

The third position amongst EU member states towards the Middle East is the group which endeavours to maintain a policy of 'equal distance' from the conflict, thereby aspiring to nurture good relations with both parties and present themselves as a neutral players. Such countries include some of the Scandinavian members like Finland and Sweden. According to an Irish foreign ministry official; these countries do not seek to profile themselves in an overtly active way.

4.4.1.5 Impact of Divergent Interests of the EU members on the European Policy towards the Middle East

Clearly the different national interests of the EEC/EU member states reduced its ability to do much more than make Declarations of policy towards the Middle East, which amounted to little more over the years than a broad shift towards support for a negotiated settlement. Nonetheless, for Israel this amounted to a swing in favour of the Arabs. Doing anything more, even at the behest of the determined French, raised all the problems stemming from differential relationships with the United States, the tensions that came from small EEC/EU states eager to resist the domination by larger states, and the problems that would stem from a more integrated implementation process in terms of undermining the shared preferences for an inter-governmentalist approach to foreign policy.

In short, collective foreign policy towards the Arab-Israeli conflict and its parties was constrained by the two arenas of conflict: that between member states, and that between member states and the Community. Clearly, Europe remained simply too divided to play a more decisive role. While EU member states were in broad agreement about the desired outcome of a final settlement, they have continued to be divided over specific steps in the peace process and split in their support for the Palestinians and the Israelis. We can see the EPC/CFSP was bedevilled by tension between the national interests and agendas of member states. As a result of intergovernmentalism, and specifically the need for unanimity in the principal decision-making bodies, the EPC/CFSP were victim of endless negotiations over the conflicting national interests of member states. The ability of any member state

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[919] International Crisis Group (2005). EU crisis response capability revisited. Europe Report N°160 – 17 January p.8.
[920] Kolarska-Bobinska, L. and Mughrabi, M. (2008),op.cit.p.68
[921] Ibid.p.69.

of the EU to veto any decision that did not meet their interests, priorities or agenda, inhibited proactive policy-making and kept the EU's foreign policy profile to a minimum. Indeed, the conflict between the differential interests of the member states has even been exacerbated by the intergovernmental approach, which propels member states to focus on national rather than collective interests.

Moreover, since efforts to promote their national interests through the EU policy-making process have been likely to be obstructed by member states with opposing interests, they were often prompted to initiate their own foreign policy initiatives outside of the frame work of the EU. This policy proliferation has been endorsed by the European treaties, which allows the member states to initiate their own policy as long as they do not harm or contradict the general trend of the CFSP, but it does weaken the EU diplomatic role on the international stage while at the same time creating confusion among peripheral partners.

The various contradictions and conflicts between interests, agendas, and priorities of member states have been witnessed in the GAERC meetings which mirror the conflicts between large and small members, between the 'old' and 'new' Europe, the rich and the poor, the realist and the moralist, the interventionist and the anti-interventionist (or neutral), the original six and the latecomers, the insiders and the outsiders, the federalists and the intergovernmentalists, the Atlanticists and Mediterraneanists.[922] In these meetings, each European state belongs to several groups simultaneously, intermittently opposing certain countries on selected issues while seeking alliances on others. Similarities have been interwoven with dissimilarities, and some countries do not easily fit into any of the aforementioned categories.

How a political community defines its interests depends not only on objective, material factors (such as geography, size and wealth), but also on a range of subjective, normative considerations. These include the identity of a community, historical experience, patterns of economic interdependence, political culture, cultural links with the outside world, dominate moral and ethical values, perceptions of justice, a shared belief of common good and its conviction in what makes it distinctive as a political community.[923] These have been linked to their perception of where the threats to Europe come from; while Germany looks at the threats of the instability coming from the ex-Soviet Union, or from terrorism, the Mediterranean member states consider the threat to come principally from illegal immigration from North Africa.

Crucially, the tension between member states has not only been about national interests but also about

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[922] Zielonka, J. (1998). Explaining Euro-paralysis: Why Europe is Unable to Act in International Politics. New York: St. Martin's Press.p.57.

[923] Tonra, B., & Christiansen, T. (2004). Rethinking European Union Foreign Policy. Manchester: Manchester University Press.p.120.

their differing visions for Europe, or, perhaps one could say, how they understand the European role. Clearly apparent is how each member state envisions a different reality of the European Union's interests and role in the world. Despite the fact the CFSP rests on a shared European identity, which has evolved gradually over the last few decades,[924] Kochnev argued that "Europe has no...single, unique identity" because "Europe is the home of a pluralistic society, coexisting and interacting with one another." [925]

There is a consensus that the foreign policy of any country is heavily influenced by national identity, which inevitably appears through domestic societal pressures on decision-makers. In fact, national interests and identities are contingent and socially constructed. Therefore, most member states of the EU reflect and inject their identities, which are an amalgamated construction of common history, cultural norms, values, language, ethnicity, political culture, religion and perceptions, into verbal translations about expected foreign policy behaviour and action orientation within the CFSP.[926] Hyde-Price has emphasised that identities "shape the definition of national and European interests and thereby constitute an important influence on foreign policy behaviour."[927] Broader foreign policy approaches, particularly regarding European integration, have been bound up with a sense of identity in foreign policy. This is why, for instance, there tends to be ideological competition at the EU intergovernmental conferences, as the position of each member state tends to reflect its own conception of the model political community.[928]

Although EU states have shared a high contemporary general propensity for common action owing to certain inherent characteristics, the CFSP nonetheless represents a multiplayer mix of identities, values and ethics, each with the belief that its explicit perceptions and values must, at a bare minimum, be considered, but optimally, prevail and dominate the institutional framework.[929] According to Hill, the EU's lack of influence over education and the diverse historical experiences of member states have played a significant role in weakening the common identity of European foreign policy.[930]

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[924] Tonra, B., & Christiansen, T. (2004). *Rethinking European Union Foreign Policy*. Manchester: Manchester University Press.p.120.

[925] Kochnev, Y. (2007). *Identity, Nationality and Citizenship in a Democratic Society*, Council of EuropeSummer University for Democracy. Retrieved from http://www.coe.int/t/dgap/sps/report_2007_en.pdf. Access date: July 20, 2010.

[926] Tonra, B., & Christiansen, T. (2004). *Rethinking European Union Foreign Policy*. Manchester: Manchester University Press.p.120.

[927] Hyde-Price, A. (2004). Interest, Institutions and Identity in the Study of European Foreign Policy in Christiansen, T. and Tonra, B (Eds.) *Rethinking European Union Foreign Policy*, Manchester: Manchester University press. p.108

[928] Ibid.

[929] Smith , M. E (2004) Toward a Theory of EU Foreign Policy Making : Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy. *Journal of European Public Policy 11* (4) 740-758 .

[930] Hill, C. (1996) (Ed.) *The Actors in Europe's Foreign Policy* London: Routledge.p.8.

The multiple identities of the EU countries have contributed to the stimulation of disunity among EU members. EU member states fear that creating a common European identity would come at the expense of their national identity; therefore, in order to protect relevant distinctiveness, a sacrifice to create a common European, or international identity, has consistently been made. As a consequence of being under the pressure of domestic electorates to protect the aforesaid characteristics, national, rather than European loyalties and identities, prevail.

More precisely, when it has come to the different 'models' for Europe, some member states, such as Germany, have perceived it as being a civilian or 'soft power,' rendering it concerned primarily with peace keeping and trade, whereas others, such as France, have looked at the EU as a superpower equivalent to the U.S. and aspire to increase its role in the world. The concept of civilian power can be summarised as an international actor which influences the international system by using economic, financial and political means instead of military power, and promotes the ideals of democracy, human rights and economic growth through co-operative use of non-military means.[931] The superpower or realist approach, by comparison, may be said to engage in the opposite. Due to this conflict of perception, the EU still lacks a firm identity as a geopolitical entity, and consequently lacks a shared understanding of joint global interests.

This division has been clearly played out in responses to proposals for a European military force: when EU Defence Ministers agreed to establish such a joint military force in 2000, the UK was particularly keen to map it onto, rather than against, NATO forces in Europe in deference to Britain's relationship with the U.S. Germany, meanwhile, had opposed the idea of a "standing" EU army, since this conflicted with its civilian concept of the Union, but supported the idea of working parallel to its ally the United States. France, and recently Spain, however, have considered the U.S. as a hegemonic power threatening the international role and position of the EU and seek instead policy which clearly asserts Europe's independence from the U.S and its capacity to assert itself as it pleases.

Although member states have agreed on the need for the Union to exercise a role in the region
Middle East or the shores of the Mediterranean, these countries have lacked the vision necessary for this role: its shape and nature, extent and quality. Although the vast majority of EU members share the same opinion about the "proper" policy there are often two, three, and sometimes even more different views on how to approach the conflict in a unified manner.[932] Diverse political interests, towards the peace process and towards the U.S. and their European counterparts, have led member states to reroute policies towards the role of international players, such as the United States, and local conflicting parties, such as the Palestinians and Israelis.

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[931] Kurikkala, F.op.cit.,p.251.
[932] Persson, G. op.cit.,p.23.

Additionally, the international alliances and relations of member states to other countries, whether they are enemies or allies, have had a direct effect on the positions of those states toward the Palestinian cause.

From a speech delivered by Dominique Moïsi, the Deputy Director of the French Institute for International Relations (IFRI), one could conclude that the dilemma of member states towards the Middle East has been determined by the political stance of the major member states, explicitly Germany, Britain and France, by stating that:

> "The EU can only succeed in the Middle East if the French are sometimes prepared to annoy the Arabs, if the Brits are sometimes prepared to annoy the Americans and the Germans are sometimes prepared to annoy the Israelis."[933]

The voting behaviour of the member states in the UN has been another example of the divergent interests of the member states in the Middle East. On the 1st of July 1997, at the UN General Assembly, the vast majority of member states had agreed upon a common position calling on Israel to avoid changing the status quo at (Har Homa) in East Jerusalem. However, Germany abstained.[934] German policy was against the main fundamental European policy on this matter whereby the EU considered all Israeli activities in east Jerusalem illegal, an obstacle to peace, and against international law.

These elements have contributed to the paralysis of EU's capabilities to forage a CFSP in the region. Since EU Member States have not demonstrated a unity of purpose and action in respect of the MEPP, the formulation of any common policy, despite the geo-strategic importance of the region, has been hindered by the question of how each member state's interests are attained in the process.[935] As a result, the EU's policy has often represented the lowest common denominator. Pijipers supported the above statement by arguing that the desire of the EU to play a political role in the Middle East through its collective presence has come at a price. He added "the constant need to find a compromise among a few dozen states with strong national traditions has led to a lot of ambiguity."[936]

According to Behr, this is "a basic precondition for many important European initiatives and therefore serves as an indication for the limits of European consensus."[937] The vast majority of EU's members perceive the Middle East and their own foreign policy in "purely national terms and have national

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[933] Cited by Everts, S. (2003). *The EU and the Middle East: A Call for Action*. London, Centre for European Reform.p.18.
[934] Levi, I. op,cit.
[935] European Union Committee, House of Lords (2006).op. cit., p.13.
[936] Pijipers, A. (2007). *The EU and the Palestinian-Israeli conflict: the limits of the CFSP. In Military Transformations and Peace Support Operations: Current Experience, Future Development and Possible Implications for the Israel-Palestinian Conflict Theatre*, Jerusalem: Hebrew University. p34.
[937] Behr, T. op.cit.,

interests or policy preferences in the region."[938] These methods, according to Laipson, may "conflict with or compete with their European Community partners' interests and policies."[939]

4.4.1.6 Impact of the Tension between EU Collective and Individual Member State Policies

The main reason behind this conflict has been that the member states have had the freedom to pursue their own foreign policy and goals outside of the EU framework, as long as their policies have not contradict mainstream EU policies. This right has been emphasised through the Constructive Abstention article introduced in the Amsterdam Treaty. The treaty stated that "If member states abstain, they are not obliged to apply the EU decision; but they must accept, "in a spirit of solidarity."[940] These policies may not harm the EU Policy directly, but they still might lead to confusion, frustration, and contradictions, since several member states have periodically utilised that right and initiated new proposals and policies in order to solve the conflict in the Middle East. In fact, this right has weakened the European role and stance in the Middle East.

Soetendorp argued that the "common policy has not prevent[ed] some member states, and France in particular, from practicing their own diplomacy in the region when their national views reached beyond the common denominator."[941] Pijipers further showed how France and the other three large EU member states persistently send envoys to the region as if no EU presidency or foreign policy coordinator existed.[942] The Spanish peace initiative in November 2006 was another clear example of European dualism in representation. Soon after Israel invaded the Gaza Strip in November 2006 through the 'Autumn Clouds,' Operation the Spanish government, led by Jose Luis Rodriguez Zapatero, and in cooperation with France and Italy, initiated a new peace plan for the conflict in the Middle East. During a press conference, Zapatero emphasised that the three countries share the same values, interests, morals and vision over the Middle East, especially in regard to Palestine, and as a result the three countries should act together.[943]

Although the founders of the peace plan tried to promote it as an EU plan, the trilateral initiative was immediately rejected by Israel who argued that there had been no prior coordination between European and Israeli diplomats. Doubly unsupported by Washington, the initiative eventually died away. During the December 2006 European Council meeting, the Presidential Conclusions did not so

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[938]   E. Laipson (1990). Europe's Role in the Middle East: Enduring Ties, Emerging Opportunities *Middle East Journal, 44* (1) 7-17 p.7.

[939]   Ibid.

[940]   Levi, I. op,cit.

[941] Soetendorp, B. (1999). *Foreign policy in the European Union: Theory, History and Practice*. London: Longman.p.113.

[942] Pijipers, A. op.cit.,

[943] Eldar, A. and Issacharoff, A. (2006, November 18th). Spanish FM: Peace plan withheld for fear of Israeli rejection. *Haaratez Newspaper.*

much as even mention it.[944]

4.4.2 The Second Determinant: European Transatlantic Relationships

Studying the EU-US relation in detail is beyond the scope of this study, but since the U.S. is the EU's most important strategic partner in their relationship vis-à-vis the Arab-Israeli, it is an important factor in the equation of Euro-Mediterranean relations. Both the international players interconnected have a lot in common politically, culturally and in terms of strategic interests. Their relationship is not just important for the Middle East, but also for the rest of the world. Over the past 50 years, the transatlantic relationship has gone through ups and downs; since World War II both have been linked economically through the Marshall Plan, and militarily through NATO. In fact, Europe's development to its current state "occurred under the mantle of the U.S. security guarantee" and could not have occurred without it.[945]

These days, the EU-US relationship is still the most influential, comprehensive and strategically vital relationship in the world. Aaccording to statistics, the EU and the U.S. "combine some 60% of the world's GDP, with the EU having overtaken the U.S. numbers of around US $10 trillion." [946] Both international actors represent "around 40% of world trade in goods and even more in services" and they hold "80% of the global capital markets." They are each other's main trading partner and source, as much as recipient, of foreign direct investment.[947]

In addition, the EU and the U.S. are partners in fighting terrorism in Afghanistan, Iraq, and around the world. Their cooperation in this field has intensified since September 11. In addition, and for both cultural and historical reasons, several members of the EEC/EU such as Germany, Britain, and some of the new EU members have a special relation with the U.S, and thus they always take US policy into account.[948] However, although economically they are relatively balanced, militarily the U.S. is in a stronger position since the EU lacks military capabilities and is dependent on NATO.

It can be agreed that the EU and US special relationship erodes the effectiveness of EU policies

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[944] Gianniou, M. (2007). The Policies of the Mediterranean EU Countries towards the Israeli- Palestinian Conflict: Leaders or Followers? In The Euro-Mediterranean Partnership (EMP): Perspectives from the *Mediterranean EU Countries*, Crete: Rethimnon.

[945] Kagan, R. (2002). Power and Weakness - Why the United States and Europe See the World Differently Policy Review 3. p.12.

[946] Burghardt, G. (2006, December). The European Union's Transatlantic Relationship. Paper given at the College of Europe EU Diplomacy. Retrieved from www.coleurop.be/file/content/studyprogrammes/ird/research/pdf/EDP%202-2006%20Burghardt.pdf. Access date: November 22, 2008. p.3

[947] Burghardt, G. (2006, December). The European Union's Transatlantic Relationship. Paper given at the College of Europe EU Diplomacy. Retrieved from www.coleurop.be/file/content/studyprogrammes/ird/research/pdf/EDP%202-2006%20Burghardt.pdf. Access date: November 22, 2008. p.3

[948] Möckli, D. (2010). The Middle East Conflict, Transatlantic Ties and the Quartet. In Bulut-Aymat, E., & Asseburg, M. European Involvement In the Arab-Israeli Conflict. Paris:ETH.

towards the Middle East. Thus it is important to take into account the relationship between both actors when we analyse European policy towards the Middle East. In theory, both share common objectives in the region with regard to promotion of peace, stability and economic development.[949] However the question remains as to what is the best way to advance peace.

The U.S's own position has developed over time. Until the 1960s, America's geographical distance permitted a degree of detachment from Middle Eastern affairs which contrasted with the physical proximity and direct involvement of the EU states and particularly of the former colonial powers, Britain and France. For example, in the 1950s it avoided overly close ties with Israel in order to enlist Arab assistance in the containment of Soviet expansion.

 Only after the Six Day War in 1967 did the U.S become Israel's leading supplier of weapons, and only in the early 1970s did America's growing dependency on foreign energy supplies render it vulnerable to OPEC disruptions. Möckli argued that the European-US relations vis-à-vis the Arab-Israeli conflict have evolved in three phases. Whereas during the Cold War the collective diplomacy of the EEC and the U.S polices towards the Middle East took too divergent approaches, creating a great deal of transatlantic tension, the nature of the relation shifted during the 1990s to "complementary approaches." [950]

Finally, Möckli argued that since the launch of the Quartet in 2002, the EU-US moved to "coordinated approaches."[951] During the 1970s, the EPC declarations vis-à-vis the Middle East conflict were advanced and pioneer this in fact had created a refit between the EEC and the U.S. For example, as I will explain in detail, the U.S was not happy with the European community declaration which came in the aftermath of the 1973 Arab oil embargo on some of the western countries. In addition, the U.S had also opposed the Euro-Arab dialogue that France initiated to reduce the tension between western countries and the Arab world after, in 1973, the U.S considered the initiative to be submitting to Arab blackmail.

According to al-Malki there had been an understanding between the two great powers about the management of the conflict and the rejection of solutions that favoured one party over the other.[952] He referred to the need for a continual conflict to ensure the "perpetuation of the Cold War and to feed it,

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[949] Burghardt, G. (2006, December). The European Union's Transatlantic Relationship. Paper given at the College of Europe EU Diplomacy. Retrieved from www.coleurop.be/file/content/studyprogrammes/ird/research/pdf/EDP%202-2006%20Burghardt.pdf. Access date: November 22, 2008. p.3
[950] Möckli, D. (2010). The Middle East Conflict, Transatlantic Ties and the Quartet. In Bulut-Aymat, E., & Asseburg, M. *European Involvement In the Arab-Israeli Conflict*. Paris:ETH.
[951] Ibid. p.66.
[952] Al-Malki, R. (2007). Why Has the International Community Failed to End the Palestinian-Israeli Conflict? *The Palestine-Israel Journal, 13* (4).

yet without allowing matters to get out of hand."[953]   The Cold War policy According to al-Malki "reduced the ability of the EEC to manoeuvre its foreign affairs and kept the EPC profile relatively low[954]".

They frequently amended some EPC policies and toned down their rhetoric about Israel to satisfy American demands (sometimes to the relief of some of their own members) but in doing so lost the authority that comes from an independent voice. Johansson-Nogués went further, speaking of "the U.S's Cold War threat to withdraw its military presence in Europe if the EC/the twelve did not fall in line on important US policies for the Eastern bloc or in the Middle East."[955]   Accordingly, such threats prevented the Europeans from developing an independent policy outside the Cold War framework during the bipolar era.[956]

This policy applied to the Middle East, where the Europeans were kept on the sidelines of diplomatic activity to resolve the Arab-Israeli conflict throughout the 1980s excluded by America (preoccupied with a bipolar vision of the world) and its ally Israel (fearful of a pro-Arab bias in EPC policy-making). It was only after the Oslo Agreement between Israel and the PLO was endorsed by the U.S that the U.S and Israel softened their stance on a European political role in the Middle East.

Möckli convincingly argued that, after their experience in the Middle East, the Europeans had, since the 1970s, acknowledged that "pursuing alternative policies that openly challenge US positions has proved counterproductive and undermined their own cohesion".[957]   US lack of interest in the European role continued during the 1990s; the first example was the Madrid Peace Process conference where the EEC role was limited to the multilateral economic role.

According to Musu, the U.S. had not been interested in supporting or promoting a European role at the Madrid conference for many reasons; firstly it believed that the European involvement would "complicate the negotiations process between the conflicting parties". Secondly, the U.S. preferred to "keep the MEPP in its own hands."[958] As Bereuter argued, Europe partnered with the U.S. against the Soviets and a united Europe was in America's interests as long as it was a partner rather than a counterweight to US influence in the Middle East.[959]

Although Europe had relatively enhanced its capacity as a diplomatic actor in the Middle East through

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[953] Ibid.
[954] Ibid
[955] Johansson-Nogués, E. op. cit., p.100.
[956] Ibid.
[957] Möckli, D. (2010). The Middle East Conflict, Transatlantic Ties and the Quartet. In Bulut-Aymat, E., & Asseburg, M. *European Involvement In the Arab-Israeli Conflict*. Paris. (publisher?)
[958] Musu, C. op. cit.,p.44
[959] Bereuter, D. K., & Lis, J. J. (2003). Broadening the Transatlantic Relationship. *Washington Quarterly. 27*, 147-162.p.149.

the CFSP in 1992, and although it had become the main donor of the MEPP, the role of the EU in the process continued to be limited to the economic role and aid, and the U.S. continued to be the dominant external political force in the Middle East.[960] During the George Bush era, the U.S. showed a lack of interest in the Middle East, excepting the adoption of the Road Map as a way to convince the Arabs to participate in the war on Iraq. Thus the Clinton administration saw the European role in the MEPP as strictly secondary, and not really necessary, unlike the economic role. Dennis Ross, who led the U.S. peace efforts in the region repeatedly made it clear to the EU and the parties that "any mediation in the conflict was a US responsibility."[961]Additionally, Ross' team never recognised that the EU's special envoy had or should have had a role in mediation, and certainly not anything comparable to theirs."[962] From their viewpoint, the special envoy was useful for "information gathering and sharing but not for consultation, let alone joint negotiation."[963]

There is no doubt that that the EU has managed to play a political role through its CFSP representative and special envoy. Its role on the ground was wide-ranging, from aiding the PA, training the Palestinian police, monitoring the operations of the border crossing point between the Gaza Strip and Egypt through the EU Border Assistance Mission at the Rafah Crossing Point EUBAM Rafah. Its final role was crisis management, such as brokering the deal over the Israeli siege to the Nativity Church in Bethlehem from April 2 to May 10, 2002, where more than 200 Palestinians blockaded when the Israel army occupied Bethlehem and tried to capture wanted Palestinian militants who fled into the Church of the Nativity and sought refuge. Although there was an absence of European initiatives to put an end to the conflict in the Middle East, its special envoy played an important role on the ground. An example of this has been the bringing of Arafat and Levy together in Brussels for a re-launch of the peace talks, after the crisis over new Israel settlement in east Jerusalem. The EU special envoy also played an important role in brokering the deal over Hebron, securing the commitment of the Palestinian while the U.S. took care of Israel.[964]

The absence of the European political role from the MEPP continued until the formation of the Middle East Quartet in Madrid in 2002, where the EU for the first time participated with the U.S, Russia, and the UN in putting the MEPP agenda. As explained previously, the Road Map, a first official document of the Quartet, was a European proposal. The European participation in the Quartet faced several criticisms which will be investigated in detail through our analysis of the European role in MEPP in the next section.

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[960] Gomez, R. (2003). *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy?* Aldershot, Hants, England: Ashgate,p.124.
[961] Patokallio, P. op.cit.p.33.
[962] Ibid.p.33.
[963] Ibid. p.33.
[964] Gomez, R. (2003). *Negotiating the Euro-Mediterranean partnership: Strategic Action in EU Foreign Policy?* Aldershot, Hants, England: Ashgate, p.130.

It would be unfair to blame the U.S. for the European absence from the MEPP. As explained previously, several states including Germany, Britain and new EU members have not been interested in more European political engagement in the Peace Process, but rather prefer to compliment the United States' role in the process. This vision has not been limited to the member states but also to the EU officials and institutions. For example, the former European External Commissioner Patten emphasises that "the EU intends to continue to work closely with the U.S. not as competitors, but as partners."[965] His view was shared by the former Special Envoy to the MEPP Miguel Moratinos who stated that "the Europeans do not want to interfere in the MEPP negotiations between the parties for the sake of appearing as another mediator…We simply cannot confront the United States, and we do not want to undermine the peace process."[966] In another interview, Moratinos stated "my role is complementary to the U.S. It has to be so. My role is not about competing for influence but in striving to help MEPP."[967]According to Christopher Hill, the Europeans are even more opposed to the U.S. Position over the Israel- Arab conflict, but they keep their concerns "behind the diplomatic arras". He related this policy to the fear of being seen as 'soft' on terrorism, of raising the spectre of appeasement - an accusation which Israel and its friends are not slow to throw at Europeans, together with that of anti-Semitism."[968]

4.4.3   The Third Determinant: the European–Israeli Relations

As chapter three demonstrated, the official relations between the EEC/EU and Israel have been developing since 1960, when Israel was part of the global Mediterranean policy, and relations have been progressively upgraded since Israel is now a member of all the European regional initiatives and has signed several agreements with the EU, such as the EU-Israel Association Agreement, which entered into force in 2000. The rest of the EMP agreement (the EU Israeli association agreement) covered free trade in industrial and select agricultural products, freedom of establishment, free movement of capital, the harmonisation of regulatory frameworks as well as social and cultural cooperation.[969] According to EU statistics, the "EU is Israel's largest import and export market and accounts for about a third of Israel's total trade."[970] Israel is one of EU's leading trading partners in the Mediterranean area and ranked as "the EU's 25th major trade partner globally". From mid-2003 to

[965] Patten, C. (1999, October 6th). *European Commissioner for Foreign Policy Affairs Speech at the European Parliament Plenary Session.* Retrieved from
http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/99/123&format=HTML&aged=1&language=EN&guiLanguage=en Access date: July12, 2011.
[966] Moratinos, M. (1999, October) *EU Special Envoy to the Middle East, Speech 99.*
[967] Quoted in Gomez, R. (2003). *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy?* Aldershot, Hants, England: Ashgate.p.130.
[968] Hill, C. (2004). Renationalizing or Regrouping? EU Foreign Policy Since 11 September 2001. *Journal of Common Market Studies 42*(1) 143-163. p.153
[969] Tocci, N. (2010). The Conflict and EU-Israeli Relations. In Bulut-Aymat, E., & Asseburg, M. *European Involvement in the Arab-Israeli Conflict.* Paris:ETH, p.57.
[970] European Union (2011). *Bilateral Trade Delegation of the European Union to Israel.* Retrieved from: http://ec.europa.eu/delegations/israel/eu_israel/trade_relation/bilateral_trade/index_en.htm Access date: April 22, 2011.

mid-2008 was around 5% per year. In numbers, the EU goods exports to Israel reached €14.0 billion in 2008, and the EU goods imports from Israel for the same year reached €11.2 billion.[971]

Member states' historical relations with the conflicting parties in the Middle East, particularly in the cases of Germany and Holland, because of their role in the Holocaust, and in the EPC declarations during the 1970s and 1980s, have played an enormously significant role in determining the European policy towards the Middle East. This history and the policies have created a strong opposition from Israel towards any European attempts to extend its role from payer to player. Some critics believe that Israeli attitudes towards the European Community's involvement was the strongest and most negative factor in limiting Europe's ability to have a role in the Middle East, since the EU engagement often meets scepticism by consecutive Israeli governments.

They argued that even if the Europeans managed to unify their voices and interest, the Israelis would not open the door for them to become involved in the region's conflict.[972] Alpher believes that the Holocaust and the political stance of the Europeans towards Israeli wars "make it difficult for Israel to trust Europe and allow it to play a major role in the MEPP."[973] Plus, he accused the European member states of focusing more on their economic interests than on the security concerns of Israel.

According to Israel, Europe's pro-Arab positions during the 1970s and 1980s have "encouraged Israel and the U.S. to exclude the European Community from peace negotiations, reducing its opportunity to act."[974] The Israeli Government expressed a hostile response to most of the European Declarations. For example, the 1973 Declaration was viewed as a European effort to appease the Arabs. The Israeli Government accused the European Community of "putting the cart before the horse by making concessions to the PLO in advance of the PLO's renunciation of violence against Israel."[975] It also accused the European Community of having relinquished the UN Security Council 242.

Yigal Allon, the envoy to Belgium and the EEC, stated that the declaration by the Community had supported and advocated the Franco-Soviet theme, which represented and advanced the Arab position in an attempt to gain guarantee oil supplies. After the Venice Declaration the Israeli cabinet stated: "nothing will remain of the Venice Decision but a bitter memory…All men of goodwill in Europe, all men who revere liberty, will see this document as another Munich-like capitulation to totalitarian blackmail and spur to all those seeking to undermine the Camp David Accords and derail the peace

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[971]European Union (2011). *Bilateral Trade Delegation of the European Union to Israel.* Retrieved from: http://ec.europa.eu/delegations/israel/eu_israel/trade_relation/bilateral_trade/index_en.htm Access date: April 22, 2011.

[972] Lyons, K. op. cit., p.25.

[973] Alpher, J. (1998). The Political Role of the European Union in the Arab-Israel Peace Process: An Israeli Perspective *The International Spectator.* Available at:< www.ciaonet.org/olj/iai/iai_98alj01.html. Access date : April 22, 2011.

[974]Ibid.p.73.

[975] Jawad, H.A. op. cit, .p .29.

process in the Middle East.[976]

EU-Israeli relations were further damaged by the Israeli invasion of Lebanon in 1982. The European Community condemned the invasion, and continued to call for a full Israeli withdrawal from all of Lebanon. It further imposed an embargo on arms sales to Israel, this being lifted in stages after the opening of the Madrid Conference in 1991 and the signing of the Oslo Agreement in 1993. The mistrust between Israel and Europe continued during the 1990s. For example, the Madrid Conference was a clear example of the rejection of the European involvement in the MEPP. During the preparations for the conference, the Israeli government showed a hostile attitude towards European participation in the peace conference. Although the Europeans insisted on EEC participation in the conference, the 12 European governments had participated in the conference as individual partners which irritated the U.S. and weakened the European Community's presence.[977] The Wye River negotiation in October 1998 was another clear example of Israel's unwillingness to acknowledge the EU's status as a political actor in the Middle East. Here, Israel denied the European Special Envoy to the MEPP, Moratinos, access to the negotiation table, which was, according to Kurikkala "naturally humiliating to the biggest donor which wished to play a more prominent mediatory role."[978]

According to Ginsberg, in the eyes of the Israeli government the EC had made three tactical errors that doomed its role as an acceptable mediator in the peace process. First, it demanded that Israel make concessions to the Palestinians in advance of direct peace negotiations; second, it made concessions to the Palestinians that prejudged Israeli interests in advance of direct peace negotiations; and finally, it insisted on the United Nations as the appropriate forum for negotiations towards a comprehensive peace settlement, knowing that this was unacceptable for Israel.[979]

The European Union's inability to build a coherent CFSP contributed to the Israelis' objection to their role in the MEPP. The former Israeli Prime Minister Yitzhak Rabin asked some European politicians "why we Israelis should trust you when even your own house is not in order."[980] The Israeli Government has indicated that the role of the European Community from the Israeli point of view was no more than to facilitate and help the countries of the Middle East to meet each other to conduct direct negotiations, but by no means should the Community impose the terms of a peace process.

Israel´s former foreign minister David Levy also referred to Europe´s attempt to seek a mediatory role by stating that "Europe already plays an important role in the negotiations; in the economics of

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[976] Ibid .p.29.
[977] Musu, C. op. cit., p.56
[978] Kurikkala, F.op.cit,.p .198
[979] Ginsberg, R. H. (2001). *The European Union in International Politics: Baptism by Fire*. Lanham: Md, Rowman & Littlefield Publishers. p.107.
[980] Kurikkala, F. op.cit,..p .177.

peace. We will reject all interferences in the (political) negotiations."[981] In sum, Kurikkala believes that, as long as Israel and, to a certain extent, the U.S are unwilling to give the EU a place at the negotiation table, the Union remains a political non-actor in the region when it comes to substantial high policy question.[982]

4.4.4 The Fourth Determinant: Decision-Making and the Mechanism of the CFSP and the European Role in the MEPP

As chapter two demonstrated, until 2009 European foreign affairs remained an on-going puzzle characterized by a complex and highly fragmented institutional structure.[983] It was under the responsibility of the four main institutions of the EU: the European Council, the Council of Ministers, the European Commission and the European Parliament. Within the CFSP´s institutional structure, authority had been granted to various other bodies and figures (EU High Representative, Commissioner for External Affairs, EU Special Representative). The main decision-making power was still in the hands of the members which dealt with the decisions in the European Council and the Council of Ministers, and made their decision only by consensus. This means that contrasting other areas of EU policy making (such as trade), the CFSP remained in principal at the intergovernmental level. Interactions between the main players within the EU institutional structure have been a divisive factor in determining what has been called the "capacity for collective action".[984]

The EU policy towards the Middle East and the OPTs in particular is a victim of dualism of the EU system, the proliferation of structures, multiple players, actors and agents involved in the CFSP formulation. Monar studied the institutional constraints of the EU and found that the institutional limitations of its dual system of foreign affairs clearly have had an impact on Mediterranean policy. It can be further inferred that this impact is purely a negative one since the institutional restrictions of the system make the EU a "clearing house" of different interests rather than a unitary actor with defined objectives and strategies.[985] He emphasised that due to the Union's system lacking the single governmental structures and central authority of a nation-state actor on the international stage, its policy on the Mediterranean depended on interest constellations that vary over time and the capacity of the institutional setup to merge these interests into decisions in the Eoropean Commission and/or the CFSP framework"[986] Monar linked the institutional constraints with the national interests of the

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[981] Levi, I. op.cit p. 71.
[982] Kurikkala, F.op. cit.,p .186.
[983]Stetter, S. (2004). Cross-pillar Politics: Functional Unity and Institutional Fragmentation of EU Foreign Policies *Journal of European Public Policy, 11* (4) 720 - 739. p.1.
[984] Hyde-Price, A. (2004). Price interest, Institutions and Identity in the Study of European Foreign Policy. In *Rethinking European Union Foreign Policy* Tonra, B., & Christiansen, T. p.104.
[985] Monar, J. (1998). Institutional Constraints of the European Union's Mediterranean Policy. *Mediterranean Politics, 3* (2) 39 - 60.p.50.
[986] Monar, J. (1998). Institutional Constraints of the European Union's Mediterranean Policy. *Mediterranean Politics, 3* (2) 39 - 60.p.50.

member-states as follows:

> "The resulting institutional constraints become particularly tangible if a policy touches vital interests of the Union and its member states because then the internal struggle for securing priorities and defending particular interests of all the actors involved becomes all the more intense." [987]

He concluded that the decision-making has been slow, often reduced to the lowest common denominator among the member states' interests, and the process is sometimes even paralysed.[988] In addition, the intergovernmental approach within the Council of Europe and the European Council has made the problem-solving style of decision-making the primary method of formulating policy toward the OPTs and the conflict.

4.4.4.1 Dualism in the European Representation

As already explained in chapter two, the pre-Lisbon Treaty structures authorised the Presidency to represent the Union in matters coming within the CFSP, assisted by the High Representative for the CFSP. This created a dualism in the EU representation in the Middle East, since both The Presidency and the High Representative were in direct political competition to represent the EU. Consequently, this affected the EU's ability to conduct a coherent, unified foreign policy, since each of the EU actors delivered different answers to the same question. Most criticisms were directed to the former HR, who sometimes ignored the regulations of the EU.

 Solana stated in interview "I do whatever I want ... I pursue my own agenda. I don't have to check everything with everyone ... if you ask for permission, you would never do anything."[989] EU's participation in the Quartet has been an example of the dualism representation in the Middle East. There are several European actors into the Quartet including the presidency of the EU, the EU High Representative for CFSP, Javier Solana, and the European Commissioner for External Relations, Benita Ferrero-Waldner.

While the role of the European Commission Technical Assistance office in Ramallah was limited to co-coordinating, managing and monitoring the large EU assistance programme to the Palestinians, the responsibilities and roles of the European delegation to Israel dealt with six main fields: politics, economics, projects, information, culture and science.[990] Both of the delegations lacked political

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[987] Ibid.p.50.
[988] Ibid.p.50.
[989] Dijkstra, H. (2011). EU External Representation in Conflict Resolution: When does the Presidency or the High Representative Speak for Europe? *European Integration Online Papers. 15, Article 1.* Retrieved from: <http://eiop.or.at/eiop/texte/2011-001a.htm>. p.4. Access date: June 23, 2011.
[990] European Union Delegation in the Ramallah (2009). *The European Union and the Peace Process.* Retrieved from http://www.eeas.europa.eu/mepp/index_en.htm. Access date: July 23, 2010.

competence in representation of the European Commission which, however, also lacked political competence and influence in the CFSP as a result of the rights of the member states to initiate and conduct policies outside of the EU CFSP framework, providing that the policy does not contradict or harm the EU approaches.

During the 2006 Lebanon Crisis, for example, more than 25 European ministers - each from a different country - travelled to Beirut, delivering mixed messages to put an end to the war between Israel and Hezbollah.[991] Another example pertains to the January 2009 War on Gaza. The techniques that the EU used to deal with the conflict indeed reflected the contradictions and problems caused by the CFSP mechanism, both in terms of duplication of the diplomatic representation and in terms of the conflict and clash in interests and views between the member states toward the conflict and its collaborators. With regard to the representation, the war witnessed dualism in the EU representation. During this time, there were two separate European diplomatic missions in the Middle East aiming to stop the violence and broker a cease-fire in the Gaza Strip. The first delegation was the Czech government and group of EU ministers, the 'troika', which included the EU High Representative for CFSP, Javier Solana, and the European Commissioner for External Relations, Benita Ferrero-Waldner and the French Foreign Minister, Bernard Kouchner.

The European delegation was chaired by the Czech Foreign Minister, Karel Schwarzenberg, who held the presidency of the EU at the time. The second delegation was headed by the French president, Nicolas Sarkozy, who assumed presidency of the EU until the term ended on 31 December, 2008. Both delegations met separately with the Israeli and Arab leaders in Jerusalem, Ramallah and Cairo in order to put an end to the violence. In fact, the dual representation caused severe confusion within the EU and in the Middle East. Despite the lack of objectivity from the European Commission on the French initiative, as long as the message of the EU was preserved and delivered, anxieties were muted.

However, the Czechs were not happy. The Czech Prime Minister, Mirek Topolanek, in a statement described the task of Sarkozy as a useful contribution to resolving the conflict, but made it clear that the French president did not represent the European Union.

As a way of avoiding the anger that Sarkozy's visit had caused, the French diplomats legitimized his visit as that of co-chair of the Union for the Mediterranean, a position of which he had previously proposed the establishment in 2007, and which was later founded in Paris in July 2008 with co-chair Egyptian President, Hosni Mubarak, at the helm.

The political statements of both delegations had caused confusion and showed that the EU leaders

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[991] Kolarska-Bobinska, L. and Mughrabi, M. (2008). New EU Member States' Policy towards the Israeli-Palestinian Conflict: the Case of Poland. *Euro Mesco Paper* (69). p.21

contradicted one another in their messages and on their stance towards the conflict and Israel. While the Czechs supported Israeli strikes on Gaza, describing them as "more defensive than offensive," the mere act of iterating this statement sparked anger within the EU and its member states. For example, a British diplomat said that the communication had not been co-ordinated in advance with the Czech Republic's EU partners. [992] This allowed observers to interpret it as an indication that France did not have confidence in the Czech Republic's ability to deal with such a delicate task.[993]

4.4.4.2 The Tension between Member States and the EU's Main Institutions

This section will demonstrate tension between the member states and the European institutions and how these tensions have affected the EU's role in the MEPP and EU-Palestinian relations. The appointment of the special envoy in 1996 provided the EU, for the first time, with a single interlocutor for dealing with other regional actors, in an attempt to reduce the difficulties and inconsistencies of the CFSP due to the rotating EU Presidency system.[994]

However, the new post has also added one more actor to the multiplicity of EU actors. It has also faced several problems, some of them related to the structure of the CFSP, and others related to the fact that its responsibilities might conflict with others within the EU institutions. According to Musu, the new position has been "marred by the very nature of its mandate which, though formally quite broad, does not include the possibility of committing the member states to any step which has not been previously agreed upon."[995] Stetter supported this argument stating that "the main problem is what message has to be presented since such an individual cannot move without the full support of member states due to reduced speed".[996]

In addition, Musu emphasised that the capabilities of the Special Envoy to the Middle East initiatives are very limited and tightly bound to the indications received from the Council. Such an individual cannot officially commit any member state to any step which has not been previously agreed upon. It is, therefore, hard to envisage a role beyond that of 'facilitator' of the peace talks.[997] With regard to the structural constraints facing the Special Envoy, the relationship with the rest of the CFSP institutions, such as the Special Envoy's relationship with the Commission, the presidency of the EU

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[992] Penketh, A. (2009, January 5th). EU Ceasefire campaign marred by internal discord, *The Independent* Retrieved from http://www.independent.co.uk/news/world/europe/eu-ceasefire-campaign-marred-by-internal-discord-1225796.html. Access date: July 27, 2010

[993] *European Voice* (2009, January). Ministers head to Middle East in effort to Secure Gaza ceasefire. Retrieved from http://www.europeanvoice.com/article/2008/12/ministers-head-to-Middle-East-in-effort-to-secure-gaza-ceasefire/63526.aspx. Access date: July 22, 2010.

[994] Musu, C. op. cit., p.15.

[995] Ibid. p.12.

[996] Stetter, S. op.cit,.p.155.

[997] Musu, C. (2008, March). *The Instruments of European Foreign Policy and their use in the case of the Arab-Israeli Peace Process: A Case of Insufficiency, Inadequacy, Misuse or Under-Utilization?* Paper presented at the Annual Meeting of the ISA's 49th Annual Convention. Retrieved from http://www.allacademic.com/meta/p253355_index.html. Access date: June 2, 2011.

and the Commission Delegation, is one of the elemental problems on the ground. Patokallio argued that the relationship between these parties is surrounded by uncertainty and ambiguity. Patokallio maintained that:

> "According to the Special Envoy's mandate, the tasks of the envoy will be without prejudice to the role of the commission, which will be full associated in these tasks. But to what extent should the two consult each other on policy initiatives, and how should the full association of the commission in the special envoy's work be interpreted, and by whom? In practice these ambiguities have not proven serous source of disagreement."[998]

Nor has the relationship between the rotating Presidency and the Special Envoy always been an easy one, especially when the presidency is in the hands of one of the smaller member states. The envoy represents continuity, while the presidency changes every six months. On the ground, the envoy necessarily deals with the ambassador of EU member states holding the local presidency in each country. There have sometimes been attempts to subordinate the local presidency to the Special Envoy, or to circumvent it, with predictable friction.[999]

Although the member states of the EU are willing to be involved in, and indeed aspire to see the EU playing a stronger, more coherent, consistent and credible role in the MEPP, their reluctance to move beyond an intergovernmental framework has denoted a deliberate policy to curtail the role of Union officials, personnel and representatives through complex conditions, legislations, regulations and procedures. The purpose of such multifarious conditions has fundamentally been put into place in order to protect their interests. Power of veto has been utilised as a way to impose these regulations on their counterparts in an effort to achieve agreements. The appointment of the EU Special Envoy to the Middle East Peace Process, whose main responsibility is to fill the gap between the interests of the European minsters and provide a continuous approach of the EU, has been a clear example of the assumption mentioned above.

According to Müller, "during the negotiations of the Special Envoy's mandate, Berlin pointed out to its European partners that it would support the appointment of Mr. Moratinos only if certain conditions were met."[1000] Müller asserted that the Germans imposed three conditions for acceptance of the new position. First, and most importantly, Germany argued that there had to be a guarantee that Mr. Moratinos' mandate would not interfere with bilateral negotiations. Second, it was to be expected that his role would not be in competition with the role performed by the U.S. Finally, it had to be determined that the Special Envoy would not engage in mediating activities without the prior request

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[998] Patokallio, P. op.cit., p.33.
[999] Ibid.p.33.
[1000] Müller, P. (2007). op. cit., p.16.

of both parties to the peace process.[1001] The way that the member states treats the EU representatives to the Middle East has exacerbated the problem and, as a result, hindered their roles in the region.

After evaluating the role of the Special Envoy to the Middle East, Kurikkala found that the member states deliberately weakened the role in the Middle East by "creating tension between the High Representative of the CFSP and the EU Special Envoy to the Middle East (EUSR)."[1002] Kurikkala interviewed the economic advisor of the former EU Special Envoy to the Middle East, Miguel Ángel Moratinos, who blamed the member states for not being willing to find a solution to interinstitutional stalemates. He argued that "it's difficult to find an agreement when the member states want to keep them apart "It's the old divide and rule principle."[1003] As a result of the restrictions that the member states imposed on the EUSR, the fact that the position lacks political weight is a factor that has diminished its opportunities to influence the member states' divergent positions.[1004]

Several additional factors contributed to the strengthening or weakening of the relationship between the member states and the Special Envoy or the High Representative of the CFSP. The capacity and resources of the member state holding the presidency of the EU has been one of the main determinates that shape these relations. For example, Kurikkala found that the larger member states were generally assessed to be less dependent on the Special Preventative and the Council Secretariat to prepare and report for the presidency and to get information and visibility.[1005] This is due to such strong presidencies as France, and the other more considerable EU member states, which evidently have a comprehensive web of embassies with relatively numerous staff in order to obtain the most up-to-date information from the region through their own diplomatic representations. Small countries, in turn, have given more space to Moratinos and his team.[1006]

The upgrading of the European–Israeli relation in April 2008 is a clear example of the differences between the policy of the member states and the policy of the European institutions. In addition, most crucially, this example shows the authority and the ability of the member states to curtail the EU institutions and personalities. Considering the stances of the three main players within the EU, it becomes noticeable that there are different political stances towards this issue. On the 9th of December 2008, the EU's 27 Foreign Ministers unanimously approved upgrading relations with Israel.[1007]

The Czech Foreign Minister, Karel Schwarzenberg, maintained that "upgrading EU-Israel relations

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[1001] Ibid. p. 16.
[1002] Kurikkala,F. op.cit., p.198.
[1003] Ibid.p. 178.
[1004] Ibid.p.179.
[1005] Ibid.p.160.
[1006] Ibid.p.166.
[1007] Ravid, B. (2008, December 9). EU votes to upgrade Israel relations despite Arab lobbying. *Haaretz Newspaper.*

would be good for the Palestinians, as well [because the] EU would be better placed to get Israel to ease conditions in Palestinian areas and Palestinians would benefit economically from more EU-Israel trade."[1008] This action was rejected by the European Parliament and the European Commission. The former EU's External Relations Commissioner, Benita Ferrero-Waldner, told reporters in Brussels: "good and trustful relations with Israel are essential in order to make our voice heard, though it was not deemed a good time to increase current level of relations."[1009] The interference of Ferrero-Waldner in "high politics," and on such a sensitive issue as the upgrading of European Israeli relations, displeased the member states and a resultant appeal was put forth to the EU's External Relations Commissioner to stop interfering in the Council of the European Union policies because it was outside of the European Commission's mandate.[1010] The decision to upgrade EU-Israeli relations also went against EP, which had on the 12[h] April 2008 suspended its vote on whether or not to upgrade EU-Israel relations in the wake of increasing unrest around Israeli settlement building policies, violations of Palestinian human rights and the continued Gaza siege. The Vice President of the European Parliament, Luisa Morgantini, issued a statement about the decision saying "it's time for the Israeli Government to stop considering itself above the law and start respecting it."[1011]

The attempts that the former EU's External Relations Commissioner, Chris Patten, made to boycott products and exports produced in the Israeli settlements in the West Bank and Gaza is another clear example of the continuing division between the views and actions of the individual member-states and the activities of the Brussels-based institutions. Patten insisted that exports from these settlements should not be labelled 'Made in Israel' and should not enter the EU market on the preferential terms offered by the association agreement. However, Patten's ability to adopt a hard line has been undermined by pressure from Britain, Belgium and Germany.[1012]

As mentioned earlier, the Middle East and its Peace Process reflect the divergent interests of the member states. One of the clearest examples in this regard is the open letter that ten Mediterranean EU members wrote to Tony Blair, the Special Envoy to the Middle East Quartet. In their letter, which was published in Le Monde on 10 July, the ten foreign ministers stated that "the Road Map has failed" and "the overly strict conditions we have habitually imposed as prerequisites for the resumption of the peace process have only made the situation worse".[1013] The ministers clarified that the "negative

[1008] Ibid.
[1009] Selig, A. (2009, April 24). EU official: Time not right to boost ties with Israel. *The Jerusalem Post* Retrieved from http://fr.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1239710772296 Access date: October 11, 2010.
[1010] O'Donnell A. & Marina, C. (2009). Europe in the World Part II: Relations with the Southern Neighbours. Paper presented at Bringing the Policy Back In: A Substantive Agenda for the New Union, Birmingham University
[1011] Morgantini, L. (2008). Israel Is Not Above the Law - The European Parliament Suspends the Vote on the Upgrade of EU – Israel Relations. Brussels: European Parliament.
[1012] Everts, S.op.cit.,p.29.
[1013] Le Monde newspaper (10 July 2007) Open letter to Tony Blair from the ten Ministers of Foreign Affairs of the Mediterranean members States of the European Union Released by the French Embassy in the U.K.

appraisal compels us to change our approach. Above all it allows us to broaden our outlook. It's Europe's duty to say this to its Israeli and Palestinian friends." Finally, the ministers believe that the political solution in the region has to engage negotiations "without prerequisites on the final status, even if it means acting in successive phases." [1014]

Firstly, the political stances of the Mediterranean members had expressed in the letter show the differences between the policies of the EU, which supports the Road Map and participates in the Quartet, and the policy of several members who expressed their dissatisfaction with the EU policy towards the Middle East outside the frames and EU institutions. Secondly, it showed how the member states go alone and challenge the official positions and policies of the EU towards the MEPP and conflicting parties when these members feel that the EU cannot meet their interests.

The refusal of the the Council of the European Union to receive and publish a report prepared by a group of European diplomats in Jerusalem and Ramallah about Israel's unilateral measures in Jerusalem is a further example which shows, first the conflict in policies between the EU institutions agendas and second, the extent to which member states of the Council of Europe seek to avoid direct criticism of Israel. Solana explained to the ministers that European influence over Israel would be largely compromised if the report were to be published. In addition, Jack Straw, the former British Foreign Secretary, announced the decision by explaining that several states considered that the proximity of elections in the region made it improper to publish this text.[1015] The report, which has since been published by the Guardian newspaper, emphasised that "there is clearly a consistency in the acts of the Israelis, having nothing to do with questions of security, in fact nothing other than the continuation of the colonization of OPTs". The EP, in turn, criticized the the Council of the European Union and considered not publishing the report as "a political scandal"[1016] and contrary to the calls of the EU to halt expansion of Israeli settlements in the Palestinian territories which undermining the objective of a two-state solution with the Palestinians.

While the European Council's attention has been focused on supporting the MEPP between the Israelis and the Palestinians, which might lead to stability and security, the European Commission's concentration is on reform and aid as a precondition to achieving peace, which has been found to be in contrast with human rights issues and democracy, which are the main goals of the European Parliament.

As has been explained above, the ultimate aim of the three European institutions is to create a democratic, independent Palestinian state existing side by side with Israel. However, the question remains as to which are the best ways to achieve such goals and what priorities and agendas the EU

Available at: http://www.ambafrance-uk.org/10-Mediterranean-EU-States-foreign.html.acessed on 12. May 2011.

[1014] Ibid.

[1015] Crapo, H. (2006, January 2). The European Union conceals a policy of Annexation. *Humanite* Retrieved from http://www.humaniteinenglish.com/spip.php?article36. Access date: September 2, 2010.

[1016] Ibid.

must focus on in order to attain this as a reality. The tension between the three institutions is at the core of the issue that hinders the European efforts and role in the MEPP, development, aid, democracy promotion and institutional reforms.

Analysing the role policies of the EP towards the European Migration and Middle East policies, Stetter found that that the marginal role of the EP in the CFSP mechanism within the cross-pillar institutional setting has often prompted the EP to focus on voicing harsh criticism about the substance of EU policies in both areas, and consequently on developing an alternative policy agenda.[1017]

> "The focus on alternative agenda can be observed on three diminutions. First, by putting emphasise on the issue of democracy and human rights, parliament has combined its alternative policy agenda with an underlying normative frame. Second, parliament has given a particular voice to the way in which it perceives the interests and demands of those affected by EU policies, be they the southern Mediterranean countries in the EMP in general, and Israel and Palestine in particular,....Third, parliament has not stopped at criticising the content of policies but has proposed an alternative institutional setting and also in its day-to-day operations -demand a complete abolition of the pillar structure in both areas."[1018]

Stetter argued that, as a result of these scepticisms, the parliament has focused on developing alternative policy agendas which have not been dealt with as extensively by other actors. A main focus of this alternative agenda has been the areas of democracy promotion and human rights. He considers the successes of the EP to lie in using its capabilities in the budgetary process and in 1994 in including the European Initiative for Democracy and Human Rights into the EU budget out of which, for example, MEDA democracy projects were funded.[1019]

The European parliament used its power in 1998, when parliament blocked the conclusion of three trade agreements with Israel. The EP was not satisfied with the EU policies towards the Middle East region and the EP, and on an institutional level, the EP referred the EU's weak role in the Middle East to the intergovernmental mechanism of the CFSP.[1020] The EP considered the mechanism and the institutional setting in foreign policies as being largely insufficient in nature and argued that EU decision-making was being blocked by the intergovernmental nature of its foreign policy which is why the Union has not yet succeeded in playing a credible role in the Middle East.

Analysing the EU stances above shows that the EU is acting in a clearly realist behaviour. On the political level, the reluctance to impose conditionality as evidence of the EU's prioritising of the MEPP, which it seeks to keep alive by refraining from criticising and provoking the Israeli

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[1017] Stetter, S.op.cit, p.159.
[1018] Stetter, S.op.cit.,p.160.
[1019] Ibid.p.159.
[1020] Ibid.

government and its main ally -the US. Only thus can the EU maintain a role and a place at the negotiations table. The European experience of dealing with Israel has shown that criticism of Israeli policies has only led to a marginalization of the EU as an actor in the MEPP.[1021] On the economic and trade level the EU statistic speak for themselves. For example, according to European Commission figures, Israel is one of the biggest EU trading partners in the Euromed area, with total trade amounting to more than €25.7 billion in 2007. The EU is Israel's largest market for exports and its second largest source of imports after the US.[1022]

David Cronin believes that Israel has developed strong political and economic ties to the EU over the past decade that makes it a member of the EU without membership. His argument was supported by the EU's foreign policy chief, Javier Solana, during his farewell trip to Israel in the autumn, shortly before he stepped down as CFSP chief. He declared that:

> "There is no country outside the European continent that has this type of relationship that Israel has with the European Union….. Israel, allow me to say, is a member of the European Union without being a member of the institutions. It's a member of all the [EU's] programmes; it participates in all the programmes."[1023]

4.5 Analysis and Conclusion

Reviewing the history of EU collective foreign policy making towards the Arab-Israeli conflict and the peace process, we can, then, draw the following conclusions:

Firstly, the discussion above supports a largely realist understanding of European Common Foreign policy-making. EU members come to the EU negotiating table with pre-determined interests that reflect their identities and domestic preferences. The process of the decision making is still dominated by an intergovernmental approach and therefore policy tends towards the lowest common dominator which can be reached through bargaining. The EU member states may largely share the same view about the conflict, but they differ on the "proper" policy towards the parties/countries involved in the conflict, partly for historical reasons specific to individual member states, partly as a result of their perceptions of current self-interest, and partly as a result of differing visions of the correct nature of any European role. As a consequence, there is a gap between European ambitions and performance.

In fact, each single element of the EPC/CFSP has been the outcome of a cumbersome and

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[1021] European Union Centre of North Carolina. (2008, March). *Europe's role in the Palestinian- Israeli conflict European Union Policy Area: Middle East Peace Process*. North Carolina: European Union Centre of North Carolina.
[1022] European Commission. (2009). *European Union Trade With Israel.* Retrieved from http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/israel/. Access date: October 3, 2010.
[1023] Cited in Cronin, D. (2010). *Europe's Alliance with Israel: Aiding the Occupation.* London: Pluto Press.p.80.

bureaucratic process; involving compromise-building between the member themselves, the European Commission and the European Parliament. The outcomes of these negotiations show that, although the member states have their own pre-defined interests and identities, EU membership itself, and the processes of socialising and interacting with other member states on the European level, do have an impact on the perceptions of these interests, and can alter them. Thus, it can be argued that constructivist arguments are also helpful in identifying how interest and identity are not fixed. Member states feel normatively obliged to take into account the interests of the EU in the formulation of their own foreign policies, so there is an element of Europeanisation in this regard rather than supranationalism per se. Greece, for example, has altered its policy towards Israel and recognised it as a result of the pressure from the European community. Likewise, Germany has re-orientated its foreign policy and supported all the key European foreign policies and declarations such as the London Declaration (1977) and the Venice Declaration (1980) that supported the Palestinian right to self-determination.[1024]

As demonstrated in the second chapter, the members have utilised the EPC/CFSP in two ways: first to upload their national interests to the European level so they can pursue them more effectively and counteract deficiencies in their own national foreign policy. Secondly they utilise the EPC/CFSP as a cover or a way to pass and reduce the costs of pursuing a controversial policy. This instrumentalism combined with the socialising impact of membership and the inter-governmental negotiation process, to result in a progressive improvement in collective policy-making albeit one with serious limitations.

For a start, there have also been cases where the members go-it-alone and conduct national policy against, and in contradiction with, the common foreign policy of the EU. Sweden granting a Schengen visa to a Hamas minister, despite the EU's political boycott of the Islamist Palestinian movement, is an example of this trend.[1025] Christopher Hill maintained that:

> "There are obvious enough cases of national defections from a common line, or more accurately, of preventing a common line, over Iraq and over the Israel-Palestinian conflict. Equally, there was some striking solidarity on view in the rapid responses to the 11 September events, and in the linking up of foreign policy to anti-terrorist." [1026]

He argued that EU members have been willing to change and support the CFSP if they think that there is a threat to their interests, but they will go national when they can't agree. For Hill, this doesn't mean that we are observing "a wholesale return to the national principle in European foreign policies. Most states may have no intention of relinquishing their own diplomacy, but equally it

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[1024] Müller, P. (2011). op. cit., p.10.
[1025] Ibid.p.5.
[1026] Hill, C. (2004) 'Renationalising or Regrouping? EU Foreign Policy since 11 September 2001.'Journal of Common Market Studies, 42, 1 March. p.160.

would not occur to them to opt out of the CFSP."[1027]

The constructivist approach has also contributed to explaining aspects of the EPC/CFSP foreign policy in this case. Governments of member states are not immune to "pressures from below" in formulating their perceptions of national interest and projecting these into the common foreign policy negotiating process. For instance, during the oil crisis in 1973, French public opinion- deep concern with rising oil prices- played a role in adjusting the French position to launch the Euro-Arab Dialogue.[1028] Similarly, public sympathy with Israel has played a strong role in determining Germany's policies towards the region. This contributes to our understanding of the role of "identity" at the national level.

The role of the EU in Madrid conference and in the multilateral track can be explained through the functionalist liberal conception of operation where economic cooperation spillover in political issues its own experience with regional economic and political integration. There is belief that Multi-sectoral cooperation will enable the conflicting parties to set aside their political differences.[1029]

In addition, the increasing role and involvements of Solana and the EU special representatives, Miguel Moratinos and Mark Otte, the EU envoy for the MEPP, in the negotiations between Israel and the PA, Moratinos has played an important role in mediating an agreement between Israel and the Palestinians for the withdrawal of Israeli troops from Hebron. This gives indications of elements of increasing role of the EU institutions in the CFSP such role supports the functionalism where the European Commission and EU personalities, such as Solana and Moratinos, have played important roles in the peace process.

However, the development of the European policy towards the conflicting parties shows, as well, that there are cases where members have conducted a national policy outside the framework of the EU and in contradiction with its policy and the policies of its members. The inability of the EU members to reach an agreement promptly then to pursue their interest individually or grouping with other members to achieve them might explain the individual initiatives that the member states proposal from time to time outside the EU frame work. As a result, European voices and credibility have become weakened in the region.

The inherent limitation of the EU's foreign policy machinery has been a determining factor in its handling of the Middle East peace process. The pillar system- the institutional structure- has had a huge impact on every aspect of European foreign policy. Diffusing powers among several

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[1027]   Ibid., p.160.
[1028]   Bicchi, F. (2007). European Foreign Policy Making Towards the Mediterranean New York: Palgrave Macmillan, p.12.
[1029] Peter, J. op. cit., p. 302.

institutions, its multipliers have led to dualism in presentation and slowness in implementation. While the development, trade and aid issues are handled under the Community pillar, illegal immigration and asylum issues are the third pillar. Finally, the political and security issues are mainly considered at intergovernmental level. Such a division among the EU institutions and absence of a single authoritative voice has made it difficult for the EU to have a comprehensive and common policy towards the Middle East, in general, and the OPTs, in particular. In fact, this tension reflects the tension between the intergovernmental and the supranational approach to the European policies.

Analysing the CFSP players, it can be noticed that there is an element of neofunctionalism, which advocates supranationalism in the CFSP. The increasing roles of the HR, the EU special envoys in the MEPP, the European Commission in implanting the European aid and technical assistances, sending electoral observers and supporting the Palestinian police force and the role of the EP in advocating the human rights issues are examples which support the argument that the CFSP contains some supranationalistic elements.

The functionalism/supranational theoretical approach has proven to be unsatisfactory when it comes to the particular case of the CFSP provisions, mainly the high politics of the EPC/CFSP which are determined through the declarations and statements. This is because of two reasons; first, these declarations have been taken via consensus decision-making by the EU members only. Second, the roles of the supranational actors have been limited to an implement of the CFSP which determines by the member states in the European Council which put the principles and general guideline of the European foreign affairs. Thus these responsibilities do not amount to decisive political interventions. In fact, the union's prestige was raised by the assigning of a special envoy; however, this was in line with the policy of the member states to appoint representatives in the absence of collective agreement on strategies. In sum, from the commencement of the creation of the EPC at the end of the 1960s until 2009, the innate problems of the European foreign affairs have remained the same. The issue of intergovernmentalist orientation remains and the intergovernmental nature of the CFSP is a central element for the understanding of the European foreign policy behaviour in the Middle East.

 With regard to the evaluation of the European policy on the ground, we can reach a number of conclusions regarding European foreign policy-making towards the Arab-Israeli conflict (and therein Palestine) during the era of the EPC. Firstly, the intergovernmental, consensus-based approach to decision-making and the distribution of power within the EC (between individual states) has prevailed in foreign policy-making towards the Middle East. Since the member states have demonstrated different interests their relations with the parties to the Arab-Israeli conflict, as well as differential visions of what role the European Community might play (political or economic, American junior partner or independent actor), a lowest common denominator approach to policy-making has prevailed. Bouts of French diplomatic activity resulted in Declarations, and over time these

demonstrated a swing towards a more pro-Arab position overall. However, when member states proved too divided to reach a consensus, France and other states would revert to pursuing their policy interests outside of the EPC framework independently, and at times at odds with each other.

Secondly, the lack of a legal framework within the EPC, which has resulted from the member states' insistence on keeping the EPC outside of the EC as a protective measure to maintain their sovereignty in foreign affairs, has meant that even if they wanted to, there was in practice little they could actually do beyond making declarations. They lacked legal, institutional and financial instruments to implement the European policies on the ground. Thirdly, EPC policy towards the Arab-Israeli conflict has been a victim or hostage of the Cold War between the U.S. and the USRR. It was difficult to operate independently from the U.S. during this period. In fact, even when the European Community had accrued the tools to implement its policies, transgressing an American stance in this global climate proved to be enormously difficult because the U.S. protective umbrella remained a necessity.

Fourthly, these constraints together have ensured that the EPC demonstrated reactivity rather than a reflective instinct. It took almost thirty years for the European Community to develop a relatively coordinated foreign policy towards the conflict in the Middle East. Nonetheless, although there were limitations imposed on the EPC, the declarations of the European Community toward the Arab-Israeli situation during the EPC era have remained the cornerstone of EU policies nowadays. In fact, the European declarations and statements would later become guiding documents of the international community and were adopted by the UN and the U.S. some 20 years later.

There is no doubt that the European Community has managed through their declaratory policy to establish a European vision and principles on which European policy makers believed that solution to the conflict between the Israelis and the Arabs should be based. In doing so, ironically, they have managed to move beyond the issuing of declarations and to demonstrate a role for the EU after all. As Patokallio says, "I declared therefore I exist"[1030] so the EPC did nothing more than declaration, and these declarations without action to implement.

The chapter has demonstrated that, over time and since the launch of the MEPP, the EU has indeed managed to develop a political role for itself in the region, manifested in a set of new foreign policy instruments, although this has never matched its economic weight. Ultimately, it is a role that has been limited to supporting the implementation of the peace process on the ground rather than initiating the policies which promote it; i.e. its role has been reactive rather than proactive, and ultimately subject to the will of the main players in the peace process, the U.S. and Israel, both of whom have sought to limit the European political role in the MEPP.

[1030] Patokallio, P. op.cit,p.34

The political role of the EU has been based in its use of declaratory policies, which have become guidelines or compasses of principle for the international community. In particular, the EU has moved the international agenda progressively towards support for an independent Palestinian state. The EU policy towards the peace process is a victim of the intergovernmental-oriented approach towards the CFSP which has amplified the tension between the member states over their national interests and over the European Union's role. In addition, the chapter has demonstrated that the intergovernmental approach has caused great conflict and tension between EU members on the one hand and the European institutions on the other.

These conflicts have contributed to weakening the European role in the MEPP and its policies towards the Palestinians. Complex decision making, dualism in representations and multiple European messages are the main consequence of these conflicts. The EU's capacity to mediate in the MEPP has been hampered by a complex mix of factors, such as decision-making deficits, historical experience of the EU members, internal divisions, contemporary commercial and political interests, and domestic pressure. These factors have led to the subordination of EU policy to the U.S, and kept it firmly in the back seat of the MEPP. Thus, the EU has not yet emerged as a decisive actor in the Middle East conflict.

If the EU *has* carved out a role for itself, it has been within the area of leading the way in providing financial assistance and technical aid to the PA. This has been an area in which the U.S. and Israel has been willing to allocate a role (or at least, not to obstruct it) to the European, and where the Europeans have themselves been most able to find common ground. Nonetheless, as the next chapter will demonstrate, this has still not translated into the influence which the CFSP might have aspired to and has rather demonstrated the same flaws within the policy-making processes which have been highlighted in this chapter.

Chapter Five: The Impact of the CFSP Mechanism on EU Aid and Technical Assistance to the OPTs and the MEPP

5.1 Introduction

The aim of this chapter is to assess the impact of EU aid and technical assistance to the MEPP and the Palestinians in Palestine. The two crucial questions that will be dealt with are; to what extent has European aid served its stated objectives in building a Palestinian state, and to what extent has this aided the EU's prominence in the MEPP. Aid is the EU's strongest tool used to influence the factions in the Middle East as without it, the PA and the peace process will collapse. However, with regard to the first question whilst EU aid has helped build Palestinian infrastructure and kept the PA afloat, it did not manage to build a sustainable Palestinian economy, as actually intended by the EU. Instead, the majority of funds was utilised to support the MEPP and its security provisions, to the detriment of other development projects. This influences the second aspect.

Effectively the EU is hampered by the dualism inherent in its policy-making as it is subject to the political constraints of its member states as set out by intergovernmentalism. Hence, the EU is unable to employ its aid policies towards the OPTs in a manner that effectively transformed its economic power into political prowess. Therefore EU aid policies are in fact governed by realist constraints instead of, as commonly thought, liberal principles and values. This is exemplified in that the EU aid is utilised for short-term interests, ultimately reducing the EU's role to "cheque book diplomacy"[1031] by focusing on security concerns.

This chapter is separated into three sections. Before analysing the two questions posed, the chapter begins by tracing the broader motivations behind the EU funding. Given its colonial past, and being a civilian actor lacking military capabilities, constitute the main motives behind the EU as a global donor. By using statistical evidence, this general understanding will be put into the context of Palestine, ultimately explaining the EU's political behaviour towards the Middle East. The second section delves into this more thoroughly, showing how the security concerns and the EU's political ambitions to play a role in MEEP are the main driving forces behind European aid, which resulted in the EU being the main donors of the PA.

The third section takes this problematic further by assessing the interaction between the CFSP decision-making and the challenges that the EU aid faces on the ground in Palestine. Here the focal points are how the CFSP's policy-making and the dualism therein cope with the challenges that the European aid faces on the ground as well as the corruption in the PA, and the restrictions that the

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[1031] Le More, A. (2005). Killing with Kindness: Funding the Demise of a Palestinian State. *International Affairs*. *81*, 981-999. p.999.

Israeli occupation imposes on the European aid and developmental policy in Palestine. This chapter will arrive at the conclusion that EU aid is a victim of the intergovernmentalism which allows the member states to dominate the CFSP, rendering the EU unable to mobilise sufficient political will to use the tools at its disposal to implement its aid policies in a strategic and coherent fashion.

5.2 The General Rationale behind EU Aid

The main objectives of international assistance in any post-conflict situation are to reduce the devastating effects of the conflict, subsequently creating a peaceful political and economic environment. Indeed, these objectives motivated the post-Oslo (1992 onwards) assistance to the Palestinians and Israelis.[1032] It is held that there are three main inter-related ways in which donor assistance may affect the prospects for peace, as set out by Brynen.[1033] First, the attitudinal effect is emphasised. Economic development generates tangible effects, whereby rising incomes and improved services are associated with the progress towards peace whereas conversely, deprivation contributes to social dissatisfaction and political radicalisation. Second, it is suggested that external aid can act as a prize to political players, changing their motivational structure by increasing the attractiveness of cooperative behaviour.

Alternatively, withholding aid can be used as a punishment for non-cooperation. Third, international aid can persuade local pro-peace actors to continue their activities or be redirected towards strengthening their political positions through local patronage politics. Such motivations may be applied to the Palestinian case where, according to Wake,[1034] the main aim of international donors is to achieve four functions: to preserve support for the peace process on both sides, to encourage the execution of the Oslo Accords at regular intervals, to prepare the way for Palestinian statehood and to build a Palestinian administration to act as an effective partner for peace. Endorsed by the World Bank, it is suggested that the international community's role in this case is primarily to supply peace-building aids by supporting the PA in its obligations to its people and in its negotiations for a Palestinian state.[1035]

[1032] Schmid, D, Moses, S., Tovias, A & Calleya. S. (2006, October). Mapping European and American Economic Initiatives towards Israel and the Palestinian Authority and their Effects on Honest Broker Perceptions. *EuroMeSCo Paper*. Retrieved from http://www.euromesco.net/images/61new_format.pdf. Access date: 2nd September 2010. p.22.

[1033] Brynen, R. (2005). Donor Aid to Palestine: Attitudes, Incentives, Patronage and Peace. In Keating, M., Le More, A., & Lowe, R. *Aid, Diplomacy and Facts on the Ground: The Case of Palestine*. London: Chatham House. p.129.

[1034] Wake, C. (2008). An Unaided Peace? The (Unintended) Consequences of International Aid on the Oslo Peace Process. *Conflict, Security & Development, 8* (1) 109 - 131.p.110.

[1035] World Bank. (2002) An Evaluation of Bank Assistance Report No. 23820. Retrieved from http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/DB1BC6952F401E0785256B8A0067B726/$file/west_bank_and_gaza.pdf Access date: June 6 2009. p.4

5.2.1 The EU as a Global Donor

According to a study conducted by Wanlin,[1036] together, the EU and its member-states are "the world's biggest donor of development aid, accounting for 52 per cent of Global Official Development Assistance (ODA) in 2005." The study shows that the European spending is rapidly increasingfor example "in 2006, the EU spent €48 billion [U$ 68.5 biillion] (0.42 per cent of Gross National Income (GNI) on development aid, compared with €35billion [U$49.9 billion] in 2004. The same year the U.S. spent 0.17 per cent of GNI, and Japan 0.25 per cent."[1037]

According to the EU, in 2008 the EU aid accounted for almost 60% of world aid and the Commission alone committed €12 billion [U$17.9 billion], more than one fifth of the overall European effort.[1038] According to the report, European assistance is provided to more than 160 countries and territories worldwide in order to fight poverty and promote economic development and democracy. [1039] Most European treaties include articles aimed at regulating and framing the European financial assistance commitment. For example, the influential Rome Treaty of 1957 stated that "colonies and former colonies of the EEC member states should receive grants from the newly established European Development Fund (EDF) and become associated with the development of the Community."[1040] Furthermore, Article 130 of the Maastricht Treaty states that European Community policies ought to foster:

> "The sustainable economic and social development of the developing countries- the
>
> smooth and gradual integration of the developing countries into the world economy;
>
> the campaign against poverty in the developing countries."[1041]

There are several reasons explaining this foreign aid policy; a) the internal rationale relating to the EU's character as a soft or civilian power. As a result of the lack of military power, the EU utilises its foreign aid policy as an instrument in the CFSP to increase its presence and influence on the global stage. Then, b), a common awareness of implicit post-colonial morality toward former European colonies as well as historic sensitivities explain why these earlier satellites are amongst the greatest recipients of aid. Amongst other examples this is substantiated by the French legacy in Algeria, Morocco, Senegal, and Tunisia, which collectively constitute the top ten recipients of French aid.[1042]

[1036] Wanlin, A. (2007a.). What future for EU development policy? *Centre for European Reform Working Paper 2*. p.4.

[1037] Ibid.p.5.

[1038] European Commission. (2008). *Europe Aid Co-operation Office Annual Report on the European Community's Development and External Assistance Policies and Their Implementation*. Luxembourg: Publications Office of the European Union. p.6.

[1039] Ibid.p.6.

[1040]Holdar, S. (1995). European Aid Policies: South, East, Both or Neither? *Tijdschrift voor Economische en Sociale Geografie 86* (3) 249-259. p.252.

[1041]Treaty of Maastricht. (1992). Article 130 of the Maastricht Treaty; provisions amending the treaty establishing the European Economic Community with a view to establishing the European Community Maastricht. *Journal of the European Union.*

[1042] Wanlin, A. op. cit., p .9.

Such policies demonstrate how EU member states' past continues to manifest itself politically.

5.2.2 EU Motivation for Providing Aid and Technical Assistance to the MEPP and Palestine

There are several possibilities that drive the European aid to the PA and the MEPP, the most prominent being security concerns and strengthening its image as global civilian power. According to a member of the Council of the EU what drives EU aid to the Palestinians "is a belief that social development, the creation of employment possibilities, the related stability and hope will establish a conducive environment for Palestinians to engage with their Israeli neighbours in peaceful negotiations towards a resolution to the conflict."[1043] This is further supported by Roy, who aptly states that European strategy in the OPTs is built on the assumption that "stability and security were based on economic improvement and strengthened social relations and it was generally believed that prosperity would lead to peace and peace would lead to a Palestinian state."[1044]

In a paper setting out the Commission's views on how the EU could lend its support to the peace process in the Middle East, the Commission underlines that the success of the MEPP will depend on two factors: the diplomatic front, in which there should be continued support for the process that began in Madrid, and the economic front, on which the time is now right for the European commission to embark on ambitious co-operation programmes for the economic development of the West Bank and Gaza Strip.[1045] The Commission's emphasis that it is essential that efforts to bring conditions in the OPTs up to a satisfactory economic level are accompanied by actions to support the economic development of the region as a whole.[1046] The Commission added that the support of "economic and social projects, such as schools, hospitals, water supply, waste management, and completion of industrial parks"[1047] should be at the forefront of the agenda.

With regards to security concerns, the EU is interested in a successful and flourishing MEPP which would reduce the instability in the region which in turn would have a direct impact on Europe, therefore the EU deploys its financial resources in order to stabilise the region. Hervé de Charrette, France's former Foreign Minister concisely summarised these concerns: "when violence returns to the Middle East, sooner or later it will show up in Paris."[1048] The terrorist attacks of the 11 September 2001 in New York, the 11 March 2004 in Madrid and the 7 and 21 July 2005 in London initiated a

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[1043] Cited in Pace, M. (2007). The Construction of EU Normative Power. *Journal of Common Market Studies*. *45*, 1041-1064. p. 1046.

[1044] Roy, S. (2008). The EU's Aid to the Occupied Palestinian Territory; How to Improve Coherence and Effectiveness in Line with International Law? In *An Expert Seminar Perspective on Palestinian Development*, Brussels: CIDSE Working Group on Palestine/Israel. p .14.

[1045] European Communities. (1993). Communication from the Commission to the Council and the European Parliament EC Support to the Middle East Peace Process.

1046ibid

[1047] Ibid.p .5.

[1048] Cited in Dannreuther, R. (1997). Europe and the Middle East: Towards A Substantive Role in the Peace Process? *The Geneva Centre for Security Policy (GCSP) Occasional Paper Series 39*.p.4.

'securitisation' of European agendas by bridging the gap between internal and external security.[1049] These attacks prompted EU decision makers to structure their policies around this emerging 'threat' prioritising national security interests. In fact, connecting aid to security is encouraged under the Maastricht Treaty whereby "community policy in the sphere of development co-operation [shall] be complementary to the policies pursued by the Member States"[1050] an association which has intensified since 11 September.

This shift is epitomised as well in British policy making, when the government linked its foreign aid upon the condition that this aid would serve to protect and enhance British security concerns.[1051] According to a leaked Whitehall paper "Britain's overseas aid budget by demanding that projects in the developing world must make the "maximum possible contribution" to British national security."[1052] Finally, there is a desire to translate the EU's economic strength into corresponding political and strategic capability.[1053] In other words, eager to increase its role in the peace process, EU officials have sought to ensure that developmental aid has political dimensions in the sense that the EU seeks to profile itself as a powerful actor in the MEPP and cooperate with the PA based on economic support. Its desire to increase its role in the MEPP can be regarded not only as a significant part of the process itself, but also as an attempt to gain political space in the region. Several observers believe that part of the European funds and support to the Palestinians are granted on the assumption that this could give the EU influence over Israel, thus buying time for further negotiations on the political front.[1054]

5.2.3 EU Aid to OPTs

5.2.4 European Aid before MEPP

European aid to the OPTs commenced in the 1970s, with contributions to the UN Relief and Works Agency's (UNRWA) emergency fund and general fund for refugees. Since 1971, the EU has regularly supported the UNRWA; with its contribution accounting for 25% of UNRWA's General Fund (GF) whilst the overall EU's contribution, represents 52.5% annually.[1055] In addition to this the EEC supported the Palestinians through NGOs. For instance, in 1986, the Council of Ministers adopted a

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[1049]Bendiek, A. (2006). Cross-Pillar Security Regime Building in the European Union: Effects of the European Security Strategy of December 2003. *European Integration Online Papers, 10* (9).p.3.
[1050] Article 130 of Maastricht treaty.
[1051]Watt, N.(2010,August 29) Protests as UK security put at heart of government's aid policy *The Guardian* Retrieved from http://www.guardian.co.uk/politics/2010/aug/29/protests-uk-security-aid-policy. Access date: October 22,2010.
[1052] Ibid.
[1053] Dannreuther, R. op. cit., p.10.
[1054] Le More, A. op. cit., p.997.
[1055] The European Commission. (2007). The European Commission and UNRWA: Improving the Lives of Palestinian Refugees. Available at: http://www.unrwa.org/userfiles/201001179131.pdf. Accessd on 12. October,.2010

resolution setting aside €139 million in financial aid programmes for the Palestinians in West Bank and Gaza between 1987-1993.[1056] According to a UNRWA report, the EC contributed €246 million [US$351 million] to the UNRWA's GF from 2002 with a contribution of €66 million [US$ 94.2] in 2007 and plans to contribute another €264 million [US$ 377 million] until 2011.[1057] Furthermore, since 2000 the European Commission has been the largest contributor to UNRWA's Food Aid Programme.[1058]

The 1991 Madrid Middle East Peace Conference opened new opportunities for the EU to extend its role covering new areas such as trade, development, human rights and democratisation. As chapter four demonstrated, during this conference the U.S. deliberately sidelined the European role in the bilateral negotiations between the conflicting parties. However, in compensation the EU chaired the multilateral committee called REDWG.[1059] REDWG was the largest of the five working groups, both in terms of participation and in the number of projects initiated and executed. The five working groups were set up to run parallel with bilateral negotiations whose aim was to encourage the Israelis and their neighbours in the Middle East, the Gulf and the North Africa to cooperate on long-term goals and issues related to the region overall.[1060] According to the EU statement, REDWG's objectives included facilitating the emergence of an economically interdependent and pluralistic regional environment.[1061]

The creation of such a forum further encouraged communication and exchange between Israel and Arab states, thereby becoming a vehicle to allow all parties to address concerns and explore new ideas in regional terms.[1062] During the 100 meetings of REDWG, a number of projects were identified which focused primarily on infrastructural development or on exploring sectoral areas. For example, in 1995, a secretariat was established in Amman where, under EU tutelage, there was official cooperation with Middle Eastern partners.[1063]

Although vast European efforts were made to fund regional projects, REDWG groups and projects ultimately became hostage to the negotiations between Israel and Palestine. In addition, the Arab states considered any regional cooperation with Israel without solving the greater conflict would lead to normalisation with Israel at the expense of the Palestinian cause.[1064]

[1056] Baumel, R. (2001). The Middle East and Security in Europe, Explanatory Memorandum. Brussels: EU.p.16.
[1057] The European Commission. (2007). The European Commission and UNRWA: Improving the Lives of Palestinian Refugees. Available at: http://www.unrwa.org/userfiles/201001179131.pdf. Accessd on 12. October, 2010.
[1058] Ibid.p.4.
[1059] The talks are comprised of five working groups: Arms Control and Regional Security (ACRS); Regional and Economic Development (REDWG); Refugees; Water Resources; and the Environment.
[1060] Dannreuther, R. op. cit., p.3.
[1061] Ibid.p.3.
[1062] Peters, J. (1998) The Arab-Israeli Multilateral Peace Talks and the Barcelona Process: Competition or Convergence? *The International Spectator 33* (4) 63-76.
[1063] Dannreuther, R. op. cit., p.6.
[1064] Peters, J. op. cit., p.55.

5.2.5 After the MEPP

In October 1993 in Washington the first conference of donors was held, following the signature of the Declaration of Principles. The American administration organized the conference to mobilize the resources needed to support the burgeoning Palestinian institutional framework International. During the conference donors pledged more than US$2 billion [€1.404 billion] to the development of the Occupied Territories. The EU pledged US$250 million [€175million] in grants for the period 1994-98.[1065] This sum continued to increase incrementally during subsequent years as a result of the faltering MEPP and accompanying instability prevailing in the Palestinian territories.

The EU pledged a further 400 million Euro at the 1998 Washington ministerial donor conference for the period 1999 to 2003.[1066] From 1993 to the end of 2001, the EU had committed approximately 1 billion Euros in grants and loans for Palestinians, and a further 407 million Euros in contributions to UNRWA.[1067] This amount of EU aid goes in parallel with the aid provided by the EU members outside the EU framework.[1068] Since the beginning of the *Intifada II,* the EU has increased its aid and changed its direction to respond to the intifada. Thus the EU increased its budgetary support to the PA, aiming to ease the consequences of the fiscal crisis caused by Israel's refusal to transfer tax receipts owed to the PA; humanitarian aid, and increased aid to UNRWA and the MEPP projects. According to figures from June 2001 "the EU has provided, on a continuous basis, 10 million Euros per month in direct budgetary assistance to the PA.

The main objective is destined towards helping the PA to secure its basic expenditures with respect to public service salaries, social, educational, health and core functions."[1069] Since 1993, the OPTs have received over $6 billion in assistance.[1070] According to Keating, the total amount of financial support "is exceptional in its extent per capita and is considered as the highest since World War II to any population."[1071]

Since the Washington conference, several conferences have been organised to provide further help and funding to the PA. On 14 January 2003, the British government under Tony Blair organised an International Conference on Palestinian Reform in London. The conference provided a platform for

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[1065] House of Lords European Union Committee. (2006). *European Union Committee 26th Report of Session; The EU and the Middle East Peace Process. 1*. London: House of Lords.

[1066] Hollis, R. (1997). Europe and the Middle East: Power by Stealth. *International Affairs (Royal Institute of International Affairs 1944-) 73* (1) 15-29. p.22.

[1067] Ibid.

[1068] European Commission. (2010). *The Situation in the Middle East: EU Reaction*. Retrieved from http://europa.eu.int/comm/external_relations/med_mideast/news/mepp.htm. Access date: April 12, 2011.

[1069] European Commission. (2002). *Conditions Attached to the EC's Budgetary Assistance to the Palestinian Authority and the Monitoring by the IMF* Retrieved from www. europa.eu.int/comm/external_relations /gaza/news/ me 02_90.htm. Access date: April 12, 2011.

[1070] Schmid, D. op. cit., p.55.

[1071] Keating, M. (2005). Aid Diplomacy and Facts on the Ground. In Keating, M. Le More, A & Lowe, R. (Eds.) *Aid Diplomacy and Facts on the Ground; The Case of Palestine.* London: Chatham House.p.17.

international debate on Palestinian internal reform, as well as the PA's role in anti-terrorism campaigns.[1072] After the Annapolis Peace Conference in the U.S on 27 November 2007, designed to 're-launch' the MEPP, the French government hosted the Paris Donor Conference on 17 December that year which pledged to provide the Palestinians with US$7.7 billion [€4.901 billion]. Both the member states and the European Commission committed a total of US$3.4 billion over the subsequent three years spanning from 2008 until 2010.[1073]On 24 June 2008, the German Government organised the Berlin Conference aiming to support Palestinian Civil Security and The Rule of Law. On 2 March, 2009 the Sharm el-Sheikh Conference, boasting 90 participating countries, offered assistance for both the recovery of Gaza and the support of the entire Palestinian economy. Participants offered approximately US $4.5 billion [€3.1508 billion] over two years, with the European Commission pledging US$552.6 million [€386.9 million] to the reconstruction of Gaza and the PA reform.[1074]

There are several institutions, states and organizations involved in providing financial assistance or aid-coordination. Data from the Palestinian Ministry of Planning (MoP), suggests that there were upwards of 80 donors to the PA in 2009 giving an aid package of US$ 7,670.95 [€ 5,371 billion]
Moreover, it shows that the main donors are the U.S, the EU, Norway, Saudi Arabia, the UAE, Britain, Japan and Canada. The donors support agencies include the American USAID, the EU aid agency, the World Bank, the International Monetary Fund, the Red Cross and several UN Organizations (such as the UNRWA, the UNDP and the UNESCO).[1075] Similarly, the Quartet representatives, the Local Aid Coordinating Committee (LACC), the World Bank, and the International Monetary Fund, are involved in aid allocation and are responsible for the coordination and oversight of such funds. [1076]

Between 1994-2009 the MoP in the PA's data suggests that the total disbursed funds amounted to US$11,801,079, [€ 8,262,903 billion] while the total pledges and commitments made by international donors during the same period approximated $13,817 billion; [€ 9,628 billion] $2 billion less than the original commitment. If grants and loans are included, the total amount increases to US$14,320 billion [€ 9,978,748 Billion] at an annual rate of approximately $800 to 1 billion [€557-0.6974 million] The greatest assistance was disbursed in 2007, amounting to U$1,540 billion; 2 billion

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[1072] London Conference on Palestinian Reform. (2003, January). The Outcomes of the London Conference on Palestinian Reform.

[1073]European Commission. (2008). The origin of PEGASE. Brussels: EC Retrieved from http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/46&format=HTML&aged=1&language=EN&guiLanguage=en Access date: October 12, 2010.

[1074] Reuters. (2009, March 2). Gaza donor conference: Who is pledging what? Haaretz Newspaper Retrieved from : http://www.haaretz.com/news/gaza-donor-conference-who-is-pledging-what-1.271257. Access date 12, October, 2010.

[1075] Palestinian Authority. (2010). *Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination.* Retrieved from http://db.mop.gov.ps/amc/donorprofile.asp. Access date: September 9, 2009.

[1076] Ibid.

compared to the lowest amount in 1998, which did not exceed U$420.[€ 292.92million][1077]

 The EU is one of the main donors to the PA and society, receiving more assistance than any other country worldwide. Statistics show that the EU is the second biggest donor to the OPTs after the United States, with 13.1% of total pledges. From the outset of the creation of the PA in the mid 1990s, the EU alone spent US$3,770[€ 2.6294 billion] (in financial assistance and technical aid to the Palestinian society and PNA.[1078] Table No. 2 and charter and charter No. 4 demonstrate a gradual increase in the EU aid to the PA which totalled €225 million in 2000 doubling in 2007 to €563.28 millon [U$394.3985 million] This was given to rectify the shortfall in the aid after the international consensus to boycott the Hamas-lead government and after its military took over Gaza in June 2007. Overall, between 2000 and 2009 the EU spent more than €3,356, 39 [2, 35,008 billion] as aid to the PA and the Palestinians.

According to the MoP and Administrative Development's Directorate General of Aid Management, this aid is distributed through several channels, such as humanitarian aid, support to refugees through the UNRWA, food aid programmes, development assistance to the PA and NGOs, budgetary support to the PA, the MEPP projects, the People-to-People programme, the CFSP counter-terrorism programme, and building Palestinian institutions.[1079]

Table No 2: European Commission   Assistance to the Palestinian People in 2000-2009 (Commitments in € Million)

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	TOTAL
225,2	148,5	325,9	270,9	255,2	280,9	349,9	563,3	496,7	439,9	3356,4

Source:- EC Assistance to the Palestinians EUExternal Action (EU External Action , 2009)

Figure 4: The EU Financial Disbursements to the PA from 1999-2009
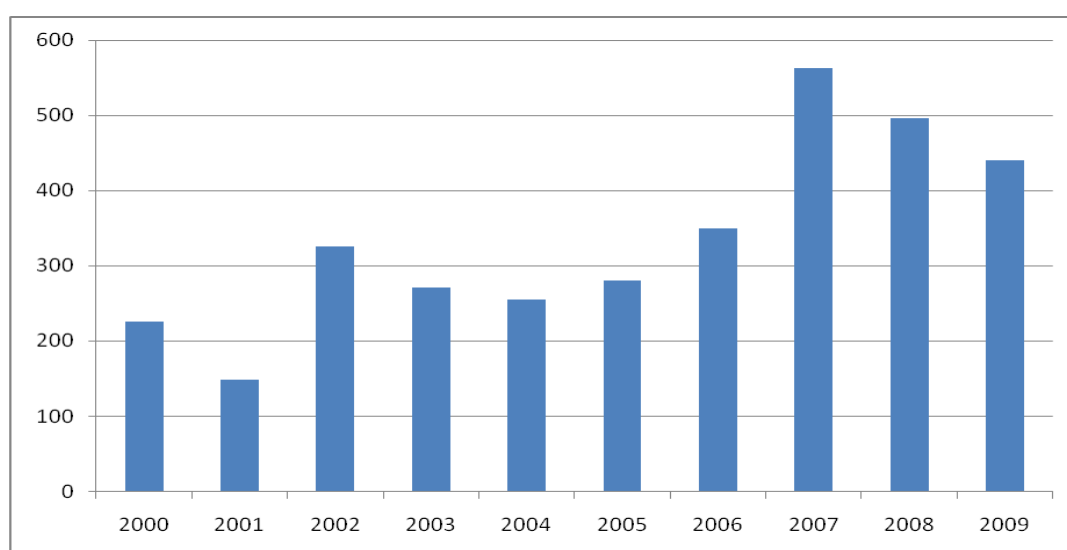
Source:- Palestinian Authority, Ministry of planning and administrative development, Directorate General of Aid Management and Coordination March 2010.

5.2.6 Distribution of Funds

In order to illustrate to what extent European aid fulfils its objectives and has increased the organisations prominence in the region it is important to see how exactly the funds are distributed. The Director General of Aid Management and Coordination in the PA's MoP categorised EU assistance into several sectors. As table No (3) indicates the distribution categorises assistance into five main areas of implementation: infrastructure, government sector, productive sectors, social sectors and institution building. Therefore the EU aid and assistance list includes health, water supply and sanitation, government and civil society, humanitarian aid, communication, transport, storage, social services, energy, financial and business services, agriculture, industry, tourism, urban/rural development, budget support and education. The MoP report indicates that humanitarian aid and budgetary support has absorbed the largest portion of actual EU aid during the last 15 years, claiming a total of U$2.186 billion [€ 1.470 billion] (62%) of the total disbursed.

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Table 3: EU Financial Aid Distribution by Sector.

Sector	Total Committed	Total Disbursed
Health	$100,675,638	$88,486,796
Education	$54,868,179	$49,610,916
Water Supply & Sanitation	$49,464,929	$45,427,923
Government & Civil Society	$297,100,606	$244,475,084
Communications ,Transport & Storage	$48,482,319	$19,592,396
Social Services	$592,362,385	$581,692,833
Energy	$10,552,606	$4,643,605
Financial & Business Services	$26,584,388	$25,945,183
Agriculture	$10,111,124	$8,370,293
Industry	$17,292,337	$17,292,335
Tourism	$2,696,629	$2,035,929
Urban/Rural Development	$176,090,060	$267,434,928
Budget Support	$898,195,100	$875,342,028
Humanitarian Aid	$1,523,547,047	$1,311,788,719
No Sector	$3,572,742	$4,688,880
Grand Total	$3,811,596,087	$3,546,827,848

Source:- Palestinian Authority, Ministry of planning and administrative development, Directorate General of Aid Management and Coordination March 2010.

The data suggests that humanitarian aid ranked first on the EU's funding list, totalling U$1.311 billion [€0.9179 billion (37%). In second place was budgetary support with $875.342 million [€612, 8987 million] (25%). The social service sector occupied third place with $581.692 million [€ 407.2903 million] (16%). The fourth sector that gained European funds was urban/rural development reaching U$267.434 million [€ 187.2525million] (8%). Government, police, and civil society placed fifth with approximately U$244.475 million [€171.177 million] (7%). Health and education occupied the sixth and the seventh places with U$88.486 million and U$49.610 million [€34.736 million], respectively (4%). Water supply and sanitation, considered a branch of infrastructure, ranked eighth with U$45.427 million [€31.8072 million]

In order to help PA financial sectors, the EU allocated $25.945 million [€18.1662 million] to the financial business services. As the table shows, Communication, Transport and Storage sectors were also on the European developmental policy towards the PA with a total of $19.592 million [€ 13.718 million] disbursed. The industrial and agricultural sectors occupied the eleventh and twelfth places, where the former was committed and disbursed identical amounts; around $17. 292 million [€12.1075 million] (1%) while the latter commitment of U$10.111 million was not met with the disbursed

U$8.370. Energy and tourism ranked last in the funding policy where the EU committed $10.552 [€7.0795 million] to energy, whilst the disbursed total was $4.643 [€3.2509 million].

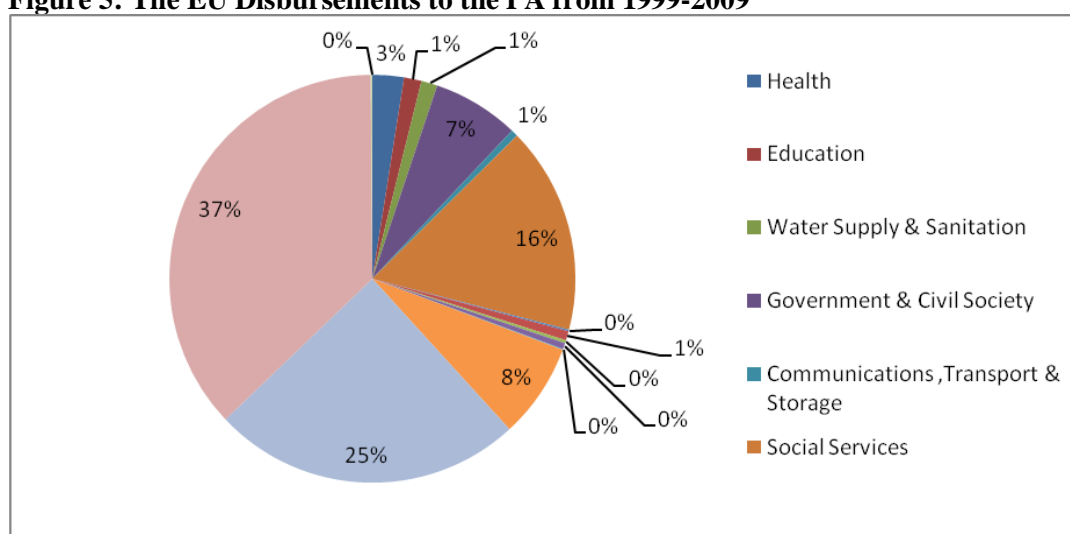**Figure 5: The EU Disbursements to the PA from 1999-2009**

Source: Palestinian Authority, Ministry of planning and administrative development, Directorate General of Aid Management and Coordination March 2010.

The MoP's data shows that the agricultural, gender and cultural sectors were not attractive enough for the EU to justify endowment. While local agriculture is vital to the population's survival, the EU merely relinquished U$5.527 million [€3.8699 million], whilst the gender sector was allocated U$6.527 million (0, 17%) and the culture sector accounted for (0.15%). Tourism, solid waste and youth sectors were less important since the three sectors attracted $5.340 million [€3.739 million], $3.454 million [€2.4184 million] and U$366 [€256.2], respectively. Although generating employment has supposedly been a European priority since 1994, the EU has not spent or committed money to this sector. The figures demonstrate that industries with export potential, agriculture and construction have shrunk to the half their 1999 output. Working towards future independence has been subordinated to short-term crisis management.

Aid towards the health sector also increased after Hamas took over due to the new EU Financial Instrument, TIM, which directly supported the health sector thus avoiding the Hamas government. The total health sector budget jumped from U$9.051 million [€ 6.33 milion] in 2005 to $23.836 million [€ 16.6895 million] in 2006. The political crisis simultaneously affected the energy sector was appearing on the European aid agenda whereby the siege on Gaza resulted in the EU paying $50,506 million of Gaza's electricity bill directly.

Figure 6: EU Annual Disbursements per Sector (Including Grants and Loans 2002–2009)
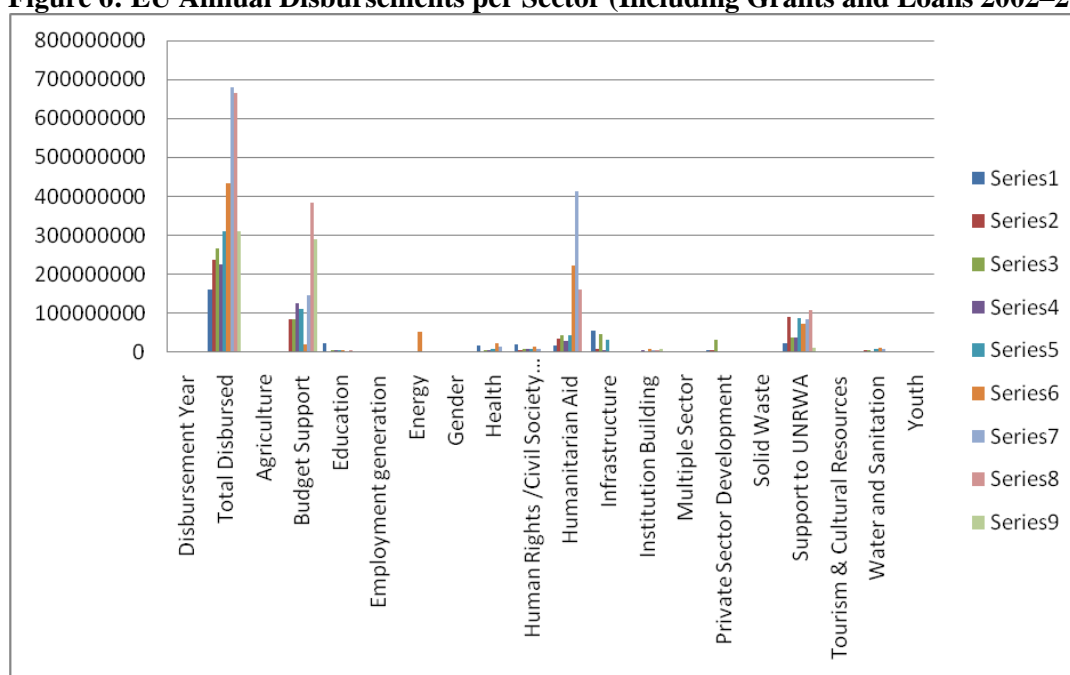

Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

There have been various phases of developmental assistance to the PA since the 1993 Oslo Accords. In the seven years following Oslo, the DoP were adhered to by various international participants through the transfer of financial aid to the PA in its embryonic aggrandizement towards its fledgling statehood. When the 2000 Al-Aqsa Intifada arose, due to the decreased living standards amidst shocking violence, international and specifically EU aid was redirected to humanitarian and PA budgetary endeavours rather than to project aid, despite small surplus amounts given during these turbulent times.

From 2003-2006, the Road Map and Disengagement Plan served to strengthen Abu Mazen's political involvement in the allocation of funds. In parallel, the oversight on the PA finance system had been tightened as a result of a determined demand for transparency in management of the national accounts.

While the March 2005 London meeting suggested an increase in international assistance to the PA in the hope of administrative, economic and security reforms in the region, the democratically-elected Hamas victory 10 months later caused donors to re-examine their aid policy. The Quartet's three preconditions to aid; the recognition of Israel, ratification of existing agreements and an end to violence; exemplified these modifications.

As Hamas systematically rejected these preconditions, budgetary support to the PA has been, and continues to be, suspended indefinitely. European aid to the PA and society takes different forms and

is provided through different channels, ultimately, distributed through three channels: budget support, rebuilding infrastructure and humanitarian aid.

5.2.6.1 Humanitarian Aid

Having outlined the corresponding statistics as Figure No. 7 shows the question remains why the EU and international donors decide to fund these sectors. There are several explanations for this, on the forefront being Europe's desire to keep the PA afloat to conduct peaceful negotiations with Israel. Concrete European support for the PA matches European statements emphasising that without this support the PA will collapse. The Norwegian Minister of Foreign Affairs, Jonas Gahr Støre, and the chair of the AHLC, the International Donors' Conference, stated that the "EU cannot allow that to happen."[1080] This route, which is an appropriate instrument, given the PA's good performance in public sector management remains indispensable in allowing the PNA to continue to provide basic services.

Figure 7: EU Humanitarian Aid and Support to UNRWA.
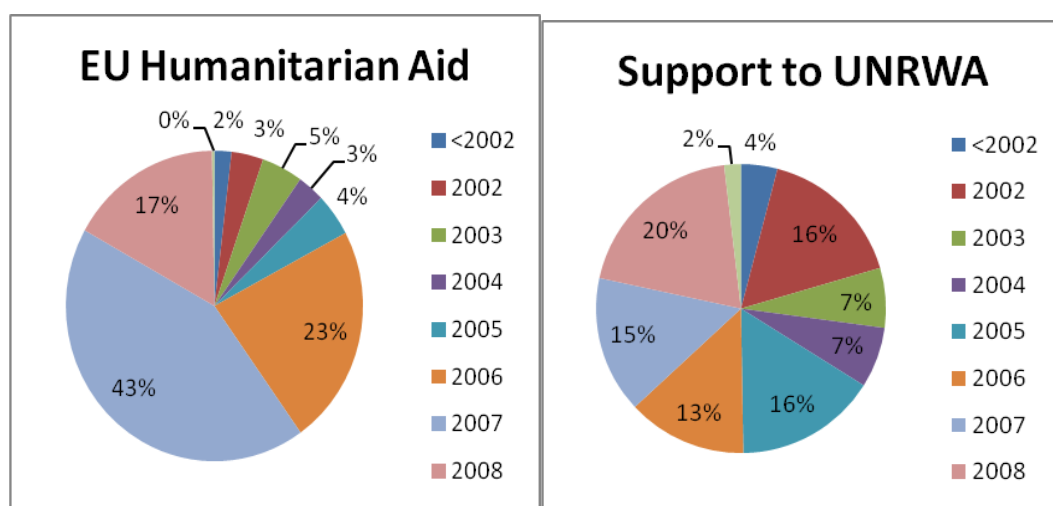
Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

Derived from the European belief that there is a link between economic growth, prosperity and peace, there is a fear that the lack of basic services, whether food, education, health or jobs, will drive the Palestinian population towards fundamentalism, thereby jeopardizing the peace process. Therefore, the possibility of overspill into Europe ensured determination to meet and provide for the Palestinian's basic needs subsequently advancing the peace process. Therefore, humanitarian aid is a

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[1080]Gahr Støre, J. (2007, December 17). *Speech by Minister of Foreign Affairs Jonas Gahr Støre International Donors' Conference for the Palestinian State.* Retrieved from http://unispal.un.org/UNISPAL.NSF/0/D30B64129CFC8A1F852573B50057C8EC. Access date: October 22, 2009.

tool to reduce public pressure on the PA, especially when its institutions fail to meet the basic needs. In this case, humanitarian aid aims to "preserve existing governmental structures to ensure that the PA does not fall apart."[1081]

Several observers and international organisations have raised doubts over the impact of these instruments, specifically how this enables Palestinians to build an independent economy, especially since the majority of these funds go towards paying the wages of 150,000 civil servants, including around 60,000 employees in Gaza who no longer really work.[1082] The United Nations Conference on Trade and Development (UNCTAD) further emphasised the importance of humanitarian relief, nonetheless this kind of support is "inadequate for making a lasting dent in Palestinian poverty and economic vulnerability in a context of asymmetric containment."[1083]

The report encourages donors to create "a long-term relief strategy for the Palestinian economy.[1084]Additionally, this conclusion, supported by the OPTs Human Development Report of 2004, suggests that this type of assistance "does not incorporate any development priorities and is not linked to a strategic plan or central vision; rather, its role is limited to relief aid."[1085]

The lack of political will to challenge the Israeli occupation on the ground prompted critics to accuse the EU of easing the Palestinians' life by taking on Israeli responsibilities as the occupying power. Thus, the EU indirectly contributes to the continuing occupation rather than its termination.[1086] It is argued that transferring from state-building to relief and emergency assistance policies have contributed to "cushioning the harmful impacts of Israeli policies on the Palestinian territory."[1087]As the statistics substantiate, since the outbreak of the second Intifada in 2000, the EU has shifted its focus from institution building to Palestinian emergency and humanitarian aid.

[1081] Lasensky, S., & Grace, R. (2006). *Dollars and Diplomacy; Foreign Aid and the Palestinian Question.* Washington, D.C. : United States Institute of Peace. Retrieved from
http://purl.access.gpo.gov/GPO/LPS74906.P.2. Access date: October 22, 2010.
[1082] Le More, A. (2009). Is Aid Doing More Harm than Good? Fifteen Years of Diplomatic and Aid Policies in Support of Israeli-Palestinian Peacemaking. In *An expert seminar; Perspectives on Palestinian Re-development*, Brussels: CIDSE Working Group on Palestine/Israel.p.3.
[1083] UNCTAD. (2006). The Palestinian War-torn Economy: Aid, Development and State Formation. In *United Nations Conference on Trade and Development*. New York and Geneva: United Nations.p.3.
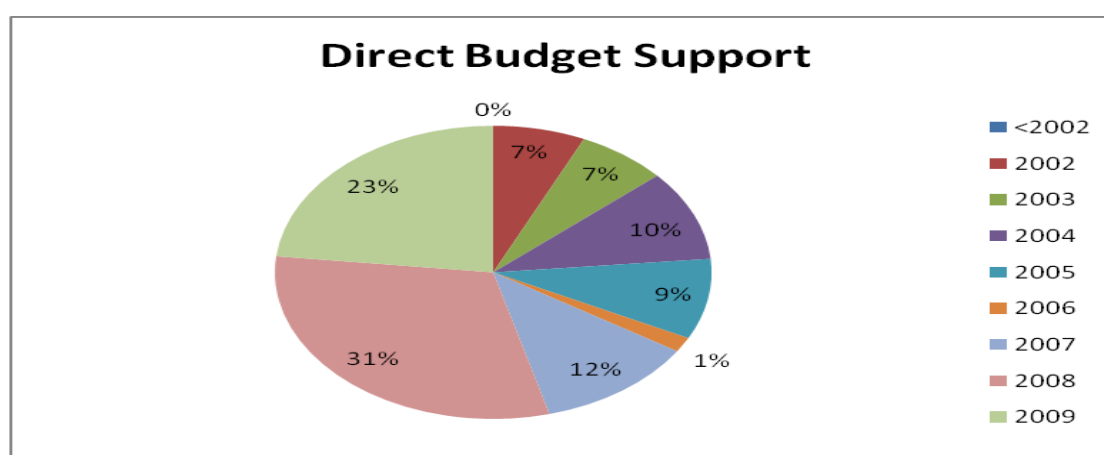[1084] Ibid.p.3.
[1085] Said, N. I. (2004). *Palestine, Human Development Report 1998-1999.* Ramallah, Birzeit University: Development Studies Programme. p.127.
[1086]Le More, A. (2005). Killing with Kindness: Funding the Demise of a Palestinian State. *International Affairs 81* (5) 981-999.p.993.
[1087] Ibid.p.995.

Figure 8: Direct Budget Support.

Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

5.2.6.2 Budget Support

In 2008, budget support alone increased by nearly 80 percent from 2007, close to $1.8 billion [€1.2603 billion], and equivalent to about 30 percent of GDP. The PA used donor largesse to pay salaries and clear arrears to public sector employees and the private sector that had accumulated during 2006 and 2007. The 2009 budget assumes that donors will maintain their high budget support and calls for roughly U$2.8 billion [€1.960 billionin] aid for 2009, taking into account the recovery and reconstruction needs in Gaza.[1088] The European direct budget support goes alongside EU strategic security interests, especially as this support helps the PA's security agencies which absorb a huge amount of its budget. European financeial support and EU reform policy towards Palestinian police and security agencies' is part of the European desire to protect the MEPP and to raise the performance level of the Palestinian police and security agencies to uphold its obligations and commitments. Ideally, strengthening Palestinian security forces will raise Israeli confidence in the Palestinians and the Israeli's will be less fearful of ceding control to it.

In his speech at the previously mentioned Berlin Conference Javier Solana, former EU High Representative for the CFSP clearly connected supporting the Palestinian police and security forces with Israeli security, pinpointing this as a milestone for the protection of Israeli security and interests.[1089]"The EU wants a Palestinian police force that serves the community; this is in the best security interests of Israel and the security of Israel will derive from a secure and violence-free

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[1088] World Bank. (2009). Palestinian Economic Prospects: Gaza Recovery and West Bank Revival Economic Monitoring Report to the Ad Hoc Liaison Committee Economic Monitoring Report to the Ad Hoc Liaison Committee. Washington, DC: World Bank.p.34.

[1089]Solana, J. (2008,). Speech by Javier Solana, EU High Representative for the Common Foreign and Security Policy, at the Berlin Conference in Support of Palestinian Civil Security and Rule of Law. Retrieved from http://www.europa-eu-un.org/articles/en/article_7984_en.htm. Access date: October 20, 2010.

Palestinian society".[1090] Chris Patten the former External Relations Commissioner in the European Commission, statement is another example that emphasizes that without EU assistance "there would have been no Palestinian interlocutor for the negotiations now under way."[1091] He added that "at every step, the EU's help was made conditional on reforms that would make a viable Palestinian state a reality one day and in the short term make the OPTs a better, safer neighbour for Israel." [1092]

Europe's focus on security also resonated with the PA budgets. The overall cost of the Palestinian Security Sector Reform and Transformation (SSRT) program between 2007 and 2010 is estimated at $228 million [€ 159.6 million]. The PA budget for security and rule of law was 43.1% in 2007 of the total, 33.6 % in 2008, 32.1% in 2009 and 30.9 % in 2010. According to the Palestinian strategy for implementing a vision of the future the Palestinian state proposed at Paris donors' conference, the number of security services professionals would increase from 110 in 2008 to 152 in 2009 and 194 in 2010.[1093]In contrast the Palestinian infrastructural sector shared 2.8 % in 2007, 6.0% in 2008, 7.9% in 2009, and 8.9% in 2010. According to the plan, the industrial capacity development took 3.9% of the PA budget in 2007 and 6.0% in 2008, around U$12 million, and 6.7% in 2009, nearly U$17 million [€ 11.9031 million], and 7.5% in 2010, or U$31 million.[1094]

This policy explains the copious EU investment and effort given to the Police Mission in the Palestinian TerritUories (EUPOL COPPS). EUPOL COPPS was established at the end of November 2005 to provide enhanced support to the PA in establishing sustainable and effective policing arrangements. In September 2008, the European Commission agreed to finance several programmes related to the rule of law and improved security, including building a new security forces headquarters in Nablus.[1095]

According to a UN report, the focus on security over development the biggest operational constraint on the proliferation of a viable economic state for Palestine.[1096]The report points out that "this tendency has been ushered in since the Oslo Agreements and the subsequent Road Map."[1097] Exorbitant Palestinian spending on security agencies has prompted experts to criticize the PA. They emphasise that the Palestinian Reform Development Plan (PRDP) proposed during the Paris donors' conference was designed as "fundraising documents written to please donors and fit their political

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[1090] Ibid.

[1091]Patten, C. (2003 July 17). A road map paid for in Euros. The Financial Times. Retrieved from http://unispal.un.org/UNISPAL.NSF/0/123ED924C9D5AA0185256D740051BC73. Access date October 20, 2010.

[1092] Ibid.

[1093] Palestinian National Authority. (2007, December 17) *Building a Palestinian State Towards Peace and Prosperity.* p.35.

[1094] Ibid. p.63.

[1095]European Union. (2010). *EUPOL COPPS Mission Briefing.* Brussels EU Channel. Retrieved from http://www.youtube.com/watch?v=VHOiO-wRKv4. Access date: November 2, 2010.

[1096] UNCTAD, op. cit., p.19.

[1097] UNCTAD, op. cit., p.14.

agendas, rather than actual development strategies to reduce poverty on the basis of actual Palestinian needs."[1098]

5.2.6.3 Productive Sectors and European Aid

Statistics indicate that despite the importance of the productive agriculture, industry and tourism sectors in strengthening the Palestinian economy and promoting their capacity to be independent, the EU has paid even less attention to these sectors (U$17.292 million [€12.1075 millio] to industry, U$8.370 to agriculture and U$2 million to tourism). Sidelining the agricultural, industrial and tourism sectors, as indicated by the previously mentioned figures, the UNCTAD report suggested that "not just the Europeans showed lack of interests in the Palestinian agricultural sector but most of the international donors neglect this sector". The statistics show funds disbursed to agriculture declined from U$9.8 million [€6.86 million] per year in 1999-2000 to U$7.6 million [€4.20million] per year in 2001-2004. Additionally, the report found that the funding of enterprise development dropped from U$20.4 million to U$13.5 million during the same period.[1099]

Figure 9: Agriculture, Tourism and Cultural Resources
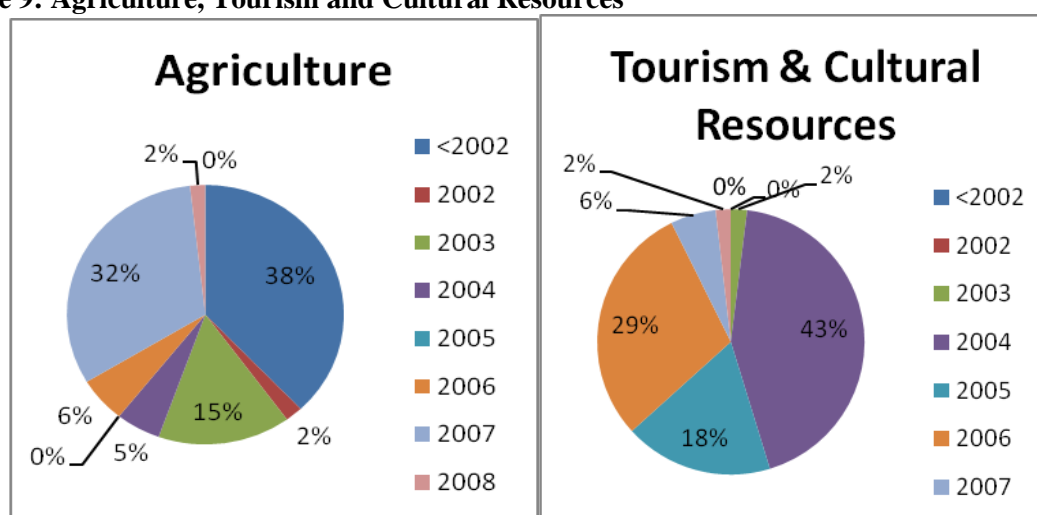
Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

Several observers have attempted to explain the European lack of interest in these sectors. Le More linked the pressure of actual conditions with sectoral allocation arguing that the EU "changes its developmental strategy to harmonise with the Israeli security measures rather than challenge it."[1100] Attributing the lack of investment in the agricultural sector to the sensitivity of the intrinsic nature of

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[1098] Le More, A. (2009). Is Aid Doing More Harm Than Good? Fifteen Years of Diplomatic and Aid Policies in Support of Israeli-Palestinian Peacemaking. In *An expert seminar; Perspectives on Palestinian Re-development*, Brussels: CIDSE Working Group on Palestine/Israel.

[1099] UNCTAD, op. cit., p.19.

[1100] Le More, A.(2009). op. cit.,

this sector "it touches upon contentious issues of land and natural resources."[1101] Le More extended this deduction to refugee aid, which is not politically attractive because it lies at that root of the Israeli–Palestinian conflict.[1102] Regarding the industrial sector, whilst European financial assistance helped Palestinians build industrial facilities, the Israeli security restrictions imposed on the movement of people and goods makes it difficult for Palestinian products to access to domestic and international markets. These restrictions may have prompted a focus on other economic sectors, demonstrating how the EU adopts its policies according to Israeli occupation policy not according to Palestinian needs.

5.2.6.4 The Rehabilitation of Basic Physical Infrastructure

The EU committed itself to the rehabilitation of basic physical infrastructure, such as roads, schools, health clinics, water and waste networks, in order to provide immediate and tangible benefits to the Palestinians. In addition, EU aid aims to support the MEPP by building Palestinian institutions, which includes supporting reform and democratisation programmes through development assistance to the PA and NGOs. Building Palestinian institutions was viewed by most as a first step towards the establishment of an independent Palestinian state.[1103] As table (3) shows the EU invested around one billion dollars in Palestinian infrastructure from the beginning of the transitional stage and after the establishment of the PA and its institutions (1994-2001). EU statistics show that during the Oslo period, EU assistance was U$278 million [€194.6 million], U$96 million [€67.2 million] of which was allocated to infrastructure, while only $8 million was devoted to humanitarian aid. Data shows that while education ranked second after infrastructure in terms of EU aid at U$26 million [€18.2 million], the health sector was at U$22 million [€15.4million]. Allocated funds aimed at the agriculture sector indicated that it was not a priority since the EU spent a meagre $1.5 million to support rudimentary agricultural needs.

[1101] Ibid.
[1102] Ibid.
[1103] Lasensky, 2007, 4

Figure 10: Health and Infrastructure.
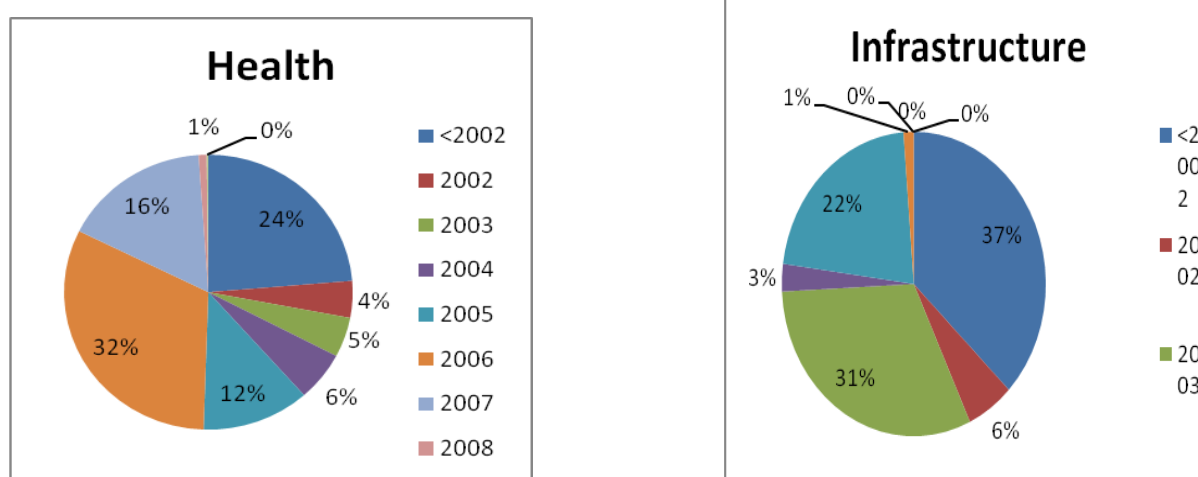
Health

- 1%
- 0%
- 16%
- 24%
- 32%
- 4%
- 5%
- 12%
- 6%

Legend:
- <2002
- 2002
- 2003
- 2004
- 2005
- 2006
- 2007
- 2008

Infrastructure

- 1%
- 0%
- 0%
- 0%
- 22%
- 37%
- 3%
- 31%
- 6%

Legend:
- <2002
- 2002
- 2003

Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

The private sector was designated U$6 million [€ 4.2 million], while U$3 million [€ 2.1 million] was set aside for water and sanitation. During these years, EU support was channelled into infrastructure, social development and social services. However, the EU funding to infrastructure sector declined as the EU and its members were hesitant to commit further taxpayers' funds to the OPTs since they are unable to prevent Israel from destroying it. As the EU failed to exert influence over Israel it channelled aid in accordance with Israeli occupation.

5.3 Challenges Facing the EU Aid to the PA and the Palestinians

The EU has faced a number of challenges in its attempts to formulate and implement its aid and development policy in Palestine. Some of these challenges resulted from the EU decision-making mechanisms; others are a consequence of the policies of the recipients on the ground, mainly the PA and the Israeli occupation. The next section will illuminate the main challenges facing the EU aid policy. In addition, the section assesses how EU decision-makers cope with this and their impact on its aid policy in general.

5.3.1   Challenge 1: Dualism in the European Aid Policy

Theoretically, the Maastricht Treaty involves aid policy coordination between EU member states and the European Commission relating to "joint action development and co-operation."[1104] However, these expectations have not been fully implemented since the EEC countries have been unable to agree upon any common foreign aid policies.[1105]As a result, the EEC/EU has not developed a strong common position to influence Western aid coordination and cooperation, which has significantly

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[1104] Article 130 of Maastricht Treaty.
[1105] Holdar, S. op. cit., p.249.

weakened both its and the member states' leverage in dealing with recipient countries and other major Western aid donors.[1106]Foreign prestige and international visibility consistently prove to be the motivations behind individual member states' aid outside of the EU framework. A study in 2004 by Open Europe found that "25 EU member countries spent a net U\$26 billion [€18.2billion] on their own bilateral overseas aid policies (ODA), and channelled a further \$8 billion (30%) of their aid spending through the EU aid budget."[1107]

The right of the member-states to adopt commercial aid and developmental policies which are independent from the EU further complicates the performance of the CFSP. Smith maintains that several areas of external economic relations are not controlled exclusively by the Community, therefore granting member states the authority to export credits, promote investment and conclude economic cooperation with third countries. So long as the provisions of their agreements do not violate the Common Commercial Policy (CCP), they can also tax and freeze foreign assets.[1108] This exemplifies the first layer of contradictions between the member states and the European Commission which runs rampant throughout policies in Palestine.

Member states are generally reluctant to give more responsibilities to EU institutions because of the poor reputation of the Commission's development aid policy. Allegations of corruption, lack of evaluation and monitoring mechanisms, mismanagement, complexity and overly bureaucratic procedures may contribute to the rationale behind member states' behaviour.[1109]Due to its development co-operation of political expediency, slow delivery and mismanagement in 2000, Clare Short, the former British International Development Minister, criticised the European Commission, stating that it is "the worst development agency in the world." Short suggests that "Member states should think seriously about scaling back European Commission programmes and spending them better elsewhere."[1110]

Member states have individual development and assistance programmes in the OPTs reflecting their interests and agendas. As Robert Springborg asserts, European actors "have tended to keep one another informed of joint projects outside the structure of the EU which are arranged on a bilateral and multilateral basis between European countries."[1111] Domestic political pressures led member states to develop separate programmes which could contradict the broader strategies of the EU and its

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[1106] Ibid.p.249.

[1107] Wanlin, A op. cit., p.6.

[1108] Smith, K. E. (1999b). *The Making of EU Foreign Policy: The Case of Eastern Europe.* Basingstoke: Palgrave Macmillan.p7.

[1109] Wanlin, A. op. cit., p.11.

[1110]Short, C. (2000, June 23). Aid That Doesn't Help, Europe should reform or lose aid budget. *Financial Times.* Cited by Open Europe (2007) *EU Aid, Is It Effective?* London: Open Europe p.4.

[1111] Springborg, R. (2006).European Union Committee 26th Report of Session, the EU and the Middle East Peace Process. Volume I: Report. London: House of Lords.p.45.

member states.[1112] Nonetheless, as Springborg points out, Palestinians rarely depend on the EU for aid but investigate alternative means, either through individual European member states or the U.S.

The member states' individual projects in Palestine, especially in infrastructural development, are a clear example of the multi-faceted channels of European aid towards the PA. These sundry contributions add to the fragmentation of aid policy reducing its effectiveness and impact as a foreign policy instrument. This argument supported by Holdar emphasises that EU aid policy seems to complement, rather than substitute, foreign aid and policies of the member states.[1113] The mechanism for the delivery of aid to the West Bank and Gaza has been heavily shaped by national priorities. Despite the formation of a high-level Ad Hoc Liaison Committee (AHLC) and consultative group structure, there was little real coordination or even communication at the local level. Virtually all donors want to become involved in projects that maximize their political visibility and credentials.

5.3.2 Challenge 2: Short-Term Interest vs. Long-Term Policies

This section will demonstrate how European aid is directed to serve the short-term interests of the EU rather than the long-term interests of the Palestinians. More specifically, this aid has been directed to support the MEPP and regional stability at the expense of other sectors.

Since the events of 11 September 2001 in New York, the March 2004 attacks in Madrid and the strikes of July 2005 in London, there has been an increased focus on linking European aid to other external policy objectives, such as security, trade and migration. For instance, the European Council's March 2004 Declaration on Combating Terrorism called for counter-terrorist objectives to be integrated into external assistance programmes. The declaration stated that the EU and its institutions ought to "make more efficient use of external assistance programmes to address factors which can contribute to the support for terrorism, including in particular support for good governance and the rule of law."[1114] The regulation of the instrument for stability has further defined the precedence of assistance to authorities involved in fighting terrorism, emphasising the importance of supporting counter-terrorism legislation.[1115] Identifying the concrete direction and aims of European aid and assistance, through the distribution by sector, indicates where European priorities and agendas in the OPTs lie.

Table No (3) and pie chart No (5) indicate that there is a harmonisation between the statements of the European offices and the direction of European aid policy to the PA and the Palestinians to stabilise

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[1112] Ibid.p.45.

[1113] Holdar, S. (1995). European Aid Policies: South, East, Both Or Neither? Tijdschrift Voor Economische en Sociale Geografie 86 (3) 249-259.

[1114] European Council (2004, March 25)The European Council Declaration on Combating Terrorism. EC: European Union.p.16.

[1115] European Council. (2006, November 24) Establishing an Instrument for Stability, Regulation No. 1717/2006 of the European Parliament and of the Council. Official Journal of the European Union, L 327/1 (2).p.4.

the Middle East through the MEPP. As the Table No (3) shows, EU aid and assistance became a victim of the politicisation of the agenda through its member states, i.e. supporting short-term political goals rather than consistent long-term strategies. The EU developmental strategy became hostage to, and a victim of, the peace process, and building peace was at the expense of Palestinian developmental needs.

The MoP's data suggests that the majority of EU aid goes to service sectors that are related to and support the MEPP and protect it from collapse. The EU directed its aid to three main sectors. Firstly, the humanitarian aid aimed at alleviating the suffering of the Palestinians either as a result of the Israeli occupation or as a result of boycotting the Hamas- led government after the 2006 election. Secondly, direct budget support was given to the OPTs Authority as a way of keeping it alive and negotiating with Israel.

This indicates that the social sector, which includes humanitarian aid, education, health and social services, has absorbed the largest portion of actual assistance to Palestinians over the last fifteen years approximating U$2.20 billion. This was followed by direct support of the PA government, encompassing several branch sectors, such as direct budget support, government and civil society and institutional building. Here, the total disbursal of EU funds is roughly U$1.11 Billion [€ 0.7772 million]. Combined, the social and government sector were at the top of the EU agenda in the OPTs with a total investment of $3.80 billion [€2.66 billion] whilst the infrastructure sector, rested at a modest U$ 245.7 million [€172 million]. The total assistance to the production sector was even more disproportionate, estimated at U$27.6 million [€19.3million]. The two sectors on the periphery of these categories- financial and no sector- attracted U$30 million [€ 21 million]

These figures demonstrate how aid to the Palestinians and the PA serve the security and stability interests of the EU rather than reflecting the Palestinian priorities of development and sustainable economic progress, Table No. 3 shows that humanitarian aid has been used as a stabilising tool and support for the current Palestinian leadership which engaged in the MEPP. This policy has come at the expense of the productive agricultural, industrial and tourist sectors which are essential to economic development. European aid has not contributed to the creation of permanent jobs or industrial, agricultural or even commercial infrastructure which is needed for a strong and independent economy and indeed it failed to reduce its vulnerability to and dependence on external assistance.[1116]

The statistics of the Directorate General of Aid Management and Coordination in the PA demonstrate that the European decision makers also change their strategy according to the political circumstances on the ground. For example, the following diagrams and tables indicate that there is a relationship

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[1116] Said, N.I. op. cit.,p.136.

between the European aid donated and concurrent political developments such as crisis or violence. During the European boycott of the Hamas-led government the European direct budget support declined from U$110 in 2005 to U$20.359 million [€14.2 million] in 2006. This amount reached its peak of $384.4 million [€269.15 million] in 2008 after the current Palestinian Prime Minister Salam Fayed formed his new cabinet. European humanitarian aid is a further example, which increased by 19% after Hamas took over in Gaza in the middle of 2006, reaching $221 million [€154.7million] and U$412.5 million [€288.8 million] in 2007 which totalled 43% $955,684 million [€ 669,152 million] of all humanitarian aid directed to the Palestinians between 2002 and 2009. The importance of humanitarian aid on the EU agenda is supported by the database of the Directorate General of Aid Management and Coordination in the PA.

5.3.3   Challenge 3: The Palestinian Authority

Just as the Israeli occupation and its policies are considered obstacles facing EU aid, certainPA practices are obstacles. Financial corruption is the main challenge that EU funding has had to tackle. However, since the appointment of Salam Fayyad as Palestinian Prime Minster, who adopted and implemented comprehensive reforms, the challenges have lessened in comparison to the Arafat era.

From the outset of the peace process, the PA was plagued with corruption. There was a clash between international donors and Arafat over the financial assistance to the PA as well as the agenda and priorities of European assistance. The International Monetary Fund (IMF) identified the major problems as being: "(i) diversion of tax revenue to special accounts, excessive hiring in the civil service and security apparatus, and (ii) PA commercial operations and monopolies with no transparency or accountability."[1117]According to the IMF, "Arafat saw both aid and PA public finance as a political resource, to be used to consolidate his political position." Therefore, Arafat **"**encouraged a variety of irregular mechanisms of revenue generation such as petroleum excise taxes being deposited, with full Israeli knowledge and cooperation, in a private account outside PA ministry of finance control."[1118] The IMF estimated that approximately $486 million was passed onto Arafat in this way between 1995 and 2000.[1119]

In addition, the Bank's report claims that "Arafat's own large presidential budget - accounting for around eight per cent of the PA budget, or U$ 114.7 million [€283.5 million] in 2003 - was without the effective oversight by the Ministry of Finance or the Palestinian Legislative Council."[1120] An IMF investigation found a "series of semi-public enterprise and monopolies were acquired and held by the Palestinian company for commercial services or under other auspices worth U$700-900 million"

[1117]Bennett, A.K., Nashashibi, S., Beidas, R. & Toujas-Bernaté, J. (2003). *West Bank and Gaza Economic Performance and Reform under Conflict Conditions*, London: The International Monetary Fund.p.90.
[1118] Ibid.
[1119] Ibid.
[1120] Ibid. p.23.

[€490-630.1 million]. The report maintains that "their profit also remained outside effective public control. Some domestic tax revenues (notably from toionbacco and alcohol) also passed to accounts beyond ministry of finance control. All told, almost U$900 million [€ 630.1 million] in revenues was diverted in this way." Moreover, Kurikkala argues that "while donors wanted to direct money to basic infrastructure such as schools, hospitals and roads, Arafat's main interest was to spend money for high–profile national projects that served the purpose of creating an image of a state-like entity."[1121] Lasensky maintained that Chairman Arafat "had great difficulty acceding to the donors' demands for transparency and accountability." 'My money' said Indyk, is how Arafat typically referred to international assistance.[1122]

According to Brynen corruption and the misuse of international and public fund reached various Palestinian security services that "enforced their own system of taxation, protection, monopolies or extortion" whereby "some of the security force's payroll was paid in cash for private or political gain."[1123]

Excessive hiring without regard to budget constraints was another problem that increased the burden on international aid and unsustainable fiscal structure. According to the IMF, Palestinian society is young "with 57 percent below the age of 20 and the growth rate, currently at 4.2 percent, is one of the highest in the world."[1124]Therefore, the ability to fulfil the population's basic needs are major challenges facing the PA and the international community. The World Bank has concluded that there is some modest over-employment (around five percent) which, in turn, increases the burden on international aid. The PA needs more than U$115 million [€ 80.5million] a month just to pay the salaries of 145,000 public sector employees, about half of whom are listed as security forces.[1125] The IMF criticised the employment policy of the PA during Chairman Arafat's period, claiming that appointment selections based on loyalty rather than ability resulting in incompetent or corrupt officials, ultimately undermining the PA's credibility and governing effectiveness.[1126]

However, according to the World Bank, the PA has made significant progress in tackling corruption and improving governance in recent years. This includes establishing a Single Treasury Account,

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[1121] Kurikkala, F. (2003). *Representation of a Changing Self: an EU Performance in the Middle East.* Faculty of Social Science, University of Tampere: University of Tampere. p.56.

[1122]Cited in McDermott, T. (2009, February 11) *Arafat's Billions.* Retrieved from http://www.cbsnews.com/stories/2003/11/07/60minutes/main582487.shtml. Access date: November 11 2009.

[1123] Brynen, R. (2005). Donor Aid to Palestine: Attitudes, Incentives, Patronage and Peace. In Keating, M. Le More, A. & Lowe, R. (Eds.) *Aid, Diplomacy and Facts on the Ground the Case of OPTs* , London: Chatham House.p.136.

[1124] Bennett, A.K., Nashashibi, S., Beidas, R. & Toujas-Bernaté, J. op. cit.,p.90.

[1125] Erlanger, S. (2006, March 11). The Minister of National Economy Mazen Sinokrot: The Palestinian Authority Faces Budget Crisis. *The New York Times.* Retrieved from http://query.nytimes.com/gst/fullpage.html?res=9C01E0DA1331F932A25750C0A9609C8B63&pagewanted=all. Access date: December 12, 2009.

[1126] Brynen, R. op. cit., p.137.

through which all payments are made and government revenues are collected. In March 2007, Patten stated that these reforms were "one of the few success stories of the past few years in Palestine."[1127] Internal conflict between Fatah and Hamas was another obstacle to international assistance. The way the EU responded to Hamas' victory raised serious questions about the EU's commitment to reliable support. The dilemma concerned how the EU could deal financially and politically with a Hamas-led Palestinian government when the organization was 'blacklisted' by the EU since September 2003. Although European treaties, particularly the Maastricht Treaty, empowered the EU enabling it to link its aid and development policy with its CFSP, this represented the first time the EU exploited this power. Europe "made a complete use of its economic instrument in order to incite not only political reform but also a change in the diplomatic and political perception of the conflict by one interested party."[1128]

During the Arafat period, the EU threatened to terminate or suspend aid to the PA, however, these threats were not realised. Nonetheless, the question remains: why did the EU continue its assistance policy in spite of the blatant corruption and financial mismanagement? Whilst a decision was made to cease the assistance policy after Hamas' 2006 electoral success, Wanlin believes that "whether aid payments were frozen or not, any decision inherently rested on a political judgment."[1129] Benita Ferrero-Waldner emphasized the strong commitment to support the PA in its "quest for improving the lives of Palestinian people towards a peace agreement with Israel."[1130]

The Director-General in charge of the PEGASE aid mechanism, Koos Richelle, confirmed the link between European aid and commitment to the peace process. Stating that "the Commission is happy to use PEGASE to show strong support to the PA which is fully engaged in a credible and legitimate peace initiative with Israel under the leadership of President Abbas and Prime Minister Fayyad."[1131]

The willingness of member states and the EU to play an active role in the MEPP and secure their place at the negotiation table between the Palestinians and the Israelis has contributed to the dilemma that the EU is facing in the Middle East. Member states acknowledge that if they want a chance to

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[1127] Patten, C. (2007, March 13). Time to Judge OPTs on Its Results. *The Financial Times*. Retrieved from http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/time-to-judge-palestine-on-its-results.aspx. Access date: December 12, 2009.

[1128] Gianniou, M. (2006). The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy? In *The European Consortium for Political Research 3rd Pan-European Conference on EU Politics.* Istanbul: Bilgi University.p.20.

[1129] Wanlin, A. op. cit., p.78.

[1130] Ferrero-Waldner, B. (2009). Statement by Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy European Commission. EU during the the international Palestinian Donors Conference in sharm in March 2009. Available at: http://wn.com/Palestinian_Donors_Conference_statement_Commissioner_Ferrero-Waldner.accessed on 10.10.october.2010.

[1131] Europe Aid. (2008). ENPI Special: Support to Palestine. Retrieved from http://ec.europa.eu/europeaid/where/neighbourhood/documents/enpi_special_pegase.pdf.p1. Access date: March 11, 2010.

collaborate, American and Israeli conditions must be accepted, as they are the strongest players in the process. Such conditions have been imposed on a Hamas-led government as a pre-condition to recognise and to deal with its non-violence, along with the recognition of Israel's right to exist and acceptance of contemporary agreements and obligations. With regard to Arafat's financial policy, the EU officials acknowledged that, although taxpayers' money was misused by Arafat, the priority of peace-building avoided using conditionality due to internal considerations and the fear that such action would collapse in the PA and discourage Arafat from cooperating in the peace process. Hanafi and Tabar assert that the commitment to the peace process did not leave many options to the international community in its relation with the PA. In short:

> "Donors' commitment to the peace process is the anchor that shapes the way the donors intervene in the society. This inevitably has an impact on the incentives or penalties that donors can provide to encourage better conduct among Palestinian recipients."[1132]

According to Indyk, a former US ambassador to Israel, the Israelis approached the predicament by stating that, basically, "Arafat's job is to clean up Gaza. It's going to be a difficult job. He needs walking around money."[1133] The Hamas takeover of Gaza is another challenge haunting EU development and aid policy efforts in Palestine. At the Sharm El-Sheikh conference, in the aftermath of the Israeli military offensive, the international community pledged to support the Palestinian economy for the reconstruction of Gaza. Participants pledged approximately US$4.5 billion over the next two years.[1134] Plus, they were committed to disbursing these pledges as quickly as possible in order to better the daily lives of the Palestinians. However, at the time of writing this thesis, donors' efforts have been thwarted; first, by the blockade that continues to be imposed on Gaza which hinders the entry of basic materials, second, due to the dispute between Palestinian factions, and finally, from the legal dilemmas which prohibit the EU from dealing with organisations on their terrorist list.

Three months after aid was suspended to the PA at the request of the Quartet to avoid any financial links with the Hamas-led government, the European Commission, collaborating with the World Bank, designed the TIM. This mechanism is designed to relay a reliance on the presidency and international organisations to "help alleviate the socio-economic conditions which continued to deteriorate in

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[1132] Hanafi, S. and Tabar, L. (2004). Donor Assistance, Rent-seeking and Elite Formation. In Amundsen, I, Giacaman, G, and Khan, M.H. (Eds.) State Formation in OPTs Viability and Governance during a Social Transformation London and New York: Routledge.p.250.

[1133] Cited in McDermott, T. (2009, February 11) *Arafat's Billions.* Retrieved from http://www.cbsnews.com/stories/2003/11/07/60minutes/main582487.shtml. Access date: November 11 2009.

[1134] The World Bank. (2009). *Palestinian Economic Prospects: Gaza Recovery and West Bank Revival Economic Monitoring Report to the Ad Hoc Liaison Committee Economic Monitoring Report to the Ad Hoc Liaison Committee.* Washington, DC: World Bank.

theOPTs,"[1135] by providing funding for emergency health, social and fuel costs. It is regularly pointed out that, in overall terms, European aid has paradoxically increased since the boycott was imposed. The EC's TIM has three windows covering the following: first, the Emergency Services Support Programme (ESSP) of the World Bank to fund the running costs of hospitals and health care centres; second, the Interim Emergency Relief Contribution , which secures the uninterrupted supply of energy utilities, including fuel; and third, to provide support to vulnerable Palestinians through the payment of social allowances to the poorest segment of the population and to key workers delivering essential public services.[1136] Although there has been a boycott of the Hamas-led government, in 2008 the EC committed €361.5 million, as compared to €554 million in 2007 and €342 million in 2006.[1137]

Building upon the TIM, on 1 February 2009, the European Commission launched a new mechanism called PEGASE.[1138]PEGASE goes further than TIM and has a three-year horizon directly linked to the Palestinian Reform and Development Plan, which was presented by the Prime Minister Salam Fayyad at the Paris Donor Conference.[1139] Under PEGASE, financial and technical assistance is provided in four key areas, namely 1) governance, 2) social development, 3) economic and private sector development governance (including rule of law, justice and security, social development (education, health, skills training and employment), economic development and 4) public infrastructure, including water and energy.[1140]

Despite the EU's efforts to support the most destitute Palestinians, TIM has been unable to prevent the growing humanitarian crisis caused by the financial boycott and Israeli violence.[1141] However, one of the main criticisms of TIM is that the mechanism undermines the financial reforms that the EU had successfully pressed for, such as the single treasury account. Youngs argues that "under the TIM, it is not clear who decides who gets what, and diplomats complain of money draining into a black

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[1135] European Commission. (2008). Temporary International Mechanism Retrieved from http://ec.europa.eu/europeaid/where/neighbourhood/documents/enpi_special_pegase.pdf.p1. Access date: March 11, 2010..

[1136] Ibid.

[1137]Palestinian Authority.(2010). *Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination*. Retrieved from http://db.mop.gov.ps/amc/donorprofile.asp. Access date: September 5, 2009.

[1138]PEGASE replaced the Temporary International Mechanism (TIM) which has implemented most European Commission assistance to the Palestinian people. PEGASE is the French acronym for: Mécanisme, "Palestino - "Européen de Gestion et d'Aide Socio-Economique" (Palestinian-European, Socio-Economic Management and Assistance Mechanism) chose as an acknowledgment of the Paris Donors Conference results. It is a symbol of hope and progress towards the creation of an independent Palestinian State, living in peace and security with Israel and all his neighbours

[1139]Europe Aid. (2008). *ENPI Special: Support to Palestine.* Retrieved from http://ec.europa.eu/europeaid/where/neighbourhood/documents/enpi_special_pegase.pdf.p1. Access date: March 11, 2010.

[1140] Ibid.

[1141] Stanforth, R. (2007). *Poverty in Palestine: The Human Cost of the Financial Boycott.* London: Oxfam International.p.1.

hole."[1142] These criticisms are also echoed by Assburg, who considers the TIM as being so vulnerable to corruption that it "contradicts the objective of institution building the EU encouraging in the PA."[1143]

5.3.4   Challenge 4: The Israeli Occupation

As an occupying power, Israel has a huge impact on international aid and its effort to build the capacity necessary for a war-to-peace transition. Its military operations affect both the Palestinian economy and the international donors. The repressive and arbitrary measures that Israel executors have historically taken have several forms. First, the deliberate and systematic destruction of Palestinian infrastructure, which was built and funded by European tax payers.

The European Commission estimated that the damage imparted by Israel to EU-funded projects in the OPTs amounts to €44 million [$62.8 million]. [1144] A total of 17 infrastructures valued at €17.3 million [$24.7million] have been destroyed by the Israeli army, including the destruction of the runway at Gaza International Airport, the airport itself, the headquarters of the radio station of the Voice of Palestine, various schools in several Palestinian cities, the irrigation systems in Jericho, the Central Statistic Offices, the Gaza seaport, offices of the Palestinian Central Bureau of Statistics, and the studio of the OPTs Broadcasting Corporation.[1145]

 Since the most recent war on Gaza, (from 27 December 2008 until 18 January 2009) a report produced by the European Network of Implementing Development Agencies for the Europe Aid Cooperation office assessed the cost of damage in key areas to total an approximate €514.3 million[1146] 84 percent of the damage was inflicted on three key sectors: housing, agriculture and the private sector – areas that play a key role in food security, economic development and employment of the Palestinian population. [1147]

Second, the Israeli military and security measures against the Palestinians, such as closure policies, curfews, military checkpoints and restrictions on the movement of Palestinian goods and people across borders and within the West Bank and Gaza Strip, have contributed to the immobilization of

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[1142]Youngs, R. (2007). The European Union and Palestine: A New Engagement. *Open Democracy* Retrieved from http://www.opendemocracy.net/conflict-middle_east_politics/ union_engagement_4485.jsp. Access date: December 9, 2010.
[1143] Assburg, M. (2007). Hamastan vs.Fatah land; A Chance for progress in the Middle East. *Council on Foreign Affairs*.
[1144]European Network of Implementing Development Agencies. (2009, March). Final Report Damage Assessment and Needs Identification in the Gaza Strip.
[1145]European Commission. (2010). Physical Damages Inflicted by IDF Attacks to EU funded Development Project. Retrieved from http://ec.europa.eu/comm/external_relations/gaza/intro/index.htm#2.3 Access date: July 12, 2010.
[1146] European Network of Implementing Development Agencies. (2009, March). Final Report Damage Assessment and Needs Identification in the Gaza Strip.
[1147] Ibid.

the Palestinian economy. Closure and movement restrictions have resulted in donor projects becoming less effective, time-consuming and costly in their implementation.[1148] The Israeli military and security measures against the Palestinians have hindered international assistance to the WBGS and restricted international endeavours to help build a Palestinian economy, especially as Israel retains control of East Jerusalem, 60% of the West Bank and a large proportion of the Gaza Strip.[1149]

There are restrictions on international agreements that the PA has conducted with the international community, such as the EU Association Agreement. The Israeli refusal to recognise the international agreement that the PA conducted with the EU is the most prominent examples demonstrating how the occupation is a major obstacle in the path towards a strong, independent Palestinian economy.

The Israeli refusal to recognise the EU-PLO Association Agreement has blocked the preferential import of Palestinian goods to the EU, while simultaneously providing Israeli origin certificates for goods produced in the West Bank and Gaza. Thus Israel is awarded trade preferences to which it was never entitled. Furthermore, holding the tax revenues collected by Israel on behalf of the Palestinian people has hindered the efforts of building a sustainable and efficient Palestinian economy. Used as a tool of collective punishment, the Israeli government periodically withholds the tax revenue, totalling $55 million a month in customs and duties. For example, Israel withheld such a tax after Hamas won the 2006 elections. Similarly, Israel denied portions of the tax revenues when the Palestinian Prime Minister asked the EU not to upgrade EU-Israel relations as long as the latter continued to expand West Bank settlements.[1150] Israel has further imposed restrictions on international representatives and workers in delivering humanitarian aid. Such agencies in particular are subjected to strict Israeli visa regulations.

The European Commission has condemned the Israeli policy, emphasising that Israel's settlement policy and its security restrictions on movement and goods "helps strangle the Palestinian economy, increasing Palestinian dependence on foreign aid and ultimately forcing European taxpayers to bear much of the cost.[1151] Roy Dickinson, a senior European Commission diplomat in Jerusalem, stated that: "settlement activity, including land expropriation, roads used exclusively by settlers and army roadblocks which are meant to protect settlements, also harms prospects for a recovery of the Palestinian economy." [1152]He elaborates that: "it is European taxpayers who pay the majority of the

[1148]Le More, A. (2004). The international politics of aid in the occupied Palestinian territory. Humanitarian Exchange Magazine. Retrieved from http://www.odihpn.org/report.asp?id=2669. Access date: July 12 2010.
[1149] Ibid.
[1150] Associated Press. (2008). Fayyad asks EU not to upgrade ties with Israel. *Associated Press, Israel News.* Retrieved from http://www.highbeam.com/doc/1A1-D94Q0AUO8.html. Access date: June 12, 2011.
[1151] Laub, A. (2009), European Commission blasts Israeli settlement policy. *The Jewish Federations of North America.* Retrieved from http://www.jewishfederations.org/page.aspx?id=202800. Access date: July 2, 2011.
[1152] Ibid.

price of that dependence."[1153]

The EU, in particular the Commission in charge of aid to Palestine, expressed chagrin towards Israeli military measures against EU-funded Palestinian infrastructure and castigated restrictions imposed by Israel upon the Palestinians and international donors' humanitarian aid. For example, the EU Development and Humanitarian Aid Commissioner, Louis Michel, legitimized Israel's right to self-defence but has questioned the relationship between its military policy against civilian facilities and terrorism. He noted the frustration of the moral obligation of manifold payments and criticised the Israeli government during his visit to Gaza after its war last January stating that "the EU was tired of paying for the same infrastructure only to have it repeatedly destroyed."[1154] Similarly, in her statement at the Sharm El-Sheikh Conference, the former Commissioner Ferrero-Waldner also called upon all parties to "refrain from imposing their own definition and standards of humanitarian aid or attempt at controlling its flow and destination."[1155]

The EU and the international donors have pursued a balance between development strategies and funding emergency assistance in response to the crisis while some of the PA's critics would prefer to see donor funding stopped, other individuals believe this would have a detrimental effect on the peace process by increasing the agony of the Palestinians and breaking up the PA. This, according to the House of Commons, "would leave civilians fewer alternatives from turning to undesired and extreme measures."[1156] The EU possesses the resources and treaties to empower and protect its political and economic interests. It has the ability to impose sanctions on Israel if it persists in violating human rights. It has the political clout to demand compensation for the Israeli destruction of its projects in the OPTs and the prerogative to reduce intensity of the relationship between itself and Israel. However, the EU is not using any of its aforementioned options and instruments. This is due to the built-in limitations of the EU and its capacity to act. The use of economic sanctions as a foreign policy tool is particularly problematic as it requires an endorsement from both the European Commission and the first and second pillars of the CFSP. Therefore, even though some member states have the political will to utilise these legal instruments against Israeli policy, the mechanism of the CFSP is the major obstacle tying their hands reducing their capability to impose their policy. Member states in charge of the CFSP will, through the intergovernmental approach, not allow its relations with Israel to be put at risk since this may jeopardise its role in the peace process.

[1153] Ibid.

[1154] Michel, L. (2009) *The Jerusalem Post* Retrieved from:
http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1232643751651. Access date: December 2, 2010. Name of article?

[1155] Ferrero-Waldner, B. (2009, March 2) *Speech at the international conference in support of the Palestinian economy for the reconstruction of Gaza sharm-el sheikh.* Retrieved from
http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/81&format=HTML&aged=1&language=EN&guiLanguage=en. Access date: May 12, 2010.

[1156] House of Commons. (2004). *International Development Committee Development Assistance and the Occupied Palestinian Territories Second Report of Session 2003–04*. London: House of Commons.p.73.

The Union has viewed the protection of Israel and close relations with it as a high order priority.[1157] The close relation of some of the EU members with Israel and their historical, political and cultural ties with the Jewish state (and the U.S.) has prompted them to avoid antagonising Israel. Therefore European policy is sacrificed over the relationship with Israel.[1158] The identity of the European identity as a civilian power also play an important role in shaping the CFSP. Pace refres the EU's lack of interest in sanctioning Israel or penalizing Israeli violations to the the EU identity as a normative power. She argues "identity constructions do not tally with coercive EU action."[1159] Furthermore, Pace belivies that normative power constructions constrain its own actions: inaction rather than coercion is the option in such a case."[1160] Patten, indicated some of the legal difficulties of imposing sanctions on Israel. He highlighted the difficulties of taking legal or political action against the Israeli destruction of the Palestinian infrastructure funded by the EU, stating:

> "The process would be extremely difficult for two main reasons. Firstly, the internal structure of the EU would hamper the process of compensation, since projects are not only channelled through the Commission, but also through member states. Second, upon completion a project becomes the legal property of the people it is supposed to benefit, making EU legal action almost impossible."[1161]

The the Council of the European Union hesitates to condemn the Israeli destruction in the OPTs which was built and funded by European taxpayers, epitomised by Benita Ferrero-Waldner's actions. Using the legal framework she justified the EU's refusal to ask for compensation from Israel for the destruction that was incurred during the war in Gaza. Other officials hinted that the lack of member state support was behind the European hesitation. If the Commission does not believe it will gain support from Member States, it sees "no point in being big and brave," as one EU official stated.[1162]

Most of the criticism of Israeli policy comes from the European Commission and not from the European Council. Patten's attempt to boycott the products and exports produced in the Israeli settlements in the WBGS are a clear example of the division between the views and actions of individual member states and the EU institutions. Patten insisted that exports from these settlements

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[1157] Tocci, N. Darbouche, H, Emerson, M. Fernandes, S. Hanau-Santini, R. Noutcheva, G. & Portela,C. (2008). The European Union as a Normative Foreign Policy Actor. *CEPS Working Document 281*.p.21
[1158] Ibid.p.21.
[1159] Pace, M. (2007). The Construction of EU Normative Power. *Journal of Common Market Studies JCMS 45*(5) 1041-1064. p.1051.
[1160] Ibid. p.1052.
[1161] Kolarska-Bobinska, L. and Mughrabi, M. (2008). New EU Member States' Policy towards the Israeli-Palestinian Conflict: the Case of Poland. *Euro Mesco Paper* (69).p28.
[1162] Interview with EU official in Brussels. (2009, April).Cited by Groof, K. D. (2009) The EU's aid to the occupied Palestinian territory (II) The deepening crisis in Gaza. In Bennani, E, Haarman, M, Williams, A, Leenhouts, W, Groten, A, Schaefer, B, and Herremans, B (Eds.) The CIDSE Working Group on Palestine/Israel .p.12.

should not be labelled 'Made in Israel' and should not be permitted to enter the EU market on the preferential terms offered by the Association Agreement. However, Patten's ability to adopt a hard line has been undermined by pressure from Britain, Belgium and Germany.[1163]

Youngs criticised the EU for its lack of firm action and response towards the Israelis' closure of parts of Palestine, undermining the EU's economic engagement with the Palestinians. He believed that "one area where the EU could have had a thoroughly significant impact was in halting the slide of Palestinian economy, but nothing valuable was done to ensure that Palestinian producers could actually export to the European market and circumvent obstacles imposed by Israel." He stressed the linking of European aid to diplomacy, expressing that "European generosity was not accompanied by nor was forceful diplomacy. The physical products of many EU projects swiftly destroyed in Israeli attacks, with little in the way of concrete European reprisals."[1164]

Fisk believed that "European taxpayers fork out for the projects. US taxpayers fork out for the weapons which Israel uses to destroy them.[1165] Then EU taxpayers fork out for the whole lot to be rebuilt." The EU bore the cost of Israel's reoccupation of the OPTs and removed Israel from its obligation of providing the funding, assistance and services that such an occupying power is obliged to impart. This causes the dilemma of whether to turn a blind eye to the systematic Israeli destruction of the OPTs or whether to apply international law and force Israel take responsibility as an occupying power.

Karim argues that although emergency relief is vital to Palestinian survival, Israel's occupation must be addressed otherwise aid enhances the occupation.[1166] She suggests that Continued EU support to the PA emergency service provisions and humanitarian aid relieved Israel of its obligations under international law. She added "the international aid has made the occupation cost-free and it has even enhanced Israel's economy since every dollar produced in the occupied territories, 45 cents flows back to Israel."[1167] Nicola goes further to accuse the donors' money as a tool in the Israel hands In Nicola's words:

> "Aid money continued to flow nonetheless with or without awareness that thereafter
> their aid had shifted to serve a completely different and contradictory political Israeli
> agenda and became an instrument of Israel's foreign policy and thus became part of

[1163] Everts, S. (2002). Shaping a credible EU foreign policy. Centre for European Reform.p.29.
[1164] Youngs, R. (2006a). Europe and the Middle East in the Shadow of September 11. London: Lynne Rienner Publishers.p.148.
[1165] Fisk, R. (2010, July 31). Israel has crept into the EU without anyone noticing. The Independent. Retrieved from http://www.independent.co.uk/opinion/commentators/fisk/robert-fisk-israel-has-crept-into-the-eu-without-anyone-noticing-2040066.html. Access date July 12 2011.
[1166] Karmi, G. (2005, December 31). With no Palestinian state in sight, aid becomes an adjunct to occupation. *The Guardian*. p. 26
[1167]Ibid.

the problem and not of the solution, without alleviating the Palestinian economic plight."[1168]

This has spurred Palestinian leaders to call for a suspension of European aid to the PA and have Israel take responsibility for the occupation according to the Geneva Conventions. Sari Nusseibeh, former PA representative in Jerusalem, urged the former British Prime Minister Gordon Brown to earnestly consider the cessation of European aid since the donated money is sustaining the occupation. Nusseibeh explained that:

> "The Israelis are happy because they do not have to pay the cost of the occupation. The Europeans are happy because they feel they are doing their part by providing economic assistance … and the Palestinians are happy because we have jobs and we feel free."*[1169]*

Nusseibeh concluded by stating that Israel cannot continue to occupy the OPTs using EU funds and American dollars.[1170] Conversely, the EU is in a political dilemma: it cannot impose sanctions on Israel for reasons previously explained, and it cannot halt aid to the OPTs because this may worsen the prevalent humanitarian crisis.

5.4 Analysis and Conclusion

 This chapter has demonstrated how the EU's inherent imbalance of power and the intergovernmental approach to the CFSP has limited the EU's ability to achieve the overarching goals in the Middle East and the OPTs. Thus two fundamental questions have been dealt with: first, to what extent European aid and technical assistance has served its stated objectives in the development of Palestinian economy and building a Palestinian state. Secondly, to what extent it is a political tool used to support the European role in the MEPP. The effort to answer these takes us via a number of observations.

The history of European aid and technical assistance suggests that the Madrid and Oslo peace processes served as an opportunity for the EU to extend its political role in the Middle East. This was especially true for the supranational institutions, who have been able to carve out for themselves an increased role through actual implementation on the ground of policy decisions regarding financial aid.

The role of the European Commission in distributing aid through the TIM and PEGAS, its role in coordinating and training the Palestinian police forces and finally its role in monitoring the Rafah

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[1168]Nasser, N., (2006, September 6) Western Donors to Palestine: What Mission? "Aid has turned into a tool which supports Israeli ambitions. *Global Research*.

[1169] Houk, M. (2008, July 22). Sari Nusseibeh tells British Prime Minister that EU aid to Palestinians should be cut. *Ma'an News Agency*.

[1170] Houk,M. op.cit.,

border are examples of the new importance of supranational actors. However, this role has still been limited due to the inherent imbalance in the distribution of power between the EU institutions themselves. EU aid and technical assistance to the OPTs became a victim of the dualism in the decision-making of Europe's CFSP. The ill-structured decision making of the EU and the intergovernmental approach to the CFSP has lead to realist politics triumphing over liberal principles and values.

The facts support the realists' understanding of European policy towards the MEPP. Firstly, the extensive focus on building a strong Palestinian police force and reforming its institutions at the expense of other economic sectors suggests that European aid and technical assistance has been driven by the aim to stabilise the region through the MEPP rather than to support the Palestinian economy *per se*. Once again, the EU has utilised liberal values as a tool to accomplish its own security aims. European Commission activity in the sphere of development co-operation has been forced into service for the self-interested security-driven policies of Member states, expressed through the decisions of the Council. More than that, the Council has acted to obstruct the Commission from implementing developmental assistance activities if they are seen as counter-productive from a security point of view, and when they might entail using legal instruments to sanction Israel at the expense of EU-Israeli bilateral relations. Intergovermentalism has meant the privileging of short-term over long-term interests.

As a result of the outlined effects, EU aid policy has not coped with external threats in helping the Palestinians to build an independent economy or boost the peace process. Specifically, it has not been able to overcome or negate the impacts of on-going Israeli Occupation and Israeli efforts to subvert the peace process to their own ends. In the absence of a clear momentum for development, and a political willingness to back it up, EU financial assistance has come to reinforce the occupation rather than replace it – its pays the costs of occupation and the costs of the peace process which is going nowhere.

The problem can be put thus: the power to make policy lies with the second pillar, which is inter-governmental. The power to implement policy and resources lies with the first pillar, which includes the supranationalist institutions. The tension between the interests of the two pillars means that policy becomes bogged down and fraught with contradictions. If this is true of the CFSP in general, nowhere is it more apparent than in the provision of financial aid to the Palestinians.

Thus, in the end, European aid serves the EUs political and security ends rather than their stated (and normatively-dressed) objectives of Palestinian economic development. The clearest illustration of this was the EU's willingness to turn a blind eye towards Arafat's corruption as long as he acted as an Israeli-approved partner for peace, but their freezing of aid to a democratically-elected Hamas-led

government which refused to recognise Israel or any previous agreement made.

It is also evident in a basic contradiction in EU policy. The EU has not substantively challenge Israel's occupation policy, preferring to focus on aid and developmental to the Palestinians rather than sanctioning of Israel. This was due to pressures from member states who sought to avoid antagonising Israel or the U.S, and partially explains why the EU never asked for compensation for the Israeli destruction of its projects in Palestine. But without challenging the cause of Palestinian under-development, economic assistance can never fully achieve its aims. Despite the existence of divergent interests among the member states towards the OPTs and Israel, a unified aid policy which aims to support the MEPP is agreed upon whilst retaining individual aid and assistance policies separate from the EU framework. But the Member states have to overcome those divergent interests and agree on more than just the provision of aid, but rather a clear route to the end of occupation, in order to actually implement the policies successfully.

What has actually happened has been that the substantial European aid has contributed to increasing Palestinian dependency on foreign aid rather than supporting sustainable development. This has contributed to the subordination of the sovereign and political decisions of the PA. Additionally, the dependency on international aid affects the political participation of the Palestinians in the PA's decision making. As the PA's main income derives from international donors, the PA experiences little obligation to adhere to the desires of its people.

It is not only the PA but the individuals within it, and dependent on its salaries, who are drawn into this cycle of dependency and subsequent political disempowerment. The status quo becomes the only acceptable short-term option for individuals who need that monthly pay packet to survive and support their families, even though it destroys aspirations for a long-term sustainable alternative. The human cost of the EU's failings is immeasurable.

So when we ask the two questions posed at the start of this chapter, we are confronted with the following answers: First, although the Palestinians are the "largest per capita recipients of international development assistance in the world," [1171] and although the aid has significantly contributed to the creation of a supportive environment of institutions and infrastructure (building schools, hospital and roads for example), the Palestinian economy is in its worst economic depression in modern history.[1172] 58 percent of Palestinians live below the poverty line, and about half of those live in extreme poverty.[1173] Moreover, the economy suffers from high unemployment,

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[1171]Lasensky, S., & Grace, R. (2006). *Dollars and Diplomacy: Foreign Aid and the Palestinian question.* Washington, D.C: United States Institute of Peace. Retrieved from http://purl.access.gpo.gov/GPO/LPS74906.P.290. Access date: October 22, 2010.
[1172] Nasser, N. (2006,September 6). Western Donors to Palestine: What Mission? "Aid has turned into a tool which supports Israeli ambitions. *Global Research*.
[1173] UNDP. (2008). *Development Times Unemployment in The OPT*. Jerusalem: UNDP/PAPP.p.55.

reaching up to 40% in Gaza and 19% in the West Bank.[1174]Clearly, with regard to the peace process, the EU has not managed to utilise its aid in an efficient way in order to influence the conflicting parties or to build an environment in which to achieve sustainable peace.

Regarding the second question, Europe's 'chequebook diplomacy' has not ultimately given it the political role it has sought. The EU has failed to use its economic leverage as Israel's main trading partner, since it has never linked those trade relations with the peace process. In fact, there is ambivalence in the EU's Middle East policy, since aid to the Palestinians was conditional, but not aid towards Israel. This may have been in order to avoid controversy with Israel in an attempt to secure a diplomatic role in the MEPP. The Israeli government has rejected any European participation in the MEPP whilst the Palestinian's always welcomed it. Overcoming this requires resolving the intergovernmentalist obstructions to formulating and exercising political will, and committing themselves to their own vision of security built on regional human and economic development.

A key component of this vision has been political development, specifically democratisation, political reform and human rights across the region. The following chapter will examine EU policies towards the PA and the Palestinians in this regard.

[1174] The World Bank. (2009). op.cit.,p.89.

Chapter Six: The Impact of the CFSP Mechanism on European Democratisation and Political Reform Policies towards the OPTs

6.1 Introduction

Democracy promotion, human rights and institutional reform are among the key stated aims of the CFSP policy towards the Mediterranean non-member states, including the OPTs. As Chapter Three demonstrated, these themes, and the values behind them, are embedded within the EMP and the ENP agreements in general, and accordingly the EU has included endorsing policies promoting democracy, institutional reform and human rights in its treaties and conventions with the PA. Both the Interim Association Agreement with the PA, which was signed in February 1997, and the EU-Palestinian Authority ENP Action Plan signed in December 2004, included a clause related to democracy promotion and human rights.

The objectives of this chapter are twofold: firstly, it seeks to explain why democracy promotion is an important issue for EU policy globally, regionally and in the OPTs in particular. Secondly, the chapter "un-picks" this narrative to identify the main determinants of the actual EU democracy promotion in the OPTs specifically and how the EU its member states and the decision-making mechanism interact with these determinants. These determinants are identified as a) the divergent interests and political stances of the EU members towards the EU democratisation process in the OPTs b) the Israel occupation d) the PA's political behaviour and performance and c) the institutional structures and mechanisms of the EPC/CFSP.

This chapter argues that although the EU shows willingness and is interested in the promotion of democracy, reform and human rights in Palestine, in fact, on the ground, the EU and its member states have not shown a readiness to implement or enforce these policies towards their partners in the Middle East. The political behaviour of the EU on the ground shows that there is a European tendency to support their own political, security and economic interests at the expense of normative commitments to democracy promotion and human rights. This tendency supports the realist approach to understanding European policy-making towards the Palestinians. The CFSP mechanism and its intergovernmental approach ultimately make the EU's own democratisation and reform policy a victim of short interests, mainly security, objectives.

6.2 The European Union's Motivation behind Democratisation Efforts in General

The treaties which established the EEC in the 1950s hardly mentioned human rights or democracy; the focus of the treaties was on economic cooperation and integration as a means of "securing

peace."[1175] However, the Community has evolved over time to become more and more a 'community of values,' transforming itself into something resembling a constitutional order.[1176] Since 1991 the EU has placed the promotion of democracy and human rights at the heart of its foreign policy.[1177] Terminology inspiring values of respect for human dignity, liberty, democracy, equality, the rule of law, respect for human rights and political reforms was integrated into most of the European Community's treaties, conventions, and legal systems. For example, the Treaty of EU considered democracy, the rule of law, respect for human rights and fundamental freedom as one of the "main objectives of the CFSP."[1178] The rest of the EU treaties have successively stressed integration, promoting democracy and human rights.

The Treaty of Amsterdam reaffirmed that the EU "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."[1179] The Nice Treaty in 2000 extends the objective of promoting human rights and fundamental freedoms, from development co-operation to all forms of co-operation with third party countries, thus covering trade and association agreements.[1180] Needless to say, European officials place emphasis in their speeches on democracy and human rights issues. In a speech given by the former External Relations Commissioner Benita Ferrero-Waldner, emphasised the fact that the EU takes seriously "respect for human rights at home or elsewhere in the world as obligation".[1181] The External Relations Commissioner believes there is a link between democracy and the three elements of economic growth, prosperity and peace. She stated that:

> "Human security, democracy and prosperity can only be achieved in
> societies where fundamental human rights are respected. Humanity will not
> enjoy security without development; it will not enjoy development without
> security; and it will not enjoy either without respect for human rights."[1182]

She added that, in addition to the EU considering democracy and human rights to be a priority, the EU

[1175] European Commission. (2007). *The European Union: Furthering Human Rights and Democracy Across the Globe* European Commission External Relations: European Union. Retrieved from: http://www.eeas.europa.eu/human_rights/docs/brochure07_en.pdf. p.13. Access date: June 2, 2010.
[1176] Pace, M. (2009). Paradoxes and contradictions in EU democracy promotion in the Mediterranean: the limits of EU normative power. *Democratization 16*(1): 39 -58. p.41.
[1177] Gillespie, R. and Youngs, R. (2002). Themes in European Democracy Promotion. *Democratization, 9*(1).1 - 16.p.14.
[1178] European Commission (2007). *The European Union: Furthering Human Rights and Democracy across the Globe*. op. cit., p.14.
[1179] Ibid.
[1180] Baracani, E. (2008). The European Union and Democracy Promotion: A Strategy of Democratization in the Framework of the Neighbourhood Policy? (Doctoral dissertation, University of Florence, 2008).Retrieved from http://www.fscpo.unict.it/EuroMed/baracani.pdf. p.7. Access date: July 22, 2010.
[1181] European Commission (2007). *The European Union: Furthering Human Rights and Democracy across the Globe*, op. cit., p.14.
[1182] Ibid.

utilised its development aid programs, in particular the European Initiative for Human Rights and Democracy as incentive tools to encourage adopting the values of democracy and respect for human rights.[1183] In 2003, a Commission communication on Governance and Development provided policy guidance designed to strengthen the link between development, governance and political reform initiatives. The Commission stated that it sought to use its aid programmes "to promote freedom across the world as a basis for sustainable development".[1184]

> "We take a two-pronged approach: first, mainstreaming human rights concerns into all our policies and programs, and second, financing specific projects to promote and protect human rights. By mainstreaming we mean integrating human rights and democratisation throughout the EU policies, programmes and projects."[1185]

In the framework of its CFSP, the EU has forged a range of tools which have been used to promote human rights and democratisation such as through the policy of enlargement, the policy of partnership, political dialogue, and human rights and democracy clauses in the EU's agreements with its international partners. As a result, the EU became one of the most important players promoting democracy and reform around the world, especially towards its partners and neighbours in the southern or eastern countries.[1186] In order to implement these objectives and promote these values on the ground, the EU is spending millions of Euros yearly. According to Youngs, the European Instrument for Democracy and Human Rights spends more than 100 million Euros a year.[1187]

Several factors explain the motivations behind the EU's efforts to promote democracy. Some refer to the domestic factors inherent in the internal structure of the EU, in other words, the way European policy-makers perceive the international identity of the EU as a normative power among international players. This trend is led by Germany, which sees the EU as a normative power which must utilise economic and trade instruments to achieve political goals. Other reasons relate to the competence of the EU and its lack of military capabilities and finally the history of its members. The EU considers the democratisation process as part of peace-building which is often a main component of peace accords for national reconciliation after civil war or conflicts. Perthes argues that the "experience of two catastrophic wars in Europe (both concerned with nationalism and racism) was seen as

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[1183] Ibid.

[1184] Youngs, R., & Kausch, K. (2006). *Survey of European democracy promotion policies 2000-2006.* Madrid: FRID.

[1185] European Commission. (2007). *The European Union: Furthering Human Rights and Democracy across the Globe.* op. cit., p.15.

[1186] Yacoubian, M. (2004). *Promoting Middle East Democracy European Initiatives.* Washington, DC: U.S. Institute of Peace. Retrieved from http://purl.access.gpo.gov/GPO/LPS59638..p.11. Access date: July 22, 2010.

[1187] Youngs, R., & Kausch, K. (2006). op.cit.,p.23.

contributing to a strategy that ought to avoid the use of force."[1188] At the same time, McFaul argues that European democratisation policy is based on an idea that "encourages human development, fosters a relatively high degree of political equality, and promotes peace."[1189] McFaul concludes his argument by saying that "democracies do not fight one another, and they generate prosperity in their geography."[1190]

Pace emphasizes that all efforts at exporting democracy underline the EU's desire to "create an image for itself as a normative, global actor." It might also be that the European Union's lack of military capability to impose its policy on its neighbours and partners is one of the reasons that prompted the bloc to exploit peaceful and civil means as a way of change, including such strategies as membership, economic trade development, rule of law, human rights, democratisation and reform.[1191]

In addition to the aforementioned internal factors, there are external factors that have prompted the EU to promote democracy abroad. Morlino divided the external motivations behind the European democratisation efforts into four categories. First, during the 1970s and early 1980s the Community had to cope with the need to facilitate democratic consolidation in formerly authoritarian Greece, Spain and Portugal as a key aspect of these countries' admission into the Community. Second, the collapse of the Soviet Union in the late 1980s and early 1990s posed dangers of post-Communist instability and hyper-nationalism for the EU.

The response culminated in the formal decision, made in December 2002, to enlarge the Union to include ten new Member States.[1192] Third, Morlino considered the geographic location with Europe as one of the most important motivations behind the European efforts aimed at democratising the Mediterranean, the Middle East and North Africa. Finally, the colonial history of several key EU Member States (Belgium, France, Netherlands, Portugal, Spain and the UK) meant that since the 1960s, the Community has been engaged in more traditional forms of democracy promotion through its aid and development policies, particularly vis-à-vis the African, Caribbean and Pacific (ACP) countries.[1193]

6.2.1 EU Democratisation Motivations in the Middle East

The EU considered the Mediterranean and North Africa (MENA) region as a strategic partner due to both economic (trade, migration, energy) and political (stability, security) interests. However,

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[1188] Perthes, V. (2004a). Arab Reforms in the Context of the EU's Wider External Relations with the Middle East: Past and Future Strategies. In *Arab Reforms and the challenges for EU policies A Thousand and One Steps – the Arab World and Development*. Helsinki: The Finnish Ministry for Foreign Affairs.

[1189] McFaul, M. (2004). Democracy Promotion as A World Value. *The Washington Quarterly 5* (56). p.56.

[1190] Ibid. p.56.

[1191] Morlino, L. (1998). *Democracy between Consolidation and Crisis: Parties, Groups and Citizens in Southern Europe*. Oxford: Oxford University Press.p.16.

[1192] Ibid. p.16.

[1193] Ibid.

European interests in the region face several challenges that might put European interests at risk. Autocratic, non-democratic regimes, poor records in protecting human rights and freedom of the individual, and lack of rule of law are considered by the European decision-makers as the main sources of instability in the region which might spill over onto European soil. Its geographical proximity and fears of mass migration and radical Islam and terrorist attacks prompted the EU to tackle these challenges. In its strategy to fight terrorism, the European Council emphasises that the European Union's "aid projects to third countries in the field of good governance and the rule of law are addressing factors which can contribute to radicalization and recruitment"[1194] Jünemann argues that most of the European initiatives towards the MENA region build on the strategy of "stabilization through co-operation."[1195]

She added that this approach was "combined with a forceful attempt to export the west European security model based on democracy and the market economy."[1196] She considered EMP at a regional level, and its bilateral Association Agreements, and the European Neighbourhood Policy (2003) and its Bilateral Action Plans, to be the main tools with which to implement the new European approach.[1197] Keohane echoed the belief that fears of radical Islam and terrorist attacks was one of the main motivations behind the promotion of democracy and economic and legal reforms in the MENA region.[1198]

Youngs also supports Keohane's argument stating that the main strategy of the European partnership - democracy promotion and reform towards the Middle East – is built on an ideology which addresses the social and economic roots of radical Islam, so that "political liberalization would be less likely to produce anti-western orientations and over time provide the means to more effectively secure a Euro-Mediterranean area of shared prosperity and stability."[1199]

Both the EMP and the ENP initiatives include democracy and human right clauses in their agreements. In addition, they have initiated several projects to encourage adopting and implementing good government and the rule of law, democracy and human rights. Moreover, the European Common Strategy on the Mediterranean Region of June 2000 emphasises the importance of democracy and respecting human rights as an important element:

"The EU will work with its Mediterranean partners to: develop good neighbourly

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[1194] European Union Council. (2007). *The European Union and the Fight Against Terrorism.* Retrieved from : http://www.consilium.europa.eu/uedocs/cmsUpload/FactsheetfightagainstterrorismENrev1.pdf. Access date: October 10, 2010.
[1195] Junemann, A. (2003). Security-Building in the Mediterranean after September 11. *Mediterranean Politics 8*, 1-20. p.2.
[1196] Ibid.p.2.
[1197] Ibid. p.3.
[1198] Keohane, D. (2008). The Absent Friend: EU Foreign Policy and Counter-Terrorism. *Journal of Common Market Studies (JCMS), 46* (1) 125–146. p.126.
[1199] Youngs, R. (2002). The European Union and Democracy Promotion in the Mediterranean: A New or Disingenuous Strategy. *Democratization, 9*, (1) 40-62.

relations; improve prosperity; eliminate poverty; promote and protect all human rights and fundamental freedoms, democracy, good governance and the rule of law."*1200*

6.2.2 Motivation in the OPTs

The EU generally believes that only a capable and institutionalizedPA could be an effective participant in any renewed peace process. In other words, the main motivation behind the EU democratisation efforts in the OPTs is that reforming the PA would increase international and even Israeli confidence in the PA and enhance its ability to negotiate authoritatively on behalf of the Palestinians. Chris Patten, the European Commissioner for Foreign Relations, laid out the European reform agenda:

> "In particular we need to focus our efforts on creating a constitutional government by shaping the institutions foreseen in the basic Law and making them efficient and accountable; establishing a truly independent judiciary and a harmonised national legal and regulatory framework more suitable to a free society and market, as well as abolishing state security courts; establishing democratic participatory politics and a pluralist society by creating a more effective Legislative Council that would exercise enforceable Domestic and International Agenda."[1201]

Democratisation, human rights, and reform have become located at the heart of the official EU rhetoric in its relations with Palestine, especially as the EU's policy on human rights and democratisation in the Mediterranean has been presented by the EU as a strategic, not merely an ethical imperative.[1202] Similar to the rest of its Association Agreements, the EU gives human rights and democracy priority in its relations with the PA. Article 2 of the Association Agreement states that:

> "Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the universal declaration on human rights, which guides their internal and international policy and constitutes an essential

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[1200] European Council. (2000). Common Strategy of the European Council on the Mediterranean Region. CFSP: Official Journal of the European Communities.

[1201] Cited in Brown, N. (2007). Requiem for Palestinian Reform. Clear Lessons from a Troubled Record. Carnegie Endowment for International Peace, Carnegie Paper No. 81. p.77.

[1202] Youngs, R. (2003). European Approaches to Security in the Mediterranean. Middle East Journal, 57 (3)p.416.

element of this Agreement."[1203]

In addition, the association agreement emphasises "promoting respect for human rights and democracy, inter alia through socio-professional dialogue."[1204] In 2004, the EU and the PA agreed on an ENP Joint Action Plan setting out jointly agreed priorities. The Interim Association Agreement is the main instrument for the implementation of the Plan. Three subcommittees were established to facilitate implementation of the priorities of the Plan. Democracy and rule of law were one of the main principles of the Action Plan. The partners utilised the Plan as the main instrument to achieve and establish an independent, impartial and fully-functioning judiciary in line with international standards and to strengthen the separation of powers. The main objectives of the Action Plan were to:

> "Adopt a coherent strategy for judicial reform, ensure progress on unification of the legal codes of the West Bank and Gaza Strip Ensure, effective implementation of the Basic Law, in particular those articles relating to Citizen's Rights and Civil Libertie …transparent division of responsibilities between the Supreme Judicial Council and the Ministry of Justice and strengthen the administrative capacity, improve conditions for training in relevant areas (including human rights) and examine possibilities for establishing a Judicial Training Institute Implement reform of the PA security services."[1205]

According to the treaty, the Action Plan covers a timeframe of three to five years. Its implementation would "help fulfil the provisions in the Interim Agreement (IA) and [will] encourage and support the PA's national reform objectives and further integration into European economic and social structures."[1206] The EU-Palestinian Authority action plan covered several areas of cooperation. The articles of EU- Palestinian Authority Action Plan emphasised several aims called "priorities for action." These priorities included political dialogue, democracy and rule of law, human rights issues, trade liberalisation, judicial reform, economic and social cooperation and development[1207]. "Political dialogue, reform and building the institutions of an independent, democratic and viable Palestinian State" occupied an important position in EU-PA relations. The action plan considered this aim as "facilitating efforts to resolve the Middle East conflict and to alleviate the humanitarian situation in

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[1203] European Commission. (1997). Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the European Community and the OPTs Liberation Organization (PLO) Official Journal of European Union (187). p. 0003 – 0135.
[1204]   Ibid.
[1205]   Ibid.
[1206]   Ibid.
[1207]   Ibid.

the PA."[1208] In addition, the political section of the EU-PA action plan emphasised several issues such as the importance of "ensuring respect for international law, in particular international humanitarian law, the fight against terrorism, co-operation on non-proliferation of weapons of mass destruction, ensuring respect for human rights in the fight against terrorism and incitement to violence."[1209]

The European strategy stressed the need to adopt a coherent strategy for judicial reform, ensure effective implementation of the basic law, in particular those articles relating to citizen's rights and civil liberties, progressively improve the courts' infrastructure, improve conditions for training in relevant areas (including human rights) and examine the possibility of establishing a judicial training institute and implement reform of the PA security services. On the human rights and fundamental freedoms level, the agreement also stressed the need to "strengthen legal guarantees for freedom of speech, freedom of the press, freedom of Ensure the respect of human rights and basic civil liberties in accordance with the principles of international law, and foster a culture of non-violence, tolerance and mutual understanding."[1210]

6.2.3 European Democratesation Efforts in Numbers

The EU provided substantial financial assistance to support democracy promotion and reform in Palestine. Assistance for the Palestinians has been provided through different financial instruments and institutions, such as the MEDA programme, which is the finical instrument of the Barcelona Process, the European Neighbourhood Partnership Instrument (ENPI) and the European Instrument for Democracy & Human Rights EIDHR, which replaced MEDA in 2007 and became the main financial instrument for democracy promotion, human rights and reforms programmes.

According to European Commission statistics, between 1994 and 1998, € 4.201 million out of a total € 308 million was allocated to human rights and democracy projects.[1211] In his analysis of the European agenda in Palestine, Stetter found that projects and programmes, and financial assistance that directly or indirectly relate to democratization processes and human right rights "comprised around € 231.2 million or 52.6 per cent of all assistance to the OPTs in 1994–98."[1212]

> "The EU has committed €22.5 million (5.1 per cent) of assistance to
> 'institutional building', € 50 million (11.4 per cent) in support of

[1208] European Commission. (2004). EU-Palestinian Authority Action Plan. *Official Journal of European Union*.
[1209] Ibid.
[1210] Ibid.
[1211] European Commission. (2010). *Assistance to the Palestinians.* Avilable at: http://eeas.europa.eu/delegations/westbank/index_en.htm. Accessed on 14.Ooctober 2010.
[1212] Stetter, S. (2003). Democratization without Democracy? The Assistance of the European Union for Democratization Processes in Palestine. *Mediterranean Politics, 8* (2) 153 - 173. p.163.

municipalities', while the 'private sector' received £ 22 million (five per cent)".the Palestinian elections were supported with € 12.9 million (2.9 per cent) 'TV/Radio' with € 1.5 million (0.3 per cent) and 'MED/PEACE Networks' with _8.3 million (1.9 per cent). Support for 'education/running costs' comprised € 114 million, that is, 26 per cent of all assistance."[1213]

Figure 11: EU Disbursements on Palestinian Institution Building 2002-2009.
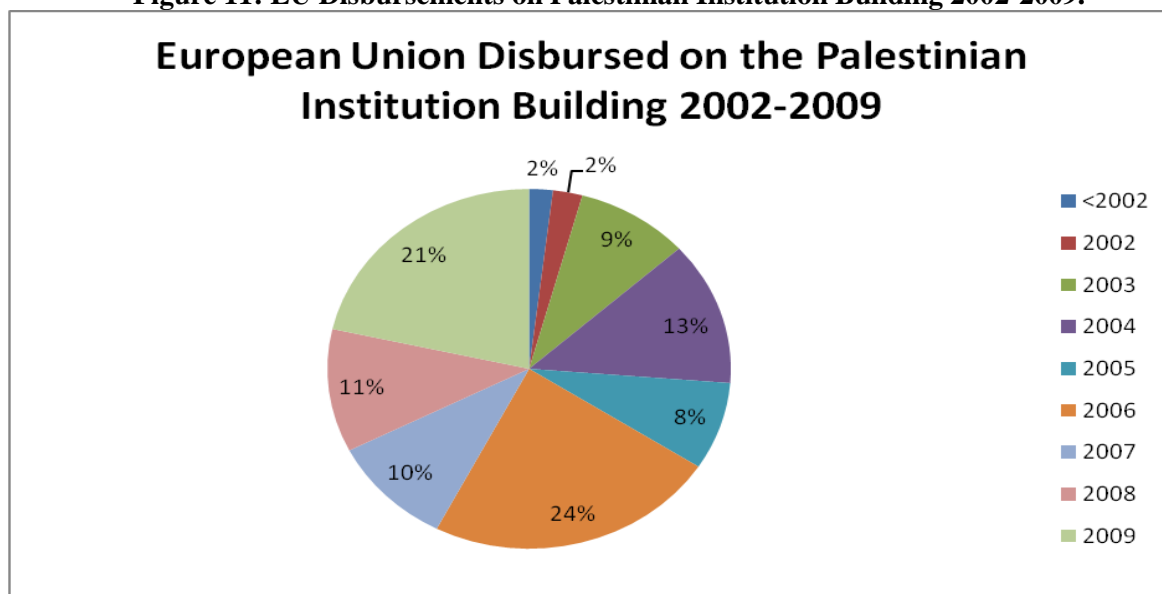
Source:- Palestinian Authority, Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination March 2010.

6.2.4 The EU's Democracy Promotion Achievements in the OPTs

As this figure No. 11 shows, the EU allocates part of its financial aid to support the institutional building of the PA, democracy promotion and human rights. The figure shows a gradual increase in EU disbursements on Palestinian Institution Building, especially after the current Prime Minister Salam Fayyad put reforms and transparency in places of authority on the PA's agenda. In addition, the increased European interest in the institutional building came to meet the needs of the Palestinian Reform and Development Plan (PRDP) sets out (the Palestinian Authority's vision for institutional reform and development and its ambitions to establish a democratic and sovereign Palestinian state. On the ground, the EU's efforts succeeded in implementing many of the European reform and democratisation programmes. For example the EU financed a number of major projects in public financial management. A €4 million project to support the Internal Control and Internal Audit Departments of the Ministry of Finance is helping to improve public financial management and to increase efficiency and accountability. A long-term project with the State Audit and Administrative Control Bureau, the PA's external audit institution, was recently launched. The EU also finances the

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1213   Ibid.p. 162

"modernising of Palestinian Customs through the third ASYCUDA programme, a €2.5 million project."[1214]

The EU actively participated in the Task Force on Reform, whose role is to monitor and support the implementation of Palestinian civil reforms, and guide the international donor community in its support for the Palestinian reform agenda. The members of the Quartet have managed to impose many reform obligations on the Palestinians. In order to build Palestinian government institutions, financial aid, material assistance and training were provided to key ministries and agencies: the Legislative Council, the police, the Statistics Bureau, the Palestinian Broadcasting Corporation, local authorities, etc. Furthermore, the EU wanted to give the PA democratic legitimacy, and therefore the EU supported and funded the presidential and the legislative elections in 1996, and in 2005, deploying election monitors and organizing the overall co-ordination of the election monitoring.[1215]

The European Commission provided the PA with €7.5 million which was used for preparing the electoral law, drawing the electoral districts' boundaries, setting up the election administrative machinery, training election officers, conducting a public civic education campaign. Furthermore, "the EU committed €10million (US$12 million) out of the Community budget to cover the cost of the observation operation [which] included approximately 300 observers."[1216] In addition, the European Council endorsed, in November 2004, a short-term program of action, proposed by the High Representative, to support the PA in the fields of security, reforms, economy and elections. Therefore since 2004 the:

> "EU has contributed € 13.3 million to its set-up, approximately 65 per cent
> of its total costs of the Palestinian election. The EU also contributed to the
> 2004 voter registration, the summer registration of 2005, the Palestinian
> Legislative Council Elections of 2006, and the update of the registry of
> voters in 2007."[1217]

In 2002-2003, judicial reform programmes amounting to a total of seven million Euro were launched, aimed at modernising the Palestinian judicial system. The EU supports this judicial reform through a number of major programmes these include: "establishing the Palestinian Judicial Training Institute a permanent professional training system; providing legal training for judges and prosecutors and IT

[1214] The European Commission. (2009). *Helping to Build Palestinian State Promoting Good Governance and the Rule of Law*. Retrieved from
http://eeas.europa.eu/delegations/westbank/documents/eu_westbank/governance_en.pdf. Access date: October 10, 2010.
[1215] Asseburg, M. (2003). The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership. *Mediterranean Politics,8*. 174-193. p.178.
[1216] UNISPAL (United Nations Information System on the Question of Palestine). (2009, December) *Press Release by the European Commission on the Issue of the Palestinian Elections, 19 January 1996.*Retrieved from http://unispal.un.org/UNISPAL.NSF/0/C67AF1DCCFD65FDF85256329006C0D0C. Access date: October 10, 2010.
[1217] Khatib, K. (2009). How Promotion of Political Reform by the European Union is perceived in the Arab World: The Cases of Lebanon and the Palestinian Territories. Stockholm: International Institute for Democracy and Electoral Assistance .p.11.

training for all legal staff."[1218] The programmes comprise both material assistance and the training of judges and prosecutors. Moreover, the EU has organised human rights training for Palestinian security services. [1219] Finally in the field of reforming and modernising the Palestinian police, more than €16 million has been provided by the EU for the reconstruction of the Jericho Police Training Centre, which was designed by EUPOL COPPS, and for regional police and security facilities.[1220]

Following the Barcelona Process, the European Union, mainly the European Commission, managed through the MEDA programme to set up the element of conditionality "by arguing that any violation of human rights or of democratic principles would immediately entail a suspension of the aid."[1221] This strategy enforced the PA to implement several steps aimed at improving the PA reforms, especially in the financial sector and transparency.

The Ad Hoc Liaison Committee[1222] meetings between 2003 and 2009 recognised the improvements that the PA have achieved in its effort to reform its financial system. For example, in its meeting in Rome in December 2003, the Committee emphasised EU budgetary support and its conditions as well as US support, and has managed "advancing key reform measures such as financial accountability."[1223]As a result of increasing domestic and international pressure in June 2002, the PA adopted a wide-ranging programme on reform. A number of important measures were taken, such as the adoption and implementation of the Basic Law, and legislation on the independence of the judiciary.[1224] In February 2003, the Palestinian Legislative Council adopted the 2003 budget which was for the first time made public, and more generally, important efforts were made to strengthen financial control.[1225] In addition, the European Commission has succeeded in promoting transparency in public finances to the PA through unification of its account into a single financial account under the supervision of the Ministry of Finance which is monitored periodically by the International Monetary Fund.[1226] In 2002, under pressure from international donor community, President Yasser Arafat

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[1218]   The European Commission. (2009). Helping to Build Palestinian State Promoting Good Governance and the Rule of Law. Retrieved from
http://eeas.europa.eu/delegations/westbank/documents/eu_westbank/governance_en.pdf. Access date: October 10,2010.
[1219] Ibid.
[1220] Ibid.
[1221] Al-Fattal, R. (2010). The Foreign Policy of the EU in the Palestinian Territory. CEPS Working Document 328-33. p.39.
[1222] Participants in the AHLC included Norway (Chair), the European Union (Co-Chair), the United States, Japan, Canada, Jordan, Russia, Saudi Development Fund, the Arab League, the UN, Egypt, the Islamic Development Bank, Tunisia, the IMF and the World Bank (Secretariat), the Government ofIsrael, and the Palestinian Authority.
[1223] European Commission. (2007). The EU's relations with West Bank and Gaza Strip. Retrieved from Europa, http://ec.europa.eu/comm/external_relations/gaza/intro/index.htm. Access date: September 11, 2009.
[1224]   For more information about the Ad Hoc Liaison Committee see the Committee reports for 1999 - 2009 see at:http://www.eu-norway.org/ARKIV/newsarchives/AHLC/, and also
http://www.mofa.go.jp/announce/event/1999/10/1008-1.html.
[1225] European Commission. (2004). *European Neighbourhood Policy Country Report Palestinian Authority of the West Bank and Gaza Strip.* European Neighbourhood Policy: European Union.
[1226]   Al-Fattal, R. op. cit., p.20.

adopted a work plan for the new government, known as the 100-Day Plan.[1227]

In order to support the reform and rebuild the police force in the West Bank and Gaza, linking security as a development precondition to democratic governance, and in an attempt to link security assistance to the strengthening of the rule of law and supporting the peace process, the EU adopted in 2005 Joint Action to establish the European Coordinating Office for Palestinian Police Support (EUPOL COPPS), and EU Border Assistance Mission Rafah (EU BAM Rafah). Several observers believe these reforms would not have seen light without international pressure on the PA and without the conditionality being used as a tool to enforce and implement the reforms that the PA needed.

Brown argues that, as a result of the obligations imposed by the Task Force on Reform on the Palestinians, "the PA had perhaps the most transparent and efficient fiscal apparatus of any Arab state." He adds that "the Basic Law was not merely dusted off and approved; it was also amended in order to transfer executive authority from the office of the president to a cabinet headed by a prime minister fully accountable to the parliament." Brown considers the constitutional reform one of the pre-eminent achievements of the international pressure on the PA and the conditionality where as a result of this pressure "the internal security placed under the authority of the cabinet, theoretically ending its isolation from parliamentary oversight.[1228] However, the European Union's achievements in this area were not an easy task. The following sections will look at the determinants and challenges that EU deomocratisation efforts are facing and how the EU and its mechanism faced them.

6.3 EU Democratisation Determinants

6.3.1 The First Determinant: Difference between the Member States' Attitudes towards Democratisation Efforts in the OPTs

Despite the unified European approach towards the promotion of democracy, behind the façade there lies the enduring reality of differences between the EU's members. Although they have a long experience of cooperating in the Middle East, EU member states have very different views on the long-term role of political Islam in the regional order. These differences are the result of their own approaches, interests and priorities in the region, but have also been tinged by each country's particular domestic experiences and established practices of relating to Islam in their domestic context. To demonstrate how great these differences continue to be, one does not need to look any further than the policies of the EU's three largest member states. Each of them has positioned itself quite differently on the engagement- versus- containment pendulum concerning political Islam in the aftermath of 9/11, demonstrating the complexity of finding a common approach that goes beyond the

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[1227] The Palestinian Centre for Human Rights. (2003) *Human Rights in the Palestinian Occupied Territories*. Gaza: The Status of Palestinian Citizens' Rights, p. 44.
[1228] Brown, N. op.cit., p.54.

lowest common denominator.

Although the European integration process (specifically the Schengen Agreement (1985) which erased the border between EU members) "Europeanised" the external threat coming from the MENA region, different perceptions of the threat have contributed to a division in European member states over the democratisation process. European member states are divided into two groups in their stance towards the promotion of EU democracy and reform policies; the first group are the southern members: France, Spain, and Italy, who are cautious of supporting the European democratisation effort due to fear of the destabilising change in the MENA region which might affect their security directly due to geographical proximately.

The main characteristic of the policies of the southern members is that they would prefer a gradual change in MENA, since they believe sudden change might bring chaos and violence rather than stability. In other words, they believe in changing the system rather than changing the regimes. Pace describes this policy as EU members preferring to deal with 'the devil you know.'[1229] Therefore they "judged the EMP to have tied southern EU states into at least some critical focus on democracy."[1230] Youngs believes that as way to maintain good relations with their partners in MENA the southern members of the EU have attempted to "exclude references to democracy from the Barcelona Process but under the insistence of the northern states on such a commitment only after northern states sanctioned new aid funding for the region."[1231] In contrast, the second group, the northern members - Germany, Sweden, and Denmark- show more interest in the democratisation programme and are louder in their criticism of the non-democratic states in the MENA region.[1232]

The southern states welcomed the Barcelona Process and its democratisation programmes "as a means of constraining the idealistic fervour," as they perceived it. In addition, Youngs argues that the northern EU members "still argued that there was more scope to push harder for political change without endangering stability in the short term."[1233] Jünemann supports Youngs' argument, believing that southern Europe members are "tacit allies in the attempt to undermine the EU's external policy of democracy promotion". She refers to this attitude as a need to cooperate with the regimes in MENA region.

> "Since the fight against international terrorism has gained top priority, demands to reduce political conditionality within the EMP have been brought forward by Europeans too. Their motivation derives not so much from the proclaimed partnership

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[1229] Pace, M. (2009).op.cit.,p.42.
[1230] Youngs, R. (2002). op.cit., p.60.
[1231] Ibid. p. 62.
[1232] Ibid.
[1233] Ibid. p.33.

spirit, but rather from the fear that sanctioning instruments might have negative repercussions on their national interests in the region."[1234]

After analysing the EU's budget and the individual member states' democracy promotion and reforms budget towards the MENA region, Youngs found that - except for the high level of support provided by nearly all European donors to the OPTs - "the democracy assistance to the Middle East was disproportionately low in the case of Germany, the Netherlands, Sweden, Spain, the European Commission and, most markedly, France."[1235] In his analysis of the attitudes of the main European member states France, Germany and Britain towards democracy and human rights issues, Behr found that the French foreign policy towards the issues of democracy and human rights in the MENA regiont is a reflection of French identity and interests.[1236] He highlighted the importance of Islamist terrorist attacks on French soil and the desire to reduce the effect of the Islamic ideology on the French identity especially, with more than four million Muslims, mostly from North Africa, living in France. These factors prompted the French government to take a strong stance against Islamist groups and governments and turn a blind eye to human rights abuses by French allies in the Middle East; thus they "worked within the EU to moderate criticism of Arab regimes."[1237]

The French attitudes towards Islamic movements in the Middle East, mainly Hezbollah in Lebanon and Hamas in Palestine, differed significantly. France not only opened dialogue with Hezbollah but also rejected proposals from other member states to put it on the EU terrorist list. With regards to the POTs, France resisted the proposals from other European member states to include Hamas in the EU's list of terrorist organisations.[1238] However, the French stance changed in 2003 under pressure from the Netherlands and Britain after a suicide attack by Hamas in revenge for the assassination of its leader, Ismail Abu Shanab.[1239]

Pace explains French attitudes by saying that the French government approved of "managed democracy" in the Middle East, when it suited them.[1240] In addition, France argued against an immediate suspension of EU aid to the PA after the Hamas victory in the January 2006 parliamentary elections.[1241] France supported Russia in its decision to invite Hamas leaders to Moscow, saying "the move could help advance the peace process." [1242] Moreover, the French opposed the American

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[1234] Jünemann, A. (2003). Security-Building in the Mediterranean After September 11. *Mediterranean Politics, 8*(2&3)1-20.
[1235] Youngs & Kausch, op.cit., p.22.
[1236] Behr, T. (2008). Enduring Differences? France, Germany and Europe's Middle East Dilemma. *Journal of European Integration*, *30* (1) 79 - 96. p. 86.
[1237] Ibid. p. 86.
[1238] Youngs, R. & Kausch, K. op.cit,.p.172.
[1239] Lyons, K. (2009). *The EU: An International Agent in Palestine?* Palmerstone North, New Zealand: Massey University.
[1240] Pace, M. (2009). op. cit., p.42.
[1241] Youngs, R. & Kausch, K. op.cit.,p.100.
[1242] Lempkowicz, Y. (2006). France supports Russian invitation to Hamas. *European Jewish Press*.p.4.

method of pushing for the democratisation of OPTs as a way to isolate and replace Arafat. Therefore, at the beginning of 2004, France supported and encouraged delayed elections in the belief that these would actually return Arafat to office with renewed legitimacy.[1243]

With regards to the French stance towards the Israeli violation of the Palestinians' human rights during the Israeli war in Gaza, the French government, accompanied by Austria, Britain, France, Bulgaria, Croatia, Denmark, Latvia, Sweden, Romania, Greece, Belgium, Estonia, Lithuania, Finland, Luxembourg and Spain preferred to abstain during the voting on the report of the UN Fact-Finding Mission on the Gaza War, led by Justice Richard Goldstone.

Although the EU played a critical role in helping Spain to adopt democratic methods, Spain has not been one of the more active players in European democracy promotion.[1244] In addition, the current Spanish government is reluctant to criticise the non-democratic regimes in the Middle East and North Africa and has invariably made "diluted EU criticisms of democratic abuses in North Africa."[1245] For example Spain continued to resist proposals from other EU member states for critical demarches on, for example, the Moroccan government's frequent clampdowns against the press.[1246] Additionally the current Spanish government, led by Zapatero, blocked the European Parliament's attempt to insert a strengthened democracy clause in the new financial instrument guiding EU aid to the Neighbourhood Partner states. [1247] This attitude has prompted the rest of the EU's member states, mainly northern European states, to criticise Spain for "cosying up" to authoritarian Arab regimes who "could not possibly understand" the need for such a position.[1248]

Youngs relates this policy to many reasons, mainly to Spanish fears that democracy promotion and removal of authoritarian regimes might be more harmful than beneficial for Europe, especially as transition to democracy could create instability and violence in Spain's neighbours which might affect Spain especially due to its geographical proximity with North Africa and the Middle East.[1249] Therefore Spain, like the rest of the southern European member states, has been against the use of the conditionality clause in its agreements.[1250] With regards to OPTs, the Spanish government opposed America's isolating of Arafat since he was elected by his people. Spain was also against including Hamas on the European Union's terrorist list.[1251] After the 2006 election, Spain was in favour of dealing with the Hamas-led government as the best way of moderating the movement and encouraging it to become involved in the peace process.

[1243] Youngs, R. & Kausch, K. op.cit.,p.100.
[1244] Ibid. p.159.
[1245] Ibid.p.175.
[1246] Youngs, R. (2006). op.cit.,
[1247] Ibid.
[1248] Ibid.
[1249] Ibid.
[1250] Ibid.
[1251] Miller, R. (2007). Why the European Union Finally Sidelined Hamas. *Focus 1* (2).

In general, the Scandinavian member states of the EU are considered the strongest advocates of the promotion of democracy and human rights within the EU and around the world. According to Youngs, Swedish democracy promotion is not connected to geographical coverage and was not as concentrated in its regional priorities as that of many other European donors. In addition, the Swedish do not hesitate to criticise or stop their aid to the non-democratic states "in cases where the abuse of democratic rights worsened." Sweden was however, not supportive of any general use of political conditionality, which in broad terms was seen as a blunt instrument for incentivising political reform.[1252]

With regard to the Middle East and North Africa, the Swedish government was the main engine behind the EU democratisation and human rights programmes towards the region. For example Sweden always criticised the restrictions on press freedom in Morocco, but clashed with the latter – and with Spain and France – most strongly on Western Sahara.[1253] Also, Sweden was not engaged in providing assistance for Middle Eastern security forces. With regards to the Palestinian issue, in addition to their aid and technical assistance in the field of reform and education and human rights programmes, the Swedish were in favour of supporting Arafat against the efforts of the Americans and some EU members to ostracise him.[1254] The Swedish policy kept its relationship with Hamas officials and called on the EU to recognise the Hamas government. In fact, Sweden granted a visa to a Hamas government minister.[1255]

According to Youngs, although Tony Blair's government did not pay attention to democracy promotion, either in Labour's 1996 policy document, *Britain and the World,* or in the party's 1997 election manifesto, the issues of human rights and democracy become important in British foreign policy after 11 September 2001. The UK then considered the Middle East a priority area for UK democracy promotion. The British government was particularly interested in reforming the PA, especially regarding security forces and institutional reform. For example, in 2003 the British government agreed a 50 million euro aid package for the OPTs including a notable (15 per cent) shift of UK funds into the area of 'institutional reform.'In 2004, Blair's government followed the American policy towards Arafat and pressed the Palestinian leader for new elections.[1256]

Within the EU, Germany is viewed as a main supporter of democracy and human rights. This, according to Behr, is because these values reflect the German identity as a "civilian power".[1257] With regards to the Middle East, Germany has a different attitude to France. According to Behr, it has

[1252] Youngs, R. & Kausch, K. op.cit.p.206.
[1253] Youngs, R.(2006). op.cit.,
[1254] Ibid.p.202.
[1255] Miller, R. (2007). op.cit.,
[1256] Ibid.
[1257] Behr , T. (2008). op.cit., p.87.

shown a willingness to engage in a dialogue with the Islamist movements and "rather than hindering change in the Muslim world, it has sought to engage with new regimes and forces, on the premise that this engagement could lead to moderation and a gradual transition to democracy."[1258] However, Germany shares the same concerns as the rest of the EU members over the impact of Middle Eastern instability as a result of sudden change in the Arab regimes.

Therefore, the German government adopts engagement methods with civil society, positive conditionality and public diplomacy.[1259] German policy towards the OPTs also differs when it comes to German -Israeli relations. Although the Germans are willing to engage in a dialogue with the Islamic movement in the Arab world, Germany refuses to deal with a Hamas-led government. In addition, Germany, together with, Italy, the Netherlands, Poland, Hungary, the Czech Republic and Slovakia voted against the report of the UN Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone.[1260]

6.3.2 The Second Determinant: The Israeli Occupation

The Israeli occupation can be considered among the external factors that the EU democracy and reform project has to cope with in Palestine. A number of observers think that attempting to build a democratic and viable Palestinian state is a difficult or even impossible mission under conditions of occupation. Al-Fattal argues that "even if the elections had resulted in a positive scenario, under occupation it would have been rendered superfluous because the rules of procedure entailed in making decisions binding are subject to change at the whim of the occupying power."[1261] Israeli occupation weakened the institutional capacity of the PA through daily attacks on the Palestinian infrastructure and institutions, such as such courts, ministries legislative councils and the arrest of more than half of its - mainly Hamas - members.[1262]

This was recognised by the European Neighbourhood Policy 2008 Progress Report on the, OPTs which stated that "the respect of human rights and basic liberties, in particular the right to life and personal safety, suffered further setbacks as a result of the violations committed by Israeli forces:

> "Two important specific areas need to be tackled. Firstly, the issue of
> reconciling the declared Jewish nature of the State of Israel with the rights of
> Israel's non-Jewish minorities. Secondly, the violation of Human Rights in

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[1258]   Ibid. p. 87.
[1259]   Ibid. p. 87.
[1260]   Amnesty (2009). UN vote on goldstone report a defining step for accountability, says amnesty international. *New York Amnesty International.*
[1261] Al-Fattal, R. (2010). op. cit., p. 33.
[1262] European Commission. (2008). *Communication From The Commission To The European Parliament And The Council Implementation of the European Neighbourhood Policy in 2008* Progress Report the Occupied Palestinian Territory, SEC (2008). Retrieved from http://ec.europa.eu/world/enp/pdf/progress2008/com08_164_en.pdf. p. 6. Access date: September 2, 2010.

the context of the occupation of Palestinian Territories. There is an urgent need to place compliance with universal human rights standards and humanitarian law by all parties involved in the Israeli/Palestinian conflict as a central factor in the efforts to put the Middle East peace process back on track. This will require a special effort by the EU and the setting up of an appropriate strategy."[1263]

After the war on Gaza in December 2009 the UN Fact Finding Mission, headed by South African judge Richard Goldstone, accused both Israeli and Hamas forces in Gaza of "committing war crimes and possibly crimes against humanity and violations of international law."[1264] Ironically, Naser believes that donors helped the Israeli occupation by their assistance. He argues that donors relieved Israel of its obligations under international law as the occupying power, and at the same time used their aid to appease the Palestinians. This is why Israel played the fundraiser for the Palestinians by collecting taxes, but withheld their dues when the January elections changed the rules of the game.[1265] Youngs also acknowledged that there were difficulties in adopting reforming policies under Israeli occupation, asserting that:

"There is a two-way relationship between the occupation and the reform of Palestinian institutions: "[…] one cannot not have a fully functioning, democratic Palestinian state until occupation is ended, so that is still the big issue, and that focusing and pressing on issues of corruption, for example, should not be a kind of pretext for taking the critical spotlight off occupation."[1266]

Nathan also highlights that "reforming and building a democratic Palestinian necessitates an end to violence and Israeli occupation holds each other hostage."[1267] He adds that:

"The cause of reform faces a difficult conundrum. One the one hand, real progress in reform seems impossible without some diminution of the conflict with Israel and relaxation of Israeli restrictions on travel within the West Bank and Gaza. On the other hand, such political changes seem unlikely

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[1263] Ibid.
[1264] Amnesty (2009). op.cit.,
[1265] Nasser, N. (2006,September 6th). Western Donors to Palestine: What Mission? Aid has turned into a tool which supports Israeli ambitions. *Global Research*. Retrieved from http://www.globalresearch.ca/index.php?context=va&aid=3161. Access date: September 2, 2010.
[1266] Union Committee, House of Lords. (2006). *European Union Committee 26th Report of Session, the EU and the Middle East Peace Process.* Volume I: Report. London: House of Lords.
[1267] Brown, N. (2002). *The Palestinian Reform Agenda Peace* Works No. 48. Washington DC: United States Institute of Peace. p.47.

unless robust Palestinian institutions—the kind the reformers have worked to build—can guide Palestinian society."[1268]

The Palestinian General-Delegate to the UK, Manuel Hassassian, also stated that the occupation was the key factor hindering progress, arguing that: "the occupation has played a detrimental role. We cannot undermine the fact that the Israelis have not been very helpful, cooperative or happy to see the involvement of the Europeans in building capacity for the Palestinians."[1269]

6.3.2.1 The EU Response to the Israeli Occupation Policy

According to several observers, European policies towards Israel and towards Israeli military operations in the OPTs contain many contradictions which can be understood within the framework of the European CFSP.

First, the EU never implements the conditionality clauses in its partnership and association agreements with Israel, despite the latter's violation of Palestinian human rights. Although it reiterates its stance in this regard, the EU effectively turns a blind eye to Israeli atrocities and human rights violations, including separate road systems designated for the settlers, checkpoints, curfews, the 'partition wall', settlements, and the Israeli destruction of Palestinian infrastructure. All these are military actions which contradict the European Mediterranean Partnership's democratization and reform policy, in which Israel participated and of which it is a part. In fact, the EU institutions hardly ever describe (at least officially) "the occupation as a violation of democratic and human rights."[1270] The EU and its member states have never allowed the European Commission to suspend the EU-Israel Association Agreement, impose any sanctions on Israel or use its trade partnership as a policy to enforce Israel to implement its commitments and obligations. In fact many times the member states have shielded Israel from all EU proposals to sanction Israel. Legally, their policies in this regards is backed up by the EU pillar structure, which separates the economic and trade decision in the first pillar from the political decision in the second pillar.

As chapter four demonstrated the EU member refused to sanction Israel or impose any kind of restrictions on its products that might provoke the Israeli governments and its main ally -the US. The divergent opinions among the EU members and the European institutions about boycotting products and exports produced in the Israeli settlements in the West Bank and Gaza and over upgrading EU-Israel relations explained in chapter four are other clear examples of continuing division between the views and actions of the individual member states and the activities of the Brussels-based institutions.

[1268] Ibid.p.47.

[1269] Hassassian, M. Quoted in the Union Committee, House of Lords (2006). *European Union Committee 26th Report of Session, the EU and the Middle East Peace Process*. Volume I: Report. London: House of Lords. p.47.

[1270] Pace, M. (2008). *Notions of 'Europe'. Where does Europe's Southern Periphery Lie?* Paper given at the Annual Meeting of the International Studies Association. USA: Palgrave Macmillan .p.22.

The focus on human rights in the Middle East, and in particular in the OPTs and Israel, was reflected in the stance of the EP towards implementation of the Association Agreements with the PLO (on behalf of the PA) and with Israel. While this example shows the importance the EP is paying to human rights and democracy in the Middle East, it goes further to support the argument about the inconsistency within the European institutions and policies. It can be shown that whereas the EP supports the values and principles of human rights and democracy, the European Commission and the Council of Europe support the strategic interests of the EU in the Middle East, including matters of security and stability. As chapter four demonstrated, to exert pressure on Israel to respect human rights in the OPTs the EP called on 10 April 2002 for a suspension of the Association Agreement with Israel. The EP went further to suggest imposing economic sanctions against Israel.[1271]However, the European Council refused to acquiesce with the democratic mandate and did not respond to the invitation of the EP despite the fact that the EU has the right to do so, according to Article 2 of the Agreement, which states that "relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles"[1272]

Instead, as mentioned in chapter four, the EU voted to upgrade relations without respecting its own stated human rights conditions. The last attempt of the EP to shed light on the human rights in the Palestinian Territories was on 7 September, 2009 by Clare Short MP, aiming to end the siege of Gaza as a legal action to require the EU to uphold the human rights conditions entrenched in the EU-Israel Association Agreement.[1273]

The different stances towards the report of the UN Fact-Finding Mission on the Gaza Conflict (Goldstone Report) between the member states of the EU and the European Parliament is another example of the contradiction in European policy towards Palestine. While some EU members supported the Goldstone Report, others were against it while the European Parliament endorsed it and accused Israel of having perpetrated war crimes during its military operation against Hamas in January 2009. [1274] Javier Solana, the former High representative of the CFSP stated after voting in the UN that "the EU is also missing a unique opportunity to increase its credibility and niche to

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[1271] European Parliament. (2002). European Parliament Calls for Suspending Trade Agreement *The Electronic Intifada.*
[1272] European Commission. (1995). EU-Israel association agreement. Official Journal of the European Community's Euro-Mediterranean Agreement.
[1273] European Campaign to End the Siege on Gaza (2009, September 8) *Legal Action to Enforce Human Rights Conditions in EU-Israel Association Agreement.* Retrieved from http://www.bdsmovement.net/2009/legal-action-to-enforce-human-rights-conditions-in-eu-israel-association-agreement-540. Access date: October 9, 2009.
[1274]European Parliament. (2010). European Parliament resolution of an implementation of the Goldstone recommendations on Israel/Palestine.

contribute to the solution of the conflict."[1275]

6.3.3 The Third Determinant: the Performance of the Palestinian Authority

This section will highlight the main characteristics of the PA especially its institutions and political culture. The main purpose of this section is to demonstrate how the CFSP decision-making dealt with the Palestinian leadership and the challenges that emerged due to the Pas failure to engage in a meaningful democratization of Palestine.[1276]

Despite the Israeli occupation and its military and security restrictions, Palestinian society has not lacked democracy. In fact, under occupation and before the PA was established in 1994, the Palestinians experienced the basic elements of democratic practice. For example, during the 1980s, there were trade and student unions elections and there were social, political, professional and popular civil institutions and NGOs which served the population in sectors such as health, education, and welfare.[1277] A survey conducted before the implementation of the Oslo Agreements shows that Palestinians strongly supported the core elements of democracy. The survey shows that "77% of the population supported general elections, and 66% supported the freedom of the press."[1278]

However, the Palestinian leadership which returned to the Palestinian Territories in 1994 adopted "authoritarian forms of authority based on traditional and patrimonial power structures at the expense of democratic reforms."[1279] In his paper entitled "Building, Institutionalization and Democracy: the Palestinian Experience," Amal paints a bleak picture of the PA's performance, arguing that the short Palestinian experience of state building and government shows the "Palestinians are following the experience of most postcolonial states where a dominant party ruled the state for a long period and as a result blocked the way for a real change of power."[1280]

His description of the main characteristics of the PA since it was established in the mid 1990s includes "violations of basic human rights, corruption, clientelism, economic monopolies and the lack of accountability."[1281] Jamal illustrates by examples the nature of the political culture of the PA between 1994 and 2003, arguing that in addition to Arafat's attempts to control the NGOs by "transferring the authority for registering NGOs from the Ministry of Justice to the Ministry of the

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[1275]Aslan, O. (2009). The EU's Position on the Palestinian-Israeli Conflict: Still Foreign Policy Without Tears and Divided? *Journal of Turkish Weekly (JTW)*.
[1276] Stetter, S. (2003). op.cit., p.163.
[1277]Shikaki, K. (1996). The Peace Process, National Reconstruction, and the Transition to Democracy in Palestine *Journal of Palestinian Studies*. 25 (2) .5-20.
[1278] Ibid.p.5.
[1279] Jamal, A. (2001). State-Building, Institutionalization and Democracy: The Palestinian Experience, *Mediterranean Politics, 6* (3) 1-3. p.2
[1280] Ibid.p.2.
[1281] Ibid.p. 2.

Interior, which is controlled by the president himself."[1282] He added that the PA suffered from "the lack of clear judicial regulations regarding the legislature's supervision of the governmental budget." He also added: "The PLO elite have returned to its homeland with a political culture that is far from embodying basic values of representative government such as accountability and transparency."[1283]

The structures of Arafat's new system or way of governing invited heavy criticism. Many accused him of using the government as a device to co-opt opponents, and turning it into an appeasement mechanism. Rubin claims that four factors combined to influence the Palestinians' relative democratic failure. First: the type of elite formation; second, the poor exposure of the elite to democratic values; third, the strong diasporas, and finally a wrong approach to coercive means.[1284]

Rubin elaborates in his description of the nature and the influence of the Palestinian dominant leadership and elite claiming that: "this leadership has emerged and been formed in exile, absorbing and developing different ideas and representing different interests than those of the domestic population in the occupied territories." He added "this leadership did not participate actively in domestic Palestinian politics until the signing of the Oslo Accords."[1285] Rubin criticised Arafat when he utilised his presidential prerogative to ratify any new legislation, and to hinder legislation that threatened his position or curtailed the powers of the PA;

> "While strengthening his position, Arafat weakened the other authorities of the Palestinian democratic system, namely – the legislative (PLC – Palestinian Legislative Council) and judicial branches – and subordinated them to the executive branch."[1286]

Asseburg argues that although the PA has all the elements of a state, such as ministries, security forces, judiciary and legislative council, the Palestinian political system is "characterized by the prevalence of informal institutional arrangements and clientelism, by authoritarian government practices and human rights abuses, and by an inflated and inefficient public sector responsible for the misuse of funds."[1287]Asseburg concludes that "legitimate, viable, efficient and democratic institutions have not been created in the Palestinian territories." Azmi Shu'aybi was a member of the Palestinian elite who first served as the PA Minister for Youth and Sports between 1994 and 1998. Simultaneously, he was the Chair of the PLC Budget Committee, but due his opposition to the

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[1282] Ibid. p.9.
[1283] Ibid.p.12.
[1284] Rubin, R. (2006). What went wrong? Transitions to democracy in the Palestinian Authority. *Peace, Conflict & Development* (9). p.5.
[1285] Ibid. p.5.
[1286] Ibid. p.6.
[1287] Asseburg, M. (2003b). The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership. *Mediterranean Politics, 8* (2&3) 174 - 193. p.178.

hegemonic policies of Yasser Arafat he was later dismissed by Arafat. Shu'aybi stated: "Arafat is conducting himself on the basis "I am the state, and the state is me". This state of affairs has been accepted without the least protest. Of course, the tendency to accept without question was well established in PLO institutions and was simply imported ready-made into the territories with the PA." [1288]

Shu'aybi also criticised the way thatPA recruits in public administration stressing that rather than making appointments on the basis of general interest the main consideration is to get the most out of each appointment in terms of social, personal, clan, or part loyal interests.[1289] He concludes that the PA contributed to the suffering of the people it was supposed to represent:

> "Through corruption, economic monopolies, authoritarianism, repression, disdain for democratic processes and judicial fairness, 'asha'iriyyah' (reviving the hamayel, or clan system), nepotism, and other practices, PA policies exacerbated the fragmentation of Palestinian society, increased class and "hamayel" divisions, contributed to the growing economic impoverishment, and were largely responsible for the social disintegration that occurred during this time."[1290]

Hooper argues that "the revenues from the economic monopolies controlled by high-ranking PA officials do not even appear in the budget since they do not reach the Treasury. These officials have monopolies over central sectors of the Palestinian economy, such as petroleum, gravel, flour, sugar, and so on. Monopolies operate in a grey area and their revenues are managed confidentially."[1291] He concludes that this pattern enables PA officials to avoid public scrutiny and legal regulation and form an easy way of financing activities of the PA that would be heavily criticized if subjected to internal public scrutiny or external supervision by donor countries.

A poll conducted by the Palestinian Center for Policy and Survey Research (PSR) in the West Bank and the Gaza Strip between 13 and 15th March 2008 showed that "85% of the Palestinians believe that corruption exists inPA institutions and 59% of those believe that it will increase or remain the same in the future."[1292] In 2003, The Transparency International Corruption Perceptions index included the PA for the first time with a ranking of 78 out of 133. Recent polls have indicated a general perception of

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[1288] Shu'aybi, A. and Shikaki, K. (2000) A Window on the Workings of the PA: An Inside View. *Journal of Palestinian Studies, 30* (1) 88-97.p.88.
[1289] Ibid.p.88.
[1290] Ibid.p.90.
[1291] Hooper, R. (1999). The International Politics of Assistance to Palestinians in the West Bank and Gaza Strip, 1993–1997. In Roy, S. (Ed.) *The Economics of Middle East Peace: A Reassessment.* Stanford, CA: JAI Press. p. 206.
[1292] Palestinian Centre for Policy and Survey Research. (2007). *Palestinian Public Opinion Poll (23).*

lack of public confidence in Palestinian public institutions.[1293] According to the Palestinian Centre for Human Rights (PCHR) 2002 report, "the Executive branch continued to dominate the other branches of government. This reflected negatively on the rights and freedoms of Palestinian citizens, who were subjected to the inadequacies and violations of the PA."[1294] In addition, although the Palestinian Basic Law prohibits torture, force against detainees and illegal arrests, there have been numerous reports of cases of torture and ill-treatment in PA detention centres, namely those operated by the security services. According to human rights organisations, security services arbitrarily detain persons and use excessive force. The European Neighbourhood Policy Country ReportPA of the West Bank and Gaza Strip asserts that: "despite PA declarations condemning such practices, the security services do not appear to have clear procedures for investigating complaints effectively and impartially and there limited control over their interrogation methods."[1295]

6.3.3.1 The Situation after Arafat

The Palestinians managed to enhance the PA performance by implementing the Palestinian Reform and Development Plan (PRDP) of 2008, which focussed on the PA's planning and budgeting consolidation and security sector reform.[1296] But the human rights records and democracy in the PA still fell substantially below the EU's preferred standards. According to the 2008 European Neighbourhood Policy Progress Report for the Occupied Palestinian Territory, the PA forces in the West Bank have managed to "crack down on criminals and members of armed groups, as well as opposition members, with reports of violations of fundamental rights in the process, especially in PA detention facilities."[1297] In addition, the European report points out that the freedom of press was increasingly "curtailed and 32 journalists were arrested by the PA without due process; none of them were brought to court."[1298]

The Palestinian Centre for Human Rights (PCHR) report for 2008 also criticized the PA government for using the military court system – deemed illegal since it infringes on the basic law as well as

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[1293] European Commission. (2004). *European Neighbourhood Policy Country Report Palestinian Authority of the West Bank and Gaza Strip*. European Neighbourhood Policy: European Union.
{COM(2004)373 final}
[1294] The Palestinian Centre for Human Rights. (2003) *Human Rights in the Palestinian Occupied Territories Ramallah Annual Report.* p.33.
[1295] European Commission. (2004). *European Neighbourhood Policy Country Report Palestinian Authority of the West Bank and Gaza Strip.* European Neighbourhood Policy: European Union.
[1296] European Commission. (2009). Communication From The Commission To The European Parliament And The Council Implementation of the European Neighbourhood Policy in 2009 Progress Report on the Occupied Palestinian Territory. 519(2) Retrieved from
http://ec.europa.eu/world/enp/pdf/progress2008/com08_164_en.pdf. p. 2. Access date: October 2, 2010.
[1297]   Ibid.p.5.
[1298]   Ibid.

criminal procedure law.[1299]In addition, the Centre asserted that "it has received affidavits from Palestinians who were subjected to beating, torture and inhuman and degrading treatment by the Palestinian police while in detention, mostly in the Gaza Strip, but also in the West Bank."[1300] A survey conducted at the Palestinian Research Centre in 2007, shows that "51% of the Palestinians in the West Bank and Gaza evaluate the performance of the Executive Force as negative, increasing the level of anarchy and lawlessness, while only 29% see it as positive, contributing to the enforcement of law and order."[1301]

The OPTs Democracy Index, founded and developed by the Palestinian Centre for Policy and Survey Research (PSR), appears to show that in 2007 the status of Palestinian democracy had improved compared to the previous reading in 2006. In fact the Index shows that this limited improvement can be seen as deterioration if compared to the readings of 1996 and1997. It received 563 marks in 1996 and 514 marks in 1997. In 2007 the Index witnessed a marginal increase reaching 502 marks compared to 499 marks in 2006. The Index shows improvement in equality and social justice; however, the OPTs Democracy Index shows a decline in performance and the role of public institutions and freedom of the press and expression in the civil and political freedoms.

6.3.3.2 How the EU Dealt with the PA

The question is why the EU continued to support the Palestinian leadership after Arafat and until the current leadership of the PA led by Abu Mazen, despite the PA quite openly showing a lack of interest in domestic democratic reforms. The answer to this question is connected to the flaws in CFSP mechanism and the imbalance of power between member states and EU institutions, and indeed between the EU institutions themselves.

6.3.3.3 Tension between the Member States Interests

As the main geo-strategic interests of the member states in the Middle East and the OPTs is to maintain stability through supporting the peace process, the member states are not interested in supporting democratisation and reform policy if these are at the expense of security stability and the peace process. In other words, the member states are ready to contradict their declarations which repeatedly call for a viable democracy in the OPTs if this policy leads to instability. Second, the member states are not interested in changing or challenging the status quo of a strong Palestinian leadership which has been seen by the EU as the main peace partner for Israel. Finally, fears of Hamas profiting from a democratisation process prompted the member states to support the current

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[1299] The Palestinian Centre for Human Rights May (2003) the Annual Report For 2002. Available at: http://www.pchrgaza.org/files/Reports/English/pdf_annual/ann_rep_02.pdf. Accesse on 23. August, 2010.
[1300] Ibid.
[1301] Palestinian Centre for Policy and Survey Research. (2007), op.cit.

PLO leadership and its policy against Hamas.

By utilising their power over the European Commission, the member states have not allowed the European institutions such as the European Commission and the EP to impose any kind of serious sanctions or restrictions against the PLO leadership in spite of its authoritarian propensity, its human rights abuses, and even though the PA has violated its agreement with the EU.

This might explain why EU financial aid to Palestinians was never made conditional during the period 1994 to 1998 on the development of democratic institutions or financial transparency. It also explains why the EU refused to deal with the Hamas government after the election of 25 January 2006 when it secured a large majority of seats in the Palestinian Legislation Council. In fact, one month before the election Solana threatened to freeze European aid to the PA if Hamas were to win that month's poll.[1302]Solana told journalists at the time that "it is very difficult that parties that do not condemn violence without changing these positions can be partners for the future"[1303]

Stetter raised suspicions about the true intentions of the EU in the OPTs. He wondered whether the encouraging language of the Barcelona Declaration and the European Neighbourhood Policy really reflects the situation on the ground or rather provides "camouflage for autocratic regimes." He added that even the task of European financial assistance is to "strengthen the rent-seeking attitude of a non-democratic government at the expense of domestic reform efforts."[1304] Stetter takes the financial assistance to the education sector in the OPTs as an example to support his argument;

> "This aid aimed to cover recurrent costs, and can therefore be characterized as hidden budgetary support which stabilizes a key sector of Palestinian society, thereby releasing domestic reform pressure from the Palestinian leadership."[1305]

Asseburg also claimed that the main interest of the EU in the OPTs is stability and achieving peace, not democracy and human rights, both of which could be implemented after achieving peace. In other words, peace should come first and democracy second. Thus the European Union's main strategy was to support Yasser Arafat since he consented to engage in negotiations with Israel and "efficiently crushed the opposition to the peace process".[1306] However, after the collapse of the Camp David peace negotiations between the Palestinians and the Israelis under American supervision and after the eruption of the second Intifada, the political stance of the international community towards Arafat's

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[1302] Solana, J. (2006, January 26). Hamas victory: EU to discuss the new situation. *European Jewish Press.* Retrieved from http://www.ejpress.org/article/news/germany/5441. Access date: October 2, 2010.
[1303] Ibid.
[1304] Stetter, S. (2003). op.cit, p. 170.
[1305] Ibid.p.163.
[1306] Asseburg, B. (2003),op.cit.p.

leadership changed. While there were a number of states in the EU such as France and Spain who "wished to work around President Arafat" since he had been legally elected by his people.[1307] Others such as the U.S, Germany, and the UK lost confidence in him as a "peace partner"[1308] and even saw his removal "as the main benchmark (or even purpose) of reform".[1309]

As a consequence of the attitude of the international community towards Arafat, several observers believed that the European democratisation and reform programmes after the Camp David aimed to "bypass Arafat or diminish his centrality".[1310] Brown believes that the international actors supported reform when it was seen as "a tool to weaken Arafat and transfer power away from those parts of the Fatah leadership seen as uncompromising and corrupt."[1311] It was seen as a way to curtail and limit Yasser Arafat's power while keeping him in his position as elected leader. The international community, particularly the U.S, put pressure on Arafat to amend the Palestinian Basic Law and create a prime ministerial post and choose a prime minister who would begin working on reforming Palestinian institutions.[1312]

Under international pressure and after the U.S refused to release the Road Map until Arafat accepted the appointment of a prime minister, Arafat eventually agreed and transferred some of his power and authority, especially over the security forces, to the control and authority of the new Prime Minster, Abu Mazen.[1313] Many critics argue that although the EU and its member states were well intentioned, their reform and democratisation strategy was subject to short term aims; first to strengthen the existing Palestinian leadership and utilise the reform programmes in order to give the PA the legitimacy and recognition and to strengthen its grip on society through the policy and security agencies in order to implement the demands and the needs of the peace process; second to make sure that the financial aid was being used efficiently and not to fund terrorist activities or violence, especially with the allegations of corruption in the PA. It was highly selective in its reforms, projects and funds; for example, the EU focused on finances and security, leaving other areas of PA reform without sufficient diplomatic support.

Asseburg blames the EU for the lack of rule of law and democratic decision-making processes in the Palestinian Territories as well as the human rights abuses of the PA as "it has been directly involved in the process of building these governing institutions through technical and financial support as well

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[1307] Brown, N. (2007). Requiem for Palestinian Reform. Clear Lessons from a Troubled Record. *Carnegie Endowment for International Peace, Carnegie Paper No. 81*. p.77.
[1308] Al-Fattal, R, (2010) op.cit, p..33
[1309] Brown, N. op.cit..p.66.
[1310] Ibid. p.66.
[1311] Ibid..p.66.
[1312] Al-Fattal, R. (2010). op.cit..p.33
[1313] Ibid. p.33

as budget support to the PA."[1314] She points to the fact that the EU reform programmes and the financial assistance in this regard focus on the "technical and material aspects of institution-building, rather than on its content". She added:

> "The EU has insisted again and again on the financial transparency of the PA
> and accountability with regard to the use of EU aid, but it has done so much less
> vigorously with regard to a democratic decision-making process, local elections
> or the rule of law."[1315]

Brown argues that international reformers including the EU had "a remarkably short-term focus, a highly personalized view of the process, and a very instrumental view of reform, leading them to turn harshly against the achievements of the Palestinian reform movement when it brought unexpected results."[1316] He added "when reform of Palestinian institutions contradicted other short-term goals (such as backing particular leaders or parties), it was immediately and totally subordinated."[1317]

Gillespie, Youngs, Behr, and Pace also point out that the EU and the member states failed to engage in a meaningful dialogue with the Islamists in the Mediterranean region including Palestine, although these movements constitute the majority of democratic opposition in the region.[1318] Pace views the exclusion of the Islamic NGOs from European funds in the MEDA programme and the limiting of funds to the secular, liberal groups of NGOs is another paradox and contradiction of the European conception of civil society that the EU encourages and supports.[1319] She adds that the European funds for democracy promotion and reform through the MEDA were "distributed to the groups which do not deal with 'sensitive' issues which might jeopardise the EU relations with the countries' regimes." This attitude according to Pace has "limited the ability of the NGOs of political mobilisation" and second "makes the groups funded by the EU exhibit little potential for political mobilization in their societies, since they do not challenge their governments."[1320] Perhaps the European decision not to freeze the Association Agreement with the PA as a result of the human rights abuses, or non-democratic principles according to the Barcelona Process and European Neighbourhood policy, is an indication of the contradiction in European democracy promotion in Palestine.

6.3.3.4 EU Democracy Promotion after Hamas

In the last Palestinian parliamentary election, organised on the 25 January 2006, the Islamic

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[1314] Asseburg, M. (2003).op.cit., p.178.
[1315] Ibid.p.179.
[1316] Brown, N. op.cit., p.75.
[1317] Ibid. p.75.
[1318] Behr, T. (2008). op.cit., p.81.
[1319] Pace, M.(2009). op.cit.
[1320] Ibid. p.43.

Resistance Movement, Hamas, emerged as the largest party on the Palestinian political scene. The EU insisted on, supported, funded and supervised this election. The outcome went against mainstream predictions and was a major change in the Palestinian landscape which until then had been dominated by the secular nationalist Fatah faction of the Palestinian Liberation Organisation. Hamas won 74 seats of the 132-seat Legislative Council. Following the Hamas 'List of Change and Reform' triumph the movement nominated its leader, Ismail Haniyeh, as prime minister. He resigned on 15 February as part of the process to allow a unity government between Hamas and Fatah to be formed. He was then sworn in on 18 March, 2007 as head of the new cabinet.

The cabinet consisted of Hamas and Fatah members, and of members of other parties and independents. The international community, including the European Union, refused to deal with or recognise a Hamas-led government, or any National Unity Government in which Hamas participated, unless the movement accepted the Middle East Quartet's conditions which are: first, renounce violence, second, recognise the state of Israel, and third, respect previous agreements and obligations in the Peace Process. In a statement, the EU General Affairs and External Relations Council endorsed the Quartet's conditions and its "full support for President Abbas' determination to pursue a peaceful solution of the conflict with Israel."[1321]

Moreover, the Council stressed that "violence and terror are incompatible with democratic processes" and urged Hamas and all other factions to "renounce violence, to recognise Israel's right to exist and to disarm".[1322] Finally the Council committed to a peaceful and negotiated solution of the conflict with Israel based on existing agreements and the Road Map as well as to the rule of law, reform and sound fiscal management as "pre conditions to continue to support Palestinian economic development and democratic state building."[1323]

As result of Hamas's rejection of the Quartet's conditions, the EU froze its direct aid to the PA. According to Gianniou "this is was the first time the EU had made use of its economic instrument as a way not only to enforce political reform but also to change the diplomatic and political perception of the conflict by one interested party."[1324] In addition, the EU created a new funding mechanism called the 'Temporary International Mechanism' (TIM) which aimed to bypass the Hamas government and avoid a humanitarian crisis in Palestine.

The European reaction towards the Hamas government supports the argument of this chapter that the main interest of the EU in the OPTs is stability through the MEPP, and that the EU will not accept or

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[1321] General Affairs and External Relations Council Conclusions. (2006, January 30-31) Retrieved from: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/gena/88200.pdf. Access date: September 11, 2010.
[1322] Ibid.
[1323] Ibid.
[1324] Gianniou, M. (2006). The European Union's involvement in the Israeli-Palestinian conflict: an active paradigm of European foreign policy?. In *The European Consortium for Political Research 3rd Pan-European Conference on EU Politics,* Istanbul: Bilgi University. p.19.

recognise any Palestinian leadership which does not accept the European vision of peace settlements. The EU response towards the new Hamas-led government posed a critical question as to the type of democracy being promoted by the EU. In addition the European stance towards the new government showed the tension between the policies of the European institutions. The EU Strategy for Combating Terrorism emphasised the "need to empower moderate voices by engaging with Muslim organizations and faith groups that reject the distorted version of Islam put forward by al-Qa'ida and others."[1325]
At the same time, the European Council rejected the Hamas-led government and refused to deal with Hamas members in the Palestinian National Unity Government (PNUG) although the Council initially welcomed the establishment of a Palestinian National Unity Government (PNUG).[1326]

This policy went against European Commission policy, which had established a Task Force on Political Islam within the Directorate General for External Relations (RELEX), aiming to draft a discussion paper that outlined a set of common principles and conditions that could serve as the basis for a more comprehensive European approach towards political Islam. While the resulting document received broad support within the Commission, the Council repeatedly refused to endorse this new strategy, leading to the shelving of the initiative.[1327]

Also the European Council's decision to reject the Hamas-led government and its members in the National Union Government went against the policy of the European Parliament. For instance on the 10 May 2007, the EP issued a resolution on reforms in the Arab world: what strategy should the EU adopt? The EP called on Europe to "give visible political support to…those political organizations which promote democracy by non-violent means…including, where appropriate, secular actors and moderate Islamists."[1328] Therefore, the EP called for the recognition of the NUG without discrimination between its members.[1329]

Adrian Hyde-Price considered the EU's policies and even rhetoric concerning the region as a

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[1325] European Council (2004) The European Council Declaration on combating terrorism. Cited by Muriel, M. In Dynamics in Political Islam and Challenges for the European Policies. In Emerson, M. Kausch, K. and Youngs, R. (Eds.) *Islamist Radicalisation: The Challenge for Euro-Mediterranean Relations.* Madrid: Fride and Centre for European Policy Studies. p.175.
[1326] Parliamentary Assembly. (2010, January 11) *The Situation in the Middle East.* Parliamentary Assembly, Political Affairs Committee.
[1327] Kausch, K. (2009). Europe's Engagement with Moderate Islamists. In Emerson, M. Kausch, K. and Youngs, R. (Eds.) *Islamist Radicalisation: The Challenge for Euro-Mediterranean Relations*, Madrid: Fride. p.138.
[1328] European Parliament. (2007). *The European Parliament Resolution on Reforms in the Arab World: What strategy should the European Union adopt?* Retrieved from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0179+0+DOC+XML+V0//EN. Access date: June 12, 2011.
[1329] Ibid.

reflection of its being predominantly a realist rather than normative construct.[1330]This argument echoed by Al-Fattal maintaining that the EU's decision to boycott Hamas and turn the wheel of the reform and democracy process back was "a matter of strategic interests, rather than a matter of definitions or norms."[1331] She argues that the European justifications that the EU cannot legally deal with a Hamas government since it is on its list of terrorist organisations, unless the latter renounces violence, are unacceptable since the EU refused to place Hizbullah on its black-list despite its similarity to Hamas. In the latter case, "several EU governments' interests in Lebanon's stability (including France, Spain and Britain) are concerned about upsetting delicate confessional negotiations by measures that would cripple finding a solution."[1332]

In the eyes of the EU the current ideology of Hamas is an obstacle towards reaching a peaceful solution to the conflict in the Middle East. In addition, the Hamas ideology lies in paradox with contemporary Western values and principles; therefore, the EU may be justified on theoretical grounds in isolating the movement despite the concrete fact that it ascertained legitimate power through a democratic process. The Union, therefore, has put Hamas on its own list as a terrorist organisation following the attacks on 11 September, 2001 and the ensuing launch of the 'Global War on Terror.'

The EU insistence on the return of security powers to the Presidential office after Hamas won the elections and Ishmael Haniyeh was appointed Prime Minister is another example of the contradiction in the EU's reform policy. The international community, including the EU, pressured Arafat to endorse the Constitution and amend the basic law as created by the position of Prime Minister. In addition, the international community pressured Arafat to transfer his authority and power, especially over public order and security, to the new Prime Minister as part of reform policy towards the PA and as a result of the U.S. and Israel's refusal to deal with Arafat as a partner in any peace negotiations.[1333] However, after Hamas won the 2006 election, the international community and the EU encouraged the Palestinian president, Abu Mazen, to bring the security forces under his control.

This policy, according to Youngs, causes the European approach to security reform to appear to be short lived and negligent.[1334] The concrete substance of European strategy invited the conclusion that

[1330] Hyde-Price, A. (2006). 'Normative' Power Europe: a Realist Critique. *Journal of European Public Policy, 13* (2). 217-234. Cited in Al-Fattal, R. (2010). The Foreign Policy of the EU in the Palestinian Territory *CEPS Working Document 328* (33).p.66.
[1331] Al-Fattal, R. (2010), op.cit., p.66.
[1332] Ibid .p.65.
[1333]Borger, J. (2002, June 25). Bush says Arafat must go. *The Guardian*, pp.10-18. Retrieved from http://www.guardian.co.uk/world/2002/jun/25/usa.israel. Access date: June 12, 2010.
[1334] Youngs, R. (2007). The European Union and Palestine: A New Engagement. *Open Democracy.* Access date: March 31, 2011.

the EU saw reform as strengthening Fatah against Hamas.[1335] Youngs has also highlighted the fact that fears surrounded any new security initiatives as they were commonly viewed as "counterterrorism dressed up as support for political reform." [1336]

Tocci connects the European Union's reform policy in the OPTs with its transatlantic interests and relationship with the U.S. She suggests that the EU does not try to conflict with US policy in the Middle East and the OPTs by arguing that "since the EU's priority has been to rebuild a relationship with the U.S. in relation to the Middle East, the nullification of any successful reform in the OPTs has been encouraged, as was epitomized by the first boycott of the Hamas-led government in support of the unelected Fatah party".[1337]

As a result of these contradictions and clashes, an apt conclusion for this section would be to refer to Patten's admission that EU policy towards the Middle East is "laid down not in Brussels, but in Tel Aviv and Washington."*[1338]*

The independent Task Force for the Strengthening of Palestinian Public institutions emphasises that the decision by the international community to disengage from the new PA government would "risk destroying all that has been built during the last decade."[1339] The report continued by criticising the international donors including the EU who created its mechanism to avoid dealing with the PA government:

> "The diversion of donor funding from the PA's finance ministry to the office of the
> president or to international agencies may ultimately weaken and marginalize the
> ministry and empower the office of the president in violation of the Basic Law. When
> viewed along with attempts to strengthen the role of the president in other areas, the
> international community is in effect pre-empting the Palestinian transition to
> democracy, rather than promoting political reform the objective of reform would no
> longer be the strengthening of public institutions and their accountability to an elected
> legislature."[1340]

The report states that "continued international funding and engagement could ensure that the issue of

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[1335] Youngs, R. (2006a). *Europe and the Middle East in the Shadow of September 11*. London: Lynne Rienner Publishers.p.158.

[1336] Ibid. p.158.

[1337] Tocci, N. Darbouche, H. Emerson, M.. Fernandes, S Hanau-Santini, G. Noutcheva & Portela, C. (2008). The European Union as a Normative Foreign Policy Actor. *CEPS Working Document 281*. p.18.

[1338] Patten, C. (2009). Writing cheques for Gaza is easy. Politics is the tricky bit: it is time to question Europe's historic role of financing the failure of policies laid down in Israel and the US. *The Guardian.*

[1339] Sayigh, Y., Siegman, H and Shikhaki, K. (2006). *Reforming the Palestinian Authority* A Report by the Independent Task Force for the Strengthening of Palestinian Public Institutions. Jerusalem: A publication of the US/Middle East Project. p .23.

[1340] Ibid. p.23.

reform would remain on the PA agenda and possibly be accorded more systematic attention and effort than before. The international reaction towards Hamas forces the Hamas government "to seek funding from new sources, potentially involving a lack of transparency and accountability to outside monitoring would set back the reform agenda once more."[1341]

Al-Fattal is convinced that by not recognising the Hamas led-government the "EU has acted in a manner demoting rather than promoting progress and democracy on the ground". She adds "not only has the Barcelona Process failed to deliver to the Palestinians what it promised 15 years ago, prosperity and an autonomous state, but also, it has left Palestinians pessimistic about the future and untrusting of the EU as an honest or even effective peace and democracy promoter."[1342]

Youngs also considers the harmful aspects of the European decision to boycott Hamas to outweigh the positive aspects. He describes the negative aspects as follows: first by boycotting Hamas and its national unity the EU is driving Hamas into the arms of Iran since Hamas "feels excluded from having a genuine stake in governing despite having won the election."[1343] Second, the European decision has "undone on Palestinian institutional reform, an area where European governments and the European Commission had begun to establish a useful and leading role."[1344]

Youngs questions the three conditions imposed on the Hamas government by the international community and the democracy process and reform in Palestine, pointing out that: "The well-known three conditions imposed on Hamas include nothing that relates to standards of democratic governance or issues of civil rights within the Occupied Territories themselves."[1345] He believes that "even if the three conditions imposed on Hamas are deemed necessary, it is important to try and press for their fulfilment in a way that does not completely choke off work and dialogue on democratic reform."[1346]Additionally, Youngs criticises the EU for neglecting the non democratic measures taken by President Abbas after the Hamas triumph in 2006, whereby Abbas regained his control over the security services by cancelling his decree from the previous year that had placed the Preventative Security Service, the police, and civil defence under the command of the Interior Ministry.

This tolerance, according to Youngs, raises questions regarding the relationship between the demands of political reforms from the PA and the peace process. He maintains that European support for the transferral of authority and security from the elected prime minster to the presidential office "represents a 180-degree turnaround from 2003-04 when the EU had started focusing on bringing

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[1341]   Ibid. p.23.
[1342]   Al-Fattal,R. (2010), op.cit., p .2.
[1343]   Youngs, R. (2007), op.cit.,
[1344]   Ibid.
[1345]   Ibid.
[1346]   Ibid.

security forces under the control of the prime minister's office."[1347] This policy "makes the European approach to security reform look as if it is governed by short term expediency rather than a well thought out approach to enhancing democratic accountability over security forces."[1348]

> "The EU must not understand "supporting reform" to mean favouring moderate figures seen as "our allies". The point is to support democratic process, not overtly give preference to those deemed "helpful moderates". If it releases funds to support state-building just through those ministries under Fatah control, this will produce a lop-sided model of democracy assistance and once again send the wrong signals to both Fatah and Hamas."[1349]

Youngs further criticises the refinancing of President Abbas' office which is controlled by the Fatah movement, asserting that the EU made the same mistake when European leaders supported Fatah leaders only because the party recognizes Israel and agreed to engage in negotiations with Israeli governments despite PA and Fatah leaders having no transparent financial system or financial accountability. He states;

> "There is even something counterintuitive in the current approach. Until 2006, for a decade EU aid had gone to a small Fatah clique that had wasted these resources and created an increasingly corrupt and opaque set of political institutions. And that was a large part of why Hamas won the elections in 2006. Now the EU appears to be changing its funding patterns deliberately to engineer a continuation of financial flows to that same clique. This risks simply recentralising power and reverses the EU's support for a more parliamentary style of governance in the early 2000s."[1350]

The two civilian missions in the OPTs (EUPOL COPPS) and the EU Border Assistance Mission Rafah (EU BAM Rafah) are not free from his criticism. Youngs sheds light on some weak points in the EU's policy in this area emphasising that "most of the aid had gone to the provision of hardware, such as anti-riot equipment, rather than being directed at more fundamental reform issues." He criticises the EUPOL mission for its tendency to increase factionalism, as there was a perception in the Palestinian territories that the EU was "helping to try and quash Hamas more than giving Hamas a legitimate stake in the provision of security."[1351]

[1347] Ibid. p .3.
[1348] Ibid.p.3.
[1349] Ibid. p. 3.
[1350] Ibid. p.3.
[1351] European Union Committee, House of Lords. (2006). *European Union Committee 26th Report of Session, the EU and the Middle East Peace Process.* Volume I: Report. London: House of Lords.p.48.

According to several observers, the suspension of the two European Security and Defence Policy (ESDP) civilian missions in the OPTs implies that the EU "has moved from a gradualist long-term "reformist" SSR plan to adopting the short term US-Israeli "restructures" policy, which aims to buttress Fatah forces loyal to the PA President, in order to overwhelm Hamas."[1352] They added that, not only did this strategy "back-fire" when Hamas took over Gaza, but it could also "prove equally detrimental for subsequent EU security efforts throughout the Middle East."[1353]

6.4 Conclusion and Analysis

This chapter has demonstrated how the EU's inherent imbalance of power and the intergovernmental approach to the CFSP has limited the EU's ability to achieve the overarching goals in the Middle East and Palestine. The fundamental question which has been dealt with is; to what extent has European democracy promotion, reforms and human rights programmes served its stated objectives in the building of democratic, transparent Palestinian institutions that respect human rights and principles and values of democracy.

As explained, the launch of the MEPP and the establishment of the PA and its institutions have given the EU and its institutions mainly the European Commission the opportunity to increase its role and involvement in the MEPP on the ground. The European Commission can play a vital role in reforming the PA and "democratising" its institution and citizens. The European philosophy behind democracy promotion in the OPTs is built on two assumptions, first: reforming the PA and its institution would increase international and even Israeli confidence in the PA and enhance its ability to negotiate authoritatively on behalf of the Palestinians. Second, creating a democratic, viable and peaceful sovereign Palestinian state would be the best guarantee for Israel's security and Israel's acceptance as an equal partner in the region."*[1354]*

On the ground, the EU and its member states have relatively managed to achieve some results and build new Palestinian institutions from scratch. The European Commission has managed to raise the awareness of human rights and democracy within the Palestinian police and security services via its periodical training courses, workshops and cooperation with the Palestinian NGOs. Values of human rights, rule of law, transparency, and modernisation of the judicial system are the main elements of the EU-PA agenda. Tracing the history of the EU and its policies in this regard several conclusions can be drawn. First as a result of the MEPP the role of the supranational actor mainly the European Commission and the EP has increased especially the European Commission which is responsible for

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[1352] Collantes, G. Lecha, A. Reigeluth, S. Aytar, V. & Arican, M. (2008). Fostering an EU Strategy for Security Sector Reform in the Mediterranean: Learning from Turkish and Palestinian Police Reform Experiences. Euro Mesco Paper (66). p.16.
[1353] Ibid.p.16.
[1354] European Council. (1999). Berlin Declaration- European Council Presidency Conclusions.

designing, implementing and monitoring EU policy and programmes in the area of democracy promotion, reform and human rights.

This increased role supports the argument that the CFSP approach towards the PA and the Palestinians has elements of functionalism. However, despite its increasing role as an executive power the European Commission power still marginalised and limited due to the essential imbalance in the distribution of power between the EU institutions themselves and since the final say in the CFSP still belong to the member states in the Council of Minister. Therefore, the intergovernmental approach and dualism in the decision-making has lead first to realist politics triumphing over liberal principles and values. Second. Democratisation process and reform policy of the EU become victim of the member states interests. As a result of the short term priority the member states' prefer to support the partners of MEPP at the expense of democracy and reform.

The evidence presented above suggests that, far from representing a genuine commitment to the normative components of democracy, the EU utilises democracy promotion and reform policy and programmes as a way to support the MEPP and stability in Palestine. But despite the huge amount of European financial assistance and effort aiming to support the democratisation processes in the OPTs and to reform the PA, these ambitious objectives have been undermined by contradictions and shortcomings which indicate the gap between the ambitions and political goals of the EU and the reality on the ground. First, the EU supports democracy promotion and human rights programmes but supports the Palestinian leadership despite its lack of democratic principles and its poor record of human rights and corruption; second, the EU and member states refused to recognize the democratically elected Hamas government and to deal with the Government of National Unity despite declaring their confidence in electoral processes as a means of selecting a government.

Finally, the EU and its member states are hesitant to renounce the Israeli violation of Palestinian human rights and the destruction of Palestinian infrastructure, creating an environment in which it is impossible to build reliable, functioning and credible Palestinian political institutions. As explained, the gap between what should be done and the reality of what is being implemented on the ground emanates from within the institutional structure of the EU foreign affairs system which is multi-layered and driven by actors with different interests and objectives.

Compared to the Council, the European Commission is a more idealistic body which acts on the liberal premise that encouraging dialogue with the political parties in the region, including the moderate Islamic parties, would increase economic cooperation and trade, political reform, democratic transformation and respect for human rights. The European Commission believes that

supporting these values and principle will foster long-term stability in the region.[1355] Thus, most of the criticism towards the PA and Israeli policy comes from the European Commission not from the European Council which represents the member states. However, since the European Commission lacks the authority and the capacity to implement or to impose sanctions, its criticism will not find support.

The policy and political behaviour of the EU towards the PA and the MEPP suggest that the EU members are interested in short–term goals through a realpolitik approach, favouring primarily a status quo in Palestine, supporting the Palestinian leadership often uncritically - which shows in a remarkably open way its lack of interest in domestic democratic reforms - and supporting the MEPP most of all.

This might explain why, in the 1990s, the EU and the international community were not particularly concerned about the nature of the PA, its lack of transparency and accountability, authoritarianism, and human rights abuses, since the member states priority was on sustaining the administration through budgetary support which contributed to Arafat's patronage system through public sector hiring and the provision of 'walking money', in particular to buying the loyalty of the police and other security personnel.[1356] However, loss of faith in Arafat's leadership after the collapse of Camp David negotiations in 2000 prompted the member states to adopt and utilise the reform agenda as a tool through which to change the Palestinian leadership and replace it with a new leadership which would accept peace and negotiate with Israel. This also explains why the EU does not recognise the Hamas-led government and the 2006 parliamentary elections.

The EU's attempts to build a balance between short–term goals and long-term goals indicate that the EU and its member states are attempting an intricate juggling act to balance between their values, principles, interests and security concerns. In other words, the bloc is attempting to seek a combination between promoting its values and principles as a soft normative power, and the security concerns, political and economic interests of its member states in its attempt to act as an international political power. The tension between the priority of democracy promotion and the priority of stability, and the debate about what comes first, democracy or peace, i.e. first achieving a peace agreement for the conflict in the Middle East or implanting reform and democracy. The EU and its member states have failed to build a balance between their principles, values of democracy promotion and reform and their strategic interests, security, stability, trade, oil and markets. As a result of the imbalance of

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[1355] Hänggi, H. and. Tanner, F. (2005) Promoting Security Governance in the EU´s Neighbourhood. *Chaillot Paper 80*.p.16.
[1356] Le More, A. (2009). Is Aid Doing More Harm Than Good? Fifteen Years of Diplomatic and Aid Policies in Support of Israeli-Palestinian Peacemaking. In De Groof, K. Bennani, E, Haarman, M. Williams, A. Leenhouts W, Groten, A, Schaefer, B, & Herremans, B. (Eds.) The EU's Aid to the Occupied Palestinian Territory: How to Improve Coherence and Effectiveness in Line with International Law? Brussels, Belgium: CIDSE. p.34.

power between the member states and the European Commission a realistic approach towards democracy promotion and reform dominates the European Union's policy towards the OPTs and Israel.

This polarization and conflict between priorities, agendas, values and principles on the one hand, and interests and security concerns on the other, contribute significantly to the creation of a state of contradiction in the European Union's policy towards the Palestinian territories, which consequently leads to the lack of credibility that the EU currently suffers in Palestinian society. This wide gap between the rhetoric and the policy on the ground support the accusations that the EU has double standards and prefers to support stability at the expense of democracy. However, when there is contradiction between these liberal values and the security interests of the member states, security interests take priority.   The EU is a realist actor in liberal clothes.

Finally, the democracy promotion and reform towards the PA and the Palestinian not just victim of the institutional structure of the CFSP but also of the divergent interest of the EU members While some of the member states, mainly the northern states, consider democracy, human rights and reform as a European priority others, the Mediterranean states believe that implementing democracy and enforcing respect for human rights might put their short-term interests and the interests of their partners at risk. Therefore, they prefer to focus more on supporting the current leadership even though this leadership lacks legitimacy and is in violation of human rights.   In addition, the divergent attitudes of the member states towards political Islam are another factor that hinders the EU and weakens its promotion of democracy in Palestine.

The EU's failure to adopt an "inclusivist" approach towards political Islam has resulted from differences between EU and member states actors on this issue.[1357] Behr argues that "a more coherent approach towards the region seems unlikely, unless EU member states put aside their considerable differences concerning Political Islam."[1358] Despite their divergent interest and views toward the political Islam and democratisation in the OPTs and despite EU members have their own pre-determined political stances towards the conflicting parties in the Middle East, fulfilling the obligations of EU membership, shared common interests and interaction with other member states has made them change their attitudes towards the conflicting parties. For example Germany changed its policy stance towards Hamas and accepted to put the movement on the EU list of terrorist movements after Jack Straw persuaded Joschka Fischer, the German foreign Minister, to do so.[1359] France also

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[1357]   Behr, T. (2010). Dealing with Political Islam: Foreign Policy-Making between the Union and the Member States, Enlargement and the European Neighbourhood Governance and Democratization in the Wider Europe. Paper presented at the Fifth Pan-European Conference on EU Politics. p.22.
[1358]   Ibid. p.23.
[1359]   Crooke, A. (2011). Permanent Temporariness. London Review of Books. 33 (5). 24-25. Retrieved from http://www.lrb.co.uk/v33/n05/alastair-crooke/permanent-temporariness. Access date: March 22, 2011.

altered its policy, and consented to put the movement on the EU list under pressure of the UK. Sweden has stopped its dialogue with Hamas after being palmed by the rest of the EU members for giving Hamas leader a visa to visit Sweden to participate in a seminar.

Chapter Seven: The Palestinian Perception of EU Policies and Role in the MEPP

7.1 Introduction

This chapter complements the main arguments of the thesis and demonstrates that the Palestinians' leadership perceptions of EU foreign policy, in relation to themselves, indicate that they also largely subscribe to a realist interpretation of the policy and the processes behind it. The Europeans' priviliging of their own collective security, and individual state interests, suggests that the normative dimensions of democracy promotion and economic assistance are just window-dressing. Since Palestinian recipients of EU policy understand them as such, and since they then seek to exploit flaws in the policy-making process to advance their own interests, the EU's credibility as a normative power is severely restricted. Rather, it is an agglomeration of realist self-interest, modified through processes of membership and the restrictions imposed by third parties such as the U.S. and Israel.

The researcher set out to examine whether this was the view of the recipients of that policy, the Palestinians themselves. Studies of EU policy-making rarely take into consideration how the impact of that policy is perceived by the recipients, or targets of the policy. Yet this adds a vital new dimension to our understanding and assessment of policies and the policy-making processes. After all, it is they who "witness" the flaws in policy-making processes first hand through the actual implementation of the policy. The researcher aimed to gain the policy recipients' perspective through qualitative fieldwork in the Palestinian Territories themselves and thereby to add an element of data triangulation to the study at hand.

This chapter will also explain the divergent views of Palestinian factions towards this assumption that the Europeans have a fractured policy towards them and how they play on it. In other words, this chapter will try to find out if there is a gap between the way that the EU thinks of its policies and how they might be perceived and the way they are actually perceived by its intended recipients. It investigates the points of view of Palestinian leadership figures and other Palestinian elites in order to depict general perceptions of EU roles and activities in Palestine. Local actors closely involved in EU-related activities were interviewed in order to reach an understanding of the Palestinian views and perception.

The peace process, followed by the 1995 Barcelona process, has extended the EU role to cover not only the peace process, but also democratization, reform and financial and technical assistance to the PA. Therefore, this chapter will look at the perception of the Palestinian leaderships towards these three issues, as well as assessing their perceptions of the EU's relationships with the other main players on that issue, particularly the U.S. and Israel.

The fieldwork discussed below demonstrated that the Palestinians see the EU policies as ineffective and contradictory. The Palestinian leadership as recipients lack confidence in the EU as a unitary body. Not everyone agrees with this general view; however the weight of the evidence gathered from the interviews in this chapter supports it. The Palestinians consequently play on the EU's divisions, developing their own strategies and policies which take EU policy-making flaws into account. This usually involves the Palestinian leaderships seeing the U.S. as the primary king-makers and the EU as a moderating subsidiary body. They get caught up in manipulative politics which aim to use the EU as much as an instrument for advancing Palestinian interests relative to US policies as a source of policy in its own right.

As a consequence, there are unintended outcomes for European policies towards them. The respondents in the interviews conducted for this fieldwork highlight the flaws in the CFSP and how Palestinians react accordingly. Although the Palestinians are not fully satisfied with the European involvement, politically they act to maximize what they can get and take full advantage of the tension between the European Member states, between the EU institutions and the member states and between the institutions themselves. In theory the Palestinians would want an increased involvement of the Europeans in the MEPP; however, since they are aware of the limitations of European influence on the ground, they have evolved their thought process to acknowledge the role of the EU as that of a political moderator and financial guarantor.

This chapter aims to firstly demonstrate that the Palestinian leadership has realised the inherent flaws in the mechanism of CFSP as has been clearly exemplified in the second chapter. This is followed by the argument that the Palestinian leadership, on reaching this recognition, then formulates its policy as a utilisation of this institutional gap towards its own end. This lowering of expectations among the Palestinians translates into the idea that the Europeans, far from putting forward a coherent policy which may drastically change the Palestinian situation, can only pay the cost of the MEPP financially and moderate American policy towards the Palestinians. Rather than acting as a powerful front on its own, European policy can influence that of America

7.2 Research Rationale and Methods

The nature of the issue being studied here, how Palestinian recipients of EU policy understood and responded to EU policy, led the author to pursue a qualitative approach to data collection, specifically elite interviewing. The contemporary nature of the subject allows it to give voice to the very individuals who were engaged in the process. Since the political decisions of the Palestinian Authority are taken by small groups of highly qualified and knowledgeable individuals, it was possible for the author to use interviews to gain a reasonably representative sample of elite opinions.

The researcher considers face-to-face interviewing to be an accurate way of obtaining comprehensive understanding for the points of view of the Palestinian leaders: their expectation, experience, opinions on contemporary issues, evaluation, challenges and suggestions for the European role. Thus the author believes that in-depth interviews allow people to tell their story through the language with which they are familiar.

Qualitative interviews are a well-established academic tradition in anthropology, sociology, history and geography, and the method includes a range of possible modes: qualitative interviews can range from semi-structured questionnaires to open-ended conversations, direct observation including participant and non-participant observation, ethnographic diaries, and more recently photography and video. According to Burnham, the design of the mode is directed towards discovering or uncovering new insights, meaning and understanding. Qualitative research is an in-depth analysis of the problem in order to understand the "what and why" of human behaviour. It enables us to explain how people make sense of their experience and their views of the world.

Moreover, for the researcher it is very attractive in that it involves collecting information in depth but from a relatively small number of cases[1360].The advantages of qualitative research are clear where the goal of the research is to explore people's experiences, practices values and attitudes in depth and to establish their meaning for those concerned.[1361] Burnham stresses that the emphasis of qualitative research on in-depth knowledge is at the expense of being able to make generalizations about the phenomenon as a whole, and others argue that it can lead to impressionistic, piecemeal, and even idiosyncratic conclusions. However since a relatively large sample of the Palestinian elite was engaged for this research (given the objective conditions under which the research took place), it is reasonable to argue that we can draw fair conclusions from the interviews whilst not claiming any definitive "truth". Elite interviewing in particular is a technique whose exercise benefits from the accumulation of experience. The author attempted to benefit from the accumulation of experience that the Palestinian elites have, especially those who have dealt with European officials, European leaders and the European representative in the Palestinian Occupied Territories.

The researcher focused on elite groups who have well-established connections with policy-makers, either Palestinian or European. The focus was on people who have been personally and directly involved with European policy. The interviewees included a number of current and previous ministers of the Palestinian Authority, representatives of a range of political parties including opposition parties, the most prominent of which was Hamas, leading NGO figures, and academics with expertise in

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[1360] Burnham, P. (2004). *Research Methods in Politics*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.
[1361] Marsh, D., & Stoker, G. (2002). *Theory and Methods in Political Science.* Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

European policy.[1362] It should be noted that many interviewees wore "more than one hat". Interviewees were selected through the snowballing sampling methods.

In this procedure investigators use their initial contacts to recommend people in similar circumstance to be interviewed. This is a valuable strategy for generating a sample of people or groups which otherwise would be impossible to access. Since Palestinian politics is a sensitive arena in which trust is extremely important in gaining access, being recommended by someone when approached means they are much more willing to be interviewed. The weakness of snowball sampling is that the sample generated is very unlikely to be representative of the group under investigation. Although this method rarely leads to representative samples, there are times when it is the best method available.

The researcher was lucky to have good relations with a very prominent political figure in The OPTswho was connected to many political, NGOs and academic organisations and who proved extremely helpful in starting the snowball. Its worth mentioning that the limitation of this approach is that I get to meet people who are networked with each other and they are influenced by who they think I'm connecting to. Rolling Interviews were conducted in Arabic, and were taped and transcribed; all interviewees were fully informed as to the reason for the interview and the uses to which the data would be put by the researcher, and no interviewee accepted the offer of anonymity in the referencing of his or her comments.

The interviewees were asked predetermined questions covering mainly the economic and political role of the EU in Palestine. Some of these questions were general questions directed to the vast majority of the interviewees; others were additional questions, depending on the affiliation, position, background, and experience of the interviewees. This explains why the researcher favoured semi-structured interviews which gave him the flexibility during the interviews. The sample covered 20 people

Most interviews were conducted between March and May 2008 and they all took place in Ramallah, Nablus and Jericho in the West Bank. As a Palestinian whose family resides in Nablus, it was not possible for the researcher to travel to either East Jerusalem or the Gaza Strip. It is also worth mentioning here that on some occasions the interviews specified that some of the information provided was off the record, thus the researcher had to turn off the recorder and here the author will honour their instructions. In most instances the allotted time–slot was usually one hour, but some interviewees informed the researcher that the time was open until the researcher finished all his questions. However on two occasions, during the interview with one of the presidential advisors, the researcher had to turn the recorder off several times at request of the interviewee to allow him to talk

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[1362] List of the interviewees, their backgrounds, responsibilities and the main questions of the interviews listed in Appendix The general questions directed at all interviewees are likewise listed in Appendix.

to his guards. As a consequence of this environment the interview time was reduced to 20 minutes, full of distortion and noise.

Perhaps surprisingly, the researcher did not face any problems in gaining interviews with the Palestinian leaders approached for the sample. The vast majority of them cooperated with the researcher from the first call and most of the interviewees were friendly and interested to see the thesis upon its completion. Only one potential interviewee ignored the researcher after several promises to meet. Although most interviews went quite smoothly, there was sometimes an impression that the interviewees were reluctant to give some pieces of information. For example during the interview with Dr Hanan Ashrawi in her office in Ramallah, Dr Ashrawi hesitated to answer questions about her evaluation of the role of some of the European leaders still in power at that time, such as Javier Solana, or claimed that by answering the question she might be betraying the trust of her European friends.

On another occasion, Dr Nasser al-Shaer (former Education Minister of the Palestinian National Authority serving as a member of Hamas and Deputy Prime Minister in the previous cabinet) was reluctant to give information about the European states that had opened indirect channels with the National Unity Government in order to protect the relations that he had built during his work as Deputy Prime Minister.

Travelling within the West Bank was sometimes a nightmare and was one of the most difficult constraints that the researcher faced during his field work. At times it was impossible for the researcher to visit Nablus or Ramallah due to the Israeli restrictions. During the fieldwork period, moreover, Israel soldiers attacked the researcher's house on several occasions, with gas and sound bombs, causing a great deal of damage to the house, seizing his personal property, including his laptop and books. Israeli soldiers also tried to confiscate the laptop at check points. In short, for a Palestinian to conduct this fieldwork under occupation conditions has both a benefit and a loss: whilst Palestinian interest and solidarity with his research is high, Israeli obstructions are intimidating, repressive and mean the researcher has to constantly find ways around problems rather than being free to conduct his research unimpeded. The researcher is aware of the importance of impartiality in his search especially that he is conducting a research relating to his home country. Thus, the researcher adopted in his research the political terms that the international community utilise in their literature and communication.

7.3 Findings

In general, the Palestinian leadership showed a huge appreciation of the European positions and policies, especially regarding the aid policy and the EU having been a pioneer in establishing the basic

principles and policies regarding the Middle East conflict that later became the main reference points for the peace process and international community.[1363] The Palestinian appreciation is based on the fact that the Europeans were "the first to call for the establishment of Palestinian and Israeli states as a basis for ending the struggle."[1364] Europe was also the first to call for the recognition of the rights of Palestinians to determine their fate. In addition, the Palestinian leaders see the Europeans as a valid partner in the MEPP, either through the presence of a European envoy to the peace process and High Representative or through economic and security aid provide by the EU to the Palestinian people.[1365]

However, while Palestinian leaders acknowledge that the Europeans were "pioneers" in the political attitudes toward the conflict, some assert that their policies and stances have not changed since the Venice Declaration in 1980 and that they have been repeating their declarations since that time.[1366] In fact they have failed to "take advantage of their economic influence", which is represented by the huge aid provided for Palestinians annually or by their economic partnership with Israel.[1367] So the Europeans were unable to wield political weight in the Palestinian-Israeli political track and unable to bring any of their political statements into force."[1368] Additionally, they are convinced that there has been a decline in the EU's policy references and "moral legality of the Palestinian issue such as, the European silence on the Gaza siege, Arafat's 'suspected' assassination and extension of the Israel settlements."[1369] They believe that the European stance "deteriorated" either regarding statements or actions and the way that the Europeans deal with the Hamas-led government.[1370]

The Palestinian leadership has realised the significant inherent shortcomings and flaws in the mechanism of the European CFSP. They pointed to the competition among divergent EU members' interests, priorities and different political and cultural stances as reasons behind the EU's inability to play a role in the in MEPP.[1371] They acknowledge that the different EU member states have individual policies forged from decades of engagement with the Middle East and with the Palestinian context which translates into a diverse set of agendas towards the MEPP.[1372] The researcher asked Saeb Erekat what his vision of the European policies in the OPTs and MEPP was. The Palestinian leader

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[1363] Interview with Abdullah Abdullah, the Chairman of the Political Committee of the Palestinian Legislative Council, Interview with Author, 14 April 2008, Ramallah, OPTs.
[1364] Ibid.
[1365] Interview with Saeb Erekat, the Head of PLO Negotiations Department and PA Minster, Interview with Author, 17 April 2008, Ramallah, OPTs.
[1366] Interview with Mohammed Shtayyeh, President of Palestinian Economic Council for Development and Reconstruction (PECDAR), Interview with Author, 19 April 2008, Ramallah, Palestine.
[1367] Interview with Hanan Ashrawi, PLC member for Jerusalem Interview with Author, 23 April 2008, Ramallah, OPTs.
[1368] Mohammed Shtayyeh, op.cit.
[1369] Interview with Samier Hulileh, Former Cabinet Secretary General and Chief of Staff, Palestinian Authority, Ramallah. 2008, Interview with Author, 23 April 2008, Ramallah, Palestine.
[1370] Interview with Ghassan Khatib, former Minister of Labour. Leading member of the Palestinian People's Party, Director of Jerusalem Media & Communication, Interview with Author, 21 April 2008, Ramallah,OPTs.
[1371] Abdullah Abdullah, op.cit.
[1372] Saeb Erekat, op.cit.

rejected the argument that there is one European role or policy in the MEPP; rather "there are 27 foreign European policies, so there is no single unified European policy."[1373] He added: "I cannot say that Germany's position on the Palestinian issue and Iraq is the same as British, French or Greek positions. Of course there is a difference in the political stances of these states."[1374]

Mohammed Shtayyeh, President of the Palestinian Economic Council For Development and Reconstruction (PECDAR) and member of the negotiation team, divided the member states' interests and priorities in the EU into two parts: Northern Europe, led by Germany whose main aim since 1990 has been the expansion of the EU to include Poland and the Czech Republic, and Euro-Mediterranean members, whose main priority and interests is related to immigration and security.[1375] These differences in interests according to Shtayyeh have an impact on the EU's involvement in the MEPP. Shtayyeh states: "When France has the European presidency, we notice that Europe is more involved in the region. When Finland or Sweden has the EU presidency, priorities become different. This has created a problem for the Palestinians and disperses the European efforts."[1376]

Building on her experience as a member of the Palestinian delegation to the MEPP, Ashrawi looked at the factors determining the European involvement from a different angle. She believes that the EU's involvement is not just shaped by the member states' interests but also by their capacities and capabilities, i.e. financial and political capabilities. Ashrawi divides EU member states into three categories: first, members who "wish to play a political role, but are unable to do that"; second, members who are "able to play a political role, but do not wish to do so because they think that it is better for Europe to share the roles with the U.S. as the U.S has bigger abilities"; and finally, members that "do not have the wish or ability to play any political role in the region." Ashrawi also believes that the European role in the MEPP is a secondary role, due to the European divergence and the differences in the way the member states think the EU should act in the Middle East: "should the EU have an independent policy from the U.S. or must its policy support the U.S. policy in this regard?"

> "I cannot say that Europe speaks in one voice. This is due to their differences. The Europeans confirmed to us during our meetings that they cannot easily reach the necessary unanimity inside the EU due to having different points of view."[1377]

The Palestinian leadership believes that the European stance and policy has witnessed several contradictions and conflicts not just by member states but also by European officials. Abdullah Abdullah, Betawi, Ashrawi, and Arafat personalised the European involvement in the MEPP saying that not only are the interests of the member states determining factors of European involvement but

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[1373] Saeb Erekat, op.cit.
[1374] Saeb Erekat, op.cit.
[1375] Mohammed Shtayyeh, op.cit.
[1376] Mohammed Shtayyeh, op.cit.
[1377] Ashrawi, op.cit

also the interests, the personal views and ambitions of a number of European leaders play significant role in directed the European policy and involvement in the MEPP. Abdullah Abdullah for example, asserts that:

> "The policy of some EEC/EU members was represented by making policy personalized by the spirit of president. This means that the foreign policy is individual. France is considered the most important example of this in the reign of Charles de Gaulle and Jacques Chirac, while historical relations played a stronger role in the relations of some EU members; the Mediterranean region, Germany and Britain are the most prominent examples of that."[1378]

Betawi believes that the current French president Nicolas Sarkozy is "Zionist", and that he adopts the Zionist ideology in his personal views, therefore causing French foreign policy to become more pro-Israeli. He stated: "You will find leaders like Nicolas Sarkozy, who are more Zionist than the Israelis themselves."[1379] Ashrawi confirmed the argument above, stating that "the personal views of European officials such as Solana and Benita Ferrero-Waldner, who have direct contact with the Palestinians, have different views and positions from the rest of the EU members or institutions."

According to Ashrawi, these officials have "their ears s closer to the ground due to their direct contact with the Palestinians. They have tried to make positive steps, but have not succeeded."[1380] Ghada Arafat, the Head of the European Office in the Minister of Foreign Affairs, states that the European politicians visiting the Palestinian Territory have views on its pro-Palestinian attitudes and sympathy with the Palestinians. They express it "behind closed doors", which is critically "in conflict with the Palestinian interests" expressed in front of the media.[1381] She considers this policy as "a game of double standards" in their relations with the Palestinians, adding:

> "When you listen to the informal discussion of Solana, you will notice that he cares for the interests of Palestinians more than the Palestinians themselves, but when you look at the record of meetings, you notice that Solana offered ideas that contradict with the Palestinian interests."[1382]

Arafat believes that the European officials contradict their statements to fit with their interests and priorities. She recalled some meetings between the Palestinian leaders and the EU leaders where the European leaders changed their statements according to who ran the government. Arafat attended two meetings that Benita Ferrero-*Waldner, the former European Commissioner for External Relations,*

[1378] Abdullah Abdullah,op.cit

[1379] Interview with Hamed Al. Betawi, leading Palestinian Islamist cleric and spiritual guide for Hamas Member of Palestinian Legislative Council, Interview with Author, 21 April 2008, Ramallah, OPTs.

[1380] Ashrawi, op. cit.

[1381] Interview with Ghada Arafat, The Head of the European Office in the Minister of Foreign affairs, Interview with Author, 21 April 2008, Ramallah, OPTs

[1382] Ghada Arafat, op.cit.

had during and after the National Union Government. The first meeting was with Nasser Al Qudwa who was at that time the Foreign Minister. The second meeting was with Dr. Riyad Al Maliky, current Foreign Minister. She said:

> "During the meeting with Nasser Al Qudwa, Benita Ferrero-Waldner was talking in an Israeli voice. She accused us of being corrupt and negligent and threatened to punish us in case Hamas won the elections. However, during the meeting with Riyad, she was 'a different person' and seemed interested in the Palestinian suffering from the barriers. The meeting was full of promises, like recognition of the new government and financial and technical support".[1383]

Hulileh points out that one of the main problems of the EU in the region is that EU members "try to divert the EU's policy to the direction that serves their interests, not the interests of the EU as a whole."[1384] Hulileh considers the internal disagreement among the member states to be the main reason behind the weak role of the EU in the MEPP, thus according to Hulileh: "the Europeans will maintain the payer's position rather than players as long as they fail to coordinate their internal efforts to create bigger harmony in their policy."[1385] Nasser Al-Qudwa, the former representative of the PLO in the UN rejected the claims that the EU's role is weak in the Middle East preferring to describe the role as "absent, avoiding the trouble of being involved in the issue."[1386] Al-Qudwa *confirmed* that the Europeans' different interests find their way into the UN, where "the EU members failed to agree on a joint European policy towards the Middle East issues during his presence at the UN:"[1387]

> "Convincing the Europeans to become involved in the discussions about the Middle East was one of the most prominent obstacles that the Palestinians faced while dealing with the EU in the UN. The Europeans preferred [to run] away from the discussions because they do not want all of them to agree with you."[1388]

The former PLO representative to the UN divided the member states into three power centres. The first group included Britain, France and Germany. The second group consisted of Spain, Italy and the Netherlands. The final group was made up of all others members. *Al-Qudwa* asserts that:

> "In the past, the negotiations were easy and we were able to know directly the EU's stance and the stance of each state. Things now are more complicated, because the EU's internal structure has improved and the internal gathering is stronger. The state

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[1383] Ghada Arafat, op.cit.
[1384] Samier Hulileh, op.cit.
[1385] Samier Hulileh, op.cit.
[1386] Interview with Nasser al-Qudwa, the former Palestinian Ambassador to the UN, Interview with Author, 10 April 2008, Ramallah, OPTs.
[1387] Ibid.
[1388] Ibid.

that was considered a friend, but hesitates now in helping you as it is afraid of being accused of dividing the European decision or the European political coordination."[1389]

The diverse and differing political views of the members of the EU on the Separation Wall and International Court of Justice (ICJ) are clear examples of the European Union's inability to reach a common foreign policy towards the conflict in the Middle East. According to Al-Qudwa, the EU's member states' political stances toward the Separation Wall were divided into three groups. The first group, led by Britain, opposed the Separation Wall issue being discussed in the ICJ considering it a contradiction of European general diplomacy, the opposing group, led by Sweden and Ireland, were transferring the discussion on, finally the neutral group was led by France. Al-Qudwa attributed the British opposition to discussing the Separation Wall in the ICJ to Tony Blair's who, according to Al-Qudwa followed the U.S. "step by step at the expense of the joint European stance" and also wished "to be close to the Israeli policy."[1390]

According to the Palestinian leadership the way the member states dealt with the Hamas-led government - the National Union Government (PNUG) - is another example of how the EU role in the MEPP is a victim of the differing interests of EU members. It reflects not only how tension between the divergent interests and stance of the EU's members negatively undermined its ability to have a credible role in the region but also the deterioration of European stances either in terms of statements level or of action.[1391] Ziad Abu Amr, the Foreign Minister of the PNUG, believes that there was a "big degree of discrepancy in EU states' positions on the PNUG". He states that the European stances towards the PNUG were divided between two groups of states and institutions: first members who have shown a desire to recognise the government and to move away from the U.S and Israeli stance through "gradual lifting of the boycott". In this regard Abu Amr asserts "there were states that told us they are ready to deal with the PNUG, but they could not apply this policy due to their commitments to the EU CFSP."[1392]

Several member states recognised the PNUG members and agreed to deal with them France is example of this group. In contrast there were member that refused to deal with the PNUG especially *those members* "that got direct help from Israel to enter into the EU". These members according to Abu Amr were keen "not to anger Israel and harm Israeli and US interests."[1393] Abu Amr believes that despite the role of new members of the EU it is 'marginal' in the CFSP mechanism, which is drawn up through unanimity."[1394] Shtayyeh considers that the lack of European ability to reach consensus

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[1389] Ibid.

[1390] Ibid

[1391] Khatib, op. cit.

[1392] Interview with Ziad Abu Amr, A member of the Palestinian Legislative Council, former Foreign Minister of the Palestinian National Authority, Interview with Author, 11 April 2008, Ramallah, OPTs

[1393] Ibid.

[1394] Ibid.

within the member states has made them dependent on the U.S for the Middle East policy, the NUG being an example of how "the Europeans were unable to split from the U.S position, because they had different positions on the PNUG." He explains the Dutch took an extreme position against the lenient British one.[1395] In addition to the factors mentioned above, other leaders such Al-Qudwa think that there are other aspects that affected the European position towards the PNUG; mainly the divergent political stance of the EU's members towards political Islam, which is a result of the different interests of the EU's members.[1396] They consider the Muslims present in Europe as one of the reasons that prompted Europeans to open a dialogue with Hamas. According to Al-Qudwa "the Europeans consider that holding talks with Hamas will alleviate tension created by Islamic groups that live in Europe which contains 30 million Muslims."[1397]

Shtayyeha also links the Muslim population in the EU members and their attitudes towards Hamas, arguing that that "members that have big Islamic communities, like Britain and France, have a more lenient position than the position of states that have smaller Islamic communities, like Poland.[1398] Others, such as Al-Betawi, believe that the reason for the EU's rejection of the NUG is the European hostility towards Islam, claiming that "Europe's hostility to Muslims does not aim only to control our resources and oil, make our countries consumption market to them and keep us backward. There is, also, religious hostility."[1399]

The Palestinians are also aware of the impact of the history, different identity and political culture of the EU members on the EU's policy towards the issues. In fact, they believe that both the Palestinians and the Europeans are victims of this history. The Palestinian leaders believe that the effects of EU-Israeli relations upon EU-Palestinian relations are complicated by history, political agenda and economic interests. However, there is a consensus within the Palestinian leadership that the EU-Israeli relations are built, first, at the expense of the Palestinian rights and second, at the expense of European values and principles. They consider the Holocaust as a major obstacle that hinders the European role in the MEPP. The Europeans suffer from problems when they encounter the impact of their history, especially when dealing with Israel. According to Al Khaldi, "Israel exploits the Holocaust by always reminding Europe of it and of its anti-Semitic past". He considers this policy as "political blackmail," aiming first to create pressures on the EU and enforce it "to provide help and facilitations to Israel."[1400]

In addition, Al Khaldi believes that the EU is "prevented from criticising Israeli policy or taking a

[1395] Mohammed Shtayyeh, op. cit.
[1396] Al-Qudwa, op. cit.
[1397] Ibid
[1398] Ibid
[1399] Betawi, op.cit.
[1400] Majdi Al. Khaldi, "Foreign policy advisor, in the office of the president Mahmoud Abbas abu Mazen, Interview with Author, 11 April 2008, Ramallah, OPTs

firm position on its policy that threatens European interests or the MEPP." Al Khaldi believes this leads the Europeans to adopt "adulating policies towards the Israelis which come at the expense of the Palestinians".[1401] Al Khaldi attributed the European failure to boycott Israeli products produced in the settlements to the "absence of EU European mechanisms to apply resolutions or absence of a monitoring body that follows such issues" or the European desire to "guarantee its place at the table of negotiations."[1402]Ashrawi does not stray far from Al Khalid's point of view. She argues that European neglect of the Israeli settlements products are "an obvious and flagrant discrepancy in the European policies on this issue…[which]…violated the partnership agreement with Israel that does not allow the exportation of the Israeli products to Israel if they came from illegal settlements". Ashrawi justifies this policy by arguing that the EU members "feel guilty because of the Holocaust." She added:

> "Some of the EU members always try to satisfy Israel by all means and the Israelis accuse always the Europeans of being aligned with the Arabs. Consequently, the Europeans defend themselves and try to get rid of these accusations through being closer to Israel and the provision of concessions and temptations."[1403]

Ashrawi's understanding and justification of European attitudes are based on the fact that the Europeans see the development of their relations with Israel "as necessary for their interests." However she thinks that this policy "contradicts with European principles and values." She recalls some of statements of EU officials who confirm that "they could not influence Israel unless they do not have distinguished relations with it."[1404] Khatib considers the significant EU aid to the Palestinians and the MEPP as "compensation" of the EU's members' political inability to reach a unified policy towards The OPTsand the conflict in Palestine.[1405] He adds: "we always call for the economic aid to integrate with the political role."[1406] Nasser al-Qudwa believes that the EU is in a stronger position than it allows for itself in the relationship, since Israel depends on the European market for economic and trade relations, which as al-Qudwa states: "is more important than the economic relationship between Israel and the U.S. So, this is a tool that could be exploited if Europe wanted to move in such a direct way."[1407]

As mentioned in the Introduction of this chapter, the Palestinian elites are aware that their relationship with the EU is victim of the tensions between its members and its institutions. Azzam Al Ahmed the Fatah leader believes that one thing that has weakened EU policy in the MEPP is that individual

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[1401] Ibid.
[1402] Ibid.
[1403] Ashrawi, op.cit
[1404]Ibid.
[1405] Khatib, op. cit.
[1406] Ibid.
[1407] Ibid.

initiatives of the member states have been conducted behind closed doors and behind the EU. Al Ahmed attributes these initiatives to the European countries' desire "to resort to individual initiatives when they see that the EU is unable to make Europe's real voice heard or when they feel that the direct dealing with the Palestinian issue gives them better advantages and a stronger presence."[1408]

Al-Ahmad accuses the Europeans of taking advantage of the Palestinian division and says the Europeans "play on the Palestinian contradictions." He considers the Italian and British initiatives to have "back channels" with Hamas as an example of the "dual position" of the member states of the EU. "While the EU considered Hamas a terrorist group, the Italians and the British have engaged in dialogue with them, which contradicts the traditional European stance. He adds:

> "When a country, like Italy, announces publicly that it wishes to bring Hamas to the political process and forgets its admission of the Palestine Liberation, which is responsible for the political process, this will weaken the Palestinian people and Arabic efforts to achieve just settlement and give Israel the justification to wash its hands of its commitments."[1409]

The Palestinian leader criticised the way European leaders conduct their policy with the Palestinians where Europeans officials have different attitudes and political stances in private to their public statements. He stated that:

> "In private communication, the Europeans say just what satisfies us. That is why I do not believe in the secret and unannounced communication, because such communication has no value if it was unannounced publicly, especially there is no moral or legal commitment in the secret diplomacy."[1410]

The Palestinian leader criticised the Europeans for their policy in widening the Palestinian division by exacerbating "Palestinian contradictions" through secret European channels with the Hamas movement, which seeks to replace the PLO."[1411] Ali Sartawi confirmed that after the formation of the NUG and under the request of the Europeans there were "secret deliberations" between the European

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[1408] Interview with Azzam Al-Ahmad, Heads of Fatah parliamentary bloc the Palestinian legislative council. Interview with Author, 9 April 2008, Ramallah, OPTs
[1409] Ibid.
[1410] Ibid.
[1411] Ibid.

officials and member of Hamas and members of the PNUG.[1412] According to him, the Europeans introduced themselves as researchers from research centres belonging to foreign ministries of their states.[1413] These negotiations, according to Sartawi, were between Nasser Al Shaer, Deputy Prime Minister and a number of officials from Britain, Finland and Belgium and were kept away from the media under the request of the Europeans. Sartawi revealed that the Europeans threatened the Palestinians that if they revealed these secret meetings they would deny them.[1414]

Abu Amr the former minister of the PNUG stated that one of the suggestions discussed between the Palestinians and the European officials was that he would be invited to give a speech to the EU council but this was met with opposition from some of the member states in the EU since he was a member of the PNUG. These countries "demanded that I should first issue a statement renouncing terrorism and recognize the agreements and conditions." Abu Amr declared that the European position took a different direction when they linked the political situation on the ground, especially the kidnapping of an Israeli soldier, with PNUG recognition. He states that:

> "There was an offer from the Europeans to recognise the NUG if the Palestinians, especially Hamas, had a truce with Israel and the problem of the kidnapped Israeli soldier was solved, and then the boycott would have been lifted."[1415]

When Abu Amr was asked how the EU could recognise the PNUG without accepting the Quartet's conditions since the EU is one of its main members, Abu Amr answered that:

> "This matter was directly discussed during discussions with the EU officials. They told us that solving of the problems of truce and kidnapped soldier will highly contribute to the recognition."[1416]

Khatib sees that individual European member states' presence in the Palestinian Territories stronger than the presence of the EU as a block and he is convinced that the "German role overshadowed the EU role." He argues that:

> "Germany, through its Foreign Minister Joschka Fischer, played an essential role in the mediation between the parties of dispute. So, the Individual states had, and still have, bigger contributions and political and economic roles than the EU's political

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[1412] Interview with Ali Sartawi, Minister of justice in the (NUG) and a Palestinian professor, Interview with Author, 20th April 2008, Nablus, OPTs.
[1413] Ibid.
[1414] Ibid.
[1415] Ziad Abu Amr, op.cit.
[1416] Ibid.

role."[1417]

The tension between the member states and the European officials also occupied a significant space in the Palestinian awareness. Shtayyeh described Solana's role as "weak" because he has "been trying to please all the actors involved in the conflict and the peace process."[1418] Abdullah Abdullah describes Solana's work as "walking amid a field of mines"[1419] because he "does not want to make a political step that angers the Americans and, at the same time, he does not want to anger the establishment to whom he and EU member-states belong."[1420]

In addition, Abdullah stresses that Solana's attempts to satisfy everyone have angered all parties. Shtayyeh was more critical of Solana's role in the peace process by describing it as being "very weak" because the "EU's political presence depends on the U.S role with regard to the MEPP." According to Shtayyeh, "nobody listens to Solana therefore he "cannot affect the EU's foreign policy" and he wonders how it would be possible for Solana to affect EU policy when he does not represent all European positions. He is convinced that one reason for Solana's role in the region having been weakened is the competition between the EU member states and the European Commission. He believes that "EU member states' national foreign policies would be weakened if they were to strengthen Solana's position."[1421]

7.4 How the Palestinian Leadership Perceive the EU's Democracy Promotion

There is a general consensus among Palestinians leaders that the EU and its members are not interested in implementing democratic practices and values in Palestine, but rather wishes to develop economic and political interest which come at the expense of the Palestinian people. Nasser Al Qudwa did not question the intention of the EU in its efforts to reform the PA and democratise the Palestinian people. However, he referred the contradiction between European rhetoric and policy on the ground to a lack of political will to implement the EU policies that "were promised."[1422]

Arafat believes that "the main interests of the EU's members in Palestine are the MEPP in the region and any other interests are "cosmetic measures that allow Europeans to appease European voters." She supported her argument by saying that "Yasser Arafat, implemented a 'centralised policy decision making mechanism', but nevertheless the Europeans considered him as a real partner of peace."[1423] Furthermore, the Palestinian leadership is aware of the gap between the political attitudes of the

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[1417] Khatib, op. cit.
[1418] Shtayyeh, op. cit.
[1419] Abdullah Abdullah, op. cit.
[1420] Abdullah Abdullah, op. cit.
[1421] Shtayyeh, op. cit.
[1422] Al-Qudwa, op.cit.
[1423] Ghada Arafat, op.cit.

member states which are built on strategic interests and the attitudes of the European citizens who are generally considered pro-Palestinian.[1424] Sartawi believes that the EU and its member states will never listen to the political will of the Palestinians as long as the Europeans themselves "continue ignoring the voice of ordinary Europeans represented in the EP who repeatedly call for the suspension of the EU-Israeli partnership."[1425]

Shtayyeh states that "the Europeans want tailored democracy, which is in line with the European concept". He believes the European boycott of the election results, which the EU ironically financed and supervised, was due to the way the Europeans look at political circumstance in the region. He stated: "Europe sees that the political game in Palestine is connected with a political track." He added that the EU "does not care for the promotion of democracy, whether in Palestine, Afghanistan, Turkey, etc and the real test for western democracy was the Hamas victory in 1996 election."[1426]

Azzam Al Ahmed, head of Fatah's parliamentary bloc in the Palestinian Legislative Council, directed very harsh criticism towards democratization efforts of Western countries, including the EU and the U.S, stating that "personally, I think that the U.S. and the EU are the sponsors of suppression, dictatorships and corruption in the region." Al Ahmed believes that the type of democracy that the West is promoting "does not suit us, it suits them." He added that "if Palestine is taken as an example in the Middle East, it will be found that corruption is rampant in civil society establishments. Even the corruption in the PA is supported by the U.S and Europe." When the researcher asked Al Ahmed about the motives of the West in supporting corruption while their main policy is to fight corruption, he indicated that the two factions are generally interested in "creat[ing] a political and social class whose interests are connected with the interests of the U.S. and Europe."[1427] According to Sartawi, refusing to suspend the Partnership Agreement with Israel as a result of its human rights violation in the Palestinian territories and silence on the violations of human rights in Palestine is further evidence of the EU's duality. [1428]

Additionally, Ashrawi wonders why the Europeans concentrate on corruption in the Palestinian Authority and "turn a blind eye to the Israeli violations of human rights and the destruction of the Palestinian infrastructures". She attributes it to the desire of the member states to support stability, saying "the Palestinians have problems with the Europeans and the Europeans have problems themselves too." She considers EU aid in a developmental role to build Palestinian infrastructure under Israeli occupation as "useless" because, according to Ashrawi, "Israeli practices in the occupied

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[1424] Khatib, op.cit.
[1425] Sartawi, op.cit.
[1426] Shtayyeh, op.cit.
[1427] Al-Ahmad, op.cit.
[1428] Sartawi,op.cit.

lands destroy all development fundamentals." She states that she "remember[s] that when the Israeli soldiers invaded the territory, they said to us 'Don't worry, the Europeans will construct buildings and properties.'"[1429]

Ashrawi stresses that this problem will continue as long as the occupation continues and that the EU's members should, therefore, first tackle the reasons for economic recession and destruction- the occupation- and then build the Palestinian infrastructure. However, the Palestinian leader acknowledges the European dilemma. She argues: "on one hand they can't stop their aid because their aid is vital for both the PA and its population: on the other hand they know that the European aid seems to patch Israeli practices up."[1430]

In light of this problem, Ashrawi has put forth a proposal that might help both the Europeans and the Palestinians. "The Europeans should try to solve the problem and create a mechanism to achieve development and end the occupation at the same time." She suggests that linking the peace process and the development process is the solution. She states that "the end of occupation and the building of the state depend on each other. "You cannot keep the occupation and build the state. The more you end the occupation, the more you build the state."[1431] In the absence of a strategy that links aid to ending the occupation, Ashrawi believes that there exist chronic questions which repeatedly impose themselves on European aid and developmental policy in Palestine. Such questions include: "does Europe limit only the Israeli damage and make the Palestinians relatively able to survive? Or does it want to tackle the continual Israeli aggression which is regarded the main reason behind the Palestinian suffering."[1432]

Ghada Arafat painted a bleak picture of European aid as she directed several criticisms at the EU's aid and its member states. Some of the criticisms were related to European priorities, while others were related to the "unwillingness to put pressure on Israel for the sake of any project." However, she considers that the EU is using aid as a tool to "blackmail the Palestinians" thus creating a system in order to force them, i.e. the Palestinians, to "take certain political positions" and says it has "drawn up an aid system to keep the Palestinian economy dependant on the European aid." Arafat describes it as a scandal which can be added to the "corruption spread among the European staff in the Palestinian territories."[1433]

Shtayyeh believes that the competition between the EU and the member states' development agendas is one of the challenges that the European Commission faces in Palestine. He referred to this duality

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[1429] Ashrawi, op.cit
[1430] Ibid.
[1431] Ibid.
[1432] Ashrawi, op. cit.
[1433] Ghada Arafat, op.cit.

as a desire of member states *"to lift their national flags and have a direct presence, as this is considered part of their foreign strategy and their bilateral relations with the region."* For example, *"Germany gives us direct aid which is different from the one that comes from the EU, though the biggest percentage of EU's budget is given by Germany."*[1434]

The Palestinian leadership also recognises that there are differences between the policies of the European institutions within the EU structure due to the different interests and imbalance of power and different loyalties inside the EU."[1435] They are aware of the difference between the European Commission's priorities and the presidency's priorities. Therefore, they think "it is impossible to find a unified EU foreign policy."[1436] The EU political stances towards the NUG are a clear example of the differences between the EU institutions.

Abu Amr stressed that on the institutional level within the EU structure there were differences between the European institutions as well. According to his personal experience as Minister of Foreign Affairs, the EP was pushing to recognise the NUG and the European Commission "preferred" to deal with NUG due to their direct contact with the Palestinian issue, while the European Council "refused to deal with the NUG." Abu Amr confirmed that during his visit to the EP and meeting with the head of the EP and the Committee of Foreign Relations and political groups in the Parliament "there was an agreement to forward a motion to the EU calling to lift the boycott on the government."[1437] However, the takeover of Gaza by Hamas stopped all procedures on the part of EU Council. Khatib noted the differences between the positions of the EP towards OPTs and the MEPP and the positions of the government's member states and the policy of the rest of the European institutions. He believes this is due to the impact of public opinion on the parliament. "In Europe, the public opinion sympathizes more with the Palestinian issue than governments for reasons related to strategic interests and the U.S-Israeli relations."[1438]

7.5 U.S and EU Policy from a Palestinian Perspective

Although the Palestinian leadership blamed the institutional constraints inherent in the EU's CFSP, their major criticisms were directed at EU-US relations and the lack of European political will to challenge the U.S in the Middle East. In general the main reason for the Palestinian dissatisfaction with the European position in the Middle East is the failure of the Europeans to conduct an independent policy from the U.S. as they have "agreed to play a secondary role with the U.S and make its political will subject to the U.S." [1439] Several Palestinian leaders went further, arguing that because of the EU-US relation the Europeans "did not succeed in achieving any of their goals either in

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[1434] Shtayyeh,op. cit.
[1435] Ashrawi, op .cit.
[1436] Shtayyeh, op .cit.
[1437] Ziad Abu Amr,op. cit.
[1438] Khatib, op. cit.
[1439] Ashrawi, op.cit.

achieving peace or democracy promotion and development in Palestine."[1440]

Of course not all the Palestinian leaders adopt this argument; indeed a number of Palestinian leaders believe that there is no conflict between the two political players since they split responsibilities in the Middle East between them since the Europeans know their capabilities both views have different a understanding and justifications for their arguments; however this section will demonstrate both schools of though and how they think the EU should interact with the U.S when it comes to the MEPP.

Saeb Erekat is convinced that there is no competition or conflict between American and European "strategic interests" in the Middle East due to shared interests in the region as well as the strong historical economic and trade ties between both alliances.[1441] He analyses the impact of the strong trade and economic ties between the two partners insinuating that their economic ties are more important than their political differences over the MEPP.

Erekat demonstrates his argument by recalling statistics and figures to show how both partners are economically connected, stating that "French exports to the U.S totalled around $72 billion in 2007 and Air France organizes around 37 daily trips to the U.S and German Airlines sends nearly 43 daily flights to the U.S." Politically he does not believe that the U.S. and France have different stances strategically. "Europe and the U.S have joint interests and are allies, whether in NATO, the UN or the UN Security Council."[1442] When it comes to the Middle East and the peace process, Erekat believes that roles and responsibilities are "distributed" between the Americans and the Europeans by agreement and if there is any disagreement between them over the MEPP, this disagreement would not reach a substantial enough degree to call it struggle or strategic competition.[1443]

Erekat states that he "cannot understand how some can differentiate between the European role and the U.S. role. The U.S dominates the Quartet and nobody can compete the U.S in the Quartet". When the researcher asked Erekat to give examples supporting his "distributing roles" argument, Erekat recalled the dispute over the final statement of the Annapolis Conference, saying:

> "During Annapolis Conference, I asked in the final statement that I formulated in behalf of the Palestinian side whey did not the Quartet mention that it is one of the mediators along with the U.S. However, US Secretary of State Condoleezza Rice requested me not to include this question. When I objected, Rice said to me that I have nothing to do with the relationship between the U.S and Europe. I talked with Javier and German Foreign Minister Frank-Walter Steinmeier, but they told me that

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[1440] Ibid.
[1441] Saeb Erekat, op.cit.
[1442] Ibid.
[1443] Ibid.

they agree with Rice."[1444]

However, Erakat believes that low ranking EU officials do not share the complementary vision with their leaders. He stresses:

> "You can sit with a third-degree European consul who will say to you there is disagreement with the U.S and Europe is annoyed from the U.S policy in the region. But this is untrue. At the level of the European strategic policies, we notice that there is clear acceptance to distribute the roles."[1445]

Shtayyeh, president of PECDAR thinks that although that Europeans have "big economic and financial ability" they lack the "political tools and will."[1446] He considers: "European states that have revolved willingly around the U.S orbit." He considered this factor as the main reason that limits the role of the EU in the peace process and the region in general.[1447] Shtayyeh does not agree with those who believe that there is a confrontational policy between the EU and the U.S, whether globally or in the Middle East region, by asserting that "the political game is controlled by the U.S which gives military orders in the world. The Europeans have specific roles at the global level concerning international policy, political abilities, global economy and international security." With respect to the MEPP, Shtayyeh thinks the Europeans are at times "annoyed by some U.S policies, due to their [EU] deeper understanding of the problems of the region thus they think they are better than the U.S in solving these problems but we can't call that conflict or clash of interests."[1448] Unless Europe starts a critical dialogue with the U.S. they "cannot play a political role in the region".[1449]

He believes that if the Europeans do not exact a role from the U.S through critical dialogue "the U.S will not give Europe any role" and the Europeans will "remain a group of countries with joint interests and without ability to reach unanimity" in the Middle East. He endorses that the Europeans should criticize the U.S position which aligns itself with Israel. Shtayyeh accused some of the EU's member mainly Britain whose position towards the U.S "differs from the position of the remaining countries" of taking advantage of the EU's institutional complexity. Shtayyeh believes it makes no difference who is in office at Number Ten, the Conservatives or Labour, because "British-U.S relations remain strategic" and "do not change with the change of British Prime Ministers or U.S presidents."[1450]

Khatib is convinced that there is "a distribution of roles between the U.S and Europe" and that the Middle East is a playing field where both side are directly involved. The Palestinian leader believes that there is an "understanding between the U.S and Europe gives a bigger role for the U.S in the field of politics and the leadership of international community's efforts in this regard while Europe is given

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[1444] Ibid.
[1445] Ibid.
[1446] Shtayyeh, op.cit.
[1447] Ibid
[1448] Ibid.
[1449] Ibid.
[1450] Ibid.

an essential role in developmental and economic fields."[1451] He refers to the fact that the "US has a bigger effect in global issues in general or that there are regions, like the Middle East, which Europe surrenders to the U.S, while the U.S surrenders other regions to Europe." When the researcher asked Khatib if he thought that Europe has the ability but lacks the desire, or vice versa, he considered both answers to be correct.

> "There is a category that agrees with the U.S stance and there is another category that disagrees with the U.S stance. After some former Soviet Union states joined the EU, the U.S. used these states to weaken the EU's endeavours to adopt policies opposing the U.S. trends inside the Quartet."[1452]

He added that although the Europeans "have better and deeper understanding of the conflict, they do not behave according to their convictions and thoughts as they are affected by the U.S. Consider Europe's position on the NUG as a prime example." He asserts that when the NUG was formed, the Palestinian leadership witnessed positive attitudes towards the movement, but in reality all European countries adopted a passive position on the PNUG as a result of U.S policy. From his experience as Minister of Labour and Minister of Planning, Khatib has reached the conclusion that if there is a conflict between the American and the European methods in dealing with Palestinian issues, the American method wins and consequently represents the dominant behaviour of the international community. He supports his argument by recalling the manner in which both sides dealt with alleged corruption in the PA as a clear example of American domination.

> "While the political agenda of the Americans attempted to use PA corruption as a tool to disempower the PA and Yasser Arafat, the Europeans, in contrast, tried to take advantage of the current situation to push for reform and improvement…. the U.S preferred the political agenda over the developmental, democratic and economic agenda, while Europe favoured the developmental, democratic and economic agenda over the political agenda."[1453]

According to him, the capability of the Europeans to conduct foreign policy in the Middle East independently from the U.S is reliant on two factors. First, the EU's self-development: the more the EU is unified, the more it plays a bigger role in the region, whether politically or economically. Second, there is the manner in which the Palestinian leadership deals with the EU:

> "The presence of a Palestinian government that respects the international legitimacy highly contributed to the support of the European position and the non-availability of

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[1451]Khatib, op.cit.
[1452]Khatib, op.cit.
[1453] Ibid.

a government that recognize the international legitimacy contributed to the absence of the European role."[1454]

Hanan Ashrawi argues that, from the political behaviour of the EU on the international stage, it has the ability and the political will to confront the U.S on issues that are related to the "European economy and Europe's vital economic interests" such as the World Trade Organization and the General Agreement on Trade in Services (GATS). However, according to Ashrawi, "Europe admitted that the U.S is the biggest player in Middle East."[1455] Al Khaldi discloses similar beliefs as Ashrawi by viewing the Palestinian-Israeli issue as being "agreed upon between the EU and US." Nevertheless, Al Khaldi believes that the "EU could be the essential party in another issue, like in Lebanon".[1456]

Fatah leader, Azzam Al Ahmed, does not share the views of Erakat, Shtayyeh, Al-Khatib, Ashrawi, and Al Khaldi of "distributing roles" between the EU and the U.S but is rather convinced that the U.S "dominates international policies, including the European policy".[1457] Al-Ahmad remembers that during his visit to Italy, a top official in the Italian government informed him that "Italy is not independent after the collapse of the Soviet Union ... and Italy is dominated by the U.S."[1458]

> "The European interests, especially Italian and German interests, in Iraq were very
> big before the fall of Saddam. I know that because I was an ambassador in Iraq. The
> Europeans could not maintain their interests there, as they were afraid of the U.S."[1459]

He added:

> "I am very convinced that the Arabs and the Europeans cannot provide aid for us
> without getting the U.S approval. We noticed how the U.S obliged all worlds' banks
> to stop the transference of money to the PNUG I am very convinced that the Arabs
> cannot provide aid for us without getting the U.S approval."

The Fatah leader is convinced that:

> "The Europeans want to play an influential role, but they are unable to do so, and will
> not be able in the foreseeable future until they regroup and adopt an ethical position
> stemming from their interest so it can be liberated from the U.S foreign policy. The
> EU's institutional structure and the British affiliation with the U.S and the affiliation
> of new EU member who "talks on behalf of the U.S" make me pessimistic."[1460]

[1454] Ibid
[1455] Ashrawi, op.cit
[1456] Al. Khaldi, op.cit.
[1457] AlAhmad, op.cit
[1458] Al-Ahmad, op.cit
[1459] Al-Ahmad, op.cit
[1460] Ibid.

He explained that the Europeans "were unable to implement their wishes" due to the "American domination on the European position." Al-Ahmed accuses the Europeans of "political hypocrisy" since they were encouraging the Palestinians "behind closed doors" to organize an international conference whilst at the same time, they had a different opinion in their meetings with the U.S." He attributed the European refusal to the PNUG government of European "subordination" to the U.S. He states that the Palestinians built a huge expectation on the Europeans position. "We felt that through our meetings with the European officials that Europe was ready to deal with the PNUG".

Al Ahmed considers the high expectations of the Palestinians from the European role as a problem. He stresses:

> "The Palestinians invested much hope in the Europeans and we have a conviction that there are common interests and historical relations linking us with the Europeans. Consequently, we feel that we are closer to the Europeans than the U.S. However, we always 'lose our bet' with the Europeans and are left disappointed."[1461]

The Quartet was the first movement towards EU inclusion (which formulated the road map) as a great chance for the EU to have direct contact with the conflicting parties with a place at the negotiating table with regard to the peace process.[1462]

> "When the time of delivery of the Road Map came, the U.S. preliminary presidential election started. At that time, the Europeans were the ones who delivered us the Road Map. However, when the election calmed down and implementation of the Road Map started, the U.S. re-took the initiative and the Road Map has not been implemented so far. This means that Europe gave us the check without it being cashed."[1463]

Samier Hulileh is convinced that European foreign policy in the Middle East is in a political dilemma that can be described as a"prioritise conflict dilemma."[1464] He argues that the Europeans are facing a critical situation as on the one hand they are trying to find the way to conduct an independent European foreign policy from the U.S while at the same not jeopardising the EU's American and Israeli relations. Hulileh points out that risking the EU's relationship with its allies, Israel and the U.S, will lead to loos the Europeans losing their position at the negotiation table with the main, stronger players, especially the Americans and the Israelis, who decide who sits at the negotiation table. Therefore as the Hulileh believes "the desire to play political role in the MEPP prompted the Europeans to follow the Israeli and the American policy towards the NUG and Hamas government

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[1461] Al-Ahmad, op.cit.
[1462] Ahmed Soboh, Deputy Minister of Minister of Foreign Affairs In the PA, Interview with Author, 2ed h April 2008, Nablus, OPTs.
[1463] Ibid.
[1464] Hulileh, op. cit.

because if the EU opposed the U.S's policy, it will find itself outside the negotiations."[1465]

The former deputy prime minister, Nasser Al Shaer, agrees that there is American domination of the MEPP. He asserts "we know that the Palestinian issue is in the hands of the U.S, not the Europeans."[1466] Ashrawi blamed the U.S. for the EU's limited role in the MEPP, especially since its policy is built on dividing Europe "into New Europe and Old Europe," as Rumsfeld did during his speech in the UN that preceded the war against Iraq.[1467] Ashrawi noted that during the meeting between the Palestinian leaders and their European and Americans counterparts the Americans "minimized" the European role. She considered the American rejection of Britain's former Prime Minister, Tony Blair, and request to recognize the London Conference as an international peace conference:

> "After he requested that directly twice, the conference was transferred into a
> reform conference, though Blair is an ally of the U.S. Bush refused directly
> Blair's request, in an offensive way, during a press conference in front of the
> media."[1468]

Al-Qudwa is convinced that Europe could play an independent political role in the Middle East conflict if the "political will was available" since Europe possesses the requisite "economic components that enable it to play such a role." During his work as a Permanent Observer from the PNA for the UN, he noted that there was significant US influence over European countries and, particularly in the UN, a "special relationship between the U.S and Britain and European countries that recently joined the EU such as Czech Republic and Poland" According to Al- Qudwa,, the new member states caused the Palestinians "a lot of difficulties, especially with regard to the voting behaviour, since "that have distinguished relations with the U.S." He refuses to attribute full responsibility to the U.S because the Europeans have their own reasons which may well intersect with the U.S. interests.

He explains that boycotting Hamas and National Unity governments is an example of the EU-US intersected interests. Fears of international terrorism and of giving legitimacy to the European domestic organisations that utilise violence for political gain is one of the reasons that prompted the EU and its member states to refuse to deal with Hamas and its government, as they considered it a terrorist group. Al-Qudwa argues that although Spain is "friend and traditional ally for the Palestinian people." Spain showed a very strict position on Hamas government since the Spanish suffered from terrorism from the Islamic extremist attacks on Madrid and the Basque Nationalist and Separatist Organization who regularly attack the Spanish cities.

[1465] Ibid.
[1466] Al-Qudwa, op. cit.
[1467] Ashrawi, op. cit.
[1468] Ashrawi, op .cit.

The Islamic leader Al-Betawi thinks that "Europe does not take its decisions freely, particularly if these resolutions did not fit and suit US and Israeli policies in the Middle East."[1469]He described the relationship between the U.S and Europe as a "small child who is looked after by the U.S."[1470] The Islamic leader also confirmed the meeting between the European officials where Hamas leaders had the impression that Europe had a direction to recognize the National Union Government but the U.S. pushed Europe to follow its policy. Nasser Al Shaer deputy Prime Minister in the previous cabinet of NUG asserts that the EU's position did not boycott the NUG and there was understanding by the EU which attempted to open communication channels. However, Al Shaer believes that the European understanding of the EU's stance "tries not to move away from the U.S's position."[1471] Abdullah Abdullah commented on the European role in the MEPP by stating that the EU is "an economic giant and political dwarf this leads to the therefore the U.S. runs the policy and the EU signed the cheque in the Middle East."[1472] He believes the EU "does not want to face the U.S. for the sake of Arabs," explaining that the Europeans value EU-US relations more than EU-Arab relations. However, he says that the Europeans "convinced the U.S. to continue the peace process with Palestine after Hamas won the elections."

Ali Sartawi, a Hamas leader who served as Minister of Justice in the National Union Government in 2006, shares a similar point of view with Abdullah as he believes that the Europeans do not respect the principles and values that they are promoting. He offers the reasoning that they failed to protect their principles and values from the U.S tyranny and also that they "failed in the first test they faced in Palestine by refusing to recognize our legitimate and fair elections."[1473]The former Minister of Justice claims that the inability of the Europeans to protect their values is due to fact that "they want to maintain their position alongside the U.S. at the negotiations table". Despite the bleak picture that the Palestinian leadership draws of the EU-US relation in the Middle East, the interviews with the Palestinian leadership suggest that that the Palestinians "cannot bet on the European role."[1474]

They view the Europeans as mediators and moderators towards the U.S policy regarding the Palestinians. The Palestinian interviewees recognise that the Europeans cannot play a significant role in the MEPP as decision makers due to their own contradictions in policy and deficit in their mechanisms, hence the view that they can only supplement American decisions. Erakat argues that Europeans officials are sufficiently "aware of their capabilities and the limitation of their role,

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[1469] Betawi, op .cit.
[1470] Ibid.
[1471] Nasser al-Din al-Shaer, is the former Education Minister of the Palestinian National Authority serving as a member of Hamas. He also served as Deputy Prime Minister in the previous cabinet. Interview with Author, 15th of April 2008, Nablus, OPTs.
[1472] Abdullah Abdullah,op.cit.
[1473] Sartawi, op. cit.
[1474] Ashrawi, op. cit.

therefore it is rare to hear any European official saying that he wants to rival the U.S. role."[1475]In contrast, during meetings with the Palestinian leadership, according to Erakat most European officials emphasize the fact that "they want to complement the U.S. role." When Erakat asked if Europe would be able to play a political role independent from the U.S, the head of the Negotiations Unit in the Palestinian Authority replied:

> "I cannot say, but Europe played a big role in affecting US policy, and I cannot describe the European role as weak since Europe highly contributed to reduce the severity of US policy on the Palestinian issue."[1476]

The Palestinian leader asserts that although the Palestinians are linked with Europe through a distinguished relationship and wish the Europeans to play an important political role in the region such a role would not cancel out the U.S role. He goes on to say that rather than wanting Europe to replace the U.S. they want to help Europe and the U.S. to complement each other's roles. Samier Hulileh believes that "if the EU was unable to find solutions to the struggle and independence to take decision, it is better for it to concentrate their efforts to affect on other parties, especially the U.S."[1477] According to Soboh, since 1993 it has become apparent to the Palestinians that "Europe is the only party able to impact on Israel and makes the U.S. less prejudiced to Israel".[1478] Soboh considers it to be an EU strongpoint that it is "a strong mediator in the peace process that does not support aggression and has a strong impact on the Israeli's by making the U.S. less biased in favour of Israel."[1479] He states "I see that Europe is the only one capable of talking with the U.S. to make the peace process possible."[1480]

7.6 How the Palestinians Responded to the European Policies

This section shows that the Palestinians take advantage of the divergent European policies and use them strategically towards their own end. The lack of leverage for Palestinians in the balance of this relationship means that the Palestinians rather than challenge European policy accept these policies and make best use of them with particular context to separate European member states. This policy according to Hulileh contributed to the decline in the European political stance towards the Palestinian rights and issues.

> "I think that the Palestinians contributed to that through the weakness of the Palestinian performance and state of internal division. The weakness of Arabic

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[1475] Erekat,op.cit.

[1476] Ibid.

[1477]Hulileh,op.cit.

[1478] Soboh, op.cit.

[1479]Ibid.

[1480] Ibid.

performance was, also, a factor. Moreover, the European political map changed from the inside." [1481]

The internal conflict within the EU's member states and the weak political presence of the EU in the Palestinian Territories prompted the Palestinians to prefer to deal with the individual member states in the political field more than with the EU as one bloc. Erekat points to the rights of the Palestinians to utilise all the opportunities to gain the support for their cause including lobbying EU members outside the EU framework he states:

> "The Palestinians are not required to give instructions to the Europeans to strengthen their role in the region. The Europeans know their role, but they lack the strong political will and we cannot convince the Europeans to follow a unified European policy."[1482]

He adds:
> "France and Britain has bigger presence...There are permanent consulates available in Palestine, while the EU does not a representative office. The EU has only the EU Commission that just provides economic aid, while the U.S. has a special political and security envoy. The same thing is applied to Britain, But the EU does not have a permanent envoy."[1483]

Al-Qudwa, points out that the Palestinians have used the weak structure of the EUto expose the differences between the member states in order to persuade other members to support resolutions relating to the Palestinian cause in the UN.

> "In the beginning, the structure of EU was weak and we used to practice pressuring tactics with some friends. But with the development of the EU structure, things became different."[1484]

Majdi Al Khaldi considers the EU's role to be positive and useful; nevertheless it he believes it has not reached the "desirable and required level."[1485]He refers to the limitations of the U.S's position and domination as well as the Israeli resistance of the EU's role in the political field. On the other hand, Al Khaldi thinks that the EU's members are more powerful in their political bilateral relations with

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[1481] Hulileh,op. cit.
[1482] Erekat, op. cit.
[1483] Ibid.
[1484]Al-Qudwa, op. cit.
[1485] Al. Khaldi, op cit.

Palestinians than the EU.[1486]

Hulileh concludes his remarks on the EU –US relationship and the EU policy in the middle east by stressing that the "EU policy in the Middle East EU tries to find a place on the table of negotiations through satisfying the U.S" He added, the "satisfying" policies go "parallel with weak Arab position that make the them avoid to support the European stance at the expense of the U.S's position."[1487] Hulileh blamed the Palestinians as well for their "imbalance in directing the Palestinian foreign policy and duality in the Palestinian political speech to the world."[1488] Betawi, member of the Palestinian legislation council and leader of the Hamas Movement believes that there are some question marks and a suspicious and political price behind some of the European aid. For example, he claims that European aid is given to Palestinian women's activities to persuade them to adopt civilian and western laws instead of Sharia law as a European attempt to restructure or reengineer Palestinian society and therefore "destroy the Palestinian people."[1489] However, he appreciates the EUsince it alleviates Palestinians' problems, allowing them to take advantage of European developmental programmes, through a selective policy, that meet the Palestinians' needs and to reject European funds that clash with Palestinian norms and values.[1490]

7.7 What the Palestinians Want from the EU

This section seeks to affirm what the Palestinians want from the European Union. Saeb Erakat calls on Europe to determine its relations with the Arab and Muslim worlds since these relations "were not determined since 1632 when Turkish Othman forces besieged Vienna 480 years ago."[1491] When the researcher asked Erekat what was meant by the determination of such relations, his answer indicated that there is ambiguity and confusion surrounding European-Arab relations. Erekat preferred to answer the question by redirecting matters towards the Europeans by enquiring about the basis on which these relations depend.

> "Do they depend on interests or neighbourhood? Why are they afraid of us? Why did you strike Mohammed Ali Basha? When did you strike Saddam Husain when his power emerged? Why did you strike Jamal Abdulnaser? Why are Arabs struck every time they think in a development project?"[1492]

[1486] Ibid.
[1487] Hulileh, op. cit.
[1488] Ibid.
[1489]Betawi, op.cit.
[1490] Ibid.
[1491] Erekat, op. cit.
[1492] Ibid.

Erakat is convinced that the root of the problem between Europe and the Muslim and Arab world is that the "Europeans are afraid from Muslims and Arabs for that reason it was very easy to convince the European nationals that Saddam Husain had developed nuclear weapons to strike the EU's capital Brussels."[1493] Ahmed Soboh, Deputy Minister of Foreign Affairs, stressed that the Palestinians "don't want Europe to show enmity towards Israel" because the "Palestinians signed a peace agreement with Israel and they recognized Israel."[1494] However, Soboh called upon everyone "to be enemy of the Israeli occupation in Palestine, because the continuity of occupation brings more violence, terrorism and hatred". He added: "I do not call anybody to leave his friendship with Israel, but I call everyone to win a new friend called Palestine. I do not want anyone to help me live with occupation. I want help to end occupation."[1495]

Sheikh Hamed Betawi also has a desire for Europeans to "adhere and commit to their high values, like freedom, justice and equality," and not treat the Palestinians "like slaves, with no respect to them as humans who have interests, opinion, values and aims."[1496] He adds "due to a long experience with Arabs and Muslims, the EU has acquired a better knowledge and understanding of Arabic and Islamic issues compared to American cowboys." Betawi highlights several issues that he claims the Europeans must take into consideration when conducting their policies in Palestine.

It is primarily recommended that Europeans should stand by promoted principles and values they promote in order to gain credibility. In Betawi's words, "Europeans should respect the result of democracy that they believe in and they should be closer to us to understand our religion; they should support right, not tyranny." The Islamic leader also stresses the importance of differentiating between resisting the occupation and engaging in terrorist activities. He states that "we as Muslims should not reply to the U.S. soldier who kills Muslims in Iraq by the killing of Europeans and bombing of their trains. We do not accept that at all but we have the right to fight them if they came to our countries as occupiers, whether that was in Iraq or any other place." He urges Europeans not to use Islam "as an enemy to unify the European internal front." Finally, the Islamic leader stresses that European politicians should know that the Palestinians "do not hate European people, but we hate the European policies, because these policies support injustice. Europe supports injustice and supports Israel politically and financially in our favour."[1497]

Abdullah Abdullah asks EU member states to make "unified efforts and interests, to talk in one voice" since "their deliberate or non-deliberate absence opened the door for the U.S domination."[1498] The manifold European voices, according Abdullah, denote that "there are many messages and this leads

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[1493] Ibid.
[1494] Soboh, op. cit.
[1495] Soboh, op. cit.
[1496] Betawi, op.cit.
[1497] Ibid.
[1498] Abdullah Abdullah, op.cit.

to many hopes and expectations in the region." In addition, the chairman is convinced that the lack of a unified European voice will lead to a contradictiont between European promises since "each European has promises that contradict with the promises of other European states." As a consequence of the many European voices and messages, several leaders perceive that the EU and Europe are urgently in need of a European political leader who has charisma that enables him to direct the foreign European policy in a way achieving Europe's unified goals. Khatib believes that "Europe's priorities should be strategic and political ones," because besides the importance of region in terms of geographical location and energy, he argues that solving the Middle East's problems, particularly the conflict in Palestine, will lead to "limit the problems of Arabic and Muslim communities that live in Europe." In addition, Khatib calls upon the Europeans to take the Holocaust factor into consideration in their attempts to understand the European CFSP. Khatib suggests determining the historical relationship between European gentiles and European Jews, principally the legacy of the Holocaust and how it has shaped European and Israeli relations. He attributes this paradox of European policy in the region to to the Holocaust factor:

> "There is a factor that European academics feel shy to mention, which is the holocaust. Here, I want to confirm that the acts of Europeans in the Middle East that contradict with their positions and principles stem from the complex of guilt which results of the way the Europeans and Germans dealt with the Jewish."[1499]

Hulileh urges Europeans to pay more attention to religious and cultural relations with Palestinians, especially as this dimension *"does not take big part in the EU-Palestinian relations."* He adds that "we as Palestinians should not forget the role played by some European states with regard to Christian holy places in Palestine. As far as cultural objectives are concerned, I see that Europe is not interested at all in this issue."[1500]

7.8 Factors Determining Palestinian Perceptions of EU Policy in the OPTs

Clearly the Palestinian perception of the European role and policy is that they are divergent and sometimes conflict with each other. Several determinants contribute to the views of the interviewees. First, the political ideologies and backgrounds of the interviewees; for example, the Islamic ideology of the leadership from the right wing of the Palestinian political movements (Hamas) affect their perceptions of the EUpolicies in Palestine. Therefore it is not surprising that most of the criticism towards the EU democracy and human rights programmes came from the Islamic leaders who believe that the Europeans "enjoy democracy in their countries but when they go out of their countries, they

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[1499] Khatib,op. cit
[1500] Hulileh,op.cit

are no longer democratic and become monsters."[1501] Thus they believe that the EU is not interested in implementing democratic practices and values in Palestinian but dictatorships and corruption.[1502] Another factor which influences their views is the profession and position of the interviewee in the Palestinian political structure.

In addition, whether the interviewee is in government or in opposition also plays an important role in determining the interviewee's response to the researcher's questions. The researcher noticed that those in opposition were more critical of the European policies although most of them, such as Azam Al Ahmed, were very active in the peace process and the Palestinian government policies. It could be that being outside of the government and not having contact with European officials freed them from diplomatic censorship. The researcher found that most of the Palestinian leaders who were involved in the Palestinian government and/or in the Palestinian NGOs were reserved and reluctant to talk about the EU policy freely or make direct criticism of its policy. As explained in the methodology of this chapter the Palestinian leaders try to maintain good relations with their European counterparts by avoiding criticising them. Ashrawi, Erakat and Khatib are clear examples of this.

7.9 Conclusion

This chapter has shown that the Palestinian leadership are aware of the deficits inherent in the mechanism of the EUCFSP, either due its flawed structure or due to conflicting interests of the member states. However, although the Palestinian leadership has shown dissatisfaction with the results of the EU's mechanism they are, on the ground, exploiting the mechanism which in turn has contributed to distorting their voice and efforts and role in the MEEP and Palestine. Approaching EU members individually and lobbying them behind the EU frame work is a clear example of the Palestinians' exploitation of the EU's CFSP. Awareness of the difficulties in achieving consensus among the 27 members of the EU has caused the Palestinians to play on the differences between the political stances of the member states.

This has contributed to weakening the European role and voice in the OPTs erritories and the MEPP. Furthermore, taking advantage of the various channels of European aid is another example of the Palestinians taking advantage of the EU members' desire to increase their presence and prestige in OPTs through their aid and the developmental programmes outside of the framework of the European Commissioning.

The Palestinian leadership has shown dissatisfaction with the European position in the MEPP because of their lack of independence from the U.S. In theory the Palestinians called upon the EU members to play a political role in the peace process; however, on the ground they are not interested in supporting a strong European role since they know that the MEPP is in the hands of the U.S. who has influence over Israel. Therefore, the only role that the Europeans can fulfil, according to the Palestinians, is to

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[1501] Betawi, op. cit.
[1502] Ibid.

influence and moderate the U.S. policy towards the Palestinians, since they consider it to be biased towards Israel. It is interesting to note that, whilst this thesis has identified the role played by the U.S. (and trans-Atlantics among some EU member states) in shaping the context and dilemmas of EU policy-making towards the Palestinians and the MEPP, this factor was considered the primary determinant of EU policy – or specifically policy-weakness – for Palestinian interviewees.

This privileging of the U.S. in the interpretations of Palestinian leadership figures can be accounted for in several ways. Firstly, the U.S. undoubtedly dominates the political peace process and, as the principal and most consistent supporter of Israel, is the power-broker in all Palestinian discourses. Secondly, when European member states talk to the Palestinian leadership, its is possible that they are more open about the importance of their own relations with the U.S. than they are with each other, caught up as they are in trying to develop a collective European position and discourse. Alternatively, it could be a way for member states to excuse or justify their own failures to comply with EU policy or its implementation. The U.S could then come to play a larger role in Palestinian leadership understandings of EU or member state policy than reality demands. Eitherway, Palestinian leadership perceptions of the primacy of U.S influence in everything that concerns their political fortunes, frames their perceptions of other actors and influences.

Finally the chapter shows that there is a gap between the objectives and intended outputs of EU policy, as exemplified in their statements, and the way that these are actually perceived by their intended recipients, particularly when it comes to the EU's democracy discourse. There is a common perception of EU double standards, whereby the EU's short term interests - mainly security and regime stability – have become more important than creating a democratic Palestinian state. As a result, the EU has lost credibility in the region. Regarding aid the chapter shows that despite the huge amount of aid the EU provides to Palestine, they are not perceived to have brought peace or to have contributed to the building of an independent Palestinian economy.

The chapter highlights the importance of studies of EU policy-making towards external partners, taking into consideration not just intended outcomes, or the EU's own assessments of its performance, but also the manner in which its policies are perceived and received by the targets of that policy. The Palestinians have not been passive recipients of policy – the outcomes of EU policy-making have been in part dependent on how that policy is perceived and how the Palestinians have been proactively anticipating and manipulating them.

In sum, if realist best explains the European Union's foreign policy making and policies towards the OPTs and the MEPP it also very useful approach to understand how the Palestinians responded to the European policies, albeit the PA not as a state entity. Playing on the differences between the EU members, selectivity in implementing the European democratisation programmes and aid are examples support the realist behaviour of the Palestinian leaders.

Public opinion polls conducted by the EU in the OPTs shows the European policy in the Palestinian Territories is a controversial issue for the Palestinians. Despite the fact that 43% of the Palestinians questioned say they feel "unfamiliar" with the European policy, there is a general rise in the popularity of the EU amongst the general Palestinian public, with 46% attesting to this.

The European survey shows that over "four fifths (83%) describe relations with the EU as fairly or very good, while only 12% think the opposite."[1503] It shows that nearly "four out of five respondents (79%) think that their country has benefited from EU policies." 83% of Palestinians show appreciation of the European aid and technical assistance to the Palestinians. In addition, the research shows that the EU programs and policies have a direct impact on Palestinian society and political culture, where according to the polls the Palestinian adopted and embraced the values of the EU: "The personal values of the Palestinians have become much closer to perceived values of the EU".[1504]

The Economic prosperity, peace and security and absence of corruption are identified as both the top three perceived EU values and the top three personal values.[1505]"The polls show that sometimes there is correlation between the views of the Palestinian leaders and the opinions of the general Palestinian public. However, the polls also show that there are also occasional contradictions. For example, this chapter demonstrated how he EU's attraction is currently in stagnation or decline among the Palestinian leadership who thinks that the EU couldn't play role in the MEPP due to the U.S. domination power. In contrast, the public opinion polls suggested that "three quarters (75 percent) of Palestinians think that the EU can help bring peace and stability in the region."77 percent of the Palestinians think the EU helps the promotion of democracy through its cooperation activity. Additionally, 70 percent of the Palestinians think that the EU should continue its role in promoting democracy.[1506]

Finally, the polls show that the Economic development, the peace process and education have been ranked among the most important issues in which the EU should have a greater role.[1507] The Public opinion polls echo the result of chapter five. According to the result 59 percent and 57 percent of the Palestinians say that the EU has improve their education and contributed to develop their infrastructure. But EU has not improved the productive sectors such as, the Palestinian agriculture sectors, employment, and trade[1508]

[1503] European Commission (2010). European Neighbourhood and Partnership Instrument. *Perceptions of the EU in Neighbourhood Partner Countries: EU Can Help Bring Peace to Region Say Palestinians.* Available at: http://www.enpi-info.eu/files/interview/a21103013ENPI_Palestine(EUpoll)en.v.1.pdf. Accessed on 24 July 2011.

[1504] Ibid.

[1505] Ibid.

[1506] Ibid.

[1507] Ibid.

[1508] Ibid

Conclusion

This thesis set out to examine EU policy towards the Palestinians. Specifically, and as a consequence of an evaluation of the determinants of collective foreign policy made through a study of existing research on the EU, it sought to determine how the structure of the European foreign affairs mechanisms (the EPC/CFSP) determined policies towards the Palestinians, the OPTs and the Middle East Peace Process. The study aims to answer the following fundamental questions:

1- How does the EU "make" its foreign policy, through what institutions and mechanisms and to what ends?

2- How is EU policy towards the Middle East, its conflict, its Peace Process and towards the OPTs, in particular, formulated, with what objectives, under what constraints and with what impact?

3- What does the making of EU policy towards the Middle East, its conflict, its Peace Process and towards the OPTs tell us about the mechanisms, instruments, and processes of EU foreign policy-making in general?

In Chapter One, the researcher introduced the main theoretical understandings that currently exist to explain the international relations of and within the EU, its policies and political behaviour in general, and in the realm of foreign affairs in particular. Since the inception of European cooperation in the field of international affairs in the end of 1960s, there has been significant competition between theories aiming to explain how and why the EEC/EU members coordinate and cooperate in this area. Through reviewing the contributions of the main international relation theories (realism, neo- realism, liberalism and neo-liberal institutionalism, and constructivism), it became evident that no single theory has complete explanatory power but that all of them ultimately identify the member states as key actors rather than the institutions of the EEC/EU itself.

This suggested that realist assumptions held greatest weight, and that even when limited aspects of sovereignty were surrendered to EEC/EU institutions, this was a result of member states self-aware promotion of their own national interest, and was constantly subject to negotiation and renegotiation. Constructivism aided our understanding that member state interests are not static but can be redefined as a result of membership (including the processes of interaction and bargaining), and neo-liberalism contributed an understanding of the normative dimensions of European aspirations, both internally and externally.

The second part of the chapter examined the integration theories which contribute to our

understanding of the institutions of the EEC/EU itself; and what determines their form and the processes by which they come into being. The chapter discussed specifically functionalism, neo-functionalism, intergovernmentalism, liberal intergovernmentalism and the multi-level governance model. These approaches can help explain how what began as a functionalist economic collaboration has evolved over time into a complex, multi-dimensional regional organisation which has developed a coordinated foreign policy structure and mechanism. Again, no single approach seems sufficient in itself – the essentially realist approach suggests that liberal intergovernmentalism might best explain the EEC/EU as an entity and its foreign policy-making, although the literature supports to idea that at times there is functionalist over-spill which empowers the institutions of the organisation beyond the immediate self-interest of member states.

The EEC/EU should then be understood as a complex, multi-layered organisation, but one in which the interests of the member states, the structures and mechanisms whereby they negotiate these interests, and the subsequent balance of powers and competences between member states (represented through intergovernmental components) and institutions (the more functionalist components) should all be examined in order to understand how and why foreign policy in general, and then towards the Palestinians specifically, is made.

Chapter Two traces the evolution of EEC/EU external policy, from the EPC in 1969 until the EEAS in 2009. It demonstrated the complexity of the European foreign affairs mechanisms and decision making, whilst recognising the way in which different dynamics have been evident at different points in the trajectory. The chapter demonstrated the development of the institutional structure, the main actors and the decision-making processes. The chapter shows that, despite the European desire and efforts to build effective foreign affairs mechanisms and decision-making processes that enable Europe to speak with one unified voice, the EPC, CFSP and the newly adopted mechanism under the EEAS have all suffered from specific limitations which have prevented Europe from playing an active, coherent, and consistent role at the international level.

This has been due to several reasons linked to the institutional architecture and the decision-making processes in foreign affairs. First, the European institutional structures of EPC/CFSP and EEAS have been designed by the member states in a way which ultimately protects their sovereignties in external policies (for example by inclusion of consensus conditions and national veto powers). It is clear that EU member states have built a mechanism that reflects their shared interests in the first place, but which can be obstructed when it moves policy beyond common denominators. Such deliberate defects can be said to prevent any major achievements that challenge existing policies from ever being accomplished, which thereby neither allow the contraption to exert enough force to survive of its own volition nor to overcome the inherent defects intentionally injected by its makers. This leads to a dominance of inter-governmental European institutions (the Council) over supranational ones (the

Commission and the EP) and creates an imbalance of power between the legislative authority and the executive authority. Ultimately, the chapter demonstrated that the history of decision-making in the EEC/EU suggests that there is a general desire to enhance Europe's foreign affairs mechanism but that efforts to do so are always constrained by the member states' privileging of their own sovereignties.

This evaluation of the institutional structure of European foreign affairs from the EPC to the EEAS therefore supports the realist understating of the EU, whereby the member states build institutions in order to promote and protect their own national self-interest. The requirement for a foreign policy has illustrated the political spill-overs of functionalist economic integration, but these are constantly stymied (albeit to different degrees at different points in time) by this preference for intergovernmentalism.

The Pre- Maastricht Treaty period shows the members states insisted on keeping the EPC mechanism outside of the EEC itself. Thus it lacked the instruments and resources to implement its declarations and was unable to move beyond declaratory policy.

The Maastricht Treaty (1992) raised expectations for a new collective foreign policy. However, once again the treaty did not significantly change the way that the Community conducted its foreign policy. The pillar structure of the treaty created a dualism in decision- making since it kept the CFSP outside the framework of the EEC in order to maintain and preserve respective sovereignties. The treaty gave a marginal role to the European institutions, mainly the European Commission, while at the same time the treaty empowered these institutions by keeping the intergovernmental approach towards the CFSP.

Under the CFSP, the member states did not give up their sovereign rights to a supranational institution, such as the Commission, that could potentially act above and beyond their own national interests. Thus, the roles of the European Commission and the EP have been extremely limited. In fact, the Maastricht Treaty made the CFSP mechanism a multifaceted process of convoluted interactions between many actors, including the member states and the European institutions, through a complex of hierarchical and horizontal institutional forms. The new structure may even have served to weaken the system rather than to enhance European assertiveness. In addition, the limited power given to the European institutions and personnel to implement the CFSP increased the tension between the interests of these institutions and the member states' desire to protect their own national interests.

 The Lisbon Treaty represents the latest effort to improve the institutional coherence. Aiming to give greater consistency to the EU's external actions and enable the EU to speak with one voice abroad, the treaty created two new institutional positions, the High Representative for Foreign and Security Policy/Vice-president of the Commission, and an elected President of the European Council. But

while it gave new implementation competences to a new European institution (the European External Action Service) simultaneously the treaty has stripped the Commission of the right to propose directly to the European Council and instead forced it to go through the office of the newly created High Representative. Thus it gave with one hand, and took away with the other, retaining the overall balance in favour of intergovernmentalism at the expense of an ever more complex array of supranationalist institutions.

The European foreign affairs mechanisms and decision-making process are therefore a product, or victim, of a fundamental dilemma of member states. On the one hand they are interested in supporting the integration process of Europe as a way to protect and promote their national interests; on the other hand, they are keen to maintain and retain their sovereignty and protect their own interests and ability to conduct their individual policy outside the European framework.

This dilemma has led to the creation of a hybrid institutional structure with an ambiguous distribution of roles and instruments. However, despite the EEC/EU members' policy of curtailing the power of the EU and its influence over their national interests and foreign policies, the European institutions have managed to alter the member states' perceptions of what constitutes those interests. Being members of the EEC/ EU, and participating in its structures, institutions and processes, has prompted the member states to modify their own policies and interests and in turn has created a collective identity and shared interests. Therefore, whilst neo-realist understandings of the EU foreign policy-making explain its underlying intergovernmentalism, constructivist approaches to the impact of socialization and normative values upon regional arrangements also have merit.

Chapter Three moves the focus to the geographic context of the subject of the thesis. The chapter provides a key contextual dimension of EEC/EU foreign policy towards the Palestinians through an assessment of the series of European initiatives towards the Mediterranean region (of which the OPTs is a key part). In doing so, it demonstrates the generalised character and flaws of collective foreign policy-making outlined in the previous chapter.

More specifically, the chapter supports the neo-realist proposition that the EEC/EU represents the self-interested, security-driven interests of member states and that these have been the main motives behind European regional initiatives towards the region. These concerns have varied and changed from time to time: while containing the Soviet Union and its influence in the Mediterranean, and securing energy were the main motives during the 1970s and 1980s, concerns have been more recently centred on instability and fears of violent spill-over into Europe, combating terrorism, securing energy and controlling illegal migration.

The research shows that there has been a gradual increased awareness among European decision –

makers that the problems in the Mediterranean region are not merely economic, but rather a combination of economic, social and political ones. Nonetheless, the EU has utilised its experience in economic integration, drawing on liberal principles and values such as trade, economic interdependencies, economic aid, regional cooperation, democratisation and respect for human rights in order to stabilise the region. Implanting theses programmes and policies on the ground has required the development and use of supranational institutions and instruments, mainly the European Commission, which in turn has increased the supra-nationalist elements in the CFSP through the extensive use of its resources and experience. This increased role was supported by the legal and institutional framework of the Maastricht treaty. This in turn strengthened the role of supranational actors not just in the field of implementation and monitoring but also in the right to submit proposals to the Council alongside the member states.

The European Commission has successfully managed to force itself onto the European table and to develop and promote several initiatives which have been adopted by the member states. The European Commission participated in formulating the aims and objectives of the GMP, the EMP and was entirely behind the ENP. The EP as well has played a role in putting human rights onto the European agenda.

These roles and activities show that, despite their limited power, the supranational actors in European foreign affairs have increased their influence on European foreign affairs decision-making. But these achievements shouldn't raise expectations unduly because the role of the supranational institutions remains limited by European treaties and the powers that have been given to the member states over the EU institutions; by the veto power of the member states, the intergovernmental approach towards the CFSP, the lack of political will on the part of member-states to utilise the legal tools available to implement policy, and selectivity in implementing the EU programmes towards the region. This creates tension between the member states and the European institutions themselves.

The policies of the EU members towards the region and towards the European regional initiatives shows that they focus more on short-term priorities such as security cooperation with the non-member Mediterranean partners against terrorism, limiting the influence of Islamist parties which are seen as hostile towards the West and Israel, and maintaining their own economic interests (mainly oil and trade). In contrast, the European Commission acknowledges the importance of the strategic interests of Europe mentioned above, but has designed its regional initiatives not just to address short - term aims, but also to tackle the roots of the imbalance between both shores of the Mediterranean through adopting a comprehensive long-term developing policies and approach.

The (im) balance of power in the EU in the favour of the member states affects the competence of the Commission to implement policy on the ground. There is a systemic selectivity in implementing

policy that goes with the European policy and strategic interests but neglecting what contradicts it or put its own security at risk. This has led to a gap between the European statements and its policy on the ground which undermines the credibility of the regional initiatives.

Furthermore, the history of the EEC/EU policy towards the region shows that Europe utilises liberal values and policies to achieve political and security ends. Thus, EU policies towards the Mediterranean can be explained and understood principally within the realist framework where the security, stability and self -interest of the EU and its member states are the main factors determining its behaviour. It shows that the EU is a realist actor in liberal clothes. To be more precise, democracy and rule of law are not an ends of European policies, but rather a means to enhance European security. If liberal values and policies put European security at risk or lead to instability and conflict in the short run, they are abandoned (or at least relegated) in the EU's priorities.

The chapter also shows how, while the regional initiatives towards the region have been victim to the basic inter-governmentalism, bargaining and divergent interests of the member states, the member states nonetheless cooperate with and support each other in order to achieve their common and shared interests. The European regional initiatives are full of examples of alliances, pragmatic compromises, and a willingness to modify pre-determined interests that reflect their domestic preferences in order to meet the needs of other members. The negotiations process shows that the member states have adopted a flexible approach towards these initiatives, since they bargain and compromise, and exchange favour for favour. The capable and strong states pay side payments to smaller ones in order to ensure the success of their projects in the EU. This also (again) shows how membership of the EEC/EU can itself effect how understandings of state interests are constructed at any given point in time.

Finally, the chapter provides illustrations that the actors of the CFSP are not limited to the member states and the European institutions, but also include NGOs and pressure groups within the member states. In fact, these groups have managed to force their concerns and interests onto the EU-Mediterranean agenda and change the negotiations outcomes, especially in the field of agricultural products. Thus the agenda-setting of the EEC/EU regional initiatives towards the Mediterranean shows that there are both top-down and bottom-up dimensions to European foreign policy toward the region, indicating the complexity and multi-level nature and environment of the EU.

In sum, the member states' responses towards the regional initiatives shows that these members adopt a co-operative attitude towards these initiatives at times, but a conflictual attitude at others, when they believe that supporting a proposal might put their own interest at risk. Second, although the members have agreed on the general frameworks and principles of these initiatives, they differ among themselves on how to implement the initiatives, and the priorities to be given to

those initiatives. Thirdly, they are not just differing among themselves but also with the EU institutions, and they challenge policy if they think the programmes of these institutions will jeopardise their own national interests.

Finally the chapter demonstrated that, despite the European efforts to enhance regional cooperation between both shores of the Mediterranean and among the non-members in order to establish security guarantees between the conflicting parties of the region, their efforts always crash eventually on the rocks of the conflict the between the Arabs and the Israelis who have politicised the European initiatives and made them victim of their own conflict.

In Chapter Four, the thesis narrows the research to explore the EU's political role in, and policy towards, the MEPP, extending the context of EU policy-making towards Palestine. European involvements in the Middle East and the MEPP have gradually developed in parallel with the development of the European foreign affairs mechanisms. The chapter shows that it took almost thirty years for the Europe to develop a relatively coordinated foreign policy towards the conflict in the Middle East. The research shows that the early stage of the European involvement in the Middle East conflict under the EPC was characterised by the EEC's lack of political resources and instruments and an insufficient degree of coordination among its members.

This meant its policy was limited to declarations only. Despite the institutional, internal and external limitations and the restrictions imposed on Europe's role and involvement in the region, especially the Cold War which limited the possibility of pursuing an autonomous European approach, it is fair to say that the declarations of the EEC toward the Arab-Israeli situation during the EPC era have remained the cornerstone of EU policies till today. In fact, the European declarations and statements would later become guiding documents of the international community and were adopted by the UN and the U.S. some 20 years later.

The Europeans were the first to call for the recognition of the legitimate rights of the Palestinians and the first players to call for an established Palestinian state side by side with Israel. Moving from the EPC to the CFSP has helped the EU to coordinate its foreign affair in a relatively better way and gain international recognition. This has been mirrored in the Middle East conflict. The EU has been part of the MEPP since it's incepting in the 1990s. It became the major donor for it and for the PA, involve on a daily basis in preparing the Palestinians to meet their obligations towards the Peace Process, including state-building, training the Palestinian police forces and reforming the PA and its institutions.

The EU efforts on the ground have gained it international recognition and status as an equal partner in the Quartet since 2002. However, the chapter shows that, despite the Europeans having agreed on the main principles of the solutions to the conflict, they disagree and differ on the right way to implement these solutions. In addition, due to ill-structured decision-making in the foreign affairs mechanism, the divergent interests of the member states, and external elements (mainly the U.S. and Israel), the

EU role in the MEPP remains incomplete and fragmented. It has ultimately been limited to supporting the implementation of the MEPP on the ground rather than initiating the policies. In other words, its role has been reactive rather than proactive, and ultimately subject to the will of the main players in the peace process, the U.S. and Israel, both of whom have sought to limit the European political role in the MEPP. This makes the EU just a payer for other's policies in the Middle East. Its role has been marginalized and becomes complementary and supportive to that of the U.S.

The thesis shows that the CFSP doesn't aim to create any counter balance against Washington in the Middle East. The power of the alliance relationship in security, military, trade, economic and cultural affairs between EU and US is such that it cannot be sacrificed for the sake of the European interests in the MEPP.

Tracing and assessing the development of European involvement in the MEPP shows that the conclusions of Chapter Three can be echoed here. First, European policies and The EU's involvement in theMEPP has been victim of the intergovernmental approach. Policy towards the MEPP tends towards the lowest common dominator which can be reached through bargaining. However, as a result of the European involvement in the MEPP, and the desire of the member states to build a bridge between their divergent interests and as a result of the absence of collective agreement on strategies or implementation, the role of the European institutions and personnel on the ground have actually increased. There is therefore evidence of functionalist spill-over from EU policy towards the MEPP, an example being the increased role of the Commission after the establishment of the PA European developmental policy meant sending electoral observers, reforming the PA and its institutions, training the Palestinian police, and controlling the Gaza-Egypt borders.

The role and involvement of the former High Representative of the CFSP Solana, the EU special representatives to the region Miguel Moratinos and Mark Otte also. They were involved directly in the negotiations between the conflicting parties, and they have managed to make the European voice heard. Solana participated in several international working groups and committees regarding the MEPP, mainly the Quartet. In addition, Moratinos was involved in the agreement between Israel and the Palestinians for the withdrawal of Israeli troops from Hebron. But despite the increased role of the EU institutions and personnel, their roles are still limited to coordination and implementations since their roles and what they can do on the ground is restricted by the European treaties and their mandates, which have been designed and formulated by the member states. Thus, their roles are still marginal and within the framework of the limited power authorised by the member states.

This again supports a largely realist understanding of European Common Foreign policy-making. The aim of the pillar system of the EU and the reform of the decision-making of the European foreign affairs was to build a coherent, consistent and unified European policy, but the actual impact on the CFSP in general has been a negative effect on the ground. The EU policies towards the Middle East mirror all the deficits of the CFSP. Policy-making is diffused among several institutions and

multipliers who claim power over the CFSP. The multiple European actors have multiplied the European voices in the MEPP, with different institutions and actors giving different answers to the same questions. There is overlap in the responsibilities and roles. On the decision-making level, the process is complex, slow and full of bureaucratic procedures imposed by the member states on the European institutions to protect the member states' interests.

The pillar system complicated the implementation process of European decisions due to the imbalance of power between the executive power, which is the European Commission, and the legislative power, which is the the Council of the European Union. Needless to say, the independent foreign policy of the member states outside the EU added more confusion to EU policies towards the region. This dualism slowed implementation further and weakened the overall negotiation position of the EU, especially vis-à-vis strong foreign policy actors like the U.S. and Israel. Therefore, the division among the EU institutions and absence of a single authoritative voice makes it difficult for the EU to have a comprehensive and common policy towards the Middle East in general and the OPTs in particular.

The decision-making process and its outcomes towards the Middle East and the MEPP show that these policies are not exactly consistent guiding principles. Despite that fact the EU members come to the negotiating table with pre-determined interests and political stances that reflect their identities and domestic preferences they have sometimes showed a pragmatism and flexibility, modifying their policy to the agreed and collective policy of the EU. For example, Germany has re-orientated its foreign policy and supported all the key European foreign policies and declarations that supported the Palestinian right to self-determination despite the fact that these declarations contradict German's own foreign policy, which totally supports Israel.

Greece is another example where a state has altered its policy towards Israel after she joined the EEC, evidence of the Europeanisation effect identified in the last chapter. At other times, the EEC/EU members' behaviour in the EPC/CFSP shows rigidity. There are cases where the members insisted on their positions during the negotiations or preferred to go it alone outside the main framework of the EPC/CFSP. This in turn has weakened the EU policies towards the region. The individual initiatives that the member states propose from time to time outside the EU framework to put an end to the conflict, including the different European position toward the Israeli attack on Gaza in 2009 for example, and the individual connection and channels that member states open with Hamas despite the EU's political boycott of the Islamist Palestinian movement, are clear examples of this policy.

Finally tracing the European policy towards the Middle East shows that, with the exception of the pressure that Italian farmers imposed on the EEC/EU to alter their trade and agricultural policy towards the non-Mediterranean members, European public opinion and civil society organizations have not influenced the direction of the CFSP. Many of these organisations have been supporting the Palestinians in terms of economic aid, educational support and democracy promotion, but there is no

evidence that they have impacted upon the EU agenda. In fact, most of the CFSP policies contradict the policies of the EP which represents the European citizens. This absence can be explained by the weak role of the EP in the CFSP whose decisions are outside the EP's supervision. In addition, due to security reasons and interdependence relations with US, the political approaches of the EU are far away from their own societal realities.

The CFSP decisions are made behind closed doors. Yet, the weak voice of European citizens in the CFSP might change soon since the Treaty of Lisbon created the so-called European citizens' initiative which will enable the European citizens to "ask the Commission to bring forward legislative proposals if the supporters of an initiative number at least one million and come from a significant number of member states."[1509]

Having discussed the regional contexts for EU foreign policy towards the Palestinians (the Mediterranean initiatives and the MEPP) Chapters Five and Six narrow the research more directly onto EU policy specific to the Palestinians. Two case study arenas for policy are considered: the provision of technical and financial assistance, and support for democracy promotion, institutional reform and human rights. As the Introduction to the thesis discussed, these are the areas of most interest to analysts of EU-Palestinian policy and the areas where the EU has been most active.

Chapter Five examine to what extent European aid and technical assistance to the Palestinians and the MEEP has served the EU's stated objectives in the development of the Palestinian economy and support for state-building. The research found that the EU and its members together contribute a third of the overall financial support to the PA. They are the largest financial donors to the PA and the MEPP. In fact, without their aid and technical assistance the PA and the MEPP would probably collapse. Despite the existence of different interests among the member states towards the conflicting parties, a unified aid policy which aims to support the MEPP is agreed upon whilst retaining individual aid and assistance policies separate from the EU framework.

The history of European aid and technical assistance, both generally and towards the Palestinians and the PA specifically, suggests that there are normative, liberal and moral motivations behind the EU's aid and technical assistance to the Palestinians and MEPP, but the chapter shows that the desire to stabilise the region through supporting the MEPP is the main reason that Europe spent more than half a billion Euros a year of European taxpayers money on supporting the Palestinian economy and the MEPP. True to realist analysis, the EU has used its financial assistance primarily to secure its own (and its members) security self-interests.

In line with an international consensus that economic aid and improving economic conditions will create a constituency for peace, the EU have at the same time supported the MEPP financially as a

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1509   Council of the European Union. (2011, February 14). Go-ahead given to the European citizens' initiative. PRESSE 24. 6469 (11) Retrieved from
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/119272.pdf Access date: February 18, 2011.

window of opportunity for extending Europe's political role in the MEEP. Again, the EU has deployed liberal values and principles in order to achieve political and security ends, although there has been selectivity in implanting these values. The EU's direction and disbursement of aid shows that it abandons the norms when not doing so would put the interests of its member states at risk – the realist behaviour in liberal clothes identified in earlier chapters.   The thesis found this behaviour in all aspects of the EU aid and technical assistance policy towards the MEPP and the Palestinians.

Also, as the previous chapter had shown, the progress in the MEPP and the increased European involvement in it, demanded more coordination among the CFSP actors and - as a result - the role of the supranational institutions also increased. For example, the role of the European Commission in implementing and distributing the EU's aid through the TIM and PEGAS, its role in coordinating and training the Palestinian police forces and finally its role in monitoring the Rafah border are examples of the new importance of supranational actors. But, despite this promising responsibility, the role of the supranational actors has still been limited by the intergovernmental underpinnings of the structure of the CFSP, mostly the artificial separation of policy areas between low politics and high politics, and the inherent imbalance in the distribution of power between the EU institutions themselves (between the legislative and the executive so to speak).

This ill-structured decision making of the EU and the intergovernmental approach to the CFSP has lead to realist politics triumphing over liberal principles and values. Therefore, the EU aid and technical assistance to the OPTs became a victim of the dualism in the decision-making of Europe's CFSP. The tension between the interests of the two pillars of the EU means that policy becomes bogged down and fraught with contradictions. If this is true of the CFSP in general, nowhere is it more apparent than in the provision of financial aid to the Palestinians. The member states restrict the EU institutions from implementing their own policies and acting on, or reacting to, the policies of both conflicting parties. In other words, member states do not allow policies which may contradict their national interests to be passed or implemented, thereby preventing the European institutions from utilizing its legal and intended policy. The German negative response to the European Commission to impose economic sanctions against Israel or to use its economic leverage as Israel's main trading partner, as an instrument to enforce Israel to respect its agreements with the EU are a clear examples of this policy.

On the Palestinian side, the EU member states continued to support Chairman Arafat, who was considered a peace partner despite allegations of misuse of aid and corruption. However, since the members wished to support the peace process and feared that cutting European aid would lead to the collapse of the PA and collapse of the MEEP, the EU were prompted to turn a blind eye to the PA's corruption and lack of accountability and transparency in its financial system. The European Union's stance towards a Hamas-led government is another example of how European aid is linked to the national security of member states. The EU has frozen European aid to Hamas since it refuses to

recognise Israel or to sign the peace agreement with it.

As a result of member states' interest in supporting the MEPP, their historical relations, and desire to maintain close ties with Israel and avoid antagonising it, which might put the EU role in the MEEP at risk, the member states never allowed the European Commission to sanction Israel. In addition, the EU and its member states avoid funding development projects in the OPTs that might challenge Israeli policies on the ground, especially in the agricultural and industrial sectors, preferring to adapt the European developmental and aid policy for the OPTs to Israel's own policy.

Finally, the member states never allowed the European Commission to ask for compensation for projects that have been destroyed by the Israeli army, a clear example of how intergovernmentalism failed to impose non-violent coercion. As a result of the outlined effects, EU aid policy has not coped with external threats in helping the Palestinians to build an independent economy or boost the peace process. In the light of lack of progress in the MEPP which is going nowhere, it is clear that the EU pays the expenses of keeping the PA alive and indirectly pays the cost of the Israeli occupation. The tolerant policy of the EU towards the systematic destruction of the Palestinian infrastructure supports the argument that EU financial assistance has come to reinforce the occupation rather than replace it.

In fact, European aid policy has been forced into service of short-term humanitarian aid and the self-interested security-driven policies of member states and has contributed to increasing Palestinian dependency on foreign aid rather than supporting sustainable development.

Despite the fact that the Palestinians are the "largest per capita recipients of international development assistance in the world,"[1510] and although the aid has significantly contributed to the creation of a supportive environment of institutions and infrastructure (building schools, hospital and roads for example), the Palestinian economy is in its worst economic depression in modern history.[1511] Clearly, with regard to the peace process, the EU has not managed to utilise its aid in an efficient way in order to influence the conflicting parties or to build an environment in which to achieve sustainable peace. The chapter showed, then, that this failure was due principally to the flaws identified in the structure of EU foreign-policy making identified in Chapter Two and illustrated through Chapters Three and Four.

Chapter Six similarly assessed EU support for Palestinian democracy promotion, institutional reform and human rights. The research found that that the stated goal of the EU has been to create a democratic, independent Palestinian state which will live side by side with Israel. The motivation for democratising and reforming the PA is built on the assumption that doing so would increase international and even Israeli confidence in the PA, and enhance its ability to negotiate authoritatively on behalf of the Palestinians. In addition, the EU decision-makers believe that creating a democratic,

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[1510]Lasensky, S., & Grace, R. (2006). *Dollars and diplomacy; Foreign Aid and the Palestinian Question.* Washington, D.C.: United States Institute of Peace. Retrieved from http://purl.access.gpo.gov/GPO/LPS74906.P.290 Access date: February 18, 2011.
[1511]Nasser, N.(2006, September 6). Western Donors to Palestine: What Mission? Aid has Turned into a Tool which Supports Israeli Ambitions. *Global Research.*

viable and peaceful sovereign Palestinian State would be the best guarantee for Israel's security and acceptance as an equal partner in the region.

These issues have become part of the official EU rhetoric in its relations with the Palestinians. However, the research has found that, although the European Union's programs to democratise and reform the PA have achieved some of its goals (including building new Palestinian institutions from scratch, supporting the principles of rule of law, transparency and modernisation of the judicial system), these achievements can be considered as effectively cosmetic measures, since the EU and its member states refuse to support any real democratic practice in the OPTs that might change the political system of the PA, challenge the EU-Israeli relationship or represent European endorsement of an Islamist regime . First the EU continued its support of the current Palestinian leadership despite allegations of corruption, its lack of democratic principles, and its poor human rights record. Second, the EU and member states refused to recognize the democratically elected Hamas government and refused to deal with the Government of National Unity. Finally, the EU and its member states have hesitated to renounce the Israeli violation of Palestinian human rights, and their destruction of the Palestinian infrastructure.

The research blames the contradiction between the stated intentions and the reality of what is being implemented on the ground on the same dynamics identified in the previous chapters. For a start, implementation falls to the mode "idealistic" or norm-driven Commission, while decision-making is ultimately located in the intergovernmental Council. While the increased role of the EU, offered by the opportunity to support democratisation and reform, has created spill-over effect, empowering the Commission, its efforts are undermined by the security considerations of member states and their concerns regarding the stalling of the peace process or the implications of an Islamist government for terrorism at home. Therefore, it is deemed by the Council to be in the EU's interest to support the secular Palestinian leadership even if it is at the expense of Palestinian democracy.

EU members not being interested in changing the current Palestinian leadership with a new leadership that refuses to support the Peace Process or recognise the right of Israel to exist. In other words, the stance of the Palestinian leadership towards the peace process and Israel is the main factor that determines the political stance of the EU towards any Palestinian leadership. Moreover, Hamas represents more than an alternative Palestinian leadership. Through the EU structures and institutions, member states have formed a collective identity which rejects Hamas as the representative of the "other", an Islamist religious political entity which is perceived of through the lens of terrorism and threats to the European identity via its transfer through migration. (The study in Chapter Seven raised the possibility that this goes further, into a European effort to "engineer" the Palestinian society to conform with its own interests and norms).

The chapter found that the EU sees reform and democratisation as a way of supporting the peace process and stability in OPTs by strengthening the PLO leadership and Fatah leaders against Hamas, who refuse to disarm their militant wing, and of being involved in the peace process. Finally the EU

member states' desire to maintain their limited political role in the MEPP and to maintain their interests with their alliance in the region was behind the inability of the European Commission to criticise or to utilize its sanctions policy against Israel and its human rights violations. In summary, this chapter showed that the EU and its member states have attempted to seek a balance between promoting its values and principles as a soft normative power, and the security concerns and political and economic interests of its member states.

This research has shown that the EU and its member states have failed to maintain this balance, which can in turn be attributed to the flawed and contradictory structures of foreign policy making. Specifically, this is not a result of a lack of programmes, initiatives, mechanisms or legal apparatus. It is because the member states lack the political will to enable the Commission to implement the policies it has signed up to, reflecting the conflict between normative, long-term priorities and realist short-term priorities, the latter usually winning out.

Finally, Chapter Seven seeks to add an original dimension to the assessment of EU policies by looking at local perceptions of actual results on the ground. In other words, the main aim of this chapter was to examine whether there is a match between the thesis results thus far (that support realist understandings of the EU and its foreign policy) and local perceptions of that policy and its impact. The chapter gathered the opinions of Palestinian elites as recipients of European policies and found that the Palestinians fully recognise that the European Union's policies are contradictory, their implementation is weak and – to some extent - that this results from the dominance of intergovernmentalism in EU foreign-policy making processes. Thus we discover a gap between the way the EU thinks of its policies and how they are perceived by its intended recipients.

The fieldwork demonstrated that the vast majority of Palestinians interviewed by the researcher were aware of the inherent flaws in the mechanism of the CFSP as has been clearly exemplified in the second chapter. Asking the Palestinian leadership how they assess the European policies towards three issues, the EU's role in the MEPP, the EU's promotion of democracy and reform and finally the EU's financial and technical assistance to the PA, the research found that the Palestinians believe that EU policies have not met the interests of either the Palestinians or the Europeans themselves, since they are ineffective and contradictory. The Palestinians showed dissatisfaction with the European position in the MEPP because of its lack of a policy which is independent from the U.S. and due to the divergent policies of its member states.

Even though the Palestinians appreciate that the Europe was the first political actor to call for a Palestinian state and rights of self-determination as a basis to end the conflict in the Middle East, they perceive the EU as an economic giant but a political dwarf. There is general consensus among the Palestinians that EU failure can be attributed to the secondary role that the EU plays to the U.S., making the former a payer not a player. The Palestinian leadership's views of EU's democratization, reform and human rights policies towards the Palestinians fall into two groups: those who totally

oppose and repudiate them, and those who welcome them but with reservations. However, there is a common perception of EU double standards, whereby its short term interests, mainly security and regime stability, have become more important than creating a Palestinian democratic state and that the EU is insincere in its efforts by indirectly supporting authoritarian and corrupt regimes in the PA and civil.

Although the Palestinians are grateful for EU aid, interviews with prominent politicians raised questions about the nature of such aid, such as the political price, direction of the aid and the extent to which the Palestinians are actually benefiting from its implementation. They believe that the EU has a hidden political agenda or that it is using aid as a tool to "blackmail the Palestinians" by keeping the Palestinian economy dependant on European aid. There are also supporters who feel the aid does nothing but allow Israel to evade responsibility for the destruction of Palestinian civilian infrastructure.

The weight of the evidence gathered from the interviews in this chapter shows that the Palestinians take advantage of the EU's lack of a centralized rule-making and enforcement authority by utilising the EU's philosophy rhetorically to put pressure on it to pursue policies that seemingly are in line with their policy. In other words, the Palestinians consequently play on the EU's divisions, developing their own strategies and policies which take EU policy-making flaws into account. Although the Palestinians are not fully satisfied with the European involvement, politically they act to maximize what they can get and take full advantage of the tension between the European member states, between the EU institutions and the member states and the EU institutions.

In theory, the Palestinians want an increased involvement of the Europeans in the peace process. However, since they are aware of the limitations of European influence on the ground, they have evolved their thought process to acknowledge the role of the EU as that of a political moderator and financial guarantor. Therefore, although the Palestinian leadership does not constitute a nation-state actor in a realist international system, it behaves – as far as it can – much as if it were. The normative power of the EU, real or imagined, is largely irrelevant.

We can now ask: what does all this tell us about EU foreign policy-making towards the Palestinians?

First, it is clear that, for all its normative aspirations, EU foreign policy is ultimately about two related things: sustaining the peace process regardless of its weaknesses, and ensuring European security. What constitutes security in this instance is determined in part by "hard" security concerns such as terrorism, in part by "soft" concerns such as deterring illegal immigration, and in part by constructed notions of a shared and challenged European identity.

Secondly, EU foreign-policy towards the Palestinians is the output of a mechanism dominated by intergovernmentalist processes, embodied in the Council. Since member states have differing interests, and since the processes allow for consensus-based decision-making and the exercise of vetoes, there is always a constraint on making progress beyond "the lowest common denominator". Thus, while the member states largely agree on what the final outcome of the MEPP should look like,

what a consequent Palestinian state should look like, and what contribution the EU can make to achieving it, their differing relations with Israel, their unwillingness to use legal sanctioning instruments against it, and their varying positions on the role of, and relations with, the U.S., continually obstruct a more rounded and coherent policy from emerging. The processes of bargaining, and the effects of socialisation within the EU itself, allow for national interests to change, but they also result in a shallower and less committed end policy result.

Despite the ultimate dominance of intergovernmentalism, policy towards the Palestinians has had its own supranationalist moments. As the role allocated to the Commission has expanded, partly due to the formulations of the CFSP and partly as a result of new implementation tasks falling to it in the Palestinian Territories, so it has generated some policy momentum of its own. The Commission embodies the normative aspects of EU policy, which is good in so far as the main areas in which the EU can enact policy are areas where there is a normative consensus among states: economic assistance and democracy promotion. But the Commission is continually thwarted in its implementation by the lack of political will on the part of member states to jeopardise any part of their own self and collective interest in securing the peace process and wider security for the sake of these normative interventions.

The resulting tension, and the power imbalance between the decision-making Council and the implementing Commission, and the willingness of member states to pursue their own policies independently, has led to contradictions between statements of objectives and actual achievements on the ground, leading to a loss of credibility for the EU in the OPTs.

These impacts more broadly on the European role in the MEPP. While the MEPP offered a window of opportunity for the EU to develop a serious political role, its inability to match statements with outcomes or to link its policies with its instruments and resources, has diminished that role, and reduced the EU to being a payer, not a player (something which is not altogether unwelcome for some member states). Ironically, one could argue that the EU is now the financier of an American, rather than European, foreign policy!

This failure impacts more widely still. The EU has put significant resources and energy into its efforts to establish a comprehensive Mediterranean regional policy, again based primarily on its own security needs but incorporating a liberal normative agenda. Time and again, the on-going Arab-Israeli conflict has obstructed efforts to develop a regionally-inclusive vision for co-operation. As the EU is seen to be unable to fully develop its own political role in the resolving the conflict, and as its unwillingness to match stated aims with implementation outputs becomes clearer, Europe becomes progressively less credible as a Mediterranean regional broker. This inevitably limits the potential for the UFM, just as it did the previous initiatives.

Finally, the thesis has demonstrated that the flaws in the CFSP and the post-Lisbon structure of foreign policy-making are not a secret. The Palestinian leadership, the recipients of policy, understand and exploit those flaws, leading to further unintended outcomes.

The research supports a fundamentally realist understanding of the EU and of its foreign policy making. Member states remain the principal units in the international system, the EU is a collective security arrangement which enables member states to exchange and share mutual benefits. But classical or neo-realist explanations alone are insufficient. The EU does have a strong liberal and normative dimension. This is embedded in its own experiences and is reflected in its institutions which are progressively developing as a result of functionalist spill-overs. But when it comes to foreign policy- the real high politics - the member states have consistently rejected surrendering meaningful sovereignty and have reigned in the power and capabilities of the EU institutions through mechanisms which privilege intergovernmentalism.

This acts as a brake on spill-over, although the extent of this can vary in response to objective and environmental circumstances (especially when there is a shared interest in those circumstances) and there are supranationalist "moments" when the Commission in particular is able to exert an enhanced role. Governments (and their ideological predispositions towards Europe) change, the global balance of power alters, peace processes are initiated (or collapse), economies rise and fall. Thus, while a generalised resistance to surrendering sovereignty is likely to remain, the interests of states in the degree to which they resist, or the specific mode by which they might surrender it, is subject to alteration.

Constructivist understandings of identity and its role in foreign-policy making also have something to contribute. The study has shown that member states' interests are not static, but rather constructed according to events, environment (internal and external) and socialisation. The member states adapt their interests and behaviour perceptions according to membership, to the formation of new collective identities and interests, and to the possibilities to be won from bargaining and trading. In the long-term, then, there remain prospects for greater alignment of interests in spite of, or even eroding, intergovernmentalism.

Debates about whether EU foreign-policy is renationalising or not need to consider both the form of the structures and the underlying processes resulting from socialisation. On the one hand, the UFM might be seen as a step backwards from the Barcelona Process in terms of recognising the importance of nation states over collective regional ambitions. On the other, the Lisbon Treaty indicated the political will remains to formulate a more coherent and unified foreign policy mechanism. Both processes exist simultaneously, reflecting the very essence of the tension between national sovereignty and collective action, intergovernmentalism and supranationalism.

If the EU is to develop a coherent and effective common foreign policy, it must resolve these tensions. Since (as realism tells us) it is unrealistic to expect member states to fully surrender sovereignty on matters of high politics, they can at least address some of the structural problems resulting from dualism and go-it-alone politics. If you can't agree on what should be done, you can at least agree on what should not be done. Once a policy is agreed upon, the EU Institutions should be given fuller powers to implement it. If there is no political will to follow-through, don't make the policy. The

costs in terms of credibility and coherence of stating one thing and doing another are potentially higher than the gains of normative declarations and expose the EU to exploitation and manipulation by third parties.

Areas for Further Research

This study has found that there are several areas, which further research can shed light on. For example, it is crucial to study the role of the European NGOs, lobbying groups, and the public opinion in shaping the EU policy towards the MENA region. In addition, it is important to trace the impact of the "Europeanisation" on the foreign policy of the EU members towards the conflicting parties and the MEPP post-Lisbon treaty. Another significant area for further research is studying the European perception of the Palestinian and Israeli foreign policy towards the EU. Finally, it is important to measure the impact of the Lisbon treaty on the European policy towards the region; or, in other words, to assess to what extent the treaty has managed to build a unified, coherent European policy towards the region.

Appendix

List of the Interviewees

1) Saeb Erakat: the former head of PLO negotiations department and PA minister. Became a member of Fatah and the PLO Council. Served as vice-chair of Palestinian delegation to Madrid, then head of interim negotiations with Israel. Served as minister for local government from 1994 to April 03 and PLC member (Fatah) for Jericho.

2) Ghassan Khatib, the director of government media for the PA Minister of Labour from 9 June 2002. Leading member of The Palestinian People's Party (PPP), director of Jerusalem Media & Communication Centre. Also works as a lecturer in cultural studies at Birzeit University; and is head of the non-profit United Agricultural Company, channelling foreign aid to West Bank farmers. He was a member of the Palestinian delegation to Madrid process, which he boycotted from April 93. Signatory of December 2001 gave a statement criticising PA's arrest of leftist activists. He is the Palestinian editor of *Bitter Lemons*.

3) Ziad Abu Amr: member of the PLC, between 18th March 2007 to 17 June 2007, he was foreign minister of the PA.

4) Nasser al-Shaer: former Education Minister of the Palestinian National Authority serving as a member of Hamas. He also served as Deputy Prime Minister in the PUNG cabinet. After the Hamas takeover of the Gaza Strip, all Hamas ministers in the PA government were dismissed, including Shaer.

5) Majdis Khaldi: foreign policy advisor, in the office of the President Mahmoud Abbas Abu Mazen.

6) Sheikh Hamed Al-Betawi: the leading Palestinian Islamist cleric and spiritual guide for Hamas. Moreover Al-Betawi is a Member of Palestinian Legislative Council for Hamas.

7) Ali Sartawi: Palestinian professor and politician. He served as Minister of Justice in the national unity government of the Palestinian National Authority and active member of Hamas.

8) Samir Hulileh: Former Cabinet Secretary General and Chief of Staff of the PA.

9) Azzam al-Ahmad: Heads of Fatah Parliamentary Bloc in the PLC, PA minister of telecommunications and IT from April 2003 (previously minister of public works, with housing portfolio added on 9 June 2002. He was the PLO ambassador to Iraq from 1979-1994. Fatah-RC member from 1,989.

10) Hanan Ashrawi: the former advisory council of the PLO, and spokeswoman for, Palestinian delegation at Madrid, member of the Palestinian PLC for Jerusalem. Became PA Minister for Higher Education (June 1996-1998); leaving to vote against the PA Cabinet in August 1998, despite being offered the tourism portfolio. Appointed as spokeswomen of the Arab League

on 11 July 2001, with special responsibility for Palestinians. The head Miftah, a pro-democracy NGO.

11) Nasser al-Qudwa: Palestinian ambassador to the UN. Appointed alternate Palestinian observer at UN from 1986; permanent observer from 1991 till 2004. Appointed as minister of foreign affairs 2005- 2006.

12) Abdullah Abdullah: Chairman of the Political Committee of the PLC and recently appointed as the Palestinian ambassador to Lebanon.

13) Mohammad I. Shtayyeh: the Minister of Public Works & Housing and is the President of the Palestinian Economic Council for Development and Reconstruction "PECDAR". He has also been directly involved in other capacities, and participated in large number of initiatives, actions, orientations, and decisions.

14) Ahmed Soboh: Deputy Minister of Minister of Foreign Affairs.

15) Ghada Arafat: The head of the European office in the Minister of Foreign Affairs.

Interview Questions for Sampling Categories

The people interviewed by the researcher can be categorised in four ways. The interviewees were asked predetermined questions covering mainly the economic and political role of the EU in Palestine. Some of these questions were general questions being directed to the vast majority of the interviewees, other were additionally questions, depending on the affiliation, position, background, and experience of the interviewees. This explains why the researcher favoured unstructured interviews which give him the flexibility during the interviews. The sample covers 20 people that have involved in the European policy or had connections with the European political role or aids through their career. In addition, for the reason that the thesis covers the European foreign policy towards the Palestinian National Union Government (PNUG), the interviewee samples included members of Hamas movement (Islamic Resistance Movement) who were members of the cabinet or members of the Palestinian Legislative Council. In addition, the sample included Palestinians leaders who were appointed in the PNUG as independents, technocrats and experts these four categories were:

1. **Members of Fatah and Hamas in the Palestinian Legislative Council.**

This category included members of major Palestinian political parties and movements which are Fatah (Palestinian National Liberation Movement), and Hamas (Islamic Resistance Movement). The major aim of these interviews was to obtain a comprehensive understanding about how the both sides perceive the political role of the EU, its presence in Palestine, the European aids, and their expectations for the EU's role and its future in the MEPP of the area. In addition, the interviewees from both sides were asked to give their views and opinions about why Europe did not admit Hama's government and the PNUG. The vast majority of the interviewees from both parties in these categories have been involved in the PNUG; therefore, the author thought it useful to interview them.

2. **Members of the Executive Authority**: Interviews with current ministers and previous

ministers of the PA who serve in the previous governments since the establishment of the PA in 1994. The sample focused on and targeted the ministers who serve in the PNUG in order to understand how the EU dealt with this subject. In addition, this category included advisors and consultancies of the presidential office and number of the employees in the Palestinian Foreign Ministry who are in charge of the EU affaires in the ministry. Moreover, the group contains Palestinian leaders who represent the OPTs in the International Organization and have dealt with the EU such as, the Permanent Observer of OPTs to the UN - Nasser al-Qudwa. The questioning of ministers of the PA revolves mainly around the relationship between the PA and the EU in the previous years and now. They were asked as well on the subject of their first hand experience dealing with the European policies, European Institutions and institutions such as the Council of the European Union, the European Commission, and the European Parliament. Additionally, there were questions concerning the European special envois, the MEPP, and European Commission delegation in Jerusalem. Furthermore, this group was asked about the European achievements and failures in OPTs, and challenges that they faced in dealing with these institutions. Ministers who dealt directly with the European aid and its developmental agenda the OPTs were interviewed

3. **Member of the opposition groups mainly Hamas who were outside of the National Unity Government and represented merely Hamas Movement**.

These groups were asked about their views of the European policies in OPTs, their views about the European aid and why the EU boycotted their government. In addition, they were asked how they perceive the European role, and what the future role of Europe in the OPTs is.

4. **Experts in the European policies and its relations with the PA.**

The main questions for these categories are:

1) What are Europe's priorities in the region?
2) What is the European agenda in OPTs?
3) In your opinion, why Europe refused to deal with Hamas and later the National Union Governments?
4) How do you evaluate the European-Palestinian relations?
5) How did the European-Israeli axis affect the European-Palestinian axis?
6) How the EU-U.S relation afact the European-Palestinian relations?
7) In your opinion, can Europe follow a policy independent from the U.S in the Middle East? And if yes, what are the conditions of this role?
8) What do you think about the relationship between the EU and the U.S, regarding the Middle East and the OPTs specifically?
9) What is your evaluation of the European role in the MEPP?
10) How do you evaluate the European developmental role and policy in OPTs?

11) In your opinion, who make the decision in the EU?

12) Do you think that Europe is able to play an effective role in the OPTs but it does not wish to do that or it wishes, but it is unable to do that?

13) Which are the European instities you deal with?

14) In your opinion, what is the aim behind the EU aid for Palestinians?

15) How do you explain the discrepancy between the European Parliament's policy that calls to deal with Hamas, and the policy of the European Commission and Council that boycotted Hamas?

16) What are the motives behind the EU democracy promotion?

17) How do you evaluate the EU's role in the democratic process and human rights?

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