

# Constructing a regime. Pragmatism and depoliticization in European-Mediterranean relations: the case of Israel and the PA

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This article discusses the development of European-Mediterranean relations, and EU policies towards the Israel-Palestine conflict in particular, in the context of the European Neighbourhood Policy (ENP) and the Union for the Mediterranean (UfM). The article considers the ENP and UfM as building stones in a foreign policy regime on behalf of the EU. The idea of analyzing EU policies as a regime is inspired by Roland Dannreuther, who in an article in 2007, quoting Stephen D. Krasner, suggested that EU's greater Middle East strategy could best be defined as one of regime building, where the purpose of the regime is to "define rules, norms, principles and procedures that focus expectations regarding international behavior". In this article the point is taken further, discussing the newest organizational expressions of foreign policy ambitions on behalf of the EU, the ENP and the UfM, as the development of a new regime, which can be perceived as a step towards developing a specific EU "agency" that would add new dimensions to the discussions about the character of the EU as to its foreign and security policy.

The article will take its point of departure in earlier attempts at discussing the EU as a foreign policy actor, which over the last decades have resulted in a huge number of different perceptions – from François Duchêne and his understanding of European civilian power domesticating the European surroundings to Federica Bicchì's concept of ideational intergovernmentalism and her understanding that the EU still needs to offer a less Europe-centered contribution to Mediterranean politics.<sup>1</sup> It is not the idea (and hardly possible) within the framework of this article to cover the complete range of theories and perceptions of the EU as a foreign policy actor. The intention of this article is to shed light, based on predominant interpretations of the EU as foreign policy actor, on recent developments of EU policies towards the Middle East with a special focus on the Israel-Palestine question. Taking this conflict-ridden dimension of the Middle East as point of departure it is furthermore the ambition to discuss possible future scenarios for the EU on the international political scene.

The recent ENP Progress Report on the occupied Palestinian territory is rather precise in its characterization of the difficult situation regarding the relationship between Israel and the Palestinian Authority (PA) and the overall problematic situation in the West Bank and Gaza. The report mentions that although Israel has relaxed some restrictions in the West Bank, other Israeli actions in the West Bank continue to undermine the PA, hampering its capacity to implement reforms as well as the prospects for economic development.<sup>2</sup> It furthermore emphasizes the negative consequences of the continued Israeli siege of Gaza. Despite the obvious problems the report claims that “The PA has made increasing use of the ENP as a means of underpinning its state-building activities and consolidating the PA’s political position on its future international status”<sup>3</sup>. This exaggerated formulation covers at the same time a de facto standstill in the actual political development in the occupied Palestinian territories and in the implementation of the ENP Action Plan.

The development of the UfM since its launching in the summer of 2008 is reflected in the European Union External Action homepage: “The Euro-Mediterranean Partnership, formerly known as the Barcelona Process, was re-launched in 2008 as the

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<sup>1</sup> Bicchì, F. (2007). European Foreign Policy Making Toward the Mediterranean. New York; Basingstoke, Palgrave Macmillan.(191) Duchêne, F. and C. o. t. E. Communities (1984). The European Community and the Mediterranean basin: study on the consequences of the process of enlargement both for the Mediterranean zone and for the Community itself and the conditions necessary for the definition of a global and forward-looking policy of the Community towards the Mediterranean basin. Luxembourg, Office for Official Publications of the European Communities; European Community Information Service [distributor].

<sup>2</sup> Progress Report on the occupied Palestinian territory. EU-Commission (2010)

<sup>3</sup> Ibid. p. 2.

Union for the Mediterranean at the Paris Summit for the Mediterranean. (...) This re-launching aimed to infuse a new vitality into the Partnership and to raise the political level of the strategic relationship between the EU and its southern neighbours. While maintaining the acquires of its predecessor, the Barcelona Process, the Union for the Mediterranean offers more balanced governance, increased visibility to its citizens and a commitment to tangible, regional and trans-national projects.”<sup>4</sup>

In reality, however, not much vitality has been infused into the renamed “Partnership”, and the “tangible, regional and trans-national projects” are rather than realized visions for balanced governance and European visibility still mere suggestions for future cooperation. The limited development regarding the six projects described as the central activities in the Union for the Mediterranean (UfM), the postponement of several summit meetings and the many controversies between Arab and Israeli members since the launching of the UfM in 2008 have clearly demonstrated that the grand ambitions of the French President Nicolas Sarkozy have not been realized. Rather it seems that much more moderate perspectives unfold which point in directions I have tried to describe and analyze in two recent articles, where it has been my intention to discuss pragmatic and depoliticizing elements inherent in the bilaterally organized ENP and what I call the pragmatic multilateralism and depoliticization of the UfM.<sup>5</sup>

### **The EU’s invention of the Mediterranean – and the Israel-Palestine question**

According to Federica Bicchi, the EU invented the Mediterranean in the beginning of the 1970s. The “endeavor was accomplished by putting forward a foreign policy initiative aimed at Mediterranean nonmember countries, under the name of the ‘Global Mediterranean Policy’ (GMP).”<sup>6</sup> Bicchi describes further on, how the GMP was supplemented by the so-called Euro-Arab Dialogue (EAD), which was launched in the 1970s and in the beginning was based on French Middle East policy. The idea of the EAD, as it was thought of back in the 1970s was that it should “explore the ways and means of establishing an interregional partnership”, as described in a contemporary

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<sup>4</sup> See European Union External Action homepage. The Euro-Mediterranean Partnership.

<sup>5</sup> Seeberg, P. (2010). "European Neighbourhood Policy, post-normativity and pragmatism." *European Foreign Affairs Review* 15(Special Issue), Seeberg, P. (2010). "Union for the Mediterranean – pragmatic multilateralism and the de-politicization of European-Middle Eastern relations." *Middle East Critique* 19(3): 287-302.

<sup>6</sup> Bicchi, F. (2007). *European Foreign Policy Making Toward the Mediterranean*. New York; Basingstoke, Palgrave Macmillan.(63)

article by Alan R. Taylor.<sup>7</sup> The EAD emerged after the 1973 October war and expressed a perception of the Israeli-Arab conflict in which the Europeans affirmed their commitment to a just and lasting peace in the Middle East building on the legitimate rights of the Palestinians.

In the 1970s, the Europeans were not autonomous in their relations to the Middle East conflict. They were dependent on the US, especially during the period when Henry Kissinger was secretary of state. The EC-states had promised him to keep politics out of the EAD. But gradually a realization came to the fore, on behalf of the Europeans, that they were able to develop an independent attitude towards the Arab states – and that they had other interests in the global arena than the US, one of them being Mediterranean affairs.<sup>8</sup> An important reason for this was related to security issues – in two rather different manners. The first aspect had to do with economic relations and the turbulences which culminated under the Yom Kippur War in 1973. In 1972, the price of crude oil was about \$3.00 per barrel; by the end of 1974, the price had quadrupled to over \$12.00. OPEC boycott threats left Europe vulnerable, and the oil shock turned access to oil into an issue of national security.<sup>9</sup>

The second aspect had to do with terror related to the Israel-Palestinian conflict. The Palestinian guerrillas deliberately decided to shift their strategy in order to bring their fight closer to the Europeans. And in this period terrorism gradually became an important issue for the European perception of the Middle East. Bicchi makes the point that the years between 1968 and 1974 as regards terror can be divided in three stages, where the first stage mostly had Israeli targets and only marginally affected the Europeans. The second stage started in 1970, where the Arab-Palestinian terrorists entered the international political scene – and in the Middle East led to “Black September”. The third stage was focusing on attacks inside Europe and led to a situation, where terrorism became a European security issue.<sup>10</sup>

Therefore, despite the fact that terrorism in the beginning of the 1970s belonged to what might be described as a low security issue, international terrorism certainly contributed to changes in European policies towards the Mediterranean, not the least

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<sup>7</sup> Taylor, A. R. (1978). "Euro-Arab Dialogue: Quest for an Interregional Partnership." *Middle East Journal* 32(4): 429-443. (429) See also Youngs, R. (2003). "European Approaches to Security in the Mediterranean." *Middle East Journal* 57(3): 414-431.

<sup>8</sup> Taylor, A. R. (1978). "Euro-Arab Dialogue: Quest for an Interregional Partnership." *Middle East Journal* 32(4): 429-443.

<sup>9</sup> See Bretherton, C. and J. Vogler (1999). *The European Union as a Global Actor*. London, Routledge. See also Bicchi, F. (2007). *European Foreign Policy Making Toward the Mediterranean*. New York; Basingstoke, Palgrave Macmillan.(65)

because it, in its effects, were part of the East-West confrontation, in the sense that many of the terror groups ideologically belonged to the anti-Western side in the Cold War.<sup>11</sup> The Europeans were on their way to realizing that something had to be done in order to deal with the southern neighbours. In the long run threats to the oil supply from the Middle East and the unstable situation relating to the Arab-Israeli conflict therefore, with the establishment of the EAD in 1974, led to attempts at constructing a new European policy vis-à-vis the Middle East. Historical relations between the French and the Arabs (in the Levant especially related to Lebanon and Syria) further encouraged attempts at improving relations to the Arab states and the Palestinians.

The enlargement of the EC in January 1973 (Denmark, Ireland and the UK) contributed further to this tendency – first of all because of a stronger British influence on European politics. The Venice Declaration in 1980 can be seen as result of combined (though not yet coordinated) French and British efforts at pursuing European interests in the Middle East based on traditional French and British foreign policies towards the contradictions in the Levant. The fact that the efforts were not coordinated can to some degree be blamed on French interests in adhering to their own national policy in the Levant. The important reality, however, is that both France and the UK played an active role in drawing up the declaration, and that both, to some extent, claimed to be the main architect behind it.<sup>12</sup>

The Venice Declaration never became a success. What it suggested was never realized. The most interesting feature related to the Venice Declaration was maybe that it could be interpreted as a substantial attempt at creating a common European foreign policy: “if the Venice Declaration was a landmark in the development of European cooperation in foreign policy, it soon fell short of expectations as follow-on documents and missions sent to the area failed to accomplish any of their substantial aims.”<sup>13</sup>

<sup>10</sup> Bicchi, F. (2007). European Foreign Policy Making Toward the Mediterranean. New York; Basingstoke, Palgrave Macmillan.

<sup>11</sup> Both aspects are confirmed by the then British Secretary of State, Douglas Hurd, who in an interview with the author, states: “Well, of course the disappearance of the Cold War changed because we were no longer thinking of the Middle East as a sort of possible playground for the Soviet Union, I mean its ambitions sort of faded. But we were not yet in the mode we are in now where we worry about extremists... America’s call to war on terror is now the dominant thing. So there is a gap in between 1989 and 2001 when there wasn’t an overwhelming security preoccupation.”

<sup>12</sup> This was claimed in interviews with the author with the then French Foreign Minister Hubert Vedrine and the then British Foreign Secretary Douglas Hurd.

<sup>13</sup> Bicchi is here referring to a renowned article by Adam Garfinkle in which he discusses an early tendency at convergence between the US and the EU, see Bicchi, F. (2007). European Foreign Policy Making Toward the Mediterranean. New York; Basingstoke, Palgrave Macmillan.

The Venice Declaration provoked strong Israeli criticism.<sup>14</sup> Israeli politicians and the media in Israel claimed that Europe was both pro-Arab and pro-Palestinian, first of all because of the statements about Palestinian right to self-determination: "A just solution must finally be found to the Palestinian problem, which is not simply one of refugees. The Palestinian people, which is conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination."<sup>15</sup> The Israeli Cabinet issued a statement comparing the PLO to Adolf Hitler, and making it clear that the Declaration was far from what should be expected from a Europe as the historical site of the Holocaust. Israel, it was implied, could not rely on the Europeans: "Israel does not seek a guarantee for its security from any European nation. Israel knows, and will know, how to defend itself."<sup>16</sup>

From its beginnings, the relation between the EC (and later the EU) and Israel has been a controversial issue in the Israel public. The ENP and, in connection with that, the Action Plan for Israel, might be the first rather successful attempt at bridging this gap between the Europeans and Israel as to cooperation beyond ordinary trade and cooperation in international organizations. It might be perceived as a moderate success, as discussed by Rafaella A del Sarto, in the sense that progress has been made as shown later in this article.<sup>17</sup> The question, however, remains if the rather concrete and practical matters addressed in the plan could provide the basis for mutual understanding. Does the ENP provide a framework that could bridge differences between the EU

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lan.(116) For an analysis of recent contradictions between the European main powers, see Seeberg, P. (2009). European security and the 'clash of civilisations'. Differences in the policies of France, Germany and the UK towards the Mediterranean and the Middle East? Clash or Cooperation of Civilisations - Overlapping Integration and Identities. W. Zank. London, Ashgate: 147-166.

<sup>14</sup> See for instance de la Gorce, P.-M. (1997). "Europe and the Arab-Israeli Conflict: A Survey." Journal of Palestine Studies 26(3): 5-16. Smith, P. A. (1882). "The European Reaction to Israel's Invasion." Journal of Palestine Journal 11/12(4 + 1): 38-47, Soetendorp, B. (2002). "The EU's Involvement in the Israeli-Palestinian Peace Process: The Building of a Visible International Identity." European Foreign Affairs Review 7(3): 283-95.

<sup>15</sup> Declaration of the Venice Summit, EC, June 1980.

<sup>16</sup> It was implied from the Israeli side that the Europeans were being motivated by their interest in guaranteeing stable oil supplies from the Arab States; in addition, it stated that "Nothing will remain of the Venice Resolution but its bitter memory. The Resolution calls upon us, and other nations, to include in the peace process the Arab S.S. known as "The Palestine Liberation Organization." Houk, M. (2009). "A New Convergence? European and American Positions on Jerusalem." Jerusalem Quarterly 39: 88-96.

<sup>17</sup> Del Sarto, R. A. (2007). "Wording and Meaning (s): EU-Israeli Political Cooperation according to the ENP Action Plan." Mediterranean Politics 12(1): 59-75.

and Israel, thereby demonstrating another pragmatic aspect of the ENP – this time having to do with a relatively well-functioning development of economic relations between the two partners.

### **The EU Mediterranean policies as a regime**

Before discussing the relevance of the notion of a regime it would be necessary to discuss how EU international governance can be understood. As pointed out at the beginning, there has been an ongoing discussion almost since the launching of the EC as to the character of this new entity on the international political scene. Tobias Schumacher has drawn up a useful outline over the main positions, briefly pointing to the different perceptions of the EU (or the future EU) in research: a civilian power, a superpower, an international state, an imperfect international actor etc.<sup>18</sup> James Caporaso points in a famous article from 1996 at how the EU develops its institutions and examines the EU in the light of three state forms – the Westphalian state, the regulatory state and the post-modern state,<sup>19</sup> and discusses how the study of the EU is “moving into a post-ontological stage; scholars are less concerned with how to categorize than how to explain process and outcome, paying less attention to ‘the nature of the beast’.”<sup>20</sup>

The aim of this article is not to get involved in this discussion. Instead, it is first of all meant to note that the development of the EU as foreign policy actor is characterized by what Michael E. Smith calls “unfinished business”. By this he highlights a lack of institutional development, an absence of internal coherence and a lack of efficiency in external relations.<sup>21</sup> Furthermore it is the idea to point at changes in EU “actorness” by looking at the process related to the ENP and the UfM and how they are constructing a new institutional setup, which represents a new level of Euro-Mediterranean cooperation, but still shaped by Europeanization rather than shared ownership – this both being the case for the ENP and the UfM. There are obvious differences between the ENP and the UfM regarding the question of ownership, but it is part of the ideological setting for both policy-complexes that a commonality of interests between both sides of the Mediterranean is taken for granted. In the case of the ENP, this understanding is expressed in the concept of “a ring of friends” as the underlying discursive framework, and in the fact that the Action Plans in principle are results of negotiations

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<sup>18</sup> Schumacher, T. (2005). Die Europäische Union als internationaler Akteur im südlichen Mittelmeerraum: "Actor Capability" und EU-Mittelmeerpolitik. Baden-Baden, Nomos.(41)

<sup>19</sup> Caporaso, J. A. (1996). "The European Union and Forms of State: Westphalian, Regulatory or Post-Modern." Journal of Common Market Studies 34(1): 29-52.

<sup>20</sup> Ibid., p. 30

between bilateral partners. In the context of the UfM, the claim of co-ownership is formally institutionalized, for instance, in the dual presidency and the biannual summit meetings.

In the following I will argue that the combination of the ENP and the UfM tends to reinforce the pragmatic dimension of EU foreign policy. The two strategic policies are constructing what I suggest can be termed an EU foreign policy regime. In Dannreuther's attempt at discussing EU foreign policy as an expression of regime-building he links his analysis to the so-called greater Middle East. He claims that the "particular 'Middle East regime' which Europe seeks to develop is one where international behavior, including most notably that of the US, converges on the need for a multilateral and institutionalized approach" and that such a regime "must be the core foundation block for breeding the mutual respect and trust in the Middle East required for a long-lasting peace and prosperity."<sup>22</sup>

My suggestion is to utilize the regime-concept for a slightly different purpose, namely to propose a new concept for understanding the EU foreign policy practice, where political pragmatism is tied up with the idea of a regime, thereby pointing to a certain coherence and consistency between the ENP and the UfM. The idea of applying the concept of regime to foreign policy analysis is often related to Stephen Krasner, who develops this in his influential work "International Regimes".<sup>23</sup> In Krasner's well-known definition a regime is defined as "implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."<sup>24</sup> Krasner defines furthermore the concepts of principles, norms and rules and adds that "Decision-making procedures are prevailing practices for making and implementing collective choice."<sup>25</sup>

I emphasize the last part of the definition here, because it is relevant in the case of the EU. The EU is making collective choices – in a political framework where (espe-

<sup>21</sup> Schmidt, M. (2004). Europe's Foreign and Security Policy. The Institutionalization of Cooperation. Cambridge, Cambridge University Press. (p. 209ff)

<sup>22</sup> Dannreuther, R. (2007). Recasting the Barcelona Process: Europe and the Middle East. EU and the Mediterranean. Foreign Policy and Security. P. Seeberg. Odense, University Press of Southern Denmark. (52)

<sup>23</sup> The classical work here is Krasner, S. D. e. (1983). International Regimes. Ithaca, Cornell University Press. See also Krasner, S. (1995). Sovereignty, Regimes, and Human Rights. Regime Theory and International Relations. R. e. al. Oxford, Clarendon Press, Hasenclever, A., Peter Mayer & Volker Rittberger (1997). Theories of International Regimes. Cambridge, Cambridge University Press, Rittberger, V. (1997). Regime Theory and International Relations. Oxford, Clarendon.

<sup>24</sup> Krasner, S. D. e. (1983). International Regimes. Ithaca, Cornell University Press.

<sup>25</sup> Ibid.

cially some of) the individual member states insist on pursuing their own foreign policy agendas besides the “collective choices”. The concept of regime has often been applied to discussions about the EU as a security regime.<sup>26</sup> The relation between the ENP and the EU enlargement process is part of the background for this, as it is explained by Florent Parmentier: “...the ENP is a process of norms diffusion in the European ‘near abroad’, largely influenced by the EU’s security concerns and realized under the constraints of the ‘enlargement fatigue’.”<sup>27</sup>

It is certainly a reality that the EU policies since 9.11 and the tragedies of Madrid and London in 2004 and 2005, respectively, have resulted in a much more explicit focus on security than was the case before the year 2001.<sup>28</sup> The policies established after 2001 reflect this reality. The ENP by being a realist and pragmatic based policy yet in a normative rhetoric, the UfM by being launched without the normative wording but with a focus on noncontroversial projects designed to create progress and development without changing political relations. It can therefore be concluded that from the ENP to the UfM there is a not only continuity in the real practices – there is even a de facto identity when it comes to the actual implementation.

## EU ENP and UfM policies towards the PA and Israel

### *The ENP, the PA and Israel*

This section will describe and compare the ENP and the UfM in relation to Israel and the PA. As presented in the European Commission External cooperation programmes concerning the occupied Palestinian territory the EU has since the launching of the Barcelona process in 1995 considered the PA as a full and equal partner in the Euro-Mediterranean Partnership (EMP).<sup>29</sup> An Association Agreement was signed in 1997 and it is mentioned that since the outbreak of the second intifada the implementation of the Interim Association Agreement has become more and more difficult.

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<sup>26</sup> Des Places, S. B. and H. Oger (2004). "Making the European regime: Decoding Member States Legal Strategies." *European Journal of Migration & Law* 6(4): 353-379, Charillon, F. (2005). "The EU as a Security Regime." *European Foreign Affairs Review* 10(4): 517-533.

<sup>27</sup> Parmentier, F. (2008). The reception of EU neighbourhood policy. *EU foreign Policy in a Globalized World. Normative power and social preferences*. Z. Laïdi. Abingdon, Routledge.

<sup>28</sup> This is confirmed in interviews by the author with contemporary European decision makers, among them Jean Francois Poncét (France), Lord Carrington (UK), Mark Eyskens (Belgium) and Per Stig Møller (Denmark).

<sup>29</sup> See the relevant EU-homepage here:

[http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied\\_palestinian\\_territory/occupied-palestinian-territory\\_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied_palestinian_territory/occupied-palestinian-territory_en.htm).

According to Isabel Schäfer the EMP-related documents and activities regarding the PA can be seen as a continuation of the Venice Declaration in the sense that by integrating the Palestinian Territories into the institutional mechanism of the EMP and supporting the creation of the PA in 1996, “the EU diplomatically upgraded the Palestinian Territories to the status of a quasi-state, sending a political message to Israel and the international community.”<sup>30</sup> It can be discussed to which degree it was a deliberate intention to send a message to Israel; but taking the optimism after the adoption of the Declaration of Principles in September 1993 into consideration, it is understandable why the EU acted in this way in the middle of the 1990s.<sup>31</sup>

In spite of the many difficulties after the start of the second Intifada, it seems that this practice of treating the PA as an entity similar to a state was continued also after the launching of the ENP. In 2004 the PA was included into the first round of partner countries in the ENP. As described in the EU homepage the EU-Commission prepared a Country Report (published May 2004) analyzing the overall situation in the West Bank and Gaza Strip.<sup>32</sup> One year later, in May 2005, the EU and the PA agreed on an ENP Action Plan setting out the jointly agreed priorities.

The two Action Plans for the PA and Israel are in several ways different. Whereas the EU/Israel Action Plan is 24 pages long, relatively detailed and elaborate in its wording, the EU/PA Action Plan is 11 pages long, less detailed and less elaborate. In the case of Israel – as in the cases of several other states including Jordan and Lebanon – the Action Plan is introduced with the following statement: “The EU and Israel are now closer together than ever before and, as near neighbours, will reinforce their political and economic interdependence”. In the case of the PA, however, this vision is described as a project, not as an already achieved reality; the introduction says: “The EU and the Palestinian Authority, as close neighbours, will reinforce their political and economic interdependence.”<sup>33</sup> The Action Plan for the PA is very sketchy, not the least

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<sup>30</sup> Schäfer, I. (2009). The European Reform Agenda for Palestine: Democratizing a Polity or Marginalising Political Actors. Democracy Building and Democratic Erosion. Political Change North and South of the Mediterranean. E. Kienle. London, Saqi., p. 116. See also an earlier article by Schäfer, where she besides the Israel-Palestine issue also includes the Iraq-war in an assessment of the EMP in a Middle Eastern context: Schäfer, I. I., Ferhad (2005). Regional Crises and Europe: How the Middle East Conflict and Iraq War Affect the EMP. EuroMeSCopaper, EuroMeSCo: 1-20.

<sup>31</sup> I discuss this in Seeberg, P. (2007). "Unity in Diversity", security and migration. The Changing European Foreign Policy and Security Agenda in the Mediterranean. EU and the Mediterranean. Foreign Policy and Security. P. Seeberg. Odense, University Press of Southern Denmark.

<sup>32</sup> See footnote 22.

<sup>33</sup> Both Action Plans can be found at the European Commission European Neighbourhood Policy homepage, with this url: [http://ec.europa.eu/world/enp/index\\_en.htm](http://ec.europa.eu/world/enp/index_en.htm).

in the sections dealing with political progress. The positive conditionality built into the ENP is emphasized in the Introduction, where it is stated that implementing the Action Plan “will significantly advance the approximation of Palestinian legislation, norms and standards to those of the European Union.

As indicated in the two latest (2008 and 2009) Progress Reports on the occupied Palestinian territory, the year 2008 saw some progress in several of the areas covered by the ENP action plan, yet these developments ended in a tragedy. The Israeli operation “Cast Lead”, which was launched 27 December 2008 and lasted until 17 January 2009, developed into a full scale war: “Reportedly over 1315 Palestinians were killed, of which 415 were children and 110 women, and over 5.500 wounded.”<sup>34</sup> Schäfer mentions that the EU/PA Action Plan was suspended in 2006 by the EU, following the establishment of the coalition government in the occupied territories.<sup>35</sup> In an attempt to make the EU aid-programmes work, new programmes were launched from 2006, first the so-called Temporary International Mechanism (TIM), later on PEGASE.<sup>36</sup> As Are Hovdenak explains the EU decided to “join the rest of the Quartet (The UN, the US and Russia) in boycotting the Hamas government in order to force it to comply with three demands: recognition of Israel, renunciation of violence, and acceptance of past Israeli-Palestinian agreements.”<sup>37</sup>

Schäfer makes the point that the ENP is at least partly influenced by the Kantian theory of democratic peace: The EU hopes to foster a “Ring of Friends” meaning a belt of democracies surrounding the 27 European partners. This attempt at creating a security environment is then combined with the promotion of European norms, standards and ‘shared values’; altogether, according to Schäfer, a prime example of the growing role of the EU as a normative power.<sup>38</sup> Contrary to this perception of the EU policies it might be claimed that the EU is doing something else, namely avoiding raising demands at its partners in the ENP and instead pursuing a realist, pragmatic policy where the norms and standards are hidden behind discretionary language and an ab-

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<sup>34</sup> EU-Commission (2010). Progress Report on the occupied Palestinian territory. Brussels.

<sup>35</sup> Schäfer, I. (2009). The European Reform Agenda for Palestine: Democratizing a Polity or Marginalising Political Actors. Democracy Building and Democratic Erosion. Political Change North and South of the Mediterranean. E. Kienle. London, Saqi.

<sup>36</sup> TIM and PEGASE – should be described...

<sup>37</sup> Hovdenak, A. (2009). "Hamas in transition: the failure of sanctions." Democratization 16(1): 59-80.(60)

<sup>38</sup> Schäfer, I. (2009). The European Reform Agenda for Palestine: Democratizing a Polity or Marginalising Political Actors. Democracy Building and Democratic Erosion. Political Change North and South of the Mediterranean. E. Kienle. London, Saqi.

sence of insisting on values constitutive for the EU,<sup>39</sup> which in a longer perspective might be problematic, as discussed by for instance Bassma Kodmani.<sup>40</sup> Kodmani discusses to which degree aid from the West can be used for putting pressure on the authoritarian states and claims that this in some cases might be a clever strategy: "If the US and Europe took a clear, public and consistent stance against undemocratic practices, then the governments would understand better the price they might have to pay for failing to take heed, and the social movements that are demanding democracy would be encouraged."<sup>41</sup>

The discussion related to the PA and its status as a partner in the implementation of an EU-PA Action Plan has important regional dimensions in the sense that interventions in the Israeli-Palestinian conflict from other parts of the region influence the overall security environment and the way both the PA and other Middle Eastern states are perceived in Europe. Support from Iran and Syria for Hamas will, other things being equal, contribute to a European reluctance to approach the Hamas as an important non-state actor in the Middle East. And support from Hezbollah to Hamas and the alleged support from Al Qaida to radical groups in Gaza and the West Bank adds to this reluctance. In a way the European call for democratic elections in the Palestinian territories can be seen as representing a denial of European long term political practices in the Middle East where stability has been prioritized over democracy – not least due to the geographic proximity of the Arab world to European borders.

In the Arab world substantial support for the PA and the creation of a Palestinian state is rather limited. The fact that only limited pressure is put on the PA as to its authoritarian character from the Arab states is hardly surprising. But it is also a reality that the Arab neighbours to the PA have not – apart from rhetoric declarations of solidarity at for instance Arab League summits – made much effort promoting a Palestinian state. As pointed at by Schäfer, a few exceptions can be mentioned: "the Arab Peace Initiative of 2002, and the mediation between Hamas and Fatah by the King of Saudi Arabia in February 2007, which helped to conclude the Mecca Agreement and to form the short-lived Palestinian unity government."<sup>42</sup> As mentioned by Schäfer the Arab

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<sup>39</sup> Seeberg, P. (2009). "The EU as a realist actor in normative clothes: EU democracy promotion in Lebanon and the European Neighbourhood Policy." *Democratization* 16(1): 81-99.

<sup>40</sup> Kodmani, B. (2010). Democratization by whom? Resistance to democracy promotion in the Middle East. *New Challenges to Democratization*. P. Burnell and R. Youngs. Abingdon, Routledge.

<sup>41</sup> Ibid., p. 169.

<sup>42</sup> Schäfer, I. (2009). The European Reform Agenda for Palestine: Democratizing a Polity or Marginalising Political Actors. *Democracy Building and Democratic Erosion. Political Change North and South of the Mediterranean*. E. Kienle. London, Saqi.

Peace Initiative was reaffirmed in connection with the Riyadh Arab League summit meeting in 2007 – the proposal including Hamas.

The Egyptian attempts at mediating between Hamas and Fatah after the Israel-Gaza war are mentioned in the EU-Commission Progress Report, but as described in the report the negotiations “yielded no results, partly due to external influences on the parties”.<sup>43</sup> The later years have seen growing contradictions among Arab states and also between some Arab states and strong non-state actors like Hamas and Hezbollah<sup>44</sup>. The above mentioned “external influences” are therefore important and for the EU probably decisive as the highly complex reality related to the PA obstructs the aims outlined in the Action Plan. Schäfer discusses how the ENP might in effect undermine efforts at establishing a Palestinian state, even though some progress has been achieved within Palestinian civil society and public, political debate. Still, she also emphasizes that Hamas bears a part of the responsibility for the problematic situation. They could have shown a willingness to refrain from violence and moderated its policies towards Israel. If this had been the case recognition by the international community might have contributed to avoiding the marginalization of Hamas, which had led to further internal conflicts in Palestinian society.

The Action Plan for Israel was, as described by Rafaella A. del Sarto, concluded in December 2004 and adopted in spring 2005 – parallel to the Action Plan for the PA. Del Sarto makes the interesting point that the Action Plan is interpreted differently in Israel and in the EU, for instance (hardly surprising) regarding the question of a Palestinian state.<sup>45</sup> Del Sarto mentions that after entering the agreement, EU Commissioner for External Relations Benita Ferrero-Waldner (2004) stressed that Israel had made commitments in writing which it had never before made with any other partner, for instance as to the viability of a future Palestinian state, in relation to counterterrorism activities and concerning WMD. Yet Del Sarto argues that “given the traditional divergences between Brussels and Israel on the principles of political cooperation in general, and the EU’s role in Middle East politics in particular, a thorough analysis of the Action Plan raises serious doubts on whether both sides actually agreed on the same issues.”<sup>46</sup>

As such the ENP, rather than being an ambitious policy aiming at promoting EUs normative agenda in the Middle East, it seems that regarding Israel the ENP can be

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<sup>43</sup> EU-Commission (2010). Progress Report on the occupied Palestinian territory. Brussels.(p. 3)

<sup>44</sup> Valbjørn, M. and A. Bank (2007). "Signs of a New Arab Cold War: The 2006 Lebanon War and the Sunni-Shi'i Divide." *Middle East Report* 242 (Spring): 6-11.

<sup>45</sup> Del Sarto, R. A. (2007). "Wording and Meaning (s): EU-Israeli Political Cooperation according to the ENP Action Plan." *Mediterranean Politics* 12(1): 59-75.

<sup>46</sup> *Ibid.*, p. 60.

interpreted in a completely different way, namely as realism in normative clothes: “Considering the divergent strategies and preferences of the EU and Israel regarding the future of bilateral relations, the Action Plan is in fact *a real masterpiece of diplomacy* (*Italics added by del Sarto*).”<sup>47</sup> This assessment is built on an understanding of the relations between Israel and the EU which on one side is aware of many years of Israeli criticism of the EU for being pro-Palestinian. On the other side, however, Israel is also by far the state in the Middle East which is closer to Europe, as mentioned in the Action Plan: Israel’s “high level of economic development should enjoy special status in its relations with the EU on the basis of reciprocity and common interest.”<sup>48</sup> In reality it does; the ENP-agreements between the EU and Israel work better than any agreement entered between the EU and the Arab states. This, however, is not necessarily an indicator of success.<sup>49</sup>

#### *The UfM, PA and Israel*

The contradictions between Israel and the Palestinians were part of the background for the historic meeting in Paris in July 2008, where 27 European and 16 non-European state leaders met in order to sign the Union for the Mediterranean Treaty – and celebrate the Bastille day in Sarkozy’s grand setup. It was something of a diplomatic achievement that the French president succeeded in bringing together most of the leaders from the invited states. Benyamin Netanyahu was there, together with both Mahmoud Abbas and Bashar al-Assad, and Sarkozy for instance succeeded in bringing Lebanon and Syria closer together after years of hostility. Apart from this promising start the institutional as well as the political development of the UfM has not contributed much to improvements in the relation between Israel and the Palestinians or between Israel and the Arabs.

Rather the Arab-Israeli conflict has played an important role for the (lack of) political and institutional development of the UfM. Due to the Gaza crisis in the beginning of 2009 UfM meetings scheduled between January and April 2009 were postponed. The election of Avigdor Lieberman as Minister of Foreign Affairs led to problems for the cooperation and in November 2009 to postponement of a planned UfM meeting at Foreign Minister level in Istanbul. As it was expressed in a document from the European Parliament: “the meeting of Foreign Affairs Ministers which was to have been held in Istanbul on November 24–25, 2009 has had to be postponed owing to a boycott by the Arab States, protesting against the Israeli position on the Middle East

<sup>47</sup> Ibid.

<sup>48</sup> See the EU ENP homepage, EU-Israel Action Plan.

peace process."<sup>50</sup> Unofficially an Egyptian official failed to invite the Israeli minister because of Lieberman's insulting earlier remarks made against the Egyptian President (who happens to be the co-president of the UfM). Lieberman told Mubarak to 'go to hell,' because Mubarak continued to refuse to visit Israel—leading to an official apology by President Shimon Peres and former Foreign Minister Ehud Olmert.<sup>51</sup>

In short, it becomes clear that the UfM to some degree is being held hostage by the Arab-Israeli conflict. Eduard S. I. Lecha and Irene Garcia point out that forms of flexible multilateralism as foreseen in the UfM could contribute to bypass certain difficulties. However, the reinforcement of political dialogue and the enhancement of the new institutional structure, especially the co-presidency, expose the UfM to the ups and downs of the Arab-Israeli conflict.<sup>52</sup> According to Lecha and Garcia as a result of this situation it seems unlikely that the European-Mediterranean cooperation in the domain of the Arab-Israeli peace process is able to achieve any progress.

On the other hand, the political and institutional set-up of the UfM can also be interpreted as a design which is constructed in order to prevent entering sensitive political issues. In this sense, it is meaningful to describe the UfM as a continuation of the pragmatic bilateralism which characterizes the ENP in its actual practice, but this time in a multilateral setting.<sup>53</sup> At the institutional level it should be mentioned that both Israel and the PA were given a secretarial post in the newly established secretariat in Barcelona, while a Jordanian, Ahmad Khalaf Masa'deh, was appointed General Secretary.<sup>54</sup> The financing of the projects under the UfM will, according to the Joint Declaration of the summit in Paris, July 2008, be provided through a different number of

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<sup>49</sup> This is shown for Jordan and Lebanon in Seeberg, P. (2010). "European Neighbourhood Policy, post-normativity and pragmatism." *European Foreign Affairs Review* 15(Special Issue).

<sup>50</sup> See European Parliament (2009) Session document B7-0149/2009, p. 3. Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef¼-//EP//NONSGMLþMOTIONþB7-2009-0149þ0þDOCþPDFþV0//E>

<sup>51</sup> S. Ilan et al. (2009) Lieberman: Mubarak can 'go to hell'; Peres, Olmert apologize, Haaretz, January 18.

<sup>52</sup> Lecha, E. S. i. and I. Garcia (2009). "The Union for the Mediterranean. What has it changed and what can be changed in the domain of security?" *INEX Policy Brief 4/December 2009*: 5.

<sup>53</sup> This is based on my article Seeberg, P. (2010). "Union for the Mediterranean – pragmatic multilateralism and the de-politicization of European-Middle Eastern relations." *Middle East Critique* 19(3): 287-302.

<sup>54</sup> The six posts of Deputy Secretaries General have been assigned to three countries from the EU and three countries from the Southern Mediterranean countries. Of these Israel and the PA each has a post: Ilan Chet (Israel), responsible for the higher education and scientific research portfolio and Rafiq al Hussein (Palestinian Authority), in charge of water and environmental issues.

sources, partly private donors and investors.<sup>55</sup> It is so far unclear to which degree the projects under the UfM are financed or not – several of them are not really up and running yet.

Summing up it seems that the ENP and the UfM together, as far as Israel and the PA are concerned, represent a development where only few goals have been reached. The EU/Israel ENP Action Plan is apparently working, as a result, as mentioned, of economic and societal reciprocity in a broad sense. This is not the case regarding the EU/PA Action Plan, in spite of the good intentions expressed in the rather sketchy plan. The contradictions between Hamas and Fatah are important in explaining the lack of progress related to the Action Plan but also the pragmatism on behalf of the EU. As mentioned the plans for Israel and the PA are different, and the policies of the EU reflect these differences, which again influence the progress reports and new agreements being decided upon.

The UfM has so far been characterized by little progress, partly due to the Israeli-Arab conflict. As a result of Israel's attacks on the Gaza Strip in December 2008-January 2009, the Arab states refused to meet at high level, thus blocking all the ministerial meetings scheduled for the first half of 2009. The rejection among the Arab Ministers of Foreign Affairs to meet with their Israeli counterpart, Avigdor Lieberman, resulted in further postponements and cancellations. These developments have of course little to do with the organizational design of the UfM as such. It is an interesting paradox that a construction which is shaped in order to prevent entering sensitive political issues, and which can be seen as a continuation of the pragmatism characterizing the ENP in its actual practice, almost has become paralyzed by one of the most deeply rooted conflicts of the Middle East.

### Conclusion and perspectives

This article contains in a way two parallel conclusions. On one side it is discussed to which degree the EU is pursuing a pragmatic policy towards the difficult political realities in the Middle East, as claimed by for instance Eberhard Kienle: "In practice, the Union has frequently preferred immediate stability in the south, and thus authoritarian

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<sup>55</sup> The funding will be provided through the following sources: "private sector participation; contributions from the EU budget and all partners; contributions from other countries, international financial institutions and regional entities; the Euro-Mediterranean Investment and Partnership Facility (FEMIP); the ENPI Euro-Med envelope, the Neighbourhood Investment Facility and the cross-border cooperation instrument within the ENPI", see Joint Declaration of the Paris Summit for the Mediterranean Paris, 13 July 2008, at: [http://www.emuni.si/Files//Dokument%20PDF/Joint\\_declaration\\_of\\_the\\_Paris\\_summit\\_for\\_the\\_Mediterranean-EN.pdf](http://www.emuni.si/Files//Dokument%20PDF/Joint_declaration_of_the_Paris_summit_for_the_Mediterranean-EN.pdf).

rule and repression, to slow and possibly messy regime transformation”<sup>56</sup> On the other side, and besides this mainstream EU criticism, however, it is possible to demonstrate that the development of the ENP and the UfM can be interpreted and analyzed as a foreign policy regime, adding new dimensions to the discussions about the specific character of EU “actorness” and the role of the EU in international politics.

The EU owes its recent status to its own history and one of the first attempts at launching a foreign policy related to the Middle East was in 1980 with the Venice-declaration. As described in this sense it can be understood as something of a landmark, even though the aspirations expressed were never fulfilled. Fifteen years later, in 1995, the EMP programme was established, with a regionalist perspective and normative EU ambitions. Israel and the Palestinian Authorities were part of the EMP, and an important part of the reason for the launching of the programme had to do with the optimism attached to the Peace Process following the Declaration of Principles of September 1993. With the ENP the focus became bilateral and as mentioned the initial intentions of creating a “Ring of Friends” based on the principle of positive conditionality soon changed into pragmatic policies, which not necessarily were very different and signalled moderate ambitions. And with the UfM (and the subsequent renaming of the EMP) a new policy is created, the substance of which is depoliticization and pragmatism. The combination of the ENP and the UfM can be perceived as a foreign policy regime on behalf of the EU. As shown it can be concluded that from the ENP to the UfM there is not only continuity in the real practices – there is more or less an identity when it comes to the actual implementation of the policies.

The actual unfolding of the ENP and the building of the UfM demonstrates the usefulness of the regime perspective. With the two policies a pragmatic foreign policy building is being constructed, which might serve its purpose but at the same time maintains the impression in the Middle East of the EU as an inefficient and primarily economic actor. The comparison and analysis of the policies towards Israel and Palestine show the pragmatism of the EU and underlines that over the last 5 years a depoliticization more and more characterizes EU policies towards the Mediterranean. The case of Israel and the PA is thus a paradigmatic case, yet at the same time different from other cases in the sense that the Israel-PA conflict has had important consequences for the lack of development in the institutional and political dimensions of the UfM. The UfM was launched in July 2008. Only a few months later, in December 2008

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<sup>56</sup> Kienle, E. (2009). Introduction. Democracy Building and Democracy Erosion. Political Change North and South of the Mediterranean. E. Kienle. London, Saqi: 9-18. (10), See also Kienle, E. (2007). Democracy Promotion and the Renewal of Authoritarian Rule. Debating Arab Authoritarianism Dynamics and Durability in Nondemocratic Regimes. O. Schlumberger. Stanford, Stanford University Press: 231-249

and January 2009, the Gaza war resulted in a deterioration of relations between the Israelis and the Palestinians, which had direct effect on planned meetings within the organizational framework of the UfM.

The general situation in the occupied territories contributed to the worsening of relations. The construction of new settlements in East Jerusalem and the West Bank led to internal split in Palestinian leadership concerning the negotiations with the Israelis. The bitter political divide between Hamas and Fatah might be the most important, but the fact that PFLP recently suspended its membership of the PLO in protest at the peace talks, further highlights the problematic situation.<sup>57</sup> The EU did very little to influence the difficult situation, but continued to rely on the efforts by the Quartet as the relevant forum for dialogue with the parties. In a statement in September 2010 the Quartet noted that "the commendable Israeli settlement moratorium instituted last November has had a positive impact and urged its continuation."<sup>58</sup> A few months before that Javier Solana made a speech, in which he suggested that "a UN Security Council resolution should proclaim the adoption of the two state solution. This should include all the parameters of borders, refugees, Jerusalem and security arrangements. It would accept the Palestinian state as a full member of the UN, and set a calendar for implementation." As Marian Houk correctly notes, this speech, which almost brings the Venice Declaration into memory, came as something of a surprise, but was not succeeded by further EU action.<sup>59</sup> The EU ENP and UfM regime does not seek to influence the Mediterranean reality. Rather the "pragmatic cosmopolitan", as coined by Richard Youngs as "brand-name" for the Europeans on the international political scene<sup>60</sup>, chooses pragmatism and depoliticization as the principal ideas in its efforts related to the Israel-PA conflict and to the Middle East in general.

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<sup>57</sup> Frykberg, M. (2010). "Peace talks frozen as Middle Eastern crisis looms." *The Middle East* 416(November 2010): 20-21.

<sup>58</sup> Middle East Quartet Statement, September 21, 2010, see: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/116664.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/116664.pdf).

<sup>59</sup> Houk, M. (2009). "A New Convergence? European and American Positions on Jerusalem." *Jerusalem Quarterly* 39: 88-96.(93)

<sup>60</sup> Youngs, R. (2010). *The EU's Role in World Politics. A retreat from liberal internationalism*. London and New York, Routledge.(130)

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