

EUROPEAN UNION FOREIGN POLICY

IN THE OCCUPIED PALESTINIAN TERRITORY



Rouba Al-Fattal

PASSIA

Palestinian Academic Society
for the Study of International Affairs, Jerusalem

**European Union
Foreign Policy
in the
Occupied
Palestinian
Territory**

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Jerusalem

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The views presented in this monograph are personal, i.e., the researcher's, and do not necessarily represent the views of PASSIA.

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LIST OF ACRONYMS

ACP	African Caribbean and Pacific countries
AHLC	Ad Hoc Liaison Committee
AIPAC	American Israel Public Affairs Committee
AMA	Agreement on Movement and Access
BP:UfM	Barcelona Process: Union for the Mediterranean
CEC	(Palestinian) Central Elections Commission
CEPS	Centre for European Policy Studies
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
COPPS	Co-ordinating Office for Palestinian Police Support
DG	Directorate-General
DG-RELEX	Directorate-General for External Relations
DOP	Declaration of Principles
EC	European Community
ECHO	European Commission Humanitarian Aid
ECTAO	Commission Technical Assistance Office
ECU(s)	European Currency Unit(s)
EEC	European Economic Community
EIB	European Investment Bank
EIDHR	European Initiative for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
EMPA	Euro-Mediterranean Parliamentary Assembly
EMUNI	Euro-Mediterranean University
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EOM	Election(s) Observation Mission
ESDP	European Security and Defence Policy
ESSP	Emergency Services Support Program
EU	European Union
EUBAM	EU Border Assistance Mission
EUPOL	EU Police Mission
EuroMed	Euro-Mediterranean
FEMIP	Euro-Mediterranean Investment and Partnership Facility

GDP	Gross Domestic Product
HERF	Humanitarian Emergency Response Fund
ICJ	International Court of Justice
IDF	Israeli Defence Forces
IMF	International Monetary Fund
MEDA	Mediterranean Assistance
MENA	Middle East and North Africa
MEPP	Middle East Peace Process
MP(s)	Member(s) of Parliament
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation for Economic Cooperation and Development
OPEC	Organisation of the Petroleum Exporting Countries
OPT	Occupied Palestinian Territory
OSCE	Organisation for Security and Cooperation in Europe
PASSIA	Palestinian Academic Society for the Study of International Affairs
PCBS	Palestinian Central Bureau of Statistics
PEGASE	Palestino-Européen de Gestion et d'Aide Socio- Economique
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organisation
P(N)A	Palestinian (National) Authority
PRDP	Palestinian Reform and Development Plan
PSC/COPS	Political and Security Committee/Comité Politique et de Sécurité
REDWG	Regional Economic Development Working Group
SG/HR	Secretary General of the Council of the EU/High Representative of
SME	Small and Medium Enterprises
TACIS	Technical Assistance to CIS
TAIEX	Technical Assistance Information Exchange
TIM	Temporary International Mechanism
UfM/BP:UfM	Union for the Mediterranean (or Barcelona Process: UfM)
UK	United Kingdom
UN	United Nations

UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNGA	United Nations General Assembly
UNRWA	United Nations Relief and Works Agency
UNSC	UN Security Council
UNSCO	UN Special Co-ordinator Office
US	United States
USSR	Union of Soviet Socialist Republics
VAT	Value Added Tax

PREFACE AND ACKNOWLEDGMENT

The idea of this monograph on the relations between the European Union and the Occupied Palestinian Territory (OPT) traces its first seeds back to 2007, when I decided to review a newly published book, *Political Islam and European Foreign Policy: Perspective from Muslim Democrats of the Mediterranean*, edited by Michael Emerson and Richard Youngs, Associate Research Fellows at the Centre for European Policy Studies (CEPS). I had the pleasure of meeting both editors during a follow-up conference on the book in 2008, where they encouraged me on my initiative and proposed further cooperation.

The research started mainly for the purpose of producing a chapter to be included in my doctoral dissertation at Leuven University (KUL) - Belgium. In my thesis I compare and analyse EU, US and Canadian democracy promotion in the OPT since the start of the Oslo process (1993). The objective is to understand the reasons behind instrumentalising democracy as a foreign policy by Western actors, the strategies these actors use to “promote” democracy and the challenges they face in doing so. Thus, I was strongly encouraged by my PhD supervisor Stephan Keukeleire and co-supervisor Luc Reyckers to travel to the OPT and Israel to see the situation for myself. They believed that through field research I would be better able to grasp the complexity of the situation. They were right and I thank them both for their encouragement to travel to this conflict zone.

However, I needed a local institution to host and finance my stay in order to carry out my research. I was very fortunate to meet Dr. Mahdi Abdul Hadi, Chair of the Palestinian Academic Society for the Study of International Affairs (PASSIA), during a conference in Brussels. He was very supportive of my research and invited me to do an internship at his institution. During our discussions he advised me to focus my research for PASSIA on the EU, while broadening it to include not only democracy promotion but the EU foreign policy towards the Palestinians in general. This publication is therefore the culmination of our dialogue and cooperation. I am indeed very grateful to Dr. Abdul Hadi and PASSIA’s staff, who have provided me the space, time and most importantly peace of

mind to carry out my work in their office in East Jerusalem. This ideal location, between the West Bank and Israel allowed me to carry out interviews with a wider spectrum of actors among the diverse societies. Even though I could not enter the Gaza Strip I still managed to meet Gazan and Hamas officials and think-tank representatives in the West Bank, which was vital for deepening my understanding of the issue and enriching my research.

I would like to express my gratitude to both CEPS (Brussels) and PASSIA (Jerusalem) for making it possible, through their north-south collaboration, to present my findings to a wider audience. Equally important, I like to express my deep appreciation to all the Palestinians, Israelis, Europeans, Americans, and others, in the OPT and beyond, who allowed me to interview them and shared with me their thoughts, experiences, despair and aspirations. This project would not have been as genuine without their active involvement.

Rouba Al-Fattal
Leuven, 25 January 2010

EXECUTIVE SUMMARY

Fifteen years after its launch, the impact of the Barcelona Process on the OPT is in need of a reassessment, especially in light of the two critical junctures which took place, around which EU foreign policy changed dramatically: the Second Intifada (2000) and Hamas' PLC election win (2006).

The first ten years, under the EMP (1995-2005), proved ineffective in significantly changing the situation on the ground. Despite some initial progress in changing some structures (political and economic) at some levels (state and inter-state), the EU's *partial* structural foreign policy alone failed to anchor a peace deal between Israel and the Palestinians – in need for traditional conflict resolution strategy as well – leading to the outbreak of the Second Intifada. This societal unrest was coupled with an increased level of terrorism and marked the EU's switch from development assistance to humanitarian aid, while neglecting civil society and peace-building projects.

The end of the EMP witnessed a foreign policy renaissance. European voices were calling for substantial reforms and civil society engagement in the OPT. Thus, the ENP was set up to bring a number of previously existing instruments and regional approaches together under the same umbrella and to improve their implementation through Action Plans. The OPT witnessed substantial reforms in 2003-2005, while the EU balanced its financial support between humanitarian/development aid and started paying more attention to civil society. But before the OPT could get back to where it was prior to the Second Intifada, Hamas won the PLC elections bringing a halt to EU's aid and diplomacy. This boycott proved detrimental as it worsened the humanitarian situation in the OPT and widened the rift between Hamas and Fatah to the point of no reconciliation. Since Hamas took over, the EU has backed the Fatah-led PA – leading by a presidential decree but lacking in legitimacy – reversing previously achieved economic, democratic and human rights reforms.

In sum, the Barcelona Process is still affected by a quintessential gap between the EU's own interests, the goals it sets and the expectations it raises, on the one hand, and the instruments it is willing to use and outcomes it can deliver, on the other.

INTRODUCTION

It has been contended that the foreign policy of the European Union (EU) directed towards assisting the Occupied Palestinian Territory (OPT)¹ in its transition to an independent, democratic and stable state, is failing due to an omniscient rhetoric/political-will gap that has consistently dogged the EU and reduced its credibility to fulfil the goals that its rhetoric typically inspires. In essence, the image of the EU as a genuine and influential actor in the peace and democratisation processes in the OPT has been typically inflated, while the political will and unity of its actors remain severely dwarfed and constrained by their conflicting interests and/or ideologies.

The zenith of the EU's failure to fulfil its declarations was particularly evident in its dealing with Hamas after they assured themselves a clear majority in the Palestinian Legislative Council (PLC) elections, in 2006. Not only did the United States (US) immediately withdraw its financial and political support from the newly democratically elected body, but so did the EU, despite its "self-comfortingly superior moral identity",² boasting about democracy and hailing the success of the process of the elections. This reaction has deepened the humanitarian and political crises, particularly in the Gaza Strip, and widened the rift between Fatah and Hamas making a national unity government impractical and almost unfeasible.

After the end of the Cold War (1991), politics were defined by the "victory of democracy" which was seen as the panacea for failed

¹ The Occupied Palestine Territory (OPT) is the term officially used by the majority of the international community – including the EU and the UN. Available from http://ec.europa.eu/external_relations/occupied_palestinian_territory/index_en.htm and <http://www.ochaopt.org/>. Strictly speaking, the OPT refers to the areas falling behind the Green Line (or outside of the pre-4th June 1967 borders), including East Jerusalem and the West Bank (with all its zones: A, B and C). Although the Gaza Strip is not under Israel's "permanent military presence" since September 2005, the Strip is included under the rubric of the OPT, because Israel still retains control of the airspace, seafront, crossing points and all vehicles access - including deliveries of food and other goods. Thus, under international law, Gaza Strip, since its capture from the Egyptians during the 1967 War, until today is considered under Israeli occupation.

² Stephan Keukeleire and Jennifer MacNaughtan, *The Foreign Policy of the European Union, The European Union Series* (Houndmills: Palgrave-Macmillan 2008): 153.

states.³ Thus, since the mid-1990s the EU has been emphasising, in its speeches and through its partnership programmes in the Mediterranean, the dire need to restore peace, stability, democracy and good governance in the OPT. The EU seemed to understand that a comprehensive foreign policy approach was needed to promote peace and stability in the region, since foreign policy is typically “directed at external actors and their environment with the objective of *influencing* that environment and the behaviour of other actors within it, in order to pursue interests, values and goals”.⁴ Therefore, the so-called “three baskets”, proposed under the umbrella of the Barcelona Process (1995), focused on the political, economic and cultural dimensions, have been long-standing, important elements of EU foreign policy. Security, democracy, economic development, institutional reforms, rule of law, human rights, civil society and gender equality as well as freedom of press, expression and association in the OPT have been continuously emphasised by European policy-makers presenting these elements as key EU foreign policy priorities.

Notwithstanding this emphasis on the aforementioned elements, perceived by European politicians and elites as the key to paving the way for peace and stability, the EU has acted in a manner *demoting* rather than promoting progress and democracy on the ground. Not only did the Barcelona Process fail to deliver to the Palestinians what it had promised 15 years ago (i.e. peace, prosperity, an autonomous state); but coupled with the failure of the Oslo Agreement (1993), it left Palestinians pessimistic about the future and untrusting of the EU as an honest or even effective peace and democracy promoter. However, the EU is not the only one to blame; a combination of different external and internal factors led to the deterioration of the situation in the OPT (see Table 3).

This publication analyses the evolution of the EU’s role in the OPT by looking at the situation before and during the ongoing Barcelona Process, and tries to propose insights and solutions to help improve the credibility of the EU in the region and, in turn, conditions on the

³ Karen Smith, *European Union Foreign Policy in a Changing World*. Cambridge: Polity, 2003: Chapter 6.

⁴ Keukeleire, *The Foreign Policy of the European Union*: 19.

ground. It also highlights the two *critical junctures*⁵ in the history of the OPT around which EU policies have switched dramatically – namely the Second Intifada (or *Al-Aqsa* Intifada) in 2000 and Hamas' PLC electoral victory in 2006 (see Figure 1).⁶ In doing so this work gives concrete examples for each of the dimensions that the EU attempted to accomplish in the OPT (be it political, economic or cultural), in order to demonstrate not only the policy switches but also shortcomings in new policies from the EU. Lastly, since the Israeli-Palestinian conflict tends to cast its heavy shadow on most EU relations with partners in the Mediterranean region, EU policies in the OPT will be examined simultaneously through the prisms of the Euro-Mediterranean relations and the European approach to the Middle East Peace Process (MEPP).

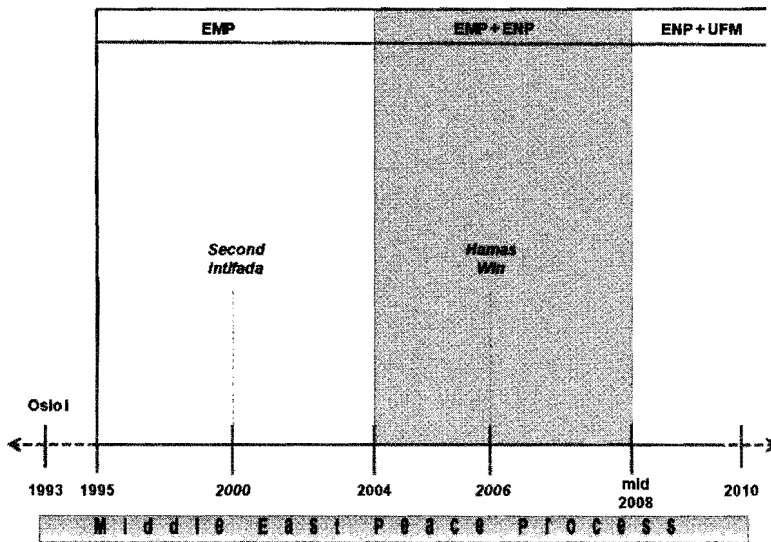


Figure 1: EU-MEPP and critical junctures timeline⁷

⁵ A term utilised by Ruth and David Collier indicating periods in history of fundamental political reorientation, in which actors make contingent choices that set on distinct trajectories of institutional developments and changes that are difficult to reverse.

⁶ Ruth Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement and Regime Dynamics in Latin America*. Princeton: Princeton University Press, 2002.

⁷ All the figures and tables introduced are produced by the author unless indicated otherwise.

HISTORICAL BACKGROUND OF THE EU-OPT RELATIONS

Overview

The European Commission is the executive body of the European Union, which currently has 27 member states and carries out, through the Directorate-General for External Relations (DG-RELEX), common positions and joint actions agreed upon under the Common Foreign and Security Policy (CFSP) pillar. Prior to the establishment of the EU/CFSP, in 1992, the European Economic Community (EEC), at the 1969 summit meeting in The Hague, launched the European Political Cooperation which lasted until 1993 and dealt with foreign affairs among European Community (EC) member states.⁸ Today, the CFSP is the organised and agreed upon foreign policy of the EU, primarily for security and defence matters, which is decided upon through unanimity among EU member states in the Council of the EU, in coordination with the General Affairs and External Relations Council – one of the oldest configurations of the Council – and the Political and Security Committee (PSC/COPS) – an advisory body to the Council.⁹

The Commission has so far addressed the EU's strategic objectives with its neighbouring countries mainly through two consecutive yet complementary frameworks. The first is the Euro-Mediterranean Partnership (EMP)/Barcelona Process, which was established in 1995, and re-launched in 2008 as the Union for the Mediterranean (UfM). This programme is funded by the EC budget and loans from the European Investment Bank (EIB) that are coordinated via Mediterranean Assistance (MEDA)¹⁰ – an EU financial instrument created specifically for the southern neighbours.¹¹ The second is the European Neighbourhood Policy (ENP) and its accompanying coun-

⁸ Christopher Hill and Karen Elizabeth Smith, *European Foreign Policy: Key Documents*. London: Routledge, 2000: 71-119.

⁹ European Commission, "How the European Union Works: Your Guide to the EU Institutions," edited by the Directorate General for Press and Communication (2005): 5, 16, 19.

¹⁰ MEDA is the counterpart of the Technical Assistance to Commonwealth of Independent States (TACIS), an EU financial instrument for Eastern neighbours and Central Asia.

¹¹ Euro-Mediterranean Information System on Know-How in the Water Sector (EMWIS), *About MEDA*. [cited 20 Oct. 2009]. Available from http://www.emwis.org/MEDA/about_meda.htm.

tries' Action Plans, which was developed in 2004 "with the objective of avoiding the emergence of new dividing lines between the enlarged EU and [its] neighbours".¹² Until 2006 the assistance funds of the EC and the EIB for this initiative were still coordinated by MEDA and TACIS, but these instruments were reformed and replaced by a single European Neighbourhood and Partnership Instrument (ENPI).¹³ Hence, the EMP "essentially became the multi-lateral forum of dialogue and cooperation between the EU and its Mediterranean partners, while complementary bilateral relations are managed mainly under the ENP and through Association Agreements signed with each partner country".¹⁴ Other specific thematic funding programmes were also introduced to help the Mediterranean region, such as the European Initiative for Democracy and Human Rights (EIDHR) that was created by an initiative of the European Parliament and lasted from 2000 to 2006. This was, however, replaced by the financial instrument for the promotion of democracy and human rights worldwide for 2007-2013.¹⁵

by ECTAO

The European Commission Technical Assistance Office (ECTAO), operating in East Jerusalem since 1994, oversees the implementation of the EMP, ENP, UfM, and the Commission's EuropeAid External Cooperation Programmes. The EuropeAid office, on the other hand, lays out strategies for cooperation with the Territory and manages the EU's external aid to the OPT (totalling more than €4 billion since 1994). Since 2008, financial assistance is channelled to and through the Palestinian Authority (PA) to help build the institutions of the future Palestinian state, in the context of the MEPP. ECTAO also supports Palestinian civil society and non-governmental organisations (NGOs) in fields such as healthcare,

¹² European Commission External Relations, *European Neighbourhood Policy - Overview*. [cited 20 Oct. 2009]. Available from http://ec.europa.eu/external_relations/enp/index_en.htm.

¹³ European Commission External Relations, *European Neighbourhood Policy: Funding*. [cited 17 Oct. 2009]. Available from http://ec.europa.eu/world/enp/funding_en.htm.

¹⁴ European Commission External Relations, *The Barcelona Process*. [cited 20 Oct. 2009]. Available from http://ec.europa.eu/external_relations/euromed/barcelona_en.htm.

¹⁵ EUROPA: Summaries of EU Legislation, *European Initiative for Democracy and Human Rights (2000-2006)*. [cited 20 Oct. 2009]. Available from http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10110_en.htm.

education, human rights and democracy-building, peace-building and culture. Assistance to Palestinian refugees, on the other hand, is channelled through the United Nations Relief and Works Agency (UNRWA); socio-economic development of the OPT is channelled through the United Nations Development Programme (UNDP); while humanitarian assistance to Palestinians is managed through the European Commission's Directorate General for Humanitarian Aid Office (DG-ECHO), which has been open in East Jerusalem since the end of 2002.

Evolution of EU-OPT Relations

It is not an easy task to define the EU's interests in the Middle East in general, and the OPT in particular, when the EU is an inter-governmental body made up of 27 member states having, to a certain extent, distinct histories, cultures and foreign policy objectives in the region. Nonetheless, over time the EU became interested in peace and stability in its neighbouring region "motivated by geographic proximity and geopolitical considerations – chiefly, the fear of security threats emanating from Europe's [backyard] (a spillover of conflict in the form of terrorism, organised crime, migration, and the proliferation of weapons of mass destruction), Israel's security, and access to energy resources".¹⁶ Also, the Middle East is an important region for its oil resources and what happens there has global ramifications, as was the case when the Organisation of the Petroleum Exporting Countries (OPEC) decided to raise oil prices in the mid-1970s sparking a global wave of recession. Moreover, the EU is made up of nations with multi-ethnic backgrounds through waves of immigration mostly from the Mediterranean region, a fact which European decision-makers take into consideration as they fear their ethnic communities might import their regional conflicts into Europe. Hence, there is an implicit assumption that an environment of peace between Palestinians and Israelis is most conducive for reconciling Europe's different interests, while pleasing Israel and appeasing the Arab states by providing their populations some decent living conditions.

¹⁶ Muriel Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*, Berlin: Carnegie Endowment, February 2009: 1. Available from http://www.swp-berlin.org/common/get_document.php?asset_id=5777.

Decision-makers, however, do not operate in a political vacuum. Therefore, it is very important to draw the close link between the historical evolution of EU-OPT relations alongside the developments in the MEPP; especially since peace and stability are the highlights of the EU's interest in the region. Indeed, European presence in that area dates long before the launch of the EU itself, in the early 1950s, or even the creation of the state of Israel in 1948,¹⁷ due to the special status of Jerusalem and Bethlehem to the Christian world. Some European consulates like those of France, Britain, Belgium, Spain, Sweden and Italy opened their doors in Jerusalem (particularly in what we today refer to as East Jerusalem) between 1900 and 1950. During that period Jerusalem was transferring from Ottoman rule to the British Mandate followed by Jordanian patronage. Not long after that we saw the creation of Fatah (1958) followed by the rise of the Palestinian Liberation Organisation (PLO) in 1964.¹⁸ Shortly after that the Six Day War took place (1967) in which Israel captured East Jerusalem, the West Bank and the Gaza Strip – areas referred to since then by the United Nations (UN)¹⁹ and the EU as the OPT.²⁰

At the Palestinian National Congress of 1969, Fatah, the largest Palestinian political faction at the time, gained control of the executive body of the PLO and its leader Yasser Arafat (Abu Ammar) was appointed the Chairman of the PLO, a position he held until his death in 2004. By the mid-1970s most of the international community, except for Israel and the US, came to understand that the PLO is the “legitimate national representative of the Palestinians”.²¹ For instance, in 1974, the UN General Assembly granted the PLO ob-

¹⁷ EUROPA, *History of the European Union*. [cited 17 Oct. 2009]. Available from http://europa.eu/abc/history/index_en.htm.

¹⁸ Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness*. New York; Chichester: Columbia University Press, 1997: 260.

¹⁹ United Nations Official Documents System, *UN Security Council Resolution 242: On the Situation in the Middle East, November 1967*. [cited 17 Oct. 2009]. Available from <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement>.

²⁰ European Commission External Relations, *Occupied Palestinian Territory*. [cited 18 Oct. 2009]. Available from http://ec.europa.eu/external_relations/occupied_palestinian_territory/index_en.htm.

²¹ Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza*. Berkeley, CA; London: University of California Press, 2005. Available from <http://www.loc.gov/catdir/description/ucal051/2004005278.html>

server status (Resolution 3236)²²; in 1976, the PLO became a full member in its own right of the League of Arab States;²³ and the European Council officially reiterated in its 1980 Venice Declaration the “legitimate rights” of Palestinians to existence and security,²⁴ in accordance with previously issued UN Security Council (UNSC) Resolutions 242²⁵ and 338.²⁶

International aid to the PLO and the Palestinian people has always played an important role in the MEPP, but the financial statistics cannot be specified since the PLO does not circulate its budget. What is known, however, is that during the 1970s and 1980s aid came mostly from Arab (oil rich) states²⁷ – either directly to the PLO or to charitable Palestinian NGOs.²⁸ The first EC financial assistance to Palestinians dates to 1971 when the Community channeled its contributions through the budget of UN bodies such as UNRWA (e.g. for refugee assistance) and the UNDP since 1978 (e.g. for humanitarian relief and socio-economic development).²⁹

Rising anger against Israeli rule in the OPT led to the First *Intifada* (Palestinian uprising), which started in the Jabalya refugee camp in the northern Gaza Strip and quickly spread through the rest of Gaza, the West Bank and East Jerusalem.³⁰ The uprising lasted for four years beginning in December 1987, which also marked the birth of Hamas, an Islamic resistance movement and the Palestinian wing of

²² United Nations Department of Public Information, *Growing Recognition of Palestinian Right by the General Assembly*. [cited 19 Oct. 2009]. Available from <http://www.un.org/Depts/dpi/palestine/ch5.pdf>.

²³ League of Arab States, *Palestine*. [cited 17 Oct. 2009]. Available from http://www.arableagueonline.org/las/arabic/details_ar.jsp?art_id=3349&level_id=61.

²⁴ Anjo G. Harryvan and Jan van der Harst, *Documents on European Union*. New York: St. Martin's Press, 1997: 207.

²⁵ Approved unanimously on 22 November 1967 in response to the Six Day War. It refers to the “inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every state in the area can live in security”.

²⁶ Approved on 22 October 1973. It called for the immediate ceasefire in the Yom Kippur War and the start of negotiations between parties in line with the UNSC Resolution 242.

²⁷ Giacomo Luciani, *The Arab State*. London: Routledge, 1990): 96.

²⁸ Azzam Tamimi, *Hamas: Unwritten Chapters*. London: Hurst & Co., 2007: 37-38.

²⁹ For UN support to the Palestinians see <http://www.undp.ps/en/aboutundp/aboutpapp.html> and <http://www.un.org/unrwa/overview/index.html>.

³⁰ Tamimi, *Hamas: Unwritten Chapters*: 14.

Egypt's Muslim Brotherhood.³¹ By February 1991, the First Gulf War had ended with a big loss to Iraq and the PLO, which had sided with Iraqi President Saddam Hussein, thus angering Kuwait and Saudi-Arabia – the PLO's biggest financial contributors at the time. US President George H.W. Bush (1989-1993), eager to patch rifts with Arab states and aware of the vulnerability of the PLO – whose aid money had been cut off – decided to co-sponsor the Madrid Conference with the Union of the Soviet Socialist Republics (USSR) in October of 1991. This early attempt - to begin the peace process through negotiations involving Palestinians, Israel and Arab states - proved fruitful in the international atmosphere prevailing at the time, with a weak PLO and USSR. Indeed, within a couple of months of this meeting the world witnessed the total collapse of the Soviet Union, and the disappearance of the PLO's name from the US' terrorist groups list.³²

Where was Europe during all of this, aside from hosting the conference in Spain in 1991? Through the European Political Cooperation, which lasted between 1970 and 1993, European states carried out discussions on the Middle East and the Palestinian question that helped “put the Palestinian case on the international agenda” and advance “the fight for self-determination of the Palestinian people”.³³ In addition, the EEC “first granted preferential access for products originating from the Occupied Territories in 1986”.³⁴ But despite Europe's efforts, the prevailing consensus of most players at the time is that the US “held 99 percent of the cards for settling the

³¹ Many Palestinians (whether independents or Fatah sympathisers) whom I have talked to in the West Bank and East Jerusalem during my research visit in summer of 2009, were strongly convinced that Israel's intelligence (the Mossad) and government have facilitated the creation and growth of Hamas in order to curb the PLO's power; but that is not to say they believe Hamas was or still is working for an Israeli agenda. This view is also shared by some Israeli academics and elites (such as Zeev Sternell, historian at the Hebrew University of Jerusalem), but was not confirmed by Hamas officials or sympathisers, nor by Israeli officials.

³² United States Department of State, "Patterns of Global Terrorism Report of 1994," National Memorial Institute for the Prevention of Terrorism, 2005: 34. Available from <http://terrorisminfo.mipt.org/pdf/1994pogt.pdf>.

³³ Keukeleire, *The Foreign Policy of the European Union*: 47, 282.

³⁴ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Interim Association Agreement on Trade and Cooperation*. [cited 21 Oct. 2009]. Available from http://www.delwbg.ec.europa.eu/en/eu_and_palestine/ec_plo.htm.

Israeli-Arab conflict”,³⁵ and that notion does not seem to have changed much over the past two decades.

Prior to the Treaty of Maastricht/Treaty of the European Union, which established the EU and the CFSP in 1992 – the second of three pillars of the EU³⁶ – there was some EU participation in Middle Eastern affairs,³⁷ but these were considered ineffective either because the EU was pushed out of the game by Washington, which wanted to monopolise the outcomes, or because individual European countries were involved in this part of the world on an ad-hoc basis, serving their own specific interests mostly through bilateral relations. There was no ‘made in the EU’ foreign policy, but since the Treaty of the European Union was ratified – which was a sort of a watershed in terms of EU global involvement – it became easier to talk of a common ‘EU foreign policy’ and to formulate an agreed upon diplomatic view of the EU as a whole with regards to the Middle East and the peace process. In reality, however, common positions remain uneasy to reach because decisions on foreign affairs (even with the Lisbon Treaty) continue to require a unanimous vote among representatives from all the member states at the Council of the European Union (informally called the Council of Ministers).

On 9 September 1993, through letters exchanged between Arafat and Rabin, the PLO renounced violence and recognised Israel, and the latter responded on the same day by officially recognising the PLO. But the so-called Oslo process did not start until four days later when the Declaration of Principles on Interim Self-Government Arrangements (short: Declaration of Principles, DOP) between Israel (Shimon Peres) and the Palestinians (Mahmoud Abbas) was signed in Washington, D.C. – with then US President Bill Clinton as witness and PLO Chairman Yasser Arafat and Israel’s newly elected Prime Minister Yitzhak Rabin (Labour Party) shaking hands. The agreement provided a window of opportunity and paved the way for the EU to provide the necessary instruments for structural (political, economic, legal and cultural) changes to take place in the region at all levels.

³⁵ Barry Rubin, "U.S. Policy in the Intifadah Era, 1988-1990," *Middle East Review of International Affairs*, [cited 20 Oct. 2009]. Available from <http://meria.idc.ac.il/us-policy/data1988.html>.

³⁶ The other two pillars being the EEC and the Justice and Home Affairs (JHA).

³⁷ Keukeleire, *The Foreign Policy of the European Union*: 47-48.

After the signing of the Oslo Accords, the economic role of Europe in the MEPP increased dramatically, while in comparison its diplomatic involvement remained dwarfed. Through its declarations within the framework of the CFSP – the successor of European Political Cooperation – the EU reiterated to a certain extent the same principles published more than a decade earlier in Venice. Nevertheless, within this new context, Europe actually translated its willingness to be a part of the new political Middle Eastern scene through its commitment to financially assist the peace process. This role was not only needed but also welcomed by all parties. For their part, the Palestinians were in dire need of assistance to kick-start their economic activities, whereas the Israelis and Americans were happy that the ‘Old Continent’ would pay the bill while being alienated from further political aspirations in the region. In order to begin this process of change, the EU established, and continues to co-chair, an international donor mechanism: the Ad Hoc Liaison Committee (AHLC),³⁸ which coordinates financial assistance to the Palestinians. In the first donor conference for the PA in 1993, donors pledged more than US\$2 billion to the development of the OPT (although donor pledges are usually more than actual disbursements).³⁹ On September 29, 1993, the European Commission presented its communication to the Council concerning its support to the MEPP, in which it proposed a total amount of 500 million ECUs⁴⁰ to be defrayed to the Palestinian people from 1994 to 1998 in the form of grants and long-term loans.⁴¹ “Politically overridden from the Madrid conference, Europe had to find an alternative way to stay active in the MEPP. Its economic involvement was materialized through its participation in the multilateral track of the peace process, and the resumption of the presidency of the Regional Economic Development Working Group (REDWG)”. In November 1993, “the group adopted the Copenhagen Action Plan, comprising 35 projects in various fields: communications, transportation, energy, tourism, agriculture, financial markets and investment, trade,

³⁸ European Commission External Relations: Occupied Palestinian Territory, *EC Assistance to the Palestinians*. [cited 21 Oct. 2009]. Available from http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/index_en.htm.

³⁹ Palestinian National Authority: Ministry of Planning and Administrative Development, “International Assistance to the Palestinian People (2005-2007).” May 2008.

⁴⁰ ECUs stands for: European Currency Unit(s), predecessor of the Euro.

⁴¹ Communication from the Commission to the Council and the European Parliament, *Com (93) 458 Final: EC Support to the Middle East Peace Process*. Brussels, 29 September 1993 [cited 22 Oct. 2009]. Available from <http://aei.pitt.edu/4300/>.

training, and regional networks”.⁴² A few months later, for the first time, an EU office (ECTAO) opened its door in East Jerusalem to help coordinate efforts with Brussels on the ground. Simultaneously, on the Israeli side, in its December 1994 Essen Declaration, the EU expressed the “expectation that Israel would enjoy special relations with the EU on the basis of reciprocity and common interests. This has translated [over the years] into stronger relations between Israel and the EU in trade, exchange between people, culture, research, and other fields than with any other eastern or southern Mediterranean partner”.⁴³ Equally significant, on 1 January 1995, the EU went through its fourth enlargement, which brought the EU from 12 to 15 member states for the next nine years, by adding Austria, Finland and Sweden, the latter being perceived as a pro-Palestinian country.⁴⁴

Parallel to EU’s efforts, the Palestinian National Authority (PNA) – or the PA – was established in 1994 by the Oslo I Agreement (also referred to as Gaza-Jericho Autonomy Agreement) as a transitional administrative unit with restricted powers that would govern *parts* of the Palestinian territories in the West Bank and Gaza Strip. The PA was founded on the basis of the DOP on Interim Self-Government Authority, “under which it was given temporary civil responsibilities” for a period of five years (1994-99).⁴⁵ Final status negotiations were expected to take place after three years in 1997, but never did.⁴⁶ PA mandates excluded issues left for the final status negotiations, such as Israeli settlements in the OPT, and left the PA with “no control over its borders, overall security, currency, fiscal or monetary policy [or taxation], natural resources, or [de jure] for-

⁴² Maria Gianniu, “The European Union’s Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?” Paper presented at the European Consortium for Political Research: 3rd Pan-European Conference on EU Politics, Bilgi University: Istanbul, 21-23 September 2006: 8. Available from <http://www.jhubc.it/ecpr-istanbul/virtualpaperroom/045.pdf>.

⁴³ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 5.

⁴⁴ NGO MONITOR Reports, *A Clouded EU Presidency: Swedish Funding for NGO Rejectionism*. 29 June 2009 [cited 27 Oct. 2009]. Available from http://www.ngo-monitor.org/article/a_clouded_eu_presidency_swedish_funding_for_radical_ngos.

⁴⁵ PASSIA, *Diary* (Jerusalem: 2009): 383.

⁴⁶ PLO Negotiations Affairs Department: Fact Sheets, *Israel’s Violations of the Oslo Agreements*. [cited 23 Oct. 2009]. Available from http://www.nad-plo.org/inner.php?view=facts_nego_f16p.

eign policy. It did not determine citizenship and its trade is either with Israel or passed through its ports”⁴⁷.

A year later, on 24 September 1995, the Oslo II Agreement (a.k.a. Taba or Interim Agreement of the West Bank and the Gaza Strip) was signed in Washington D.C. by Arafat and Rabin and witnessed by President Clinton as well as by Representatives from Russia, the EU, Norway, Egypt and Jordan. The Agreement called for the creation of the PLC – which would consist of 88 members⁴⁸ – and the launch of the Palestinian general elections process (presidential and PLC), which would be staged 22 days after Israeli withdrawal from a selected number of areas in 1996.⁴⁹ Oslo II deliberately postponed issues such as Jerusalem, Palestinian refugees, Israeli settlements, security, water and borders for final status negotiations that were expected to start by 1997. What it did, instead, was outline “the second stage of Palestinian Autonomy”⁵⁰ by dividing the West Bank into three zones (and Hebron into two zones) and extending the PA’s responsibilities in certain areas to cover both civilian as well as security-related issues in what could be outlined as:⁵¹

- Area A: full Palestinian civil jurisdiction and internal security control, amounting to 4% of the West Bank.⁵² It includes Gaza and Jericho and major Palestinian populated centres: Nablus, Qalqilya, Tulkarem, Ramallah, Bethlehem, Jenin and Hebron.⁵³

⁴⁷ PASSIA, *Diary*: 383.

⁴⁸ Central Elections Commission - Palestine, *Results and Statistics: 1996 General Elections*. [cited 24 Oct. 2009]. Available from <http://www.elections.ps/template.aspx?id=54&sndx=5>.

⁴⁹ The PLC, set up in 1995, at the time of the first elections in 1996 consisted of 88 members, which were further expanded to 132 members at the time of the second elections in 2006.

⁵⁰ PASSIA, *Diary*: 337.

⁵¹ MEDEA (European Institute for Research on Mediterranean and Euro-Arab Cooperation), *Oslo Peace Process*. [cited 27 Feb. 2010]. Available from <http://www.medeabe.be/index.html?page=2&lang=en&doc=155>.

⁵² William Zartman and Viktor Aleksandrovich Kremeniuk, *Peace Versus Justice: Negotiating Forward- and Backward-Looking Outcomes*. Lanham, MD: Rowman & Littlefield, 2005: 130. Available from table of contents <http://www.loc.gov/catdir/toc/ecip054/2004028743.html>.

⁵³ Since 1997, there has been a Temporary International Presence in the City of Hebron (TIPH). This is a civilian observer mission, made up of six states (Norway, Switzerland, Turkey, Italy, Denmark and Sweden). It has a mandate renewable every six months with the agreement of both parties. Its reports are not public but

- Area B: full Palestinian civil jurisdiction, but overriding Israel internal security. There are 450 Palestinian towns and villages that fall under this zone, which makes up 25% of the West Bank.⁵⁴
- Area C: Israeli civil and overall security control over the remaining 71% of the West Bank, including uninhabited locations, Israeli settlements, military installations, the Jordan Valley and bypass roads between Palestinian parts (see Figure 2).
- Hebron is split into two security zones, H1 and H2. Palestinian police controls the smaller area, H1; Israel remains in control of the larger area, H2, where Jewish settlements and many historic sites important to both Jews and Muslims are located.⁵⁵

Shortly after signing the Agreement, Prime Minister Rabin, an agent of change in the peace process, was assassinated by an Israeli Jewish extremist on 4 November 1995, an event which shocked the world and marked an end to an era of regional cooperation.

rather conveyed to the Palestinian police forces and the Israel Defence Force with questions requesting clarifications.

⁵⁴ Zartman and Kremeniuk, *Peace Versus Justice: Negotiating Forward- and Backward-Looking Outcomes*: 130.

⁵⁵ Sari Hanafi, "Spacio-Cide: Colonial Politics, Invisibility and Rezoning in Palestinian Territory," *Contemporary Arab Affairs* 2, no. 1 (January-March 2009). Available from http://pdfserve.informaworld.com/50605__908133156.pdf.

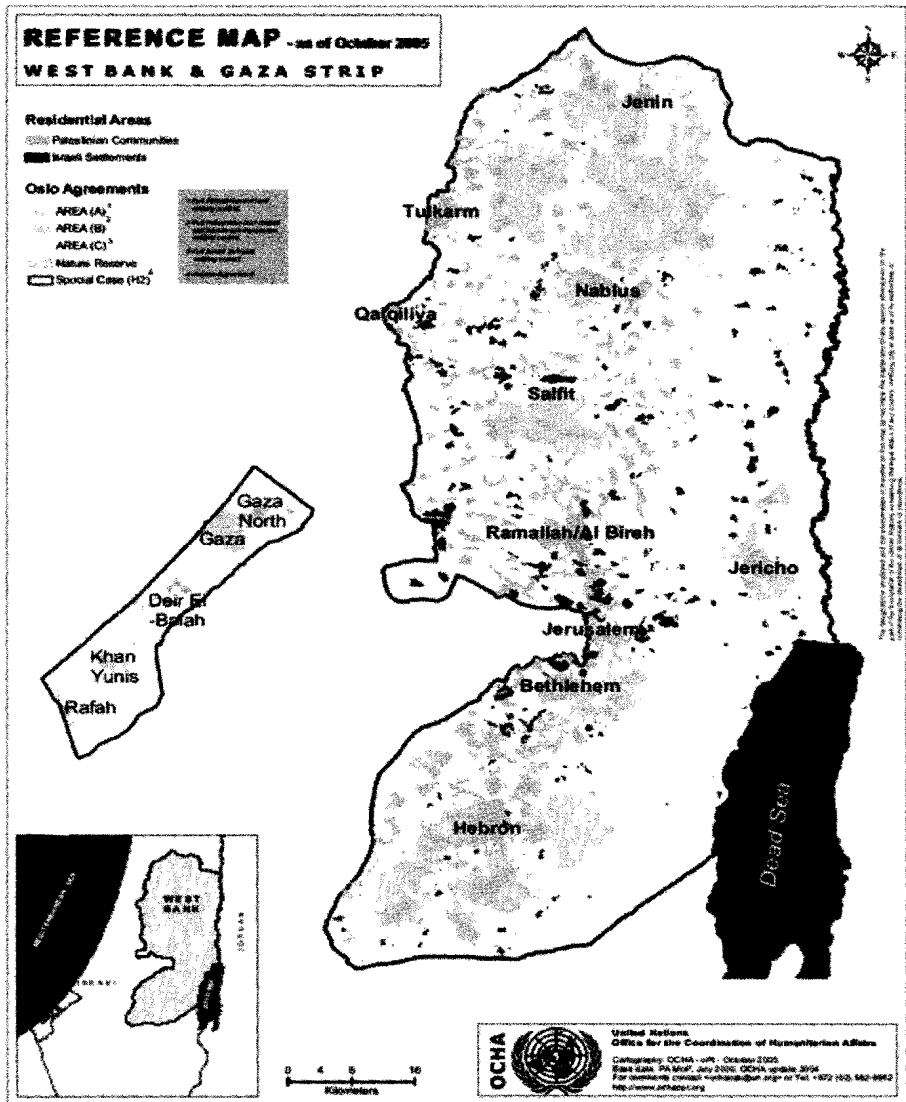


Figure 2: Map of the West Bank and Gaza Strip⁵⁶

⁵⁶ OCHA (United Nations Office for Coordination of Humanitarian Affairs): Occupied Palestinian Territory, *Reference Map West Bank and Gaza 2006*. October 2005 [cited 30 Nov. 2009]. Available from http://www.ochaopt.org/?module=displaysection§ion_id=109&static=0&edition_id=&format=html.

EU FOREIGN POLICY TOWARDS THE OPT OVER 15 YEARS

A. The Euro-Mediterranean Partnership (1995 to 2004)

"Ten years of the Barcelona process has not taken us very far down the road to a common area of peace and prosperity. Despite 3 billion euros a year of community investment through MEDA and EIB loans, Europe's border with the Mediterranean remains the most unequal border in the world. No other has differences of income levels so great in such proximity."

Extract from European Parliament President's speech at the Euro-Mediterranean Summit in Barcelona.⁵⁷

Following the aforementioned Oslo II Agreement and in the aftermath of Rabin's assassination the EMP (or the Barcelona Process) was born at the Euro-Mediterranean Conference – held on 27-28 November 1995 in Barcelona – under the Spanish EU Presidency of Foreign Minister Javier Solana (the Spanish Foreign Minister at the time and EU Presidency Representative). Since its inception, the EMP has been “the EU's central framework in which Euro-Mediterranean relations have been conducted”.⁵⁸ Undoubtedly, it has also been the EU's most ambitious, comprehensive, complex and long-term foreign policy.⁵⁹ At the onset of the Barcelona Process the EMP was comprised of 28 members: 15 EU member states, and 13 non-EU partners. The partners consisted of 11 Mediterranean members (Algeria, Cyprus, Egypt, Israel, Lebanon, Malta, Morocco, Syria, Tunisia and Turkey, as well as the OPT), and two non-Mediterranean states (Jordan and Mauritania – the latter part of the Arab Maghreb Union), of which nine belong to the Arab League (excluding Israel, Turkey, Cyprus and Malta – the latter two be-

⁵⁷ EUROMED, *10th Anniversary of the Barcelona Process: President's Euromed Visits Euromed - Tenth Anniversary Summit*. 27-28 November 2005 [cited 25 Nov. 2009]. Available from http://www.europarl.europa.eu/president/Presidents_old/president_borrell/euromed/en/default.htm#C.

⁵⁸ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 4.

⁵⁹ Stephen Larrabee et al., "The Barcelona Process and Other Mediterranean Initiatives," in *NATO's Mediterranean Initiative: Policy Issues and Dilemmas*. RAND, 1998: 24-26. Available from http://www.rand.org/pubs/monograph_reports/MR957/MR957.ch2.pdf.

came EU member states during the 2004 enlargement). Libya, though it was invited to join, was absent from the initiative which proved severe for the realisation of the EMP objectives and the establishment of North-South good neighbour relations. Although it declined a more recent invitation to join the EMP in 1999, Libya has retained its observer status since that time; though that might change in the near future. The Arab League and the Arab Maghreb Union also participated in the Conference.⁶⁰ (See Table 1)

Table 1: EMP, ENP and UfM

EMP (1995)		ENP (2004) ⁶⁴		UfM (2008)	
EUMS (15)	NE ^{61, 62} (13)	EUMS (25)	NE ⁶² (16)	EUMS (27)	NE ⁶³ (16 + Libya)
Austria	Algeria (AL) ⁹	Austria	Algeria (AL)	Austria	Albania (EUPC) ¹¹
Belgium	Cyprus (EUCC) ¹⁰	Belgium	Armenia	Belgium	Algeria (AL)
Denmark	Egypt (AL)	Cyprus	Azerbaijan	Bulgaria	Bosnia & Herzegovina (EUPC)
Finland	Israel	Czech Republic		Cyprus	Croatia (EUCC)
France ³	Jordan (AL)	Denmark	Egypt (AL)	Czech Republic	Egypt (AL)
Germany	Lebanon (AL)	Estonia	Georgia	Denmark	Israel
Greece	Malta (EUCC) ⁵	Finland	Israel	Estonia	Jordan (AL)
Italy	Mauritania (AL)	France	Jordan (AL)	Finland	Lebanon (AL)

⁶⁰ EUROPA: Summaries of EU Legislation, *Barcelona Declaration and Euro-Mediterranean Partnership*. [cited 27 Oct. 2009]. Available from http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r15001_en.htm.

⁶¹ Ibid.

⁶² European Commission: European Neighbourhood Policy, *Documents: Who Participates?* [cited 27 Oct. 2009]. Available from http://ec.europa.eu/world/enp/partners/index_en.htm.

⁶³ European Commission External Relations, *The Euro-Mediterranean Partnership*. [cited 27 Oct. 2009]. Available from http://ec.europa.eu/external_relations/euromed/index_en.htm.

Ireland	Morocco (AL)	Germany	Lebanon (AL)	France	Belarus (AL)
Luxembourg	OPT (AL)	Greece		Germany	Mauritania (AL)
Netherlands	Syria (AL)	Hungary	Moldova	Greece	Monaco
Portugal	Tunisia (AL)	Italy	Morocco (AL)	Hungary	Montenegro(EUPC)
Spain	Turkey	Ireland	OPT (AL)	Italy	Morocco (AL)
Sweden		Latvia		Ireland	OPT (AL)
UK ⁸		Lithuania	Tunisia (AL)	Latvia	Syria (AL)
		Luxembourg	Ukraine	Lithuania	Tunisia (AL)
		Malta		Luxembourg	Turkey(EUCC)
		Netherlands		Malta	
		Poland		Netherlands	
		Portugal		Poland	
		Slovakia		Portugal	
		Slovenia		Romania	
		Spain		Slovakia	
		Sweden		Slovenia	
		UK		Spain	
				Sweden	
				UK ⁸	

1. EUMS = European Union member states
2. NE = Non-EU partners
3. *Italic* is for actors who are on/close to the Mediterranean Sea
4. Unlike EMP & UfM, the ENP does not have to do with proximity to the Mediterranean Sea
5. Two EMP-NE: Cyprus and Malta, became EUMS in 2004
6. Shaded areas: ENP for Belarus, Syria and Libya are not yet "activated" (i.e. no Association Agreement in force), but that might change in the near future
7. Libya has only been an observer since 1999
8. The UK is considered on the Mediterranean because of its overseas territory, Gibraltar, in the Sea
9. members of the EMP/ENP and 10 of the UfM are also members in the Arab League (AL)
10. EUCC = European Union Candidate Country
11. EUPC = European Union Potential Candidate Country

UK = EMP
ENP
UfM (2005)

Through the EMP and “within this new context, the EU wanted to apply to its relations with the Mediterranean the objectives and methodology that had proven so successful with its Eastern neighbours. The EU envisaged fundamental changes in the political, legal, economic and societal structures within the individual Mediterranean countries, in their mutual relations and in their relations with the EU”.⁶⁴ The aim of Europe was to stabilize “the region of the southern and eastern Mediterranean through closer cooperation and economic integration as well as through long-term gradual economic and political transformation”.⁶⁵

This “ground-breaking Euro-Mediterranean Conference for the first time brought together Foreign Ministers of the EU member states with their colleagues from the Maghreb, the Middle East and Cyprus, Malta and Turkey”.⁶⁶ The Conference “established the EMP and laid the foundations of a process designed to build a comprehensive *multilateral* framework for dialogue and cooperation in the three dimensions [or baskets] of the partnership”⁶⁷: the political partnership, which comprises boosting security and stability, supporting democracy and good governance, encouraging the rule of law and human rights; the economic and financial partnership, that includes development and infrastructures, reforming fiscal policies, managing (free) trade, taxation and investments; and the partnership in cultural affairs, which encompasses supporting civil society and the media, empowering women and youth, fostering peace education and cultural exchanges.⁶⁸ In order to assess the success and effectiveness of the EMP, each of these ‘baskets’ will be examined in detail in the following sections.

1. Political dimension

EU-Med Partnership

The first objective of the EMP has been to establish a common area of peace and stability underpinned by sustainable development, democracy, rule of law and human rights; through a reinforcement

⁶⁴ Keukeleire, *The Foreign Policy of the European Union*: 275.

⁶⁵ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 4.

⁶⁶ Keukeleire, *The Foreign Policy of the European Union*: 275.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

of political, security and societal dialogue and a set of financial and structural instruments.⁶⁹ The Partnership is multilateral in nature, but also comprises a complementary ‘loose’ bilateral dimension, unlike the strictly bilateral aspect of the ENP which followed it. In fact, the Union has agreements in force with most of the countries that were invited to join; particularly Association Agreements with most of the Middle Eastern and North African (MENA) countries individually.⁷⁰ These agreements reflect the general principles governing the new Euro-Mediterranean relationship, although they each contain characteristics specific to the relations between the EU and each Mediterranean country”.⁷¹

Under the EMP an Association Agreement has been concluded with three Maghreb countries: Tunisia, Morocco and Algeria, and three Mashreq countries: Egypt, Jordan and Lebanon (see Table 1).⁷² In addition, the “preferential” arrangements for Israel, introduced by the 1975 agreement, were upgraded and incorporated into the 1994 Association Agreement. This resulted in a steady growth in trade relations between the Community and the Israel; at the same time, it provided space for the EU – under the framework of the CFSP – to have an increasing role in the peace process.⁷³ Likewise, an Interim Association Agreement on Trade and Cooperation (1997) has also been signed with the ‘interim’ PA which is still in force.⁷⁴

According to the EU “these Agreements are meant to provide for a regular political dialogue, the step-by-step establishment of a free trade area, provisions on the right of establishment, services, com-

⁶⁹ European Commission External Relations, *The Barcelona Process*.

⁷⁰ The Association Agreement is the equivalent of the Partnership and Cooperation Agreement with Commonwealth of Independent States (CIS), and the Cotonou Agreement with African Caribbean and Pacific countries (ACP).

⁷¹ Europedia, *EU's Relations with Mediterranean and Middle East's Countries*. [cited 20 Nov. 2009]. Available from http://europedia.moussis.eu/books/Book_2/7/25/05/index.tkl?term=association%20agreement&s=1&e=20&pos=9.

⁷² As for the other five EMPs: Algeria self-extracted itself from the Association Agreement after it entered into force, Syria did not activate its Association Agreement, Mauritania has signed the Cotonou Agreement instead as an ACP, Turkey switched and joined Cyprus and Malta in the Stabilisation and Association Process catered for EU candidate countries. The latter two countries joined the EU in 2004.

⁷³ EUROPA, "Euro-Mediterranean Agreement with the State of Israel," *Official Journal of the European Communities*, 21 June 2000. Available from http://www.delisr.ec.europa.eu/english/content/eu_and_country/asso_agree_en.pdf.

⁷⁴ European Commission External Relations, *Occupied Palestinian Territory*.

petition rules and free movement of capital, strengthening of economic cooperation on the broadest possible front complemented by social, cultural and financial cooperation".⁷⁵ Although this might have been the EU's plan at first, the stalemate in the final status negotiations between Israel and the PA – that were expected to reach a solution by 1999 – led to the Second Intifada in 2000, followed by an increase in violence, which has hampered progress and deadlocked the peace process. Thus, the Second Intifada constitutes a *critical juncture*, where we witness a switch in the EU's role and effectiveness concerning the OPT. Therefore, it is important to take this event into consideration when analysing the EU's policies on the ground, by looking at the situation before and after the 2000 landmark.

OVERVIEW OF EU-OPT RELATIONS UNDER THE EMP BEFORE THE SECOND INTIFADA (1995-2000):

*⁷⁶ Four months after the Interim PA was established Palestinians held their first general elections on **20 January 1996**, which the EU helped monitor, and Palestinians **elected Yasser Arafat as President**.⁷⁷

The post of **Special Representative/Envoy of the EU to the Middle East** was created in **November 1996** to give presence, visibility and political impetus in the region to the EU's efforts to help bring about a final settlement of the Israeli-Palestinian conflict; Miguel Ángel Moratinos from Spain was appointed as first EU Special Representative (1996-2003).⁷⁸

* Concluding months of tense negotiations, the **Hebron Protocol** was signed on **17 January 1997**, detailing the Israeli redeployment from

⁷⁵ Europedia, *EU's Relations with Mediterranean and Middle East's Countries*.

⁷⁶ An asterisk "*" before a paragraph indicates meetings, elections and treaties which the EU was involved in.

⁷⁷ Central Elections Commission - Palestine, *The 1996 Presidential and Legislative Elections*. 1996 [12 Dec.2009]. Available from http://www.elections.ps/admin/pdf/Results_election_1996.pdf.

⁷⁸ EURLux, "Joint Action of 25 November 1996 Adopted by the Council on the Basis of Article J.3 of the Treaty on European Union in Relation to the Nomination of an EU Special Envoy for the Middle East Peace Process," 25 November 1996. Available from http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996E0676&model=guichett.

the city. "This agreement was reinforced with two letters of assurances: one from the US, and the other from the EU, carefully negotiated by the EU Special Representative and signed by the EU Presidency. It was the first letter of its kind that the EU signed and marked 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".⁷⁹

* As negotiations on the interim issues (e.g. further withdrawals of Israeli forces, prisoner releases, settlement stop and economic issues) remained in stalemate, the EU Special Representative in **April 1997** "proposed and negotiated with both parties a '**Code of Conduct**' in order to introduce mutually acceptable guiding principles to resume and conduct the talks. This Code aimed to pave the way for an approach which combines both security concerns and political, economic and cultural policies based on the pursuit of mutual prosperity and welfare". The adoption of the Code was supported by both the European Parliament and the Council of Ministers; yet, at the last minute, it was not signed due to disagreements between the parties concerned.⁸⁰

* Shortly after the Code of Conduct negotiations failed the **Interim Association Agreement on Trade and Co-operation**, between the European Community and the PLO, "for the benefit of the PA", was signed on **24 February 1997** and entered into effect on **1 July 1997**. This Agreement, still in effect today, has the primary objective "to establish the conditions for increased liberalisation of trade and to provide an appropriate framework for a comprehensive dialogue between the EU and the PA. These measures are aimed at integrating the Palestinians into the Euro-Mediterranean Process".⁸¹

* The **Wye River Memorandum** was signed in **October 1998**. "This Memorandum brought an end to the nineteen-month impasse in the peace process since the Hebron Protocol was signed". It was meant to implement the earlier negotiated Interim Agreement of 1995, and was

⁷⁹ Council of the European Union, *Middle East Peace Process*. [cited 30 Nov. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=496&lang=en>.

⁸⁰ Council of the European Union, *Middle East Peace Process*. [cited 30 Nov. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=496&lang=en>.

⁸¹ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip." 12 May 2004: 3. Available from http://ec.europa.eu/world/enp/pdf/country/pa_enp_country_report_2004_en.pdf.

brokered by the US at the Wye River Conference Center, in Maryland, where the EU Special Representative was present and "actively monitored the negotiations".⁸²

* Due to the active diplomacy of the EU and the EU Special Representative, and following the Wye River Memorandum, the **Gaza airport was finally opened on 24 November 1998** to flights that allowed Palestinians, for the first time, to establish a direct outlet to the rest of the world.⁸³

The **EU Treaty of Amsterdam**, signed in 1997, entered into force on **1 May 1999** and amended the Treaty of the European Union. It was designed to change the EU's decision-making process in order to make the EU more democratic by giving additional power to the European Parliament.⁸⁴ It also marked the real beginning of the CFSP as it introduced a new instrument: the Common Strategy. "Common strategies are implemented by the Council, in particular by adopting *joint actions* and *common positions*, in fields where member states have important interests in common".⁸⁵

* By 4 May 1999, the Interim Agreement (Oslo II) between Israel and the PA was scheduled to end, with no other agreement in negotiation, the PA was losing legitimacy and credibility fast.⁸⁶ "President Arafat, based on his right to self-determination, wanted to declare the independence of a Palestinian state. But mainly due to the reassurances received by the EU through the **Berlin Declaration of March 1999** he was persuaded to postpone this". This Declaration, adopted by the EU Heads of State, represents a landmark of EU diplomacy in the context of its CFSP.⁸⁷ In it the EU, for the first time, explicitly stated:

[T]he reasoning behind the politics it had already been pursuing since the beginning of the Oslo process: the establishment of a

⁸² Council of the European Union, *Middle East Peace Process*.

⁸³ *Ibid.*

⁸⁴ European Commission, "How the European Union Works: Your Guide to the EU Institutions": 6.

⁸⁵ EUROPA: Glossary, *Common Strategy (CFSP)*. [cited 30 Nov. 2009]. Available from http://europa.eu/scadplus/glossary/common_strategy_en.htm.

⁸⁶ Khalil Shikaki, "A Palestinian Perspective on the Failure of the Permanent Status Negotiations." Palestinian Center for Policy and Survey Research (PSR), January 2004: 15. Available from http://www.pcpsr.org/strategic/occasionalpapers/failure_psn.pdf.

⁸⁷ Council of the European Union, *Middle East Peace Process*.

democratic, viable, peaceful, and sovereign Palestinian state next to Israel as the best guarantee for the security of Israel as well as for Israel's recognition as a respected partner in the region. This would include a fair solution to the issue of Jerusalem and a just and agreed solution to the Palestinian refugee question. The position was complemented by the 2002 Seville Declaration, in which the EU stressed that the 1967 borders should be the basis for a final Israeli-Palestinian settlement, if necessary with minor adjustment agreed to by the parties.⁸⁸

* "The Wye River Memorandum, signed a year earlier, was only reluctantly and partially implemented; this made a re-negotiation of the terms necessary". This was made possible due to the newly elected Israeli Prime Minister Ehud Barak (Labour Party). The **Sharm El-Sheikh Agreement No. 1** was to restore Palestinian self-rule over the Gaza Strip. Still, the Palestinian side was only willing to sign the renewed Agreement on **4 September 1999** upon receiving letters of reassurances from both the US and the EU.⁸⁹

* In accepting the above EU proposal, in **September 1999**, the US collaborated with the EU Presidency (of Finland) and the EU Special Representative in organising a **Gathering of Peacemakers in New York**, within the margins of the UN General Assembly (UNGA) meeting. This was done with the participation of most Gulf, Middle Eastern and Maghreb Foreign Ministers in order to support the Sharm El-Sheikh Agreement.⁹⁰

When the Amsterdam Treaty came into force the **post of High Representative of CFSP** was formally activated in **October 1999**. Javier Solana was appointed to this post (until November 2009), replacing Jürgen Trittin (of Germany), the first Secretary General of the Council of the EU and CFSP since September 1994. Solana was simultaneously appointed the Secretary General for the Council of the EU.

During the Helsinki European Council Summit, on **10-11 December 1999**, the creation of the **European Security and Defence Policy (ESDP)** was adopted (while the 2001 Nice Treaty, in force since 2003, made it permanent). The ESDP became one of the spearheads of EU

⁸⁸ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 6.

⁸⁹ Council of the European Union, *Middle East Peace Process*.

⁹⁰ Ibid.

CFSP covering defence and military aspects. Around the same period the PSC/COPS was established. The latter is an advisory body to the Council of the EU on issues concerning the ESDP. It prepares coherent EU responses to crises with the help of the European Union Military Committee – the highest military body set up within the Council – and the Committee for Civilian Aspects of Crisis Management – the body responsible for the civilian dimension of the ESDP.⁹¹

* The breakthrough in Sharm El-Sheikh I – which was made possible due to the newly elected Israeli government, the Secretary General for the Council of EU/HR of CFSP (Solana) and the EU Special Representative – encouraged Russia, co-sponsor of the Peace Process, to call for the **Re-launch of the Multilateral Track in Moscow**, which had remained in impasse since 1996. On **1 February 2000** the *Ministerial Steering Group of the MEPP* formally re-launched the track, and based on a proposal from the EU Special Representative, started a serious review of past performance with a view to improve structure and effectiveness.⁹²

Impressed by the success of the Oslo *secret* negotiations, some Palestinian officials sought to repeat it with the permanent status negotiations. Starting in **May 2000**, Ahmed Qurei (or Abu Ala), second highest ranking person in the PA hierarchy (due to his position at the time as the PLC Speaker), began negotiations with Israeli counterparts through the **Stockholm secret channel**. Americans were not directly involved, but were briefed by the participants and senior American diplomats who attended. Mahmoud Abbas (second highest ranking person in the PLO hierarchy) and the official Palestinian negotiators were kept in the dark. But soon the press leaked the news bringing this *unofficial* channel to a halt, though not before damaging relations between Arafat, Abbas and Qurei (senior advisors on the peace process).⁹³

⁹¹ Council of the European Union, *ESDP Structures and Instruments*. [cited 30 Nov. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=279&lang=EN>.

⁹² Israel Ministry of Foreign Affairs, "Moscow Multilateral Steering Group Ministerial Joint Declaration," 1 February 2000. Available from http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2000/2/Moscow%20Multilateral%20Steering%20Group%20Ministerial%20Joi.

⁹³ Shikaki, "A Palestinian Perspective on the Failure of the Permanent Status Negotiations": 9.

The EU decided to adopt a four-year **Common Strategy for the Mediterranean** in **June 2000**, under the provision of the Amsterdam Treaty. By doing so, it hoped to make the Barcelona Process more coherent, "action-oriented and result driven".⁹⁴

In a desperate attempt by US President Clinton to broker a peace deal while still in office, under the insistence of the Israeli Prime Minister Barak and against the reluctance of PA Chairman Arafat, the **Camp David Summit** was convened on **11 July 2000**. "The summit ended on July 25, without an agreement being reached. At its conclusion, a Trilateral Statement was issued defining the agreed principles to guide future negotiations".⁹⁵

Both sides have accused the other for the failures of the Camp David talks, but it seems that the international diplomats' and academic community's blame was levelled at Arafat. The general consensus is that Ehud Barak has offered unprecedented compromises to the Palestinians on final status issues including: the West Bank and Gaza Strip borders; East Jerusalem as the capital of the new Palestinian state with sovereignty over Muslim holy sites; reconciliation between Palestinian demands and Israeli concerns over the refugees' right of return in the form of compensation. This last point, however, is said to have been the breaking point of the negotiations. Several contradictory views still persist on this and other matters. Some authors, such as Noam Chomsky⁹⁶, claim that Arafat refused the deal due to the border issues, which would have left the West Bank divided into cantons; while others, like Alan Dershowitz⁹⁷, say that the "right of return" of Palestinian refugees was the real breaker of the negotiations.⁹⁸ In the same vein, other political

⁹⁴ Ricardo Gomez, *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy*. Burlington: Ashgate Publishing 2003: 77.

⁹⁵ Israel Ministry of Foreign Affairs, "The Middle East Peace Summit at Camp David- July 2000," 11 July 2000. Available from <http://www.mfa.gov.il/MFA/History/Modern%20History/Historic%20Events/The%20Middle%20East%20Peace%20Summit%20at%20Camp%20David-%20July%20202>.

⁹⁶ Democracy Now, "Noam Chomsky Vs. Alan Dershowitz: A Debate on the Israeli-Palestinian Conflict," 23 December 2005 [cited 30 Nov. 2009]. Available from http://www.democracynow.org/2005/12/23/noam_chomsky_v_alan_dershowitz_a.

⁹⁷ Ibid.

⁹⁸ Dershowitz claims that President Clinton told him directly and personally that the right of return was the problem.

scientists and politicians, like Norman Finkelstein⁹⁹ and Shlomo Ben-Ami¹⁰⁰ respectively, argue that the Palestinian position was expected because the perspective of both sides on the international laws guiding the negotiations differed greatly.

Be that as it may, domestic challenges to Barak's government were growing stronger and stronger. It was in this environment that the leader of the Israeli parliamentary opposition, Ariel Sharon, planned his controversial visit to the Al-Haram Al-Sharif compound ('Temple Mount' for the Jews). "His stated objective was to assert Israeli control over the holy place in response to Barak's willingness to compromise that control".¹⁰¹ True enough, on 28 September 2000, Sharon's strategically-timed stopover put the last nail in the peace process' coffin,¹⁰² insofar as his provocative act constituted the catalyst that sparked the eruption of the **Second Intifada on 29 September 2000**,¹⁰³ and was exploited by both Arafat as well as frustrated young activists demanding a shift in Palestinian strategy to one resembling Hezbollah's violent methods in southern Lebanon, which seemed effective in driving the Israeli Defence Forces (IDF) out of the country in June 2000.¹⁰⁴

The political context and the Israeli-Palestinian-international community dynamics have changed dramatically since the outbreak of the Second Intifada. More than ever before, the EU-Palestinian Interim Association Agreement has proven extremely difficult to implement, while the increasing violence at the local and global levels

⁹⁹ Norman Finkelstein, "The Camp David II Negotiations: How Dennis Ross Proved the Palestinians Aborted the Peace Process," *Journal of Palestine Studies* 36, no. 2 (Winter 2007).

¹⁰⁰ Jewish Virtual Library, *Ben-Ami's Camp David Diaries*. July 2000 [cited 30 Nov. 2009]. Available from <http://www.jewishvirtuallibrary.org/jsource/Peace/benamidiary.html>.

¹⁰¹ Shikaki, "A Palestinian Perspective on the Failure of the Permanent Status Negotiations": 13.

¹⁰² There are contradicting views on when the Second Intifada really started. Some say it began once Camp David failed in July 2000; others say on 27 September when a Palestinian security officer on a joint patrol fired at an Israeli officer; others believe it was the day after Sharon's visit to the Temple Mount, on 29 September following the Muslim Friday prayer; but the mainstream media outlets and commonly cited sources state that the riots erupted right after Sharon's visit on 28 September 2000.

¹⁰³ Dan Uri, *Ariel Sharon: An Intimate Portrait*. New York: Palgrave Macmillan, 2006: 157-60, 66, 283.

¹⁰⁴ *Ibid.*: 157-60.

proved detrimental to any attempts at revitalising the agonising peace process debate. Nonetheless, in order to understand the switch in EU policies that followed the 2000 Intifada a chronology of events that followed the *first critical juncture* needs to be examined.

**OVERVIEW OF EU-OPT RELATIONS UNDER THE EMP
AFTER THE OUTBREAK OF THE SECOND INTIFADA (2001-2004):**

* In Sharm El-Sheikh II which took place on 17 October 2000, "the SG/HR and EU Special Representative, representing the EU, were present and contributed to the success of this gathering that tried to define ways to end the violence between Israel and the Palestinians. The EU maintains that the understandings reached there are still valid and provide a good base for disengagement and an end to incitement".¹⁰⁵

On 20 January 2001, George W. Bush was sworn in as the 43rd President of the United States, beginning the first of two consecutive terms (2001-2009). Although no longer in the White House, former US President Clinton continued to work toward international peace, among other international issues, through the Clinton Global Initiative.¹⁰⁶

* Building upon the "Clinton Parameters" outlined at the end of 2000, the Taba Talks that took place on 21-27 January 2001 were "one of the most successful efforts of both parties [under leadership of Prime Minister Barak and Chairman Arafat] to close negotiations on the issues that were already addressed in Camp David in July 2000. Never before was so much agreement achieved on issues such as land, refugees, Jerusalem, settlements and security. On behalf of the EU, the EU Special Representative was asked by both parties to listen to the points of agreement and disagreement. In February the EU General Affairs and External Relations Council stated that renewed negotiations should start from this point".¹⁰⁷ However, "the two sides were too weak to take bold steps" and "most Israelis, as the polls showed, viewed the talks with suspicion believing that it was not legitimate for Barak to engage in last minute diplomacy of this nature".¹⁰⁸

¹⁰⁵ Council of the European Union, *Middle East Peace Process*.

¹⁰⁶ Clinton Global Initiative (CGI), *About Us*. [cited 29 Dec. 2009]. Available from <http://www.clintonglobalinitiative.org/aboutus/default.asp?Section=AboutUs&PageTitle=About Us>.

¹⁰⁷ Council of the European Union, *Middle East Peace Process*.

¹⁰⁸ Shikaki, "A Palestinian Perspective on the Failure of the Permanent Status Negotiations": 13-14.

Ariel Sharon's victory in the Israeli elections of 6 February 2001 brought an abrupt end to a process that started nine months previous. Some say "it was this event that killed the ability of the two sides to capitalise on the achievements produced so far".¹⁰⁹ Still, one could argue that no Israeli government could deliver on the Oslo promises (or Clinton's Parameters) without risking an Israeli division, or even worse, a civil war. In that sense Sharon indeed did what no other Israeli leader could: he unilaterally evacuated about 8,500 Israeli settlers and 5,500 Israeli soldiers from the Gaza Strip in August/September 2005 putting an end to four decades of Israel's "permanent military presence", although, Israel retains control of the air-space, seafront, crossing points and all vehicles access – including deliveries of food and other goods.¹¹⁰

* On **4 April 2001** the SG/HR (Solana) and EU Special Representative, with the assistance of the Government of Greece, managed to broker the first high-level **meeting in Athens** between Israelis and Palestinians, after Sharon became Israel's Prime Minister. The aim of this event was to resume a dialogue on how to address the political, security and economic issues in order to end the vicious cycle of violence raging in the OPT.¹¹¹

Starting in 2001, there was a sharp increase in Palestinian suicide attacks in Israel, for which often Hamas and its associates claimed responsibility. But after the **11 September 2001 terrorist attacks on the US** there was a sharp jump in the number of deadly suicide attacks in Israel, reaching a peak in 2002, and decreasing gradually until today. The total number of suicide bomb fatalities in this period varies, depending on the source, but ranges between 480 to 542 dead. It is not explicitly mentioned how many of those killed were suicide bombers and how many were victims (either civilians or Israeli security forces), or whether the perpetrators came from the West Bank, Gaza Strip, East Jerusalem or Israel. Also, the sources do not indicate exactly how many of those killed were Jews and how many were Israeli or Palestinian Arabs; however, it is clearly demonstrated that the majority of the victims of these attacks were Jewish civilians.¹¹²

¹⁰⁹ Ibid.: 14.

¹¹⁰ Scott Wilson, "Israel Lowers Its Flag in Gaza as Last Troops Withdraw," *Washington Post*, 12 September 2005. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/11/AR2005091100677.html>.

¹¹¹ Council of the European Union, *Middle East Peace Process*.

¹¹² B'tselem, *Attacks on Israeli Civilians by Palestinians*. [cited 28 Feb. 2010]. Available from http://www.btselem.org/English/Israeli_Civilians/.

The Euro entered circulation on 1 January 2002 replacing the former European Currency Unit (ECU) – introduced in 1979 as an internal accounting unit – at a ratio of 1:1. Since that change all EU funding and aid to third countries, including the OPT, has been made in Euros.

The then acting Saudi regent Crown Prince Abdullah brokered the Arab Peace Initiative, which was endorsed by the Arab League during the 28 March 2002 Beirut Summit (where only 10 out of 22 heads of Arab League states were present, and President Arafat was discouraged by the Israeli government from attending). Arab leaders collectively offered Israel recognition of its "right to exist" and a "normalisation of diplomatic ties" in exchange for its complete withdrawal from Arab lands captured in and since 1967. The Arab Peace Initiative called for the restoration of a Palestinian state with East Jerusalem as its capital and a "fair solution" for the Palestinian refugees. Although the plan was supported by US President Bush and British Prime Minister Tony Blair, it was opposed by factions in both the Arab and Israeli camps. Syria opposed the use of the term "normalisation". Palestinian groups such as the armed wing of Hamas, Islamic Jihad, and the Al-Aqsa Martyrs Brigade, rejected the Saudi plan outright, while the Israeli government just ignored it and never formally accepted or rejected it.¹¹³

Include

The Quartet on the Middle East was established in Madrid in June 2002 by the Spanish Prime Minister José María Aznar, as a result of the escalating conflict in the Middle East. In the same month, President G.W. Bush floated the idea of a roadmap to peace in the Middle East under the supervision of the Quartet, with the UN expected to look into the security and financing of this mission.¹¹⁴ The Quartet is a collection of four entities represented by the US's Assistant Secretary of State, Russia's Foreign Minister's Special Middle East Representative, the EU's High Representative for CFSP, and the UN's Middle East Envoy, and chaired by the Quartet's Special Envoy (a post that was first set up in May 2005).¹¹⁵ It has been argued that the Quartet "was

¹¹³ Al-Jazeera, "The Arab Peace Initiative," 28 January 2009. Available from <http://english.aljazeera.net/focus/2009/01/200912764650608370.html>.

¹¹⁴ European Parliament: External Relations, *Briefing - 18-19 February 2009 - Brussels Plenary Session: MEPs to Debate the Role of the European Union in the Middle East with Javier Solana*. 12 February 2009 [cited 30 Nov. 2009]. Available from http://www.europarl.europa.eu/news/expert/briefing_page/49052-047-02-08-20090210BRI49051-16-02-2009-2009/default_p001c002_en.htm.

¹¹⁵ Gianniu, "The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?": 17.

formed by the Bush administration to provide European states with a formal peacemaking role in exchange for gaining their support for the Iraq War".¹¹⁶

Following the violent outbreaks of 2001-02, the Israeli government started the **construction of the Israel-West Bank separation wall/barrier in June 2002**.¹¹⁷ This physical barrier is being erected with the stated objective of separating Israel and the West Bank to prevent the uncontrolled entry of Palestinians into Israel. In most areas, the barrier is comprised of an electronic fence with dirt paths, barbed-wire fences, and trenches on both sides, at an average width of 60 meters. In some areas, a wall six to eight meters high has been erected in place of the barrier system. Some Israelis attribute the gradual reduction in the number of suicide attacks to the barrier.¹¹⁸ Nonetheless, this claim is contested as there are many Palestinians living in East Jerusalem who have easy access to the rest of Israel to implement attacks if they so desired. Instead, it seems, on the one hand, that Israeli intelligence became better at preventing the attacks, while, on the other hand, suicide bomb attacks declined as they were replaced by rockets launched directly from the Strip into Israel beginning with the Israeli military disengagement from Gaza (2005), and continuing with Hamas' ascendance to power (2006), and their takeover of Gaza (2007).

Arafat was under siege for the second time in the PA compound (*Muqata'a*) in Ramallah starting **September 2002** – the first time was April-May of 2002.¹¹⁹

The **Treaty of Nice**, signed in 2001, came into force on **1 February 2003** and helped put forward ways for the EU to work more effectively even after the new wave of member states joined in 2004.¹²⁰

¹¹⁶ Dore Gold, "The Quartet's Shift on Middle East Peace", *Real Clear World*, 2 October 2009 [cited 30 Nov. 2009]. Available from http://www.realclearworld.com/articles/2009/10/02/the_quartets_shift_on_middle_east_peace.html.

¹¹⁷ While Israelis tend to call the separation barrier the "security fence", Palestinians often refer to it as the "apartheid wall". To avoid the normative connotations of both sides this work follows the BBC's journalists' style guideline by calling it the (West Bank) separation wall/barrier - in some places it is a wall and in other places it is a barrier or a fence. See http://news.bbc.co.uk/newswatch/ukfs/hi/newsid_8370000/newsid_8374000/8374013.stm.

¹¹⁸ B'Tselem, *Separation Barrier*. [cited 30 Nov. 2009]. Available from http://www.btselem.org/english/Separation_Barrier/Index.asp.

¹¹⁹ BBC News, "Protests Grow over Arafat Siege," 22 September 2002. Available from http://news.bbc.co.uk/2/hi/middle_east/2274279.stm.

The ENP was first outlined in a **Commission Communication on Wider Europe** on **11 March 2003**, followed by more developed Strategy Papers (including the EU-PA Interim Association Agreement and Action Plan shortly after the 2004 enlargement).¹²¹

On **19 March 2003** Abbas became the **first Palestinian Prime Minister**;¹²² the office was established by the PA under the amended Palestinian Basic Law, which was accepted by the PLC the same day.¹²³

The **Second Iraq War** started on **20 March 2003**.¹²⁴

* The official text of the latest version of the **roadmap** was published by the US government, under EU pressure, on **1 May 2003**; ironically, on the same day that G.W. Bush announced the "**end of major combat operations**" in Iraq. The roadmap was the result of a joint US-European initiative.¹²⁵ And it is "a 'performance-based' and 'goal-driven' plan, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet". In short, "a permanent two-state solution to the Israeli-Palestinian conflict".¹²⁶

On **4 May 2003** a final draft for a **Permanent Palestinian Constitution** was presented, but it has not yet been adopted. Instead, the Palestinian Basic Law functions as a temporary constitution for the PA until the establishment of an independent Palestinian state.¹²⁷

¹²⁰ European Commission, "How the European Union Works: Your Guide to the EU Institutions": 6.

¹²¹ European Commission, "Communication from the Commission: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours," 11 March 2003. Available from http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf.

¹²² CNN World, "Palestinian Prime Minister Abbas Resigns," 6 September 2003. Available from <http://edition.cnn.com/2003/WORLD/meast/09/06/mideast/>.

¹²³ The Palestinian Basic Law, *2003 Permanent Constitution Draft*. [cited 7 Dec. 2009]. Available from <http://www.palestinianbasiclaw.org/2003-permanent-constitution-draft>. The original Basic Law was introduced in May 2002 and was amended twice: first in 2003 then slightly in 2005 to conform to the New Elections Law.

¹²⁴ CNN World, "U.S. Launches Cruise Missiles at Saddam," 20 March 2003. Available from <http://edition.cnn.com/2003/WORLD/meast/03/19/sprj.irq.main/>.

¹²⁵ *Asseburg, European Conflict Management in the Middle East: Toward a More Effective Approach*: 6.

¹²⁶ BBC News, "The Roadmap: Full Text," 30 April 2003. Available from <http://news.bbc.co.uk/2/hi/2989783.stm>.

¹²⁷ The Palestinian Basic Law, *2003 Permanent Constitution Draft*.

A Middle East Peace Summit took place on **4 June 2003** at **Aqaba**, where both Prime Ministers Sharon and Abbas adopted the roadmap under the auspices of US President Bush.¹²⁸

A Joint Committee Meeting of the Interim Association Agreement was held in Ramallah on **26 June 2003**. "This meeting was the second of its kind and the first in over three years. The meeting discussed ways in which to facilitate trade between the EU and the West Bank and Gaza Strip and means to fully implement the Interim Association Agreement, including provisions related to the Palestinian reform programme".¹²⁹

On **14 July 2003**, **Marc Otte** was appointed as the new EU Special Representative for the MEPP. In his mission statement he declared "our objective for the Middle East is clear and well established: a two-state solution, with Israel and a democratic, viable, peaceful and sovereign Palestinian state living side by side within secure and recognised borders, as well as a solution to the Israeli-Syrian and Israeli-Lebanese conflicts. The Israeli-Palestinian conflict lies at the heart of the problems in the region as a whole and must be resolved in order to bring about a comprehensive Middle East peace. This is vital not only for the region but also for us. We, in the European Union, are close neighbours, on the doorstep of the Middle East".¹³⁰

Abbas resigned as Prime Minister on **6 September 2003**. "During his six months in office, he has been in a power struggle with Arafat, particularly over control of Palestinian security forces".¹³¹ After his resignation he led the Executive Committee of the PLO.¹³²

¹²⁸ Israel Ministry of Foreign Affairs, "The Middle East Peace Summit at Aqaba," 4 June 2003. Available from <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/The+Middle+East+Peace+Summit+at+Aqaba+-+June+4+-+20.htm>.

¹²⁹ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip," 12 May 2004: 3-4. Available from http://ec.europa.eu/world/enp/pdf/country/pa_enp_country_report_2004_en.pdf.

¹³⁰ Council of the European Union, *Mission Statement of Marc Otte - EU Special Representative for the Middle East Peace Process*. July 2003 [cited 25 Nov. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=452&lang=EN>.

¹³¹ CNN World, "Palestinian Prime Minister Abbas Resigns."

¹³² CNN, "Palestinian Leader Arafat Dies at 75," 11 November 2004. Available from <http://www.cnn.com/2004/WORLD/meast/11/10/arafat.obit/>.

The EU branded Hamas a terrorist organisation on 11 September 2003.¹³³

Since **October 2003**, **Iran plus the EU 3** (Britain, France, and Germany) have engaged in negotiations to ensure that Iran will not develop nuclear weapons.¹³⁴

The **Geneva Initiative** for peace should be pointed out, though it does not have the status of an Accord. Initiated by Prof. Alexis Keller (at Geneva University in 2002), it was further developed by former Israeli Minister of Justice, Yossi Beilin, and former Palestinian Minister of Information, Yasser Abed Rabbo. It was signed in Geneva on **1 December 2003**. More completely than the roadmap, it solves the thorny problems of Jerusalem, the settlements and refugees. The Geneva Initiative has received strong support from the Swiss Government and many European powers. Even the US, who first perceived it as competitor to the roadmap, eventually supported it. Yasser Arafat approved of it but stressed that it was not an official text. However, the Geneva Initiative encountered fierce opposition from the government of Ariel Sharon and to date it remains without results. "The media stressed nevertheless at the time that future peace agreements would necessarily be similar to this one".¹³⁵

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The **Euro-Mediterranean Parliamentary Assembly (EMPA)** was established in Naples on **3 December 2003**. It is the parliamentary expression of the EMP/UfM, which provides input and support for the development of the EMP and the implementation of the ENP. Though it adopts resolutions, addressed to the Euro-Mediterranean Conference, they are not legally binding. The EMPA Bureau consists of four members, two of whom are appointed by the national parliaments of the Mediterranean countries, one by the EU national parliaments and one by the European Parliament.¹³⁶

¹³³ BBC News, "EU Blacklists Hamas Political Wing," 11 September 2003. Available from http://news.bbc.co.uk/2/hi/middle_east/3100518.stm.

¹³⁴ Lionel Beehner, *Iran: Nuclear Negotiations*. Council on Foreign Relations, 16 May 2005 [cited 20 Nov. 2009]. Available from <http://www.cfr.org/publication/7730/iran.html>.

¹³⁵ MEDEA (European Institute for Research on Mediterranean and Euro-Arab Cooperation), *Geneva Accord (10/2003)*. [cited 20 Nov. 2009]. Available from <http://www.medeainstitute.org/index.html?doc=1777>.

¹³⁶ European Parliament, *The Euro-Mediterranean Parliamentary Assembly (EMPA)*. [cited 25 Nov. 2009]. Available from http://www.europarl.europa.eu/intcoop/empa/assembly/default_en.htm.

The **European Security Strategy** was published on **12 December 2003**. Drafted under the guidance of the High Representative for CFSP, Solana, "this document was meant to define the security challenges confronting the Union and to provide a common sense of purpose to the EU in shaping the international system. The rationale behind the Union's strategy is to bring together its soft power and its emerging hard power to make multilateralism more effective".¹³⁷ In this strategic doctrine "the resolution of the Israeli-Palestinian conflict occupies a primordial place".¹³⁸

In the following, three of the EMP political dimension's parameters (i.e. security & stability; democracy & good governance; rule of law & human rights) will be examined. Examples for each parameter demonstrate the switch in EU policy which occurred around the first critical juncture during the EMP: the Second Intifada in 2000.

a. Security and stability

The West Bank city of Hebron has been a place of violent clashes between Muslims and Jews since the time of the British Mandate. The city houses the Tomb of the Patriarchs (or in Arabic *Al-Haram Al-Ibrahimi*) – a shrine where, tradition holds, the ancient Prophet Abraham is buried, making it sacred to both Muslims and Jews.¹³⁹ Due to the "massacre in the *Al-Ibrahimi* Mosque on 25 February 1994, when the Jewish settler Baruch Goldstein shot and killed 29 Palestinians, the UN Security Council called for an international presence in Hebron." Since **1997**, and based on the above mentioned Hebron Protocol under the Oslo process, there is a **Temporary International Presence in Hebron** (TIPH). This is a civilian observer mission, made up of six states, namely: Italy, Denmark, Sweden, Norway, Switzerland and Turkey. It has a mandate renewable every six months upon agreement from both Israel and the PA.

¹³⁷ European Union Institute for Security Studies (EU-ISS), *European Interests and Strategic Options*. [cited 20 Nov. 2009]. Available from <http://www.iss.europa.eu/research-areas/eu-foreign-policy/european-interests-and-strategic-options/>.

¹³⁸ Gianniou, "The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?": 21.

¹³⁹ BBC News, "Graveside Party Celebrates Hebron Massacre," 21 March 2000. Available from http://news.bbc.co.uk/2/hi/middle_east/685792.stm.

Its reports are not public but rather conveyed to the Palestinian police forces and the IDF with questions requesting clarification.¹⁴⁰

Since **April 1998**, the EU Special Representative, on behalf of the EU, initiated and chaired the **Joint EU-Palestinian Security Committee**. This initiative recognised that Palestinian security services require assistance on issues that would be devolved to them following negotiations at the political level. Since then, the EU has established practical steps to improve the security sector of the PA by providing expert training with the aim to upgrade Palestinian security forces.¹⁴¹

Accordingly, under the EMP “at least ten largely autonomous police and security forces” operated in the PA, including civil police, criminal investigation, preventive security, general intelligence, and military intelligence. In addition, prisons, known as reform and rehabilitation centres, came under the police directorate. “The various security forces operate their own detention and interrogation centres, access to which has often been denied to outside bodies or international human rights organisations”. Still, efforts to unify the various Palestinian national security services have been unsuccessful during that period since a central element of Arafat’s power structure was his direct control over the various PA security organisations.¹⁴² Though he made some changes (due to mounting external pressure), such as unifying the “three internal security organisations – Civil Police, Preventative Security, and Civil Defence – under an empowered Ministry of the Interior” with a stronger Prime Minister Office, Arafat never loosened his grip on the security sector. Indeed, the newly-appointed Minister of Interior and Prime Minister did not “enjoy any authority in their respective positions”, while “all other security reforms remained cosmetic and were part of Arafat’s effort to deflect political pressure and secure his position”.¹⁴³

¹⁴⁰ Temporary International Presence in the City of Hebron (TIPH), *TIPH Mandate and the Agreements*. [cited 13 Nov. 2009]. Available from <http://www.tiph.org/>.

¹⁴¹ Council of the European Union, *Middle East Peace Process*.

¹⁴² European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

¹⁴³ Roland Friedrich and Arnold Luethold, *Entry-Points to Palestinian Security Sector Reform*. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2007: 19.

Nevertheless, with the eruption of the Second Intifada, there was a substantial augmentation in the number of attacks carried out by Palestinians against Israelis; this persuaded Israel to take back control of security and weapons in the OPT, fearing that the PA was turning a blind eye to these acts of aggression. Therefore, “[b]etween 2000 and 2002, Israel almost completely destroyed the security infrastructure of the PNA”.¹⁴⁴ Thereby, “towards the end of 2003, there were increasing signs of a deterioration of law and order in the West Bank and Gaza Strip. Central commands have been disconnected from local units, and forces are unable to move, due to closures. Police and Preventive Security commanders have often been unable or unwilling to carry out arrests of criminals and armed militants, since this often results in armed confrontations with radical groups or large family clans”.¹⁴⁵ Thus, in its Presidency Conclusions in 2004, the European Council urged the PA to “take immediate, decisive steps to consolidate all Palestinian security services under the clear control of a duly empowered Prime Minister and Interior Minister”. The council reaffirmed its readiness to support the PA in taking responsibility for law and order and, in particular, in improving its counter-terrorism efforts.¹⁴⁶

b. Democracy and good governance

We have reached in this section the crux of the controversy surrounding the EU’s foreign policy, precisely, democracy promotion, in the OPT. Here is where we can clearly demonstrate what Michelle Pace refers to as the “paradoxes and contradictions in EU democracy promotion in the Mediterranean... and the limits of EU normative power”.¹⁴⁷

¹⁴⁴ *Ibid.*: 18.

¹⁴⁵ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

¹⁴⁶ Council of the European Union, "The Revised Version of the Presidency Conclusions of the Brussels European Council Meeting (17 & 18 June 2004)," 19 July 2004. Available from <http://www.consilium.europa.eu/uedocs/cmsUpload/81742.pdf>.

¹⁴⁷ Michelle Pace, "Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power," *Democratization* 16, no. 1 (February 2009).

Let us begin with some clarification of what good governance means since the term could signify different things to different people. According to UN official sources, “governance means: **the process of decision-making and the process by which decisions are implemented (or not implemented)**”, be it at the international, national, or local levels. Good governance, on the other hand, has eight major characteristics: it is **participatory, consensus oriented, representative and accountable, transparent, responsive to societal needs, effective and efficient, equitable and inclusive, and follows the rule of law**. “It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making”.¹⁴⁸ In order to contextualise the different aspects of ‘good governance’ we need to deal with “people’s perception of and interaction with the state”;¹⁴⁹ for example, do they participate in elections, or do they think their officials are legitimate?

Depending on how modern democracy is defined, the link between the concepts of democracy and good governance can become weaker or grow stronger. In its most narrow sense, according to comparative politics specialists, democracy is “**electorally based with some allowance for freedoms of press and association**”.¹⁵⁰

¹⁴⁸ United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), *What Is Good Governance?* [30 Dec. 2009]. Available from <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>.

¹⁴⁹ Eva Poluha and Mona Rosendahl, *Contesting 'Good' Governance: Crosscultural Perspectives on Representation, Accountability and Public Space*. London: Routledge Curzon, 2002: 23.

¹⁵⁰ Pace, "Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power": 45. See also Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press, 1991; Geoffrey Pridham, *The Dynamics of Democratization: A Comparative Approach*. London: Continuum International Publishing Group, 2000; Geoffrey Pridham, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*. Basingstoke: Palgrave Macmillan, 2005; Geoffrey Pridham and Tom Gallagher, *Experimenting with Democracy: Regime Change in the Balkans*. London: Routledge, 2000; Geoffrey Pridham and Tatu Vanhanen, *Democratization in Eastern Europe: Domestic and International Perspectives*. London: Routledge, 1994; Karen Remmer, "New Theoretical Perspectives on Democratization," *Comparative Politics* 28 (1995); Philippe Schmitter, "The Influence of the International Context Upon the Choice of National Institutions and Policies in Neo-Democracies," in *The International Dimensions of Democratization: Europe and the Americas*, ed. Laurence Whitehead, New York: Oxford University Press, 2001: 26-45; and Laurence

But in a broader sense, according to modernization theorists, a full democratic political system is characterised by: **constitutionalism, decentralisation of power, fair and free competition over power positions, open political participation, peaceful settlement of disputes, respect for minority rights, checks and balances, basic freedoms of press and association, vibrant civil society, civil equality (a few other elements generally present, but not as conditions, include: respect for human rights, free market economy, economic prosperity, and secularism).**¹⁵¹ Therefore, in order to ensure full democracy, we need good governance. Nonetheless, democracy is not a fixed concept that we can explain in few words; instead, it is a flexible set of social and political preferences and behaviours, with different arrangements depending on time and location, leading to “a matrix of potential combinations that are *differently* democratic” (e.g. facade or full democracies).¹⁵² Hence, states are said to be more democratic than others depending on how many of the democratic elements they have internalised into their systems over the years.

There are three major fallacies to watch out for, though. The first is what Adrian Little calls “the democratic piety”, where the problematic underpinning assumption is that democracy is a cure for violent conflicts.¹⁵³ This finds its root in the democratic peace theory, based on the reductionist observation that democracies have not engaged

Whitehead, *The International Dimensions of Democratization: Europe and the Americas*. New York: Oxford University Press, 2001.

¹⁵¹ Pace, “Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power.” See also Larry Diamond, Juan J. Linz, and Seymour-Martin Lipset, “Introduction: Comparing Experiences with Democracy,” in *Politics in Developing Countries: Comparing Experiences with Democracy*, ed. by Larry Diamond, Juan J. Linz and Seymour Martin Lipset. Boulder, CO: Lynne Rienner, 1995; Seymour Lipset, Seong Kyoung-Ryung, and John Torres, “A Comparative Analysis of the Social Requisites of Democracy,” *International Social Science Journal* 136 (1993); Charles Boix and Susan Stokes, “Endogenous Democratization,” *World Politics* 55 (2003); Adam Przeworski and Fernando Limongi, “Modernization: Theories and Facts,” *World Politics* 49 (1997); and Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press, 2003.

¹⁵² Philippe Schmitter and Terry Lynn Karl, “What Democracy Is... And Is Not,” *Journal of Democracy* 2, no. 3 (Summer 1991): 39-44.

¹⁵³ Adrian Little, *Democratic Piety: Complexity, Conflict and Violence*. Edinburgh: Edinburgh University Press, 2008.

in a full-fledged wars against each other for the past 60 years.¹⁵⁴ The second is what authors refer to as “electoralism”, where democracy is practiced in its most narrow sense – holding regular and fair elections, while neglecting other political realities and conditions for success – and is expected to prevent (internal and external) violent conflicts.¹⁵⁵ The third is what democratisation scholars denote as “democracy promotion without democracy consolidation”, where democracy is short-lived due to the lack of robust democratic political institutions and appropriate institutional designs.¹⁵⁶

It becomes tricky though when Europe tries to stretch its Western (liberal) concept of democracy to other places in the world, which have different tempos and interpretations of democracy that fit their own traditions and cultures. Some officials have refuted the claim that the EU is ‘imposing’ its form of democracy on others, as Ferrero-Waldner, EU External Relations Commissioner, stated:

The EU does not believe in imposing reform, but we do want to do all we can to support the region’s own reform quite simply because we believe that democracy, good governance, rule of law, and gender equality are essential for stability and prosperity. This has always been an objective of the Barcelona process and it is the cornerstone of the Neighbourhood Policy.¹⁵⁷

This statement nonetheless raises some concerns for a couple of reasons. First, it takes for granted ‘Western’ values (i.e. democracy, gender equality) as universally accepted public goods, which might not be true in places with different cultures and perspectives. Second, from this statement it seems obvious that democracy is not the end goal of EU foreign policy, but merely the means to the EU’s own interests in *stability* and *prosperity* in the region (that are expected to boost the EU’s own security and lower migration into

¹⁵⁴ Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World*. New Jersey: Princeton University Press, 1993.

¹⁵⁵ Terry Karl, "Imposing Consent: Electoralism Versus Democratization in El Salvador," in *Elections in Latin America*, ed. by Paul Drake and Eduardo Silva. San Diego: University of California Press, 1986.

¹⁵⁶ Larry Diamond, *Developing Democracy: Toward Consolidation*. Baltimore; London: Johns Hopkins University Press, 1999.

¹⁵⁷ Benita Ferrero-Waldner, "The Middle East in the EU's External Relations," in *Conference, Madrid: Fifteen Years Later*, Madrid: 11 January 2007.

Europe, which are some of the EU's underlying objectives).¹⁵⁸ This telling quote leaves us wondering about the EU's normative position. Is the EU a true normative actor, just a 'realist one disguised in normative clothing',¹⁵⁹ or both: normative as much as its own interests permits? It also demonstrates to us how some norms, such as democracy, have been instrumentalised and used by Western decision-makers to achieve their foreign policy objectives. This logic proves problematic as it undermines not only democracy as a desired political system, but also the credibility of actors who try to promote it abroad.

Even if European officials insist they are not trying to enforce their Western values in the MENA region, the EU's own treaties tell a different story. "Article 6 of the Treaty on European Union reaffirms 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'. Article 49 of the Treaty of the European Union stresses that respect for these principles is also required of those countries wishing to join the European Union. In addition, Article 7 introduces a mechanism designed to punish serious and persistent violations of human rights by EU Member States. This mechanism was further strengthened by the Treaty of Nice, concluded in December 2000. It also extended the objective of promoting human rights and fundamental freedoms to development cooperation and to all other forms of cooperation with third countries in accordance with Articles 177 to 181 of the Treaty establishing the European Communities (EC Treaty)".¹⁶⁰

Without going into a deep philosophical debate, the assumption here is that the EU tried (for its own perceived collective interests) to export its own set of democratic values and rules to the Palestinian society without paying sufficient attention to all the necessary conditions, resulting in a fragile democracy. Then, when it was not

¹⁵⁸ Pace, "Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power," 42, 45.

¹⁵⁹ Borrowing the expression from Peter Seeberg, "The EU as a Realist Actor in Normative Cloths: EU Democracy Promotion in Lebanon and the European Neighbourhood Policy," *Democratization* 16, no. 1 (February 2009).

¹⁶⁰ EUROPA: Summaries of EU Legislation, *European Initiative for Democracy and Human Rights (EIDHR) (2000-2006)*. [cited 28 Nov. 2009]. Available from http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10110_en.htm.

satisfied with the results of the elections, the EU stopped short of consolidating democracy in the OPT thus leading to a democratic reversal and the collapse of the newly established democratic political institutions (e.g. the PLC). In turn, among Palestinians, there are some local actors who accept – or even admire – the occidental version of democracy and work (effectively or ineffectively) to implement it, while some other actors challenge ‘Western democracy’ or at least its ‘social liberal’ notion (passively or aggressively) as they have their own set of priorities and vision of democracy. From here we go on to support these assertions.

1995-2000

The first attempts to democratise the Palestinian system, by establishing a separate ‘legislative’ branch held accountable by the people, go back to the Declaration of Principles in 1993. But the details of the **PLC** (or Palestinian Parliament) were ironed out in the PA Interim Agreement (Oslo II) in 1995. The PLC, which cannot dismiss the President, who is elected directly by the people in parallel elections, is set as a unicameral body elected from 16 electoral districts – 11 in the West Bank and five in the Gaza Strip. For the first legislative period 1996-2006 the parliament had 88 members elected by the electoral district system (with a quota from the outset in some districts for religious minorities, namely Christians and Samaritan Jews).¹⁶¹ There were two parliament buildings set up: one in Ramallah and the other in Gaza (the latter was destroyed by the IDF during the first days of the air assault on Gaza in December 2008).¹⁶² During the PA’s early era, under Arafat, the building in Gaza was considered the main headquarters; later, the PLC building in Ramallah became the headquarters.

Four months after **the Palestinian Elections Law was passed**, with the help of a **temporary Palestinian Central Election Commission (CEC)**, and pressure from Israel and the international community, the new **PA held its first general elections** (presidential and PLC)

¹⁶¹ Translated from Arabic by the author. See Palestinian Legislative Council, *About Council: PLC History*. [26 Dec. 2009]. Available from <http://www.pal-plc.org/site/331/default.aspx>.

¹⁶² BBC News, "Gaza Ruins Pose Questions for Hamas," 21 January 2009. Available from http://news.bbc.co.uk/2/hi/middle_east/7843633.stm.

in the West Bank and Gaza Strip on 20 January 1996.¹⁶³ Hamas boycotted both elections but did not try to cancel them, a decision, which it proclaims at the time, had little to do with accepting or rejecting democracy and more to do with the fact that it had different political priorities than the PA and did not trust in Arafat's good governance. Mahmoud Zahar, one of Hamas' founding members, stated:

We have never been against elections as a principle. We boycotted the 1996 elections because they were held within the framework of the Oslo Agreement, which we were against because it proved nothing to us Palestinians, and because the administration of the PA apparatus was completely in the hands of Yasser Arafat. He cheated and fabricated in the 1996 elections.¹⁶⁴

Registered voters totalled one million Palestinians. The elections were monitored by 519 international observers (including from the EU) and more than 2,000 local observers. "The Commission started providing financial support to the PA for the preparation of the elections as early as April 1994. This assistance amounts to a total of 7.5 MECU (US\$ 9 million), which have been 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, providing technical equipment, etc. Furthermore, the EU has committed 10 MECU (US\$ 12 million) out of the Community budget to cover the cost of the observation operation", which included approximately 300 observers.¹⁶⁵ In their final mission report, election observers deemed the elections fair and democratic. With 71% voter turnout and 97% valid votes cast, Arafat was elected the first President of the PA, and 88 PLC members were elected (both for a term of four years) –

¹⁶³ Central Elections Commission - Palestine, *The 1996 Presidential and Legislative Elections*. 1996 [12 Dec. 2009]. Available from http://www.elections.ps/admin/pdf/Results_election_1996.pdf.

¹⁶⁴ Interview in Gaza, March 2007, by Are Hovdenak, " Hamas in Transition: The Failure of Sanctions," *Democratization* 16, no. 1 (February 2009): 66. He stated, "the international elections observer delegation to the 1996 elections concluded that 'the elections can reasonably be regarded as an accurate expression of the will of the voters on polling day'".

¹⁶⁵ UNISPAL (United Nations Information System on the Question of Palestine), *Text of a Press Release by the European Commission on the Issue of the Palestinian Elections*. 19 January 1996 [30 Dec. 2009]. Available from <http://unispal.un.org/UNISPAL.NSF/0/C67AF1DCCFD65FDF85256329006C0D0C>.

of whom 55 were Fatah members, five women, six Christians and one a Samaritan Jew¹⁶⁶ – there was no Prime Minister, only a speaker of the PLC.¹⁶⁷

At the Palestinian municipal level, the last elections were held in 1976. It is noteworthy to mention that in this context Israel wanted to discredit the PLO representatives, so it allowed the municipal elections hoping that Palestinian personalities distant from the PLO would emerge. The results were quite the opposite, and the majority of those who won were very close to PLO leadership. “At this point the Israeli authorities resorted to the exile or imprisonment of the elected mayors”, and since then no elections had taken place in the Palestinian localities other than those involving syndicate ones. The return of the PLO in 1994 developed a new dynamic, particularly with holding general elections for the first time in 1996. “But at municipal level, things were handled differently” as municipal councils in the West Bank and Gaza Strip were being nominated, “according to a system of regional and tribal balancing inserted in the Palestinian political system”. Still, the issue of municipal elections remained at the centre of Palestinian internal political and social struggles and demands. Thus, the first law passed by the newly-elected PLC in December 1996 (slightly amended in 1997) was precisely on **local communities and elections**. However, Arafat, who feared Hamas taking over the leadership of municipal councils, “preferred to shelve this question for political reason[s]”. Hence, municipal nominations continued until Arafat’s death.¹⁶⁸

¹⁶⁶ The elections report available does not indicate which parties the remaining 33 members, the five women, and the seven religious minorities belong to. We know that several parties were involved in the elections, that Hamas boycotted these elections, and Fatah won the majority. See Central Elections Commission - Palestine, *The 1996 Presidential and Legislative Elections*.

¹⁶⁷ This democratic system of a President elected directly by the people, separate from the legislature, cannot be dismissed by parliament, without a Prime Minister but with a speaker instead, resembles the Presidential democracy of the US. In the American system, however, the separation between executive and legislator is not as sharp; the President is still accountable to some extent to the legislator and the people through periodic and democratic elections; there is also a viable opposition in the legislative branch.

¹⁶⁸ Hassan Balawi, *Palestinian Municipal Elections: A Gradual Change*. European Institute of the Mediterranean (IEMed), 2006 [30 Dec. 2009]. Available from <http://www.iemed.org/anuari/2006/aarticles/aBalawi.pdf>.

2000-2004

In September 2000, as the Palestinians started to lose hope after five years of fruitless negotiations of achieving their dreams of an autonomous state, the Second Intifada erupted. Since the office of the Prime Minister was not yet established (that came later in 2003) the lack of any real party opposition due to the absence of Hamas from parliament and local councils, and the fact that the second Palestinian general elections (expected in January 2000) never took place because of the Second Intifada, Arafat reigned almost until his death in 2004 in a centralised manner with little accountability to the people, declining legitimacy, and scarcely any checks and balances on his actions. The EU, which had invested hundreds of millions in establishing the legal framework, building democratic institutions and monitoring the Palestinian elections, was not pleased with these results. But instead of pushing for an end to the Israeli occupation, which was the basis for Arafat's remaining legitimacy and the violent Second Intifada, and demanding more democratic reforms by using its economic leverage over the PA, the EU opted to focus most of its energy on democratic reforms while ignoring the ongoing Israeli-Palestinian conflict. Arafat tried to implement more reforms through the "100 Day Plan of the Palestinian Government", but that proved too little too late. It is interesting to note that while Arafat's reforms were seen by the international community as not sufficient, Arafat was attacked domestically for yielding to the West's demands without ending the occupation or assuring a Palestinian state.¹⁶⁹

Once Brussels and Washington lost confidence in Arafat as a "peace partner" they began to look for an alternative. From here the idea of establishing a strong Prime Minister post, which would curtail the powers of the President, became paramount – especially since they hoped Mahmoud Abbas as Prime Minister would be a better democratic force in the OPT than Arafat. Following the Iraq War in the spring of 2003, pressure mounted on the US to release the final version of the roadmap for Palestinian-Israeli peace, as agreed upon by the Quartet. The Americans, on the other hand, insisted they

¹⁶⁹ International Crisis Group (ICG), "Middle East Briefing N°2: The Meanings of Palestinian Reform." Amman/Washington: 12 November 2002. Available from http://www.crisisgroup.org/library/documents/report_archive/A400815_12112002.pdf.

would not release the document until the Palestinians had amended their **Basic Law** (or temporary constitution) in 2003, established a parliamentary democracy with a Prime Minister Office, and chosen a Prime Minister who would begin working on reforming Palestinian institutions as stipulated in the roadmap. Arafat was not happy with being marginalised but had little choice but to cede to these demands as he was held under siege at the *Muqata'a* (or compound) in Ramallah since early 2002 by Israel.¹⁷⁰

Accordingly, the **Prime Minister office was established** in March 2003, giving more power to Prime Minister Abbas. Other ministerial reforms followed suit; for example, in April 2003, Nabil Shaath became the PA's **first Foreign Minister**. In May 2003, a final draft for a **Permanent Palestinian Constitution** was presented, but it has not yet passed as it awaits the establishment of an independent Palestinian state. Instead the Palestinian Basic Law functions as a temporary constitution for the PA.¹⁷¹ The Basic Law was passed by the PLC in 1997 and was ratified by Arafat only in 2002. It has subsequently been amended twice: the political system introduced a Prime Minister in 2003 and a new Elections Law in 2005. "The 2003 reform was comprehensive and affected the whole nature of the Palestinian political system, whereas the 2005 amendment was only minor and affected only a few paragraphs".¹⁷²

PM Abbas vowed in June 2003 at the Aqaba Summit to end terror and chaos, and to work for reforms and a negotiated peace with Israel (pledges he reiterated as President in 2005).¹⁷³ But, as a result of an ongoing power struggle with Arafat, particularly over control of Palestinian security forces, Prime Minister Abbas was so frustrated that he resigned from his post after six months, in September 2003.¹⁷⁴ Arafat was ruling again and, according to Israeli conventional wisdom, "never missed an opportunity to miss an opportunity

¹⁷⁰ Ibid.

¹⁷¹ The Palestinian Basic Law, *2003 Permanent Constitution Draft*.

¹⁷² Ibid.

¹⁷³ Israel Ministry of Foreign Affairs, "Final Statements at Conclusion of the Middle East Peace Summit at Aqaba," 4 June 2003. Available from <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Final%20Statements%20after%20Middle%20East%20Peace%20Summit%20at>.

¹⁷⁴ CNN World, "Palestinian Prime Minister Abbas Resigns."

[to reform]"¹⁷⁵, while Abbas led the PLO Executive Committee until Arafat's death a year later; Abbas then succeeded Arafat as President.¹⁷⁶

Compared with other Arab states in the Middle East the Palestinian experience with functional democracy (through local unions, universities and syndicates elections) goes back to the mid-1970s. Conversely, their experience with national-level democracy has not only been very recent and short-lived, but also a facade because it was very centralised, lacked any real political opposition around which a consensus can be built, it did not hold the leaders sufficiently accountable to the public, and it missed a vibrant civil society at a level deeper than the elite stratum, which was created in a top-down approach under the EU's influence.

c. Rule of law and human rights: the judiciary and fundamental freedoms

Upon its establishment, the PA set about putting in place a new judicial system. Besides the new and unified PA laws, which apply to the entire Palestinian Territory (excluding East Jerusalem which is under Israeli law), the West Bank relies on civil (or French-influenced Jordanian) law, while the Gaza Strip relies on common (or British-influenced Egyptian) law. Some Ottoman and Israeli laws and decrees continue to be applied in both areas, as well as laws used by the PLO prior to the establishment of the PA.

In an exceptional EU-US effort in the summer of 1999, with financing provided by the EU, the Council on Foreign Relations managed to complete an unprecedented, detailed, and thorough evaluation of Palestinian public institutions – including the courts – and designed a set of recommendations on how best to improve their performance, thereby enhancing the respect for the rule of law and transparency. To that end the EU Special Representative, together with Henry Siegman from the Council on Foreign Relations, initiated the **Independent Task Force on Strengthening Palestinian Public**

¹⁷⁵ Abba Eban, quoted in Mitchell Bard, *Myths & Facts Online: The Peace Process*. Jewish Virtual Library [30 Dec. 2009]. Available from <http://www.jewishvirtuallibrary.org/jsourcemyths2/PeaceProcess.html>.

¹⁷⁶ CNN, "Palestinian Leader Arafat Dies at 75."

Institutions. This project is composed of high-level EU and US officials, who periodically review and oversee this institutional reform effort while regularly consulting with senior officials from the PA and international institutions.¹⁷⁷

The key legal bases for the PA judicial system are the 'Basic Law' and the 'Judicial Authority Law' which are supposed to provide for separation of powers (i.e. executive, legislative and judiciary) and regulate the formation of courts, delineation of jurisdictions and enforcement of judicial rulings. Between 2001 and 2003 the PA embarked on several reform steps to improve the Palestinian justice system, which helped consolidate the legal status of the judiciary.¹⁷⁸

2. Economic dimension

The economic and financial basket aimed at promoting shared economic opportunity through sustainable and balanced socio-economic development, including the gradual establishment of a free-trade area.¹⁷⁹ Under the EMP framework, the EU has allocated a budget envelope for the 13 partners, including the OPT. The Cannes European Council (26-27 June 1995) agreed to set aside €4.4 billion for the financial assistance of its partners in the form of Community budget funds for the period 1995-1999, of which €3.4 billion was under the MEDA-I programme and €330.5 million was actually distributed by 2000. This was supplemented by €4.8 billion EIB assistance in the form of loans of a similar amount, and the bilateral financial contributions from the member states. Starting in 2000, the amount of funds allocated by the EMP amounted to a budget envelope of €5.35 billion for the period 2000-2006 (although the funds committed for 2000 EMP's activities reached €1 billion, the total payments did not exceed €472.2 million). Most of this fund was committed within the framework of the MEDA-II programme and supplemented by EIB loans (the former with €5.3 billion mostly from the EC budget, and the latter with a lending mandate of €7.4 billion from its own resources),¹⁸⁰ in addition to other budget lines

¹⁷⁷ Council of the European Union, *Middle East Peace Process*.

¹⁷⁸ Friedrich & Luethold, *Entry-Points to Palestinian Security Sector Reform*: 86-87.

¹⁷⁹ European Commission External Relations, *The Barcelona Process*.

¹⁸⁰ European Commission: EuropeAid Co-operation Office, "Report on the Implementation on the European Commission's External Assistance: Situation at 01/01

such as EIDHR-I for democracy and human rights issues (allocating €106 million per year for the period 2000-2006).¹⁸¹ (See Table 4).

The MEDA programme is the principal financial instrument of the EU for the implementation of the EMP (1995-2007). The programme offers technical and financial support measures to accompany the reform of economic and social structures in the Mediterranean partner countries and is implemented by DG EuropeAid.¹⁸² During the period 1995-1999, some 86% of the resources allocated to MEDA-I were channelled bilaterally to the partners (including the PA) under the National Indicative Programmes. 12% of the resources were devoted to regional projects (e.g. the EuroMeSCo network of foreign policy institutes and the Short and Medium Action Plan for environmental priorities) under the Regional Indicative Programmes, while 2% were set aside for technical assistance offices.¹⁸³

In 2000, MEDA-I was upgraded to MEDA-II and the EIDHR-I was introduced; both operated during the period 2000-2006. MEDA-II aimed at speeding up projects and programmes' implementation, which were accompanied by an increase in partners' ownership and better follow-up mechanisms. Owing to devolution, decision-making was mainly in the hands of actors on the ground accompanied by EU monitoring missions.¹⁸⁴ On the other hand, EIDHR-I grouped together the budget headings for the promotion of human rights, democratisation and conflict prevention, which generally had to be implemented in partnership with non-governmental organisations (NGOs), regional organisations (e.g. OSCE, OECD and Council of

/01," (2000): 71. Available from http://ec.europa.eu/europeaid/multimedia/publications/documents/annual-reports/europeaid_annual_report_2000_en.pdf.

¹⁸¹ EUROPA: Summaries of EU Legislation, *European Initiative for Democracy and Human Rights (EIDHR) (2000-2006)*.

¹⁸² European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Cooperation and Development: The MEDA Programme*. [cited 27 Nov. 2009]. Available from http://www.delwbg.ec.europa.eu/en/cooperatio_development/meda.htm.

¹⁸³ Euro-Mediterranean Information System on Know-How in the Water Sector (EMWIS), *About MEDA*.

¹⁸⁴ Interview in Brussels with Richard Weber, European Commission's EuropeAid Cooperation Office, Director for the South Mediterranean/Near and Middle East Area by 1st Mediterranean, *EuroMed Report - MEDA II : Reinforced Effectiveness*. 25 October 2004 [cited 23 Nov. 2009]. Available from <http://www.1stmediterranean.com/actuuk/archivesuk/resultat.php?id=493>.

Europe) and international organisations (see Figure 7).¹⁸⁵ Similarly, the EIB launched a new initiative in October 2002: the Facility for Euro-Mediterranean Investment and Partnership (FEMIP), which brought together the whole range of services provided by the EIB to assist in the economic development of the Mediterranean partner countries.¹⁸⁶

The official website of the Commission states that the EU's "financial assistance to the Palestinians dates back to 1971 when the EU made its first contribution to the budget of the UNRWA (mainly funds refugees' health and education). Since then, the EU has become the largest provider of development aid in the OPT",¹⁸⁷ and, with its member states, the biggest donor to the Palestinians.¹⁸⁸ The site also states, "since the signing of the Barcelona Declaration in 1995, the PA has been a full and equal partner in the EMP. In this framework, an Interim Association Agreement governing bilateral relations between the EU and the PA was signed in February 1997. The agreement provided for budgetary support, institution-building, technical assistance, humanitarian aid, and bilateral trade relations. Since the outbreak of the second Intifada (September 2000), the implementation of the Interim Association Agreement has become more and more difficult".¹⁸⁹ Also, one of the declared, and often repeated commitments of the Barcelona Process is "the establishment of a free-trade area by 2010 and increase in economic, financial and technical co-operation and other forms of support for economic development of the partners' economies".¹⁹⁰

¹⁸⁵ EUROPA: Summaries of EU Legislation, *European Initiative for Democracy and Human Rights (EIDHR) (2000-2006)*.

¹⁸⁶ European Investment Bank, *2007 FEMIP Conference: Financial Transfers from Migrants in the Euro-Mediterranean Area – a Lever for Development*. 23 March 2007 [cited 1 Dec. 2009]. Available from <http://www.eib.org/about/press/2007/2007-024-conference-femip-2007-les-transferts-financiers-des-migrants-dans-lespace-euro-mediterraneen-un-levier-pour-le-developpement.htm>.

¹⁸⁷ European Commission: External Cooperation Programmes, *Occupied Palestinian Territory*. [cited 30 Nov. 2009]. Available from http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied_palestinian_territory/occupied-palestinian-territory_en.htm.

¹⁸⁸ *Asseburg, European Conflict Management in the Middle East: Toward a More Effective Approach*: 31.

¹⁸⁹ European Commission: External Cooperation Programmes, *Occupied Palestinian Territory*.

¹⁹⁰ Gomez, *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign Policy*: 74.

It is worth noting that the economic policy of the EU in the OPT is not always “appreciated” by Israel. Although the EC provides Israel with “preferential” treatment because it is more developed economically and technologically in comparison with other EMP partners, the EU still maintains some level of consistency between its foreign and economic policy. Thus, the Association Agreement with Israel only covers Israeli territories as per the pre-1967 borders and not the disputed territories, to which the separate Interim Association Agreement of 1997 with the PA applies.¹⁹¹ This is not to say the EU always sticks to this principle as it in fact imports, to a small but symbolic degree, some food and drink items produced in Israeli settlements in the OPT. These products might even be falsely labeled as coming from Israel and hence are illegally exempted from tariffs imposed on settlements’ products, in violation of the Israeli-EU trade agreement.¹⁹²

Does UK
import from
Israeli
settlements?

Development funds and assistance aid to the Palestinians have been provided through different financial instruments and institutions, along various thematic lines. Depending on time and location the EU has used, *inter alia*: MEDA, EIDHR, EIB loans, ENPI, FEMIP, South Regional Programmes, Neighbourhood Investment Facility, Cross-Border Cooperation, TIM, PEGASE, HERF NGOs, UNRWA, OCHA and ECHO in order to support: human rights, elections, the peace process, food aid and security, humanitarian aid and other objectives.¹⁹³ These instruments will be further discussed as we make the distinction between before and after the two critical junctures: the Second Intifada in 2000 and the Hamas parliamentary victory in 2006 (see Table 4).

From 1995 until 2000, the EU channeled Community money to the OPT using MEDA-I, a technical and financial instrument constructed under the framework of the EMP specifically for the southern partners, together with a new lending mandate from the EIB. However,

¹⁹¹ Sven Biscop, *Euro-Mediterranean Security: A Search for Partnership*. Burlington: Ashgate Publishing, 2003): 67.

¹⁹² Carolynne Wheeler, "Britain Seeks Block on EU Imports from Israeli Settlements," *Telegraph*, 3 November 2008. Available from <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/3371576/Britain-seeks-block-on-EU-imports-from-Israeli-settlements.html>.

¹⁹³ European Commission: External Cooperation Programmes, *Occupied Palestinian Territory*.

from 2000 to 2006, the EU used, along with EIB loans, two new complementary EC instruments: MEDA-II (amended MEDA-I, mostly used for emergency assistance funds) and EIDHR-I. The latter was a means to channel money for democracy and human rights projects in a way that did not require acquiescence from the PA (see Figure 7).

Since the beginning of 2001, Israel withheld its financial transfers to the PA in response to the Second Intifada – a sum estimated between US\$650 and US\$750 million by September 2002, based on UN figures.¹⁹⁴ With the outbreak of the Second Intifada in 2000, aid to Palestinians shifted from mainly serving peace and the state-building agenda to mitigating the immediate effects of Israel's military response to the outbreak of the uprising. Thus, there was a precipitous shift from development aid to humanitarian aid. In realising that its focus on economic development and institution-building is not possible in the absence of a real peace process, the EU and its member states shifted their focus to "alleviating the humanitarian situation, preventing the collapse of the PA, and reforming its institutions".¹⁹⁵

OVERVIEW OF EU-OPT ECONOMIC AID RELATIONS:

From 1995 to the end of 2006, "the EU committed approximately €2.66 billion in assistance to the Palestinians", in the form of MEDA-I & II and EIDHR-I grants and EIB loans.¹⁹⁶ From 1995 to 1999, MEDA-I committed €3,435 million.¹⁹⁷

At the 1998 Washington ministerial donor conference to support the MEPP and OPT's development, the EU pledged a further €400 million

¹⁹⁴ UNSCO, "The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities: 1 January 2002-30 June 2002," October 2002. Available from <http://www.un.org/News/dh/mideast/econ-report-final.pdf>.

¹⁹⁵ Muriel Asseburg, "The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Politics," *Mediterranean Politics* 18, no. 2-3 (2003): 180.

¹⁹⁶ European Commission: External Cooperation Programmes, *Occupied Palestinian Territory*.

¹⁹⁷ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Euro-Mediterranean Partnership/Barcelona Process*. [cited 30 Oct. 2009]. Available from <http://www.delwbg.ec.europa.eu/en/euromed/partnership.htm>.

for the period 1999 to 2003. But because of the Intifada and rising emergency needs, this amount has been exceeded. The "MEDA-II programme has allocated €5.350 million for the 2000-2006 period".¹⁹⁸

There was positive Gross Domestic Product (GDP) growth per capita in the OPT of about 6% a year during 2003-2005, but real GDP per capita never recovered the levels registered before the outbreak of the 2000 Intifada (see Figure 5).¹⁹⁹

From 1994 to the end of 2002, the EU had committed approximately €1 billion in grants and loans, and a further €500 million in contributions to UNRWA. On top of that, bilateral EU member state assistance is estimated to amount to €2.5 billion during the same period.²⁰⁰

Based on Official Development Assistance figures, from 2000-2007, the EC allocated €2.4 billion to the Palestinians. Indeed, in the period 2000-2004 the average annual EC support amounted to €245 million (see Table 5).²⁰¹

Next, three of the EMP economic dimension's parameters (i.e. aid, development and infrastructures; fiscal policy reform; trade, taxation and investments management) will be looked at. Examples for each parameter show the shift in the EU's economic policy towards the OPT since the Second Intifada (2000).

¹⁹⁸ EUROPA: Summaries of EU Legislation, *MEDA Programme*. 2007 [cited 11 Nov. 2009]. Available from http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r15006_en.htm.

¹⁹⁹ UN Data, *GDP Annual Rate of Growth (World Bank Estimates)*. [cited 6 Dec. 2009]. Available from <http://data.un.org/Data.aspx?d=CDB&f=srID%3A29921>.

²⁰⁰ EUROPA: External Relations, *The EU's Relations with West Bank and Gaza Strip: Political Background and Economic Development*. 2006 [cited 27 Nov. 2009]. Available from http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dplc20041202_006/dplc20041202_006en.pdf.

²⁰¹ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 31.

a. Economic aid, development and infrastructure

The notions of development and democracy are not only intertwined, but also inherent to the Barcelona Declaration. In order to achieve peace, stability, and prosperity, the Euro-Mediterranean partners agreed that their goal should be to: strengthen democracy and respect for human rights; foster sustainable, balanced economic and social development as measures to combat poverty; and, promote greater understanding between cultures.²⁰²

Since **June 1997**, under the auspices of the EU Special Representative, the **EU and Israel have held a regular Dialogue on the Palestinian Economy**. These exchanges are conducted in four joint working groups:

- 1) Passage of goods & people;
- 2) Gaza airport & port;
- 3) Fiscal & financial issues;
- 4) Labour issues, medium & longer-term economic potentials.

The working groups aim to assist the implementation of the economic protocols between Israel and the Palestinians. This dialogue has, at times, contributed to: easing restrictions on moving Palestinians goods and people; increasing the number of legal Palestinians labourers in Israel until the Second Intifada; providing transparency on Israeli export and customs procedures; and assisting the opening of the Gaza airport.²⁰³

In addition, the European Commission also proposed ECUs 500 million in financial aid to Palestinians from 1994 to 1998, which was divided mainly between development and humanitarian support (e.g. loans and grants that went *inter alia* to develop hospitals, schools, roads, power plants, water supply & sewage treatment, telecommunication, and Technical Assistance Information Exchange – TAIEX).²⁰⁴

²⁰² EUROPA: Summaries of EU Legislation, *Barcelona Declaration and Euro-Mediterranean Partnership*.

²⁰³ Council of the European Union, *Middle East Peace Process*.

²⁰⁴ Communication from the Commission to the Council and the European Parliament, *Com (93) 458 Final: EC Support to the Middle East Peace Process*.

Indeed, both Israelis and Palestinians explicitly called for the EU to prepare itself to assist on two crucial final status issues: water and refugees. Therefore, the EU Special Representative established two **informal EU Task Forces on Water and Refugees (since July 1998)**, with the aim to first, start preparing internal options that could inform the EU position on these issues, and second, provide assistance to both parties when requested.²⁰⁵

Also thanks to dialogue between the EU and Israel on the Palestinian economy in 1997, and the active diplomacy of the EU and the EU Special Representative following the Wye River Memorandum (23 October 1998), the **Gaza International Airport was opened on 24 November 1998** (near Rafah on the Egyptian-Palestinian border) allowing Palestinians to establish a direct outlet to the rest of the world for the first time. “The airport is mainly financed by the EU and considered a strategic project for economic recovery”.²⁰⁶

But since the outbreak of the Intifada in 2000, some of the previously established infrastructure was destroyed. For instance, claiming that the Gaza airport was possibly being used to smuggle weapons to Palestinians to carry out terrorist attacks on Israel, Israeli forces destroyed the airport and rendered it inoperable in December 2001 and January 2002 (and again in 2006 after Hamas won the elections).²⁰⁷

b. Fiscal policy reforms: conditionality, transparency and anti-corruption

The European Commission’s financial aid to the Palestinians, proposed in September 1993, for the period of 1994-98 “was never conditioned by the development of democratic institutions or financial transparency”. Yet, conditionality began to emerge through the financial instrument of the Barcelona Process. “The MEDA programme managed to introduce the element of conditionality by arguing that any violation of human rights or of democratic principles

²⁰⁵ Council of the European Union, *Middle East Peace Process*.

²⁰⁶ *Ibid.*

²⁰⁷ Euromed Transport Project, *MEDA Countries - Palestinian Authority: Palestinian Country Report (Diagnostic Study)*. 2005 [cited 20 Nov.2009]. Available from <http://www.euromedtransport.org/75.0.html?&L=2#c1224>.

would immediately entail a suspension of the aid".²⁰⁸ At the same time the Commission pushed the PA for more fiscal transparency, "by streamlining all revenues to a single account overseen by the Ministry of Finance as well as the parliamentary oversight of the budget",²⁰⁹ with the objective of addressing charges of corruption that have plagued the Palestinian party of Fatah.²¹⁰

Although EU's conditionality helped increase transparency and reduce corruption, the 2nd Intifada and the direct, yet unchecked, subsequent EU budget support to the PA reversed some of these earlier improvements. However, since its announcement of a comprehensive reform programme in June 2002, the PA has set about addressing shortcomings and improving its overall system of public finances. Some progress has since been achieved in the area of financial transparency and important achievements have been recognised by the International Monetary Fund (IMF).²¹¹ Nevertheless, the Transparency International **Corruption Perceptions Index** included the PA for the first time **in 2003** with a ranking of 78 out of 133 (higher numbers equate to higher levels of corruption). The polls continued for two more years only – with a ranking of 108 out of 145, in 2004, and 107 out of 158, in 2005. These polls have indicated a general perception of lack of public confidence in Palestinian public institutions.²¹²

c. Trade and taxation

Within the framework of the Oslo Process, on **29 August 1994**, the Israeli government, together with the PLO, signed an **Agreement on Preparatory Transfer of Powers and Responsibilities**. In Article

²⁰⁸ Gianniu, "The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?":13.

²⁰⁹ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 38.

²¹⁰ Aaron Pina, "CRS Report for Congress: Palestinian Elections," ed. by the Foreign Affairs, Defense and Trade Division (Congressional Research Service, 9 February 2006). Available from <http://www.fas.org/sgp/crs/mideast/RL33269.pdf>.

²¹¹ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

²¹² Transparency International, *Corruption Perceptions Index (CPI)*. [7 Dec. 2009]. Available from http://www.transparency.org/policy_research/surveys_indices/cpi/2008.

XI, on Budgetary Issues, Israel is expected to collect, on behalf of the Palestinian Authority, the customs duties and taxes until the PA establishes its own VAT collection system. These revenues amounted to around 60% of the PA budget.²¹³

Similarly, the EU signed an **Interim Association Agreement on Trade and Cooperation** with the PA in **February 1997**, an agreement which is still in force.²¹⁴ However, since the outbreak of the Intifada in 2000 and the imposition of closure and curfews within the West Bank and Gaza Strip, implementing various aspects of the Interim Association Agreement has been extremely difficult.²¹⁵ These restrictions eventually led to “high levels of unemployment, a collapse in investment, a fall in exports, and a sharp decrease in labour income from Israel. Together with the destruction of infrastructure and the collapse in domestic revenue, the Palestinian economy has experienced an unprecedented decline since September 2000. GDP per capita fell by more than a quarter in 2002, and by the end of 2002, unemployment had reached a level of more than 40%, and over 60% of the population were below the poverty line of US\$2/day”.²¹⁶

In addition, in the wake of the Second Intifada, Israel refused to transfer the VAT money it collected to the PA. Though this was a temporary measure by Israel to push the Palestinian government to act decisively to curb the rising numbers of suicide attacks, the EU had to step in to avert an economic collapse of the Palestinian Territory with direct budgetary support – which replaced the development assistance that was provided prior to the Intifada.²¹⁷

²¹³ Israel Ministry of Foreign Affairs, "Agreement on Preparatory Transfer of Powers and Responsibilities," 29 August 2009. Available from <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Agreement%20on%20Preparatory%20Transfer%20of%20Powers%20and%20Re>.

²¹⁴ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Interim Association Agreement on Trade and Cooperation*.

²¹⁵ UNSCO, "The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities: 1 January 2002-30 June 2002."

²¹⁶ EUROPA: External Relations, *The EU's Relations with West Bank and Gaza Strip: Political Background and Economic Development*.

²¹⁷ UNISPAL (United Nations Information System on the Question of Palestine), *Twenty-Seven Months - Intifada, Closures and Palestinian Economic Crisis: An Assessment*. 31 May 2003 [30 Nov. 2009]. Available from <http://unispal.un.org/UNISPAL.NSF/0/D8CE118E563CFA7F85256D5D004EE18D>.

Yet, following the appointment of a new Palestinian government with a Prime Minister, and the publication of the roadmap, a **Joint Committee meeting of the Interim Association Agreement was held** in Ramallah on **26 June 2003**. “This meeting, which was the first in over three years, discussed ways in which to facilitate trade between the EU and the West Bank and Gaza Strip and means to fully implement the Interim Association Agreement. There was furthermore an exchange of views on PA efforts to strengthen the rule of law, to combat violence, to stabilise public finances and to prepare for elections”.²¹⁸

3. Cultural dimension

The cultural, societal and human basket is aimed at promoting mutual understanding and intercultural dialogue between cultures, religions and people; facilitating exchanges between civil society and ordinary citizens, particularly women and youth; increasing the level of reciprocal tolerance and respect for pluralism; establishing links and networks for the benefit of players in the political, socio-economic and cultural spheres; and disseminating objective and multi-source information to the public at large through independent media outlets.²¹⁹ Generally, it is expected to address the psychological structure at the (intra-)societal, inter-societal and transnational levels.

Since 1995, Europe has been increasingly building cultural ties with the Mediterranean world – including the OPT – through the Barcelona Process. In the wake of the September 11 attacks (2001), the need for intercultural dialogue between the West and the Islamic World resurfaced.²²⁰ This aspect has enjoyed an increasing importance in the EuroMed partnership in recent years. Among the many EuroMed joint actions and cooperation programmes dealing with this dimension are:²²¹

²¹⁸ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Interim Association Agreement on Trade and Cooperation*.

²¹⁹ European Commission External Relations, *The Barcelona Process*.

²²⁰ EuroMed Non-Governmental Platform, *Initiatives*. [cited 3 Dec. 2009]. Available from <http://www.euromedplatform.org/spip/spip.php?rubrique258>.

²²¹ European Commission External Relations: Euromed - Social, *Euro-Mediterranean Social, Cultural and Human Partnership*. [cited 3 Dec. 2009]. Available from http://ec.europa.eu/external_relations/euromed/social/social_en.htm.

- EuroMed Audiovisual: encouraging film and artistic talents
- EuroMed Heritage: protecting and introducing cultural heritage
- EuroMed Information and Communication programme: supporting media and journalists
- EuroMed Youth programme: preparing and training young adults for the future
- EuroMed Gender programme: strengthening the role of women

Despite the repeated calls and ministerial declarations during the first ten years of the Barcelona Process – outlined in previous meetings of the EuroMed Ministers of Culture (Bologna 1996 and Rhodes 1998) and the meeting of the Euro-Mediterranean Ministers of Foreign Affairs (Crete 2003) – to reinforce the cultural dimension of the EMP and foster deeper dialogue between civilisations, it was not until the Ministers of Foreign Affairs meeting (Lisbon 2007) that a tangible work plan with a follow-up mechanism was agreed upon, including places such as the Palestinian Territory.²²²

There are considerable differences in the intensity of the cultural co-operation between the EU and the different Mashreq and Maghreb partners. For instance, when it comes to the EU's cultural and human support to the OPT in the past 15 years, all the aforementioned elements (dialogue, civil society support, exchanges, etc.) have been tried in an effort to boost the peace process; however, it has been a sporadic effort, slow at first, and in decline since the Second Intifada and the Hamas electoral victory in 2006. Thus, inconsistency in the implementation of programmes within the EuroMed cultural basket, coupled with the lack of effective monitoring and evaluation mechanisms, has undermined this initiative and limited its outreach and overall impact even more than the other two baskets (political and socio-economic).

In this section, three of the EMP cultural dimension's parameters (i.e. supporting civil society and the media; empowering women and youth; fostering peace education and cultural exchanges) will be addressed. Examples for each parameter demonstrate not only the change in EU policy towards the OPT since the Second Intifada

²²² European Commission External Relations: Euromed - Social, *A Euro-Mediterranean Cultural Strategy*. [cited 3 Dec. 2009]. Available from http://ec.europa.eu/external_relations/euromed/social/culture_en.htm.

(2000), but also the EU's lack of a vision on how to involve and influence the societal level in the OPT.

a. Supporting civil society and the media

The **People-to-People** programme, in the OPT since **1995** (and its successor, the **Partnership for Peace** programme, since **1998**), is an EU instrument designed to work jointly with civil society organizations in partner countries – including the OPT – in order to build confidence and “conflict transformation capacities” to help create the necessary atmosphere for the peace process and provide a solid foundation for democracy and good governance. The programme is based on the assumption that sustainable peace relies on strengthening, as well as increasing direct civil society cooperation based on equality and reciprocity between Palestinian and Israeli societies. Moreover, People-to-People contacts are expected to make the European perspective tangible for both European citizens and the Palestinian population.²²³ The programme has called for proposals “almost every year” since the start with an annual budget ranging from €5 to €10 million (80% is the maximum EC contribution). The programme is jointly managed by the ECTAO to the West Bank and Gaza, and the European Commission Delegation in Israel and in Jordan.²²⁴ In 15 years, around 140 projects have been funded through this initiative. The level of participation of civil society organisations in the reforms undertaken in the OPT is a strong determinant for the attractiveness of the process, as well as the level of public support for these changes; nevertheless, engagement remains rather limited and concentrated at the elite stratum of society.²²⁵

Another indicator of a viable democratic community is the number of independent media available to the public. Therefore, European institutions aimed at developing the media in the OPT in order to

²²³ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *EU Partnership for Peace Programme*. [cited 1 Dec. 2009]. Available from http://www.delwbg.ec.europa.eu/en/cooperatio_development/pdf_sec/EU_Partnership_for_Peace_Programme.pdf.

²²⁴ *Ibid.* [cited 3 Dec. 2009].

²²⁵ Francesco Badioli, Mina Zemach, and Nader Said, "EU Partnership for Peace Programme: Evaluation and Future Challenges (Summary of the Evaluation Conclusions)," Talitha Kumi, Beit Jala: Discussion Paper not yet published by the European Commission, 3 September 2009.

foster freedom of expression and democracy-building. However, these projects remained scarce and rather limited. For instance, the Birzeit University's **Media Development Center** was founded in **1996** as a Radio Training Programme. The University station is unique in the region in so far as it broadcasts to the local community with the objective of serving both academics and professionals.²²⁶ To further strengthen relations between the media and civic organizations, the Media Development Center established the Media Resource Unit in September 1998. This Unit became a gathering place for professional journalists in the country, offering services for both Palestinian and international journalists working in the region.²²⁷ But not until two years after the outbreak of the Second Intifada was another media-related project established, that being **Ma'an Network**. This non-profit media organization (meaning 'together' in Arabic) was founded in **2002** "to strengthen professional independent media in Palestine; build links between local, regional and international media; and consolidate freedom of expression and media pluralism as keys to promoting democracy and human rights". The Network is a partnership between independent journalists throughout the OPT, including nine local television stations and nine local radio stations. Various European countries, along with the European Commission, helped finance this initiative at its different stages of development, and continue to do so.²²⁸ Still, more of these projects are needed with different partners, in order to avoid having a restricted cluster of organisations monopolising the media.

On a parallel track, in order to build trust and cooperation between cultures, the **EU-Israel Forum** was launched in **April 2000**. The EU political involvement in the MEPP has suffered from allegations of pro-Palestinian bias, but according to EU official sources, "This perception contradicts reality, since Israel enjoys a privileged relationship with the EU in terms of trade, science and political relations". Thus, in order to continue developing EU-Israeli relations, while showing that "the EU was only pro-peace", the EU

²²⁶ ENPI: EuroMed, *Middle East Peace Projects (Partnership for Peace)*. [cited 3 Dec. 2009]. Available from http://www.enpi-info.eu/mainmed.php?id=11&id_type=10.

²²⁷ Birzeit University, *Institutes & Centers: Media Development Center* [cited 5 Dec. 2009]. Available from http://www.birzeit.edu/institutes/media_dev/.

²²⁸ Ma'an News Agency, *About Us*. [cited 5 Dec. 2009]. Available from <http://www.maannews.net/eng/ViewContent.aspx?PAGE=AboutUs>.

Special Representative proposed the establishment of this Forum for dialogue, which was approved by the Council of Ministers in December 1999. Through high-level dialogue “the Forum aims to improve understanding of each others complexities through communication between civil societies, business and media people from both sides”.²²⁹

b. Empowering women and youth

EU support for gender and youth programmes took more time to set up, as they were overshadowed by political and economic priorities, also in addition to the fact that women and youth issues are not considered the main concern of these traditional societies. Thus, for the first ten years of the Barcelona Process the impact and scope of these initiatives remained constrained.

When it comes to Palestinian women in particular there are many indicators to consider, such as: education and training, health, poverty, economy and employment,²³⁰ violence (domestic or in public, at the hands of Palestinian men or Israeli soldiers, be it: sexual, psychological or physical),²³¹ armed conflict, trafficking and prostitution,²³² politics and decision-making, human rights and basic freedoms. On almost all these indicators Palestinian women continue to suffer.

According to the European Commission’s Country Report, by 2004 “women accounted for only 13% of the formal labour force, mostly concentrated in the services sector such as health and education. Whilst equality of rights has not been given highest priority in the

²²⁹ Council of the European Union, *Middle East Peace Process*.

²³⁰ United Nations: Economic and Social Council, *Report of the Secretary-General: Situation of and Assistance to Palestinian Women*. 3 December 2007 [cited 5 Dec. 2009]. Available from <http://www.peacewomen.org/resources/OPT/PalestinianSGReport.pdf>.

²³¹ Palestinian National Authority - Central Bureau of Statistics, *Statistics of Population and Social: Gender Domestic Violence Survey*. 2005 [14 Oct. 2009]. Available from <http://www.pcbs.gov.ps/DesktopDefault.aspx?tabID=4114&lang=en>.

²³² SAWA, "Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery," United Nations Development Fund for Women (UNIFEM), 2008. Available from http://www.unifem.org/materials/item_detail.php?ProductID=155.

past, there has recently been some change in public attitudes. Discussions on issues such as violence against women, rape (including marital rape and so-called 'honour crimes') and women's shelters have been held and, in November 2003, a Ministry for Women's Affairs was established".²³³

If we focus on the political and decision-making indicator for women, we see that Palestinian women have been fighting since at least 2002 for a women's quota system of 20% minimum of PLC seats, which was finally adopted by parliament in 2004. It is also evident that Palestinian women's involvement in politics has definitely increased over the years. Since 1995, and the establishment of an Interim PA, women have gained rights to both vote and run for office. "But it is not about being in power *per se*, it is more about having women who can bring [Palestinian] women's agenda to the table".²³⁴

As part of an affirmative action towards religious minorities, the PA has set a quota for Christians in some districts and a minimum representation for women in the party lists. While the quota for Christians has been part of Elections Law since it was originally drafted in 1995, the minimum representation for women, however, is a recent development and appears in the newly decreed law.²³⁵ Under a new quota system, the minimum number of women deputies will also increase. Because of the new quota system, the number of women deputies increased to 17 out of the 132 parliamentary seats (about 13%), up from its previous total of five seats out of 88 (or 6%) since the last PLC elections in 1996.²³⁶

Various Palestinian women's committees and organizations successfully lobbied governing bodies, especially the parliament, to

²³³ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

²³⁴ Interview with Rose Shomali, Director of the Women's Affairs Technical Committee, on 15 September 2009 in Ramallah.

²³⁵ Central Elections Commission - Palestine, *Results and Statistics: 1996 General Elections*.

²³⁶ Palestinian National Authority - Central Bureau of Statistics, "A Press Release Issued by the Palestinian Central Bureau of Statistics on the Occasion of the International Woman Day," March 2008. Available from http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/womenday_08e.pdf.

ratify this quota system that assures a minimum representation for women in the local councils. But this was not a smooth ride. For example, the PLC ratified a quota of 20% minimum representation for women in its first reading, rejected it in its second reading, and finally adopted it in the third in 2004, but later reduced it to 17%.²³⁷ Still, the *de facto* percentage of women parliamentarians is only 13%.

As for youth, the EU set up the EuroMed Youth Programme as a regional initiative within the framework of the third chapter/basket of the Barcelona Process dealing with social, cultural and human affairs. EuroMed Youth I (1999-2001) and EuroMed Youth II (2001-2004) were primarily run by the European Commission from Brussels. Later they were sub-delegated by the Directorate-General of Europe Aid to the Youth Unit of the Directorate-General for Education and Culture.²³⁸

The problem with these programmes is that they were both restrictive and too centralised. The situation was further complicated for Palestinian youth by the Second Intifada and the rise of regional violence, which did not leave much room for the EU to support their movement that had been envisaged earlier.²³⁹

c. Fostering peace education and cultural exchanges

Part of the aforementioned **Partnership for Peace** project is to support local and international civil society initiatives that promote peace, tolerance and non-violence education in the Middle East.²⁴⁰ It is an ongoing programme **since 1998** in both the West Bank and Gaza Strip, seeking to contribute to the rebuilding of confidence within each society, between Palestinian and Israeli societies, and promoting communication and understanding.²⁴¹

²³⁷ Rula Abu-Daho, *The Second Intifada: The Women's Movement at a Crossroads*. CentreTricontinental (CETRI), 12 March 2008 [30 Nov. 2009]. Available from <http://www.cetri.be/spip.php?article385&lang=en>.

²³⁸ EUROMED: Youth Programme, *About Euromed Youth III Programme*. [cited 3 Dec. 2009]. Available from <http://www.euromedyouth.net/about-euromed-youth-iii-programme,023>.

²³⁹ Ibid.

²⁴⁰ ENPI: EuroMed, *Middle East Peace Projects (Partnership for Peace)*.

²⁴¹ Ruddy Doom, *Menarg-Working Paper N°3: The Truth Must Fit the People's Frame*. Middle East and North Africa Research Group (MENARG). [cited 3 Dec.

Indeed, it is considered one of the main instruments of the MEPP. "Projects include finding and implementing mechanisms for conflict management and educating communities about concepts and skills for dealing with disputes and for promoting peace".²⁴² The programme also aims to strengthen and increase direct bottom-up cooperation, based on reciprocity between Israelis and Palestinians. Generally, an average of "15 projects are selected each year, with a maximum duration of 36 months, and EC contributions ranging from €50,000-€500,000".²⁴³ But due to a slow start and the Second Intifada, the Partnership for Peace programme faced low-appeal and logistical hurdles (e.g. restriction on movement and asymmetry of actors).²⁴⁴

Concerning cultural exchanges, initiatives were also a little late to come about. The EU established the **Anna Lindh Foundation** (headquartered in Alexandria, Egypt) which contributes to these efforts through its networks that bring people and organizations from both sides of the Mediterranean closer together, with a special focus on youth and dialogue between cultures. Since intercultural coexistence remains one of the major challenges of the 21st Century, the Euro-Mediterranean Foreign Ministers meeting in Naples in **December 2003** agreed on setting up this organisation to foster dialogue between cultures and bring people together as equal partners.²⁴⁵

The Foundation is shared by 43 Euro-Mediterranean countries, having established in its first phase of operation a region-wide network of over 2,000 civil society organizations (including some in the OPT) to bring people together as a way to promote respect for diversity. To fulfil its goals, the Foundation leads regional initiatives in the EuroMed space and supports local activities carried out across civil societies which advocate a better understanding among people, religions and beliefs, and champion human rights and democracy. Thus, it is a facilitator and an advocate of the participation

2009]. Available from [http://www.psw.ugent.be/menarg/publications/The%20truth%20must%20fit%20the%20people's%20frame%20\(ruddy%20doom\).pdf](http://www.psw.ugent.be/menarg/publications/The%20truth%20must%20fit%20the%20people's%20frame%20(ruddy%20doom).pdf).

²⁴² ENPI: EuroMed, *Middle East Peace Projects (Partnership for Peace)*.

²⁴³ Ibid.

²⁴⁴ Badioli, Zemach, and Said, "EU Partnership for Peace Programme: Evaluation and Future Challenges (Summary of the Evaluation Conclusions)."

²⁴⁵ European Commission External Relations: Euromed - Social, *Euro-Mediterranean Social, Cultural and Human Partnership*.

of civil society in the Barcelona Process working to make peace and prosperity possible in the region.²⁴⁶

Analysis and conclusion:

The EMP looked promising at first. It focused on genuine structural reforms, was comprehensive in nature, and could rely on a wide set of policy instruments. It established detailed working programmes, created an institutional mechanism with regular meetings of a wide range of actors, and provided considerable financial resources and tools. Equally important, its multilateral approach was complemented by bilateral Association Agreements tailored to the needs of its different partners. One can say it even started to change the game and the rules of the game in the OPT, where good governance and renouncing violence were becoming the basis of EU-PA relations.

However, “despite the intrinsic value of this unique institutionalised framework for Euro-Mediterranean dialogue and cooperation, disappointment overshadowed the tenth anniversary of the Barcelona Process. Although the structural foreign policy dimension was strong in both intentions and the setup of the EMP, it was eventually weak in terms of impact”. It was plagued with limitations and ambiguities and has not acted as a motor for far-reaching structural change.²⁴⁷ Instead, what we ended up with is what Aliboni refers to in his report as the “modernisation of authoritarianism”,²⁴⁸ which is applicable even to the PA.

In conclusion, the research identifies a non-exhaustive list of both exogenous and endogenous factors to help explain the procrastination and/or the failure of the EMP especially with regard to the Palestinian case. A look at the external factors concerned underlines this:

- There was no progress in the MEPP. The peace process faltered from 1993 and collapsed by the Second Intifada in 2000, not

²⁴⁶ EUROMED, *Anna Lindh Foundation Profile*. [3 Dec. 2009]. Available from <http://www.euromedalex.org/sites/default/files/ALF.pdf>.

²⁴⁷ Keukeleire, *The Foreign Policy of the European Union*: 275-76.

²⁴⁸ Roberto Aliboni, *Promoting Democracy in the EMP: Which Political Strategy?* EuroMeSCo Secretariat at the IEEI, Lisbon, November 2004 [cited 3 Dec. 2009]. Available from http://www.euromesco.net/media/wgi_year3.pdf.

reaching its main goal of establishing sustainable peace. “This failure was a hard lesson for the EU: that pursuing a long-term and comprehensive structural foreign policy, without being able to provide an answer to the traditional diplomacy challenge of the Middle East peace process, was impossible”.²⁴⁹

- EU member states could not reach a consensus on the appropriate actions towards the conflicting parties, which translated into a lack of sincere political will on the part of the EU to act as a united bloc to solve the conflict. Not only were EU member states not in agreement on which party to support, but some saw change (even democratic change) as destabilising to the region, resulting in outcomes that might not be in their best interests. Thus, the failure in this case was a result of the EU members’ inward-looking approach where the EMP was mainly based on the EU’s own agenda and interests.
- The EU, to a lesser extent than the US, is perceived by the local populations to be aiming at exporting (or imposing) the European “rules of the game” into other areas. In the Palestinian case, for instance, democracy promotion is not perceived by the local population as a genuine effort of the EU to support local communities in their efforts to democratise. Instead, it is seen as a means for the EU to impose its liberal democracy on traditional Palestinians in an attempt to regain control of the region via the same old colonial technique of supporting a small stratum of society, who is loyal to the EU, at the expense of the majority.²⁵⁰
- At first glance, the economic dimension of the EU seemed to be the most promising due to the available budgetary resources through the EC (EIB loans and MEDA-I & -II grants). Hence, the EMP was expected to realise the creation of a free-trade zone envisaged between the EU and the Mediterranean partners and between these partners themselves by 2010. This, of course, did not happen. But, particularly in the Palestinian case, the EU should not be the one shouldering all the blame since the Israeli

²⁴⁹ Keukeleire, *The Foreign Policy of the European Union*.

²⁵⁰ During my research visit to the OPT in summer of 2009, through interviews and various discussions, I heard this point repeatedly not only from ordinary Palestinians, but even from Palestinian elites and civil society representatives.

government's obstruction of movement, blockade and curfews imposed on Palestinians made implementing various aspects of the Association Agreement very difficult.²⁵¹

- The EU focused too much on the socio-economic structure and put too much emphasis on the state and elite levels, while neglecting the psychological structure and paying little attention to the societal levels. For instance, not much has been done to engage some important societal actors in the peace and democratisation processes such as religious leaders from both the Palestinian and Israeli sides. Ron Hassner has argued that it was the failure of participants at the Camp David 2000 Summit negotiations not to include religious leaders in the process or even consult with religious experts prior to the negotiations, which led to the collapse of the negotiations over the subject of Jerusalem as they were not prepared to talk about its political and religious significance to all sides concerned. "Both parties seem to have assumed" that the religious dimensions of the dispute could be ignored".²⁵² Similarly, Menahem Klein, who advised the Israeli government during the negotiations, confirmed that "The professional back channels did not sufficiently treat Jerusalem as a religious city".²⁵³
- Some analysts insist that there is a persistent lack of genuine EuroMed cultural dialogue. As Bichara Khader lamented, "[beyond the lyrical enthusiasm that emerges from important diplomatic meetings on 'Euro-Mediterranean solidarity and fraternity', the reality is far more discouraging: the Euro-Mediterranean and Euro-Arab cultural relations are cracking up at the seams, and falling apart".²⁵⁴
- The Barcelona Process was also lacking a human security aspect, despite the fact that the Barcelona report to the EU pro-

UK
is
said

²⁵¹ UNSCO, "The Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities: 1 January 2002-30 June 2002."

²⁵² Ron Hassner, *War on Sacred Grounds*. New York: Cornell University Press, 2009. Available from <http://www.waronsacredgrounds.com/>.

²⁵³ *Ibid.*: 81.

²⁵⁴ Bichara Khader, *Towards a New Euro-Mediterranean Cultural Dialog*. CIP Research. [cited 4 Dec. 2009]. Available from http://www.cipresearch.fuhem.es/pazyseguridad/docs/euromed_cultural_dialogue_Khader.pdf.

posed adopting a human security doctrine to guide its CFSP as Mary Kaldor, Professor of Global Governance at the London School of Economics, reminds us. According to her, human security is the freedom from fear and want, and the security of the individual and society alongside the security of the state. Thus, the concept blurs the classic distinction between internal security (based on law enforcement) and external security (where the primary instrument is military force); while entangling it to suffering as a consequence of material deprivation and environmental degradation. For a long time the “human security of Palestinians [has been] considered secondary to state security”, she says. However, the EU needs to adopt the concept as a new narrative underpinning its foreign policy for the sake of both Israelis and Palestinians. To do that she proposes a few ways, including focusing on the legitimacy aspect of political authority and a bottom-up approach, which involves civil society.²⁵⁵

However, the failure of the EMP in the OPT cannot be blamed solely on external factors; there are internal factors as well that need to be addressed, which include:

- Since the EU was unsuccessful in reaching out to a critical mass level among the Palestinian population, who can boost the momentum for transition, it is clear that the EU’s objectives were not supported to the same degree by endogenous forces. Some elites, particularly political and/or religious leaders, were reluctant to change. This was manifested by their insincerity, procrastination or obstruction to implement necessary reforms either due to (ir)rational fear of change, or their preference to maintain the *status quo*, when it proves more profitable for them to preserve.²⁵⁶
- Persistence of patrimonial leadership, nepotism and the clique mentality all stand in the way of significant political transition.
- Internal political and economic corruption has been deeply rooted at the institutional level, and it continues to feed on the Palestin-

²⁵⁵ Mary Kaldor, "A European Union Human Security Doctrine for the Middle East," *Palestine-Israel Journal* 15, no. 3 (2008). Available from <http://www.pij.org/details.php?id=1195>.

²⁵⁶ Keukeleire, *The Foreign Policy of the European Union*.

ian socio-economic needs, which makes quick attempts at reforming the system unrealistic.

- The rise of religious fundamentalism, due to the lack of alternative secular ideologies and parties, coupled with the increased exploitation of radical ideologies, which tend to flourish in a climate of continuous corruption and occupation, does not leave much room for the EU to manoeuvre.

Due to the EMP failure, and in an attempt to revive the Barcelona Process with more tangible results, the EU proposed a more bilateral-focused approach with a set of benchmarks and conditions to its neighbours - including the Palestinian Territory - namely, the European Neighbourhood Policy (ENP) which will be next discussed.

B. The European Neighbourhood Policy (2004 to mid-2008)

"The ENP puts this strong commitment to our neighbours into practice. It offers our neighbours substantial encouragement and support, if they want it. It is thus a partnership".

Extract from speech by Benita Ferrero-Waldner
on 11 September 2007, Brussels.²⁵⁷

The European Commission website states that "[t]he European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and our neighbours and instead strengthening the prosperity, stability and security of all concerned. In this way, it also addresses the strategic objectives set out in the December 2003 European Security Strategy".²⁵⁸ Still, it is very important to keep in mind the failure of the Barcelona Process mentioned above in order to really understand "the EU's attempts to upgrade and 'rescue' the EMP through the ENP", which was presented by the EU on 12 May 2004.²⁵⁹ The ENP does not replace the *multilateral* framework of the EMP, but instead it offers a second *bilateral* track and new financial instruments (ENPI, Cross-Border Cooperation, South Regional Programmes, Neighbourhood Investment Facility, Development Cooperation Instrument and TAIEX) that are expected to complement the Barcelona Process. Moreover, "the ENP does not aim to open up the prospect of membership to the countries concerned". As Commissioner Benita Ferrero-Waldner puts it, "the ENP is not an enlargement policy. It does not prejudge prospects for European countries that may at some future point wish to apply for membership, but it does not provide for a specific accession prospect either".²⁶⁰ Instead, the Policy "seeks to provide a means for reinforcing bilateral relations" by strengthening security, stabil-

²⁵⁷ EUROPA: European Union @ United Nations, "Slovenia's Upcoming EU Presidency - Speech by EU Commissioner Ferrero-Waldner," 11 September 2007. Available from http://www.eu-un.europa.eu/articles/fr/article_7306_fr.htm.

²⁵⁸ European Commission External Relations, *European Neighbourhood Policy - Overview*.

²⁵⁹ Keukeleire, *The Foreign Policy of the European Union*: 279.

²⁶⁰ EurActive: Enlargement, "The European Neighbourhood Policy (ENP)," 22 September 2004. Available from <http://www.euractiv.com/en/enlargement/european-neighbourhood-policy-enp-archived/article-129625#>.

ity, development and providing better access to the EU's market.²⁶¹ Furthermore, "under the ENP, the EU would also seek to encourage human rights, the rule of law and good governance and would promote co-operation in fighting terrorism and cross-border crime such as trafficking in drugs and human beings".²⁶²

The ENP involves ~~25 EU member states and 16 neighbours, building closer ties with six new partners from the Commonwealth of Independent States (CIS).~~²⁶³ "The countries involved in the first round are Ukraine, Moldova, Israel, Jordan, Morocco, Tunisia and the Palestinian Authority. The second ENP round was outlined in 2005, when the Commission issued country reports on Egypt and Lebanon as well as the Southern Caucasus countries of Armenia, Azerbaijan and Georgia". Although Russia is an EU neighbour it is not included in the ENP, as the EU-Russian relations are covered through a separate partnership programme with Moscow (i.e. the Strategic Partnership, which covers four 'common spaces').²⁶⁴ The ENP does not encompass (potential) candidate countries for EU membership such as Turkey and the Western Balkan countries, which fall under the EU's framework of the Stabilisation and Association Process.²⁶⁵

While multilateral relations between the EU and southern and eastern Mediterranean partner countries are conducted in the framework of the EMP, "there are considerable differences in the intensity of cooperation".²⁶⁶ The ENP builds upon existing agreements between the EU and each partner country in the framework of the EMP (such as Partnership and Cooperation Agreements with CIS countries, or Association Agreements with most MENA countries), while it identifies means to materialize its strategies through Action Plans accompanied with conditions and benchmarks, and regularly monitors developments through annual Progress Reports. To date,

²⁶¹ Ibid.

²⁶² EurActive: Enlargement, "The European Neighbourhood Policy (ENP)."

²⁶³ For a detailed analysis of EU-CIS-Russia relations, see Katlijn Malfliet, Lien Verpoest, and Evgueny Vinokurov, *The CIS, the EU and Russia: Challenges of Integration*. Basingstoke: Palgrave Macmillan, 2007.

²⁶⁴ European Commission External Relations, *European Neighbourhood Policy - Overview*.

²⁶⁵ EurActive: Enlargement, "The European Neighbourhood Policy (ENP)."

²⁶⁶ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 4.

Association Agreements have been negotiated, signed, ratified and enacted with all southern and eastern partner countries apart from Algeria (where the Association Agreement was suspended but might be activated in the future²⁶⁷), Libya (which is an observer since 1999 but started negotiations only in 2008²⁶⁸), Syria (where the Association Agreement is not in force but negotiations were recently initiated), and Belarus.²⁶⁹ (See Table 1)

As far as the bilateral dimension of EU relations with the South and the East is concerned, the basic framework is similar for both groups of countries: Association or Partnership Cooperation Agreements, accompanied by national MEDA or TACIS instruments (later ENPI), respectively. It also includes political dialogue and negotiations on specific issues (e.g. fisheries). However, "the most important difference is that, in the Mediterranean, an explicit regional dimension encouraging the development of intra-regional initiatives and cooperation in a broad range of sectors is included". A Five-Year Work Programme, adopted in 2005 on the occasion of the ten-year anniversary of the EMP, identified a series of general and more specific objectives. The policy of promoting intra-regional cooperation supplements the ENP bilateral framework, while maintaining the three chapters previously defined in the Barcelona Declaration (1995): the Political and Security Chapter, Economic and Financial Chapter, and Social, Cultural and Human Chapter, and adding a fourth Chapter (or basket) on Migration, Social Integration and Justice.²⁷⁰

²⁶⁷ European Commission, "Communication from the Commission to the Council and the European Parliament (Com 09, 188/3): Implementation of the European Neighbourhood Policy in 2008," 23 April 2009: 7. Available from http://ec.europa.eu/world/enp/pdf/progress2009/com09_188_en.pdf.

²⁶⁸ European Commission, "Communication from the Commission: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours."

²⁶⁹ European Commission: European Neighbourhood Policy, *The Policy: What Is the European Neighbourhood Policy?* [cited 13 Oct. 2009]. Available from http://ec.europa.eu/world/enp/policy_en.htm.

²⁷⁰ European Commission, "Communication from the Commission: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours."

1. Political dimension

Since the first critical juncture in EU-Palestinian relations, namely the Intifada in 2000, Hamas' victory in 2006 elections marks the *second critical juncture*. Thus, a chronological depiction of the political climate which led to their victory is necessary in order to set the stage for the empirical evidence that follows.

OVERVIEW OF EU-OPT RELATIONS UNDER THE ENP BEFORE THE HAMAS ELECTORAL VICTORY (2004-2006):

On **11 March 2004**, almost a year after the invasion of Iraq, an Al-Qaeda cell operating within Spain claimed responsibility for the **Madrid train bombings**.²⁷¹

Not long after, on **1 May 2004** the **EU enlarged for the fifth time**, adding at first ten new member states.²⁷²

The European Commission produced on **12 May 2004** a more developed **Strategy Paper on the ENP**, accompanied by an **ENP Country Report on the OPT**.²⁷³

President Arafat got sick in October 2004 and was flown to Paris for medical care. At the time of his departure he had been under house arrest in the *Muqata'a* for over two years. **Arafat died on 11 November 2004**, and was buried in his compound in Ramallah the next day. **Mahmoud Abbas has served as the PLO Chairman ever since**.²⁷⁴

On **9 December 2004**, the European Commission outlined to the Council and the European Parliament a **proposal on how the EU can work more closely with the PA** through an Action Plan and new financial instruments (e.g. the ENPI).²⁷⁵

²⁷¹ BBC News, "Madrid Train Attacks," March 2004. Available from <http://news.bbc.co.uk/2/shared/spl/hi/guides/457000/457031/html/nn4page1.stm>.

²⁷² EUROPA, *History of the European Union*.

²⁷³ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

²⁷⁴ CNN, "Palestinian Leader Arafat Dies at 75."

²⁷⁵ European Commission, "Proposal for Council Conclusion: On the Position to Be Adopted by the European Community within the Joint Committee Established by the

On 15 January 2005, Abbas won the Palestinian presidential elections for a 4-year term in office. While Hamas boycotted these elections, some Hamas officials still congratulated Abbas on his win, saying "we respect the Palestinian people's choice".²⁷⁶ Hamas also started participating, and did relatively well, in the local/municipal elections that took place (for the first time in the OPT) between January and May 2005.²⁷⁷

Five days after Abbas' win, President G.W. Bush started his second term in office on 20 January 2005.

The Central Elections Commission (CEC) was established by a presidential decree of the PA issued on 1 April 2005.²⁷⁸

On 4 May 2005, the ENP Action Plan between the EU and the PA was adopted.²⁷⁹ The Plan sets ambitious objectives based on commitments to shared values and effective implementation of political, economic, social and institutional reforms: a) Structural (constitutional, legislative, public administration, services, judicial, civil); and b) Economic (budgetary and fiscal transparency).²⁸⁰

James Wolfensohn was appointed first special envoy for the Quartet on the Middle East for the disengagement from the Gaza Strip on **31 May 2005.**²⁸¹ Earlier that month, Alvaro De Soto was appointed the UN's Middle East Special Coordinator/Envoy.²⁸²

Interim Association Agreement on Trade and Cooperation with Regard to the Adoption of a Recommendation on the Implementation of the EU-Palestinian Authority Action Plan," 9 Dec. 2004. Available from http://ec.europa.eu/world/enp/pdf/action_plans/pa_com_proposal_enp_ap_2004_en.pdf.

²⁷⁶ BBC News, "Abbas Achieves Landslide Poll Win," 10 January 2005. Available from http://news.bbc.co.uk/2/hi/middle_east/4160937.stm.

²⁷⁷ Jeroen Gunning, *Hamas in Politics: Democracy, Religion, Violence*. New York: Columbia University Press, 2008.

²⁷⁸ The Central Elections Commission (CEC) - Palestine, *About the CEC: The Commissioners*. [cited 4 Dec. 2009]. Available from <http://www.elections.ps/template.aspx?id=31&sndx=0>

²⁷⁹ European Commission, "ENP Progress Report Palestinian Authority," 4 December 2006. Available from http://ec.europa.eu/world/enp/pdf/sec06_1509-2_en.pdf.

²⁸⁰ EUROPA: European Neighbourhood Policy, "EU/Palestinian Authority Action Plan," 1 May 2005. Available from http://ec.europa.eu/world/enp/pdf/action_plans/pa_enp_ap_final_en.pdf.

²⁸¹ BBC News, "Blair Appointed Middle East Envoy," 27 June 2007. Available from <http://news.bbc.co.uk/2/hi/6244358.stm>.

On **7 July 2005**, an Islamist website claimed that Al-Qaeda was responsible for the **London bomb attacks** which had taken place earlier that day.²⁸³

Under the leadership of Prime Minister Sharon, the **Israeli military disengaged unilaterally from the Gaza Strip during 16-30 August 2005**. This move was endorsed by both US President G. W. Bush and the EU's SG/HR Solana, though it faced criticism from Israelis and Jewish settlers in the OPT, and from the Palestinian and international side (because it was a unilateral decision not coordinated with the PA). "Israeli officials have agreed in principle to allow foreign inspectors to replace them at the Rafah crossing once improvements there are made, but said a final deal will depend on the Palestinians' ability to stop attacks on Israel".²⁸⁴

After succeeding in municipal elections and with Israel's withdrawal, Hamas started showing interest in participating in the upcoming PLC January 2006 elections. In an address to the UNGA in New York on 15 September 2005, then Israeli Prime Minister Sharon warned that "Hamas is a terrorist organisation and should not be allowed to participate, and Israel would not cooperate with it". President G.W. Bush was leaning towards Sharon's views, but upon assurances from Abbas of Fatah's victory, the **Quartet issued a statement on 20 September 2005, leaving the question of participation to the Palestinians and calling on all to cooperate with what the Palestinians decide**.²⁸⁵

In response to terrorist attacks on European soil a **fourth chapter on migration** was proposed by the European Commission on **12 October 2005**, in time to discuss by the upcoming 10th anniversary of the EMP. This plan outlines a strategy on the external dimension of the area of freedom, security and justice.²⁸⁶ The work programme set for the

²⁸² Rory McCarthy and Ian Williams, "Secret UN Report Condemns US for Middle East Failures," *The Guardian*, 13 June 2007. Available from <http://www.guardian.co.uk/world/2007/jun/13/usa.israel>.

²⁸³ BBC News, "London Rocked by Terror Attacks," 7 July 2005. Available from <http://news.bbc.co.uk/2/hi/4659093.stm>.

²⁸⁴ Wilson, "Israel Lowers Its Flag in Gaza as Last Troops Withdraw."

²⁸⁵ Alvaro de Soto, "End of Mission Report," *The Guardian*, May 2007: 15-16. Available from <http://image.guardian.co.uk/sys-files/Guardian/documents/2007/06/12/DeSotoReport.pdf>.

²⁸⁶ EUROPA: Summaries of EU Legislation, *The External Dimension of the Area of Freedom, Security and Justice*. [cited 2 Dec. 2009]. Available from <http://europa>.

following five years envisioned progress towards creating an important basis for external cooperation to tackle the region's challenges: illegal migration, integration and terrorism being the central issues.²⁸⁷

On 15 November 2005, Israel and the Palestinian Authority concluded an **Agreement on Movement and Access (AMA)**, including agreed principles for the Rafah crossing (Gaza).²⁸⁸

The Five-Year Work Programme of the EMP 10th anniversary of the Barcelona Summit, was put forward on 28 November 2005.

Five days later the Council of the EU welcomed the AMA and agreed that the EU should undertake the Third Party role proposed in the Agreement. Hence it decided to launch the EU Border Assistance Mission at Rafah crossing point (**EUBAM Rafah**), to monitor the operations of this border. The operational phase began on 30 November 2005. But the Rafah crossing point was last opened with the presence of EUBAM Rafah on 9 June 2007, as Hamas took control of the Gaza Strip. Since then, the mission has remained on standby (in Ashkelon, a nearby Israeli city bordering the Gaza Strip) ready to re-engage in 24 hours and awaiting a political solution.²⁸⁹ The mission includes approximately 70 personnel mainly seconded from EU member states, supported with an EC budget of about €10 million (see Annex B).²⁹⁰

The Council also established an EU Police Mission in the OPT (**EUPOL COPPS**) under the European Security and Defence Policy (ESDP) on 14 November 2005. The operation phase began on 1 January 2006.²⁹¹ The mission is based in Ramallah and includes around 70 experts (of

eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/116014_en.htm.

²⁸⁷ Gemma Aubarell, Ricard Zapata-Barrero, and Xavier Aragall, "New Directions of National Immigration Policies: The Development of the External Dimension and Its Relationship with the Euro-Mediterranean Process," EuroMeSCo, February 2009. Available from http://www.iemed.org/documents/EuroMeSCo%20Paper%2079_eng.pdf.

²⁸⁸ Council of the European Union, *EU BAM Rafah*. [cited 3 Dec. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=979&lang=en>.

²⁸⁹ Ibid.

²⁹⁰ EUROPA: European Union @ United Nations, *EU Border Assistance Mission for Rafah Crossing Point (EU BAM Rafah)*. [cited 4 Dec. 2009]. Available from http://www.europa-eu-un.org/articles/en/article_5366_en.htm.

²⁹¹ Council of the European Union, *EUPOL COPPS*. [cited 3 Dec. 2009]. Available from <http://www.consilium.europa.eu/showPage.aspx?id=974&lang=en>.

which 15 are local staff, about 20 are officers and the rest are civilians), with an EC budget of around €20 million (see Annex B). However, the mission has been operating only in the West Bank since Hamas took over control of the Gaza Strip in June 2007.²⁹²

Disappointment overshadowed the **10th Anniversary of the Barcelona Declaration**, which was held **27-28 November 2005** in Barcelona,²⁹³ as it became clear to all the partners involved that the Barcelona process had failed in accomplishing its goals, including putting an end to the Israeli-Palestinian conflict, creating a Euro-Mediterranean free-trade zone, opening up "fortress" Europe to Mediterranean products, and achieve tangible progress in social as well as economic aspects of development in the region.

A Jerusalem hospital announced on **4 January 2006** that **Prime Minister Sharon had suffered a stroke**. Ehud Olmert became acting Prime Minister of Israel – as the new leader of the *Kadima* party, which Sharon founded on 21 November 2005 and led very shortly after leaving the *Likud*. Sharon underwent several operations and has been put in a long-term care centre in a comatose state since 6 November 2006.²⁹⁴

On **25 January 2006**, Hamas participated (as the 'Change and Reform' Party) for the first time in **Palestinian parliamentary elections** and won a clear majority victory (74 seats to 45 to ruling Fatah party), which stunned everyone, including the US, the EU, Fatah and Hamas themselves.²⁹⁵

Hamas' electoral victory undoubtedly changed the landscape for all the actors involved; for that, it constitutes the *second critical juncture* in the EU-OPT relations and deserves a closer examination. Hence, an overview of the transformation of the political situation is necessary in order to understand the nature of EU policies in the region from this time forth.

²⁹² Interview with Victoria Sjolander, EUPOL COPPS Political Adviser, on 10 September 2009 in Jerusalem. She indicated that in the Gaza Strip, Hamas has established separate internal intelligence, police, coastal patrol and border guards.

²⁹³ EUROMED, *10th Anniversary of the Barcelona Process: President's Euromed Visits Euromed - Tenth Anniversary Summit*.

²⁹⁴ Uri, *Ariel Sharon: An Intimate Portrait*: 281.

²⁹⁵ BBC News, "Q&A: Hamas Election Victory," 26 January 2006. Available from http://news.bbc.co.uk/2/hi/middle_east/4650300.stm.

**OVERVIEW OF EU-OPT RELATIONS UNDER THE ENP
AFTER THE HAMAS ELECTORAL VICTORY (2006-MID 2008):**

On 26 January 2006, the day after the elections, the EU Election Observation Mission (EOM) stressed that the elections were as democratic, free and fair as possible under occupation.²⁹⁶ That same day a statement was issued, outlining, for the first time, the **Quartet's three conditions to engage with Hamas**: renounce violence and disarm, recognize Israel's right to exist, and respect previous agreements between Israel and the PA.²⁹⁷ The Bush administration immediately declared that "there would be no recognition, no dialogue and no financial aid for a Hamas-led PA until Hamas complied" with those three conditions, while the EU followed suit, calling for total cut-off of foreign aid to Palestinian institutions.²⁹⁸

The US, the EU, Canada and other countries have acted on their earlier threats after Hamas' victory and **froze financial assistance to the PA** once Hamas formed its government (without Fatah members) on **29 March 2006**. Israel also suspended the transfer of US\$55 million in monthly value added tax (VAT) to the newly created Hamas-led government – revenues that are collected on behalf of the PA, constituting one-third of its economic income.²⁹⁹

Sharon's illness and absence posed a serious challenge for his newly created party. But on 28 March 2006, *Kadima* won a stunning majority in the Knesset elections and on **6 April 2006, Ehud Olmert became the new Prime Minister of Israel**.³⁰⁰

After one year of service **James Wolfensohn**, the Special Envoy to the Quartet on the Middle East, **resigned on 30 April 2006** over lack of

²⁹⁶ European Union Election Observation Mission West Bank & Gaza (EU EOM), *Statement of Preliminary Conclusions and Findings*. UNISPAL (United Nations Information System on the Question of Palestine), 26 January 2006 [cited 10 Dec. 2009]. Available from <http://unispal.un.org/UNISPAL.NSF/0/236F02CF539AA9418525710600587785>.

²⁹⁷ de Soto, "End of Mission Report": 17.

²⁹⁸ Tamimi, *Hamas: Unwritten Chapters*: 225.

²⁹⁹ Mohammed Daraghme, "Palestinians Not Getting Funds, Aide Says," *Washington Post*, 22 April 2006. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/22/AR2006042200894.html>.

³⁰⁰ BBC News, "Profile: Ehud Olmert", 30 August 2009. Available from http://news.bbc.co.uk/2/hi/middle_east/4135680.stm.

progress (and probably over the Quartet's boycott of the newly elected Hamas government).³⁰¹

On **6-7 May 2006**, hundreds of Palestinians demonstrated in Gaza and the West Bank, demanding payment of their wages. **Tension between Hamas and Fatah increased** with the "economic squeeze" on the PA.³⁰²

By early **June of 2006**, the 16-month **truce between Hamas and Israel was over**.³⁰³ Soon after, on 25 June 2006, Israeli soldier Gilad Shalit was kidnapped by Hamas forces and taken to Gaza where he remains, while negotiations on prisoner release and exchange continue with Israel.³⁰⁴

On **28 June 2006**, the IDF carried out rescue operations to free Shalit, but did not succeed in its mission and instead **destroyed Gaza's power plant and major bridges**.³⁰⁵

From **12 July to 14 August 2006**, the **Israel-Hezbollah War** took place in Lebanon. Despite the massive destruction Lebanon endured during the battle, the results were seen widely "as disastrous for the Israeli army".³⁰⁶ The War, according to the Israeli government, was a response to a series of kidnappings and killings carried out by Hezbollah forces on Israeli soldiers at the borders. Whether that is true or other motives existed, such as flexing Israeli military muscle in front of Hamas and Hezbollah and their primary supporter, Iran, remain unproven speculations. What is certain is that at the start of the War, SG/HR Solana called on *Israel* "not to enter into a logic of war, even as a response to actions that are provocations".³⁰⁷

³⁰¹ BBC News, "Blair Appointed Middle East Envoy."

³⁰² BBC News, "Three Die in Fatah-Hamas Clashes 2006," 8 May 2006. Available from http://news.bbc.co.uk/1/hi/world/middle_east/4983510.stm.

³⁰³ Hamas declared a unilateral ceasefire with Israel in February 2005, as the latter had expressed its intention of carrying out unilateral military disengagement from the Gaza Strip if Hamas would commit itself to a ceasefire.

³⁰⁴ BBC News, "Q&A: Gilad Shalit Capture ", 30 November 2009. Available from http://news.bbc.co.uk/2/hi/middle_east/6238858.stm.

³⁰⁵ CNN, "Israeli Troops Roll into Gaza Strikes Hit Bridges, Power Plant as Military Seeks Soldier's Rescue," 29 June 2006. Available from <http://www.cnn.com/2006/WORLD/meast/06/27/israel.soldier/index.html>.

³⁰⁶ Greg Jaffe, "Short '06 Lebanon War Stokes Pentagon Debate: Leaders Divided on Whether to Focus on Conventional or Irregular Combat," *Washington Post*, 6 April 2009. Available from <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/05/AR2009040502235.html>.

³⁰⁷ Council of the European Union, "Press Statement of Javier Solana EU High Representative for the Common Foreign and Security Policy in Beirut," (16 July 2006).

On 10 October 2006 a first Eurobarometer special report on the ENP showed that Europeans believe encouraging and supporting reforms in neighbouring countries will bring benefits for the EU's neighbours in terms of economic and social development as well as good governance. EU citizens tend to have a positive perception of relations with neighbouring countries (68%) and to believe that cooperation with these countries will bring mutual benefits. The vast majority consider that EU assistance to neighbouring countries can help to extend peace (70%) and democracy (77%) beyond the borders of the Union. There are, however, some (45%) concerns that their own country's peace and stability could be endangered by promoting reforms in neighbouring countries.³⁰⁸

On 4 December 2006, the European Commission proposed to strengthen the ENP. The document offered some examples of where the ENP already brings visible changes and improvements, taken from concrete actions and programmes conducted in a variety of areas.³⁰⁹

The EU went through the second phase of its fifth enlargement, adding two new members: Romania and Bulgaria on 1 January 2007, bringing the total number of EU member states to 27.³¹⁰

On 9 February 2007, an Agreement between Fatah and Hamas was brokered in Mecca, which was expected to end weeks of factional fighting in the West Bank and Gaza Strip. The Palestinians had hoped the Mecca understandings would bring a halt to a year-long international embargo against the Hamas government, by forming a national unity government with ministers from all parties represented in parliament. Israel and the US have reacted with caution to this agreement, because Hamas has rejected pressure from donor countries to recognise Israel, and "under this new deal that position has not been forced to change".³¹¹

Available from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/discours/90560.pdf.

³⁰⁸ EUROPA: Press Releases RAPID, *The European Union and Its Neighbours*. 10 October 2006 [cited 4 Dec. 2009]. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1342&format=HTML&aged=0&language=EN&guiLanguage=en>.

³⁰⁹ European Commission: European Neighbourhood Policy, *European Neighbourhood Policy - Reference Documents*. [cited 10 Nov. 2009]. Available from http://ec.europa.eu/world/enp/documents_en.htm.

³¹⁰ EUROPA, *History of the European Union*.

³¹¹ BBC News, "Muted Response to Mecca Agreement," 9 February 2007. Available from <http://news.bbc.co.uk/2/hi/6345427.stm>.

Ismail Haniyeh, the disputed Palestinian Prime Minister (from Hamas in Gaza), resigned on 15 February 2007 as part of the process to allow for a national unity government between Hamas and Fatah. He was again sworn in on 18 March 2007, as head of the new cabinet, while Salam Fayyad was appointed the Finance Minister. The Quartet reiterated its three previous conditions for engagement with Hamas. Both the EU and the US refused to resume aid to the PA government, because Hamas did not declare its acceptance of these conditions.³¹²

The 2002 Arab Peace Initiative was not picked up for serious discussion as it was signed only by a handful of Arab countries. This led the Arab League Secretary General, Amr Moussa, in 2006, to declare "the peace processes is dead". However, in an effort to revive it, on 28-29 March 2007, a summit was held in Riyadh, where 21 Arab League states (excluding Libya which boycotted the meeting) unanimously re-indorsed the Arab Peace Initiative. Its wide support this time makes it highly legitimate.³¹³ Among those who attended the summit were UN Secretary General, Ban Ki-moon (incumbent since January 2007), and the SG/HR Solana. PA President Abbas voted in favour of the initiative, even though Palestinian Prime Minister Ismail Haniyeh abstained in the vote.³¹⁴ The EU praised the Arab initiative.³¹⁵ US President Barack Obama said, in an interview to *Al-Arabiya* news station in 2009, that he appreciated the Saudi peace plan.³¹⁶ The Israeli government has noted "positive aspects" in the plan but has not formally accepted it.³¹⁷

UN Envoy to the Middle East, Alvaro de Soto, resigned from his position on 7 May 2007. Before walking out, he wrote a 53-page End of Mission Statement, dated 5 May, "meant only for senior UN officials", with "wording far more critical than the public pronouncements of UN

³¹² UNISPAL (United Nations Information System on the Question of Palestine), *Division for Palestinian Rights - Monthly Media Monitoring Review: Chronological Review of Events Relating to the Question of Palestine*. 28 February 2007 [cited 5 Dec. 2009]. Available from <http://unispal.un.org/UNISPAL.nsf/2ee946847556b2d85256cf60060d2a6/dd232e498ba35976852572c800687274?OpenDocument>.

³¹³ BBC News, "Arab Plan Explained in Hebrew Ads," 20 November 2008. Available from http://news.bbc.co.uk/2/hi/middle_east/7739198.stm.

³¹⁴ Avi Issacharoff, "Arab Leaders Unanimously Approve Saudi Peace Initiative at Riyadh Summit," *Haaretz*, 29 March 2007. Available from <http://www.haaretz.com/hasen/spages/843364.html>.

³¹⁵ *Ibid.*

³¹⁶ *Al-Jazeera*, "The Arab Peace Initiative."

³¹⁷ BBC News, "Arab Leaders Relaunch Peace Plan," 28 March 2007. Available from <http://news.bbc.co.uk/2/hi/6501573.stm>.

diplomats." It was leaked to *The Guardian* and published on 13 June, and De Soto confirmed the authenticity of the text. In the report, he criticized both the Palestinian organisations (Hamas and Fatah) and the Israeli government for the ongoing conflict. He also condemned the US, the EU and Israel for the imposed sanctions on Hamas. Moreover, he charged that UN Secretary General Ban Ki-Moon and his predecessor Kofi Annan provided political cover for US and European efforts to quarantine Hamas. Finally, he said that UN Secretary General Ban had undermined the UN's "efforts to lead Hamas and the government toward a solution" by not visiting Gaza during his first visit to the region.³¹⁸

The national unity government calmed the situation a bit, though clan feuds continued in Gaza where law and order were yet to be fully restored and the firing of rockets into Israel was yet to be halted. Separately, Hamas deployed a 3,000-strong shadow security force including its supporters to tackle lawlessness in Gaza. The move exacerbated tensions with pro-Fatah security agencies in Gaza, sparking a major spat, which resulted in Hamas expelling Fatah security forces from the Gaza Strip.³¹⁹ At the peak of inter-factional fighting, Hamas took control of Gaza on 15 June 2007, ending the national unity government. President Abbas dismissed Prime Minister Haniyeh by a presidential decree (the legality of which Hamas disputes) and appointed a "caretaker" government led by Finance Minister/now Prime Minister Salam Fayyad, which committed to the Quartet principles. Hamas now controls Gaza, while the Fatah-dominated PA has control of the West Bank. The PLC has not met since then. With the formation of the new government, the EU and the US announced their intention to renew direct assistance to the PA (in the West Bank).³²⁰

More than a year after the position was vacated **Tony Blair became the Special Envoy of the Quartet to the Middle East on 27 June 2007**, following his resignation as the Prime Minister of the UK.³²¹

On 30 August 2007, a second Eurobarometer Report on the EU's relations with its neighbours confirmed that a large majority of the European public approves of the efforts to intensify cooperation with

³¹⁸ de Soto, "End of Mission Report."

³¹⁹ United Nations: Economic and Social Council, *Report of the Secretary-General: Situation of and Assistance to Palestinian Women*.

³²⁰ BBC News, "Q&A: Palestinian Political Turmoil," 17 November 2009. Available from http://news.bbc.co.uk/2/low/middle_east/8364767.stm.

³²¹ BBC News, "Blair Appointed Middle East Envoy."

In fact

countries bordering the EU. An overwhelming majority felt it is important to work with neighbours in the fight against organised crime and terrorism, as well as in the fields of environment and energy, economic development, immigration, democracy, and education and training. Most Europeans also believe that assistance from the EU to its neighbours can contribute to the spread of peace and democracy beyond the borders of the Union, while nearly half believe that neighbouring countries also want to cooperate with the EU to carry out domestic reforms.³²²

Under the Portuguese Presidency, the first **Euro-Mediterranean Ministerial Meeting on Migration** was held in Albufeira (Algarve), Portugal, on **19 November 2007**. During this meeting, political and operational conclusions of this fourth EMP dimension were approved.³²³

Senior officials from the US, the EU and other countries gathered on **27 November 2007** for the **Annapolis Conference** in a bid to revive peace negotiations as a means to establish "an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours".³²⁴ The Conference offered some promises to re-launch the process and for reconsideration of the Arab Peace Initiative. Negotiations began a month later; however, Hamas said it would reject the outcomes of negotiations, whatever they be.³²⁵ Still, by the time Israeli elections took place no agreement had been reached and election results brought in a right-wing coalition government. Immediately upon assuming his post, Israel's new ultra-nationalist Foreign Minister Avigdor Lieberman, said Israel was not bound by the agreement at Annapolis as it has "no validity" since

³²² EUROPA: Communiqués de presse, *Eurobaromètre: Les Européens Sont Favorables À Une Coopération Accrue Avec Les Pays Voisins*. 30 August 2003 [cited 5 Dec. 2009]. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1264&format=HTML&aged=0&language=FR&guiLanguage=en>.

³²³ Erwan Lannon and Iván Martín, "Euromed Survey - of Experts and Actors on the Euro-Mediterranean Partnership: Report on the Status and Progress of the Euro-Mediterranean Partnership," European Institute of the Mediterranean (IEMed), 2009. Available from <http://www.iemed.org/euromedsurvey/>.

³²⁴ Israel Ministry of Foreign Affairs, "A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict," 30 April 2003. Available from <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm>.

³²⁵ European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDA), *Geneva Accord (10/2003)*. [cited 20 Nov. 2009]. Available from <http://www.medeainstitute.org/index.html?doc=1777>.

It was not ratified by the Israeli government (which is the case with its predecessor roadmap that also calls for negotiations and a two-state solution). Since then the process has been "at square one".³²⁶

In 5 December 2007, the European Commission's Communication highlighted the objectives to strengthen the ENP and identified areas where additional efforts are required on the part of the EU to bring the ENP further in 2008 and beyond.³²⁷

The Lisbon Treaty was signed on 13 December 2007 but it still needed to be ratified by all 27 member states before coming to force, and Ireland (according to its laws) had to also hold a referendum on amending the Treaty.³²⁸

On 19 June 2008, Israeli and Hamas reached an unwritten, open-ended ceasefire agreement, brokered by Egypt, that was designed to halt Israeli incursions into the Gaza Strip and to stop missiles being fired from the Strip into southern Israel.³²⁹

Next, three of the ENP political dimension's parameters (i.e. security & stability; democracy & good governance; rule of law & human rights) will be examined. A few examples for each parameter will be given in order to demonstrate the shift in EU policy that occurred around the second critical juncture during the ENP, namely Hamas electoral victory in 2006.

³²⁶ BBC News, "Israel FM Rejects Annapolis Deal," 1 April 2009. Available from <http://news.bbc.co.uk/2/hi/7977002.stm>.

³²⁷ European Commission: European Neighbourhood Policy, *European Neighbourhood Policy - Reference Documents*.

³²⁸ John Brown, "Ireland Warned Not to Reject Lisbon Treaty," *Financial Times*, 19 September 2009. Available from <http://www.ft.com/cms/s/0/baecc1d8-a470-11de-92d4-00144feabdc0.html>.

³²⁹ "Hamas Renounces Cease-Fire with Israel," *New York Times*, 19 November 2009. Available from <http://www.nytimes.com/2008/12/19/world/africa/19iht-mideast.4.18830743.html>.

a. Security and stability

In the aftermath of the Second Intifada the Palestinian society witnessed a state of abominable insecurity demonstrating itself in increased homicide and abduction incidents with spread of arms and thefts. So, in the period 2001-2003 some small steps were introduced by the EU to help the Palestinian Security Forces reinstate security in the Territory. But these measures were not enough since the OPT was in dire need for grand-scale security sector reforms to gain the public's trust in the security system and apparatus.³³⁰ Following Arafat's death, the Palestinian leadership under Abbas was eager to break with the late President's legacy of monopolising security. Working fast to reform, supported by the EU, the PA concentrated its efforts on four areas: structural reorganisation; establishing a legal framework for the security sector; civil police reform; and disarmament, demobilization and reintegration of the *Al-Aqsa Martyrs Brigades* operatives within the official PA security forces.³³¹

Once the ENP and the Action Plans with the OPT were in place the EU set forth to undertake the 'third party' security role proposed by the PA and Israel. Thus, it agreed to launch the **EUBAM Rafah** to monitor the operations of this border crossing point, which began working on **30 November 2005**. The mission includes approximately 70 personnel mainly seconded from EU member states, supported with an EC budget of about €10 million (see Annex B).³³²

Shortly after EUBAM Rafah was in place, the European Council established the **EUPOL COPPS**, which began operating on **1 January 2006**.³³³ The mission is based in Ramallah and currently includes approximately 70 experts (of which 15 are local staff, 20 are officers and the remainder are civilians), with an EC budget of approximately €20 million (see Annex B). It is important to note that this is a 'civil police' reform mission, so it supports efforts such as police training, equipping, institution-building, establishing legal frameworks, and developing security infrastructure, as well as po-

³³⁰ Friedrich and Luethold, *Entry-Points to Palestinian Security Sector Reform*: 167.

³³¹ *Ibid.*: 20-21.

³³² EUROPA: European Union @ United Nations, *EU Border Assistance Mission for Rafah Crossing Point (EU BAM Rafah)*.

³³³ Council of the European Union, *EUPOL COPPS*.

lice-related criminal justice issues: prosecution, and criminal investigation. Although EUPOL COPPS has relations with the Palestinian Attorney General Office and works with civil prison services and detention centres, it neither trains judges or the Palestinian military nor is it involved with military prisons.³³⁴

When Hamas won the PLC elections, Rafah's crossing point remained open under the EUBAM observation; however, six months later in June 2006 after Hamas militants infiltrated Israel from the Gaza Strip, killed two Israeli soldiers and kidnapped a third (Gilad Shalit), Israel responded by closing its borders with Gaza and the Rafah crossing was tightened by Abbas' presidential guards on the Palestinian side and the Egyptian border guards on the Egyptian side. A year later, Hamas took over the Gaza Strip and the Rafah crossing point was last opened with the presence of EUBAM Rafah on 9 June 2007.³³⁵ Since then both Hamas and Egypt remain in control of the crossing on their respective sides, while the EU mission has remained on standby (in Ashkelon, a nearby Israeli city bordering the Gaza Strip) ready to re-engage in 24 hours and awaiting a political solution.³³⁶

Likewise, since Hamas took control of the Gaza Strip EUPOL COPPS has reduced its engagement but continues to operate mainly in the West Bank. The problem this division creates is that while one half of the Palestinian police force is being developed in the West Bank, the other half is not being developed in the same direction in Gaza. So when, or if, there is reconciliation between the two competing factions, Hamas and Fatah, there will be two civil police groups that do not have the same idea or know-how of security. The longer the reconciliation takes, the more difficult it will be to merge these forces together.³³⁷

³³⁴ Interview with Victoria Sjolander, EUPOL COPPS Political Adviser, on 10 September 2009 in Jerusalem.

³³⁵ Gilead Ini, *Background: The Rafah Crossing and Restrictions on Cross-Border Movement for Gaza Palestinians*. Committee for Accuracy in Middle East Reporting in America (CAMERA), 22 October 2008 [17 Dec. 2009]. Available from http://www.camera.org/index.asp?x_context=2&x_outlet=147&x_article=1549.

³³⁶ Council of the European Union, *EU BAM Rafah*.

³³⁷ Interview with Victoria Sjolander, EUPOL COPPS Political Adviser, on 10 September 2009 in Jerusalem. She indicated that in the Gaza Strip, Hamas has established separate internal intelligence, police, coastal patrol, and border guards.

More problematic, and in an ironic twist, since Hamas won the PLC elections, “the Office of the President and Western Governments tried to restore the centralized structure of the security sector that had existed under Arafat”. For instance, “President Abbas separated the *National Security Forces* from the Ministry of the Interior and National Security and nominated a Chief of Staff who reported directly to him”. Furthermore, in April 2006, he expanded the *Presidential Guards*, provided them with “rapid-intervention capabilities,” and put them under his direct control.³³⁸

b. Democracy and good governance

2004-2006

The last comprehensive local elections in the West Bank and Gaza were held in 1976 and organised by Israeli authorities. Since then, local posts were largely filled by appointment with little influence from residents on municipal government.³³⁹ Although the PA created a new dynamic for democracy, it did not capitalise on local elections because the Palestinian leadership feared it would have to share power with Hamas in municipal councils. But in the wake of the Second Intifada the international community was pushing for substantial reforms, hoping that democracy would bring stability to the OPT. The EU, US and Israel were expecting that by replacing President Arafat with a strengthened Abbas as Prime Minister, he would be able to implement these reforms. However, Prime Minister Abbas’ resignation in 2003 left Arafat again with exclusive powers. Still, with mounting external and internal pressures for reforms “he was obliged to give in to the demands of the political parties and associated movements”. This is why the PA decided, shortly after the PLC introduced some amendments to the local Election Law (of 1996) in 2004, to **organise the first phase of municipal elections.**³⁴⁰

³³⁸ Friedrich and Luethold, *Entry-Points to Palestinian Security Sector Reform*: 22.

³³⁹ Daoud Kuttab, “Palestine Is Adamant: Hamas Will Take Part in Municipal and General Elections”. *City Mayors*, 26 October 2005 [12 Dec. 2009]. Available from http://www.citymayors.com/politics/palestine_elections.html.

³⁴⁰ Balawi, *Palestinian Municipal Elections: A Gradual Change*.

The most important amendment **established a minimum quota for the representation of women on municipal councils**. “This stipulated the election of at least two women per council, whatever the size of the considered conscription.”³⁴¹ Notwithstanding these amendments and new election laws, some important issues were not addressed concerning local elections. For instance, not all of the registered voters were eligible to vote in local elections, including: 1) those in Jerusalem, “as the Israeli authorities consider the territory of Jerusalem annexed rather than occupied” and, therefore, as falling under its jurisdictions; 2) refugee camps, even those in the OPT, as they are administered by UNRWA, and have their own governing mechanisms, while awaiting final status negotiations; 3) Palestinian prisoners detained in Israeli prisons “as the Palestinian electoral system does not include provisions for absentee voting at the moment”.³⁴²

Despite Arafat’s death, in November 2004, a month before local elections were scheduled to take place, the plan was scrupulously adhered to. Major Palestinian cities, like Nablus, Ramallah, Hebron, Gaza, Jenin, and Rafah were set to elect mayors and city councils over several election rounds starting December 2004.³⁴³ Having done well in Gaza as social activists and welfare providers to those neglected by the PA, Hamas had earned a reputation of honesty and efficiency that Fatah had lacked for some time, despite their resistance by any means possible and support for terror tactics.³⁴⁴ Hamas officials were encouraged by their members to participate in the local elections and thus decided to run for municipal councils for the first time in the organisation’s history.

Contrary to the Local Councils Elections Law, elections were held over consecutive rounds on different days – with approximately

³⁴¹ Ibid.

³⁴² International Foundation for Electoral System (IFES) - West Bank & Gaza Program, *Q&A: Palestinian Local Elections 2009?* September 2008 [30 Dec. 2009]. Available from <http://www.palestinianbasiclaw.org/downloads/qa-on-palestinian-local-elections-ifes-sep-08-1.pdf>.

³⁴³ Kuttab, *Palestine Is Adamant: Hamas Will Take Part in Municipal and General Elections*.

³⁴⁴ International Crisis Group (ICG), "Middle East Report N°13: Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?" Amman/Brussels: 2 April 2003. Available from <http://www.crisisgroup.org/home/index.cfm?id=1662&l=1>.

80% turnout.³⁴⁵ “The first two rounds of local elections were held according to the cancelled Local Councils Elections Law No. 5 of 1996 and its amendments according to the majority (districts) system”, while subsequent rounds were to be held according to “the new Local Councils Elections Law No. 10 of 2005” which adopted the (lists) system of proportional representation – respecting the amended gender quota of 2004.³⁴⁶ The first round started on 23 December 2004 in the West Bank and Gaza Strip. Hamas won (with 31% to 30% for Fatah) and secured seats in both territories, marking “the first penetration of the Islamic movement” into the Palestinian political institutions. Despite low voter turnout (roughly 50%), reflecting both Palestinian pessimism about the candidates and rushed elections to replace the late President, Abbas won the presidential elections that was held on 15 January 2005 (for a term of four years); Hamas decided to boycott the elections. One of the first decrees the new President issued in March 2005 **established a denominational quota** for some localities “which were historically, or in the majority, Christian. For the [elections] of May 2005, this involved Bethlehem (where 8 out of 15 councillors had to be Christian), Beit Jala and Beit Sahour (7 councillors out of 13)”.³⁴⁷ Another presidential decree re-established a Palestinian CEC on 1 April 2005 with missions supervising and monitoring each step of the electoral process.³⁴⁸ On 5 May, the second round of local elections started in both the West Bank and Gaza Strip, but this time Fatah won (with 39% vs. 32% for Hamas).³⁴⁹

Around that time Hamas announced its unprecedented decision to participate in the upcoming PLC elections of 2006. Fatah, who was plagued by internal disputes and division, realising it would do better in election polls through the proportional representation (lists) system than a majority (districts) system, decided to introduce amendments to election laws to that effect. In June 2005, the PLC passed a new electoral law (amending the 1995 Election Law), increasing the number of members from 88 to 132, and stipulating a

³⁴⁵ Balawi, *Palestinian Municipal Elections: A Gradual Change*.

³⁴⁶ Central Elections Commission - Palestine, *Legislations: Electoral Laws*. [24 Oct. 2009]. Available from <http://www.elections.ps/template.aspx?id=23&sndx=1>.

³⁴⁷ Balawi, *Palestinian Municipal Elections: A Gradual Change*.

³⁴⁸ Central Elections Commission - Palestine, *Legislations: Electoral Laws*.

³⁴⁹ Khalil Shikaki, "The Palestinian Elections: Sweeping Victory Uncertain Mandate," *Journal of Democracy* 17, no. 3 (July 2006).

mixed electoral system where half are elected by proportional representation (utilizing the Sainte-Laguë method for seat allocation³⁵⁰) and half by traditional districts – the new Elections Law maintained the denominational and gender quotas. The PLC also amended the Basic Law on 27 July 2005 to make it compatible with the new election law.³⁵¹

The third round of local elections took place solely in the West Bank, on 29 September 2005, shortly after the new law went into effect. According to the NDI report this led to complications and some misconduct (which were not related to the occupation or restrictions); still, the results were in favour of Fatah (with 45% vs. 31% Hamas).³⁵² The fourth, and most important round, was also held solely in the West Bank on 15 December 2005, “just a month before the second legislative elections when Hamas officially announced its participation”. In this phase, which was held in four main towns in the West Bank, such as Ramallah (centre of the PA), Hamas won (with 44% vs. 35% for Fatah). “It could be said that this stage was in some way a first snapshot of the Palestinian political landscape, since a month later the Palestinian people elected a strong Hamas majority to the legislative council”.

The local elections were not yet completed; the fifth round was expected to be held in major OPT towns such as Hebron and Gaza in August 2006, but never took place due to the rising tensions between Hamas and Fatah after Hamas’ electoral victory, and the futility of holding elections that all parties know their results will not be honored.³⁵³ At that point Abbas had been **encouraging Hamas to participate in the legislative elections**, and the international community did not object to their participation. On the contrary, a statement was issued by the Quartet in September 2005 saying that this was an internal issue for the Palestinians to sort out for them-

³⁵⁰ In this method the percentage of votes equals the percentage of seats allocated to proportional representation system from the total numbers of PLC seats. For example 40% of votes = 40% of the 66 seats allocated to proportional representation (out of a total 132 PLC seats).

³⁵¹ Translated from Arabic by the author. See Palestinian Legislative Council, *About Council: PLC History*.

³⁵² For details on the complications see National Democratic Institute (NDI), *Final Report: Palestinian Local Elections 2005*. 2006 [30 Dec. 2009]. Available from http://www.accessdemocracy.org/files/2069_ps_localelect_010106.pdf.

³⁵³ Balawi, *Palestinian Municipal Elections: A Gradual Change*.

selves. No mention of conditionality on engaging with Hamas was set yet, because they were not expecting to win – as Abbas kept assuring the international community – despite Fatah’s slide at the local elections polls.³⁵⁴ (See Table 2)

Both municipal and presidential elections in 2004-2005 were monitored by **international and local election observers**. Over 1,000 monitors participated in these missions to observe and report their findings without interfering in the procedures, while the Palestinian CEC supervised the logistics surrounding the elections. For the presidential elections the EU sent more than 180 observers, and managed a team of 16 short-term Canadian observers. In its Election Observation Mission (EOM) report the EU found the elections to be as fair and democratic as possible under the political situation. Observers noted the difficulty facing the electorates, particularly in East Jerusalem, due to the occupation and restrictions, but they also blamed some of the short-comings on non-compliance with the law on the Palestinian side.³⁵⁵ As far as the municipal elections are concerned, there has been a lack of EU monitoring and reporting. Indeed, the “NDI was the only international organisation consistently monitoring and reporting on all of the stages of local elections”.³⁵⁶

2006-2008

Without any preset restrictions on its participation, Hamas took part in the PLC elections on 26 January 2006. Policy analysts predicted a “hung parliament with the two sides forced into a coalition”. However, due to long dissatisfaction with Fatah’s “corruption and inefficiency”, and its “lack of progress in achieving the Palestinians’ national goals of independence and a just settlement with Israel”, Hamas surprised everyone by winning with a big majority.³⁵⁷ With a voter turnout of 77% (out of 1.3 million registered voters) Hamas received 44.5% of the 66 seats distributed by proportional

³⁵⁴ de Soto, “End of Mission Report.”

³⁵⁵ To read more about obstacles facing Palestinian elections check the elections observers’ reports at the Central Elections Commission - Palestine, *Local and International Observation Organization: Election Observation*. [27 Dec. 2009]. Available from <http://www.elections.ps/template.aspx?id=14&sndx=4>.

³⁵⁶ International Foundation for Electoral System (IFES) - West Bank & Gaza Program, *Q&A: Palestinian Local Elections 2009?*

³⁵⁷ BBC News, “Q&A: Hamas Election Victory.”

representation (Fatah: 41.4%) and 45 of the 66 district-seats (Fatah: 17 seats). In total, Hamas won 74 seats out of the 132 PLC seats compared to 45 seats won by Fatah.³⁵⁸ The Palestinian CEC records show that more than 25 countries and over 1,000 observers monitored the elections. With a team of nearly 250 international monitors, the EU EOM was the biggest in the field, costing approximately €3 million.³⁵⁹ Elections took place in the entire OPT (including East Jerusalem), and the reports by the EU and other international observers' deemed them largely fair and free to the extent possible under conditions of continued occupation.³⁶⁰

Although the size of their win was shocking – even to Hamas – many Palestinians voted for Hamas “because of its perceived discipline and integrity, and its strong anti-Israeli ideology”, but at that early stage it was “still too early to say how these characteristics would have manifest themselves in a Hamas-led Palestinian government”.³⁶¹ Once Hamas was elected and the international observers concluded that the elections were fair and free, the international community wasted no time in presenting its reactive conditions and threats to boycott the newly, democratically elected government. Hamas was given two options only: the Quartet way, or the high-way. It opted for the second choice, and almost all fund taps were turned off. In doing so, the international community's credibility as democracy promoters was at stake, and “the EU in particular has effectively out-manoeuvred itself from having effective influence” on the conflict. “This is because its influence principally derives from its disbursal of financial assistance contingent upon the recipient's compliance with specified conditions and rules”, as Nathalie Tocci explains.³⁶² At a recent workshop, Véronique De Keyser,

³⁵⁸ Shikaki, “The Palestinian Elections: Sweeping Victory Uncertain Mandate.”

³⁵⁹ There are discrepancies in the numbers concerning observation missions among sources, but the consensus is that the EU EOMs in the OPT have been, so far, the biggest and the most costly. See BBC News, “Hundreds to Watch Palestinian Vote,” 23 January 2006. Available from http://news.bbc.co.uk/2/hi/middle_east/4638962.stm, and Central Elections Commission - Palestine, *Local and International Observation Organization: Election Observation*.

³⁶⁰ Are Hovdenak, “Hamas in Transition: The Failure of the Sanctions,” *Democratization* 16, no. 1 (February 2009).

³⁶¹ BBC News, “Q&A: Hamas Election Victory.”

³⁶² Michael Emerson and Richard Youngs, *Political Islam and European Foreign Policy: Perspective from Muslim Democrats of the Mediterranean*. Brussels: Centre For European Policy Studies, 2007: 157-58.

Member of the European Parliament and Chief Observer of EU EOM, stressed that the EU's position on Hamas is unacceptable.³⁶³ She argues that Europeans have paid the cost of the democratization process in the OPT and for monitoring the elections, yet in the end, the EU does not accept the results they produced. The EU owes it to its citizens and the Middle East to accept the results of elections they helped support, once they have been deemed democratic.³⁶⁴ By rejecting the results of these elections, the EU has "sent a dubious signal, both to authoritarian Arab regimes and to the Arab street",³⁶⁵ and proved to be a "fair-weather friend to democracy in the region, unwilling to support democratic processes if elections resulted in victory for Islamic parties".³⁶⁶

After the results were declared, Hamas tried to assure the international community of its good intentions and its aims to establish a "moderate", Islamic, democratic government. According to Ghazi Ahmad Hamad, Hamas spokesman for 2006-07, "Hamas never promoted revolutionary ideals, and it never advocated or endorsed the overthrow of national governments, either in the region or in the West".³⁶⁷ Likewise, Jamal Saleh, a Hamas legislator from Gaza, explained, "We would have respected [the conditions] if the Quartet had asked us both [Hamas and Israel] to comply with these demands (renouncing violence and respecting previous agreements) – but they are demanding [the conditions] from us, the weaker party, only".³⁶⁸ During interviews conducted on 15 September 2009 with Hamas officials in the West Bank city of Ramallah, Aziz Dweik –

³⁶³ Véronique De Keyser, "High Hopes and Low Expectations: Which Way Forward in the Middle East?," Israel-Palestine-European Middle East Workshop, Brussels: Friedrich Ebert Stiftung (FES), 19 November 2009.

³⁶⁴ EUROPA: European Union Election Observation Mission, "West Bank and Gaza Strip: Palestinian Legislative Council Elections," 25 January 2006. Available from http://ec.europa.eu/external_relations/human_rights/election_observation/westbank/legislative/final_report_en.pdf.

³⁶⁵ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 38.

³⁶⁶ Keukeleire, *The Foreign Policy of the European Union*: 276.

³⁶⁷ Ghazi Ahmad Hamad, "The Challenge for Hamas: Establishing Transparency and Accountability," in *Entry-Points to Palestinian Security Sector Reform*, ed. by Ronald Friedrich and Arnold Luethold. Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2007: 130.

³⁶⁸ Hovdenak, "Hamas in Transition: The Failure of Sanctions," 71.

Speaker of the PLC and incumbent President of the PA for 2009³⁶⁹
– when asked about his views on democracy, said (see Annex A):

I personally admire democracy and the efficiency of democracy, e.g. in the US. Democracy is a peaceful tool to change one corrupt government with another efficient one, in a way that pleases and satisfies people as they feel they have their own say in their political life. Democracy provides tools (the role of the majority and the minority) to deal with different ethnic groups, human rights and changes of politics. It gives a real impetus for transparency and management of public money. But what we will not accept is some type of democracy that is not accepted by democratic people, one that you can call “restricted or designed democracy”, with strategic goals set beforehand.

Secretary General of the PLC (Change and Reform) Mahmoud Ramahi said:

Without external interference the Palestinian people are democratic; since the 80s we have been involved and respected the results of syndicates and university elections. But democracy is only a democracy if we accept the democratic game; we have to respect the right of all, so we have to give the minority their rights too. We said right from the start we will not impose Islam by force, and that the social shape of the cities will not change. We will not impose the veil or stop alcohol in a restaurant which still serves it in Gaza. But also the minority has to respect the options of the majority. We won this time the election agenda; if the minority of today wins it we will have to respect their preferences. The name of the game is “reciprocal respect”.

Despite these efforts to gain the international community’s approval, the EU (among other actors) did not want to take a chance on Hamas, either for not trusting in its intentions or fearing a domino effect with other Islamist parties coming to power in the region right at Europe’s borders.

³⁶⁹ This was his official title in 2009, as Abbas was not the *de jure* PA President after his four-year term had ended and the PLC did not renew it; if no other president is elected, the speaker of the PLC (in this case Dweik), by Palestinian law, should have been the PA incumbent president, but *de facto* this was only accepted in Gaza.

As a consequence to the West's rejection of Hamas and persistent occupation, Palestinian elections at all three levels (presidential, legislative and local) – which are expected to be held every four years – have been put off. The fifth round of local elections which were to take place in August 2006, in major cities of the West Bank and Gaza Strip (e.g. Hebron and Gaza), were canceled. The two factions had difficulty in establishing a unity government, when Fatah was emulating the West's renouncing of Hamas. The Israeli occupation, intimidations, travel restrictions and imprisonment – of one-third of Palestinian MPs (mostly from Hamas) – also posed logistical difficulties on the proper functioning of the PLC.³⁷⁰ On the rare occasion when there was a majority of MPs available to meet, the PLC members in Ramallah and in Gaza City led joint sessions through video conferencing – provided that technicians showed up.³⁷¹ (See Table 2)

As the EU's embargo continued, the humanitarian situation in the OPT worsened and the PA was at the brink of total collapse. The national unity government, which was established between Fatah and Hamas and other Palestinian factions early in 2007, could not survive under such conditions for more than six months. As the rifts deepened and violent clashes erupted between members of the two major factions the unity government crumbled by mid-2007.³⁷² Internationally isolated and bitter, Hamas fighters took control in the Gaza Strip pushing Fatah loyalists out. Consequently, President Abbas dissolved the Hamas-led coalition, and with a presidential decree appointed the PA Finance Minister, Salam Fayyad (Third-Way Party), also as Prime Minister of a PA emergency government functioning solely in the West Bank – replacing Prime Minister Ismail Haniyeh (Hamas), who refuted the decree as illegal without a two-thirds PLC approval; he continues to exercise his prime minis-

³⁷⁰ Marian Houk, "An Interview with Dr. Mustafa Barghouti: Getting the Palestinian Legislative Council out of the Freezer," *Al-Mubadara*, 10 June 2008. Available from <http://www.almubadara.org/new/edetails.php?id=4651>.

³⁷¹ *Asharq Al-Awsat*, "Palestinian Parliament Shut Down," 17 January 2007. Available from <http://www.aawsat.com/english/news.asp?section=1&id=7683>.

³⁷² International Crisis Group (ICG), "Middle East Report N°54: Palestinians, Israel and the Quartet: Pulling Back from the Brink," Jerusalem/Amman/Brussels: 13 June 2006. Available from <http://www.crisisgroup.org/home/index.cfm?id=4171&l=1>.

terial authority in Gaza with a majority of the PLC confidence.³⁷³ At this point, the EU and the international community resumed interactions with, and funding of, this 'emergency' PA. EU funds have since been channelled through the Temporary International Mechanism (TIM, 2007-08) and the subsequent Palestino-Européen de Gestion et d'Aide Socio-Economique (PEGASE, starting in 2008). The European Initiative for Democracy and Human Rights (EIDHR-II, 2007-13) is also a financial instrument that has been used to support various democratisation micro-projects in the West Bank. One example is a project called Open and Accountable Government, which funds the activities of the Palestinian CEC and the Palestinian Central Bureau of Statistics (PCBS).³⁷⁴ These will be discussed further in the economic dimension section. (See Annex B).

Thus, *de facto* Fatah is running Palestinian affairs in the West Bank and Hamas in the Gaza Strip. Various attempts by the Saudi and Egyptian governments to bring these two factions together in a new national unity government have failed and the PLC has not met since June 2007.³⁷⁵ With no legislature since mid-2007, President Abbas has been running the emergency government with presidential decrees,³⁷⁶ resembling other "modernized" authoritarian Arab regimes in the region.³⁷⁷ Seeing that election results through the proportional representation system were to the advantage of a divided Fatah, another presidential decree was issued in September 2007, amending the 2005 Elections Law, replacing the mixed electoral system (districts and proportional representation) for the PLC by a full proportional representation system and considering Palestine as one electoral district, proving advantageous to Fatah. Moreover, the decree redefines registration requirements, "by adding the condition to recognise PLO, basic law and Independency Charter". In addition, this decree adopts a "two rounds system for presidency

³⁷³ BBC News, "Abbas Appoints New Palestinian PM," 15 June 2007. Available from <http://news.bbc.co.uk/2/hi/6756079.stm>.

³⁷⁴ Palestinian National Authority, "Interim Briefing on International Assistance to the Occupied Palestinian Territory: Prepared for Meeting of the Local Development Forum in Ramallah," 18 December 2008.

³⁷⁵ BBC News, "Q&A: Palestinian Political Turmoil."

³⁷⁶ Central Elections Commission - Palestine, *Presidential Decrees*. 18 Nov. 2009]. Available from <http://www.elections.ps/template.aspx?id=12&sndx=1>.

³⁷⁷ Aliboni, *Promoting Democracy in the EMP: Which Political Strategy?*

election which means that the candidate who won should get the absolute majority (50% or more of votes)".³⁷⁸

According to Mustafa Barghouti, who ran for PA presidency in 2005 and finished second to Abbas with 19.5% votes, both Palestinian governments in the West Bank and Gaza Strip are illegal since June 2007 as "neither of them have the approval of the Legislative Council".³⁷⁹ The one in Gaza was dismissed by the President, which is his right, so "it should not exist" without new elections, while the one in Ramallah "was initiated as an emergency government, but the right to have that government is limited only to one month" – but that was far exceeded. Although his distinctions are not very clear, he went on to say, "[T]he meetings in Gaza that are taking place are not consistent with the law... In Ramallah we are not claiming that we are meeting as Legislative Council but as members of the Legislative Council, trying to make some effort to save the democratic structure".³⁸⁰ He elaborated further, saying:

Of course Israel carries a big share in that, by destroying the democratic system here. But we cannot say that it is Israel only – it's also the Palestinian division, internally, especially the behaviour of Fatah and Hamas. The behaviour has violated the rule of law, democratic principles, and it is quite factional. That's why what we see here is an effort from the Legislative Council, with the participation of members from all parties, to prevent a deterioration to the level that Palestine, again, becomes an autocracy, instead of sustaining or keeping what we have achieved of a democratic system, in anticipation that, hopefully, sometime soon we will be able to go to elections again. We don't want the system to be destroyed in the process of division.³⁸¹

Due to the Quartet's (including the EU) boycott of Hamas and its backpedalling on accepting the election results, the Palestinians' hopes for reconciliation and salvaging their fragile democratic process seem to be vanishing. So far, elections at all levels have been either cancelled or indefinitely postponed. As of January 2009,

³⁷⁸ Central Elections Commission - Palestine, *Legislations: Electoral Laws*.

³⁷⁹ Houk, "An Interview with Dr. Mustafa Barghouti: Getting the Palestinian Legislative Council out of the Freezer."

³⁸⁰ Ibid.

³⁸¹ Ibid.

presidential elections were due but were put off for a year to be held at the same time as the legislative elections. Surprisingly, the Fatwa & Legislation Office³⁸² “issued a statement in which it declared that the presidential term shall be extended to co-occur with the end of the second legislative council term”.³⁸³ This demonstrates a space for Islamists in democracy by *Shura* (consultation among Muslims), which Hamas often argues but here it was used to serve Abbas (and his secular Fatah).³⁸⁴ Similarly, municipal elections that were due to take place in 2006 were cancelled; re-elections of incumbent local officials have been due since 2009, but were also suspended or ignored. PLC elections were due in January 2010, but have been indefinitely postponed since Hamas refused to participate, and holding them in the West Bank alone in this context does not do much to bolster democracy. All the while the EU has been watching as its previous democratisation efforts fell to pieces, without any sign of an emerging strategy towards Islamist parties of the region, in general, and Hamas in particular.³⁸⁵

The EU justifies its schizophrenic attitude towards democracy promotion in the OPT by reiterating that Hamas is on its terrorist organisation list and thus cannot legally deal with it unless it renounces violence. But that does not explain the EU’s double standards manifested in supporting (emerging) authoritarian regimes in the region – such as Fatah – and in exempting Hezbollah (despite its similarity to Hamas) from being black-listed as well. This is not a matter of definitions or norms as much as it is a matter of strategic interests, for these decisions are highly politicized.³⁸⁶ The EU lists Al-Qaida and Hamas as terrorist entities, but not Hezbollah since several EU governments, with interests in Lebanon’s stability (including France, Spain and Britain) are concerned about upsetting

³⁸² A *Fatwa* is an Islamic opinion issued by an Islamic scholar, but not always binding.

³⁸³ International Foundation for Electoral System (IFES), “Legal Opinion Regarding the Presidential Term of President Abbas (by Fatwa and Legislation Office),” July 2008. Available from http://www.palestinianbasiclaw.org/downloads/legal_opinion_regarding_the_presidential_term_of_president_abbas_july_2007_by_flo_en.pdf.

³⁸⁴ Hovdenak, “Hamas in Transition: The Failure of Sanctions,” 64-65.

³⁸⁵ BBC News, “Q&A: Palestinian Political Turmoil.”

³⁸⁶ Reuters, “EU Brands Hizbullah a Terror Group,” 3 October 2005. Available from <http://www.ynetnews.com/articles/0,7340,L-3056692,00.html>.

delicate confessional³⁸⁷ negotiations by such measures that would cripple finding a solution.³⁸⁸ Conversely, the US includes Al-Qaida, Hamas and Hezbollah on its terrorist list, indicating a strong commitment to both Israel's security and its own interests in the region.³⁸⁹ So far, the EU's policies and even rhetoric concerning the region reflect its dominant realist approach as opposed to a normative one.³⁹⁰

One of the perpetual problems affecting the democratisation and peace processes in the OPT remains the Israeli occupation, or put differently, the lack of autonomy from direct external influence to make decisions. This problem, however, cannot be solved by holding periodic elections alone. "This fallacy has been called 'electoralism' or the faith that merely holding elections will channel political actions into peaceful contests among elites and accord public legitimacy to the winners". Even if elections resulted in a positive scenario, under occupation it is rendered obsolete because the rules of procedure that are needed to make the decisions binding are subject to change at the whim of the occupying power (or external actors). Indeed, the rules of the game (and laws governing elections) were suddenly altered – with the encouragement of self-interested actors – after Hamas won the election without any prior notice. This particular phenomenon is what leads many democratisation scholars to reach the conclusion that sustainable democracy is not possible under occupation, where the polity is not self-governing.³⁹¹ However, the international community and the Palestinians should not be relieved of their responsibilities for the failure of democracy in the OPT, or blame it all on the occupation. By ending the occupation and providing political autonomy to a nation, one of

³⁸⁷ Confessional democracy is a system used e.g. in Lebanon, where political seats and appointments are distributed among the different confessional (religious) groups in the country.

³⁸⁸ EUROPA, "Council Common Position on the Application of Specific Measures to Combat Terrorism (2001/931/CFSP)." *Official Journal of the European Communities*, 27 December 2001. Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:344:0093:0096:EN:PDF>.

³⁸⁹ United States Department of State, "Foreign Terrorist Organizations," *Office of the Coordinator for Counterterrorism*, 7 July 2009. Available from <http://www.state.gov/s/ct/rls/other/des/123085.htm>.

³⁹⁰ Adrian Hyde-Price, "Normative Power Europe: A Realist Critique," *Journal of European Public Policy* 13 (2006).

³⁹¹ Schmitter and Karl, "What Democracy Is... And Is Not."

the necessary (but not sufficient) conditions for democratisation will be put in place.³⁹² (See Table 3).

This is not to say that EU democracy promotion experience over the past 15 years, in the region in general, and in the OPT in particular, has been completely negative. "One area where debate has progressed since the creation of the EMP is over the issue of democratic change in the Arab world... The democratisation issue is more openly debated in the Middle East than before, but far-reaching political change has not occurred... rhetoric on the promotion of democracy has, for good or ill, been the main focal point of debate".³⁹³ Moreover, "EU funding and expertise allowed for the establishment of a Palestinian administration and of local authorities, for... the organization of the first democratic elections, [and] the creation and functioning of Palestinian police forces", which ensures the smooth operation of these elections.³⁹⁴ The challenge now facing the EU is to identify a strategy to maintain these achievements and to revive the Palestinian public trust in democracy and the EU's commitment to support the Palestinian cause in establishing a stable, secure, democratic, and independent state "living side by side with Israel in peace", as pledged in the roadmap (2003) by the Quartet.³⁹⁵

c. Rule of law and human rights: the judiciary and fundamental freedoms

The rule of law is linked to security and stability as it includes fighting crime, enforcing order in the streets and providing life and property security for Palestinian citizens. Therefore, since the establishment of the PA the EU has supported judicial reforms in an

³⁹² There is an inherent fear in Israel that if Palestinians get their own state, they will use it to attack Israel rather than build democratic institutions. The lack of trust between the parties and the uncertainty issue are paramount obstacles in the face of progress in the region. The EU must play a bigger role in confidence-building between the parties and conflict resolution before peace and democratisation are possible in the OPT.

³⁹³ Richard Youngs, "How Europe's Mediterranean Policy Went So Badly Wrong," *Europe's World* 4 (Fall 2006). Available from <http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/20363/Default.aspx>.

³⁹⁴ Keukeleire, *The Foreign Policy of the European Union*: 283.

³⁹⁵ Israel Ministry of Foreign Affairs, "A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict."

aim to foster the rule of law, human rights and fundamental freedoms (of peaceful expression, association, assembly, belief, press, speech, movement, as well as freedom from want and fear).³⁹⁶ This task started in 1995, was slowed down by the Second Intifada (when violence and disorder spread throughout the Palestinian society), and resumed between 2001 and 2003.

By 2004 most of the legislation that applied to the functioning of courts in the West Bank and Gaza Strip had been unified. However, many issues continue to hamper the Palestinian judicial system, which the European Commission's Country Report on the OPT summarises as follows:

Much of the legislation has not been implemented and the judicial system is far from being fully operational. The division of responsibilities between the Ministry of Justice, [the Ministry of Interior] and the Higher Judicial Council remains unclear. There are also major challenges in implementing the newly unified legal framework under current Israeli movement restrictions and closures. The court infrastructure is extremely poor. Courts are unable to hold sessions most days of the year, resulting in an increased backlog of court cases. There are insufficient resources for proper training within the judiciary. Judges and court personnel also suffer from lack of communication between courts, ineffective procedures and poor management of records. This is once again compounded by movement restrictions between the West Bank and Gaza Strip. The independence of the judiciary has, according to human rights organisations, been undermined by interference from the executive. Whilst in principle the State Security Courts were formally abolished in 2003, the military courts, established in 1995, remain active, including some competence in civilian cases. Military Courts jurisdiction applies to police and security force personnel as well as [alleged] crimes by civilians against security forces.³⁹⁷

Therefore, in its Presidency Conclusions in July 2004, the European Council reaffirmed its commitment and "readiness to support the PA in taking responsibility for law and order and, in particular, in

³⁹⁶ Kaldor, "A European Union Human Security Doctrine for the Middle East."

³⁹⁷ European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

improving its civil police and law enforcement capacity".³⁹⁸ Due to these efforts, in 2005 the Palestinian society witnessed an increase in judicial staff. In that same year the Basic Law was amended so that the Attorney General, who was previously only appointed by the President on the basis of political loyalty, is now to be also approved by the PLC, encouraging him to take further measures that would enhance the rule of law (while previously appointed Attorney Generals did not want to challenge the legal system which assured their survival).³⁹⁹ Moreover, by 2006 there was a clear increase in the rate of women who worked as judges (reaching 11.2%), and who occupied the position of General Prosecutor (reaching 12.1%).⁴⁰⁰

This progress however was curbed by the increasing political and institutional split between the West Bank and Gaza Strip, and the subsequent tightening of the Palestinian president's grip over the justice system. The PLC stopped its legislative activity after the detention of more than half of its parliamentarians (mostly Hamas) in Israeli jails. Instances of unlawful detentions, torture and death under the PA's custody have increased while "no judicial investigation took place in these cases". To add to this, there is insufficient protection of judicial personnel and non-implementation of the courts' decisions – even in areas where the PA has explicit jurisdiction over security and the judiciary (e.g. Area A in the West Bank). Maen Id'ais, Coordinator of the Public Policy and Research Unit at the Palestinian Independent Commission for Citizens' Rights since 2001 emphasises that:

The responsibility of the current lawlessness in the PNA-controlled areas lies primarily with the [Palestinian] Authority itself. It is true that Israeli occupation has had a negative impact on the PNA's capacity to enforce law and order. However, it is not true that the increasing number of violations committed by security personnel is an outcome of the occupation and that the Authority is unable to put an end to this... In other words, the PNA can take effective steps to improve the rule of law and

³⁹⁸ Council of the European Union, "The Revised Version of the Presidency Conclusions of the Brussels European Council Meeting (17 and 18 June 2004)."

³⁹⁹ Friedrich and Luethold, *Entry-Points to Palestinian Security Sector Reform*: 88.

⁴⁰⁰ Palestinian National Authority - Central Bureau of Statistics, "A Press Release Issued by the Palestinian Central Bureau of Statistics on the Occasion of the International Woman Day."

the security of the citizens, if only the political will is there to do so.⁴⁰¹

Consequently, “the first ENP Joint Committee session in three years took place in May 2008 and decided [on] the formation of four Sub-Committees. The first Sub-Committee on human rights, good governance and rule of law convened in December 2008”.⁴⁰² This group focused on ways for the EU to support Palestinian judicial reform through a number of major programmes which include: “establishing the Palestinian Judicial Training Institute, a permanent professional training system; providing legal training for judges and prosecutors and IT training for all legal staff; setting up an inspection department and legal library that supports the High Judicial Council; and the provision of IT equipment for the judiciary. The EU has funded the compilation of a database of all Palestinian court judgements, which is an integral part of the Legal and Judicial Databank, *Al-Muqtafi*”.⁴⁰³ According to EU official sources, “the conditions for training of judges and prosecutors were improved by the establishment of the EC-funded Judicial Training Institutes”; yet, this is not the only problem impeding the Palestinian justice system, and much remains to be done to solve the aforementioned lingering problems which hinge more on the PA’s political will to change than on EU funding.⁴⁰⁴

⁴⁰¹ Friedrich and Luethold, *Entry-Points to Palestinian Security Sector Reform*: 96-98.

⁴⁰² EUROPA: Press Releases, *European Neighbourhood Policy – Occupied Palestinian Territory*. 23 April 2009 [23 Dec. 2009]. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/181&format=HTML&aged=0&language=EN&guiLanguage=en>.

⁴⁰³ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *PEGASE: Helping to Build a Palestinian State: Promoting Good Governance and the Rule of Law*. 2009 [12 Dec. 2009]. Available from http://www.delwbg.ec.europa.eu/en/cooperatio_development/pdf_sec/governance.pdf.

⁴⁰⁴ EUROPA: Press Releases, *European Neighbourhood Policy – Occupied Palestinian Territory*.

Table 2: Elections in the OPT over the past 15 years⁴⁰⁵

Period		20 Jan. 1996	2000	23 Dec. 2004	15/1, 5/5, 29/9, 15/12 2005	28 Jan. 2006	2009	2010
Level	Presidential (% of votes)	X** • Hamas boycotted • Voter turnout 71.7% • Arafat (Fatah) won (88.2%)	Expected 2 nd Intifada Not Possible		X • Hamas boycotted • Voter turnout ~50 % ⁴⁰⁶ • Abbas (Fatah) won (62.5%)		Expected Postponed for a year	Expected Undecided
	PLC	X • Hamas boycotted • District system • Religious quota in • Fatah won (55 of 80 seats)	Expected 2 nd Intifada Not Possible			X • Hamas joined • Mixed system* • gender quota added • Voter turnout 77% • Hamas won (Hamas: 44.5%, Fatah: 41.4% Proportional Representation) (Hamas 45, Fatah 17 district seats) (Hamas 74, Fatah 45 total seats)		Changed to Proportional Representation Expected Undecided

⁴⁰⁵ Shikaki, "The Palestinian Elections: Sweeping Victory Uncertain Mandate."

⁴⁰⁶ John Anderson and Molly Moore, "Palestinians Appear to Give Abbas a Clear Win," *Washington Post*, 10 January 2006. Available from <http://www.washingtonpost.com/wp-dyn/articles/A60583-2005Jan9.html>.

	Local (~80% voter turnout) ⁴⁰⁷			<ul style="list-style-type: none"> • X • Hamas joined • District system • Gender quota added • 1st round in West Bank & Gaza Strip • Hamas won (Hamas: 31%, Fatah: 30%) 	<ul style="list-style-type: none"> • X • Hamas joined • District system • 2nd round in West Bank & Gaza Strip • Fatah won (39% to 32% Hamas) • Changed to Proportional Representation & gender quota in • 3rd round in West Bank: • Fatah won (Fatah: 45%, Hamas: 31%) • 4th round in West Bank: • Hamas won (Hamas: 44%, Fatah: 35%) 	<p>Expected</p> <p>5th round in West Bank & Gaza Strip</p> <p>Cancelled</p>	<p>Expected</p> <p>Undecided</p>	<p>Undecided</p>
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* Mixed system: half of the seats by electoral district and half by proportional representation system. ** The X stands for the times an election actually took place

⁴⁰⁷ Ibid.; also see Balawi, *Palestinian Municipal Elections: A Gradual Change*.

Table 3: Factors affecting the democratisation process in the OPT

Period		1995-2000	2000-2003	2003-2006	2006-2010
External Factors ⁴⁰⁸	EU	Focus on political & economic structures Slow start on cultural & legal structures Focus on state/national level Neglected societal and local actors (including religious leaders) Not enough money disbursement	Halted economic development Ignored the cultural structure and local actors	Increased socio-economic development Work on the cultural structure Continued neglect of religious leaders Involved local actors Pushed for political reforms	Supported PA (Fatah) only Halted development in OPT Deepened rift between factions Reversed democratic processes Neglected Gazans & Islamists Worked selectively on the cultural structure (neglecting religious leaders) Lost credibility
	Israel	Lack of trust in the Palestinians Occupation Started the peace process	Increased violence Palestinian movement restrictions Occupation Halted the peace process	Separation wall Movement restrictions persists Occupation Restarted the peace process	Increased movement restrictions Increased violence and violations Occupation Froze the peace process

⁴⁰⁸ There are other external factors than the EU and Israel (e.g. the US, AIPAC, Arab countries, Turkey, Scandinavian countries, etc.) but they are not the focus of this book.

Internal Factors	OPT	<p>Lack of fiscal transparency</p> <p>Corruption</p> <p>Selective reforms (managed democracy)⁴⁰⁹</p> <p>Nepotism and partisanship</p> <p>Lack of trust in Israelis</p> <p>Terrorism and violence</p> <p>General elections were held but no local elections</p> <p>Started the peace process</p>	<p>Second Intifada</p> <p>No security</p> <p>No elections</p> <p>No reforms</p> <p>Continued corruption</p> <p>Increased unemployment</p> <p>Nepotism and partisanship</p> <p>Increased violence and terrorism</p> <p>All elections were postponed</p> <p>Halted the peace process</p>	<p>Less corruption</p> <p>Increased transparency</p> <p>Increased reforms</p> <p>Enhanced democracy</p> <p>Enhanced rule of law</p> <p>Better governance</p> <p>Violence and terrorism reduced</p> <p>Presidential and local elections were held</p> <p>Restarted the peace process</p>	<p> Hamas win</p> <p>Increased corruption</p> <p>Lack of good governance</p> <p>Improved fiscal transparency in the West Bank only</p> <p>Lack of leadership (no strategy or vision)</p> <p>No government accountability</p> <p>Reversed previous reforms</p> <p>Authoritarian governance without public mandate</p> <p>Increased violence (Hamas-Israel & Fatah-Hamas)</p> <p>No national unity government</p> <p>All foreseen elections were postponed</p> <p>Froze the peace process</p>

⁴⁰⁹ Pace, "Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power," 43.

2. Economic dimension

As was mentioned earlier the ENP did not replace the EMP, it merely provided a more focused bilateral track with new financial tools (e.g. ENPI) and legal instruments (e.g. Action Plans) to better implement the objectives of the Barcelona Process.

Building upon the earlier Interim Association Agreement (1997), and taking into consideration the OPT Country Report prepared by the Commission's working group in May 2004, the Commission proposed in December 2004 an Action Plan for the PA, which was adopted in May 2005. With this Plan, the ENP aimed to open new partnership perspectives for the OPT by:⁴¹⁰

- Moving beyond cooperation to a significant degree of integration, through giving a stake in the EU's Internal Market, and the possibility for the PA to participate progressively in key aspects of EU policies and programmes;
- Upgrading the scope and intensity of political cooperation;
- Providing the opportunity for convergence of economic legislation, the opening of economies to each other, and the continued reduction of trade barriers to stimulate investment and growth;
- Increasing targeted financial support for the actions identified in the Association Agreement and Action Plan, through the newly proposed ENPI, which will also cover the very important aspect of transnational cooperation. There may also be infrastructure investment support through the EIB;
- Opening or reinforcing gradual participation in relevant Community programmes, promoting, *inter alia*, cultural, educational, environmental, technical and scientific links;
- Including technical assistance and twinning to meet EU norms and standards, and targeted advice and support for legislative approximation through a mechanism such as Technical Assistance Information Exchange (TAIEX);

⁴¹⁰ EUROPA: European Neighbourhood Policy, "EU/Palestinian Authority Action Plan."

- Deepening trade and economic relations, extending them progressively to cover agriculture and the service sector, and to provide the conditions for increasing investment and exports.

In order to monitor the implementation of the ENP in neighbouring countries, the EU decided to draft yearly progress reports starting two years after the launch of the ENP in 2004. There have been to date three progress reports concerning the OPT (in 2006, 2008 and 2009).⁴¹¹

In the early years of the ENP (2004-2007) both MEDA-II and EIDHR-I (started in 2000) continued to be used as the main financial instruments, along with EIB loans for development projects. Starting in 2007, MEDA-II was replaced with the ENPI, EIDHR-I was upgraded to EIDHR-II, while EIB loans continued for all neighbouring partners – except for the OPT. Due to the aforementioned political reasons the EU (along with the US, Canada and other international donors) stopped funding or loaning the PA in the OPT completely in the first half of 2006. However, from mid-2006 until the end of 2007, direct financial assistance to Palestinians in need was transferred through the TIM. But starting in 2008 the TIM was replaced by PEGASE, which was designed solely for the PA, while ENPI, the Development Cooperation Instrument and EIB loans complemented this instrument (see Figure 7).

After five months of freezing aid funds to the Hamas-led PA, the Quartet, in May 2006, addressed the financial difficulty of the Palestinian people. Accordingly, the international community decided in June 2006 to establish the TIM. This EU-designed tool has provided funding for emergency health, social and fuel costs. Despite the embargo against the new PA, “it is regularly pointed out that in overall terms European aid had paradoxically increased since the boycott was imposed”.⁴¹² Hence, the TIM has been often compared to “covering problems with a sticking plaster”.⁴¹³ More problematic, it actually bypasses many of the good governance mechanisms

⁴¹¹ European Commission: European Neighbourhood Policy, *European Neighbourhood Policy - Reference Documents*.

⁴¹² Richard Youngs, *The European Union and Palestine: A New Engagement*. Open Democracy, 28 March 2007 [cited 6 Nov. 2009]. Available from http://www.open-democracy.net/conflict-middle_east_politics/union_engagement_4485.jsp.

⁴¹³ *Ibid.*

that were implemented earlier by the PA under pressure from the EU for reform. In an effort to increase fiscal transparency, the PA had all the money transferred into a single account, which is closely monitored by the IMF. "Under the TIM it is not clear who decides who gets what, and diplomats complain of money draining into a black hole".⁴¹⁴

The PA split in June 2007 *de facto* to a Fatah-led branch, in control of the West Bank, versus a Hamas-led one, in control of the Gaza Strip. Due to that split, during the donor conference held on 17 December 2007 in Paris, the EU introduced PEGASE to support the Fatah-led PA. PEGASE has been operating since February 2008 and is used to channel support for the three-year Palestinian Reform and Development Plan (PRDP), which was presented by the PA Prime Minister/Finance Minister Salam Fayyad. "PEGASE, which covers EU assistance to [the] West Bank, Gaza and East Jerusalem, will be coordinated locally with EU member states and other international partners".⁴¹⁵ In a video press release at the donor conference, the European Commissioner for External Affairs, Benita Ferrero-Waldner, praised the instrument for being fast, transparent and effective, and urged other international donors to make use of it to channel their funds to the PA.⁴¹⁶

From 1 January 2007 onwards, as part of the reform of EC assistance instruments, the MEDA and TACIS and various other programmes have been replaced by a single instrument – the ENPI. "This is a much more flexible, policy-driven instrument. It is designed to target sustainable development in approximation to EU policies and standards – supporting the agreed priorities in the ENP Action Plans (as well as the Strategic Partnership with Russia, which was previously also covered by the TACIS)".⁴¹⁷ Other sub-instruments were developed under the ENPI to target the Mediter-

⁴¹⁴ Ibid.

⁴¹⁵ EUROPA: Press Releases, *Commission Launches PEGASE - a New Mechanism to Support the Palestinian People*. 25 January 2008 [cited 7 Dec. 2009]. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/94&format=HTML&aged=1&language=EN&guiLanguage=en>.

⁴¹⁶ European Commission External Relations: Occupied Palestinian Territory, *Video - Palestinian Donors Conference*. [cited 7 Dec. 2009]. Available from http://ec.europa.eu/external_relations/occupied_palestinian_territory/index_en.htm.

⁴¹⁷ European Commission External Relations, *European Neighbourhood Policy: Funding*.

anean partners, such as the Cross-Border Cooperation.⁴¹⁸ The ENPI funds allocated to Mediterranean and Central and Eastern European Countries will continue to depend on their needs as well as their implementation of agreed reforms. For that purpose the Commission has prepared for each of its neighbours (except for Palestine and Libya) a Country Strategy Paper as well as a Regional Strategy Paper. Each Country Strategy Paper and Regional Strategy Paper includes an analysis of the situation in each sector and the Commission's response strategy over a seven-year period (2007-2013).⁴¹⁹ In the OPT, the ENPI has been in use along with PEGASE since the beginning of 2008, focusing mainly on UNRWA and the Partnership for Peace programme (see Annex B).

It was further decided to upgrade the EIDHR-I (2000-06) instrument to the financial instrument for the promotion of democracy and human rights in the world (EIDHR-II, 2007-13), while keeping it separate yet complementary to the ENPI for providing assistance to civil society as well as private and public sectors that are contributing to the development and enhancement of democracy, the rule of law, and respect for human rights and fundamental freedoms in neighbouring partners – including the OPT.⁴²⁰

The Development Cooperation Instrument for the period 2007-2013 encompasses developing areas not covered under the previous instruments. It supports development cooperation, economic and financial cooperation, and has poverty reduction and the fight against poverty-related diseases as an objective. For the period 2007-13, about €12 billion was allocated for the ENPI and approximately €17 billion for the Development Cooperation Instrument.⁴²¹ Under this latter instrument, the EC finances measures aimed at supporting geographic cooperation with the developing countries and territories

⁴¹⁸ Ibid.

⁴¹⁹ European Commission: External Cooperation Programmes, *How Does ENPI Work?* [cited 7 Dec. 2009]. Available from [http://ec.europa.eu/europeaid/where/](http://ec.europa.eu/europeaid/where/neighbourhood/overview/how-does-enpi-work_en.htm)
[neighbourhood/overview/how-does-enpi-work_en.htm](http://ec.europa.eu/europeaid/where/neighbourhood/overview/how-does-enpi-work_en.htm).

⁴²⁰ EUROPA: Summaries of EU Legislation, *A Financial Instrument for the Promotion of Democracy and Human Rights in the World (2007-13)*. [cited 26 Nov. 2009]. Available from [http://europa.eu/legislation_summaries/human_rights/human](http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/114172_en.htm)
[rights_in_third_countries/114172_en.htm](http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/114172_en.htm).

⁴²¹ European Commission: External Cooperation Programmes, *How We Finance*. [cited 9 Dec. 2009]. Available from [http://ec.europa.eu/europeaid/how/finance/index](http://ec.europa.eu/europeaid/how/finance/index_en.htm)
[_en.htm](http://ec.europa.eu/europeaid/how/finance/index_en.htm).

included in the list of aid recipients of the OECD's Development Assistance Committee, such as the Palestinian administrated areas.⁴²²

International aid to the Palestinians is classified into the following three categories:⁴²³

- 1) Budget support: includes all contribution to TIM/PEGASE and any aid going directly to the Ministry of Finance to cover government costs and salaries;
- 2) Emergency aid: includes all funding to UNRWA or other humanitarian organisations for rebuilding destroyed infrastructures, providing food aid and other humanitarian objectives;
- 3) Development aid: includes other projects not included under 1 & 2, such as peace-building and cultural projects, or support for specific programmes run by PA ministries.

It is worth noting the sharp increases in EC funding especially after the outbreak of the Second Intifada and again after Hamas' electoral victory (see Figure 3). However, this increase was mainly due to emergency aid and PA budget support while there was a noticeable decrease, particularly after 2006, in development assistance and bank loans to the PA.⁴²⁴

⁴²² EUROPA: Summaries of EU Legislation, *Financing Instrument for Development Cooperation - DCI (2007-2013)*. [cited 20 Nov. 2009]. Available from http://europa.eu/legislation_summaries/development/general_development_framework/114173_en.htm.

⁴²³ Palestinian National Authority: Ministry of Planning and Administrative Development, "International Assistance to the Palestinian People (2005-2007)."

⁴²⁴ *Ibid.*

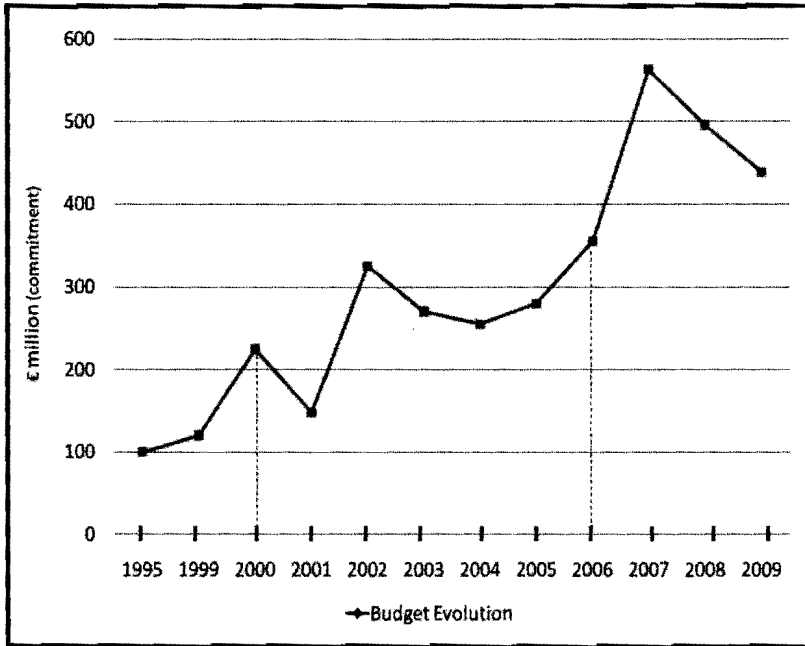


Figure 3: EC budget commitment evolution to the OPT⁴²⁵

⁴²⁵ European Commission External Relations: Occupied Palestinian Territory, *EC Support to the Palestinians in 2008*. [cited 1 Dec. 2009]. Available from http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/ec_aid_to_pa_2008_en.pdf.

OVERVIEW OF EU-OPT ECONOMIC AID RELATIONS:

The European Commission's economic instruments are incorporated in the various EC support programmes and funds. Within the 2007-13 Financial Framework, 5.7% (or €53.3 billion) of the total EU budget for that period (about €862 billion) has been devoted to the 'EU as a Global Partner'. The most important instruments are the ENPI, and the Development Cooperation Instrument, which receive in total nearly €29 billion (or 54%).⁴²⁶ The EC also supports the MEPP and allocated for the period 2005-2010 an ENP budget of €20 million to help that objective.⁴²⁷

Despite positive growth rates during 2003-2005, real GDP per capita declined after the 2006 elections. Under current conditions of suspension of revenue transfers by the Government of Israel and increasing trade and labour restrictions, macroeconomic projections for 2006 point to a real GDP contraction of around 18%, and a GDP per capita and personal income per capita contraction of around 21%. The UN Economic and Social Council underlines that for 2006 unemployment (estimated to 23% in 2005) might reach 35%, while poverty (estimated to 44% in 2005) might rise to levels close to 65% of the population.⁴²⁸ Economic distress in the Gaza Strip and the West Bank has been aggravated by the compounded action of several factors: continued restrictions on movement and access between Gaza and the West Bank and to and from Gaza, suspension of the transfer of clearance revenues by the Government of Israel and reductions in the number of Palestinian workers permitted to work inside Israel (see Figure 5).⁴²⁹

According to Official Development Assistance figures "Over the last few years, a sharp increase in aid was registered: while in the period 2000-2004 the average annual EC support amounted to €245 million, it was increased to €280 million in 2005, to €340 million in 2006, and to €550 million in 2007. On top of that, bilateral contributions of EU

⁴²⁶ ECORYS Nederland BV, "A Study on EU Spending - Final Report," commissioned by the European Commission: Directorate General for Budget, 24 June 2008. Available from http://ec.europa.eu/budget/reform/library/issue_paper/study_EUspending_en.pdf.

⁴²⁷ ENPI: EuroMed, *Middle East Peace Projects (Partnership for Peace)*.

⁴²⁸ European Commission, "ENP Progress Report Palestinian Authority."

⁴²⁹ United Nations: Economic and Social Council, Report of the Secretary-General: *Situation of and Assistance to Palestinian Women*.

member states have also increased considerably (totalling €315 million in 2005, €385 million in 2006, and €405 million in 2007)".⁴³⁰ For 2008, the EC committed €486 million in assistance to the Palestinians mainly to cover the running costs of the PA and to support the PRDP. "In addition, as the PA found itself in extreme financial difficulties, the EU repeatedly provided extra funds to help the PA meet its recurrent expenditures and ensure the continued delivery of public services as well as emergency aid".⁴³¹

At the December 2007 donor conference in Paris, representatives of states and organisations pledged a reported US\$7.7 billion of assistance to support the implementation of the PRDP. "While these pledges signalled collective international support for the peace process and the West Bank government of Salam Fayyad, the actual transfer of funds has been delayed in many cases, causing cash flow problems for the PA".⁴³² EIDHR-II has been granted a budget of €1.104 million for the budgetary period 2007-2013, of which the OPT has received €2.7 million so far (see Annex B).⁴³³

The EU and its member states are the major multilateral donors to the Palestinians. "In 2003, the EC ranked first in disbursements in Palestine (about 25% of total disbursements)".⁴³⁴ The total EC distributed fund reached US\$3.5 billion by 2009. On top of that, EU member state assistance is estimated to amount to US\$3 billion over the same period. Next in line is the US, which so far distributed US\$1.3 billion. Followed by Saudi Arabia with US\$1 billion and other Arab nations totaling US\$1 billion in distribution record.⁴³⁵ Indeed, in comparison to all of the EU neighbouring partners (eastern and southern), the OPT and Morocco seem to received the lion's share of the ENPI assistance. (See Figure 4).⁴³⁶

⁴³⁰ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 31.

⁴³¹ Ibid.

⁴³² Ibid.

⁴³³ EUROPA: Summaries of EU Legislation, *A Financial Instrument for the Promotion of Democracy and Human Rights in the World (2007-13)*.

⁴³⁴ Palestinian National Authority: Ministry of Planning and Administrative Development, *Directorate General of Aid Management and Coordination*. [cited 1 Dec. 2009]. Available from <http://db.mop.gov.ps/donorprofile.asp>. Their report provides the amounts in (\$) US\$, not in (€) EUR.

⁴³⁵ Ibid.

⁴³⁶ EUROPA, *European Neighbourhood and Partnership Instrument (ENPI): Funding 2007-2013*. [cited 1 Dec. 2009]. Available from http://ec.europa.eu/world/enp/pdf/country/0703_enpi_figures_en.pdf.

In 2005, EU disbursements between emergency, budget and development aid were relatively evenly split. But since 2006, development assistance dropped from a third of all disbursements in 2005 to under 10% in 2007, while budget support rose from a third in 2005 to nearly 70% in 2007 (see Figure 6).⁴³⁷

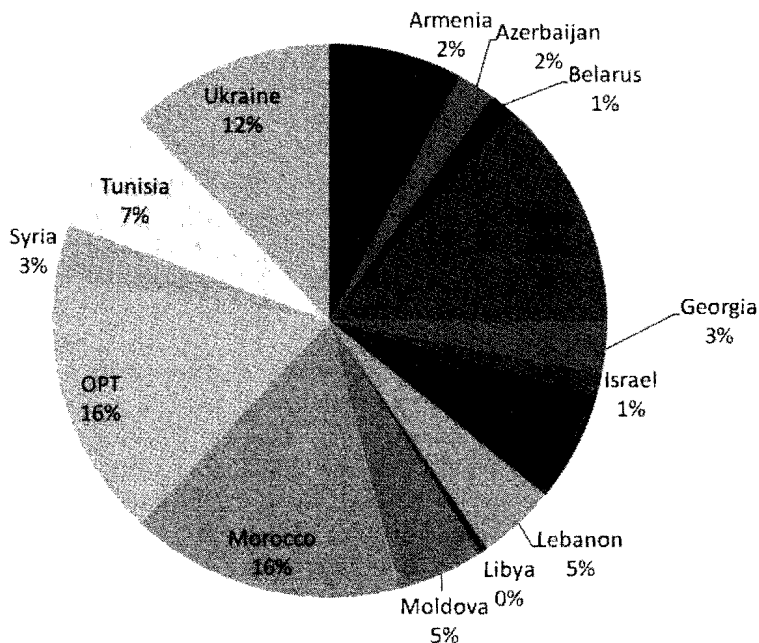


Figure 4: ENPI funding distribution for the budgetary period 2007-2013⁴³⁸

⁴³⁷ The World Bank, "Two Years after London: Restarting Palestinian Economic Recovery," Economic Monitoring Report to the Ad Hoc Liaison Committee, 24 September 2007. Available from <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AHLMainReportfinalSept18&cover.pdf>.

⁴³⁸ The OPT percentage is calculated from other instruments than the ENPI (i.e. TIM & PEGASE) for the same period. These are planning figures only and the percentages calculated are based on data provided at EUROPA, *European Neighbourhood and Partnership Instrument (ENPI): Funding 2007-2013*.

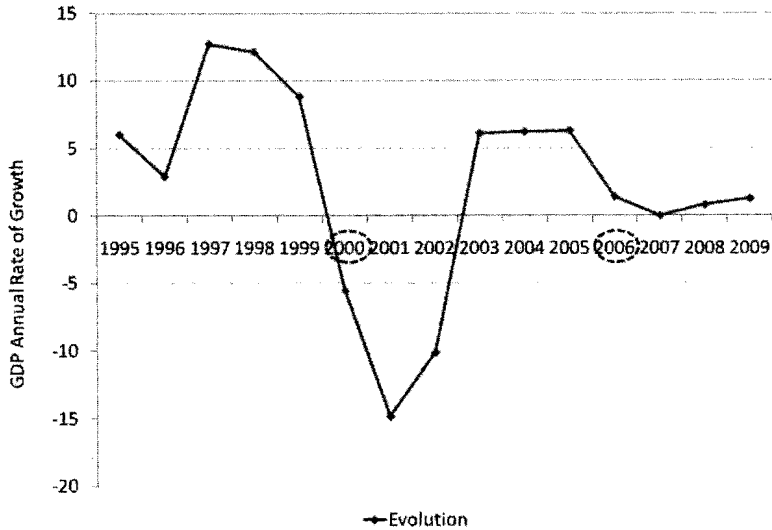


Figure 5: OPT annual growth rate per capita (1995-2006)⁴³⁹

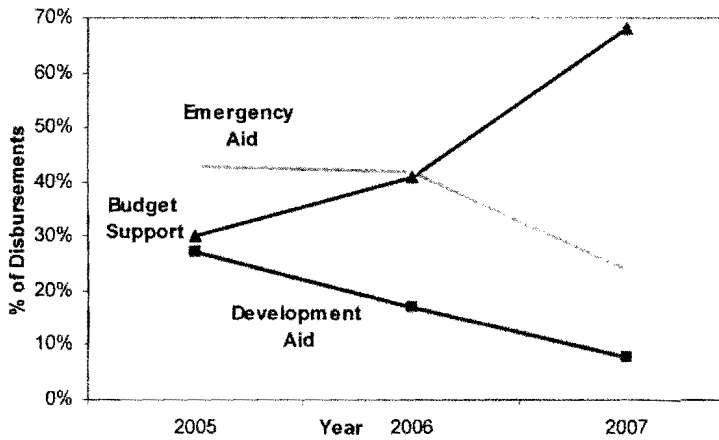


Figure 6: EU assistance to the Palestinians 2005-07⁴⁴⁰

⁴³⁹ UN Data, *GDP Annual Rate of Growth (World Bank Estimates)*.

⁴⁴⁰ Figure from the Palestinian National Authority: Ministry of Planning and Administrative Development, "International Assistance to the Palestinian People (2005-2007)."

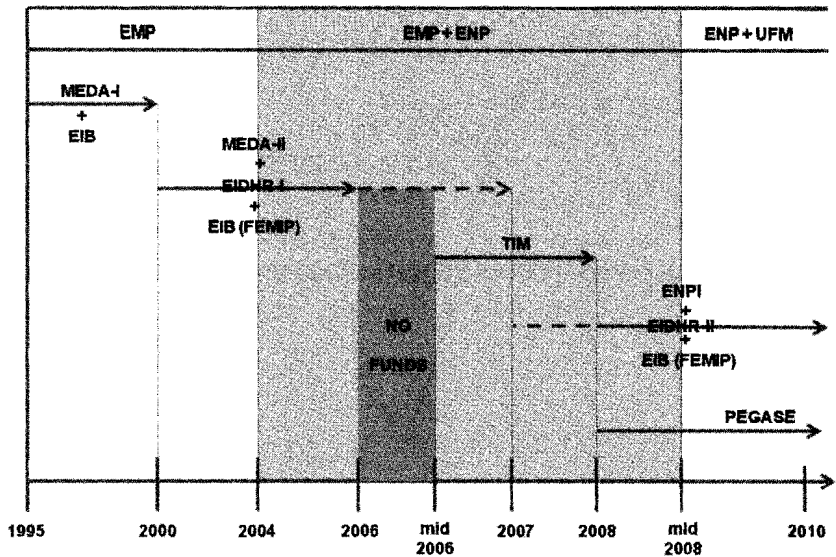


Figure 7: EU financial instruments to the OPT from 1995 to 2010⁴⁴¹

The following section examines three of the ENP economic dimension's parameters - aid, development and infrastructures; fiscal policy reform; and trade, taxation and investments management - whereby examples for each parameter are given to highlight the change in EU economic policy in the OPT since Hamas won the election in 2006.

a. Economic aid, development and infrastructure

From 2004 to 2006, the international community continued its support of the PA, but mainly through direct budget support and humanitarian assistance; the EU resumed its development aid as the Second Intifada calmed down. However, once Hamas won the PLC

⁴⁴¹ This figure does not include other EU funds for OPT/Palestinian targeted programmes: Development Cooperation Instrument, People-to-People (before 1998) and Partnership for Peace (since 1998), UNRWA (refugees, education, health, etc.), Humanitarian & Food Aid (ECHO), and ESDP missions in the OPT (EUPOL COPPS and EUBAM Rafah).

elections and formed a government in early 2006, all financial assistance was frozen. This did not last long, though, as the humanitarian situation deteriorated - causing unrest in the OPT - and the rift grew between Hamas and Fatah; the EU resumed its financial assistance to the Fatah-led PA only and to the suffering civilians in the Gaza Strip, while excluding the Hamas government.⁴⁴² In order to keep the PA alive, the EU transferred contributions in the form of direct support to the salaries and pensions of PA employees (Fatah faction) in both the West Bank and Gaza Strip - where they do not even work. The EU also gave social allowances in the form of direct checks, "to vulnerable families and payments for the fuel bill of the Gaza power plant. PEGASE transferred funds from the EU Budget as well as bilateral funds of 14 Member States. Humanitarian aid in the areas of food aid, emergency job creation, health, psycho-social support, water and sanitation and protection has continued through ECHO in parallel. The EC has also maintained its support to UNRWA through a contribution to the General Fund of €66 million and several other projects exceeding an overall contribution of €13 million in 2008. [An] additional €4.4 million were programmed in 2007-2008 for the OPT under the thematic programme: Non-State Actors and Local Authorities in Development".⁴⁴³

In the words of UN envoy de Soto, between 2006 and 2007, "Europeans have spent more money in boycotting the PA than what they previously spent in supporting it".⁴⁴⁴ Taking all contributions together (ENPI, Humanitarian Assistance and Instrument of Stability), total funding for the Palestinian people in 2008 amounted to €486 million.⁴⁴⁵ Still, the overall economic growth in the OPT in 2008 "remained below 2% GDP, well below the population growth of 3.8%, leading to a continued decrease of per-capita income".⁴⁴⁶

The OPT therefore has not seen much development for two years since Hamas won the elections. But by the end of 2007, the EU pledged its assistance to the West Bank government of Salam Fay-

⁴⁴² Daraghme, "Palestinians Not Getting Funds, Aide Says."

⁴⁴³ EUROPA: Press Releases, *European Neighbourhood Policy - Occupied Palestinian Territory*.

⁴⁴⁴ de Soto, "End of Mission Report": 31.

⁴⁴⁵ EUROPA: Press Releases, *European Neighbourhood Policy - Occupied Palestinian Territory*.

⁴⁴⁶ Ibid.

yad, in order to support the implementation of his PRDP.⁴⁴⁷ Before long, the issue of ‘energy’ was taking centre stage. The European Commission launched a pilot project on wind energy and the PA (in the West Bank) developed plans for a solar power plant in Jericho. In mid-2008, the PA, Israel and the European Commission re-launched tri-lateral energy cooperation with the aim of facilitating the joint Palestinian-Israeli “Solar for Peace” initiative and the establishment of a joint energy office. A study financed by the European Commission was undertaken to support this project, but progress was stalled as Israel launched its offensive in Gaza by the end of the year.⁴⁴⁸

b. Fiscal policy reforms: conditionality, transparency and anti-corruption

After the Second Intifada, particularly in 2003-2005, the EU focused its efforts on the Palestinian fiscal reform process as it aimed to: strengthen the financial control mechanisms; enhance the PA reporting on budget execution and public debts; develop a unified pension system covering all public employees; integrate the PA's donor-funded investment budget into the overall budget; and bring the investment budget under the direct control of the Minister of Finance.⁴⁴⁹

Notwithstanding the crisis in Gaza and the deep rift between Hamas and Fatah, the fiscal reform process in the West Bank seems to have been successful in reinforcing transparency in the PA's public finances. Indeed, it has helped to consolidate all sources of PA revenues into a single treasury account, which is closely monitored by the IMF. Moreover, the EU has ensured that the Finance Ministry is fully responsible for managing the PA's payroll, maintained a freeze on public sector hiring, and a strict ceiling for expenditures under an austerity budget. A recent IMF report states that the Palestinian Monetary Authority “has made considerable progress dur-

⁴⁴⁷ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 31.

⁴⁴⁸ EUROPA: Press Releases, *European Neighbourhood Policy – Occupied Palestinian Territory*.

⁴⁴⁹ EUROPA: European Union @ United Nations, *Commissioner Patten's Comments to Arafat Announcement on Elections and Reforms*. 16 May 2002 [cited 7 Dec. 2009]. Available from http://www.eu-un.europa.eu/articles/fr/article_1386_fr.htm.

ing 2008 in internal reform and capacity-building, including in strengthening the supervisory framework and governance".⁴⁵⁰ Nevertheless, "safeguards against corruption continue to be weak due to the lack both of an adequate legal framework and of enforcement measures. Bodies established to monitor corruption remain weak without adequate resources to fulfil their mandates".⁴⁵¹

c. Trade and taxation

Thanks to increased facilitation of trade between the EU and the OPT, and the EU's intent to better implement the Interim Association Agreement, EU-OPT trade improved during the 2004-2006 period, but remained limited due to Israel's restrictions and low cash flow.⁴⁵²

In the period 2006-2008, the OPT faced a political as well as a financial crisis. These crises were due to international sanctions imposed as a reaction to Hamas' victory, followed by Israel's suspension of US\$55 million in monthly VAT for a year and a half to the newly created Hamas-led government.⁴⁵³ This in turn led to an exasperated humanitarian crisis in the Gaza Strip, coupled with an economic slowdown in the OPT. In 2008, "Palestinian exports to the EU decreased dramatically by 49.1%, while imports from the EU increased by 37.1%".⁴⁵⁴

Why?

V

⁴⁵⁰ International Monetary Fund (IMF), "Macroeconomic and Fiscal Framework for the West Bank and Gaza: Third Review of Progress," 25 February 2009. Available from <http://www.imf.org/external/np/wbg/2009/pdf/022509.pdf>.

⁴⁵¹ European Commission, "Progress Report on the Occupied Palestinian Territory: Implementation of the European Neighbourhood Policy in 2008," 23 April 2009. Available from http://ec.europa.eu/world/enp/pdf/progress2009/sec09_519_en.pdf.

⁴⁵² Palestinian National Authority - Central Bureau of Statistics, "Palestine in Figures 2006," May 2007. Available from http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1342.pdf.

⁴⁵³ Daraghmeah, "Palestinians Not Getting Funds, Aide Says."

⁴⁵⁴ EUROPA: Press Releases, *European Neighbourhood Policy – Occupied Palestinian Territory*.

With regard to the following table it should be noted that it has been extremely challenging to obtain reliable data since there is a high level of discrepancy between figures provided in different documents issued by the EC and available in the public domain. When confronted with that situation the document most recent in date prevailed over previous documents.

Table 4: EU funds for the Mediterranean partners of the Barcelona Process

EU-committed funds (before the Second Intifada) 1995-1999 ^a	EU-committed funds (after the Second Intifada) 2000-2006 ^b	EU-committed funds (after the 2006 PLC elections) 2007-2013 ^c
MEDA-I €3.435 billion	MEDA-II €5.350 billion + €600.3 million in 2003 for additional committed funds	ENPI €12 billion
EIB €4.808 billion	EIB (FEMIP since 2002) €6.4 billion + €1 billion for transnational projects	EIB (FEMIP) €6.7 billion ^d
	EIDHR-I €106 million in 2005-06 ^d	EIDHR-II €1.104 million
		Development Cooperation Instrument €16.9 billion

^a European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Cooperation and Development: The MEDA Programme*.
^b European Commission External Relations, *European Neighbourhood Policy: Funding*.
^c European Investment Bank, *2007 FEMIP Conference: Financial Transfers from Migrants in the Euro-Mediterranean Area – a Lever for Development*.
^d EUROPA: Summaries of EU Legislation, *European Initiative for Democracy and Human Rights (EIDHR) (2000-2006)*.

The following table (Table 5) does not include other EU funds for OPT/Palestinian targeted programmes: Development Cooperation Instrument, People-to-People (before 1998) and Partnership for Peace Programme (since 1998), UNRWA (refugees, education, health, etc.), Humanitarian & Food Aid (ECHO), and ESDP missions in the OPT (EUPOL COPPS and EUBAM Rafah).

Table 5: EU funds to OPT before & after the Second Intifada and after the PLC elections

EU-committed funds for OPT (before Second Intifada) 1995-99 ^a	EU-committed funds for OPT (after the Second Intifada & before the 2006 PLC elections) 2000-06	EU-committed funds for OPT (after the 2006 PLC elections) 2007-2013
MEDA-I ~ €111 million ^b	MEDA-II €522 million ^b	ENPI €654 million ^c
EIB ~ €600 million	EIB (via FEMIP) ~ €240 million ^d	EIB (via FEMIP) €45 million ^e
	EIDHR-I €2.5 million ^f	EIDHR-II €4.4 million ^g
		TIM (mid-2006-2008) €373 million ^h
		PEGASE (since 2008) €409.2 million ⁱ

^a These figures are an approximation from the Palestinian National Authority: Ministry of Planning and Administrative Development, Directorate General of Aid Management and Coordination: EC Donor Profile. [cited 1 Dec. 2009]. Available from <http://db.mop.gov.ps/DonorSectorProfile.asp?donorid=4&datefrom=01/01/1980&dateto=31/12/2009&dyear=1980&deyear=2009&gl=0>.

^b UNISPAL (UN Information System on the Question of Palestine), European Parliament Resolution on MEDA and Financial Support to Palestine - Evaluation, Implementation and Control. 21 June 2007 [cited 1 Dec. 2009]. Available from http://unispal.un.org/UNISPAL.nsf/2ee9468747556b2d85256cf60060d2a6/7abdc950e26ea27c85257328005207_b9?OpenDocument.

^c EUROPA, *European Neighbourhood and Partnership Instrument (ENPI): Funding 2007-2013*.

^d UNISPAL (United Nations Information System on the Question of Palestine), *European Parliament Resolution on MEDA and Financial Support to Palestine – Evaluation, Implementation and Control*.

^e Money conversion from US\$ to € was done via www.xe.com, and the figures are taken from a hard copy of the Palestinian National Authority, "Interim Briefing on International Assistance to the Occupied Palestinian Territory: Prepared for Meeting of the Local Development Forum in Ramallah."

^f European Commission: European Neighbourhood Policy, "Commission Staff Working Paper: Country Report - Palestinian Authority of the West Bank and Gaza Strip."

^g European Commission: European Neighbourhood Policy - Reference Documents, "Progress Reports on Implementation of the European Neighbourhood Policy: The Occupied Palestinian Territory." 23 April 2009. Available from http://ec.europa.eu/world/enp/pdf/progress2009/sec09_519_en.pdf.

^h European Commission: External Cooperation Programmes, *Temporary International Mechanism (TIM)*. [cited 1 Dec. 2009]. Available from http://ec.europa.eu/europeaid/where/neighborhood/country-cooperation/occupied_palestinian_territory/tim/index_en.htm.

ⁱ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Overview of PEGASE: PEGASE and Donor Contributions*. [cited 1 Dec. 2009]. Available from http://www.delwbg.ec.europa.eu/en/funding/pegas_documents.htm.

3. Cultural dimension

EC funds targeting Palestinian civil society improved slightly between 2003 and 2005; nevertheless, as a percentage of total aid disbursements it steadily declined between 2005 and 2007 (e.g. 2005: 7%, 2006: 5%, 2007: 2%). After the Hamas electoral victory, the EU completely halted its financial support and half a year later switched its focus to the Fatah-led PA government budget support and emergency assistance, neglecting development aid which covers civil society and cultural projects. A shrinking budget, in conjunction with logistical difficulties due to Israel's imposed restrictions on movement, led to the failure in reaching tangible and sustainable results in this domain.⁴⁵⁵

Notwithstanding the EU's neglect of the cultural basket in the OPT, there is a rising awareness among European politicians of the need to nurture a healthy Palestinian, among other partner's, civil society for the sake of sustainable peace-building. Thus, culture and dialogue between cultures have enjoyed an increasing importance in the Euro-Mediterranean partnership in recent years – a fact underscored by the many joint actions and cooperation programmes that have been implemented: the creation of the Anna Lindh Foundation, EuroMed Audiovisual, EuroMed Heritage, the Regional Information and Communication programmes and the EuroMed Youth Programme. But still more needs to be done and the EU knows this. Hence, the meeting of the Ministers of Foreign Affairs in Lisbon (November 2007) agreed on a Euro-Mediterranean partnership work plan, including the organisation of the third EuroMed Conference of Ministers of Culture in Athens, which took place from 29-30 May 2008.⁴⁵⁶

The Conference in Athens took place during the '2008 European Year of Intercultural Dialogue' and in the specific context of the '2008 Euro-Mediterranean Year of Dialogue Between Cultures'. Building on previous meetings (Bologna 1996 and Rhodes 1998), and the meeting of the Euro-Mediterranean Ministers of Foreign Affairs (Crete 2003) devoted to the dialogue between cultures, the

⁴⁵⁵ Palestinian National Authority: Ministry of Planning and Administrative Development, "International Assistance to the Palestinian People (2005-2007)."

⁴⁵⁶ European Commission External Relations: Euromed - Social, *A Euro-Mediterranean Cultural Strategy*.

conference offered a good opportunity to exchange views on the cultural dimension of the partnership and, in particular, on the importance of dialogue between cultures. "The Ministers agreed on a set of conclusions, from which the main objective is to mark the starting point of a fully-fledged *Euro-Mediterranean Cultural Strategy*, encompassing cooperation in both dialogue between cultures and cultural policy". An ad hoc working group at the expert level was created to draw up this Euro-Mediterranean Cultural Strategy as well as tangible proposals to be endorsed by the next meeting of the Ministers of Culture, which is expected to be held at the beginning of 2010.⁴⁵⁷ It is hoped that this Cultural Strategy will bring some concrete projects to invigorate the Palestinian civil society and reach some critical mass – a factor that has been missing.⁴⁵⁸

In what comes next three of the ENP cultural dimension's parameters (i.e. supporting civil society and the media; empowering women and youth; and fostering peace education and cultural exchanges) will be looked at. Examples for each parameter will be provided to demonstrate not only the change in EU policy towards the OPT since Hamas won the 2006 elections, but also the continuous lack of EU effectiveness in how to involve and transform the societal level and the psychological structure of the OPT.

a. Supporting civil society and the media

The period 2004-2005 saw an increase in EU's awareness of the need for intercultural programmes to foster dialogue and understanding between Palestinians, Israelis and Europeans. Different activities involving Palestinian civil society and media were introduced.

Though the events at the beginning of 2006 put a strain on the actors' movement and communication, most programmes continued (facing logistical restrictions), while others were newly created. For example, the Partnership for Peace programme expanded its activities and broadened its scope,⁴⁵⁹ and media competitions were organized where Palestinian journalists could participate for the first time.

⁴⁵⁷ Ibid.

⁴⁵⁸ Badioli, Zemach and Said, "EU Partnership for Peace Programme: Evaluation and Future Challenges (Summary of the Evaluation Conclusions)."

⁴⁵⁹ Ibid.

For example, since 2006 the competition for the Samir Kassir Awards for Freedom of the Press is being organised by the Delegation of the European Commission in Lebanon in collaboration with the Samir Kassir Foundation.

These awards are dedicated to the assassinated journalist and writer Samir Kassir (of a Palestinian father and a Syrian mother) with the objective of perpetuating his commitment to the rule of law. They are open to journalists from all MEDA countries and include prize monies between €10,000-15.000.⁴⁶⁰ Another media award was established in 2007 to utilize the reporting for Promoting and Spreading of Children's Rights. The EC covers 80% of its financing, which could amount to €187.000.⁴⁶¹

b. Empowering women and youth

Dr. Zahira Kamal, Director of the Palestinian Women's Research and Documentation Centre at UNESCO, recently presented an overview of the current numbers of women in decision-making positions globally, but with a specific focus on the EuroMed region – including the Palestinian society. “Women currently account for 17.7% of members of national parliaments globally. According to data from 2007, the Arab region has the lowest average representation of women in both the upper and the lower houses at under 10%. The percentage of women parliamentarians is highest in Tunis and Iraq with figures of 20% and 25% respectively. The lowest numbers are in Lebanon, where only 4.7% of parliamentarians are female”.⁴⁶²

The social situation for Palestinian women remains difficult, more so than the situation for Palestinian men. For the same period and age group, women suffer a higher illiteracy rate than men (9.6%

⁴⁶⁰ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Samir Kassir Awards for Freedom of the Press 2007*. [cited 3 Dec. 2009]. Available from <http://www.delwbg.ec.europa.eu/en/whatsnew/samir2007.htm>.

⁴⁶¹ European Commission Technical Assistance Office for the West Bank and Gaza Strip, *Grant Contracts Awarded During November -December 2008*. [cited 2 Dec. 2009]. Available from http://www.delwbg.ec.europa.eu/en/funding/e11_publication_en%20_2_.pdf.

⁴⁶² EUROMED, "Participation of Women in Political Life in the Euro-Mediterranean Partnership," 12 June 2008. Available from http://ec.europa.eu/external_relations/euromed/women/docs/women_report_06008_en.pdf.

versus 2.7%),⁴⁶³ higher unemployment rates compared to men with same credentials (only 14.7% of women were in employment, compared to 52% of men),⁴⁶⁴ and more exposure to domestic violence than men (almost a quarter of married women in the OPT have been exposed at least one episode of physical violence at the hands of their husbands, compared to 4.2% of Palestinian men being physically assaulted by their wives for that same period).⁴⁶⁵

Nonetheless, in 2005, “an unprecedented number of women have stepped forward onto the political scene following the [Palestinian] parliament’s introduction in 2004 of a long-awaited quota system”, which guaranteed them a greater level of participation in political life at both local and parliamentary levels.⁴⁶⁶ That same year, two female Palestinian ambassadors were appointed to serve in France and at the European Commission.⁴⁶⁷ Moreover, the 2005 PA Action Plan addressed women’s rights and promoted equal treatment and opportunities for Palestinian women.⁴⁶⁸

Many women have run in municipal elections during 2004-2005, the first municipal elections held in 28 years. In the first round, which took place in the West Bank, a record 139 women took part in the ballot and won an impressive 50 of the 306 seats competed for in local councils – nearly 17% of the total. Similar results have been recorded in subsequent rounds.⁴⁶⁹

⁴⁶³ Palestinian National Authority - Central Bureau of Statistics, "A Press Release Issued by the Palestinian Central Bureau of Statistics on the Occasion of the International Woman Day."

⁴⁶⁴ United Nations: Economic and Social Council, *Report of the Secretary-General: Situation of and Assistance to Palestinian Women*.

⁴⁶⁵ Palestinian National Authority - Central Bureau of Statistics, *Statistics of Population and Social: Gender Domestic Violence Survey*.

⁴⁶⁶ International Institute for Democracy and Electoral Assistance (IDEA), "Quota Report Series: The Arab Quota Report - Selected Case Studies," December 2004. Available from http://www.quotaproject.org/publications/Arab_Quota_Report.pdf.

⁴⁶⁷ MIFTAH, Ashrawi First Woman in PLO Executive Committee. 29 August 2009 [4 Nov. 2009]. Available from <http://miftah.org/Display.cfm?DocId=20425&CategoryId=10>.

⁴⁶⁸ EUROPA: European Neighbourhood Policy, "EU/ Palestinian Authority Action Plan."

⁴⁶⁹ Quota Database, *Global Database of Quotas for Women: Occupied Palestinian Territory*. [28 Dec. 2009]. Available from <http://www.quotaproject.org/displayCountry.cfm?CountryCode=PS>.

By the end of 2005, “women represent just over 47% of the 1.34 million registered voters” of the PLC elections in the OPT. Thus, their votes and entry into politics will definitely have an impact on the broader political picture as an elevated number of women, many of them Islamists, were expected to compete in the parliamentary elections of 2006.⁴⁷⁰

Thanks to the quota system in the 2006 PLC elections, numerous women - including the wives and widows of notable political figures - took up seats in the Palestinian parliament: the number of female deputies increased from its previous five (1996 elections) to 17 out of the 132 parliamentary seats.⁴⁷¹ However, after the detention of more than half of the parliamentarians (mostly Hamas members) in Israeli jails, the PLC stopped its legislative activity, so it remains unclear what legislative role women (could) have actually played, if any, in their short-lived term in power.

At the First Ministerial Conference on Strengthening the Role of Women in Society, held in Istanbul on 14 November 2006 under the Finnish EU Presidency, Ministers adopted a five-year framework for action “to strengthen women’s role in political, civil, social, economic and cultural spheres”, as well as to fight against discrimination and violence. The Second Ministerial Conference was held three years later in Marrakesh in November 2009 under the Swedish EU Presidency, reiterated the previous commitment to strengthening the role of women in society, and decided to hold a Third Conference in 2012.⁴⁷²

For the first time in PLO history, the Palestinian National Council elected a woman, Hanan Ashrawi, to the Executive Committee on 27 August 2009. Ashrawi, a Christian PLC member from the Third-Way party and a former PA Minister of Higher Education, was elected into the PLO’s highest decision-making body shortly after Fatah’s 20-year long-awaited, 6th Convention and party elections

⁴⁷⁰ BBC News, “Q&A: Palestinian Elections,” 25 January 2006. Available from <http://news.bbc.co.uk/2/hi/4549650.stm>.

⁴⁷¹ Quota Database, *Global Database of Quotas for Women: Occupied Palestinian Territory*.

⁴⁷² European Commission External Relations, *Euromed and Women*. [15 Dec. 2009]. Available from http://ec.europa.eu/external_relations/euromed/women/index_en.htm.

took place in Bethlehem in August 2009. “The era of done deals that exclude women is over,” said Ashrawi, who won 182 votes.⁴⁷³

Between 2004 and 2006, the European Commission was involved with Palestinian youth through the EuroMed Youth II programme. The upgraded EuroMed III Programme was launched in 2006 with a focus on “mobility, non-formal education and intercultural learning.” It covers some new criteria, including: “Euro-Med Youth Exchanges; Euro-Med Youth Voluntary Service; [and] Euro-Med Youth Support Measures (Job-shadowing, Contact Making Seminars, Study Visits, Training Courses and Workshops)”.⁴⁷⁴ Its geographical scope comprises 37 countries: 27 EU member states and 10 of the Mediterranean signatories of the Barcelona Declaration (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia, and Turkey). The “novelty of this phase is the decentralised implementation of the programme”, aiming to bring the action “as close as possible to the beneficiaries and to adapt it to the diversity of national systems and situations in the field of youth... Applicants (project leaders) from the Mediterranean partners apply directly for grants to their own national youth authorities, now responsible through the Euro-Med Youth Unit for grant awarding and the overall management of the programme”.⁴⁷⁵

c. Fostering peace education and cultural exchanges

Peace education and cultural exchanges, particularly between Palestinians and Israelis, have been hampered by the events following the PLC 2006 elections, the deepening rift between Hamas and Fatah, and the Israeli-imposed restrictions on movement since the Second Intifada.

Nevertheless, the first Euro-Mediterranean University (EMUNI) was established in Piran (Slovenia) during the Slovenian EU Presidency – representing one of the six priority projects of the UfM, which were confirmed within the Common Declaration, adopted in Paris

⁴⁷³ MIFTAH, *Ashrawi First Woman in PLO Executive Committee*.

⁴⁷⁴ EUROMED: Youth Programme, *About Euromed Youth III Programme*.

⁴⁷⁵ *Ibid.*

on 13 July 2008.⁴⁷⁶ The General Assembly of EMUNI includes members from Palestinian Universities in the West Bank and Gaza Strip. “2008 also saw the first meeting of the expert’s level Ad Hoc Working Group which was created to guide the implementation of the conclusions of the First Education Ministerial Conference held in Cairo in 2007”.⁴⁷⁷

Migration dimension

This is the newest chapter (or basket) added to the Euro-Mediterranean relations, which was announced during the 10th Anniversary ceremony of the Barcelona Process on 28 November 2005. It came in response to the escalation in terrorist attacks within Europe, particularly in Madrid (March 2004) and London (July 2005).⁴⁷⁸

The Five-Year Work Programme of the Barcelona Summit (2005-10) called for enhanced cooperation in the fields of migration, social integration, justice and security through a comprehensive and integrated approach with the following six stated objectives:⁴⁷⁹

- a) Promoting legal migration opportunities;
- b) Reducing significantly the level of illegal migration;
- c) Pursuing the modernisation and efficiency of the administration of justice;
- d) Reinforcing judicial cooperation (including cross border issues);
- e) Facilitating solutions to mixed marriage disputes and women and children trafficking;
- f) Implementing the relevant UN conventions on combating organised crime and drugs.

⁴⁷⁶ The Euro-Mediterranean University, *EMUNI University*. [cited 12 Dec. 2009]. Available from <http://www.emuni.si/en/strani/29/EMUNI-University.html>.

⁴⁷⁷ European Commission External Relations: Euromed - Social, *Euro-Mediterranean Social, Cultural and Human Partnership*.

⁴⁷⁸ EUROPA: Summaries of EU Legislation, *The External Dimension of the Area of Freedom, Security and Justice*.

⁴⁷⁹ EUROMED, *Five-Year Work Programme*. [cited 10 Dec. 2009]. Available from http://www.euromedi.org/page/1042/1042_EUROMEDWorkProgrFINAL28NOV.pdf

In order to contribute to these objectives, it was decided to:⁴⁸⁰

- a) Hold ministerial meetings to discuss all issues pertinent to migration;
- b) Develop mechanisms for practical cooperation and sharing experiences;
- c) Promote schemes for safer and easier channels for the efficient transfer of migrants;
- d) Enhance cooperation to fight illegal migration, organised crime and arms smuggling.

The European Council agreed in December 2005 on a new “Global Approach to Migration” and that priority actions should focus on Africa and the Mediterranean for 2006. Cooperation in the field of justice, security and migration was at the top of the agenda of the ENP. For instance, the European Commission’s communication on ‘strengthening the ENP’ in December 2006 identified the following “action points” concerning mobility and migration:

- a) facilitating visas, removing obstacles to legitimate travel (e.g. for business, education, tourism, and official purposes); and
- b) ensuring well-managed mobility and migration, and cooperating in fighting illegal immigration.⁴⁸¹

In fact, concerning immigration the EU has a “broad range of instruments at its disposal for tailoring its external cooperation to the situation of each country.” In the case of the Mediterranean countries in general, and the OPT in particular, these include Action Plans.⁴⁸²

Under the Portuguese EU Presidency, the First Euro-Mediterranean Ministerial Meeting on Migration was held in Albufeira (Algarve) on 19 November 2007. During this meeting, where facilitating legal movement was considered one of the key elements of the coopera-

⁴⁸⁰ Ibid.

⁴⁸¹ European Commission, “Commission Communication on Strengthening the European Neighbourhood Policy,” 4 December 2006. Available from http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf.

⁴⁸² EUROPA: Summaries of EU Legislation, The External Dimension of the Area of Freedom, Security and Justice.

tion, political and operational conclusions were approved.⁴⁸³ In its December 2007 communication on 'a stronger ENP', the European Commission noted that "the promotion of mobility will go hand in hand with the commitment of our partners to increase security and justice and fight illegal migration, with efforts to strengthen our neighbours' capacity to deal with migratory flows to their countries, and with the security of documents".⁴⁸⁴ It must be stressed that this issue is also one of the priority areas of the ENP Regional Indicative Programme 2007-2013, which identifies a number of concrete projects and programmes.⁴⁸⁵

According to Eurostat statistics of 2008, it seems Palestinian migration to the EU is one of the smallest of the Mediterranean partners, reaching a low total of 1,477 (compared to Turkish 2,395,265 and Moroccan 1,718,738) – next only to Jordanian migration (17,217). Among EU member states, the most common migration destination of Palestinians is France (595), followed by Italy (316), then Belgium (267), and the Czech Republic (104).⁴⁸⁶ There has been a recorded increase in migration from the south Mediterranean partners to the EU after 2000. In 1999, the percentage of total south Mediterranean partners' migration to the EU was 1.9%, which increased to 8.4% in 2000 and further to 17% in 2001. However, it is not clear if this is related to the outbreak of the Second Intifada in 2000 or not, or whether these immigrants are from the OPT or other partner countries (see Figure 8).⁴⁸⁷

⁴⁸³ EUROMED, "Ministerial Conclusions of the First Euro-Mediterranean Ministerial Meeting on Migration," 19 November 2007. Available from <http://www.eu2007.pt/NR/rdonlyres/8D86D66E-B37A-457E-9E4A-2D7AFF2643D9/0/20071119AGREEDCONCLUSIONSEuromed.pdf>.

⁴⁸⁴ European Commission, "Communication from the Commission: A Strong European Neighbourhood Policy," 5 December 2007. Available from http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf.

⁴⁸⁵ EUROPA, *ENPI Regional Strategy Paper (2007-2013) and Regional Indicative Programme (2007-2010) for the Euro-Mediterranean Partnership*. [cited 6 Dec. 2009]. Available from http://ec.europa.eu/world/enp/pdf/country/enpi_euromed_rsp_en.pdf.

⁴⁸⁶ MEDEA (European Institute for Research on Mediterranean and Euro-Arab Cooperation), *Immigration in the EU Mediterranean: Citizens of Third Mediterranean Countries, Present in the Countries of the European Union*. 1 January 2008 [cited 10 Dec. 2009]. Available from <http://www.medeainstitute.org/index.html?doc=280>.

⁴⁸⁷ European Commission, "Communication from the Commission: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours," 23-25.

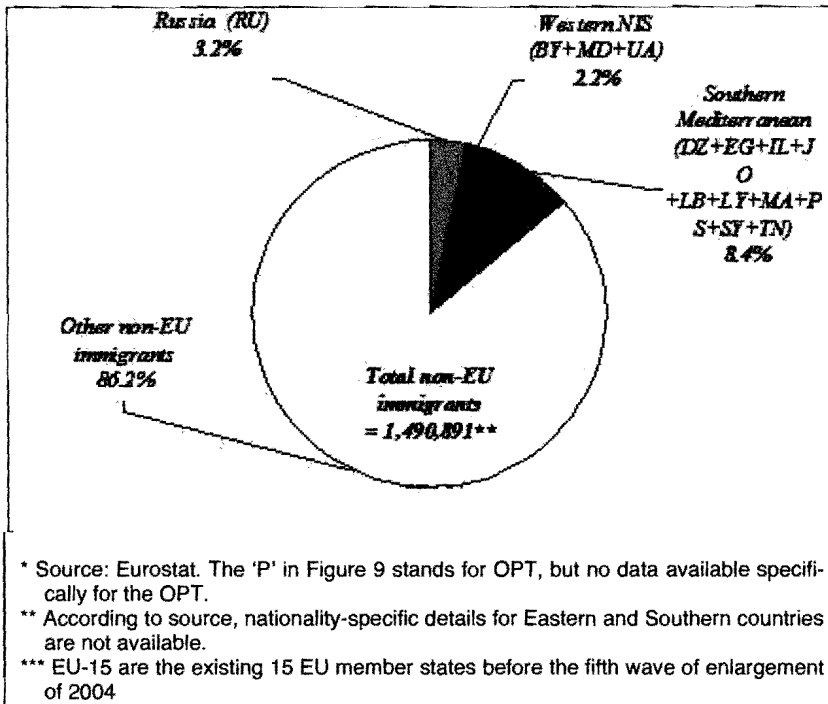


Figure 8: Immigration of south Mediterranean countries to the EU-15⁴⁸⁸

⁴⁸⁸ Figure from the European Commission, "Communication from the Commission: Wider Europe - Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours."

OVERVIEW OF THE EUROMED MIGRATION POLICY BUDGET:

The EuroMed Migration-I (2004-2007), with a €2 million budget, "aimed to promote analysis and cooperation on questions linked to migration, and the social integration of immigrants. The project developed four research programmes: migration, transfers and development; transit migration; border management; and Diaspora and countries of origin. A database with information on migratory flows in the Mediterranean region has been created and studies were conducted on different areas, such as the Annual Report on Mediterranean Migration".⁴⁸⁹

The new EuroMed Migration-II (2008-2011), with €5 million, "aims to strengthen the EuroMed cooperation in the management of migration, so as to build up the Mediterranean Partners' capacity to provide an effective, targeted and comprehensive solution for the various forms of migration". Four working groups involved in the management of migration were set up: Legislative Convergence and Institutional Reform; Labour Migration; Institutional Response and National Strategies to Combat Illegal Immigration; and Migration and Remittances by Migrants to their Countries of Origin.⁴⁹⁰

The ENP has stressed the following three parameters concerning immigrants from Mediterranean partners (including the OPT):

- a. Combating terrorism, anti-proliferation of weapons of mass destruction, and arms control;
- b. Fighting organised crime: human and drug trafficking, and illegal migration;
- c. Providing social justice and integration measures for immigrants.

Still, it remains unclear how the EU implements its migration policies in the OPT with the help of the PA since the OPT is under occupation and lacking control of its own borders. Nevertheless, the EU police and rule of law missions in the West Bank might help implement some aspects of the EU migration parameters – especially those involving anti-terrorism measures, criminal justice apparatus and the judiciary.

⁴⁸⁹ Lannon and Martín, "Euromed Survey - of Experts and Actors on the Euro-Mediterranean Partnership: Report on the Status and Progress of the Euro-Mediterranean Partnership": 33.

⁴⁹⁰ Ibid.: 34.

Analysis and conclusion:

It might be too early to assess the ENP in some Mediterranean countries, because the structural changes it promotes are only observable over the long-term, but particularly in the Palestinian case one can say with more confidence that this policy was a failure. Though some analysts might praise the EU on finally reaching a unified political position (e.g. by boycotting the Hamas-led government and using economic sanctions against it),⁴⁹¹ this EU rare moment of foreign policy coherence came at a high price for the ordinary Palestinians and for the EU's image as an honest actor externally. It also should be stressed that the European Parliament and Council do not seem to be in agreement on EU's policies towards Hamas. For example, the European Parliament is concerned about the European tax payers' money that went into observing PLC elections in 2006, the results of which did not really matter to the Council. But since foreign and security affairs remain a highly intergovernmental domain, the final decision is still decided at the Council's level.

More than the EMP, the ENP in the OPT was a drastic failure for the EU, because it did not manage to reach any of the goals it set out to achieve. To the contrary, EU policies since the Second Intifada (2000) and especially after Hamas' election victory (2006) have done more damage than good. At times these policies have reversed previously established reforms in view of political aims, facilitated the occupation for Israel since it relieved the latter from paying for it, undermined the EU's credibility, and shook Palestinian trust in the EU as an honest democracy promoter or peace broker.

The ENP particularly failed in achieving three of the EU's main objectives:

- 1) To influence and change structures in the OPT (political, security, legal, socio-economic, cultural, psychological, etc);
- 2) To foster regional cooperation that would not only help in solving the Palestinian-Israeli conflict, but also boost the state of development in the region;

⁴⁹¹ Gianniou, "The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?": 19.

- 3) To transfer Europe's successful experience, after World War II, into other environments riddled with perpetual wars like the Middle East.

The short-fall of the ENP in the OPT can, of course, be explained by a combination of exogenous as well as endogenous factors. Starting with the external ones:

- The ENP's overall balance sheet is still mixed. "In fact, the ENP still suffers from the original 'deal' made with the EU member states to include such diverse areas as Eastern Europe, the South Caucasus, the Middle East, and North Africa in the same policy basket. As a result, the individual Action Plans are hardly comparable with one another, thus rendering peer pressure and best practice virtually pointless and bringing into question the usefulness of having a single policy framework at all".⁴⁹²
- The EU did not revise its policies for the ENP; it merely poured "old wine into new bottles." Thus, it provided new instruments to assert the same policies, instead of rethinking its entire strategy towards the Mediterranean in general and the Palestinians in particular. For instance, the same three baskets were inherited from the EMP, adding only the migration and anti-terrorism strategy. The latter was not a pioneering idea insofar as it was a reactive policy mirroring the EU's fears of terrorism on its soil - reflecting sadly a more self-interested agenda than an innovative one.
- Mistakenly the EU also thought it can succeed in its development mission in the Mediterranean without working simultaneously on the peace-building track in the Middle East, and without pressuring authoritarian regimes for tangible reforms at the risk of inducing some regional instability. This 'frozen' conflict remains a major challenge for EuroMed relations and an obstacle for reform and democratisation; yet, the EU still lacks the political will and/or the instruments needed to provide hard-security guarantees in the region. Moreover, the EU continues to

⁴⁹² Rosa Balfour and Antonio Missiroli, "EPC Issue Paper No.54: Reassessing the European Neighbourhood Policy," European Policy Centre, June 2007. Available from http://www.epc.eu/TEWN/pdf/963724382_EPC%20Issue%20Paper%2054%20-%20Reassessing%20the%20ENP.pdf.

suffer from a “legitimacy deficit”, which undermines its role as an even-handed peace broker acceptable to all sides.⁴⁹³

- The fact that EU election observation missions were present during the 2006 PLC elections and approved of the process, coupled with the fact that the EU did not state its three conditions for accepting Hamas prior to its victory, demonstrate how the EU did not expect Hamas to win. This shows how little the EU paid attention to the needs and psychology of the Palestinians at the societal level. Palestinians, despite all odds, decided to chose Hamas’ radicalism and social programmes over Fatah’s inefficiency and corruption. This helps to highlight the perception gap which existed, and continues to exist, between what the EU thinks Palestinians want and need and what Palestinians think is good for them.
- By working with the EU the Palestinians expected that their socio-economic situation would eventually improve and they would reach final status negotiations by the end of the 20th Century. Quite the opposite was the case, as there was a dramatic deterioration of human security in the OPT since the 2000 Intifada. In order to fill the vacuum left by the PA and the international community, Palestinians turned to the only movement available (Hamas), which they perceived legitimate since it provided them with the social services they so desperately needed, despite its radical Islamic ideology.
- The EU did not maximize the use of its new financial instruments in the OPT (e.g. ENPI, EIDHR, Development Cooperation Instrument, etc.), because development assistance was not the EU’s priority since the 2000 Intifada or once Hamas won in 2006 – let alone economic and territorial integration with its neighbour. But as the economic embargo imposed on the Hamas-led PA continued, the socio-economic and humanitarian situation of the Palestinians worsened. Hence, the EU switched from its previous method of balancing development assistance, budget support and humanitarian aid, to focusing more on emergency aid and budget support. This came, though, at the expense of development, de-

⁴⁹³ Guy Harpaz, "Normative Power Europe and the Problem of a Legitimacy Deficit: An Israeli Perspective," *European Foreign Affairs Review* 12, no. 1 (2007).

mocratisation and peace-building projects. In doing so, the EU lost its main leverage on the OPT: the promise of real economic support in return for regime co-operation to promote political and social reforms (such as the organisation of free elections, independent media, respect for the rights of ethnic minorities, etc.).

- Worse, “the EU watched silently as the previously implemented institutional reforms aimed at increasing financial and political transparency, accountability, and good governance – introduced by the PA in 2002-2004 under pressure from local reform forces and conditions imposed by the EU for direct budget support to the PA – were reversed after the 2006 elections to re-establish the superiority of the office of the president (Fatah’s Mahmoud Abbas) over that of the Prime Minister (Hamas’ Ismail Haniyeh)”.⁴⁹⁴ After the start of the Second Intifada (2000) the EU worked hard to curtail the unchecked power of former PA President Arafat by strengthening the office of the Prime Minister, “streamlining all revenues to a single account overseen by the Ministry of Finance with parliamentary oversight of the budget, and unifying the security services under the control of the Ministry of Interior”.⁴⁹⁵ In contrast, since Hamas took over the Gaza Strip in June 2007, the EU has pursued a policy which strengthened President Abbas over the Prime Minister through direct co-operation and financial aid – indeed deforming instead of reforming the Palestinian institutions. In doing so, the EU rolled back earlier reforms, allowing Abbas to rule by presidential decree and accepting the legitimacy of the Fatah acting Prime Minister, although he and his cabinet were not elected. “In the end, European policies aimed at supporting Abbas have undermined the rule of law, contributed to a further devaluation of democratic process, and increased the rift between the two Palestinian adversaries”.⁴⁹⁶ Ultimately, under the EU’s watch and approval we are left today with two “illegitimate governments” ruling in the West Bank and the Gaza Strip, “both trying to assert and strengthen their hold on power in an authoritarian fashion”.⁴⁹⁷

⁴⁹⁴ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 38.

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

⁴⁹⁷ *Ibid.*

- One of the primary victims of the EU's policy in the OPT is the Palestinian civil society. Pasqualina Napoletano, Vice-President of the Party of European Socialists Group in the European Parliament, emphasises in her speech the importance of a healthy civil society in the process of transformation to a viable democratic society. Similarly, Véronique Arnault, Director for Multi-lateral Relations and Human Rights at the European Commission, stresses that the ENP's top priority is to promote human rights and democracy. In her words, "the EU is not a top-down organisation to impose democracy"; and, "civil society is the bedrock of democracy and should be supported". Kamel Jendoubi, President of the Euro-Mediterranean Human Rights Network, argues that for the EU to act as a vehicle for democratic transformation, civil societies also have to raise pressure and demand reforms from their own governments. However, in his view, Europe is not interested in helping civil societies in difficult conditions in the south, because it fears political instabilities in the region; whereas the rising anti-terrorism fears in Europe are helping the dictatorial regimes remain in place.⁴⁹⁸

Among the internal reasons for the short-fall of the ENP in the OPT are the following:

- The problem of the ENP is that it wrongly assumes acceptance of 'Western' types of structures being injected into host societies.⁴⁹⁹ As Keukeleire and Schunz correctly posit:

Even if endogenous support for structural change exists among the political and economic elites of some of these ENP countries, this support is not the case for all partners. Also, in the handful of countries with a (moderately) reformist leadership, endogenous public support for modernization, liberalization and 'Western' reforms appears to be fading among some sections of society, with support for the competing Islamic – or Russian, in the case of the CIS countries – structures increasing. A problem for the sustainability and legitimacy of the EU's ENP strategy is

⁴⁹⁸ Socialist Group in the European Parliament, "Conference on Human Rights and Democracy in the European Neighbourhood: Same Aims, Different Environments," Brussels, 15 October 2008.

⁴⁹⁹ Federica Bicchì, "Our Size Fits All: Normative Power Europe and the Mediterranean," *Journal of European Public Policy* 13, no. 2 (2006).

that the EU has once again failed to pay sufficient attention to the immaterial dimension, to the societal and human security dimension, and to the interests of its partners.⁵⁰⁰

- In addition, the ENP was perceived positively by those endogenous actors who appreciated or benefited from the three baskets of partnership offered in it (i.e. political, economic and cultural); but negatively by those who perceived the comprehensive approach and conditionality attached as an impediment to progress – preferring instead to implement change gradually, starting with the economy and hoping for a gradual spill-over effect to other areas (as was the case in the EU itself).

Due to the ENP failure the EU proposed a new project-based approach under the framework of the UfM, in order to overcome the deadlock of conditionality and kick-start Euro-Mediterranean cooperation. This approach, which is supposed to add more flexibility to enhance collaboration between north and south, will be discussed next.

What did
Barroso do in
EU Presidency?

⁵⁰⁰ Stephan Keukeleire and Simon Schunz, "Foreign Policy, Globalization and Global Governance - the European Union's Structural Foreign Policy," Paper presented at the ECPR Standing Group on the European Union: Fourth Pan-European Conference on EU Politics, Riga, 25-27 September 2008: 24. Available from <http://www.jhubc.it/ecpr-riga/virtualpaperroom/102.pdf>.

C. Union for the Mediterranean (mid-2008-2010)

“If we are all gathered here, it is because we all believe that the European dream and the Mediterranean dream are inextricably linked, that they will come true together or they will be broken together”.

Extract from President Sarkozy’s speech at the Union for the Mediterranean Summit.⁵⁰¹

Trying to avoid the deadlock and inflexibility imposed by the conditionality associated with the ENP and in an attempt to revive the MEPP through a European initiative, the second half of 2008 marked the beginning of a new phase for the multilateral EMP track – not replacing but building upon it, while keeping the bilateral ENP framework in place for those interested in joining in. Under the auspices of the six-month French Presidency of the EU, President Nicolas Sarkozy initiated the Barcelona Process: Union for the Mediterranean (BP: UfM) on 13 July 2008 – previously known as the Mediterranean Union – in an effort to revive the Barcelona Process. This new community has its joint secretariat headquarters in Barcelona and includes 43 members: *all* 27 EU countries and 16 *Mediterranean* partners plus an observer. These include Arab League members: Algeria, Egypt, Lebanon, Morocco, Syria, Tunisia, OPT, Mauritania (not Mediterranean but member of the Arab Maghreb Union), Jordan (not Mediterranean) and Libya (only an observer); EU (potential) candidate countries: Albania, Bosnia & Herzegovina, Montenegro, Croatia and Turkey; and others: Israel and Monaco. (See Table 1).

The concept was originally presented during Sarkozy’s election campaign, which he started implementing once he assumed office on 16 May 2007 – hoping it would be enforced during France’s EU Presidency a year later. Sarkozy first sent an invitation to all Mediterranean leaders, calling them for a summit to take place in June 2008 where they would lay the foundations of a Mediterranean Union. The idea of a Mediterranean Union was proposed at the time as an alternative to Turkey’s EU membership, whereby Turkey would be the backbone of the newly created Mediterranean Union.

⁵⁰¹ Gulf News, *Full Text of Sarkozy’s Speech at Paris Summit*. 14 July 2008 [cited 18 Nov. 2009]. Available from <http://gulfnews.com/news/region/palestinian-territories/full-text-of-sarkozy-s-speech-at-paris-summit-1.118141>.

This Union would include the EU member states bordering the Mediterranean Sea⁵⁰² and the Mediterranean partners, while non-Mediterranean EU member states would be granted observer status (see Table 1). However, this plan was fiercely rejected by both Germany and Turkey. The former felt it would be excluded (as a non-Mediterranean country) and refused to finance Mediterranean Union projects on which it had no influence, while the latter rejected the idea to be part of any group that would undermine its EU membership aspirations. Other EU states also rejected Sarkozy's proposal, either seeing it as a means to push for France's interests in the region, worrying that it might create a division between existing EU member states, or duplicate efforts that would be detrimental to the existing EMP policies in the area.⁵⁰³

Left with no choice and dreading to lose completely his "Mediterranean dream" – a vision of a "Club Med" that would project his legacy – at the start of 2008 Sarkozy decided to respond to the criticism and modify his original plan by including *all* EU states and giving Turkey guarantees that its involvement would not affect its EU accession negotiations (which had begun in 2005). Once German Chancellor Angela Merkel was promised a seat at the table and Ankara got its assurances of EU membership prospects, they declared ready to take part in the planned Mediterranean Union. But by February 2008, the Mediterranean Union was renamed to its current full name, the BP: UfM, reflecting the Barcelona Process and clearly indicating the continuity between the old and the new initiative.⁵⁰⁴

⁵⁰² The concept 'Mediterranean state' proved controversial on its own as no clear definition was given on which states are considered Mediterranean and which not. For instance: 1) Malta was irate when Sarkozy forgot to include it in his Mediterranean Union project during his election campaign, 2) the UK claims that it is also Mediterranean because of its overseas peninsula (Gibraltar) on the Mediterranean Sea, 3) Portugal, which is not directly on that Sea was also invited to be part of the "Club Med", 4) then there are Slovenia (EU), Albania, Croatia and Bosnia-Herzegovina that are more on the Adriatic Sea, 5) similarly, Jordan and Mauritania are included because they are part of the EMP (Mashriq and Maghreb policy) since these two are actually not on the Mediterranean Sea.

⁵⁰³ Renata Goldirova, "France Muddies Waters with 'Mediterranean Union' Idea," *EUobserver*, 25 October 2007. Available from <http://euobserver.com/9/25043>.

⁵⁰⁴ Elitsa Vucheva, "France Says It Has No Preferred EU President Candidate: A Union for the Mediterranean, Not a Mediterranean Union," *EUobserver*, 27 February 2009. Available from <http://euobserver.com/9/25733/?rk=1>.

The EMP was formally re-launched as the UfM on 13 July 2008 in Paris. The summit was co-chaired by France and Egypt. Among those present were all EU and Mediterranean members as well as the President of the EU Commission (Barroso), the Secretary General of the Council of the EU/High Representative for the CFSP (Solana), the UN Secretary General (Ban Ki-moon) and the Secretary General of the League of Arab States (Amr Moussa).⁵⁰⁵ The meeting was a diplomatic success for France and “more than anything, a victory for Sarkozy... even if the result is quite a bit different than the Mediterranean Union the French president had envisioned”, he still succeeded in gathering Ehud Olmert, Mahmoud Abbas and Bashar Al-Assad (Israeli, Palestinian and Syrian leaders respectively) at the same table in a rare occasion of unity.⁵⁰⁶

This relative success of France does not mean the summit went smoothly or without any last minute hurdles. On the contrary, at first Israel strongly objected to the Arab League receiving an observer status at UfM meetings, but later accepted this in exchange for holding the three-year rotating deputy secretary general post.⁵⁰⁷ Moreover, on the eve of the summit establishing the UfM, the Arab League held a meeting in Paris to establish a common position, the result of which led to a half-hour deadlock over Palestinian-Israeli disagreement on the wording of the summit declaration.⁵⁰⁸ The Palestinians rejected the Israeli insistence on the use of the phrase “state for the Jewish people”, saying this infringes upon the rights of the non-Jewish Israelis within Israel, and hinders the right of return for Arab refugees to the “Jewish” state. At the end, Palestinian

⁵⁰⁵ European Commission External Relations, "Final Statement: Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs," The Euro-Mediterranean Partnership, 3-4 November 2008. Available from http://ue2008.fr/webdav/site/PFUE/shared/import/1103_ministerielle_Euromed/Final_Statement_Mediterranean_Union_EN.pdf.

⁵⁰⁶ Stefan Simons, "Union for the Mediterranean: Nicolas Sarkozy's New 'Club Med,'" *Spiegel Online*, 14 July 2009. Available from <http://www.spiegel.de/international/europe/0,1518,565667,00.html>.

⁵⁰⁷ Herb Keinon, "Rice May Submit Paper for Middle East Peace," *The Jerusalem Post*, 5 November 2008. Available from <http://www.jpost.com/servlet/Satellite?cid=1225715342616&pagename=JPost%2FJPArticle%2FShowFull>.

⁵⁰⁸ David Singer, *Palestine Causes Mediterranean Disunion*. International Analyst Network, 27 October 2009 [cited 30 Oct. 2009]. Available from http://www.analyst-network.com/article.php?art_id=3202.

demands were granted and “the final text had to undergo some little changes” before it was unanimously adopted.⁵⁰⁹

Four months later, the UfM was at an impasse again, but this time it was over “where to base its headquarters, who should attend meetings and who should get the top jobs”. On 3 November 2008, foreign ministers from the EU and their Mediterranean partners met in in Marseilles and engaged in “a round of horse-trading” designed to iron out differences and find a way out of the deadlock.⁵¹⁰ After a lengthy debate Barcelona was chosen as the secretariat’s base, to be led by a Secretary General⁵¹¹ and five Deputy Secretary Generals⁵¹², both from the EU and the south Mediterranean region – yet to be determined. “Representatives from Israel and Palestine need to be included as joint secretary-generals. But any attempt to bring the two camps closer through the Union seems to stop there”.⁵¹³ A co-presidency system for a non-renewable period of two years was also established, to be presided over by one Mediterranean state and shared between an EU state and the rotating Presidency of the EU (e.g. during 2008-2009 there were France/Czech Republic on the EU side and in 2009-2010 France/Sweden, while from the south Egypt served as co-president for the 2008-2010 period).⁵¹⁴ In an effort to foster north-south regional cooperation, the UfM brought together 27 EU states and 16 Mediterranean members (plus Libya as an observer), in addition to inviting the Arab League as a perma-

⁵⁰⁹ Xinhua, "France Regrets Last-Minute Palestinian-Israeli Deadlock," 15 July 2008. Available from http://rss.xinhuanet.com/newsc/english/2008-07/15/content_8551001.htm.

⁵¹⁰ Stephen Castle, "Sarkozy's Club Med Looking for Progress," *New York Times*, 2 November 2008. Available from <http://www.nytimes.com/2008/11/02/world/europe/02iht-union.4.17450153.html>.

⁵¹¹ The Secretary General will be chosen among candidates from Mediterranean partner countries for a term of three years, renewable for a maximum of three more years. The first UfM Secretary General is expected to be the Jordanian EU Ambassador, Ahmad Massaadeh. See <http://www.greenprophet.com/2010/01/14/16228/jordanian-mediterranean-union-chief/>.

⁵¹² For the first term in office, the five Deputy Secretary Generals are expected to be from the following Euro-Mediterranean partners: Palestinian Authority, Israel, Greece, Italy, Malta. All the Euro-Mediterranean partners are eligible for these posts on a rotational basis.

⁵¹³ EurActive: Foreign Affairs, "France Attempts to Revitalise Union for the Mediterranean," 26 June 2009. Available from <http://www.euractiv.com/en/foreign-affairs/france-attempts-revitalise-union-mediterranean/article-183525>.

⁵¹⁴ European Commission External Relations, "Final Statement: Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs."

ment observer (without voting rights due to an Israel's demand).⁵¹⁵ (See Table 1)

At the outset of the project two camps emerged from the South: the sceptics and the optimists. From the first camp, voices were heard expressing doubts about the initiative; these included the Palestinian Authority, the Arab League and Libya. Leila Shahid, the General Delegate of the PLO to the EU, has warned against the risk of launching the UfM "in spite of the inexistence of a Palestinian state",⁵¹⁶ Amr Moussa, Secretary General of the Arab League, suggested that regional problems in the Middle East must be sincerely addressed before any form of Mediterranean Union could succeed;⁵¹⁷ Libyan leader Muammar Gaddafi feared the Mediterranean Union would replace the African Union and divide the African countries, while being nothing but another imperialist Roman Empire in European cloths.⁵¹⁸ Other critics of the Mediterranean Union claimed that controversial issues such as migration and terrorism have been left out of the scope of the new set-up; however, a second look reveals that they have been addressed in the main official UfM documents (i.e. Joint Declaration of the Paris Summit for the Mediterranean, July 2008, and the Final Statement of the Ministerial Marseille Conference, November 2008).⁵¹⁹ Despite these doubts, cautioned optimism was also heard from Egyptian President Hosni Mubarak and Israeli President Shimon Peres.⁵²⁰

⁵¹⁵ EurActive: Enlargement, "Spain Strikes Diplomatic Victory with Medunion Seat," 6 November 2008. Available from <http://www.euractiv.com/en/enlargement/spain-strikes-diplomatic-victory-medunion-seat/article-176947>.

⁵¹⁶ Arab Times: World News, "US Must Show Israel to Blame for Mideast Impasse, Says Palestinian," 21 October 2009. Available from <http://www.arabtimesonline.com/client/pagesdetails.asp?nid=38400&ccid=11>.

⁵¹⁷ Euronews, "Arab League: Paris Gathering Will Not Lead to Normalisation," 12 July 2008. Available from <http://www.euronews.net/2008/07/12/paris-gathering-will-not-lead-to-normalisation/>.

⁵¹⁸ Renata Goldirova, "Libya Says Mediterranean Union Will Divide Africa," *EU-observer*, 5 August 2008. Available from <http://euobserver.com/9/26581>.

⁵¹⁹ For details on these issue see http://www.ue2008.fr/webdav/site/PFUE/shared/import/07/0713_declaration_de_paris/Joint_declaration_of_the_Paris_summit_for_the_Mediterranean-EN.pdf and http://ue2008.fr/webdav/site/PFUE/shared/import/1103_ministerielle_Euromed/Final_Statement_Mediterranean_Union_EN.pdf.

⁵²⁰ For more details on Egypt's reaction see <http://weekly.ahram.org.eg/2008/905/ed.htm>, and on Israeli's reaction see <http://www.ejpress.org/article/16567>.

But how does the UfM differ from its predecessor, the EMP/Barcelona Process (launched in 1995)? What else does it offer its members? The UfM, like the EMP, is “the framework of multilateral relations” between EU states and the Mediterranean non-EU countries. It “complements bilateral relations, which will continue to develop under the ENP and the pre-accession framework. It also builds upon the *acquis* and reinforces the achievements of the Barcelona Process”.⁵²¹ While the Barcelona Declaration’s goals and cooperation areas (i.e. political and security dialogue; economic and free trade support; human, social and cultural empowerment) remain valid, the UfM breathes life into the Process in three ways (see Table 6):⁵²²

- By upgrading the political level of the relationship between the EU and its Mediterranean partners (e.g. inviting heads of states to the negotiation table);
- By reinforcing co-ownership of multilateral relations through a system of co-presidencies (one from the EU and one from the Mediterranean side), via setting up of a shared secretariat in Barcelona responsible for identifying and promoting projects across different sectors, and using a Joint Permanent Committee to ensure north-south parity;
- By making these relations more concrete and visible through additional regional, trans-regional and sub-regional tangible projects, relevant for the citizens of the region.

The following six priority projects were identified at the Paris summit:⁵²³

- De-pollution of the Mediterranean
- Construction of maritime and land highways
- Civil protection from climate change and man-made or natural disasters
- Identifying alternative energies & the Mediterranean Solar Plan
- Encouraging higher education and research through the EMUNI in Slovenia
- Supporting business initiatives focusing on small & medium-sized enterprises (SME)

⁵²¹ European Commission External Relations, *The Euro-Mediterranean Partnership*.

⁵²² EUROPA: Press Releases, "Union for the Mediterranean," July 2009. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/333&format=HTML>.

⁵²³ Ibid.

Table 6: Euro-Mediterranean relations over 15 years

<p>I. EMP 1995-2008 (MULTILATERAL)</p> <p>1) Political Dimension:</p> <ul style="list-style-type: none"><i>a. Security and stability</i><i>b. Democracy and good governance</i><i>c. Rule of law and human rights: the judiciary and fundamental freedoms</i> <p>2) Economic Dimension:</p> <ul style="list-style-type: none"><i>a. Economic aid, development and infrastructures</i><i>b. Fiscal policy reforms: conditionality, transparency and anti-corruption</i><i>c. Trade and taxation</i> <p>3) Cultural Dimension:</p> <ul style="list-style-type: none"><i>a. Supporting civil society and the media</i><i>b. Empowering women and youth</i><i>c. Fostering peace education and cultural exchanges</i>
<p>II. ENP 2004-PRESENT (BILATERAL)</p> <p>1) Political Dimension:</p> <ul style="list-style-type: none"><i>a. Security and stability</i><i>b. Democracy and good governance</i><i>c. Rule of law and human rights: the judiciary and fundamental freedoms</i> <p>2) Economic Dimension:</p> <ul style="list-style-type: none"><i>a. Economic aid, development and infrastructures</i><i>b. Fiscal policy reforms: conditionality, transparency and anti-corruption</i><i>c. Trade and taxation</i> <p>3) Cultural Dimension:</p> <ul style="list-style-type: none"><i>a. Supporting civil society and the media</i><i>b. Empowering women and youth</i><i>c. Fostering peace education and cultural exchanges</i> <p>4) Migration Dimension:</p> <ul style="list-style-type: none"><i>a. Combating terrorism, anti-proliferation of weapons of mass destruction, and arms control</i><i>b. Fighting organised crime: human and drug trafficking, and illegal migration</i><i>c. Providing social justice and integration measures for immigrants</i>

III. UfM 2008-PRESENT (MULTILATERAL)

1) Initiatives:

- a. *Upgrading the political level of the relationship between EU and Mediterranean partners*
- b. *Reinforcing co-ownership of multilateral relations*
- c. *Making these relations more visible through additional tangible projects*

2) Projects:

- a. *De-pollution of the Mediterranean*
- b. *Construction of maritime and land highways*
- c. *Civil protection from climate change and man-made or natural disasters*
- d. *Identifying alternative energies & the Mediterranean Solar Plan*
- e. *Encouraging higher education and research through the EMUNI in Slovenia*
- f. *Supporting business initiatives focusing on small & medium-sized enterprises (SME)*

The partnership is expected to provide “new impetus to regional cooperation by agreeing on a set of priority development projects that [would] create *de facto* solidarity between participating nations” while addressing institutional imbalance and weak visibility, issues that have imbued the EMP. Hopes are also high that the structure of the UfM, based on a shared presidency between north and south, will “increase co-ownership in the process and give it more political authority via regular [highest-level] summits, to be held every two years”.⁵²⁴ Robert del Picchia, a French senator and member of the EMPA, recently authored a report about the UfM for the French Senate,⁵²⁵ wherein he pointed out that:

The purpose of the project is to strengthen bilateral relations between the southern and northern states on each side of the Mediterranean... The UfM objective is to say that if we cannot agree politically, we must at least try to implement the pro-

⁵²⁴ EurActive: East and Med Relations, "Paris Summit Inaugurates 'Mediterranean Union'," 14 July 2008. Available from <http://www.euractiv.com/en/east-mediterranean/paris-summit-inaugurates-mediterranean-union/article-174213>.

⁵²⁵ Robert del Picchia, "Réunion De La Commission Des Affaires Européennes: Situation De L'union Pour La Méditerranée," Sénat français, 31 mars 2009. Available from <http://www.senat.fr/europe/r31032009.html#toc1>.

jects. One or two countries from the north can agree with some southern countries to implement projects... If this works, other countries will join such initiatives. If north and south are able to achieve concrete projects, we will be able to think about a political solution.⁵²⁶

Notwithstanding these benefits, critics of the initiative remain concerned about the overlap and duplication between the UfM and the existing ENP policies, which might reduce the effectiveness of the EU output in the region. The loss of the civil society dimension is a further worry. This initiative also allows more room for the southern countries to escape unpopular EU human rights and democratisation based policies since it is project-oriented without clearly set benchmarks - depriving the EU of its *limited* leverage on southern countries.⁵²⁷

OVERVIEW OF UFM BUDGET AND EU-OPT ECONOMIC AID:

Funding and implementation of UFM projects will be pursued on a case-by-case basis and will require a high degree of donor coordination. The Commission envisages mobilising financial resources through the following sources, *inter alia*.⁵²⁸

- The private sector;
- Bilateral cooperation from EU member states;
- Contributions from Mediterranean partners;
- The FEMIP provided by the EIB;
- Community budget for the Mediterranean, such as the ENP South Regional Programmes, ENPI EuroMed Envelop, the Neighbourhood Investment Facility and the Cross-Border Cooperation instrument, all of them within the ENPI;
- Other instruments applicable to the countries covered by the initiative, for which the usual selection and procedural rules will continue to apply;
- Other countries, international financial institutions or regional banks.

⁵²⁶ EurActive: East and Med Relations, "France's Club Med Plan 'Half-Frozen'," 15 April 2009. Available from <http://www.euractiv.com/en/east-mediterranean/france-club-med-plan-half-frozen/article-181259>.

⁵²⁷ Timo Behr and Ruth Hanau Santini, "Comment: Sarkozy's Mediterranean Union Plans Should Worry Brussels," *EUobserver*, 12 November 2007. Available from <http://euobserver.com/9/25112>.

⁵²⁸ EUROPA: Press Releases, "Union for the Mediterranean."

Additional financial provisions include:⁵²⁹

- The cost of the secretariat (staff, equipment, etc.) will be funded from an operating grant on a shared-balanced basis by Euro-Mediterranean partners, on a voluntary basis, and by the EC budget (from existing resources within the ENPI);
- The host country will provide the premises of the secretariat free of charge;
- Seconded officials will be financed by their respective administrations (possibly through a trust fund);
- Initial financial contributions shall be made available as soon as the statutes are adopted so as to allow the secretariat to start functioning by May 2009;
- Funding provisions should reflect the EU and Mediterranean partners' co-responsibility of the UfM.

On the eve of the first anniversary of launching the UfM, the European Commission announced a further contribution of €72 million for 2009-2010, in addition to the original amount of €18 million dedicated since July 2008. Despite the political blockage (which will be discussed shortly), the Commission has kept busy implementing the activities regarded as priorities in Paris and has since provided or earmarked €90 million to achieve its goals. To this amount the contribution of more than €50 million from the EIB and from the European Neighbourhood Investment Facility needs to be added, bringing the total budget to about €150 million.⁵³⁰

On 2 March 2009, world leaders met in Sharm El-Sheikh for another Palestinian donors conference that was co-sponsored by the European Commission. In the meeting, Benita Ferrero-Waldner, European Commissioner for External Relations and Neighbourhood Policy, pledged €436 million for 2009 in support of the Palestinian economy for the reconstruction of Gaza. This offer is comparable to the €440 million that were made available in 2008 following the December 2007 Paris donors' conference. The Commissioner also reiterated her offer "to all donors to use PEGASE to channel their assistance to the people in Gaza," which she considered a "quick, effective, efficient [tool] and in

⁵²⁹ European Commission External Relations, "Final Statement: Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs."

⁵³⁰ EUROPA: Communiqués de presse, "Union for the Mediterranean: Commission Increases Its Contribution to Priority Projects," 10 July 2009. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1113&format=HTML&aged=0&language=EN&guiLanguage=fr>.

compliance with the highest international standards of monitoring and control".⁵³¹ (See Annex B)

The short success story of the UfM has been hampered by two consecutive hurdles. The first was the international financial/economic crisis which hit its peak in September 2008 and affected all partners to some extent or another. Nevertheless, del Picchia (from the French Senate), when asked about the effects of the financial crisis on the project, said "it could be either positive or negative". He elaborated further that "some countries may choose to fund projects which create jobs. Moreover, some markets may experience strong growth in the south of the Mediterranean and thus assist countries in the north [that] now [experience] financial or industrial problems".⁵³² The second and worse problem was Israel's devastating bombing campaign in Gaza from 27 December 2008 to 18 January 2009 (codenamed 'Operation Cast Lead'), which took place under the command of Israeli acting Prime Minister Tzipi Livni (who had replaced Prime Minister Olmert on 21 September 2008 as Kadima party leader). The operation - unprecedented in its magnitude of the harm to the population - came as Israel's response to Hamas formally announcing the end of its unwritten six-month truce with Israel and resuming violence by firing four rockets into southern Israel on 19 November 2009. Hamas, in turn, blamed Israel for ending the ceasefire charging it of "imposing a painful economic blockade on Gaza".⁵³³ The Israeli military incursion into Gaza not only worsened the socio-economic situation for Gazans but also blocked Euro-Mediterranean progress in the whole region. Arab countries particularly were reluctant to continue to participate in UfM meetings after the Gaza War. Israel, for its part, "did not want the Arab League to attend meetings". Thus, "as things stand now, there are no more meetings on the agenda. The process is half-frozen," del Picchia admitted, before insisting that "the project remains. Experts and diplomats are working ahead without the official endorsement of the institutions."⁵³⁴

⁵³¹ EUROPA: European Union @ United Nations, "EU Commission to Co-Sponsor Palestinian Donors Conference and Announce €436 Million to Palestinians for 2009," 27 February 2009. Available from http://www.europa-eu-un.org/articles/en/article_8520_en.htm.

⁵³² EurActive: East and Med Relations, "France's Club Med Plan 'Half-Frozen'."

⁵³³ *New York Times*, "Hamas Renounces Cease-Fire with Israel."

⁵³⁴ EurActive: East and Med Relations, "France's Club Med Plan 'Half-Frozen'."

Some analysts say the Gaza War was a way for the Israeli government, particularly the Kadima party, to redeem itself before the upcoming elections after its non-victory in the Lebanese War earlier in 2006.⁵³⁵ However, with its 22-day war against Gaza, Israel has been losing the European public opinion battle, especially with a death toll of over 1,300 on the Palestinian side (100 times more than on the Israeli side), at least half of them civilians. Though Europeans seem to blame both sides (Israel and Hamas) for the violent confrontation, the majority still believes that Israel's offenses in Gaza "went too far" and its intensity was "unjustified".⁵³⁶ On the official level, however, the EU remains divided, within European Parliament parties and along national lines, on the question of sanctioning Israel (i.e. suspending EU-Israel Association Agreement signed in 2004) or upgrading relations with it.⁵³⁷ Despite the damage control effort of Israel before, during and after the Gaza conundrum, the EU remains reluctant to further advance diplomatic dialogue and economic ties with the country due to the Israel's settlement policy in the OPT,⁵³⁸ an issue that is being mulled over by the EU (particularly in the European Parliament) since the last unanimous agreement by European foreign ministers to gradually upgrade bilateral relations with Israel in June of 2008 – regardless of numerous PA objections.⁵³⁹ The current ENP Action Plan with Israel was due to expire and be replaced in April 2009 but was extended until negotiations on its new form are reached.⁵⁴⁰ The upgrade of relations would include "strengthening structures for political dialogue with Israel, for example, by intensifying high-level meetings as well as

⁵³⁵ Dan Williams, "Analysis-Israel to Reprise Lebanon War in Gaza?," *Reuters UK*, 28 December 2008. Available from <http://uk.reuters.com/article/idUKLS263286>.

⁵³⁶ Angus Reid: Global Monitor, *Politics in Depth: How the World Saw the Gaza Conflict*. 28 January 2009 [cited 30 Oct. 2009]. Available from http://www.angus-reid.com/analysis/view/how_the_world_saw_the_gaza_conflict/.

⁵³⁷ Yusuf Fernandez, *The European Union and the Gaza War*. Bilaterals.org, 26 January 2009 [cited 30 Oct. 2009]. Available from http://www.bilaterals.org/article.php3?id_article=14260.

⁵³⁸ Adam Entous, Mark John, and David Brunnstrom, "EU Talks with Israel on Upgrading Ties Put on Hold," *Reuters*, 14 January 2009. Available from <http://www.reuters.com/article/newsMaps/idUSTRE50D3GX20090115>.

⁵³⁹ Barak Ravid, "EU Unanimously Upgrades Israel Ties, Turning Aside Pa Objections," *Haaretz*, 17 June 2008. Available from <http://www.haaretz.com/hasen/spages/993646.html>.

⁵⁴⁰ EUROPA, "Newsletter: EU Declares Determination to Upgrade Relations with Israel," ed. by the European Commission's Delegation to Israel (Sept.2008). Available from http://www.delisr.ec.europa.eu/newsletter/english/default.asp?edt_id=27.

informal consolidations, by encouraging Israel to align itself with positions adopted in the frame of the EU's CFSP, and by promoting cooperation on the ground and inviting Israel to take part in civilian missions pursued under the ESDP".⁵⁴¹

In the midst of these economic and political challenges, US President Obama assumed office on 20 January 2009, bringing an end to eight years of the controversial Bush administration. Obama's victory and his first formal interview six days after taking office with the Arab satellite station *Al-Arabiya*, bolstered later by his June 2009 speech in Cairo in which he promised a new chapter in US-Muslim relations, brought about a spirit of change and dynamism to the Middle East. The mottos of "choose hope over fear" and "yes we can" at first loomed large in the Middle Eastern-US relations.⁵⁴² But with the ongoing challenges facing the region and an Israeli coalition government, dominated by right-wing and ultra-Orthodox parties (led since 31 March 2009 by Likud Prime Minister Benjamin Netanyahu and the polarising Foreign Affairs Minister Avigdor Lieberman, chair of the far-right Yisrael Beiteinu party), which is not succumbing to international pressure to change its hard-line policies towards the Palestinians, hope seems to have run out.⁵⁴³ Months of shuttle diplomacy by American special envoy to the Middle East for the Obama administration, George Mitchell, proved fruitless in persuading the Israeli government to change its position on a negotiation-breaker issue, i.e. 'settlement freeze'. In parallel, time and patience are running out on the Palestinian side, where Abbas is losing his legitimacy as the PA President since his four-year elected term in office *de jure* expired in January 2009⁵⁴⁴ and as Hamas

⁵⁴¹ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 5.

⁵⁴² Jay Newton-Small, "A Long Campaign, and a Changed Barack Obama," *Time*, 2 November 2008. Available from <http://www.time.com/time/politics/article/0,8599,1855677,00.html>.

⁵⁴³ Isabel Kershner, "New Israeli Foreign Minister Questioned by Police," *New York Times*, 2 April 2009. Available from <http://www.nytimes.com/2009/04/03/world/middleeast/03middleeast.html>.

⁵⁴⁴ Abbas' term in office was extended for a year to coincide with the anticipated 2010 PLC elections through a resolution passed by a special judicial panel (under the Palestinian Basic Law), and a *Fatwa* (legal pronouncement in Islam issued by religious law specialist). See International Foundation for Electoral System (IFES), "Legal Opinion Regarding the Presidential Term of President Abbas (by Fatwa and Legislation Office)." Accordingly, Abbas' *de facto* term was extended for another year and scheduled, to end in January 2010, which coincided with the end of the PLC's term in office.

keeps refusing to hold new elections in the Gaza Strip, where its own four-year mandate also came to an end in January 2010.⁵⁴⁵

Middle East-EU relations are further suffering from the refusal of the Arab members of the UfM to hold meetings with Lieberman, who would represent Israel as its foreign minister. Neither his hard-line positions concerning the Palestinians, nor his comments regarding President Mubarak sat well with the Palestinians and Egyptian leaders. Egypt even boycotted a joint UfM summit – scheduled to take place in Istanbul in November 2009 – postponing the EuroMed summit indefinitely and bringing the process to the brink of a stalemate. The decision, some say, was a protest to Lieberman's expected presence; however, an Israeli official, who preferred to remain anonymous, claims otherwise: "Lieberman was not the problem. The issue from the beginning has been the refusal by Egypt and Arab countries to discuss joint cooperation projects with Israel."⁵⁴⁶ Thus, like its regional predecessor – the Barcelona Process – the UfM is being stalled in large part over the Arab-Israeli spat.

These gloomy developments come in sharp contrast to the positive picture drawn by French President Sarkozy during the 2008 Paris summit, when both he and President Mubarak praised the Arab nations for attending the summit, saying they made a "gesture of peace".⁵⁴⁷ More recently, voices like that of former External Affairs Commissioner Ferrero-Waldner are more often heard, still calling desperately for an emphasis on the concrete projects outlined in the proposal, while acknowledging the obstacles that beset the process, particularly the Israeli-Palestinian dispute.⁵⁴⁸ In the same vein, Leila Shahid, PLO representative to the EU, wistfully wonders:

[H]ow do you expect us, who have been under occupation for 41 years, aspiring for an independent state for 60 years,

⁵⁴⁵ BBC News, "Abbas Sets Palestinian Polls Date," 24 October 2009. Available from <http://news.bbc.co.uk/2/hi/8323497.stm>.

⁵⁴⁶ Arab Times: World News, "US Must Show Israel to Blame for Mideast Impasse, Says Palestinian," 21 October 2009. Available from <http://www.arabtimesonline.com/client/pagesdetails.asp?nid=38400&ccid=11>.

⁵⁴⁷ EurActive: East and Med Relations, "Paris Summit Inaugurates 'Mediterranean Union'."

⁵⁴⁸ Stephen Castle, "Sarkozy's Club Med Looking for Progress," *New York Times*, 2 November 2008. Available from <http://www.nytimes.com/2008/11/02/world/europe/02iht-union.4.17450153.html>.

to go ahead and 'put the cart before the horse', have motorways over the sea, work towards a pollution-free Mediterranean, build environmental projects even when we cannot leave the perimeters that we are forced to live in? I find it hard to believe that we could succeed today where the Barcelona Process failed [in the creation of a Palestinian state] as long as the essential element of stability, peace, coexistence, and economic integration are not there.⁵⁴⁹

After a lengthy process, and with the clearing of the Czech Republic's last hurdle of having the court's approval of the government's opt-out clause to the EU Charter of Fundamental Rights, the Lisbon Treaty (initially known as the 'Reform Treaty'), which aims at streamlining decision-making and bolstering the bloc's role on the world stage, was finally ratified by all EU member states in November 2009. The Treaty introduces some important innovative ideas and modifications to solve problems of organisation and consistency in EU foreign policy. However, an aspect that has been overlooked is how EU actors would coordinate their efforts with international organisations that are relevant to the MEPP (e.g. the UN, the World Bank and the IMF) in order to increase their efficiency. In light of the importance of these international organisations in supporting the EU's efforts and projects in the OPT, this oversight in the Treaty can be considered as one of its main shortcomings concerning its external outreach. Still, it remains to be seen whether the new Treaty will help bolster the EU's role and coherence on the world stage in general and in the Middle East in particular.

The questions that remain are whether the UfM was nothing more than just a photo-op and whether the EU-Mediterranean relations can overcome the current impasse? In a bid to revitalise the process, during the past months, France has attempted to mediate in order to bridge the differences between the two sides, but nothing has come to fruition yet. The new UfM has completely stalled with no signs of resuming its activities following the row between its Arabs and Israeli members. "This is very serious," an EU diplomat told *The Sunday Times*. "We are risking the death of the Mediterranean Union just after being born. The Union is in complete shambles and no

⁵⁴⁹ Arab Times: World News, "US Must Show Israel to Blame for Mideast Impasse, Says Palestinian."

progress has been made since its launch, both on the structure of the organisation and its seat.”⁵⁵⁰

It is also imperative not to forget the European Council’s mid-June 2009 statement on the MEPP after it met in Luxembourg. “The EU’s leaders adopted Barack Obama’s line on both the two states solution and on the freezing of Israeli settlements, but it is also clear that the EU must also be ready to use its diplomatic, economic and technological leverage to influence Israel. Without this, Israel will continue to regard the EU as a lightweight and disregard its demands”.⁵⁵¹

Despite these concerns, it seems too soon to pass a verdict of success or failure on the UfM only a year after its launch. Some analysts suggest two years as the minimum before assessing the initiative, giving the projects some time to materialize. But at times such as these, when foreign ministers of Arab Mediterranean states refuse to even attend UfM summits where their Israeli counterpart is present, one wonders if there is a point in restarting the process.⁵⁵² It is still worth remembering how the EMP – the predecessor of the UfM – within ten years helped transfer two Mediterranean members (Cyprus and Malta) into EU full member states and prepared Turkey for accession negotiations. These positive achievements, nevertheless, might have more to do with the fact that the EU played its ‘trump card’ with these countries – the accession prospect – leverage that it cannot afford to use with all its Mediterranean partners at the moment. Thus, only time will tell if this new initiative could bring more progress to the fragile region, especially to the Arab partners, without having the EU membership carrot to offer.

⁵⁵⁰ Ivan Camilleri, "Mediterranean Union Is Stalled Indefinitely," *Times of Malta*, 25 October 2009. Available from <http://www.timesofmalta.com/articles/view/20091025/local/mediterranean-union-is-stalled-indefinitely>.

⁵⁵¹ El Sayed A Shalaby, "Commentary: Europe’s Role Is Vital, but So Too Is Arab Leaders’ Response to Militant Islam," *Europe's World* 13 (Fall 2009). Available from http://www.europesworld.org/Portals/0/PDF_version/Issue13/EW13_FINAL_ENG.pdf.

⁵⁵² Barak Ravid, "Med Union Summit at Risk over Egypt Boycott of Lieberman," *Haaretz*, 16 October 2009. Available from <http://www.haaretz.com/hasen/spages/1121386.html>.

REFLECTIONS, PROPOSALS AND CONCLUSION

Reflections

The history of the EU-Palestinian relations since Oslo has been one of an unending series of setbacks and reactive policies aimed at addressing the stumbling blocks as they arise. Every initiative from the EMP to the ENP, and recently the UfM, has been developed with the expectation (or hope at least) to kick-start a stagnating peace process and an idle *internal* development process. Unfortunately, none of these frameworks has proven effective for the simple fact that they lacked a holistic approach that would address the root cause of the Israeli-Palestinian conflict in order to achieve the desired “just, comprehensive and lasting peace in the Middle East”.⁵⁵³ Therefore, salvaging the OPT will require involving all EU principles (i.e. human security, good governance, political institutions, economic development, cultural openness and societal building) internally, while working on the external factors (i.e. Israeli-Palestinian peace-process and regional cooperation) at the same time.⁵⁵⁴ This is important because it would not be an exaggeration to say that the Arab-Israeli conflict has proven to be one of the main impediments hampering Euro-Mediterranean progress. The conflict, in this sense, is “part of a wider regional problem that extends from the neighbouring countries to Iraq, Iran, Afghanistan, Pakistan and, indeed, throughout the entire Muslim world and beyond”, resulting in a destabilising global impact.⁵⁵⁵

Time and again we hear from Palestinians at all levels that building political institutions, developing the economy, empowering civil society and “importing Western-style democracy and human rights” in the OPT are not sufficient conditions to build a genuine and sustainable peace.⁵⁵⁶ According to many Palestinians this is a half

⁵⁵³ EUROPA: European Union @ United Nations, "EU Presidency Statement - the Question of Palestine," 30 November 2000. Available from http://www.europa-eu-un.org/articles/en/article_395_en.htm.

⁵⁵⁴ Kaldor, "A European Union Human Security Doctrine for the Middle East."

⁵⁵⁵ Jeff Halper, *Dismantling the Matrix of Control* 11 September 2009 [cited 22 Oct. 2009]. Available from <http://www.merip.org/mero/mero091109.html>.

⁵⁵⁶ This point was underpinning all my one-on-one interviews conducted with Palestinian officials and civil society representatives in the West Bank and East Jerusalem in the summer of 2009. I personally have reservations about this statement, having witnessed many Arab countries over the years that have achieved the

equation, one that will not be complete unless the US and the EU put pressure on Israel to end its occupation of the Palestinian Territory and help them establish a sovereign and viable Palestinian state. Though these demands might sound simple and straight forward, in international relations, identifying the cure does not necessarily translate into starting the treatment.

Both the US and the EU have geo-strategic, economic and cultural ties with Israel. For instance, "the EU is Israel's largest trading partner; [while] Israel is one of the EU's biggest trading partners in the EuroMed area, with total trade amounting to almost €23 billion in 2005".⁵⁵⁷ But the EU has also a vested interest in maintaining good relations with the Palestinians due to its large Arab and Muslim immigrant communities, its geographical proximity to the conflict zone, and the far-reaching ramifications of the conflict on the entire EU-Mediterranean relations. Nonetheless, the EU, although often considered an "economic giant", remains to some a "political dwarf" in comparison to the US.⁵⁵⁸ It also goes without saying that the biggest Israeli lobby in the US (e.g. the American Israel Public Affairs Committee – AIPAC) has a lot of influence on US party politics, the Congress, and American foreign policy towards Israel and the entire Middle East.⁵⁵⁹ So, while the EU cannot exert the

necessary economic well-being without, more importantly, being under any foreign occupation, and yet have not metamorphosed to sustainable democracies with acceptable human rights records. When I raised these concerns with my interviewees, their answers were three-fold: 1) Palestinians are more democratic than other Arabs in the region because they had a longer practice with democracy in the 1970s and 1980s through university students' council and labor unions elections; 2) Palestinians are more in touch with democratic practices as they are more exposed to foreigners – e.g. Israelis and international bodies operating within the OPT; 3) They refused to be judged on what other Arab countries are doing (or on some of Hamas' members' actions in Gaza), and they insisted that if they had a state they would transfer to a "culturally-acceptable" form of democracy that would protect religious minorities.

⁵⁵⁷ EUROPA, "European Neighbourhood and Partnership Instrument: Israel Strategy Paper," 2007. Available from http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_israel_en.pdf.

⁵⁵⁸ George Voskopoulos, *A European Dwarf and an American Giant*. 21 July 2006 [cited 9 Nov. 2009]. Available from <http://www.americanchronicle.com/articles/view/11706>.

⁵⁵⁹ Aurelia Mane-Estrada and Rob Prince, "U.S. Middle East Policy: It's More Than AIPAC," *Revista de Estudios Internacionales Mediterráneos - REIM 3* (Fall 2007). Available from http://www.uam.es/otroscentros/TEIM/Revista/reim3/Aurelia_Mane_Rob_Prince_opipdf.pdf.

needed pressure on Israel to change its policies towards the Palestinians, the US does not even try. In the absence of clear actions by the EU, one is forced to agree with Natalie Tocci's observation that, "beyond words and surreal negotiations with Israel over what constitutes a humanitarian good, it remains unclear what the EU will do to alter Israel's policy".⁵⁶⁰

Europe nevertheless has shown "greater willingness in recent months to play a larger part in the Middle East's most protracted conflict, that of Israel and Palestine. But willingness doesn't necessarily indicate readiness".⁵⁶¹ Thus, the combination of a lack of leverage over Israel's actions and/or a lack of the actors' political will to either give more incentives and security assurances to Israel or to resort to "hard politics," such as enforcing economic sanctions on or downgrading commercial relations with it,⁵⁶² culminates in Israel's apathy towards the demands of the Palestinians and the international community alike.

Certainly, to assess accurately EU politics in the OPT one must avoid the all too often recited generalisations made about the "complete failure" of the EU engagement with the Palestinians, and take instead Muriel Asseburg's scheme into consideration, which breaks down EU policies in the OPT into the following three (overlapping) components and then measures the effectiveness of each aspect independently over time:

- 1) Regional security and stability;
- 2) State and institution-building;
- 3) Financial aid and economic development.⁵⁶³

⁵⁶⁰ Natalie Tocci, "Active but Acquiescent: EU's Response to the Israeli Military Offensive in the Gaza Strip," Brussels: Euro-Mediterranean Human Rights Network (EMHRN), May 2009: 59-60. Available from <http://www.euomedrights.net/usr/00000026/00000027/00000028/00000156/00002935.pdf>.

⁵⁶¹ Ramzy Baroud, *Europe and the Middle East: Will EU Be a More Just Mediator?* Global Research, 17 October 2008 [cited 6 Nov. 2009]. Available from <http://www.globalresearch.ca/index.php?context=va&aid=10595>.

⁵⁶² Joseph Nye, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2005): 8.

⁵⁶³ Asseburg, "The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Politics": 174.

In this manner, the EU's success or failure on the ground can be better evaluated, while, at the same time, comparing the EU's actions to its declaratory positions broadcasted in Brussels.

1. What did the EU do?

Europe "is already deeply involved in the MEPP, through its large financial assistance to the Palestinians, its membership of the Quartet, and its various missions on the ground".⁵⁶⁴ In Denis Bauchard's words, "from 1980 to 2001, Europe played a leading role in the Middle East, particularly in asserting the Palestinians' right to self determination and by convincing the PLO to abandon violence and so become a viable party to negotiations".⁵⁶⁵ Likewise, Asseburg points out that since Oslo, the EU tried to lay the foundation for socio-economic development and good governance, supported comprehensive peace between Israel and its neighbours through multilateral and bilateral frameworks, sought to create an environment conducive to peace in the region, and supported regional cooperation and integration through the EMP, ENP and UfM. In the process of achieving these ends, the EU exercised some:

- 1) conflict management, by introducing Security Sector Reform and the ESDP police and border missions;
- 2) crisis mediation, by playing the mediator role in facilitating dialogue among Israelis and Palestinians during the Second Intifada; and
- 3) conflict resolution, by pushing the Bush administration to adopt the roadmap and to re-engage in Middle East conflict settlement through the Middle East Quartet.⁵⁶⁶

⁵⁶⁴ Clara O'Donnell, *The EU's Approach to Israel and the Palestinians: A Move in the Right Direction*. CER and FRIDE, June 2009 [cited 10 Oct. 2009]. Available from http://www.cer.org.uk/pdf/pb_israel_18june09.pdf.

⁵⁶⁵ Denis Bauchard, "Europe's Role in Averting a Middle East Tragedy," *Europe's World* 13 (Fall 2009). Available from http://www.europesworld.org/NewEnglish/Home_old/Article/tabid/191/ArticleType/ArticleView/ArticleID/21498/language/en-US/EuropesroleinavertingaMiddleEastragedy.aspx.

⁵⁶⁶ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 45.

2. Did the EU succeed?

According to Maria Gianniou the success of the EU in the OPT can be measured by asking whether the actions of the EU in this matter have been effective in contributing positively to the efforts for resolving the conflict? In answering this, Gianniou claims that “the institutional evolution of the diplomatic system of Europe suffers from one primordial flaw, constant and unchangeable critique of all the analysts focusing on the European integration process: the lack of an external and coherent action, primarily due to the absence of a foreign policy system pooling both the common and the intergovernmental elements of the external activity of Europe”.⁵⁶⁷ Nonetheless, she stresses that it would be wrong to argue that Europe has limited itself due to its incoherence because of two pertinent observations:

- 1) over the past 30 years “Europe has managed to successfully develop a European policy vis-à-vis the conflict, notably via the progressive elaboration of a set of basic principles, expressed within the framework of European Political Cooperation/CFSP, and later as applied on the ground through concrete and tangible actions”; and
- 2) “the institutionalisation of CFSP granted to Europe a more solid and well-defined international image... [that] offered to European officials a series of instruments, the application of which contributed to better interpret Europe’s engagement on the ground”.⁵⁶⁸

In Gianniou’s opinion, Europe’s objective today is clearer and more focused on “the resolution of the conflict by peaceful means and negotiation which should inevitably lead to a two-state solution”. She also adds that “by its declarations and actions [the EU] obtained some concrete results: it contributed to the legitimisation process of the Palestinian people and the PLO; it supported Israel’s normalisation and integration in the Middle Eastern region; [and] it offered an alternative yet complementary diplomatic track to that of the US”.⁵⁶⁹

⁵⁶⁷ Gianniou, “The European Union’s Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?” 18, 20.

⁵⁶⁸ Ibid.

⁵⁶⁹ Ibid.

3. Where did the EU go wrong?

Where the Europeans went wrong is “while their support had political objectives – to form the nucleus of a Palestinian state and to provide the environment for a comprehensive settlement of the Arab-Israeli conflict – Europeans remained reluctant to get directly involved on the political level. Rather they saw their role as complementary to the political negotiations facilitated by the US”, Asseburg laments. Also, for years the EU focused its attention exclusively on the Palestinian-Israeli track instead of using the multi-lateral track first envisioned to solve the regional conflict as a whole.⁵⁷⁰ Moreover, the EU did not use its leverage on Israel or Hamas by yielding to the former and disengaging from the latter. By setting preconditions for negotiations with Hamas and refusing to engage with them, “the EU in particular has effectively out-maneuvred itself from having effective influence on the conflict. This is because its influence principally derives from its disbursement of financial assistance contingent upon the recipient’s compliance with specified conditions and rules”.⁵⁷¹

Furthermore, the EU trapped itself in a position from which it found difficult to get out. On the one hand, it adopted the Quartet’s three aforementioned conditions prior to negotiations with Hamas, but at the same time it added Hamas to its list of terrorist organisations in 2003,⁵⁷² making it legally arduous to break this deadlock. Veronique de Keyser, Member of the European Parliament of the Socialists & Democrats group, stressed that this list is in fact “political and not democratic” because the EU has not been transparent on its categories for making or getting off that list. She claims that shortly after Hamas won the PLC elections in 2006 they contacted the European Parliament to see what process they can follow to get removed from that list; however, she laments that there is no such process written down to consult. Voices from the EU have been calling for engaging in a dialogue with Hamas, but no one seems willing to take the first step.

⁵⁷⁰ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 7.

⁵⁷¹ Emerson and Youngs, *Political Islam and European Foreign Policy: Perspective from Muslim Democrats of the Mediterranean*: 157.

⁵⁷² EUROPA, "Council Common Position on the Application of Specific Measures to Combat Terrorism (2001/931/CFSP)."

More fundamental is that the EU often applied *post-conflict* resolution mechanisms to the OPT, while, at the same time, (deliberately or unintentionally) postponing or neglecting to deal with the core issue: the occupation. The EU erred when it focused primarily on the ‘structural’ aspect of foreign policy in the Territories, influencing to a limited degree *some* structures (i.e. political, legal, socio-economic and security) on *few* levels (i.e. state, societal and individual), whilst overlooking other important structures (e.g. human security, psychological and cultural structures) and levels (e.g. inter-state/societal and regional ones). In addition, the EU disregarded or procrastinated the ‘traditional/conventional’ aspect of foreign policy, which influences national security and stability through crisis management and conflict resolution mechanisms, that is needed before post-conflict resolution instruments can be fruitful. The occupation, in this sense, is the antithesis of structural foreign policy which revolves around human security, development and freedoms of movement, association and speech. In essence, “both conceptualizations of foreign policies are relevant” in today’s complex and global world for conflict resolution to succeed.⁵⁷³

Richard Youngs adds to this analysis that the EU support for Palestinian institutional reforms had begun to make headway in the mid-1990s, when it was “using a skilful mix of funding, incentives and political conditionality”, adding, however, that in doing so Europe was “walking a very thin line. On the one hand, it sought to nudge along Palestinian reform without detracting from the fact that a fully functioning democracy depended most essentially on the end of occupation. On the other hand, by the late 1990s it had become clear that unduly neglecting underlying reform was militating against the prospects for peace”.⁵⁷⁴ While rolling back previous reforms increased the Palestinian presidential powers and reversed earlier democratic achievements in the OPT, the EU, by continuing to give aid money to the PA helped keep a moderate interlocutor of the peace process (President Abbas) alive.⁵⁷⁵ Hence, the EU was criticised from all sides, but depending on who is asked, for different reasons: either for being “too critical towards or too indulgent of

⁵⁷³ Keukeleire, *The Foreign Policy of the European Union*: 20, 25-26, 28.

⁵⁷⁴ Youngs, *The European Union and Palestine: A New Engagement*.

⁵⁷⁵ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 38.

the Palestinian Authority political elite”;⁵⁷⁶ for being too hard or too soft on Israel; for giving a lot of money to the PA without ending the occupation; or, for not giving enough money to induce reforms.

But academics are not alone in criticising the EU. In a policy paper based on an analysis of the conclusions of the EU’s General Affairs and External Relations Council on the MEPP – prepared by a group of 15 European and international humanitarian and peace organisations with operations or partners in Israel and the OPT – nine key inconsistencies in the European Council’s position on the MEPP were outlined with recommendations to rectify them. The main points of critique are as follows:⁵⁷⁷

1. The Council failed to support an *independent inquiry* into the Gaza War.
2. The Council has failed to stress the illegality of the *blockade of Gaza*.
3. The Council has ceased criticising Israel’s construction of *the wall* in the OPT since 2007.
4. The Council has dropped its earlier calls to reverse the *settlements* policy of Israel.
5. The Council is not calling on Israel to enforce law upon settlers *perpetrating violence*.
6. The Council is silent about intra-Palestinian *human rights violations*.
7. The Council is silent about thousands of Palestinian *political* prisoners in Israeli *prisons*.
8. The Council has *conditioned engagement* with the Palestinians but not with the Israelis.
9. The Council is not calling for any restrictions on *arms transfers* to Israel.

⁵⁷⁶ Youngs, *The European Union and Palestine: A New Engagement*.

⁵⁷⁷ ReliefWeb, *EU’s Position on the Middle East Process - Key Inconsistencies*. 24 September 2009 [cited 2 Oct. 2009]. Available from <http://www.reliefweb.int/rw/rwb.nsf/db900SID/JBRN-7W7HA9?OpenDocument>.

4. Why did EU choose ineffective policies?

The main reasons behind choosing such an ineffective approach, in Asaf Siniver's opinion, lie to a large extent in "the EU's (and particularly Germany's) yielding to Israel's pressure to separate the political from the economic spheres of interaction, and to obvious post-war historical and political sensitivities to Israel's accusations of anti-Israel policies".⁵⁷⁸ Note, for instance, the fact that no European government has outright condemned the "excessive" 2009 Israeli offenses in Gaza without justifying the actions first and foremost as "legitimate act of self-defense" instigated by Hamas' attacks on Israel, demonstrating a special sympathy towards Israel.⁵⁷⁹ In addition, the EU was "initially reluctant to become actively involved in direct political negotiations between the parties to the Middle East conflict and in hard security issues, leaving the field[s] of conflict management and conflict resolution largely to the United States".⁵⁸⁰

Gianniou, however, believes that despite the common declarations published at times, "from the outset an atypical division emerged between the member states according to their position vis-à-vis the conflict: consequently, France, Ireland, Italy or Greece were more willing to concede to Palestinian demands (such as the association of the PLO or the creation of a homeland, and later on a state) than were Holland, Denmark or Germany". She even goes as far to say "some states clearly distinguished themselves from their partners in many occasions: the Greek insistence to recognise the PLO as the representative of the Palestinian people in the beginning of the eighties (whereas Europe only called for its association with the negotiations); and the proposal of Jacques Chirac in October 1996 to co-sponsor – with the US – the peace process" are such examples. Gianniou claims that undoubtedly, these actions "contribute to raise tension between partners and harm the European efforts to promote

⁵⁷⁸ Asaf Siniver, "Rethinking the EU Role in the Israeli-Palestinian Peace Process." Paper presented at the *ISA Conference*, New York, All Academic Research, 2009: 13. Available from http://www.allacademic.com/meta/p_mla_apa_research_citation/3/1/3/5/2/pages313522/p313522-14.php.

⁵⁷⁹ Peter Schwarz, *European Diplomacy in Gaza Crisis Prepares Trap for Palestinians*. Global Research, 8 January 2009 [cited 4 Oct. 2009]. Available from <http://www.globalresearch.ca/index.php?context=va&aid=11682>.

⁵⁸⁰ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 1.

a single image to minimise the chances as a coherent international actor in the peace process".⁵⁸¹

Be that as it may, to Denis Bauchard it seems like the Bush administration coupled with successive Israeli governments "have constantly sought to distance Europe from any political negotiations in the region. Europe has instead had to play the passive part of 'banker', financing equipment and infrastructure".⁵⁸² Still, Asseburg argues that the EU later had a change of heart – when it increased its activities in the OPT – due to the continent's ambitions to become a global player, and as a result of the urgency imposed by the deteriorating situation, coupled with the US administration's neglect of the peace process during President Bush's first term in office.⁵⁸³ Yet other considerations might have also contributed to the EU's increased involvement, such as the strengthening of the CFSP and the creation of ESDP (new EU foreign policy instruments), and the fact that Europe was finally rid of the war at its outskirts in the Balkans.

5. What are the consequences of the EU's failure?

Consequently, what "over the last 15 years has proven to be the main stumbling block to improve EuroMed relations and to confidence-building and regional integration – the Arab-Israeli conflict – is bound to remain a major impediment to closer cooperation, particularly in the Mashreq".⁵⁸⁴ Adding to that, the EU's reactive policy during the last three years (2006-2009) with regards to Hamas has led it to lose its credibility. Moreover, its support for democracy was discredited in the eyes of the local Palestinian population and the wider Islamic world after its dubious signal, to both Arab authoritarian regimes and Arabs in the streets, when Hamas' electoral victory in 2006 was given merely *pro forma* recognition, while *de facto* legitimacy was denied to the majority faction in parliament.⁵⁸⁵

⁵⁸¹ Gianniu, "The European Union's Involvement in the Israeli-Palestinian Conflict: An Active Paradigm of European Foreign Policy?"

⁵⁸² Bauchard, "Europe's Role in Averting a Middle East Tragedy."

⁵⁸³ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*:7.

⁵⁸⁴ *Ibid.*: 6.

⁵⁸⁵ *Ibid.*: 38.

What is more, the reversal of the EU's earlier reform policies in the OPT since Hamas' electoral victory to the advantage of the West Bank Abbas-led government, has undeniably helped *deform* more than reform the fragile Palestinian institutions, putting a question mark over the EU's honesty as a democracy and reform promoter in the Middle East.

Within the context of a volatile Oslo peace process and the Intifada, EU aid to the Palestinians has mainly been used "as a substitute for international political will and to compensate for the lack of genuine bilateral negotiations between the parties". Aid alone, however, cannot buy peace. "Not only has the international community's 'aid for peace' strategy failed to attain its stated political and socio-economic objectives, but it is also the central contention of this article that such international intervention has actually been harmful".⁵⁸⁶ Donors have ended up financing Israel's continued occupation of the Palestinian Territory and its expansionist agenda at the expense of international law, the well-being of the Palestinian population, their right to self-determination, and the international community's own developmental and political goals. Indeed, Le More's predictions in 2005 came true. Despite optimism due to the Israeli disengagement from Gaza, she rightly speculated that it would not work unless there is a genuine effort to build a Palestinian state and collective Israeli and Palestinian security. She posited that "not only did aid relieve Israel of its responsibilities under international law, but it also clearly helped sustain its occupation and expansionist policy, which would have been much more onerous to maintain had the international community not paid the bill". But the international donors continue their aid because they know it is naive to expect Israel to step to the plate just because their assistance is discontinued, and they fear a humanitarian catastrophe in the area if they stop.⁵⁸⁷

More alarming, the international community "[has] not achieved their intended results of weakening or 'moderating' Hamas"; on the contrary, they have contributed to "the lawlessness and lack of governance in Palestine". EU policies against Hamas have also "fuelled

⁵⁸⁶ Anne Le More, "Killing with Kindness: Funding the Demise of a Palestinian State," *International Affairs* 81, no. 5 (2005).

⁵⁸⁷ Anne Le More, *International Assistance to the Palestinians after Oslo: Political Guilt, Wasted Money*. New York: Routledge Studies on the Arab-Israeli Conflict, 2008: 128-29.

polarisation and confrontation” within Palestine, “leading most dramatically to a civil war in Gaza, the ensuing political split between the and Gaza, and with it the disappearance of any realistic prospect for a two-state solution”.⁵⁸⁸

Proposals for the way ahead

Richard Youngs “recommendations for reforming Europe’s Mediterranean policy commonly propose incremental increases to the EMP acquis. But the primary need is not for more activity, or for a broader range of policy initiatives. A vast array of ‘EuroMed’ branded dialogue and cooperation now takes place across the Mediterranean, but it is doubtful that much more impact could be gained through more summits, a ‘Mr Med’ special EU representative, a common definition of this, or a new charter on that, or through more institutional structures like the often proposed EuroMed Development Bank. It is unlikely even that throwing more money at the EU’s Mediterranean strategy would be effective when the large amounts of resources already provided are not working as intended”.⁵⁸⁹

Still, despite pessimism and based on various assessments of EU involvement in the Mediterranean and the MEPP, some recommendations were drawn by various experts on the subject. In Asseburg’s view, for instance, the EU should:

- 1) encourage intra-Palestinian reconciliation;
- 2) open the Rafah border crossing and reconstruct the Gaza Strip;
- 3) return to building good governance and reforming Palestinian institutions;
- 4) restart the Palestinian-Israeli peace process;
- 5) if it is to regain some credibility in the Arab World, take some drastic measures and exert real pressure on Israel to re-engage in

⁵⁸⁸ Emerson and Youngs, *Political Islam and European Foreign Policy: Perspective from Muslim Democrats of the Mediterranean*: 157.

⁵⁸⁹ Youngs, "How Europe's Mediterranean Policy Went So Badly Wrong."

negotiations, and accept the indigenous forces of the Territory by *supporting* without imposing democratic changes.⁵⁹⁰

In a nutshell, “the Europeans have to make peace in the Middle East a priority”.⁵⁹¹ Asseburg further states that the EU should not only be about “claiming a role” but about “assuming that role” and engaging in the politics of the region.⁵⁹² The EU’s “efforts should be complemented by support for state- and nation-building processes in the Palestinian territories, rather than simply cooperation with those local forces whose agendas we share most. This is more urgent in the face of the persisting stark societal and political polarisation in the Palestinian territories”.⁵⁹³

That said, Asseburg is not alone in trying to define solutions to revive the EU’s peace and development process in the Middle East. From various debates during conferences and workshops on the subject, many suggestions to boost the EU’s role in managing the conflict have been put forward, including:

1. Increase the number of effective and democratic players involved in solving the conflict; for example, use (un)diplomatic channels, (in)formal networks and big or small private business partners.
2. Engage new people, like women and youth, in local development programmes, but keep the Palestinian priorities, and not only the EU’s own agenda, in mind.
3. Resolve the problem of actors’ movement by creating special EuroMed visas in order for them to participate in debates to find answers together.
4. Invest in a new generation of Palestinian leaders through programmes resembling the ones within Europe. These young leaders will be part of the solution and not the problem.

⁵⁹⁰ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 42-44.

⁵⁹¹ Muriel Asseburg and Paul Salem, "10 Papers for Barcelona - N°1: No Euro-Mediterranean Community without Peace," EU-ISS & IEMed, September 2009: 13. Available from <http://www.iss.europa.eu/uploads/media/10Papers-01.pdf>.

⁵⁹² Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 2.

⁵⁹³ *Ibid.*: 3.

5. Shed light on abuses in the Middle East and the OPT and stop protecting perpetrators by putting publicity on flagrant issues (also in order to regain the EU's credibility in the Arab street).
6. Challenge the notion that democracy can be exported by the West and imported by the OPT. That, however, does not mean it cannot and need not be supported, because indeed it should be.
7. Stop the slippery-slope of the PA transformation into another Arab authoritarian regime by restoring conditionality and attaching benchmarks to the EU's aid (for instance, demanding political, legal, institutional, socio-economic reforms, and increasing transparency).
8. Avoid having an EU donor and relief driven agenda by continuing development projects. The challenges to state-building, however, include Israel's restrictions on access and movement, and the division between the West Bank and Gaza - the practical implications of these obstacles make it very hard for the EU and the PA to deliver key services.⁵⁹⁴
9. Combine the Palestinian state-building with finding lasting solutions to the Israeli-Palestinian conflict; otherwise EU aid is "merely money supporting the objectives of the Israeli occupation", which is not constructive for peace. Long-term objectives take time, so be patient.
10. Engage with Hamas because a two-state solution or further democratic elections are not possible without a Palestinian unity government, including Fatah and Hamas, working together. The EU must help the two factions reach reconciliation, because after all the peace process is only viable if Hamas gives its consensus to it, and democratic elections cannot take place without Hamas. Sanctions did not succeed in changing Hamas, but only further radicalised other factions in the Gaza Strip (e.g. *Jundallah* Gaza attacks in summer of 2009).⁵⁹⁵

⁵⁹⁴ Johann Herz, *Briefing Note #4: Launch of the Peace Report 2009 - Key Challenges for European Policy: The Case of Palestine*. ISIS Europe, October 2009 [cited 6 Nov. 2009]. Available from http://www.isis-europe.org/pdf/2009_escg_23_esr46-briefingnotepeacereport2009.pdf.

⁵⁹⁵ Hovdenak, "Hamas in Transition: The Failure of the Sanctions."

This last point seems very important as it is the recurring theme in most recommendations and highlighted by most experts on the subject. Analysts often agree that “serious peace talks are impossible while Palestinians remain divided. The EU must actively support Palestinian reconciliation and consider suspending its assistance to Palestinian police forces until a unity government is formed to avoid deepening divisions between Hamas and Fatah”.⁵⁹⁶ This is particularly significant in light of the fact that Hamas, despite its isolation by the international community, is “still strong and in control of the Gaza Strip”, while “disorder and radicalisation are spreading across the Strip, where the social fabric has been severely weakened by the humanitarian crisis caused by Israel’s border closures and military conflict between Hamas and the Israeli army”.⁵⁹⁷

Likewise, the International Security Information Service (ISIS) in Europe prepared a briefing summary of the European Security Contact Group meeting on 23 July 2009. The meeting included experts on the Israeli-Palestinian conflict and was based on the Brussels launch of the 2009 Annual Peace Report issued by five leading German peace and conflict research institutes. The summary, drawn from the commentaries of two of the reports’ authors, Margret Johannsen and Jochen Hippler, concluded that:⁵⁹⁸

1. New wars (with non-state actors) are different from old wars (between states) and are on the rise, which is why different conflict resolution mechanisms that are not based merely on military power but on “winning the hearts and minds of the population” are needed.
2. In most cases, dependable governance structures are the key to terminating instability. Instruments of military security and sustainable development policy can only contribute to peace-building if combined with these structures and supported by the indigenous population.
3. The EU and its member states seem to at least “rhetorically accept the need for a re-conceptualisation of the way to end [the]

⁵⁹⁶ O’Donnell, *The EU’s Approach to Israel and the Palestinians: A Move in the Right Direction*.

⁵⁹⁷ *Ibid.*

⁵⁹⁸ Herz, *Briefing Note #4: Launch of the Peace Report 2009 - Key Challenges for European Policy: The Case of Palestine*.

conflict”, which is a first step in the right direction, but concrete actions must follow.

4. Two approaches are present among policy writers within governments:

- a) one that favours civilian elements to solve war and only including the military to provide support and security;
- b) one where the primacy of military remains but where civilian tools are added to strategy” (an option that is supported in this publication as well).

While commenting on Denis Bauchard’s recent article in *Europe’s World*,⁵⁹⁹ El Sayed A Shalaby concurs with the notion that the region’s future will depend on the outcome of two basic issues: a just settlement for the Palestinians, and “progress towards a plural and democratic system of government in the Arab World that can make poverty, unemployment and corruption things of the past”. But A Shalaby makes it clear that the EU cannot do it alone and that there is an important role for the Arab governments to play, too. These governments, in his view, will need to find a feasible way to assimilate the Islamic movements, especially the more moderate ones, “into the political fabric of their societies”.⁶⁰⁰ This opinion is shared by other analysts who believe that “decisions on the PA must also be viewed in the larger regional perspective, which includes issues concerning Iran, the cartoon controversy, and democratization”.⁶⁰¹ The US and the EU should engage Arab nations, especially in the Gulf region, in a more constructive dialogue and refocus their attention on the Palestine Question along with the Iranian issue. Elizabeth Young summarised the argument by the EU’s Middle East envoy, Marc Otte, as follows: “[i]n particular, the West must face the accusation that it has a double standard for democracy. As witnessed in the Palestinian elections, there is no real alternative secular third party in the Middle East to contest the Islamists”.⁶⁰²

⁵⁹⁹ Bauchard, "Europe's Role in Averting a Middle East Tragedy."

⁶⁰⁰ A Shalaby, "Commentary: Europe's Role Is Vital, but So Too Is Arab Leaders' Response to Militant Islam."

⁶⁰¹ Marc Otte, *Responding to Hamas's Triumph*. The Washington Institute for Near East Policy, 10 March 2006 [cited 6 Nov. 2009]. Available from <http://www.washingtoninstitute.org/templateC05.php?CID=2449>.

⁶⁰² Elizabeth Young, *Responding to Hamas's Triumph*. The Washington Institute for Near East Policy, 10 March 2006 [cited 6 Nov. 2009]. Available from <http://www.washingtoninstitute.org/templateC05.php?CID=2449>.

Nevertheless, “the return to a Pax Americana as outlined by President Bush in his January 2004 State of the Union address is clearly not an option. The Greater Middle East project, which was meant to ‘eradicate tyranny’, promote democracy and make the region prosperous through free trade is no longer viable. But the US [and the EU] can regain credibility and influence if [they engage] in crisis resolution. President Obama’s approach, therefore, marks a very real turning point. He recognises that all the region’s problems are connected and that there can be no stability in the Middle East without a solution to the Palestinian question”.⁶⁰³ Obama and the EU are conscious of the need to confront hostility from opponents like Iran but also from friendly states such as the current Israeli government. But the risk of outright chaos is real enough, with all that implies for the region as a whole, as well as for its immediate neighbours and global security.⁶⁰⁴ So, the question to be posed here is: Are the EU and the US looking for short-term or long-term stability in the Middle East, while being aware that a period of unrest may precede long-term stability?

It is doubtful whether the new US administration would or could exercise pressure in the face of domestic considerations. For a US President who has to deal with the worst economic crisis since 1929, the political costs would probably be too high. Yet, this leaves some room for the EU to manoeuvre and assume that role. A Palestinian state would need to hold legitimacy in the eyes of the Palestinians, but as long as the PA is not delivering on the two-state-solution it will not assert its legitimacy, which could be improved under the right pressure and incentives from the EU to Israel. Also the EU can continue to help in state-building in areas such as justice, rule of law, health and governance, where it has led the way. But it should also couple it with the human security dimension by encouraging civil society involvement and engaging with Hamas to be part of the solution. The EU must push for the creation of a Palestinian state while taking into consideration the changes in regional dynamics. The EU needs to work effectively with the US to revive the dialogue between parties and unblock the *status quo*. Israel’s current insistence to negotiate borders first and settlements

⁶⁰³ Bauchard, “Europe’s Role in Averting a Middle East Tragedy.”

⁶⁰⁴ Luc Reyckler, *Democratic Peacebuilding: The Devil Is in the Transition*. Leuven: Leuven University Press, 1999.

to deepen bilateral relations and provide full assistance for peace talks, but insist on the need for Israel to fully recommit to the peace process".⁶¹⁰ This is more important now as "the new Israeli government is only reluctantly endorsing a two-state solution; in a speech on June 14th, Prime Minister Benjamin Netanyahu made a significant concession (yet declaratory in nature and [still] lacking substance)".⁶¹¹

But one must keep in mind that on a political level the EU is an expression of the discussions among its members, which makes the EU appear divided and paralysed at times. At present, the members often disagree about the conflict in the Middle East - some put more emphasis on Israel's security, while others put it on the human security perspective. "The EU needs to adopt the concept of human security as a new narrative underpinning its foreign policy, as well as an organising framework guiding its security capabilities and the tools and instruments of foreign policy".⁶¹² To that end, the EU has to use the array of tools available to it to support human security, but that of course needs the political will of all its members to capitalise on those instruments which would make it a force for peace in the OPT. One such instrument is the "emphasis on the construction of a legitimate political authority, which could best be achieved through a "bottom-up approach, which would mean mobilising civil society in Israel and Palestine as well as in Europe to push for a new political solution".⁶¹³ The polls demonstrate that both Palestinians and Israelis long for peace and security. "The principle of legitimate political authority depends on those who have the power to grant legitimacy - civil society. So, ordinary people need to be involved in the search for a political solution".⁶¹⁴

Conclusion

After five years (1995-2000) of the EU focusing merely on economic development and state-building projects in the OPT, its approach at the end failed because it did not take into consideration the realities

⁶¹⁰ O'Donnell, *The EU's Approach to Israel and the Palestinians: A Move in the Right Direction*.

⁶¹¹ Ibid.

⁶¹² Kaldor, "A European Union Human Security Doctrine for the Middle East."

⁶¹³ Ibid.

⁶¹⁴ Ibid.

of the occupation which remained a background issue. Though there was a short moment of success at first, the EU eventually fell short of achieving its goals because it applied, right at the start, a “post-conflict peace-building [approach] – as if there were no continuing conflict, occupation or mobility restrictions hampering economic development, reconciliation and institution-building”.⁶¹⁵ Still, this approach did not last long. Facing the pressing realities of the Second Intifada and of Hamas’ electoral victory, the EU switched from economic and institution development support to humanitarian aid and emergency relief in order to alleviate the rapid deterioration of the Fatah-led PA and the augmented suffering of the Palestinians under occupation.

Stephan Keukeleire argues that “the EU wanted to apply to its relations with the Mediterranean the objective and methodology that had proved so successful with its Eastern neighbours. The EU envisaged fundamental changes in the political, legal, economic and societal structures within the individual Mediterranean countries [including the OPT], in their mutual relations and in their relations with the EU. However, in this case the EU could not play its trump card – the prospect of accession”.⁶¹⁶ The drawback is that the EU played a limited political role from the start and was absent from the negotiations leading to Madrid and Oslo, in 1991 and 1993 respectively, brokered by the US, which, in a sense, hijacked the process. Although the EU assumed eventually a pivotal role in the peace process by shaping the terms of the debate (implicitly prior to Oslo) and by then explicitly developing a long-term, complex, comprehensive and ambitious structural foreign policy (i.e. the EMP) to translate the agreement into practice, it failed in achieving its goals, because it did not take into account simultaneously traditional foreign policy measures and conflict resolution means for enhancing peace and security in the OPT. Hence, it was left to pay the bill for a deal that it did not broker or succeed in materialising.

That said, there is no denying that Europe has been much more sensible in its treatment of the area and its inhabitants than the US, not just because of its many vital development projects in the OPT, but

⁶¹⁵ Asseburg, *European Conflict Management in the Middle East: Toward a More Effective Approach*: 1.

⁶¹⁶ Keukeleire, *The Foreign Policy of the European Union*: 275.

because “Europe, unlike the US, doesn’t always view its relationship to Palestine as an arrogant power with a list of uncompromising demands which have to be fulfilled or else. The US’s fundamentally erroneous approach to the Middle East in general, and Palestine in particular, has created untold animosity towards Washington, and generated a lack of trust that will eventually undermine its position in the entire region – a process currently underway”.⁶¹⁷ This special relationship between the EU and the Palestinians is usually attributed to historical links (e.g. due to Europe’s recent colonial past in the Middle East), geographical proximity, and/or sympathy to the devastation of war (experienced in Europe not long ago). Thus, European policies in the OPT are embedded in a broader European approach of support for the MEPP and the EMP/ENP/UfM, and not merely imposing by force ‘Western values’ onto the Territory – which tended to be the Bush administration’s approach toward the region.⁶¹⁸

Thus, if the US holds the key to peace in the Middle East, the EU has a unique position and opportunity to play an influential role as well. Though it is not powerful enough to force the Israeli government to do something it does not want, the EU could put enough international pressure on Israel, while providing ‘carrots’ for both Israelis and Palestinians to cooperate. As Arab-Israeli relations have soured so badly, they are now only candidates for improvement. The EU should help put an end to settlement expansions and to formally supervise the implementation of international agreements according to pre-determined UN resolutions. All parties must seize this historic moment and remember that today’s opportunities might not be available tomorrow. A major challenge for this scenario is the fact that not long ago the EU was a colonial power in the Middle East, and though it likes to project itself now as a “normative power”,⁶¹⁹ Peter Seeberg depicts it as “a realist actor in normative cloths”,⁶²⁰ a notion that is detrimental to the Arab trust in Europe’s intentions and hence to the EU’s credibility.

⁶¹⁷ Baroud, *Europe and the Middle East: Will EU Be a More Just Mediator?*

⁶¹⁸ General assessment based on fieldwork interviews with Hamas and Fatah leaders and members, in addition to independent and civil society representatives, in the West Bank and East Jerusalem during the summer of 2009.

⁶¹⁹ Pace, “Paradox and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power.”

⁶²⁰ Seeberg, “The EU as a Realist Actor in Normative Cloths: EU Democracy Promotion in Lebanon and the European Neighbourhood Policy.”

But with a situation going from bad to worse on a daily basis, and with the dream of something remotely close to Palestinian democratic elections being shattered without a unity government in place, it was not surprising that the Palestinian CEC had to declare that the expected January 2010 presidential and parliamentary elections would have to be postponed indefinitely, because " Hamas has banned elections in Gaza and Israel's cooperation was not confirmed". Amid this deadlock, whether the elections will take place in 2010 or not, or whether Abbas will run for President or not,⁶²¹ is up in the air.⁶²² Lately, there seems to be also a Palestinian move to gain international recognition for an independent state without Israel's approval; yet, Israeli Prime Minister Netanyahu has warned against such a move insisting on negotiations as the only solution. Still, chief Palestinian negotiator Saeb Erekat said he would ask the EU and the UN Security Council to recognise an independent Palestinian state despite Israel's objections because of a failure to restart talks due to continued Israeli settlement expansion that is leaving the actors with fewer options.⁶²³ Whether the EU will support such a move or not is still unclear. What is clear nevertheless is that unless the EU's rhetoric-political will gap and its 'declaratory' policies are backed by concrete and effective actions, EU-OPT relations will increasingly be challenged by the growing radical forces on the ground and continue to suffer unfulfilled commitments that will render progress, trust, and peace beyond the roundtables unattainable.

⁶²¹ Abbas has announced that he will not seek re-election in the next presidential election polls - a move seen by some as a bargaining tactic or political manoeuvring, to pressure the US on what the PA perceives as backtracking on the US's policy towards the Middle East. See BBC News, "Abbas Will Not Seek Re-Election," 5 November 2009. Available from <http://news.bbc.co.uk/2/hi/8344687.stm>.

⁶²² BBC News, "Palestinians 'Should Delay Polls'", 12 November 2009. Available from http://news.bbc.co.uk/2/hi/middle_east/8356959.stm.

⁶²³ BBC News, "Israel Rejects Palestinian Move," 16 November 2009. Available from http://news.bbc.co.uk/2/hi/middle_east/8361654.stm.

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ANNEXES

Annex A:
Interview Questions Concerning the EU-OPT Relations
(posed in summer of 2009)⁶²⁴

SECTION I

At the beginning, please answer few questions that will subsequently improve the quality and representativeness of the study being conducted.

1) Have you spent time (working or living) in the Occupied Palestinian Territory (OPT, i.e. the West Bank, the Gaza Strip and East Jerusalem)?

- Yes (Where and how many years, months and/or weeks):
 No

2) Besides your working/living environment, are you involved in any other project(s) in the region? If yes, please specify:

- a) Peace project/dialogue:
- b) Security project:
- c) Development project:
- d) Other:
- e) None

3) If you are a Palestinian or an Israeli, please indicate your party affiliation and specify duration:

- a) Party affiliated and an active member:
- b) Party affiliated but not an active member:
- c) Not affiliated to any party:
- d) N/A

SECTION II

In this part of the questionnaire I would like to ask you to answer the general questions reflecting either your personal opinion or the opinion of the organisation/institution for which you work (kindly indicate your choice).

4) Between the US and the EU, which do you think is the most 'important' (effective and efficient) international player in the Middle East peace process and why do you think so?

⁶²⁴ This questionnaire is for my PhD research, pertaining particularly to the democracy and good governance aspects of the political basket of the Barcelona Process - which constitutes a major part of this publication.

5) In your opinion, can one speak of an independent EU policy approach (taking into account the EMP and ENP), or is the EU acting along the lines of the United States' foreign policy?

6) What do you think about having a democratic system in the OPT, is it desirable and possible? Which type of democracy do you envisage for the OPT? Do you think the Palestinians in the OPT desire a democratic system or not?

7) How would you evaluate the democracy promotion policies as employed by the EU towards the OPT? Which democracy is the EU trying to promote in the OPT? Where do you see the strengths and weaknesses of its approach?

8) How would you evaluate the EU's reactions towards Hamas following the Palestinian Legislative Council elections in 2006? Was their decision democratic?

9) How do you see the EU's democratisation policy in the OPT affecting the Palestinians' trust in: a) democracy as a value, b) the EU as its promoter, and c) their own leaders as its implementers?

10) Are democracy and religion (i.e. Islam) compatible? Or does democracy require secularisation first? Would Hamas accept a new round of elections bringing in a secular government? Was it Hamas or Fatah that undermined the democratisation process and the sharing of governance after the 2006 PLC elections?

11) Can there be a democracy under occupation, even an internal one, or does the occupation push a system towards authoritarian regimes? Why (please elaborate)?

12) Do you think that a Western policy of 'bypassing Hamas' will be sustainable in the future?

- a) If yes, why?
- b) If no, why not?

13) Taking into consideration the division between the Palestinians, and the lack of a plan concerning the Gaza Strip, do you feel that, despite the West's intentions, supporting civil society and police forces only in the West Bank promotes or undermines the democratisation process in the OPT?

14) In your view what were the consequences of the EU's reaction to Hamas' victory in the 2006 elections concerning the peace process? And what, if anything, should be changed in their policies?

European Union Foreign Policy in the OPT

15) What future role(s) do you see the EU playing in the democratisation and peace processes in the OPT (taking into account 1. the new US Administration, 2. the economic crisis, and 3. the growing influence of the Israeli right-wing government)?

16) Do you have any other comments or additions that I should be aware of with regard to this research or your work? Can you suggest documents, books, persons to consult for my research?

SECTION III (For those working with/in the OPT)

In this part of the questionnaire I would like to ask you to answer specific questions regarding your work reflecting either your personal opinion or the opinion of the organisation/institution you work for (kindly indicate your choice).

17) In line of your work, do you face some restrictions on your freedom of movement, speech and association from the Israeli Government, the Palestinian Authority, or both? How?

18) Are you involved in any projects that are supported by funding from the EU? Are there any conditions attached to these funds, which you view as undemocratic or restrictive? Please explain:

19) How would you evaluate the role of the NGOs in the OPT? The financial support of the EU to the OPT? (Is it sufficient and/or effective? Does it have a positive or negative impact on: civil society, rule of law, economic development, reform and peace-building?)

SECTION IV

At the end I would like you to answer a few personal questions for statistical purposes only. As already mentioned above anonymity will be assured in the evaluation.

20) Personal Data:

20.1) Gender/sex:

Male

Female

20.2) How old are you?

18 - 25

26 - 32

33 - 39

40 - 46

47 - 52

53 - 59

> 59

20.3) Highest education level achieved? Where?

- a) Primary/elementary education:
- b) Vocational education:
- c) High school:
- d) College:
- e) University undergraduate degree:
- f) Masters:
- g) Doctorate:
- h) Other:

20.4) Which nationality(ies) or ID(s) do you possess?

20.5) For which type of organisation(s) are you working? (Please elaborate)

- a) NGO/CBO/think tank(s):
- b) Government:
- c) International/governmental institution/organisation(s):
- d) University:
- e) Other:
- f) Not working at the moment:

Annex B: European Commission Budget to the PA⁶²⁵

EC Financial Commitments to the Palestinian People - November 2009											
Budget Heading	Commitment appropriations (million €)										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	M€	M€	M€	M€	M€	M€	M€	M€	M€	M€	M€
Budget Headings managed by AIDCO.A											
16-02-03-01 (MEDA)											
Special Cash Facility II (of which 60 M€ converted into DBA - I, in May 2001)	90.00										
Direct Budgetary Assistance (DBA) - III			50.00								
Direct Budgetary Assistance (DBA) - IV			30.00								
Direct Budgetary Assistance (DBA) - V			20.00								
Reform support instrument B (finance facility component)				80.00							
World Bank: Public Financial Management Reform Trust Fund					65.00						
2005 Contribution to the World Bank Public Financial Management Reform Trust Fund						70.00					
Interim Emergency Relief Contribution (IERC) - I							40.00				
TIM Window 2 (Interim Emergency Relief Contribution (IERC) - II)							40.00				
Gaza Water and sanitation (EIB)	3.70										

⁶²⁵ As presented to me by the Secretary to the Head of Operations at the European Commission Technical Assistance Office (ECTAO) in Jerusalem. I was informed that they do not have available data on EU-OPT economic support before 2000 or further information on the details in this Excel sheet.

Direct Budgetary Assistance (DBA) - II (incl.10 M€- Support to Municipalities)	40.00								
Municipal Support Programme - Phase III addendum	0.66								
Assistance to the Hospital sector	1.95								
Biblic school	0.20								
Support for the development of Eastern Jerusalem	0.14								
Global allocation for projects in West Bank and Gaza	0.10								
Palestinian Central Bureau of Statistics (PCBS)		0.30							
Emergency Assistance to the Palestinian Ministry of Health (ESSP)		10.00							
Support judicial reform		7.00							
Health Sector Support Programme		5.00							
Emergency support to East Jerusalem Hospitals		5.00							
Private sector/East Jerusalem		5.00							
Emergency support to Municipalities		30.00							
Support to the electoral process		10.00							
Support to SME		10.00							
Global Allocation 2002		5.45							
Trust Fund for the Emergency Services Support Project II (ESSP II)			22.00	22.75					
Emergency support for the private sector in the WB, GS and JRSL			15.00						
Reform support instrument A (technical assistance component)			10.00						

Reform Support Instrument II (technical assistance component)					5.00					
Special Contribution to UNRWA for emergency needs in Gaza Strip					20.00					
Technical assistance for the PA (identification Gaza and reinforced monitoring) - IMG					3.00					
Infrastructure Facility						40.55				
East Jerusalem Initiatives						1.80				
Higher Education Support						5.00				
Mental Health Services Support						3.40				
TIM Window 1+3 - (ESSP + Social Allowances)							52.75			
TIM Window 3							3.00			
Subtotal	20.40	43.05	87.75	47.00	50.75	50.75	55.75			
19-08-04 (Aid for the UNRWA)										
UNRWA 10 th Convention contribution year 2000	40.24									
UNRWA 10 th Convention contribution year 2001		42.25								
UNRWA additional contribution 2001		15.00								
UNRWA 11 th Convention contribution 2002			55.00							
UNRWA 11 th Convention contribution 2003				57.75						
UNRWA 11 th Convention contribution 2004					60.64					
UNRWA 11 th Convention contribution 2005						63.67				
UNRWA 2006 via MEDA Regulation							64.41			
Subtotal	40.24	57.25	55.00	57.75	60.64	63.67	64.41			

19-08-01-01 ENPI													
Partnership for Peace								5.00	5.00				
UNRWA - Scholarship Programme for refugees in Lebanon								3.00					
UNRWA - Lebanon refugee camp (Nahr el Bared)									5.00				
EuroMed Youth programme III in the oPt								0.40					
Subtotal								8.40	10.00	0.00	0.00		
19-08-01-02 ENPI - PALESTINE													
TIM Windows I, II and III (and TIM TA)								350.00					
Refugee Camp Improvement with UNRWA								4.00					
Finance Facility II (Arrears)								20.00					
Technical assistance for the PA								5.67					
UNRWA General Fund Support								66.00	66.00	66.00	66.00	66.00	
UNRWA SHC and Organisational Plan									5.00	1.00			
UNRWA @ 60											0.20		
UNRWA - Provision of Quality Education Services											10.00		
East Jerusalem Initiatives (under PEGASE 2008)								2.00	2.00	4.50			
PEGASE Recurrent Expenditure Support									258.00	219.10	158.5		
PEGASE Institution-Building									14.00	10.50			
PEGASE Public Infrastructure Support									37.00	18.00			
PEGASE Private Sector Reconstruction Gaza											22.00		
EXACT											1.50		
Subtotal								447.67	382.00	352.80	224.5		
Total Headings AIDCO-A	180.24	100.30	247.25	204.93	185.89	207.51	223.16	456.07	392.00	352.80	224.5		

Mother and child health programme for vulnerable communities in Gaza					0.85						
2006 Actions - Mobile Health Centre							2.00				
Block grant 2005 (6 gender actions)							0.81				
Provision of primary health care (anaemia and malnutrition)							0.61				
Facilitate women's empowerment in the oPT							0.74				
Improving economic prospects for Palestinian microentrepreneurs							0.75				
Community base development programme in the oPT								0.98			
Empowering Palestinian women - Transforming communities								0.68			
Subtotal	2.45	1.31	1.56	3.86	4.74	0.00	4.91	1.66	0.00	0.00	0.00
21-02-13 Decentralised Cooperation (AIDCO.04)											
Trilateral network for capacity-building - Tuscany, Israel, Palestine	0.22										
Appui au renforcement des capacités dans les municipalités (APLA)		0.31									
Subtotal	0.22	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21-02-07-03 Aid for Population and Reproductive Health Care (AIDCO.04)											
Palestinian National Programme for Women's Health and Family Planning	0.80	0.00	0.00	0.00	0.00						
Enabling Gaza refugees to access reproductive health services (BL 21.05.03.00)								1.39			
Subtotal	0.80	0.00	0.00	0.00	0.00	0.00	0.00	1.39	0.00	0.00	0.00

21-03-01 & 21-03-02 Non State Actors & Local Authorities in Development (AIDCO F)												
AAP								2.00	2.40			
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	2.40	0.00	0.00	
19-04-03 Human Rights and Democracy (AIDCO.04)												
Physicians for Human Rights	1.70											
Istituzione Centro Nord-Sud		0.30										
Human Rights training for PA security forces (€0,65 million; amount decommitted, contract not signed)		0.00										
European Union Electoral Observation Mission			2.50									
PIICR Civic and voter education project			0.35									
Micro-Projects		0.50		0.50	0.44	1.28	1.18					
Election Observation Mission for Legislative Elections						3.00						
Strengthening of rehabilitation services to victims of torture in the WB					0.97							
Awareness raising and lobbying against the Death Penalty in the oPT					0.30							
Promoting good governance among Palestinian civil society organisations					0.22							
Strengthening civil society through enhancing accountability in the NGOs					0.32							
Prisoner rights and democratic development					0.29							
2006 Actions								1.00				
A life without violence and discrimination is possible - women								0.66				

Support for Palestinian media sector BBC World (BL 19.04.05.00)							0.68				
Subtotal	1.70	0.80	2.85	0.50	2.54	4.28	3.52	0.00	0.00	0.00	0.00
Micro-projects - Country Based Support Schemes								0.90	0.90	0.90	
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.90	0.90	0.90	0.00
EUBAM (EU Border Assistance Mission in Rafah crossing)- Joint Action 2005/889/CFSP of 25 November 2005	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.00	2.50	1.12	
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.00	2.50	1.12	0.00
EU assistance to the PA to counter terrorist activities emanating from its territories + EUPOL COPPS (2005, 2006, 2008)	6.19	3.81	0.00	0.00	0.00	2.50	6.40	0.00	0.00	0.00	
Subtotal	6.19	3.81	0.00	0.00	0.00	2.50	6.40	0.00	0.00	0.00	0.00
EUPOL COPPS (Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories)	0.00	0.00	0.00	0.00	0.00	0.00	2.80	0.00	11.20	0.00	
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	2.80	0.00	11.20	0.00	0.00
Emergency reconstruction post Operation Defensive Shield			5.00								
Geneva Initiative					0.95						

Support to Gaza Disengagement (Quartet Special Envoy Mission)						1.30						
Subtotal	0.00	0.00	5.00	0.00	0.95	1.30	0.00	0.00	0.00	0.00	0.00	0.00
19-04-03 / 19-06-01-01 Instrument for Stability - I/S (RELEX 04)												
Palestine - Blair, Police, Reconciliation								7.50				
UNRWA -Nahr el Bared Camp - Lebanon								6.40		5.13		
UNRWA - Supporting Early Recovery in the Gaza Strip										13.00		
Supporting Early Recovery in the Gaza Strip										1.50		
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.90	0.00	19.63	0.00	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
OVERALL TOTAL (€millions) **	225.20	148.48	325.90	270.90	255.22	280.86	352.79	563.28	496.76	494.63	224.5	
<i>Annual Average Support ***</i>	<i>225.20</i>	<i>186.84</i>	<i>233.19</i>	<i>242.62</i>	<i>245.14</i>	<i>251.09</i>	<i>265.62</i>	<i>302.83</i>	<i>324.38</i>	<i>341.40</i>	<i>330.7</i>	
Total Support to UNRWA	83.76	90.07	71.43	91.85	103.27	97.26	111.81	100.55	120.00	154.34	66.00	
% of EC Support given to UNRWA	37%	61%	22%	34%	40%	35%	32%	18%	24%	31%	29%	

TOTAL EC Commitments 2000-

**Highlighted (shaded) and underlined figures are not final*

** 1994-1999: €821.35 millions
 *** 1994-1999: €13.6.89 millions

2000-2009: € 3,414.01 millions
 2000-2009: € 341.40 millions

1994-2009: € 4,235.36 millions
 1994-2009: € 264.71 millions

GLOSSARY OF EU INSTRUMENTS USED IN THE OPT

Political:

Action Plan: Adopted between the EU and the Palestinian Authority in 2005, under the ENP, identifying specific bilateral means to materialise strategies.

Association Agreement: Signed between the EU and the Interim Palestinian Authority in 1997, under the EMP, as Interim Association Agreement on Trade and Cooperation.

EMP: The **Euro-Mediterranean Partnership** (or the Barcelona Process) is a multilateral framework of cooperation, launched in 1995, which brought together all 15 EU member states at the time and 13 Mediterranean partners to dialogue and work on political, economic and cultural issues.

ENP: The **European Neighbourhood Policy** is a bilateral and parallel initiative to the EMP, launched in 2004 as a response to EU's fifth enlargement. It brought together all 25 EU member states and 16 neighbouring partners to work together on specific political, economic, cultural issues.

UfM: The **Union for the Mediterranean (or Barcelona Process: UfM)** is an update to the multilateral EMP framework, launched in July 2008, between all 27 EU member states and 16 Mediterranean partners. Unlike the EMP, the UfM focuses on a set of common projects between partners and lacks the conditionality attached to its predecessor. It has its own shared institutional settings, which brings southern and northern partners together.

Economic:

EIB: The **European Investment Bank** provides loans to fund development projects in the Mediterranean and neighbouring partners since the launch of the Barcelona process in 1995.

EIDHR: The European Initiative for Democracy and Human Rights was created by an initiative of the European Parliament to support various democratisation micro-projects in the Mediterranean region. EIDHR-I lasted from 2000 to 2006 and was followed by EIDHR-II (2007 to 2013), which expanded the mandate of the instrument beyond the Mediterranean. The EU decided not to include this instrument under the ENPI umbrella.

ENPI: The European Neighbourhood and Partnership Instrument replaced the MEDA instruments since 2007. It was designed to complement the ENP bilateral track and to bring together various economic instruments - intended for the Mediterranean and the Eastern European partners - under one umbrella instrument.

FEMIP: The Euro-Mediterranean Investment and Partnership Facility started in 2002 and brought together the whole range of services provided by the EIB to assist in the economic development of the Mediterranean partner countries.

MEDA: The Mediterranean Assistance coordinated European Community funds and EIB loans to the Mediterranean under the EMP initiative. It was divided into two consecutive phases, MEDA-I (1995-2000) and more its more tangible version MEDA-II (2000-2007).

PEGASE: The Palestino-Européen de Gestion et d'Aide Socio-Economique replaced the TIM at the beginning of 2008. Like TIM, this instrument provides direct budget support to the Palestinian Authority in the West Bank and Gaza Strip. However, its assistance is coordinated locally with EU member states and other international partners, providing a quicker and more efficient and transparent channel of funding. The ENPI and the EIDHR complement the PEGASE on certain projects.

TIM (Temporary International Mechanism): After Hamas' electoral victory in January 2006 the international community (including the EU) cut its funding of the OPT completely, but six months later, as the Palestinian Authority was on the verge of collapsing, the EU - with help of international donors - commenced direct financial assistance through the TIM to Palestinian families in need and to the Palestinian Authority (particularly Fatah officials) to

sustain the party and its services. This mechanism lasted from June 2006 to the end of 2007.

Cultural:

Partnership for Peace Programme: This programme replaced the People-to-People Programme in 1998. It was designed to work jointly with civil society organizations in partner countries in order to build confidence and “conflict transformation capacities” to help create the necessary atmosphere for the peace process and provide a solid foundation for democracy and good governance.

People-to-People Programme: This programme started with the launch of the Barcelona Process in 1995 to foster dialogue between cultures, but got replaced after three years with a more concrete instrument, the Partnership for Peace Programme.

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