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Recognition politics, regional approach and strategic review: three challenges to EU-Israel relations

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By way of addressing EU-Israel relations in the aftermath of the 2015 national elections in Israel, and against the backdrop of tightened EU-Israel relations during the last few years, this paper tackles the following questions: Will the EU or additional Member States recognise Palestine as a state? Will the EU reach out to the League of Arab states for regional solutions to regional conflicts and, if so, could this affect EU policies towards Israel? Will the ongoing reviews of the European Neighbourhood Policy (ENP) and the EU security strategy alter EU-Israel relation or the EU's role in the Arab-Israel conflict? This contribution examines these critical questions in light of the post-electoral context in Israel, the multiplication of conflict scenarios in the Middle East and a EU that is directly affected by security degradation in its Southern neighbourhood.

The aftermath of the Israeli elections

Israel went to polls on 17 March 2015 and the members of Israel's 34th government took up their new posts two months later. The new Knesset is a fragmented one and the new government relies on a slim majority of right-wing and religious parties. In light of how European policies towards the resolution of the Israel-Palestinian conflict have evolved in the last five years, of the composition of the new government and of some controversial statements by Benjamin Netanyahu during the electoral campaign, mainly the fact that he dismissed the establishment

of Palestinian state under his mandate, it seems that EU-Israel relations could enter a turbulence zone in the near future.

These elections will not be a watershed moment in EU-Israel relations but are likely to accelerate or amplify some of the trends observed in the last years. For quite some time, Europeans have been hardening their tone vis-à-vis some Israeli policies. A case in point is the policy towards settlements as the EU has imposed trade restrictions on products from settlements and has excluded Israeli organisations based in the settlements from the H2020 Research and Development program. Neither the new Israeli government, nor the EU is likely to modify their policies regarding settlements. In parallel, an increased number of European policy-makers are ready to explore unilateral solutions such as the recognition of Palestinian statehood in light of the stalemate of the Middle East Peace Process. Both aspects could fuel tensions in EU-Israel relations in the months and years to come.

What has changed in the region?

Since 2011, the Middle East and North Africa have witnessed profound transformations. The wave of protests and social and political unrest that covered the region in 2011 has translated into new patterns of socio-political contestation and new forms of street politics. Some years ago, solidarity with the Palestinians was not only a mobilising cause but also one of the rare ones on which autocratic regimes tolerated demonstrations and protests. For the last years, Arab citizens have been outspoken on a wider range of issues to the extent that solidarity with Palestinians became less central.

Violence has increased and spread all across the region. The (re)emergence of sectarian politics and communal strife, together with state collapse and conflict in Syria, Iraq, Libya and Yemen has been a fertile ground for the strengthening of violent non-state actors, including the self-appointed “Islamic State”. For the time being this has diverted attention from long-standing regional conflicts such as the Western Sahara or the Arab-Israeli conflicts. Yet, this could change if the Syrian conflict spills over Israel or if Islamic State decides to launch actions against Israeli or Palestinian targets.

In the aftermath of the Arab Spring, regional powers are engulfed in a zero-sum quest for regional hegemony. The Iranian-Saudi rivalry is one of the most salient features of this confrontation. The level of support to Muslim Brotherhood factions across the region drew a dividing line between Turkey and Qatar, on the one hand, and Saudi Arabia and Egypt, on the other. But arguably, this cleavage has become less important in 2015, particularly due to Saudi's willingness to form a cohesive "Sunni block". In this context, Israel shares with Saudi Arabia the reluctance to the Iranian's regional ambitions and is far more comfortable with Al-Sisi in Cairo than with Mohamed Morsi, thus sparking rumours on an un-declared alliance (or at least convergence of interests) between Saudi Arabia and Israel.

Any actor willing to play a role in the Middle East and North Africa is forced to review its policies and strategies to adapt them to this changing landscape. The EU is directly affected by growing instability in its Southern neighbourhood. The terrorists attacks in Paris, Copenhagen and Tunisia and the humanitarian crisis in the Mediterranean, with tens of thousands refugees risking their lives to reach the Italian and Greek coasts, have forced the EU to pay more attention towards its Southern neighbourhood. Finally, the EU has been actively involved in the negotiations of a nuclear deal between Iran and the major world powers and is willing to explore with Teheran how to substantiate this new period of cooperation.

All these elements are to be taken into account when answering to three important questions that are particularly relevant for the future of EU-Israel relations.

Q1: Will the EU or some of its member states recognise Palestine as a state?

In October 2014, the Swedish government formally recognised Palestine as a state. It was the seventh EU member to do so. But the other six (Bulgaria, Slovakia, Hungary, Poland, Romania, Cyprus and Malta) recognised Palestine before joining the EU. Sweden broke the taboo that recognition should be the outcome of a negotiation process and that the EU should proceed to this recognition as a block. In that sense, the Swedish decision went beyond the non-binding resolutions passed by several national parliaments (Ireland, United Kingdom, France, Spain, Portugal and Belgium) which urged to exhaust the negotiation pathway and asked for coordination in the framework of the EU. On December 17, 2014 the European Parliament also approved a compromise motion supporting Palestinian

“statehood” in principle and EU High Representative for Foreign Affairs Federica Mogherini affirmed that this is the ultimate goal and the position of the European Union.

Unlike in the case of Sweden, the unprecedented activism of the European parliaments on this issue did not have any practical consequence. However, it shows a change of attitude among mainstream political parties that some years ago may have abstained or oppose similar propositions. The changing voting patterns in the United Nations are also a sign that not only individual politicians but also some governments are shifting away from Israel. Comparing the UNESCO vote in 2011 with the one from the General Assembly in 2012 is very telling. Three countries (Germany, Lithuania and the Netherlands) that opposed Palestinian membership in UNESCO, abstained in the resolution upgrading Palestine to non-member observer state status in the United Nations. Sweden went even further as it moved from a no vote in UNESCO to supporting the General Assembly resolution. In a similar direction, three countries (Denmark, Italy and Portugal) that abstained in 2011, casted a yes vote in 2012. The only exception to this general trend was Slovenia.

Table 1: European voting patterns in the UNESCO and UNGA votes

	UNESCO vote 2011	General Assembly 2012
Austria	Yes	Yes
Belgium	Yes	Yes
Bulgaria	Abstention	Abstention
Croatia	Abstention	Abstention
Cyprus	Yes	Yes
Czech Republic	No	No
Denmark	Abstention	Yes
Estonia	Abstention	Abstention
Finland	Yes	Yes
France	Yes	Yes
Germany	No	Abstention
Greece	Yes	Yes
Hungary	Abstention	Abstention
Ireland	Yes	Yes

Italy	Abstention	Yes
Latvia	Abstention	Abstention
Lithuania	No	Abstention
Luxemburg	Yes	Yes
Malta	Yes	Yes
Netherlands	No	Abstention
Poland	Abstention	Abstention
Portugal	Abstention	Yes
Romania	Abstention	Abstention
Slovakia	Abstention	Abstention
<i>Slovenia</i>	<i>Yes</i>	<i>Abstention</i>
Spain	Yes	Yes
Sweden	No	Yes
United Kingdom	Abstention	Abstention

More recently, in May 2015, twenty prominent European politicians, including several former premier ministers and ministers of foreign affairs wrote an open letter to Federica Mogherini after the re-election of Benjamin Netanyahu. The signatories affirmed that they are convinced that Netanyahu has “little intention of negotiating seriously for a two-state solution” and that they have “low confidence that the US Government will be in a position to take a lead on fresh negotiations with the vigour and the impartiality that a two-state outcome demands”¹. Thus, among other measures, this group of influential figures suggested that the EU should support a UN Security Council resolution that “either i) calls for new negotiations and sets a mandatory deadline for the completion of an agreement to establish a two-state solution; or ii) creates a greater equivalence between the Israeli and Palestinian parties, including through recognition of a Palestinian state and strong support for Palestine accession to international treaties and organisations”². It is worth noting that this letter was published while France was drafting a UN Security Resolution setting the parameters to end the conflict and mandating the creation of a Palestinian state by 2017.

¹ European Eminent Persons Group, “Re: a new EU approach to resolving the Israeli-Palestinian conflict”, 11 May 2015. Available at <http://static.guim.co.uk/ni/1431517700142/EEPG-letter.pdf>

² Ibid

This parliamentary and diplomatic activity is taking place while many grass-root organizations in Europe (as in the US and Canada) are promoting the Boycott, Divestment and Sanctions Movement (BDS). The remarks by the CEO of the French telecommunications company Orange, Stéphane Richard, affirming that he would end the company's ties with Israel "tomorrow" if it were possible, gave additional visibility to this campaign. In Israel, this is fuel to the debate on whether Israel is increasingly isolated in the international arena and particularly in Europe and on who is to be blamed for that. In the EU, the strength of the BDS movement is giving arguments to those in support of more restrictive measures against Israeli interests in the occupied territories, as the best guarantee to protect bilateral relations with Israel.

Q2: Will the EU reach out to the League of Arab States for regional solutions to the Middle East crises?

One of the unintended consequences of the Arab Spring was that the League of Arab States (LAS) was pushed to play a more active role in regional affairs. For instance, its call to establish a no-fly zone in Libya gave a regional legitimation to the approval of the 1973 Security Council Resolution in Libya. The LAS also attempted to mediate on the Syrian conflict and finally decided to suspend Syria's membership and impose economic sanctions. More recently, amid the escalation of the conflict in Yemen and the airstrikes against ISIS, Abdel Fattah Al-Sisi announced in the Arab summit in Sharm el-Sheikh in March 2015 the creation of a joint Arab military force. While regional instability has pushed some Arab countries to cooperate, intra-Arab rivalries have undermined, as has happened many times before, the capacity of the LAS to play a larger role, both as a force for regional integration and also in response to conflict scenarios.

Nonetheless, the European interest in exploring cooperation with the LAS has not waned. In 2008 the Euro-Arab dialogue was resuscitated with the organisation of a ministerial meeting in Malta between the members of the EU and the LAS. This meeting was followed by regular ministerial meetings in Cairo (2012) and Athens (2014) and the launch of cooperation initiatives (training, electoral observation, crisis management, women's empowerment, energy among other). One of the novelties of the 2014 Athens ministerial meeting, whose final conclusions reflect the importance of the political and security agenda, was the establishment of a EU-

LAS Strategic Dialogue. This dialogue includes exchanges on political and security matters, regular meetings of the EU Political and Security Committee and the Arab Permanent Representatives and the full implementation of an Early Warning & Crisis Response Project³.

The European interest and the willingness to expand strategic dialogue and cooperation with the LAS are consistent with the EU's will to engage with regional organisations and to work with them on regional conflicts. It also reflects the EU's assessment that it cannot deal alone with the regional conflicts scaling up in its Southern Neighbourhood and that regional backing is needed to legitimise any international intervention. Libya, and to some extent Syria, Iraq and the Gulf of Aden, are spaces for potential Euro-Arab security cooperation. If this comes true, the LAS may ask the EU, in return, to put additional pressure on Israel and to support to the Palestinian statehood. In that respect, unsurprisingly, the Athens Ministerial declaration reiterated the importance of the Arab Peace Initiative and "their shared position not to recognize any changes to the pre-1967 borders other than those agreed by both parties, including with regards to Jerusalem"⁴. From an Israeli perspective, it is also important that these initiatives do not divert attention and resources from the Euro-Mediterranean framework where Israel is not only present but which have served this country to achieve some sort of indirect recognition by the Arab countries.

Q.3: Will the review of the ENP and the EU's Security Strategy alter EU-Israel relations and the EU's stance on the Arab-Israeli conflict?

As said above the EU has decided to review, once more, its policy towards the neighbours. The current policy embraces both Southern and Eastern neighbours and was inspired by the methodology employed in enlargement negotiations. In that sense, it aimed at promoting a harmonization of the neighbours' norms and practices with the incentive of having access to the EU internal market and benefiting from policies, agencies and programs.

³ "Declaration adopted at the Third European Union–League of Arab States Foreign Affairs Ministerial Meeting" Athens, Greece, June 10-11, 2014 available at

http://www.eeas.europa.eu/statements/docs/2014/140611_03_en.pdf

⁴ Ibid

The policy was already reviewed in 2011 in a context marked by the Arab Spring. The EU issued two joint-communications that brought back the idea of a building a “Partnership for Democracy and Shared Prosperity with the Southern Mediterranean.” The EU also persisted in the idea of enhanced conditionality (one of the main tenets of the ENP) in the form of the “more for more” and “less for less” principle. It also identified the famous 3 Ms (money, market and mobility) as incentives for reforms, which have been part of the Euro-Mediterranean agenda from the inception of the Barcelona Process. All in all, technocratic adaptation rather than reinvention characterised the EU’s immediate response.

The critical situation the two neighbourhoods are going through, the limited impact of previous attempts to adapt the ENP tool-kit to new circumstances, and the fact that a new Commission and a new High Representative took office in 2014, created a conducive setting for a second policy review. This process started with the publication of a joint-consultation paper framing the discussion and asking all interested parties to submit contributions by the end of June 2015. Moreover, the ENP review process runs in parallel with the broader strategic review led by the EEAS and which, inevitably, will also tackle insecurity and threats emanating from the neighbourhood. While the ENP review will mostly focus on instruments and incentives, the strategic review will deal with the definition on interests, visions and priorities.

These policy reviews can affect EU-Israel relations at least in three different areas. The first is that there is a considerable pressure to revise the application of conditionality and to strengthen the idea that each neighbour has different needs and that a “one-size fits all” approach will never work. Israel is one of those countries that is comfortable with the principle of differentiation and that has the will and the capacities to harmonize its legislation and practices – at least in the field of socio-economic policy areas and standards - with that of the EU and one of the countries that is already engaged in further strengthening its participation in EU programs and agencies. From an Israeli point of view, any attempt to stress a more technical dimension of the conditionality principle would be welcome, while a political formulation of it could backfire.

The second area is the way the ENP and the new EU Strategy will deal with conflicts. There is a growing pressure for ENP to reinforce its security dimension. Areas such as border control, terrorism, trafficking, conflict-prevention or conflict-resolution could become part of the ENP agenda. As long as it remains a bilateral

dimension, this would not be problematic for Israel. A regional translation of this security agenda could be more challenging, in light of Israel's isolation.

The third issue is the specific consideration of the Arab-Israeli conflict. It figured prominently in the 2003 Security Strategy as this document asserted that its resolution was a "strategic priority for Europe" and that without resolving it "there will be little chance of dealing with other problems in the Middle East"⁵. It remains to be seen whether the new strategic document of the EU will still consider it the cornerstone of conflict for peace in the Middle East or one among the many focus of instability.

Conclusions

At least four different sets of factors will shape EU-Israel relations in the months and years to come. The first of them is Israeli political dynamics. Neither the composition, nor the policies of the current Israeli government are likely to increase support for Israel in the EU. The second is the dynamics of the Arab-Israeli conflict. As said in this paper, the growing support in Europe for unilateral recognition of Palestinian statehood is a response to the deadlock in the peace process. The third is the broader regional situation, including the proliferation and escalation of conflicts, diversification and intensification of threats and shifting regional alliances. Europe is directly affected by the degradation of security conditions in its Southern neighborhood and is increasingly willing to engage in regional cooperation to face some of these challenges. Finally, the direction and intensity of EU-Israel relations will also depend on the EU itself, on its ability to overcome its multiple crises and to be more active in international affairs, starting with a much-needed update of its European Security Strategy and its policies towards the Southern Neighborhood.

⁵ A secure Europe in a better world - European security strategy. Brussels, 12 December 2003