

## The EU and a Two-State Solution: Prospects for Change?

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Historically Europe has been sidelined as a broker in the Middle East peace process, playing second fiddle to the United States. However, Europe plays an important role in any future scenario, and the internal social and political changes now underway will affect how it will engage with Israel in the coming years. This article provides an overview of European engagement in the peace process and proposes recommendations to promote a two-state solution using multi-faceted approaches to build a shared vision for peace. These emphasize: re-engagement in secret talks; support for constructive independent and coordinated efforts; and encouragement of unified efforts via international collaboration. The essay contends that if all parties take the necessary steps to secure the future of Israel and a Palestinian state, peace will be within reach.

### **European Involvement in the Middle East Peace Process**

Historically, the EU has desired to play a pivotal role in the Middle East peace process, but its efforts have been sidelined by Israel and the United States or derailed by disunity within the EU.<sup>1</sup> To be sure, over the past three decades a number of important benchmarks in the Israeli-Palestinian political process have occurred on European soil or at the behest of European leaders.

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These included the PLO's initial recognition of Israel in Stockholm in 1988; the 1993 Oslo Declaration of Principles (DOP); the 1994 Paris Protocol on Economic Relations; the 2000 "Swedish Track" in preparation for the Camp David summit; the 2007 Quartet (US, Russia, EU, UN) appointment of Tony Blair as Middle East special envoy; the 2009 French (under President Sarkozy) and Egyptian partnership for a Gaza Peace plan in a regional summit; and French President Hollande's initiative in 2016 to revitalize a stalemated peace process in Paris, which culminated in the 2017 International Conference for Peace, with over 70 countries represented. However, despite the EU's significant investment, Europe has still not garnered a position commensurate with its investment in the Middle East.

Early on, the EU made efforts to extend the same rights and agreements to both Israel and the Palestinians. In 1970, the EU and Israel solidified its relationship with a preferential trade agreement; the following year saw the Schuman Declaration, where the European Council highlighted its stance supporting Palestinian rights. In the 1977 Venice Declaration, the EU objected to what it determined as illegal Israeli settlements and unilateral moves regarding the status of Jerusalem. In 1995, Israel gained complete access to the EU's framework program for research and technology development, and in 1997, the EU executed a free trade agreement with the PLO. Following Oslo (1994-1999), the PLO was granted 800 million euros for the development of infrastructure. In 1999, the EU reinforced its commitment to the two-state solution with the Berlin Declaration. Today, annual aid to Palestinian territory amounts to one billion euros, while the EU maintains its preeminence as Israel's first and largest trade partner (34.6 billion euros in 2016).<sup>2</sup>

Europe's ineffectiveness in the peace process has been especially evident since the early 21<sup>st</sup> century. US-led bilateral negotiations in Camp David (2000) were preceded by secret Sweden-hosted "Stockholm talks," brokered by Prime Minister Göran Persson and special envoy Pär Nuder; however, Camp David was followed by the breakout of the al-Aqsa intifada (that lasted four years) and the failed Taba talks (2001). In 2002, the EU outlined a final status agreement on Israeli settlements in the Seville Declaration, and the Arab League endorsed the Arab Peace Initiative (API); both were received with suspicion by Israel. In 2003, the Roadmap for Peace, a three-step roadmap for Palestinian political reform, was advanced by President Bush.

The 2006 victory of Hamas in Gaza signaled a turning point and began the EU-backed “West Bank First” strategy. In 2007, within weeks of the Hamas takeover, British Prime Minister Tony Blair began his role as the Quartet’s Middle East Envoy. Yet over ninety visits to the region notwithstanding, Blair was criticized for his ineffectiveness to advance the two-state solution despite effectively nurturing economic development in the West Bank, *inter alia* vis-à-vis removal of major roadblocks, opening of the Jalameh Crossing and the crossing for Bethlehem tourism, and an increase in Palestinian use of Area C and Allenby Bridge.<sup>3</sup> His diminished success in Gaza is attributed to four violent escalations in the region.<sup>4</sup>

In January 2009, French Prime Minister Sarkozy and Egyptian President Mubarak, in a summit with European leaders, pushed a Gaza plan for a ceasefire that would end Operation Cast Lead (the “Gaza War”). In November 2009, French Foreign Minister Kouchner met with President Peres in Jerusalem and discussed the freeze in peace negotiations, strained relations between France and Israel due to Netanyahu’s policies (i.e., denying rights to cross into Gaza from Israel), and French support in achieving the two-state solution.

The May 2010 Gaza flotilla incident injured relations with Turkey for six years when ten armed Turkish activists were killed after the Israeli military boarded the *Mavi Marmara*, which attempted to breach the Gaza blockade. A UN panel concluded that Israeli forces faced violent opposition and used force in self-defense.<sup>5</sup> The Israeli government linked the flotilla sponsors, the Foundation for Human Rights and Freedom and Humanitarian Aid (IHH) with Hamas and the Union for Good, an entity that backs suicide bombings, though Turkey maintains IHH is a legitimate charity.

In 2011, Britain, France, and Germany released a joint statement explaining their support for the UNSC resolution on Israeli settlements. Though the resolution was ultimately vetoed by the US, over 120 UN members supported the motion. In 2012, in a controversial decision (Spain, France, and UK pro-recognition versus Germany and Italy anti-recognition), EU members supported UN resolution 67/19 granting a “non-member observer state” status to the Palestinian Authority. The “non-member observer state” status of Palestine allowed for its April 2015 membership into the International Criminal Court (ICC), where it could attempt to prosecute Israeli officials for alleged war crimes, which could include settlement construction, claiming violation of the 4<sup>th</sup> Geneva convention.<sup>6</sup>

In 2013, Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy, pushed for a differential European strategy due to continued settlement activity. Principal measures included the removal of EU research funding, sanctions, and labeling requirements for Israeli settlement products. Three EU members, the UK (2009), Denmark, and Belgium (2014), introduced their own guidelines. As of June 2017, seventeen EU members issued liability advisories to businesses about working with Israeli entities in settlements. Companies such as the Dutch PGGM pension fund, Danish Danske Bank, and Norwegian KLP insurance withdrew their investments in Israeli banks. Other departures included French companies Veolia and Orange as well as Irish giant CRH. Though the economic maneuver only affects 1 percent of trade with Israel, it symbolizes an important shift in European strategy.

After Operation Protective Edge (2014), French Foreign Minister Laurent Fabius extended the idea of an EU observer mission to encourage a truce. The EU declared it would support the initiative with boots on the ground,<sup>7</sup> and provide assistance to monitor international and Palestinian waters and encourage opening Gaza.<sup>8</sup> By late 2014, the European Parliament officially voted for a non-binding resolution for the recognition of Palestinian statehood as part of a two-state solution. Several EU member parliaments, including France, Ireland, Portugal, Spain, the United Kingdom, and Sweden also passed motions in support of recognizing a Palestinian state.<sup>9</sup>

In 2016, French FM Jean-Marc Ayrault continued efforts to revitalize the stalemated peace process. At France's invitation, 28 countries met in Paris to recommit to peace, and numerous initiatives followed: the Quartet published its 2016 report condemning Palestinian violence and Israeli settlement expansion, and highlighted the situation in Gaza. Russian and Egyptian initiatives were proposed, and UN Resolution 2334 was adopted. France's efforts culminated in the 2017 International Conference for Peace hosted by President Hollande and attended by 70 countries, but which Netanyahu, and subsequently Abbas, failed to attend. French President Macron has persisted in efforts, meeting with Abbas on July 5, 2017 and was scheduled to visit Israel and the Palestinian Authority in the spring of 2018.<sup>10</sup>

## **Public Opinion and Trends in Europe**

Despite its somewhat tenuous influence, Europe still plays an important political and economic role in any future peace scenario, and the internal

social and political changes it is now experiencing will affect how engages with Israel and the Palestinians. Of special note is the growing negative public opinion toward Israel over the last decade that has been spearheaded by international activity, the Boycott, Divestment, and Sanctions (BDS) movement, and internal politics within Europe itself.

### ***International Bodies***

Actions by UN organs raise legitimate concerns about disproportionate actions concerning Israel. As of 2013, Israel was condemned in 45 resolutions by the UN Human Rights Council, 20 resolutions by the General Assembly (in 2016 alone), and 226 resolutions by the Security Council since 1948.<sup>11</sup> Most notable resolutions over the decades include Resolutions 181 (the 1947 partition plan), 242 (the UNSC response after the 1967 war and the basis of all peace plans and negotiation processes), 338 (calling for implementation of 242), 1860 (2009 call for cessation of the war with Hamas), and 2334 (the UNSC 2016 demand to end Israeli settlement construction).

UNESCO in particular has passed contentious resolutions against Israel and the Jewish people, including three recent decisions: one denying Israeli sovereignty over Jerusalem, and two denying historic Jewish ties to Jerusalem holy sites, including the Tomb of the Patriarchs in Hebron and the Temple Mount. The disparity is clear when in 2007 UNESCO adopted a resolution opposing Israeli excavations, though it never criticized mechanical excavations by the Muslim Waqf to “preserve” the Old City.

In 2015, at the Palestinians’ request, the ICC in The Hague opened a preliminary inquiry into the 2014 Gaza war and settlement expansion, but Israel disputes the ICC jurisdiction owing, *inter alia*, to the fact that there is no official state of Palestine and Palestine was not under ICC jurisdiction at the time.<sup>12</sup> Following UNSC 2334 in 2016, Palestine demanded a full ICC criminal investigation.

### ***BDS***

Israel’s image in the West is in decline, which enables hostile groups such as the BDS movement to attack the moral and political legitimacy of Israel. These groups often aim at questioning Israel’s basic right to exist as the nation-state of the Jewish people and demonize Jews and Israelis via a manipulated combination of factual and legal argumentation with falsified accusations, including blood libels.<sup>13</sup> Though the BDS movement is counterproductive

and even harmful to Palestinians, BDS in Europe is strong, with millions of euros flowing into NGOs sponsoring BDS, confirming the growing anti-Semitism in Europe.<sup>14</sup> Some countries staunchly oppose outright discrimination, namely the UK, France, and Germany, and others do not want to jeopardize Israeli economic relations.<sup>15</sup> Still, NGO Monitor reported that 29 out of 100 regional funding frameworks, or 16.7 million euros out of 67.1 million, at least partly financed BDS activities.<sup>16</sup> Unintentionally, EU-backed funding often sponsors BDS initiatives.

### ***A Disunited Europe***

The European Union is crumbling under the weight of the economic and political polarization, the Brexit blow, and the influx of refugees. Amidst the growing uncertainty, Europe will not be the same in the next generation. Time will reveal whether the 28 (pre-Brexit)-member supranational system with its post-WWII institutions and its vision for the free movement of goods and people will endure, especially with nationalist right wing movements on the rise.

Over the last two decades, the faltering economies of Greece, Ireland, Spain, and Portugal (and Italy and France) highlighted the dominance of Germany and the financial imbalance among EU nations. The 2016 Brexit blow has yet to unfold in full: Will Britain be allowed to retain benefits of the EU free trade market? Will the EU deter other European leaders by setting a steep price for secession? It is almost certain that Brexit will weaken Britain's moderating voice in EU policy and the ability for EU and its member countries' to deal with the Middle East peace process.

Marked with differing cultures and values reflected by member state politics, the EU struggles to unify on common policies concerning brokering peace in the Middle East. For instance, in the debate over the Palestinian issue, Germany and the Czech Republic (and the Balkan states) were opposed to recognizing Palestine's statehood, in order to preserve the prospects for peace talks, while Spain and Sweden were strong champions of Palestinian statehood.

### ***Europe's Changing Identity***

The EU's identity is changing rapidly. The Muslim share of Europe's population has increased steadily, and Muslims are expected to comprise 20 percent of the EU population by 2050.<sup>17</sup> Muslims who gain leadership

positions in local, national, and EU parliaments are likely to be biased against Israel.<sup>18</sup> Furthermore, the EU is preoccupied primarily with immigration and absorption policies, since in 2015 alone EU countries received 1.3 million asylum applications. In the current reality, and with the multitude of interests vying for attention, the Israeli-Palestinian conflict has become of lower priority, both in aid and diplomatic junctures.

The arrival of over one and half million refugees in Europe as a result of the destabilization of Iraq, Eritrea, Somalia, Afghanistan, and most of all Syria is an unsettling global emergency. Neighboring countries are not coping well with the strain of 10 million fleeing Syrians entering EU's insecure external borders. With the closure of Balkan routes for asylum seekers, migration shifted to the Mediterranean region, and German Chancellor Merkel extended an invitation to Syrian refugees. Hundreds of thousands of refugees have poured into Europe, though the German reception was not been echoed by other EU members in Central and Eastern Europe.

Many Europeans feel strongly about maintaining Western democracy, culture, and morals, values suspected of being incompatible with Islam.<sup>19</sup> Terror attacks have heightened the fear of Islamist extremism, and the rise in uncertainty and security dilemmas has caused a surge in right wing nationalistic movements. For example, moderate President Macron won the French election, but one third of French citizens supported Le Pen, the right wing nationalist candidate.<sup>20</sup> Political and economic dynamics have forced Macron into close cooperation with Chancellor Merkel in Germany, and Franco-Germany will likely dominate EU foreign relations. Moreover with nationalism strong in the US under the Trump presidency, the EU will pursue an "independent foreign policy" in the Middle East.<sup>21</sup>

## **Reaching Peace Together**

Despite these trends in the EU, the gradual achievement of a two-state solution is still paramount for regional stability and cooperation, and the EU has an important role to play. Therefore, the EU would do well to take several steps. First, it should encourage unified efforts via international collaboration. The EU should revive the former Quartet partners and engage regional alliances (Egypt, Jordan, Saudi Arabia, and others) along with other relevant stakeholders (EU members, Turkey, the World Bank) to revitalize bilateral and regional talks concerning the preservation of conditions for an eventual two-state solution.

Second, it should support constructive independent and coordinated efforts. Alongside regional and bilateral tracks, within the framework of the Quartet, the EU should push independent measures for gradual advancement toward a two-state reality in transition to an eventual scheme for coexistence, hopefully within the context of two states for two peoples. This effort requires aid incentives and international support for independent steps in implementation of agreed segments of treaties (e.g., unilateral withdrawal from certain parts of the West Bank, recognition of Israel as the nation state of the Jewish people, Palestinian institution building and economic boosts, and Gaza reconstruction and development in return for a long term truce.)

Third, it should re-engage in secret talks. The EU is strategically located to host talks and thus can afford greater secrecy and discretion essential for various players, mainly Israeli and Palestinian leadership but also actors whose contacts with Israel should remain below the radar, as well as Jordan, Egypt, Saudi Arabia, and others. Even before coordinated Quartet action is taken, a number of European states can serve as unofficial mediators of a series of private talks leading up to formal bilateral or regional conferences that showcase progress (similar to pre-Oslo and the Camp David summit), subsequently followed by serious and binding negotiation processes (such as the 2007 Annapolis conference and subsequent talks).

If Israel and the EU fail to work together, and other actors such as the UN and the US do not impose a process that defies the unsustainable status quo, the two-state solution will no longer be a viable option. The alternative, likely disastrous option – a bi-national state – will be all that remains. The expected regional instability that would follow should encourage EU, Israeli, and PA leaders to preserve the conditions for the two-state solution, and in the interest of all parties and along with other actors within the international community, advance this goal.

## Notes

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