

A Reversal in Israel-EU Relations?

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Background

Early 2009 saw the end of a four-year period of positive growth in Israel's relations with the EU. In recent months a bitter exchange of declarations has occupied the front pages of Israeli newspapers regarding Europe's blocking efforts to upgrade the bilateral relations. At the heart of the argument is the EU policy tightly linking the progress in its relations with Israel to progress in the political process between Israel and its neighbors, and the reluctance of Israel's new government to publicly declare support for the two-state solution.

Beginning in late 2004 the two sides overcame the tense and chilly atmosphere that developed in the wake of the collapse of the Israeli-Palestinian negotiations of 1999-2001 and the start of the second intifada in 2000. The positive turn was marked by the bilateral agreement (Action Plan) reached by the two sides in late 2004 in the context of the European Neighborhood Policy (ENP). The Action Plan aimed at upgrading relations beyond the 1995 Association Agreement. This was a major step towards fulfillment of the 1994 Essen conclusions that "the European Council considers that Israel, on account of its high level of economic development, should enjoy special status in its relations with the EU on the basis of reciprocity and common interest."

The next four years – 2005-2008 – saw not only the thawing of relations, but the development of a political dialogue, the expansion of economic relations, and Israel's joining new European programs such as Galileo. The following factors can explain the profound change of direction:

1. In August 2005 Israel implemented its unilateral decision to withdraw completely from the Gaza Strip and dismantle the

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- Jewish settlements there. The EU, like the rest of the international community, hailed this Israeli decision.
2. The complete withdrawal from the Egypt-Gaza Strip border required the monitoring of the Rafah Crossing. Israel agreed to the deployment of a European unit – the EU Border Assistance Mission (EUBAM).
 3. Israel agreed to the EU providing assistance to the Palestinian Authority security forces. This has been carried out by EUPOL COPPS, which was established in late 2005.
 4. At the end of the Second Lebanon War in August 2006, Israel asked for the strengthening of the UN Interim Force in Lebanon (UNIFIL) and the deployment of European naval and land forces. The three cases, EUBAM, EU COPPS, and UNIFIL, though not representing a new Israeli strategy towards Europe, can be described as a softer attitude towards Europe's involvement in the Middle East political process.
 5. While initially rejecting the Quartet (which in addition to the EU includes the United States, Russia, and the United Nations) as a political interlocutor, Israel has come to accept the Quartet's role, especially in the economic development of the West Bank and Gaza.
 6. In May 2004, ten new members joined the EU, eight of which are East European countries that, once released from the Soviet Union's grip, expressed a friendly attitude towards Israel and moderated the stance held by the fifteen mostly West European members.
 7. In January 2006 Hamas won a victory in the Palestinian general elections, prompting both the EU and the Quartet to formulate conditions for accepting Hamas. These included Hamas' renunciation of violence, recognition of Israel, and acceptance of previous agreements and obligations.¹ Thus the EU allayed Israel's fears that the EU would use the election results to open an unconditional dialogue with Hamas.
 8. At the November 2007 Annapolis summit, Israel and the Palestinians agreed to enter negotiations towards "a peace treaty, resolving all outstanding issues, including all core issues."
 9. The terror activities in Madrid (March 11, 2004) and London (July 7, 2005), and the Danish cartoon affair (September 30, 2005) aggravated the relations between Europe and several Muslim

countries, increasing, at least temporarily, the understanding of the situation in which Israel finds itself.

10. Israel supported the dialogue with Iran that the EU initiated through three of its members, France, Germany, and Great Britain, to bring an end to Iran's military nuclear efforts.

Europe's Reaction to Operation Cast Lead

Europe's reactions to Operation Cast Lead developed with time and should be read as initially dealing only with Israel's military operation, but gradually becoming heavily influenced by two major developments. The first, still connected to the operation, was the growing doubt and criticism in Israel itself; the second was the election campaign in Israel, the February 10 election results, and the formation of the new Israeli government.

Phase I – Israel's aerial attacks on Gaza –December 27, 2008

On November 4, 2008, six Hamas members were killed when Israel attacked a tunnel that it alleged was to be used to cross into Israel. Hamas considered it a "major breach of the truce" and on December 20 declared that it would not extend the ceasefire. On December 27, following several days of dozens of rockets fired daily on Israeli population centers, Israel launched aerial attacks on Gaza, and during the night of January 3-4, 2009, Israeli ground forces entered Gaza.

Europe's immediate reaction was balanced and cautious. Bernard Kouchner, France's foreign minister (France held the EU presidency until December 31, 2008) affirmed "that only a renewal of the truce broken by rocket fire from Gaza on Israeli territory can guarantee the minimum conditions acceptable to the people of Gaza."² The foreign minister of the Czech Republic, the incoming holder of the EU presidency, also issued a statement on the same day: "I consider it unacceptable that the villages, in which civilians live, have been shelled. Therefore, Israel has an inalienable right to defend itself against such attacks. The shelling from the Hamas's side makes it impossible to consider this organization as a partner for negotiations and to lead any political dialogue with it." The Czech foreign minister also said that there is a need to think together with Israel how to change the living conditions in Gaza.³ On December 28, 2008 German chancellor Angela

Merkel said it was Israel's legitimate right to protect its people, and that Hamas was responsible for the situation.

This mild and certainly uncritical attitude to Operation Cast Lead in its early phase can be explained in several ways. First, the aerial attack could be seen by Europe as Israel not reentering into Gaza. Second, Europe could not disregard the cumulative impact of the rocket attacks on Israeli populated areas. Some European foreign ministers were actually in Sderot, the town most shelled by Palestinians, when rockets struck it. Third, Europe can accept an Israeli attack on the Hamas political and military infrastructure because it views this movement as a challenge to the Palestinian Authority under Abu Mazen and Salam Fayyad. Fourth, Operation Cast Lead began in the "slowest" week in Europe, between Christmas and New Year's.

Phase II – From January 3, 2009 to the end of the operation, January 18, 2009

The short period of a low keyed European reaction came to an end once the Israeli ground forces went into action (January 3, 2009). Europe returned from the New Year's holiday, the anti-Israel lobby mobilized itself, and news about innocent Palestinian casualties began to multiply. From Athens to Madrid thousands took to the streets to demonstrate with banners equating Israel to Nazi Germany, labeling Israel's action genocide, and calling for an immediate end to the operation. In some demonstrations (Athens, for example) the police had to use force and tear gas.

The Czech presidency warned that "even the undisputable rights of the state to defend itself does not allow actions which largely affect civilians," saying later it was "profoundly disturbed" by the loss of civilian life at the school in Jabalya.⁴ This statement also reflected a growing concern with the humanitarian crisis that developed as the flow of food and medical supplies was interrupted. On January 7, 2009, the presidency issued a call to Israel to open a humanitarian corridor.⁵

Britain's secretary for foreign affairs David Miliband spoke on January 7 on both the "smuggling of illegal weapons into Gaza that are then fired into Israel" and allowing humanitarian aid, but already at that stage Miliband was referring to a disproportionate Israeli reaction,

a view he attributed to his 26 colleagues as well.⁶ A similar statement was made by Sweden's foreign minister Carl Bildt the following day.

At this point there were still vast differences between Europe's official reactions and those of the demonstrators and media. The most striking evidence of this was the visit of six European leaders to Jerusalem on January 18, 2009. They included President Sarkozy and the prime ministers of Germany, Britain, Italy, Spain, and the Czech Republic. None was critical of Israel and none mentioned any violation by the IDF or the issue of disproportionate firepower. Some mentioned stopping the flow of illegal arms into Gaza and some raised the need to allow humanitarian assistance to enter Gaza.⁷

Phase III – Since the end of the military campaign in Gaza

Two major developments prompted the deterioration in Europe's official attitude. On the one hand, reports were published about the use of controversial equipment and ammunition, allegations of excessive use of force, abuses by Israeli soldiers against innocent Palestinian civilians, and the sense of growing self-criticism in Israel. On the other hand, as the election campaign heated up in Israel, Israeli political leaders who ultimately formed the new government on March 31, 2009 distanced themselves from the vision of a two-state solution to the Israeli-Palestinian conflict.

The fact that criticism of the behavior of the IDF on the use of certain kinds of equipment and ammunition gave credence to some allegations and accusations, and Israel's slow reaction and willingness to investigate them, exacerbated the situation to the extent that in some countries, notably England, there could be indictments issued against Israeli soldiers and politicians. Certain Israeli high ranking officers are refraining from entering European Union member states for fear of being indicted. Indeed, on January 26, at its first meeting after the end of the Gaza campaign, the General Affairs and External Relations Council of Ministers concluded: "The European Union...will follow investigations into the alleged violations of international humanitarian law."⁸ It is quite possible that the statement reflects the weakening of the resolve of some EU member states to oppose petitions for trials of some Israeli soldiers for their alleged violations during the fighting in Gaza.

Yet the strong message to Israel that what was really important to the EU was the idea of the two-state solution was made by the prime minister of Spain, José Luis Zapatero, already at the end of the military confrontation on January 18 during his (first) visit to Israel with his colleagues. "Spain and the European Union," he said, "are strong advocates of peace, a just peace process that will guarantee the safety of Israel and enable the birth of a Palestinian state."⁹ Similarly, the EU foreign ministers concluded their January 2009 meeting saying that "the European Union is convinced that an end to the current crisis must be followed by renewed and urgent efforts by the Israeli and Palestinian parties as well as the international community to establish an independent, democratic, continuous and viable Palestinian state in the West Bank and Gaza."¹⁰

The results of the February 10, 2009 elections in Israel and the swearing-in of the new Israeli government on March 31, 2009 could not be seen by the European Union as steps towards the implementation of the two-state solution.

The Impact on EU-Israel Relations

EU-Israel relations seem to be heading to their pre-2004 positions. The prime casualty is the upgrading of relations. The two sides were working on the 2nd generation ENP Action Plan. The Association Council, which formally governs the relations, gave the signal to start work towards upgrading. Though Israel expressed satisfaction at the time, the document that summed up the June 16, 2008 meeting includes the key sentence, "The process of developing closer EU-Israel partnership needs to be, and to be seen, in the context of the broad range of our common interests and objectives, which notably include the resolution of the Israeli-Palestinian conflict through the implementation of the two-state solution."¹¹

The Council of the EU Foreign Ministers, which met on December 8, 2008, approved the June 2008 document and according to the French Presidency, "the Ministers approved the principle of reinforcing relations between the EU and Israel, particularly regarding political dialogue, and insisted that this deepening of relations encourage the Israeli authorities to do more to improve living conditions on the ground (the immediate freezing of settlement activities, opening of points of

passage into Gaza, reducing the traffic restrictions that are strangling the economy and hampering the everyday lives of Palestinians), and contribute to advancing the peace process.”¹²

The intention to upgrade relations was weakened even before the operation in Gaza, as the European Parliament decided not to decide whether to accept the proposition. It is doubtful whether the EU Parliament will overcome the hurdle of Operation Cast Lead and the new Israeli government’s position when and if a new discussion and vote reach Parliament’s floor. The absence of the reference in the new Israeli government’s platform to the two-state solution almost seals the fate of such a vote and it is unlikely to be taken again in the foreseeable future. Israel’s ambition to be more deeply integrated into EU programs and projects, and eventually certain institutions, will have to be shelved for now. In the EU view, upgrading the bilateral relations was always conditional on progress in the process of reaching a solution to the Israeli-Palestinian conflict and it remains the EU approach. The next EU presidencies of Sweden, Spain, and Belgium are unlikely to push forward the upgrading of relations with Israel.

The recent report by the Commission to the European Parliament and the Council¹³ will further diminish the prospects of an early upgrade. This report, part of the Commission’s working paper on the progress made in 2008 in the European Neighborhood Policy, heavily criticizes Israel for unsatisfactory dealings with the promotion and development of the Arab minority in Israel itself, little progress in Israel’s cooperation with the EU on a comprehensive settlement of the Israeli-Palestinian conflict, growth of settlements, no progress in access and movement of Palestinians, hindering EU assistance to Gaza, and so on.

This conditionality will not be mitigated even under an exceptionally friendly EU presidency of the Czech Republic. The current political leadership in the Czech Republic entertained the idea of holding an EU-Israel summit during its presidency as a symbol of upgrading the relations. Summits are held between the EU and its major parties such as the US, Russia, and India. Holding one with Israel would certainly be more than just a symbolic gesture. Like the second generation of the Action Plan, the EU-Israel summit idea will be shelved indefinitely.¹⁴

It will be interesting to see how the new Israeli government relates to the EU and to the expected setbacks described above. Both the new

Israeli prime minister and the new foreign minister have very little experience as far as Europe is concerned. Given that most of the EU institutional leaders – the majority of the Commission, the President, and the EU Parliament and the High Representative – will change during 2009, some cooling off period would have followed Operation Cast Lead anyway, even if the Israeli government remained committed to the two-state solution. Under these circumstances the new leaders of Israeli foreign policy may resort to seeking support from potential allies among the member states such as the president of France and the prime minister of Italy.

A potential bone of contention could develop around Europe's attitude to Hamas. The EU has hitherto adhered to the Quartet's policy of not conducting a political dialogue with Hamas, making it conditional upon the organization's acceptance of Israel and the previously signed agreements between Israel and the Palestinians, and a renunciation of violence. In the wake of Operation Cast Lead and the attempts to create a Palestinian national unity government, some European foreign ministers (notably the French and Spanish) have softened the conditionality, using the Arab initiative of 2002 as the test for Hamas. Since no Israeli government has ever accepted this initiative, the dilution of the conditions set for Hamas and the new, much lower threshold could add tension to EU-Israel relations. If the EU decides not to push for a change in the Quartet's conditionality, this should be attributed to Egypt's objections sooner than to those voiced by Israel.

Europe's eagerness to enhance trans-Atlantic relations following the election of President Obama may affect Europe's attitude to Israel and its new government. However, this is not necessarily a one-way street, and the EU may also influence the US approach, especially on issues such as the settlements, the restrictions on the movement of Palestinians in the West Bank, and violations of human rights. In their first formal meeting in Prague on April 5, 2009, the EU heads of state and government and the US president announced that "the EU and the US both support...a forward movement in the Peace Process through the Quartet towards a two-state solution."¹⁵ The President then made a similar commitment at the Turkish Parliament in Ankara, sending a clear message to everyone, especially to the new government in Israel.

Calls for academic and economic boycotts against Israelis and Israeli products were limited and unsuccessful before Operation Cast Lead. At this point, they have not gathered momentum, but newly heightened tensions, terror activities, and tougher Israeli reactions may result in more successful boycotts in certain countries, especially in those with significant Muslim communities.¹⁶

The already lame and almost defunct EuroMed cooperation will suffer further from a potential deterioration in EU-Israel relations. The first Netanyahu government, which began in 1996, triggered an Arab retreat from the Barcelona Process, at that time in its very early stages, having been born just a few months earlier. The Barcelona Process has effectively not recuperated since then and the situation became even more complicated with the addition of the French initiative of the Mediterranean Union of July 13, 2008.¹⁷ The growing gap between Israel under the new government and the Arab Mediterranean states will cause further paralysis in the activities of this new framework. One other potential result may be the strengthening of EU relations with sub-regions, bypassing Israel. Such a policy is being developed towards North Africa, not necessarily because of the Arab-Israeli conflict, but tensions between Israel and its immediate neighbors may encourage South Mediterranean EU members, such as Spain or France, to push ahead ties with North African states, regardless of whether similar progress is achieved with Israel.

Conclusion

Operation Cast Lead in itself would have had limited impact on EU-Israel relations, in spite of some wear and tear resulting from the allegations on the use of certain weapons, human rights abuses, and a perception of Israel's use of disproportionate force. A serious Israeli investigation into these allegations would have done much to reduce the damage. An active political campaign that would have brought, for example, senior Israeli politicians to European capitals and European media might have helped diminish the criticism leveled against Israel. But Israel plunged into the election campaign soon after Operation Cast Lead and the election results will overshadow relations in the near future.

Notes

This article is based on a paper presented on April 22, 2009 at the Israeli European Policy Network Workshop at FES, Berlin.

- 1 Quartet statements can be found on the US State Department website. See also Council of the European Union 5565/06 (presse 22) of January 31, 2006.
- 2 www.diplomatie.gouv.fr/en/article, December 28, 2008.
- 3 http://www.mzv.cz/jnp/en/issues_and_press/events_and_issues/press_releases/index.html, December 28, 2008. Later the Czech presidency “balanced” the statement, saying the right of self-defense does not allow actions affecting civilians.
- 4 www.eu2009.cz/eu/news.
- 5 <http://www.eu2009.cz/en/news-and-documents/cfsp-statements/eu-presidency-statement-on-the-current-situation-in-gaza-4960/>.
- 6 Sky News, January 7, 2009.
- 7 www.regeringen.se/sb/d/7956/a/118274.
- 8 5 to1/09 (Phase 18).
- 9 http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2009/Statements_PM_Olmert_European_leaders_18-Jan-2009.htm.
- 10 <http://www.consilium.eu.int/uedocs/NewsWord/en/gena/105561.doc>.
- 11 Document of the General Secretariat of the Council, Brussels, June 16, 2009, article 6 in the statement of the European Union.
- 12 www.eu2008.fr Results of the General Affairs and External Relations Council. The French Presidency’s statement omitted the reference that appeared in the official conclusions of this meeting. The omission can be attributed, as explained to this author by one connected to the EU commission, to the request by Israel’s then-minister of foreign affairs, who thought it could damage her electoral prospects.
- 13 The report was published on April 23 – Com (2009) 188/3 and SEC (2009) 516/2.
- 14 Karel Schwarzenberg, the Czech foreign minister told the Czech newspaper *Lidové Noviny* on 31 March, 2009 that he was afraid that the summit would not take place.
- 15 Council of the European Union, April 5, 2009 8482/09 (Presse 84).
- 16 For an extensive discussion of the potential boycott effectiveness see *The Marker*, February 6, 2009.
- 17 The 1995 Barcelona Process was the EU initiative to strengthen its relations with the southern flank of the Mediterranean. President Sarkozy launched his initiative during the French presidential campaign. It was reluctantly adopted by the EU.