



INSS Insight No. 800, February 22, 2016

Israel–European Union Relations: Crisis as a Norm

Shimon Stein

On February 12, 2016, *Haaretz* reported on a telephone conversation between Prime Minister Benjamin Netanyahu and High Representative of the European Union (EU) for Foreign Affairs and Security Policy Federica Mogherini. In their conversation, which concluded quiet negotiations of the previous weeks between Israel and the EU, the two leaders agreed to end the crisis between Israel and the EU that followed the EU's November 2015 decision to mark products originating in Jewish communities in the West Bank, Golan Heights, and East Jerusalem. It was also reported that the parties were willing to renew the contacts between them on the Palestinian issue, which Israel had suspended following the EU decision on marking products with Prime Minister Netanyahu's announcement that Israel would "reassess" the involvement of EU institutions in the political process. In addition to the intention to renew dialogue on the Palestinian issue, the parties plan to achieve understandings that will include reciprocal measures for "putting relations back on a normal track."

In the series of talks between representatives of the Israeli Ministry of Foreign Affairs and EU Deputy Secretary General for the External Action Service Helga Schmid, it was made clear that one of the conditions for renewing the dialogue with the EU on the Palestinian issue was a more respectful and balanced style by the EU toward Israel. According to *Haaretz*, the Europeans were told, "The decisions of the EU's council of foreign ministers and the decision on the labeling of [settlement] products were unilateral and in fact adopted the Palestinian narrative. That's no way to conduct a respectful dialogue." Following the conversation between Netanyahu and Mogherini, presumably additional talks will follow, which will "compensate" Israel for its willingness to renew a dialogue with the EU on the Palestinian issue. It is difficult to assess the nature of this recompense, which is probably of a non-binding symbolic character, since there is no chance the EU will change its decision in principle about marking products or any other aspect of the Palestinian issue.

Against this background, several questions arise. The first concerns the question of a “normal track.” Given the current political circumstances, is it possible to put relations back on a “normal track?” What does a “normal track” mean? How realistic is this goal, given the basic EU policy on the Palestinian issue in general, and the settlements in the West Bank, the Golan Heights, and East Jerusalem in particular, which have been an ongoing bone of contention between the EU and Israel for years? Perhaps the meaning of a “normal track” is ongoing crisis management in order to prevent escalation.

A second question concerns the Israeli demand for a more respectful and balanced style by the EU, following the decision on marking products cast by Israel as unilateral and an endorsement of the Palestinian narrative. Even if it is unclear what exactly Israel means by this condition, there is nothing new in Israel’s longstanding charge of a lack of balance on the part of the EU on issues in the political process and its willingness to accept the Palestinian narrative. Under the current circumstances, is it realistic to expect a reassessment of EU positions on the Palestinian issue and settlements as part of the effort to put relations back on a “normal track”?

In fact, more than reflecting willingness to change anything in their position, what emerges is Israel’s willingness to back down from a position caused by its frustration, reflected in remarks by the Prime Minister of a familiar tone (“The EU should be ashamed of itself” and the decision is “hypocritical and applies double standards... Europe is labeling the side that is being attacked by terrorism... It seems that too many in Europe, on whose soil six million Jews were slaughtered, have learned nothing”). Remarks in a similar vein were made by some Israeli ministers (e.g., Minister of Justice Ayelet Shaked portrayed the decision to mark products as anti-Israeli and anti-Jewish). These were accompanied by the announcement of the suspension of contacts and a reassessment of EU involvement in the political process. It appears, then, that the Israeli government has realized that this suspension will not solve the crisis, and as noted by the Prime Minister, “we do not know if they are going to do something else” with respect to sanctions against the settlements and the ability to sharpen the distinction between Israel and the territories; consequently a return to routine is in order. The Israeli government contends that in view of the upheaval in the Middle East the Israeli-Palestinian conflict is no longer of principal importance, and the EU should therefore focus its efforts on conflicts whose resolution impacts on regional stability and the security of Europe. In contrast, the EU continues to attribute operational importance to solving the conflict through implementation of the two-state solution. It therefore regards dialogue with Israel as an important element that can facilitate its activity in the theater of conflict. Thus based on the realization that Israel cannot change the EU’s position, Prime Minister Netanyahu limited himself to the hope that in return for renewing the dialogue with the

EU – if the EU wishes to influence Israel’s policies – it will be willing to act in a “more respectful style.”

Beyond the prevailing impression among European elites of the importance of resolving the Palestinian issue as an element that will contribute to stability and security in the Middle East, the problem itself is an issue that unites the 28 EU member countries. An article in *The Economist* (January 30, 2016) dealing with the promise of a European foreign policy based on principles and values includes a critical assertion that the large EU countries were promulgating a policy based on Brussels’s values, thereby reserving for themselves the handling of “difficult” issues like security and energy. The article also stated that together with expressions of support for international justice and condemnations of the death penalty, the EU was quietly supporting a dictator and a questionable energy transaction.

In a meeting between representatives of the EU External Action Service and Israel, it was made clear that the basis for the EU’s many years of criticism of Israel’s policy in the territories was anchored in international law, and that in this context, all the EU members could present a common stance. This is a cynical position, but for the EU, it is the lesser evil at a time when there are more divisive than unifying factors in the EU (note that Russia’s gross violation of international law is also a base for the joint EU position on sanctions against Russia, while some of the EU members are uncomfortable with this measure). From this standpoint, there is a degree of justice in Prime Minister Netanyahu’s statement that Israel’s problem with the EU is not with the various countries, but with the EU institutions, which do not always wait for input from the EU members, but also initiate – as in the case of marking products. Indeed, Netanyahu’s criticism of the EU bureaucracy in Brussels dovetails with an important trend: growing sections of the public, particularly in Central and Eastern Europe, are critical of the excessive influence (as they see it) of the Brussels bureaucracy in their lives and in what is perceived as restricting the sovereignty of the countries themselves. In view of Netanyahu’s activity in recent weeks among the EU members opposed to the excessive influence of Brussels, it appears that he believes that the wider the rift in the EU, the better, insofar as the chances of preventing anti-Israeli decisions by the organization is concerned.

It thus appears that the EU decision on marking products, which sparked the recent crisis between Israel and the organization, is a symptom of an ongoing problem, and should not be regarded, as the EU attempted to portray it, as a technical measure. It is a reflection of the EU’s policy of distinguishing between Israel within the 1967 borders and the territories captured in the Six Day War. From the EU’s perspective, the measure is designed, like other measures that may follow it, to preserve the idea of the two state

solution as a viable possibility. The effort to restore relations between Israel and the EU to a “normal track” can succeed if the Israeli government abandons its current policy of adhering to the status quo, and promotes measures making clear that its support for the two-state solution is not mere lip service. As of now, the chances of this occurring are quite small.

