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### **To Manage, Resolve or Transform? The Way Forward for the EU in the Middle East Peace Process**

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# To Manage, Resolve or Transform? The Way Forward for the EU in the Middle East Peace Process

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**ABSTRACT** *This article argues that 40 years of EU peacebuilding in the Israeli-Palestinian conflict have produced few significant results with a possible exception to this being the parameters provided by the EU for a just peace in the conflict. In any case, it is difficult to characterise these past four decades of EU involvement as anything other than a failure. Consequently, the main argument of this article is that a new strategy for the EU's peacebuilding in the Israeli-Palestinian conflict is urgently needed. As both the approaches of conflict management and conflict resolution have been tried and have failed, this article argues that the EU has far better potential in transforming the Israeli-Palestinian conflict than in managing or resolving it. An EU strategy more clearly based on the principles of conflict transformation is therefore the best way forward for the EU in the Middle East peace process.*

## **Introduction**

The European Union has sought to establish a just peace between the Israelis and Palestinians since the early 1970s, when the integration level of what was then called the European Community reached a point where it could begin to act in international politics.<sup>1</sup> During these past four decades, resolving the Israeli-Palestinian conflict has been one of the most important issues for the EU in its foreign policy, even defined as a 'strategic priority' for the EU in its security strategy from 2003.<sup>2</sup> However, the fact that the Israeli-Palestinian conflict has lasted in different forms for more than a hundred years now indicates that neither the belligerents themselves nor outside powers like the EU have been very successful in their peacebuilding efforts.<sup>3</sup> Even if politicians, academics and others often talk about the role the EU could or should play in the Israeli-Palestinian conflict, it is clear that the EU at present finds itself in a difficult situation, unable together with the US and the rest of the world community to achieve a resolution to the Israeli-Palestinian conflict. On the rhetorical level the members of the European Union have come to accept and publicly endorse a two-state solution with an independent, democratic and viable Palestinian state living side-by-side with Israel. Still

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<sup>1</sup> Soren Dosenrode and Anders Stubkjaer, *The European Union and the Middle East* (London: Sheffield Academic Press, 2002), p. 84.

<sup>2</sup> European Security Strategy, *A Secure Europe in a Better World*, <http://www.consilium.europa.eu/uedocs/cms Upload/78367.pdf>, (accessed 15 October 2010), p. 8.

<sup>3</sup> In this article, peacebuilding is used as an umbrella term for a wide range of approaches that address conflict, violence and peace.

however, there is much disagreement on how to realise a future Palestinian state and, more generally, over how to approach the conflict on a practical level. This is particularly true among the 'Big Three' (France, Germany and the UK) which all seem to have their own strategies and priorities in the region.<sup>4</sup> This issue has especially come to the fore in times of crisis; the EU had severe problems formulating a coherent policy with regards to the 2006 Second Lebanon War and the 2008-2009 Gaza War, for example. The past four decades of EU involvement in the Israeli-Palestinian conflict have arguably produced few significant results, with a possible exception to this being the parameters provided by the EU for a just peace in the conflict, particularly by promoting Arab and later Palestinian claims as legitimate demands. At the same time, it is fair to say that few other international third parties can point to any successes when it comes to building peace between Israelis and Palestinians. Yet, as the Union's involvement in the Israeli-Palestinian conflict has entered its fifth decade, the EU, together with other international actors, seem to be in desperate need of more effective peacebuilding strategies in this conflict. In addressing this problem, the main argument of this article is that the EU should base its peacebuilding strategy on the principles of conflict transformation rather than on conflict management or conflict resolution as it has previously done. With Israeli settlements constantly expanding and with deep internal divisions in the leadership on both sides over how (and even if) to divide the land, it is increasingly clear that the prospects for resolving the conflict in the near future are slim. As the conflict resolution approach appears to have reached a dead end, and as the EU has not been able to effectively manage the conflict via the conflict management approach, the EU should invest its resources and peacebuilding efforts in conflict transformation. As will be outlined in this article, an EU peacebuilding strategy more clearly based on conflict transformation would have greater chances of being successful and would benefit both the EU and the Israeli-Palestinian conflict.

### **Third Party Approaches to Mitigate Conflicts**

Under the umbrella of third party peacebuilding, several terms are used in the literature to describe international efforts to mitigate conflicts and other similar activities within the field of peace and conflict studies. Despite the existence of a plethora of different approaches and interrelated terms, such as William Zartman's concepts of 'conflict ripeness' and 'mutually hurting stalemate',<sup>5</sup> most researchers would probably agree that there are three main approaches for the more specific study of conflicts under the peacebuilding umbrella: conflict management, conflict resolution and conflict transformation.<sup>6</sup> Considerable confusion exists within the field over how to describe these approaches, and not least over how they differ from each other. Cordula Reimann has described this as a 'jungle of conceptual and

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<sup>4</sup> Patrick Muller, *Europe's Political Role in the Israeli-Palestinian Peace Process – A Comparison of the Foreign Policies of the "Big-Three" EU Member States vis-à-vis the Peace Process* (Conference paper, BISA 2006), p. 16.

<sup>5</sup> William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1989).

<sup>6</sup> Hugh Miall 'Conflict Transformation: A Multi-Dimensional Task' in *The Berghof Handbook for Conflict Transformation*, [http://www.berghof-handbook.net/std\\_page.php?LANG=e&id=11](http://www.berghof-handbook.net/std_page.php?LANG=e&id=11), (accessed 15 October 2010); Cordula Reimann, 'Assessing the State-of-the-Art in Conflict Transformation' in *The Berghof Handbook for Conflict Transformation*, [http://www.berghof-handbook.net/std\\_page.php?LANG=e&id=11](http://www.berghof-handbook.net/std_page.php?LANG=e&id=11), (accessed 15 October 2010); Karin Aggestam, *Reframing and Resolving Conflict: Israeli-Palestinian Negotiations 1988-1998* (Lund: Lund University Press, 1999); Thania Paffenholz, 'Understanding Peacebuilding Theory: Management, Resolution and Transformation', *New Routes*, 14:2 (2009), p. 3.

definitional imprecision'.<sup>7</sup> Reimann has together with Kevin Clements and others noticed how loosely defined and often interchangeably used the terms conflict management, conflict resolution and conflict transformation are in the literature.<sup>8</sup> The three approaches are sometimes used to refer to the same strategies, according to Reimann and Clements. What they all have in common, though, is an intention of creating political will for change among the belligerents. The mitigation of conflicts does not necessarily have to include the intervention of a third party, but the reality of many contemporary protracted conflicts with their substantial international linkages makes it very hard for the conflicting parties themselves to get out from the destructive relationships which they find themselves in without external help, as Laurent Goetschel and others have pointed out.<sup>9</sup> Whether or not a third party intervention will be successful is of course also highly dependent on the third party itself, its character, recourse and commitment.

### **Conflict Management**

The oldest of the three approaches, conflict management, is anchored in political realism and aims at managing rather than resolving conflicts.<sup>10</sup> Advocates of this approach view conflicts as natural phenomena and further argue that resolving conflicts is unrealistic. Consequently, the best that can be done in violent conflicts is to try to manage and contain them.<sup>11</sup> The approach of conflict management tries to identify leaders in power who can be brought to the negotiating table to broker an agreement. It is top-down structured and believes that only those in power have the abilities to bring an end to large-scale violence.<sup>12</sup> Conflict management focuses exclusively on powerful third parties with the resources to bring pressure on the conflicting parties and induce them to negotiate an agreement.<sup>13</sup> A typical example is the 1978 Camp David Accords between Israel and Egypt, an agreement brokered by the US which led to a cold peace but did not solve underlying issues of Arab hostility towards Israel or the 'Palestine problem'. While the contribution of conflict management has been its focus on the leaders in power and their capabilities, it has also been criticised for ignoring everyone below the top leadership and for overlooking deeper causes of conflicts.<sup>14</sup>

### **Conflict Resolution**

Conflict resolution is a more comprehensive approach than conflict management. As the term implies, it focuses on resolving the problems that led to a particular conflict by addressing the

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<sup>7</sup> Reimann, *Assessing the State-of-the-Art*, p. 2.

<sup>8</sup> Kevin Clements, 'The State of the Art of Conflict Transformation', in Paul van Tongeren, Juliette Verhoeven and Hans van de Veen (eds.), *Searching for Peace in Europe and Eurasia: An Overview of Conflict Prevention and Peacebuilding Activities* (Boulder: Lynne Rienner Publishers, 2002).

<sup>9</sup> Laurent Goetschel, 'Conflict Transformation', in Vincent Chetail (ed.), *Post-Conflict Peacebuilding: A Lexicon* (Oxford: Oxford University Press, 2009), p. 95.

<sup>10</sup> Aggestam, *Reframing and Resolving Conflict*, p. 17.

<sup>11</sup> Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System* (London: Sage, 2007), p. 50.

<sup>12</sup> Paffenholz, *Understanding Peacebuilding Theory*, p. 3.

<sup>13</sup> Miall, *Conflict Transformation*, p. 3.

<sup>14</sup> Carolyn Schrock-Shenk, 'Introducing Conflict and Conflict Transformation', in Carolyn Schrock-Shenk & Lawrence Ressler (eds.), *Making Peace with Conflict* (Scottsdale: Herald Press, 1999), p. 35

fundamental issues at the conflict's roots.<sup>15</sup> According to Edward Azar and John Burton, the aim of conflict resolution is to develop processes that are acceptable to parties in dispute and effective in resolving conflicts.<sup>16</sup> The approach of conflict resolution is the best known of the three approaches presented here and has defined the field over the past half century.<sup>17</sup> However, critics (usually adherents of the conflict transformation approach) say that conflict resolution is not sufficiently concerned with the deeper structural and long-term relational aspects of conflicts, such as asymmetry in power and the protracted character of many contemporary conflicts.<sup>18</sup> Examples of successful conflict resolution include various peace agreements between the Scandinavian countries which resolved centuries-long disputes.<sup>19</sup>

## **Conflict Transformation**

Conflict transformation has become an increasingly popular approach in both practitioner and academic circles over the past 20 years mainly because of the inability of the conflict management and conflict resolution approaches to settle many contemporary protracted conflicts.<sup>20</sup> The number of conflicts which have reverted to violence after a peace agreement is not clear due to some divergence in the research. This is mainly because of definition problems over what should be characterised as the recurrence of an old conflict or the outbreak of a new one. For example, if Israel reaches an agreement with the Palestinian Authority (PA) and Hamas sabotages it, there appears to be no consensus on whether this should be seen as a new conflict or as the continuation of an old one. However, according to Charles Call and Elizabeth Cousens, most researchers put the figure of reverted conflicts somewhere between one-third and one-half. In any case, it appears to be an indisputable fact that an unfortunately high number of violent conflicts have reverted to violence after they were supposedly solved.<sup>21</sup> As the newest of these three approaches and as a relatively new invention within the broader field of peace and conflict studies, conflict transformation is still in a process of defining, shaping and creating terminology.<sup>22</sup> In contrast to both conflict management and conflict resolution, conflict transformation focuses heavily on long-term commitments, aspects of justice, grass-root involvement and deep-rooted structural factors behind conflicts.<sup>23</sup> Advocates of the conflict transformation approach believe that conflicts are generally not solved and, consequently, the goal should not be to solve them but to transform

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<sup>15</sup> Hugh Miall, Oliver Ramsbothan, and Tom Woodhouse, *Contemporary Conflict Resolution* (Oxford: Blackwell Publishers, 2005), p. 29.

<sup>16</sup> Edward Azar and John Burton, 'Introduction', in Edward Azar and John Burton (eds.), *International Conflict Resolution: Theory and Practice* (Boulder: Lynne Rienner, 1986), p. 1.

<sup>17</sup> John Paul Lederach, *The Little Book of Conflict Transformation* (Intercourse: Good Books, 2003), p. 29.

<sup>18</sup> John Paul Lederach, 'Conflict Transformation in Protracted Internal Conflicts: The Case for a Comprehensive Network', in Kumar Rupesinghe (ed), *Conflict Transformation* (Basingstoke: Palgrave Macmillan, 1995), p.201; Diana Francis, *People, Peace and Power: Conflict Transformation in Action* (London: Pluto Press, 2002), p. 37.

<sup>19</sup> See Magnus Ericson, *A Realist Stable Peace: Power, Threat and the Development of a Shared Norwegian-Swedish Democratic Security Identity 1905-1940* (Lund: Lund Political Studies, 2000).

<sup>20</sup> Cecilia Albin, 'Explaining Conflict Transformation: How Jerusalem Became Negotiable', *Cambridge Review of International Affairs*, 18:3 (2005), p. 340.

<sup>21</sup> Charles Call and Elizabeth Cousens, *Ending Wars and Building Peace* (Coping with Crisis Working Paper Series, March 2007), p. 3.

<sup>22</sup> Johannes Botes, 'Conflict Transformation: A Debate Over Semantics or a Crucial Shift in the Theory and Practice of Peace and Conflict Studies?', *International Journal of Peace Studies*, 8:2 (2003), p. 1.

<sup>23</sup> Stephen Ryan, 'Conflict transformation: Reasons to be modest', in Dennis Sandole et al. (eds), *Handbook of Conflict Analysis and Resolution* (New York: Routledge, 2008), p 304; Miall, *Conflict Transformation*, p. 3.

them.<sup>24</sup> This approach is therefore a set of processes that engage with and transform relationships, structures, interests and if necessary, even the very constitution of society that supports the continuation of violent conflicts.<sup>25</sup> Many researchers rightly see conflict transformation as a holistic approach which is much more demanding than the other two approaches.<sup>26</sup> While the key in conflict transformation is to move the conflict away from destructive processes toward constructive ones, exactly what the term transformation means is widely debated within the field.<sup>27</sup> As Christopher Mitchell, Laurent Goetschel and others have noted, conflict transformation necessarily implies bringing about some major changes in important aspects of the conflict.<sup>28</sup> Consequently, the key questions for conflict transformation include the following: What aspects of the conflict need to be transformed? Which actors should be involved? Where should the transformation start (i.e. bottom-up or top-down)? In general, the literature does not give any consistent answers to these questions. Some researchers, like Stephen Ryan, have suggested that it might vary from conflict to conflict.<sup>29</sup> Other researchers, like Raimo Väyrynen and Hugh Miall have tried to come up with general answers to these questions.<sup>30</sup> Väyrynen, one of the pioneers in the field, has suggested that conflict transformation involves four dimensions (to which Miall has added a fifth):

- *Actor transformation*, which means either internal changes in major parties or the appearance and recognition of new actors.
- *Issue transformation*, which means altering the political agenda of conflict issues by reducing the importance of controversial issues and promoting issues of common interest.
- *Rule transformation*, which means redefining the norms which the actors are expected to follow in their mutual relations.
- *Structural transformation*, which means that the structure of the conflict is transformed by a change in the distribution of power or degree of interdependence.<sup>31</sup>
- *Context transformation* (Miall's fifth dimension), which means a significant change in the surrounding regional or global setting.<sup>32</sup>

Most researchers emphasise that conflict transformation includes focusing on aspects of justice and empowering grass-roots constituencies in conflict situations, although few

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<sup>24</sup> Johan Galtung, *Conflict Transformation by Peaceful Means: The Transcend Method*, <http://reliefweb.int/rw/rwt.nsf/db900SID/LHON-66SN46?OpenDocument>, (accessed 15 October 2010); Kumar Rupesinghe, 'Introduction', in Kumar Rupesinghe (ed), *Conflict Transformation* (Basingstoke: Palgrave Macmillan, 1995), p. viii.

<sup>25</sup> Miall, *Conflict Transformation*, p. 4.

<sup>26</sup> Ibid; John Paul Lederach, *Preparing for Peace: Conflict Transformation across Cultures* (New York: Syracuse University Press, 1995); Rupesinghe, *Conflict Transformation*.

<sup>27</sup> John Paul Lederach and Michelle Maiese, 'Conflict Transformation', in Guy Burgess and Heidi Burgess (eds), *Beyond Intractability* (Conflict Research Consortium, University of Colorado), <http://www.beyondintractability.org/essay/transformation>, (accessed 25 October 2010).

<sup>28</sup> Christopher Mitchell, 'Beyond Resolution: What Does Conflict Transformation Actually Transform?', *Peace and Conflict Studies*, 9:1 (2002), p. 1; Goetschel, *Conflict Transformation*, p. 95.

<sup>29</sup> Ryan, *Conflict transformation: Reasons to be modest*, p. 311.

<sup>30</sup> Raimo Väyrynen, 'To Settle or to Transform? Perspectives on the Resolution of National and International Conflicts', in Raimo Väyrynen (ed), *New Directions in Conflict Theory* (London: Sage Publications, 1991), pp. 4-6; Miall, *Conflict Transformation*, p. 4.

<sup>31</sup> Väyrynen, 'To Settle or to Transform?', pp. 4-6.

<sup>32</sup> Miall, *Conflict Transformation*, p. 10.

elaborate further on the role of justice in conflict transformation.<sup>33</sup> Galtung has argued that the goal of conflict transformation is peace.<sup>34</sup> According to Peter Wallensteen, a successful case of conflict transformation is one where the parties, the issues, and the expectations are changed so that there is no longer a fear of war arising from the relationship. An example of successful conflict transformation, according to Wallensteen, is the transformation of the East-West conflict after the Cold War.<sup>35</sup> The fact that many contemporary protracted conflicts tend to resist negotiated agreements has shown that the other two approaches have failed in certain instances, which has paved the way for the conflict transformation approach. More specifically, the Israeli-Palestinian conflict has repeatedly resisted various attempts of management and resolution, which means that both the approaches of conflict management and conflict resolution have been tried and have failed, thereby leaving the field open for the conflict transformation approach. In the Israeli-Palestinian conflict, the basic ideas behind conflict transformation noted above seem to fit the current paradigm of this conflict.

### **The Need for a New EU Strategy**

The EU's peacebuilding in the Israeli-Palestinian conflict is made up of disparate activities by disparate bodies. The Commission is behind welfare and human rights promotion. The growing security role of the EU in terms of policing assistance, border monitoring and rule of law promotion is mostly taken care of by Common Security and Defence Policy (CSDP) missions. Much of these efforts are aimed at strengthening Palestinian institution-building in preparation for future statehood. The European Council, the EU's main decision-making body, together with High Representative Catherine Ashton, has the leading diplomatic role, particularly in formulating the Union's declaratory policies. In addition, the EU also has a Special Representative for the Middle East Peace Process, Marc Otte, whose role is to give further presence and visibility to the EU in the conflict.<sup>36</sup> Both Israel and the PA have signed Association Agreements with the EU and they are both part of the European Neighborhood Policy (ENP). As mentioned, the EU has been involved in the Israeli-Palestinian conflict for over four decades, beginning in the early 1970s, when the EC issued its first statement calling for a just peace in the conflict. During the 1970s and 1980s, the EC was mainly active on the declaratory level and issued several controversial statements including the recognition of Arab and Palestinian claims, though little ever came of this on the more concrete policy level. From the early 1970s, it was clear that the peace negotiations were going to be dominated by the US and that the EU had to act in the shadow of American leadership. At the Madrid conference of 1991, where the Oslo peace process began, the EU struggled to even get a seat at the negotiating table and was only able to secure a minor role for itself as an observer. According to Ricardo Gomez, this was a clear sign of the EU's marginalisation.<sup>37</sup> In many of the most important peace negotiations over the past two decades, the EU was only given secondary roles. Sometimes, such as in the 2010 peace talks in Washington, the EU was not

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<sup>33</sup> Lederach, *Preparing for Peace*; Reimann, *Assessing the State-of-the-Art*.

<sup>34</sup> Galtung, *Conflict Transformation by Peaceful Means*.

<sup>35</sup> Peter Wallensteen, 'The Resolution and Transformation of International Conflicts: A Structural Perspective', in Raimo Vayrynen (ed.) *New Directions in Conflict Theory* (London: Sage Publications, 1991), p. 130.

<sup>36</sup> Annika Björkdahl, Oliver Richmond and Stefanie Kappler, *The EU Peacebuilding Framework* (JAD-PbP Working Paper Series No. 3, June 2009), p. 12.

<sup>37</sup> Ricardo Gomez, *Negotiating the Euro-Mediterranean Partnership: Strategic Action in EU Foreign policy* (Aldershot: Ashgate, 2003), p. 124.

even invited to participate.<sup>38</sup> Taken together with the fact that the EU lacks a major military capacity, this continued marginalisation shows that the EU is not capable of being a powerful conflict manager in line with the logic of political realism. The EU simply lacks the power and resources to bring pressure to the conflicting parties and induce them to negotiate an agreement. This is especially true because the Union appears unwilling to use its economic clout effectively against either Israel or the PA. Even if it were to do this, the EU would still not be able to provide military security guarantees in line with the conflict management approach. Neither has the EU or the rest of the international community achieved much in trying to resolve the conflict. The latest international mechanism in this regard, the Quartet, has achieved very little. Conflict resolution has for many years, in the words of Nathalie Tocci, been the 'the cardinal objective' of the EU's foreign policy in the Israeli-Palestinian conflict and most of the Union's peacebuilding efforts in the conflict have been aimed at some kind of conflict resolution.<sup>39</sup> An example of this thinking can be found in the EU's security strategy document from 2003:

Resolution of the Arab/Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing with other problems in the Middle East. The European Union must remain engaged and ready to commit resources to the problem until it is solved. The two state solution - which Europe has long supported - is now widely accepted. Implementing it will require a united and cooperative effort by the European Union, the United States, the United Nations and Russia, and the countries of the region, but above all by the Israelis and the Palestinians themselves.<sup>40</sup>

It is true, as the EU claims, that there is a widespread international consensus on the two state solution. However, there is no consensus between the current Israeli and Palestinian leadership on how to achieve a two state solution. In fact, the leadership on both sides is still plagued by deep internal divisions over how or even whether to divide the land. During these past two decades when the EU, the US and others have tried to resolve the conflict, Israeli settlements have increased significantly and the Palestinian leadership has split into two halves, the West Bank-based PA and Gaza-based Hamas, which both have questionable legitimacy. These developments have made the two state solution much more difficult to achieve. While the EU and the US have invested heavily in the Palestinian Prime Minister Salam Fayyad and his state-building project in order to keep the two state solution alive, there are no signs at present of an Israeli willingness to withdraw from major parts of the West Bank and dismantle settlements. This effectively makes Fayyad's project unattainable despite its attractiveness. When President Obama in December 2010 was not even capable of pressuring the Israeli Prime Minister to suspend construction in Israeli settlements in the West Bank for a three months period, it was finally clear that there was not much left of the conflict resolution approach.<sup>41</sup>

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<sup>38</sup> Haaretz (27/08/2010), *France: EU must play a role in Israeli-Palestinian talks*, <http://www.haaretz.com/news/diplomacy-defense/france-eu-must-play-role-in-israeli-palestinian-talks-1.310630>, (accessed 25 October 2010).

<sup>39</sup> Nathalie Tocci, *The European Union, Civil Society and Conflict Transformation* (MICROCON Policy Working Paper No. 1, 2008), <http://ssrn.com/abstract=1194502>, (accessed 15 October 2010), p. 2.

<sup>40</sup> European Security Strategy, p. 8.

<sup>41</sup> Al Jazeera (08/12/2010), *US fails in settlements freeze bid*, <http://english.aljazeera.net/news/middleeast/2010/12/201012723481460146.html>, (accessed 26 April 2011).

## **The EU and Conflict Transformation**

As there is little chance of resolving the conflict in the foreseeable future, the main argument of this article is that the EU should base its peacebuilding strategy on the principles of conflict transformation rather than on conflict management or conflict resolution. These two approaches have failed in the Israeli-Palestinian conflict, thus paving the way for the conflict transformation approach. Indeed, the conflict transformation approach has much to offer the EU in terms of theoretical insights and everyday practice. The EU clearly does possess at least some of the necessary tools which are required for conflict transformation, such as long-term commitment, an emphasis on justice and support for grass-roots involvement. Perhaps most importantly, the EU can provide deep-rooted and structural change in the Israeli-Palestinian conflict by its contractual agreements with the parties involved in the conflict. An EU peacebuilding strategy more clearly based on these principles of conflict transformation would have greater chances of being successful and would benefit both the EU and the Israeli-Palestinian conflict. It would not be a completely new approach; rather, it would mean strengthening already existing efforts aimed at transforming the conflict while abandoning efforts aimed at resolving the conflict, like the work of the Quartet, where the EU is one of four members. If the EU were to leave the Quartet, it would be possible for the Union to work more independently of the US and become more of a 'player' in the conflict instead of maintaining its role as a 'payer' within the Quartet. Against this background, I have identified four major contributions that the EU can provide to the peace process based on the principles of the conflict transformation approach.

### *The EU can provide deep-rooted and structural change in the Israeli-Palestinian conflict*

At the heart of the EU's peacebuilding efforts in the Israeli-Palestinian conflict lies a strong emphasis on long-term institution-building and democracy promotion in the Palestinian territories.<sup>42</sup> The EU is the largest donor to the Palestinian territories and has directed much of its peacebuilding effort at the strengthening of Palestinian institutions in preparation for a future Palestinian state. This policy has been controversial and the debate surrounding it has focused on several problematic aspects. Most grave are the allegations that the EU was effectively bearing the costs of Israel's occupation of the Palestinian territories by financing the PA budget, thus removing from Israel the obligation to provide such funding.<sup>43</sup> Officials like Chris Patten have defended the EU from such allegations by arguing that the Union's economic contributions saved the Palestinian Authority from collapsing during the most troublesome moments of the Intifada and that without the Palestinian Authority there would be far less security and far more extremism in the Palestinian territories.<sup>44</sup> In any case, over

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<sup>42</sup> European Commission, *Progress Report: the occupied Palestinian territory*, [http://ec.europa.eu/world/enp/pdf/progress2009/sec09\\_519\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2009/sec09_519_en.pdf), (accessed 25 October 2010).

<sup>43</sup> Anne Le More, 'The Dilemma of Aid to the PA after the Victory of Hamas', *The International Spectator*, 41:2 (2006), p. 92; Richard Youngs, *Europe and the Middle East: In the Shadow of September 11* (London: Lynne Rienner Publishers, 2006), p. 150.

<sup>44</sup> Chris Patten, *The Rt Hon Chris Patten Commissioner for External Relations Situation in the Middle East European Parliament - Plenary Session Strasbourg, 12 December 2001*, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/01/627&format=HTML&aged=1&language=EN&guiLanguage=en>, (accessed 25 October 2010).

the last decade, the EU has come to believe that a democratic Palestinian state is the key to transforming the conflict.<sup>45</sup> According to Thomas Diez and Michelle Page:

The EU, as well as the so-called international community, had a specific belief that the transformation of the conflict in the Middle East lay in the export of a blueprint for democracy in Palestine.<sup>46</sup>

When it comes to structural change, a powerful tool for the EU in promoting conflict transformation is the constructive engagement that the EU has with countries outside the Union. This constructive engagement takes the form of different contractual relations that range from offering full membership in the Union to looser forms of association. Beyond the objective of achieving various degrees of cooperation with countries and other actors outside the Union, these contractual ties also aim at fostering long-run structural change within third countries.<sup>47</sup> While it is true that the EU's contractual ties are generally much weaker when accession to the Union is not on the agenda, the recent political upheavals in the Middle East and North Africa clearly show that there are opportunities for major structural change across the region. In addition to the Association Agreements with both Israel and the Palestinian Authority, the EU is also the largest provider of aid to the Palestinian Authority and Israel's largest trading partner.<sup>48</sup> While the EU has so far not been able to translate its economic power into political influence and structural change, there is enormous potential for this in light of the ongoing democratic upheavals in the region. An increasingly isolated Israel might also find it more attractive to have closer relations with the EU. Consecutive polls in Israel show great support for EU membership among Israelis, particularly among the Jewish population. A recent poll in the Israeli daily Haaretz found that a remarkable 75 percent of Israeli Jews would like Israel to join the European Union.<sup>49</sup> A future offer of EU membership to Israel and a future Palestinian state, perhaps together with same offer from NATO, would be a powerful incentive for the political elites, the business communities and the people of Israel/The Palestinian territories to reach a peace agreement and transform the conflict.

### *The EU can now help to provide security for both Israelis and Palestinians*

The institutional development of the EU over the last decade has enabled the Union to become more of an international security actor, capable of assuming responsibility in security-related issues, which is something that was not possible a decade ago. Primarily, two CSDP missions are of importance in the Israeli-Palestinian conflict: EUBAM Rafah (border monitoring between Gaza and Egypt) and EUPOL COPPS (training of the Palestinian Civil Police in the West Bank). Even if both of these are non-executive missions and have a low profile, there seems to be a clear potential for an increased security role for the EU in the conflict. According to Christian Berger, the Head of the European Commission Technical

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<sup>45</sup> European Commission, *EC support to the Palestinians in 2008*, [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/ec\\_assistance/index\\_en.htm](http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/index_en.htm), (accessed 25 October 2010).

<sup>46</sup> Thomas Diez & Michelle Pace, *Normative Power Europe and Conflict Transformation* (Paper for Presentation at the 2007 EUSA Conference, Montreal, 17-19 May 2007), p. 14.

<sup>47</sup> Tocci, *The European Union, Civil Society and Conflict Transformation*, pp. 3-4.

<sup>48</sup> European Commission External Relations, *Occupied Palestinian Territory*, [http://ec.europa.eu/external\\_relations/occupied\\_palestinian\\_territory/index\\_en.htm](http://ec.europa.eu/external_relations/occupied_palestinian_territory/index_en.htm), (accessed 13 October 2010); European Commission External Trade, *Bilateral Trade Relations – Israel*, [http://ec.europa.eu/trade/issues/bilateral/countries/israel/index\\_en.htm](http://ec.europa.eu/trade/issues/bilateral/countries/israel/index_en.htm), (accessed 13 October 2010).

<sup>49</sup> Haaretz Correspondent Raphael Ahren (22/04/2009), *Poll: More than 75% of Jewish Israelis want to join EU*, <http://www.haaretz.com/hasen/spages/1080256.html>, (accessed 25 October 2010).

Assistance Office for the West Bank and Gaza Strip (ECTAO), these missions, particularly the EUBAM Rafah represent ‘a glimpse of the future’ in the sense that a future peace agreement will probably include international observers, monitors and perhaps even troops at Israel’s borders, some of which will likely be from the EU.<sup>50</sup> Together with the evolution of the EU as an international security actor, the improvements in EU-Israel relations over the past decade have placed the EU in a better position regarding providing security in the region. The EUPOL COPPS and the EUBAM Rafah are two small but concrete steps in this regard, clearly showing that the EU is moving from being just a ‘payer’ to become a ‘player’ in the conflict, something the Union has long desired. As a relative newcomer in the security field, the EU still has fewer resources than the US, and remains by and large a junior partner in the peace process when it comes to security.<sup>51</sup> Despite this, the EU has a real asset in that it is considered to be more balanced than the US by the Palestinians and less toothless than the UN by the Israelis. Another important factor is that the EU is more willing to act than the US in terms of deploying security-related missions on the ground in the conflict. This means that the EU is Israel’s second best option and is sometimes its only option when the US is not willing to act. As Haim Assaraf, Counsellor at the Israeli Ministry of Foreign Affairs, said regarding EUBAM Rafah: ‘Nobody was really satisfied but we didn’t have another option so we thought it would be good to give Europeans a role to play.’<sup>52</sup>

*The EU should continue to emphasise demands for justice in the Israeli-Palestinian conflict*

In the Israeli-Palestinian conflict, demands for justice are mostly heard from the weaker side, which in this case are the demands of the Palestinians. Many Palestinians feel that they have been subjected to injustices of nearly epic proportions, and consequently, the sense of victimisation is enormous among the Palestinians, as is their quest for justice.<sup>53</sup> In addressing this victimisation and quest for justice (which also exists on the Israeli side), the EU has explicitly included notions of justice in many of its most important statements on the Israeli-Palestinian conflict throughout the years. The EU has regularly used expressions such as ‘just peace’ or ‘just solution’ in its statements on the conflict. What is interesting here is that the content and the terminology of these declarations have clearly changed over the past 40 years. During this time, the Palestinian problem has moved from being a subordinated problem of refugees into becoming the most crucial issue in creating a broader framework for a more peaceful Middle East.<sup>54</sup> This development has been reflected in the various EU statements on the Middle East peace process. As the years have passed and the Palestinian problem rose to prominence, the content and the terminology of EU statements changed, going from not mentioning the Palestinians at all as a party to the conflict in 1971, to recognizing the legitimate rights of the Palestinians in 1973, their right to a homeland in 1977, self-determination in 1980, their right to a state in 1999, and finally their right to a state with

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<sup>50</sup> Interview with Christian Berger, the EU Commission’s Representative and the head of the European Commission Technical Assistance Office for the West Bank and Gaza Strip (Jerusalem, 28 May 2009).

<sup>51</sup> Brynjar Lia, *Building Arafat’s Police: The Politics of International Police Assistance in the Palestinian Territories after the Oslo Agreement* (Ithaca: Reading, 2007), p. 308.

<sup>52</sup> Quoted in Dimitris Bouris, *State-building as Conflict Resolution – Can the EU face the Challenge in the Palestinian Territory* (Conference paper, 5<sup>th</sup> Pan-European Conference on EU Politics, 23-26 June 2010), p. 20.

<sup>53</sup> Mohammed Hafez, *Manufacturing Human Bombs: The Making of Palestinian Suicide Bombers* (Washington: United States Institute of Peace Press, 2006); Edward Said, *Culture and Resistance: Conversations with Edward W. Said. Interviewed by David Barsamian* (Cambridge: South End Press, 2003).

<sup>54</sup> Friedemann Buettner, ‘The Dilemmas of a Policy of Even-Handedness’, in Haim Goren (ed), *Germany and the Middle East: Past, Present and Future* (Jerusalem: The Hebrew University Magnes Press, 2003), p. 146.

Jerusalem as capital in 2009.<sup>55</sup> Christian Berger, the head of the European Commission Technical Assistance Office for the West Bank and Gaza Strip, says that the main accomplishment of 40 years of EU peacebuilding in the Israeli-Palestinian conflict is that the Union has played a major role in promoting some of the Palestinian's claims as legitimate demands.<sup>56</sup> It is therefore possible to argue, as Sarah Anne Rennick has, that the EU has demonstrated its ability to be quite forward thinking in providing the parameters for a just peace in this conflict.<sup>57</sup> As Haim Jacobi and David Newman have correctly noted, the EU has issued statements on many issues regarding the Middle East that were some years later adopted in a similar way by other countries in the international community, most notably by the US and by successive Israeli governments.<sup>58</sup> After leading the discursive shift towards recognition of the legitimacy of Palestinian grievances, the challenge now for the EU is to translate its declaratory policies into concrete action. A major justice issue for the future will be how to solve the problem of resettling the Palestinian refugees. While no perfect solution exists to this problem, the EU could help to contribute to a solution by proposing to fund the resettling of refugees in a future Palestinian state, by helping a small minority to resettle in Israel, by offering EU citizenship to some and by offering financial compensation to those who chose to reside where they now live. Such concrete action on one of the final status issues in the conflict could serve two purposes: it would set a strong precedent that other international actors might follow and would also transform the conflict by helping to resolve one of the conflict's most problematic issues.

#### *The EU can empower civil society organisations in the Israeli-Palestinian conflict*

Successful conflict transformation requires, according to nearly all researchers, the engagement and support of local *civil society organisations (CSOs)*.<sup>59</sup> The EU has acknowledged this and, as the main donor for the Palestinian territories, the Union supports a plethora of different Palestinian CSOs, in addition to some Israeli CSOs as well. For example, the EU's Partnership for Peace Programme directly supports local civil society initiatives in the region that promote peace, tolerance and non-violence. Emanuele Giaufret, the former head of the economic and political section of the Delegation of the European Commission to Israel, described the relationship between the Union's peacebuilding efforts in the conflict and the local civil society in this way:

The overall objective of the EU Partnership for Peace Programme is to help provide a solid foundation at the civil society level for a just and lasting peace in the Middle East. The programme aims to foster wider public exposure to and involvement in the efforts aimed at finding peace in the region. It also aims to strengthen and increase direct civil society

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<sup>55</sup> Anders Persson, *Legitimizing a Just Peace: EU's promotion of the parameters of just peace in the Israeli-Palestinian Conflict* (JAD-PbP working paper series, No. 9, 2010).

<sup>56</sup> Interview with Christian Berger, (Jerusalem, 28 May 2009).

<sup>57</sup> Sarah Anne Rennick, *Putting the Cart before the Horse? The EU's Approach towards Peacebuilding in the Palestinian-Israeli Conflict* (Conference paper, JAD-PbP Regional Seminar in Jerusalem, May 23-25, 2009), p. 20.

<sup>58</sup> Haim Yacobi and David Newman, 'The EU and the Israel-Palestine conflict', in Thomas Diez, Mathias Albert and Stephan Stetter (eds), *The European Union and Border Conflicts: The Power of Integration and Association* (Cambridge: Cambridge University Press, 2008), p. 183.

<sup>59</sup> Martina Fischer, 'Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenges', in *The Berghof Handbook for Conflict Transformation*, [http://www.berghof-handbook.net/uploads/download/fischer\\_cso\\_handbook.pdf](http://www.berghof-handbook.net/uploads/download/fischer_cso_handbook.pdf), (accessed 25 October 2010); Tocci, *The European Union, Civil Society and Conflict Transformation*.

relationships and cooperation based on equality and reciprocity between citizens of the region including Israelis of Jewish and Arab origin. Moreover, the Programme aims at broadening the base of support for the peace process in both Israeli and Arab societies by reaching out to those who are traditionally less sensible to peace efforts in the region.<sup>60</sup>

However, it is well-known that the EU's support and funding of various CSOs have been problematic in many respects. Over the years, there have been constant allegations levelled against the EU regarding the misuse of funds and the lack of transparency. The critics, representing basically all sides in the conflict, seem to agree that the EU's money is not well spent.<sup>61</sup> It should be noted that the specific allegations against the EU have more to do with ineffectiveness or misuse of funds than pure corruption. For example, there is clear evidence that the EU has been supporting CSOs with objectives contrary to the EU's own objectives. One of the best known examples is Adalah, a Palestinian CSO which advocates a solution to the conflict that resembles a one-state solution, an objective which of course is fundamentally contrary to the EU positions on the conflict.<sup>62</sup> In the end, this comes down to the principal question of the appropriateness of funding CSOs with agendas different than those of the EU. Moreover, there is also a potential, and in the EU's case often a real problem, in striving for local ownership while at the same time excluding those CSOs with objectives contrary to the EU's own objectives. This is particularly true with regard to the various Islamic groups that are active in the Palestinian territories. Yet it appears that a genuine conflict transformation is unlikely if large sections of the population are excluded, so the EU should explore the possibilities for supporting non-political Islamic CSOs. A first step in this regard would be to open up a dialogue with groups like Adalah.

## Conclusion

As the EU enters its fifth decade of peacebuilding in the Israeli-Palestinian conflict, it is increasingly clear that the prospects for resolving the conflict in the near future are slim. On the Israeli side, there seems to be no willingness to make the necessary concessions. On the Palestinian side, the problem is not so much the willingness of the PA, but rather its capability to resolve the conflict in light of the split with Hamas. As the conflict resolution approach has reached a dead end, and as the EU cannot be an effective manager of the conflict in line with the conflict management approach, the EU should invest its resources in conflict transformation and direct its peacebuilding efforts at transforming rather than managing or resolving the conflict. This means in practice that the EU should leave the Quartet and try to disassociate itself from American attempts at resolving the conflict, which have led nowhere over the last decade. What the EU should do instead is to try to make a serious contribution to peace in the Middle East by transforming the Israeli-Palestinian conflict. The EU can provide structural change in the Israeli-Palestinian conflict by deepening its constructive engagements with both Israelis and Palestinians and with the countries in the wider region. In Israel, the

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<sup>60</sup>Emanuele Giaufret, *Exchange of Correspondence with Professor Gerald M. Steinberg, NGO Monitor, March 20, 2005*, [http://www.ngo-monitor.org/article/exchange\\_of\\_correspondence\\_with\\_emanuele\\_giaufret\\_head\\_of\\_the\\_economic\\_and\\_political\\_section\\_delegation\\_of\\_the\\_european\\_commission\\_to\\_the\\_state\\_of\\_israel](http://www.ngo-monitor.org/article/exchange_of_correspondence_with_emanuele_giaufret_head_of_the_economic_and_political_section_delegation_of_the_european_commission_to_the_state_of_israel), (accessed 25 October 2010).

<sup>61</sup>Sara Roy, *Failing Peace: Gaza and the Palestinian-Israeli Conflict* (New York: Pluto Press, 2007), p. 99; Manfred Gerstenfeld, 'Behind the Humanitarian Mask: The Nordic Countries, Israel, and the Jews', in Manfred Gerstenfeld (ed), *Behind the Humanitarian Mask The Nordic Countries, Israel, and the Jews* (Jerusalem: Jerusalem Center for Public Affairs, 2008), p. 49.

<sup>62</sup>Haaretz Correspondent Yoav Stern (20/12/2007), *Adalah center says it may seek supranational regime in 'all historic Palestine'*, <http://www.haaretz.com/hasen/spages/936490.html>, (accessed 26 October 2010).

appeal of the EU is indeed strong and many Israelis are looking for closer cooperating with the Union. Likewise, the recent political upheavals in several Arab countries show that previously silent majorities are now looking for structural change, more democracy and more economic opportunities. All this can be exploited by the EU through the conflict transformation approach. As the Middle East now enters a period of transition, the future prospects for constructive EU involvement in the Middle East certainly look more promising than they have in the past.