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The effectiveness of the EU role in safeguarding the two-state solution during the time of the US President Trump

Did the EU step up its political role in safeguarding the two-state solution in response to the unilateralism of the US administration under President Donald Trump? 2016-2020

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Dedication

I recognise that this research had been conducted during a unique time of global uncertainty due to the COVID-19 pandemic. I dedicate this paper to the frontline staff facing the pandemic all over the world, with a specific mention to the frontline workers in my home, Palestine, whose service and dedication had been crucial in saving lives and protecting the vulnerable in our community.

Abstract

This paper set out to explore the effectiveness of the European Union role in the Palestinian-Israeli conflict in response to diminishing prospects of the two-state solution, and a departure from the international consensus on the conflict by the United States under President Trump. It showed how the EU, throughout the years, had been innovative at putting forward policy proposals, influencing the direction of the peace process despite the challenges posed by an all-dominant US actor. The paper analyses the European role over different time periods towards the two conflicting parties; it highlights the advantages in its approach, as well as disadvantages that hinder its potential to achieve political goals and priority objectives. The paper saw that the EU-Israel special relationship is detrimental to the EU's strategic priority of achieving a two-state solution. The paper argued that the EU's approach to the conflict held great promise, yet was doomed to latency as long as political objectives came secondary to EU-Israeli economic and trade ties, which we argue are the EU's priority interest. The paper found that, during the rising challenge of the Trump administration green lighting Israeli breaches of international law through annexation, the EU did not step up to fill the gaps and provide a balance to the conflict. It concluded that the EU's unwillingness to utilise its instruments to move beyond rhetoric had left Israel emboldened to act unchallenged in pursuit of its annexationist policies.

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Introduction

The election of Donald Trump as President of the United States was equivalent to a political tsunami; its ripples were felt in corners all over the globe, but no more so than in the city of Jerusalem. Both the Israelis and the Palestinians received this news with anxious anticipation, waiting to find out how it will impact the future of the Palestinian-Israeli conflict.

The US had a long historical involvement in the conflict, acting as a mediator and peace process sponsor between different actors in the Middle East. Mr. Trump's election reflected a break with the international consensus on the Palestinian-Israeli conflict, and signalled the beginning of the US's unilateralism. By dismissing UN Security Council resolutions, declarations by the international community and results of negotiations by the conflicting parties, the US's unilateralism meant it no longer played the role of a mediator, but rather became involved on the side favouring the Israeli state.

Decades of conflict resolution efforts were at risk, and the stakes were high for all actors involved, including other global actors such as the European Union, who similarly had been involved for decades in a process towards conflict resolution in the Middle East, between the Israelis and the Palestinians.

The European Union had adopted a position in support of a two-state solution in Palestine-Israel, a position reiterated through different international fora, and most recently confirmed in UN Security Council resolution 2334, adopted in 2016. For forty years, EU involvement in the Palestinian-Israeli conflict grew and evolved. From their adoption of the Venice Declaration in 1980, to the adoption of its Global Strategy for Foreign and Security Policy in 2016, the two-state solution was a priority objective for the European Union.

This paper will look into the effectiveness of the EU's role in safeguarding the two-state solution, a 'strategic priority for Europe', as laid out in the 2003 EU Security Strategy (European Council, 2003, p8). It will present an overall assessment of EU involvement in the Middle East peace process at various stages, bringing us to the most recent juncture in the timeline of the conflict, the election of Donald Trump as President of the US.

Trump's election brought with it a break with international consensus on Middle East peace process policy; it put forward a challenge to other actors to step up their role to uphold their strategic priorities. The paper will raise the question 'to what extent the EU had stepped up its political role in safeguarding the two-state solution in response to the unilateralism of the US administration under President Donald Trump?'

The methodological approach to this paper consisted of thorough research around EU involvement in the Palestinian-Israeli conflict since the Venice Declaration in 1980. The background overview helped in laying the base for understanding how the EU role had evolved over time, and how expectations arose as the EU role was no longer negligible, but rather highly influential in how it impacted the global standing and recognition of both parties. The EU had influenced the level of recognition of both parties, including recognition of their shortcomings and strengths.

The paper had utilised different themes to establish grounding for the main research question. It was important to build some common characteristics of the EU's role in the peace process, and thus it relied on multiple case studies to draw an understanding of how the EU had approached the Israeli side of the conflict, as well as how the EU had approached the Palestinian side, using two case studies that show a commonality to draw conclusions from in order to further analyse the EU's role during the Trump administration's time.

The paper was split into three chapters to help us obtain a grasp of the effectiveness of their role. Had the EU done enough to uphold its commitment to achieve an end to the occupation and reach a two-state solution? Or was its role limited to rhetoric, and political manoeuvring without a clear political objective to strive for?

The first chapter offers an understanding of the various stages of the peace-process, starting with the European Community's Venice Declaration of 1980 (European Council, 1980), in order to contextualise the role played by the EU in relative relation to the role played by the United States in the Middle East peace process. This chapter attempts to show how the EU role in the peace process had been hugely impacted by an American dominance of the process, forcing it to innovate and increase its financial contributions to gain a more influential role in the peace process.

In conducting the research for the first chapter, this thesis consulted multiple books, journal articles, and EU historical documents to help understand how and why the EU role was influenced by the US. Through the research, the author attempts to present an understanding of the EU's limited role during the early years of the process, the *raison d'être* behind the US being effectively the most dominant external actor in the Middle East, as well as the historical junctures where the EU stepped up its role in order to counter US dominance and move the peace process forward.

The second chapter examined the EU's quest for legitimacy in the Middle East peace process. The EU's relations with both the Palestinians and the Israelis was closely looked at by utilising multiple case studies, in a time period stretching from 2002, when the international consensus around the two-state solution was emerging strongly, to 2014 when a political impasse was reached and many had claimed that the peace process was effectively dead.

By observing the EU's approach towards multiple case studies of varied outcomes, the second chapter served to provide important insights and lessons on the EU involvement, as well as establish the EU characteristics in its approach towards the Palestinian-Israeli conflict. The methodological approach for the second chapter utilised journal articles and briefing papers by academics and policy experts who reflected on various elements of the EU's approach towards Israel and Palestine, helping establish a general observation of the EU as an actor in the peace process.

The third and final chapter is where the crux of the research lies; it is an assessment of the EU's role in safeguarding the two-state solution as it was faced by its greatest challenge yet, the shift in American policy and the unprecedented increase in unilateral actions undertaken by the Israeli side, such as annexation. In preparing for this chapter, an analysis of the EU's declaratory diplomacy during the period of 2016-2020 was conducted, leading to an assessment of the EU's use of different instruments at its disposal, in order to conclude whether or not the EU had stepped up its role as it faced the Trump administration.

In preparing this chapter, the author collected statements and declarations that constitute the EU's declaratory diplomacy towards the conflict, sourced from the highly accessible

European External Action Service website, the EU's diplomatic service responsible for the Union's Common Foreign and Security Policy. The documents sourced were all issued between November 2016, when President Trump got elected, towards January 2020, when the Trump administration released its version of a 'Middle East peace plan'. The reason behind this time period is that it saw urgent developments determining the fate of the two-state solution. Similarly, expectations of an increased EU role in the peace process arose among parties of the conflict, as well as observers who thought the EU stood at the middle of a very important crossroads.

When approaching research for this paper, the focus on the European Union as an actor meant restricting the study of Member State policy instruments and declarations as it detracted from the research focus on the EU. When appropriate, Member State policies were included in the paper if they helped in understanding the EU's common foreign policy, or when they reflected possible policy recommendations for the EU as a whole.

One thing this paper had avoided is in-depth discussion of the EU's own structural problems in regard to common foreign and security policy, where the unanimous agreement among member states, and their right to veto, had often led to EU policy progress on the Middle East peace process stonewalling. The reason for this is the topic's own size and its lack of constructive addition to the research question at hand.

Chapter 1 - Europe, the US, and the Middle East Peace Process

A contextual overview of the European role in the Middle East Peace Process before Trump

Just over a quarter of a century ago, what we call the Palestinian-Israeli peace process was beginning to materialise. In 1994, the Palestinian Liberation Organisation (PLO) and the Government of Israel signed the Oslo Accords in a major ceremony in Washington DC on the lawn of the White House. There had been an exaggerated sense of optimism; the accords had set forth the prospect of an end to the Israeli military occupation of Palestinian Territories, and many Palestinians believed they were at the start of a path leading to statehood (Khaldi, 2020, p.146). 25 years later, scholars have proclaimed the prospect of a sovereign and independent Palestinian state, as presented at the beginning of the peace process, to be obsolete (Erekat, 2019, p.211). Some of them even described an entire timeline of how the quarter of a century long peace-process had itself “killed” the two-state solution (Elgindy, 2020). The aforementioned process involves many key actors who extend beyond the Middle East; most notable actors being the United States and, in later stages, the European Union. In this chapter, we aim to fully understand the various stages of the peace-process in order to contextualise the role played by the European Union in relation to other major actors such as the US.

The ‘Question of Palestine’ had been at the focus of many United Nations resolutions ever since the conflict’s earliest days in 1948. After the Israeli-Arab war of 1967, UN resolutions which explicitly called for Israeli withdrawal from occupied Arab territory, the dismantling of settlements, and peaceful co-existence between two states, Israel and Palestine, were adopted (Aruri, 2013, p.65). Throughout the 1970s and 1980s, a global consensus was emerging, calling for diplomatic settlement based on the already established international legal framework. In the early 1970s, the role of ‘peace-process’ mediator was predominantly perceived to be American.

The Beginning of Involvement

American involvement was encouraged by Henry Kissinger, President Nixon’s National Security Advisor and Secretary of State, who saw an opportunity to diminish Soviet

influence and preserve U.S dominance in the region in the wake of 1973 October War between Israel and Egypt. By calling for the implementation of UN Security Council Resolution 242, a resolution which called for Israeli withdrawal from territory occupied in the 1967 war, Kissinger aimed to maintain the image of the United States as a credible broker. He projected the image that only the United States could create the political momentum for a return of Arab territory, intentionally sidelining Europe, which had provided diplomatic support, and the Soviet Union, which had provided arms (Erekat, 2019, p.100-1).

However, in the wake of the above-mentioned 1973 October War between Egypt and Israel, a growing Euro-Arab dialogue was emerging, and the European Community (EC), the legal predecessor of the European Union (EU), was critical of Israeli policies in the Occupied Territories. This was evident in the EC's first unified statement addressing the situation in the Middle East, issued in November 1973. For the first time, the EC acknowledged the political dimension of the Palestinian question when it stated that a lasting peace in the region would require respecting the 'legitimate rights of the Palestinians' (Muller, 2012, p31).

The EC's statement and the emerging Euro-Arab dialogue irritated the United States. The Americans saw a European attempt to challenge their strong position in the region, and so threatened European states of abandonment to the Soviets (Gad, 2005, p69). The result was a European acceptance to not get involved independently in the Middle East, where they had adopted a resolution in April 1974 that stated "If any of the nine member countries of the EC wish to discuss an issue, the head of the Community, in concert with the other eight nations, will consult the US before taking any final political decision [...] (Gad, 2005, p72)".

The first major European policy towards the Palestinian-Israeli conflict, a cornerstone to their future Middle East Peace Process (MEPP), was set only six years later in Venice. The EC's 'Venice Declaration' of 13 June 1980 called for the inclusion of the PLO in future peace negotiations, in addition to calling for the implementation of UN Security Council resolution 242, which translates to ending Israel's territorial occupation of Palestinian territories (Muller, 2012, 35). Scholars Jones and Murphy (2002, p.115) argued that the Venice Declaration was designed to "place clear water between the position of Europe and that of the United States".

The Venice declaration was met with defiance by Israel's government, whose Prime Minister Menachem Begin compared to the Munich Pact that permitted Nazi Germany's annexation of Czechoslovakia's Sudetenland (Muller, 2012, p35). As the Venice Declaration stated that the EC 'would not accept any unilateral initiative designed to change the status of Jerusalem' and maintained that settlements on occupied territory are illegal under international law (European Council, 1980), it prompted a strong reaction in Israel. On the ground, the Israeli government immediately responded by passing law to recognise the annexation of East Jerusalem, which had previously been de facto annexed (Gordon, 1998, p.18). The Americans under President Carter's administration, on the other hand, did not give the declaration any attention and declined to support European effort to implement the initiative (Muller, 2012, p35).

In regard to the role the EU plays today in the Middle East Peace Process (MEPP), it is important to note that many scholars believe the Venice Declaration was not only a strong starting point for Europe's involvement, but also an influencing idea that directed global attitudes towards the peace process in years to come. Dimitris Bouris (2014, p84) wrote in his book that the EU had managed to 'feed' the international community with ideas, possibly more than any other international actor. Touval and Pardo (2010) gave their verdict in the New York Times, three decades later, proclaiming that "the Europeans were right" in pointing out that solving the conflict would require an Israeli recognition of Palestinian self-determination, what they described as a 'diplomatic code for independent statehood'. Touval & Pardo (2010) not only stated that the Europeans were right in their approach in the Venice Declaration, but also that the Europeans were visionary in how they boldly stated the core principles that a well comprehensive solution would require. The Americans, on the other hand, did not catch up on the 'visionary' ideas of the Venice Declaration until December 2000 in the 'Clinton parameters' (Touval and Pardo, 2010).

In the decade following the Venice Declaration, the enlarged EC of twelve members continued to attempt at seeking active contribution to mediate in the conflict. In 1987, the EC's Brussels Declaration called for the convening of an international conference for peace in the Middle East under the auspices of the UN (Bouris, 2014, p51). The following year, in response to the PLO's Declaration of Independence of Palestine (PLO, 1988), the EC made a well-worded and balanced declaration stating "the decision of the

Palestinians reflects the will of the Palestinian people to affirm its national identity (Khader, 2013, p10).

The conference soon became reality, and despite the fact the EC was its strongest advocate, its role was limited. The reason for this was that the US continued to insist on sidelining the Europeans and so kept them on the side-lines of the Madrid Conference, which was convened in 1991 (Soetendorp, 2002, p286). In Madrid, the EU was given the role of a mere participant with a limited role, while the US got the Soviet Union involved instead as a co-sponsor of the conference (Bouris, 2014, p51). At Madrid, the EU's role as participant was a compromise between Israel, which favoured total exclusion of the EU, and Syria, which pleaded for the EU's full participation (Bicchi, 2007, p145).

Whenever a role was assigned to the Europeans in the Middle East peace process, it was the role of a payer rather than a player. The EC's economic importance was recognised and valued by all parties involved in the Madrid conference. When the EC demanded a more significant political role in the peace process, often raised by EC member France, it was met with stern opposition from the US and Israel (Muller, 2012, p41). At Madrid, despite the EC providing the venue for the conference, its role was limited to coordinating one multilateral forum, the Regional Economic Development Working Group (Bicchi, 2007, p145).

Onwards from the Oslo Accords

After the faltering of the Madrid Conference, a new chapter began with the Oslo Accords. At the beginning of the Oslo Accords, the EU, the legal successor of the EC, was fully committed and supportive of the initiative; The EU proved to be the biggest financial donor to the newly established Palestinian National Authority (PNA), giving \$1.5 billion between 1993 and 1998 (Jones and Murphy, 2002, p116). At the start of the process, the European role was, as usual, complimentary to the American role. The European role was limited to financial support and to chairing specialised committees relating to issues such as water and refugees (Salaymeh, 2018, p4).

The Oslo transition period brought with it an intensifying occupation and settlement building. Israeli Prime Minister at the time, Itzhak Rabin, less than a month before he was assassinated, told the Knesset that any Palestinian entity to come out of Oslo would be

“less than a state” (Khalidi, 2020, p136). The situation only got worse under Benjamin Netanyahu’s premiership 1996-1999, prompting the European Commission, the European Parliament, and individual member states, to consider it necessary for the EU to become more involved and to reenergise the ‘stalled’ peace process (Muller, 2012, p43).

The European Commission (1998) stated that, in reference to its complimentary role to the leading role of the US, the arrangement has “worked imperfectly” and has to be reorganised to put the peace process back on track. The statement further said that the EU should “participate alongside the US in all fora set up to assist bilateral negotiations between the parties,” supporting its statement by citing that it had itself contributed over half of the financial resources to the peace process (European Commission, 1998). The most vocal member of the EU, France, had at the time criticised strongly what it saw as Europe’s role as ‘paymaster’, demanding a stronger political role alongside its financial assistance (Muller, 2012, p43).

While some consider the Oslo period 1993-2000 to have demonstrated some positive elements (Bouris, 2014, p52), others contend that the Oslo process had set back the prospects for Palestinian statehood citing the increased repression and the exponential proliferation of settlers and illegal settlements in the occupied territories (Aruri, 2013, p67). Palestinian historian Rashid Khalidi (2020, p145) simply saw the Oslo accords as having constituted an internationally sanctioned American-Israeli declaration of war on the Palestinian people. The following tumultuous period between 1999-2000 saw the complete derailment of the peace process as set by the Oslo Accords.

The Quartet’s Roadmap

The EU, realising the situation in Israel/Palestine had gone out of control, realised the urgent need for global actors to put the peace process back on track. The EU found itself, for the first time, faced by a situation where the US administration under George Bush was deliberately downsizing its engagement in the peace process as its main concern had shifted to Afghanistan and Iraq (Muller, 2012, p52). The EU, however, was incapable to effectively address the situation, and actually stepped up its effort to reengage the US in the peace efforts. France, a member state that had traditionally called for an independent EU role in the peace process, was advocating for a more robust US

involvement and for strengthening transatlantic cooperation towards the region (Muller, 2012, p53).

The EU did not find itself capable of playing an effective role independently in the peace process. A Quartet of EU, US, Russia, and the UN was established, and a Roadmap calling for a two-state solution was officially proclaimed in June 2002 (Khader, 2013, p15). The Middle East Quartet symbolised a transformation toward a multilateral approach of international diplomacy toward the peace process (Muller, 2012, p53). On the face of it, the Quartet was a major opportunity for Europeans to inject their ideas and gain influence over US foreign policy. The 2002 Roadmap had actually endorsed many European positions considering the EU and some Member State's role in the drafting process (Mockli, 2010, p67).

In its Seville presidency conclusions, the European Council (2002, annex VI) stated in the clearest terms yet its support for the establishment of a Palestinian State on the basis of the 1967 borders. Only two days later, US President Bush (2002) spoke of an independent Palestinian state, living side by side with Israel. While there seemed to be coherence between the positions of the EU and US, the nature of their roles remained as it had been before, with the US playing a dominant role influencing all other parties involved. This was evident when Israel decided to unilaterally disengage from the Gaza Strip in 2004, in contradiction to key elements of the Roadmap. Israel then received support from the US administration, while the Americans on their part had not actually consulted with their three other Quartet partners (Muller, 2012, p55).

The dilemma of the EU role in the peace process continued, despite the false impression that the EU was playing a leading role. Within the Quartet, the European Union was more susceptible to American influence; it ended up aligning itself with American policy despite its controversial nature as with Israel's unilateral disengagement initiative (Muller, 2012, p67). Similarly, the EU followed pressure by the US and Israel to boycott and isolate a democratically elected Palestinian government, in a free election that was overseen by the EU itself. Bichara Khader (2013, 18) saw the EU's boycott and isolation of Hamas to have contributed to the intra-Palestinian rift and eroded the EU's capacity to use its leverage and influence. The EU acted against its own advice to the US when it came to the isolation of Hamas; it followed the US policy and was dealt with severe loss of credibility as a 'democracy promoter' (Khader 2013, p18; Muller 2012, p58).

If the Middle East Quartet gave the impression that the EU was, to some extent, on par with the US in policymaking, this impression was to disappear very soon. In November 2007, The Americans saw an opportunity to revive the Roadmap process between the Palestinians and Israel, initiating the Annapolis Conference, where the EU 'Shined through its absence' (Bouris, 2014, p56-7). At Annapolis, the US assumed the role of arbitrator of the parties' Roadmap commitments, a role that was initially assigned to the Quartet, and the EU once more found itself largely left out of the procedures (Muller, 2012, p60). Despite this, EU involvement in the peace process up to this point has been impressive, strictly from a quantitative perspective. In the period spanning 1993 to 2008, 38 out of 51 presidency conclusions of the European Council, the EU's highest representative body, included statements on the Israeli/Palestinian conflict (Muller, 2012, p1).

The final years before impasse

The 2007/2008 Israeli assault on the Gaza Strip, also known as Operation Cast Lead, exposed an incoherence of EU policy on Israel/Palestine. It was then that critics saw the EU as helpless, unable to act, not even demand compensation for the destruction of EU-funded infrastructure throughout the Gaza Strip (Khader, 2013, p19). During the war, the EU did not manage to speak with one voice; the EU Czech Presidency was stating that Israel's war in Gaza was 'defensive and not offensive', the French president was trying to act as a ceasefire broker between the warring parties, the Swedish foreign minister was highly critical of Israel's 'serious escalation of tension', the Irish Foreign Minister described Israeli efforts as 'devastating offensive operations', while the German Foreign Minister put the blame solely on the Palestinian faction, Hamas (Bouris, 2014, p57). The EU's 'shy' position did not alter Israeli behaviour, and ended up contradicting the EU's image as a "normative power" and a "force for good" (Khader, 2013,p19).

The following years, all eyes were fixed on an ambitious Barack Obama. In his 2009 Cairo speech, Obama (2009) stated that the only resolution to the conflict is through two states for Israel and Palestine. This was immediately complimented by EU Foreign Policy Chief, Javier Solana, who called for the UN Security Council to adopt the two-state solution by recognising Palestine by a certain deadline, even if Israel refused to do so (Reuters, 2009). In its conclusions in December 2009, the Council of the European Union confirmed all existing policies and summarised them in strong comprehensive language, calling for an

urgent resumption of negotiations so that a two-state solution would emerge within an agreed time frame (European Council, 2009).

With Obama, the European American convergence over the Middle East peace process reached an all-time high (Hollis, 2010). Obama was seen to have embraced many of the EU positions on the peace process. However, as Obama set forward with his bold vision, multiple elements were occurring at the same time: there was a distinct rightward shift in Israeli politics with Benjamin Netanyahu back in power, the occupation was entrenched as the settlement enterprise kept growing, the situation in Gaza was becoming worse with multiple campaigns of bombing, in addition to Obama facing fierce resistance from a pro-Israel US Congress (Elgindy, 2020).

The lack of progress in the peace process forced the Palestinians to move to the United Nations. At the UN Security Council, despite European resistance to the US role, the Palestinians were faced with an American veto at every corner (Bouris, 2014, p63). By 2013, the peace process was proclaimed effectively dead (Elgindy, 2020). In an interview with a European Commission official in 2013, he said “we are doomed like Sisyphus ... every day we roll a boulder up the hill and then we watch it rolling back down” (Bouris, 2014, p3). In a statement sent to the EU foreign policy chief, Catherine Ashton, 19 signatories which include Javier Solana and Henry Kissinger, proclaimed that the occupation was “being entrenched by present western policy” (Black, 2013). The view of the EU playing the role of payer rather than player was damning, and the peace process was doomed to failure as long as European alignment with the US remained paramount in the peace process.

Throughout the years, the EU did play a major role in giving a voice and a platform to Palestinian national aspirations. The EU’s involvement in the Palestinian-Israeli conflict and its reputation as an actor of rules and law helped the Palestinian question arise from the shadows of the Middle East neighbourhood to the forefront of international multilateral diplomacy. Indeed, the EU did play an entrepreneurial role as ‘donor of ideas’, considering its basic assumptions had later been adopted and incorporated into the multilateral consensus established on the Palestinian-Israeli conflict. The EU itself had struggled in playing a role as a major global actor itself, and had remained for the most part an actor in the shadow of a much bigger actor, the United States.

Chapter 2 - The EU and its quest for legitimacy in the Middle East Peace Process

Critical examination of how the EU's legitimacy and policy coherence is received by both Palestinians & Israelis, as well as the credibility of its role in the MEPP

Over the past few decades, the European role had rapidly evolved in relation to the Middle East peace process, as we have highlighted in the previous chapter. With every step of the way, the Europeans moved from the sidelines to play a more central part in the peace process, alongside the other most prominent actor, the US. Often, the increased involvement of the Europeans in the peace process came against the wishes of the Israeli and American side, albeit they were welcomed by the Palestinians. In a 2018 interview with Euronews, the Palestinian Foreign Minister even called on the European Union to act as the main sponsor of the peace process, replacing the US who's role as a broker of the peace process was 'no longer valid' (Euronews, 2018).

What makes the European Union suitable to act as the main sponsor of the peace process? This chapter will critically examine the legitimacy and effectiveness of the EU's role in the peace process in the years following their involvement in the Middle East Quartet in 2002. The Roadmap to a Permanent Two-State Solution was proclaimed in December 2002, followed by the Seville presidency conclusions where the European Council (2002, annex VI) which laid forth the clearest support to the establishment of a sovereign Palestinian state. In 2003, the EU Security Strategy saw the two-state solution as 'strategic priority for Europe' (European Council, 2003, p8). This chapter's focus will begin from the aforementioned period, leading up to the years of impasse in the peace process before the election of Donald Trump as president of the US in 2016. In doing so, the chapter will look closely at three case studies. The first being of the EU-Israel relationship, and whether or not its 'special' (European Council, 1994) nature was detrimental to the peace process. The second and third being on the EU's approach towards the 2006 parliamentary elections in Palestine, and the 2009 Palestinian Authority plan for state-building and ending the occupation.

In the period of concern in this chapter, the EU approach to Israel/Palestine was shaped by the frameworks of both, the Middle East Quartet's (2003) Roadmap and, more

importantly, the European Commission's (2004) European Neighbourhood Policy (ENP), through which bilateral action plans with both Israel and the Palestinian Authority were signed (European Commission, 2005 a+b). The ENP talked of the EU's commitment to shared values and its aim to upholding and promoting these values in its relations with the wider world. In signing bilateral treaties, the Union's neighbours would have "pledged adherence to fundamental human rights and freedoms" as well as respect for human dignity, liberty, democracy, equality, and the rule of law (European Commission, 2004, p12). The ENP's framework gained further credibility as it required consensus among all EU Member States in decisions related to progressing the policy.

The ENP would also enable the EU to act more coherently in the Middle East peace process, as it authorised the Union to utilise instruments, such as trade and aid policies, to influence countries' policies in certain directions. With the ENP's agreements being bilateral and tailored to each country, we can see the specifics highlighted in the action plans or strategy plans of each, Israel, and the Palestinian Authority. In Israel's ENP strategy paper for 2007-2013, the EU stated that, in light of its strategic external relations objectives, "Policy coherence needs to be ensured between all available instruments in dealing with Israel", leading to achieve its central aim of a two-State solution as a final and comprehensive settlement of the Palestinian-Israeli conflict (European Commission, 2007, p3). Similarly, in the EU/Palestinian Authority action plan, the European Commission (2005b, p1) stated that Palestinian statehood "requires full implementation of the Quartet Roadmap."

In light of the above, I will examine the extent to which the EU had employed its instruments to ensure adherence by both parties to the plans associated with the ENP. In the case of the Palestinians, the EU offered a wide scope for political conditionality through the action plan, in addition to stringent conditionality imposed through the Quartet, with its *raison d'être* being the furthering of Palestinian reform and democracy (Tocci, 2005, p136). The EU/Palestinian Authority action plan's usage of "depending on the degree of commitment to common values" held a different meaning than that of Israel's; the EU financial and technical assistance to the Palestinians was contingent to a specific list of reform goals and objectives highlighted as priority, such as facilitating efforts to resolve the Middle East conflict, strengthening fight against terrorism and incitement to violence, protection of human rights, and major institutional and judicial reforms, all subject to strict monitoring mechanism and review process (European

Commission, 2005b). The second half of this chapter will return to discuss the EU's conditioned engagement with the Palestinians, however it will begin with the EU-Israeli relationship to set the scene.

The EU-Israeli 'special' relationship

The European approach towards conditionality in its bilateral relations with Israel was softer compared with that of the Palestinians; it did not include a similar list of specific goals and objectives as the Palestinian action plan did. In the EU/Israel action plan, matters such as Roadmap implementation and peace process progress were left as vague non-binding items under the clause calling to "enhance political dialogue and co-operation" (European Commission, 2005a). European foreign policy expert Nathali Tocci (2010, p58) had argued that, while the EU privileged political dialogue as its main instrument in attempting to influence Israel, it had been ineffective as a tool and was testament to EU's lack of seriousness in the matter. To support her statement, Tocci (2010, p58) noted that the EU/Israel Action Plan was approved with a great advantage to Israel in December 2004, with benefits that other EU neighbours could only wish for, only five months after the International Court of Justice had ruled that Israeli construction of the wall in the West Bank to be illegal, obligating all parties, including the EU, to recognise the illegality of the situation resulting from the wall's construction.

It is important to provide a brief context of Israeli behaviour during that period to understand why scholars have repeatedly claimed that the EU had done little beyond declarations to challenge Israel's continued violations of human rights, law, and its obligations. At the outset of 2003, the Israeli information centre for human rights, B'tselem (2003, p2) stated in a report on the implementation of Phase 1 of the Roadmap that Israel continued to commit human rights violations and acted in violation of norms enshrined in international law and international conventions, and that this was part of government and military policy. Seven years later, in its report on Israel's settlement policy, B'tselem (2010 p5-6) reported that half a million Israelis are now living in settlements in the occupied Palestinian Territories, and that the facts-on-the-ground changes Israel made in the West Bank "undermine the negotiations that Israel has conducted for eighteen years with the Palestinians and breach its international obligations."

Despite the violations, cooperation between Israel and the EU continued unabated. The European Commission's (2005a) Israel action plan was soft on Israel, for multiple reasons; one less important, yet symbolic reason, is that the EU saw Israel should "enjoy special status in its relations with the EU", as it had been reiterated in most documents relevant to the EU/Israel relationship (see European Council 1994, and European Commission 2005a). The other two reasons are: 1) internal division within the EU on implementing strict conditionality in relation to the Israel Action Plan, and 2) the strong and vibrant economic relationship between both the EU and Israel.

The EU's Essen declaration had cited "high level of economic development" as the basis behind the special status consideration of Israel (European Council, 1994), while later EU-Israel documents almost always include a preamble that reiterate the special relationship is due to a commonality in "values of democracy, respect for human rights and the rule of law and basic freedoms" (European Commission, 2005a). Of course, historic reasons associated with the holocaust also had an impact on EU-Israel relations, leading to countries like Germany, the Netherlands and Denmark maintaining close ties with Israel while reluctant to place undue pressure on the Israeli government (Jones & Murphy, 2002, p115).

Concerning internal divisions, the following is a common theme throughout the discussion on the EU's formulation of policy towards the Israeli/Palestinian conflict. After the launch of the ENP, countries such as Germany and the Netherlands advocated for peace process items to be dealt with separately from matters of aid and trade relations with the EU, while countries such as Belgium, Greece and Ireland saw the ENP as an important instrument to ensure Israeli compliance with its peace process obligations (Muller, 2012, p62).

Despite the seemingly vague references to matters related to the peace process in the EU/Israel action plan, the Europeans still noted their discontent with the lack of progress on Israel's side. In the first ENP progress report for Israel, the European Commission (2006, p2-3) stated that differences with Israel had remained on major issues in the context of the conflict, mainly in relation to the respect of international law and human rights, the respect for the Roadmap principles, and the potential of issues affecting final status negotiations between both Israel and Palestine. Five years into the ENP, the European Commission (2010) published its overall assessment of ENP implementation for

all countries involved. In the aforementioned report, the EU language was more critical in calling out Israel for deterioration in the conflict and the lack of progress on the MEPP, resulting in the temporary suspension of the process of “upgrading bilateral relations between the EU and Israel” (European Commission, 2010).

The EU’s move to temporarily suspend the process of ‘upgrade’ of bilateral relations, to this point, was the most the EU had done in response to Israeli actions undermining the peace process. The firm EU position, supported by member states such as Sweden, Spain, Belgium, Ireland, Greece and Portugal (Rettman, 2010) was proof of the EU’s ability to utilise its instruments to employ conditionality towards Israel in favour of advancing the peace process. However, EU-Israeli political and economic relations continued to strengthen as both parties signed a major agricultural agreement and negotiated another during the very same period of the ‘upgrade suspension’, prompting scholars to proclaim that “the EU’s political management of the ENP process with Israel remained subject to careful political manoeuvring and competing interests and objectives of member states” (Muller, 2012, p65). In matter of fact, the EU had never contemplated partial or total suspension of any agreement signed with Israel; prompting Tocci (2010, p59-60) to argue that the EU had turned a blind eye to Israel’s behaviour and instead claimed it prefers ‘constructive engagement’ as a way of influence.

In principle, the EU had the ability to pressure Israel into certain directions, using its instruments of conditionality, law, and even through political dialogue via the ENP framework. Yet, on every corner, the EU had failed to do so. When the EU temporarily suspended the ‘upgrade’ of EU/Israel relations, business continued as usual; the EU stated repeatedly that the suspension was not a ‘punishment’, and that cooperation would proceed and deepen unhindered (Tocci, 2010, p62). One EU parliamentarian interviewed by Dimitris Bouris (2014,p71) stated that the EU was never good at bargaining, saying ‘we are always giving things to Israel without receiving something back’, while a majority of EU parliamentarians interviewed for his book argued that the EU should utilise its economic leverage at Israel, saying ‘Power means coherence; using your instruments and legal materials [...] should be the way forward (Bouris, 2014, p71).

To ensure this is all in perspective, the EU is considered Israel’s largest trading partner, with total trade amounting to almost €23 billion in 2005; it represented 35% of Israel’s total trade (European Commission, 2007, p5). The EU had ‘no appetite for sanctioning or

punishing Israel', as one scholar (Khader, 2013, p20) put it, yet it continued to act in an unsustainable paradox where its words continually contradicted its actions. By prioritising cooperation with Israel over the two-state solution, the EU had actively worked against the accomplishment of the two-state solution, an EU priority as set by the EU Security Strategy 2003. Tocci (2010, p63) and other critics considered this behaviour dangerous, as it would signal that the law is up for bargaining, and would 'foster a culture of impunity', prompting Israeli academics such as Gordon (2009) to state that "suspending cooperation with Israel ...is the only way Israel can be saved from itself" (Gordon, 2009).

When it came to Israel, the EU got in a rhythm of talking the talk, but not walking the walk. Its strategic priority of ensuring a two-state solution was trumped by an apparently higher priority, that is maintaining strong trade and aid relations with Israel. "Unpleasant background noise" is how Israel's Foreign Ministry spokesperson described a 2011 EU Heads of Mission Report from Jerusalem which described the situation as "deteriorating", and warned that the increasing settlement activity is increasingly detrimental to the prospects of a two-state solution (Sherwood, 2012). The legitimacy of the EU's role in the peace process was put to question, as the EU's actions spoke louder than its words.

In a report marking 50 years of Occupation, B'tselem (2016, p1) opened with an assessment claiming that, given what has been documented so far, it was becoming highly unlikely for Israel to change course, and that implications of the policies are set to worsen. In the same report, B'tselem (2016,p7) concluded that, contrary to Israel's claim, very little had been done by international actors to challenge Israel's occupation of the West Bank and policies towards Gaza, saying that the longer international actors turn a blind eye, the worse the situation will become. Yet, in 2014, the EU and Israel signed the Horizon 2020 association agreement, giving Israel access, equal to that enjoyed by any EU member state, to the union's largest-ever research and innovation program, with a budget nearing 80 billion euros over seven years (Haaretz, 2014).

The EU-Palestinian 'conditional' relationship

The EU's relationship with Israel, however, was not a mirror of its relationship with the Palestinians. In its approach towards the Palestinian Authority, the EU had clear-cut objectives and priorities laid out to the Palestinians in their ENP action plan in comparison with Israel's action plan, as we had argued earlier in this chapter (European Commission,

2005b). Similarly, the EU had made technical and financial assistance to the PA contingent on far reaching reform objectives, in the framework of the Quarter's Roadmap process (Muller, 2012, p65). Here, we may examine the legitimacy of the EU's role in the peace process by assessing the strict conditionality applied to the Palestinians, compared to the 'constructive engagement' approach the EU had adopted with Israel.

In the years following the 2002 Roadmap, there was no peace process worthy of mention. The situation was deteriorating, and international actors were diverging in their focus on the Israeli/Palestinian conflict. The European Union wanted to act, as mentioned in the first chapter, despite the seeming non-interest shown by the US and the Israeli side who proceeded in entrenching the occupation. The next part of this chapter will focus on two case studies in the Palestinian timeline, those are the 2006 parliamentary elections, and the 2009 state-building plan by the Palestinian Prime Minister, Salam Fayyad. The two case studies constitute major events where the role the EU played had a role affecting its legitimacy within the peace process, as well as the prospects of reaching a two-state solution.

Palestinian parliamentary elections

In 2006, Hamas won the Palestinian parliamentary election, to the shock of many, including EU foreign policy chief Javier Solana who described the win as an "entirely new situation which will need to be analysed" (Jeffery, 2006). Hamas was a new player to the game of politics. The organising of a free, fair and open elections was a priority objective that the Palestinian Authority had to undertake, as stipulated by the Quartet's Roadmap and the EU/PA action plan under ENP framework (see Middle East Quartet, 2003 and European Commission, 2005b). The EU then had congratulated the Palestinians on a successful election and for "strengthening Palestinian democracy and implementing Roadmap obligations" (European Council, 2006). It is important that, while the EU had considered Hamas a terrorist organisation since 2003 for its role in the second intifada (BBC, 2003), however it did not stop the Union from reaffirming its commitment to the continuity of financial aid as it made a statement celebrating an "election conducted even better than in some EU member countries" (European Council, 2006 and Bouris, 2014, p54).

The honeymoon of democratic celebration lasted less than 48 hours. A few days after the election, the Middle East Quartet (2006) issued a statement conditioning any future assistance to a new Palestinian government on its “commitment to non-violence, recognition of Israel, and acceptance of previous agreements and obligations.” This was growing to be a problem because the outcome of the elections, directly monitored and supported by the EU and other actors, did not yield a favourable result, mainly to the Israel and the United States.

At the time the Middle East Quartet issued its statement, the UN representative told the UN secretary general Kofi Anan that the demands of the new Hamas government were raised in order to prevent them from being met, rather than being guidelines towards a diplomatic solution (Crooke, 2011). An expert on the subject matter, Jeroen Gunning (2010, p107) described the Quartet conditions as “one-sided demands for surrender”, rather than principles demanded of both parties, such as Israeli recognition of Palestine, renunciation of violence, and full adherence to previous agreements. Gunning (2010, p101-4) saw engagement with the Hamas government to be imperative if the goal of a two-state solution was to be kept alive.

A couple of weeks after the elections, official reports emerged of a US and Israeli plan to destabilise the new Palestinian government, starve it of money and international connections, in order to ensure Hamas would fail and elections would be called again (Erlanger, 2006). The EU at the time sent mixed messages. EU envoy Marc Otte spoke to Saeb Erekat, chief negotiator of the PLO, reassuring him that the EU will have a position different from the US; “The EU will encourage Hamas to change and will try to make things work as much as possible” (Crooke, 2011). The EU, however, followed into the footsteps of the US and Israel, and proceeded in adopting a policy of non-engagement with the new Palestinian government, leading to rising doubts over its democracy promotion role, as we have explored in the first chapter. The Palestinian Prime Minister then, Ismail Haniya, criticised Europe for cutting aid, saying they were “punishing the Palestinian people for their democratic choice” (Weisman and Smith, 2006).

The EU policy of not engaging with Hamas faced wide criticism, many of the critics were policy experts and academics; they saw the EU policy toward Hamas to have further eroded prospects for the creation of a viable & contiguous Palestinian state, and eroded Europe’s credentials as ‘democracy promoter’ (see Bertrand-Sanz, 2010, p43 and Khader,

2013, p18). The question of EU legitimacy in the peace process was questioned, once more, following the way it had conducted its relationship with the newly elected Palestinian government. In comparison, the EU had never adopted such a strict approach with any previous Israeli government which had violated the Quartet's Roadmap (2003) principles through unilateral action or violations of international law, as we have explored in the earlier chapter. The expectation of strict adherence to the Quartet's Roadmap principles, in this case, was only reserved for the newly elected Palestinian government.

In the case of the EU's response to the 2006 Palestinian parliamentary election, we looked at a situation where the EU had adopted a very strict conditionality approach with the Palestinians. European intervention in regard to Hamas had indirectly strengthened territorial separation, where two territories in Gaza and the West Bank were governed by mutually antagonistic Palestinian factions (Bertrand-Sanz, 2010, p43). The following two years saw a different case study unfolding in the West Bank, where Prime Minister Salam Fayyad embarked on a state-building mission of the kind favoured by the EU. The EU returned to engage fully with the Palestinians, along with the Quartet, and embraced a strategy of "West Bank first", which was initiated by the US and had the aim of 'supporting moderate leaders', such as Salam Fayyad (Bouris, 2014, p80). This second Palestinian-focused case study will look at a situation where the Palestinian party had strictly adhered to and followed all set conditions and objectives, yet the other parties involved did not deliver as per Palestinian expectation.

The Fayyad plan for statehood

In 2009, the Palestinians launched a two-year plan titled "Ending the Occupation, Establishing the State", where they detailed their state-building agenda, citing previous progress, setting out for a 2011 target to establish the state, and calling on continued regional and international support for the establishment of an "independent, democratic, progressive, and modern" Palestinian State (Palestinian National Authority, 2009). In a speech two months later, the EU's High Representative for CFSP Javier Solana (2009; 4) talked about the importance of setting a timetable as a mediator; said that if parties fail to stick to a time table, then "a solution backed by the international community should be put on the table." In its presidency conclusions in December 2009, the European Council (2009, p2) said it fully supports the implementation of the Palestinian Authority's plan "Ending the Occupation, Establishing the State". On the same line, the EU continued to

reaffirm its support for the Fayyad plan well into 2011, when the plan was due to conclude (Ashton, 2011).

The question arose here when the EU commitment to the plan was seen to be fragmented; the EU did contribute a great deal towards the 'establishment of state' part, but did not commit to the other part of 'ending the occupation.' On this matter, Bertrand-Sanz (2010, 46) commented that "consistent support for the state-building route would necessarily entail a strategy for surmounting obstacles to its realisation." A European Council official interviewed by Bouris (2014, p81) wondered "how can you build a state if you have no state to build?", and continued by stating that, "while it was supposed to be the means and not the end, the state-building process had come to substitute the lack of progress in the Middle East Peace Process".

Throughout this period, the Palestinians had another concern, that of bias from the envoy of the Middle East Quartet, Tony Blair. One rationale behind the EU joining the Quartet was for them to engage more significantly in the peace process and act as honest brokers between the disputing parties. In the first chapter, we explored how the US had often been all-dominating when it came to policy towards the Israeli/Palestinian conflict; the Quartet was supposed to offer an alternative to US dominance by engaging with the EU, UN, and Russia. In 2011, papers leaked from the PLO negotiations affairs department showed Palestinian frustration at 'Israeli bias' by the Middle East Quartet's envoy and ex-UK Prime Minister, Tony Blair (Black and Milne, 2011). In a memo by the Palestinian negotiation team, it noted how the Quartet envoy's tone, "Without making any judgement as to intent, is paternalistic and frequently uses the style and jargon of the Israeli authorities", citing some of the envoy's proposed terms such as 'separate lanes' and 'tourist-friendly checkpoints' to be unacceptable and "advocate apartheid-like approach" (Black and Milne, 2011).

In a 2008 meeting with the Quartet members, which include the EU, Blair was recorded boasting about his good relationship with Israel's defense minister, prompting the Russian diplomat present at the meeting to get the impression "that Blair was talking like Bush's representative" (Black and Milne, 2011). A former political and security advisor to the Office of the Quartet, interviewed in 2010, had argued that, following the reality on the ground, the Roadmap and its provisions have become irrelevant and now can only be characterised as a "fig leaf" (Bouris, 2014, p83). Tony Blair, the Quartet's envoy since

2007, was declared persona non grata by the Palestinians in 2011 as they considered him to be “closer to an Israeli diplomat than a neutral negotiator”, as well as for his effort to lobby European powers to not support the Palestinian bid for statehood at the UN (Stewart, 2011).

In 2011, the Palestinians saw they have no choice but to seek a UN vote for statehood, concerned that Israel’s ongoing settlement construction would erode all prospects of a two-state solution (Aljazeera, 2011). The Palestinians had, indeed, tried to build all necessary institutions for the establishment of their state, as they had laid out in their plan which was ‘fully supported’ by the EU and other international actors. Yet, when the time came in 2011, the EU in particular was not ready to recognise a Palestinian state. In a 2012 UN General Assembly vote on upgrading the Palestinian status to ‘non-member state’ from entity, EU member states were split as fourteen voted in favour and 12 abstained, with only the Czech Republic voting against (EURACTIV, 2012).

The European Parliament, a body that has no power to legislate on the EU’s foreign policy, had in 2014 overwhelmingly supported a resolution that calls for the “recognition of Palestinian statehood”, however watered-down and weaker from its original formulation which had called on the member states to recognise the Palestinian state (Barbiere, 2014). As a member state of the EU, the only country to officially move to recognise the state of Palestine was Sweden, joining others such as Cyprus and Malta who had recognised Palestine prior to joining the EU (The Guardian, 2014). As for the EU, no clear indication as to what the “timeline” (Solana, 2009 and European Council, 2009) for the recognition of Palestine was and when it was supposed to be met. In matter of fact, the situation only got worse and the occupation became more entrenched; a realistic assessment in B’tselem (2016, p7) report was that the future paints a grim picture, with the situation worsening the longer the world allowed this reality to continue.

One Israeli official interviewed by Bouris (2014, p129) confirmed what many believed at the time, that the “Palestinians have done almost everything regarding their obligations under the Roadmap while we have done nothing ... settlement building never stopped and is paralysed the Israeli political process”. In 2013, the situation in the Palestinian Territories remained stagnant. The Palestinian Prime Minister had resigned, in a move that some saw as “a sign that state-building in a situation of continued occupation has reached a dead end” (Khader, 2013, p21).

The legitimacy of the EU's role in the Middle East Peace Process had been tested in this chapter from three different perspectives; the first being the preferential treatment of Israel by the EU, the second being the one-sided strict conditionality applied on the Palestinians but not the Israelis, and the third being the state-building without political objectives pathway which the EU had seemingly embraced. There is a danger that the longer this situation continues, the harder it would become to find a solution. The EU had faced many opportunities to play a bigger role in the Middle East Peace Process, has even been invited to become the main sponsor of the process (eruonews, 2018), however we have not witnessed a situation of policy coherence where the talk reflects the act.

In this chapter, we showed how the tools for action are available but are not utilised, how there is a disparity in how the EU approaches the Israeli party and how it approaches the Palestinian party, in favour of Israel. Last but not least, we have explored how lack of political foresight and genuine commitment by the EU and member states had led to the perpetuation of a situation where solutions are becoming more distant and out of reach.

Chapter 3 - The EU's role in safeguarding a two-state solution in the time of Donald Trump

More than two decades of Middle East 'peace process' have yielded nothing towards a two-state solution. The Israeli occupation of Palestinian Territories persisted, the settlement enterprise continued to grow, and accountability for violations of human rights and international law seemed more elusive than ever. This chapter will turn our focus to recent developments in the Palestinian-Israeli conflict, characterised locally by an increasingly defiant right-wing governments in Israel, and a Palestinian government desperately searching for global recognition and legitimacy. Internationally, this period was characterised by an American administration determined on breaking with previously agreed upon principles of the conflict, as well as a seemingly divided EU lacking coherence in policy and action towards the conflict.

This chapter will focus on a time period stretching from the US presidential elections in November 2016, ending with the US administration's release of its version of a 'Middle East Peace Plan' end of January 2020. It will present the latest developments of that period in regard to the US administration's change of attitude towards the conflict, the Palestinian expectations from the current period, in addition to the trend of Israeli behaviour during the same period in regard to settlement expansion and annexation plans. This will lead to an in-depth analysis of EU behaviour during that period, its dynamics and effectiveness in ensuring the pursuing of its strategic objective of advancing the Middle East peace process and achieving a two-state solution.

The Trump administration and the Palestinian-Israeli conflict

In November 2016, a political tsunami was unfolding in the US, with its ripples felt in the corners of Jerusalem by both the Israelis and the Palestinians. As Donald Trump won the US election, his advisor on Jewish and Israeli matters, later appointed US ambassador to Israel, David Friedman, told Israelis of a level of friendship that is "going to grow like never before", adding that one of the new administration's first moves will be to move the US Embassy from Tel Aviv to Jerusalem (Katz, 2016). While Trump received congratulations from both the Israeli and Palestinian side, major political figures in the Israeli government such as Education Minister and PM-aspirant Naftali Bennet, suggested that Trump's

election should signal the end of the two-state solution, and with it the end of aspirations for a Palestinian state (Beaumont, 2016).

Less than a year into his presidency, President Trump formally recognised Jerusalem as the capital of Israel and ordered the moving of the US embassy to the city (Landler, 2017). Not only did Trump reverse decades of American foreign policy, but his announcement had major repercussions on the Palestinian-Israeli conflict that could jeopardise the slim chances of ever recovering the peace process as we have come to understand it. By going against UN Security Council resolutions and the international consensus on the status of Jerusalem, the new American policy had defied international law and the principles that underlie the conflict. It was at this point that the Palestinians no longer saw the Americans as mediators, but rather saw them as a party to the conflict, on the Israeli side. Trump's approach was seen to have finally convinced the Palestinian leaders that, in an American-dominated peace process, they have more to lose (Elgindy, 2018).

During this period, the developments on the ground were only worsening; Israel was being rewarded for its behaviour by facing no repercussions for actions considered in breach of international law as reaffirmed by UN Security Council Resolution 2334 (2016); the US administration was undeniably on Israel's side, while the EU failed to go beyond rhetoric and statements of condemnation, allowing further encroachments. In an EU report on Israeli settlement activity, the report noted that in the second half of 2018: 1) advancement of housing units was growing at unprecedented highs, 2) evictions of Palestinians in Jerusalem was increasing, 3) the North/South of the West Bank would be potentially cut-off due to the building of new settlements in the strategic E2 area, 4) figures from 2018 show a sharp spike in planning for future construction, 5) there are currently 630,000 Israeli settlers in 143 settlements and 106 outposts in the West Bank including east Jerusalem (European Union, 2019). The report concluded its summary by suggesting that developments on the ground "make the prospect of a two-state solution, with Jerusalem as the future capital for both states, increasingly unattainable" (European Union, 2019).

In January 2020, Trump released his administration's version of a 'Middle East peace plan', a plan that paid no attention to Palestinian self-determination, but rather read like a series of Israeli government talking points (Beaumont, 2020). The Palestinians themselves had already called the anticipated plan an unacceptable "surrender act" (BBC, 2019). The

Israeli government read this plan as unconditional support by the US administration, and were emboldened to act accordingly by planning expanded settlement projects and annexation of Palestinian territories in the West Bank (see Reuters, 2020 and Lazaroff, 2020).

The recent developments had prompted the Palestinian Foreign Minister to proclaim that it is time for the European Union to take over and act as the main sponsor of the peace process (euronews, 2018). The Palestinians saw in the EU one of the last remaining spaces to pursue their national agenda on the international political arena. The EU as a body is premised on international law and human rights, as stipulated in their strategic framework on human rights and democracy, where it said “The EU will continue to throw its full weight behind advocates of liberty, democracy and human rights throughout the world (European Council, 2012). In its 2016 Global Strategy for the EU’s Foreign and Security Policy, the EU had reiterated that it will work closely with all key stakeholders “to preserve to prospect of a viable two-state solution based on 1967 lines”, adding “the EU will also promote full compliance with European and international law” (European External Action Service, 2016).

The EU was the most qualified actor that could counter the unilateralism of the US and Israel. The Palestinians saw that and had officially called on Europe to recognise Palestine as a state to ‘counter’ the annexation plans (Rasgon, 2020). In a piece calling for EU recognition of Palestine, PLO secretary-general Saeb Erekat (2020) wrote that the Israeli-European relations during the time of Trump grew in a way that almost rewards Israel for its behaviour, adding that the main message Israel had received from the EU is that they disagree on its policies but are not going to take any action.

With the new US administration’s unilateral break with the International consensus on matters such as Jerusalem and annexation, the EU was presented with a new challenge. Pressure on the EU had risen, along with increased expectations of its role as mediator, especially by the Palestinians who saw it as the last potential saviour of a two-state solution. Israel’s Prime Minister Benjamin Netanyahu, however, was emboldened by the carte blanche support of the new US administration, and changed his attitude towards the EU.

In previous years, Netanyahu had usually attacked or threatened to suspend diplomatic dialogue with the EU in response to their critical approach towards Israel (see Ynetnews, 2015). After Trump's announcement on Jerusalem, Netanyahu visited Brussels in first visit of an Israeli premier in more than 20 years, and said that he expects all European countries to follow the US approach in recognising Jerusalem as Israel's capital, despite EU High Representative Federica Mogherini being right next to him in the press conference stating that the bloc's stance on the matter is unchanged (BBC, 2017). Netanyahu's visit to Brussels was organised by the Lithuanian Foreign Minister in a move seen as a counter-protocol snatch provoking outrage at the office of High Representative of the EU Federica Mogherini (Landau, 2018). A year later, in a first for an Israeli prime minister, Netanyahu was invited to visit Lithuania and attend the Baltic countries' summit, where he intended to "counterbalance the European Union's unfriendly approach to Israel" through direct relations with European leaders (Landau, 2018).

The EU approach during the Trump administration

The next part of this chapter will move to assess the EU role during the period of Trump's presidency. We will look at different aspects of the EU's declaratory diplomacy, agreements signed between Israel and the EU, cooperation in the fields of research and development, as well as the policy of 'differentiation'. We will then provide an assessment of the EU's activity in safeguarding the two-state solution, while providing a contextual description of the situation at any given moment in the discussion.

The rhetoric of the EU

The EU's declaratory diplomacy towards the Palestinian/Israeli conflict had always been a staple of its involvement, as we have discussed in earlier chapters. From an empirical perspective, there is an abundance of evidence of the EU utilising declaratory diplomacy as a mean of conveying positions and applying political pressure. Here, we will focus on the declaratory diplomacy of the European External Action Service (EEAS) and its High Representative of the Union for Foreign Affairs and Security Policy, as founded in December 2010 following the Lisbon Treaty coming into effect (European Union, 2007).

There are three main types of declaratory diplomacy utilised by the EEAS. The first is a Declaration by the High Representative on behalf of the EU, which requires agreement

among EU member states, and often includes non-member European countries which chose to align themselves with the text of the statement. The second type is a statement by the High Representative of the EU, and the third is statement by the spokesperson of the High Representative of the EU. Both statement by the Hight Representative and statement by the Spokesperson are equal in significance, yet the EEAS tries to use statements by the spokesperson more frequently as to give more weight to statements by the High Representative.

From an empirical perspective, statements issued by the EU on matters concerning the Palestinian/Israeli conflict were, as usual, impressive. Between November 2017 and January 2020, 33 statements were issued by the spokesperson of the High Representative, 12 statements issued by the High Representative, and one declaration on behalf of the EU was made. It is worth noting that 32 and 12 statements issued by the spokesperson and High Representative respectively were during Ms. Federica Mogherini's role as High Representative (see Appendix). As for the single declaration on behalf of the EU, it was the first major act of declaratory diplomacy on the Middle East peace process since Mr. Josep Borrell assumed office; the declaration was in response to the Trump administration's publication of the 'Middle East peace plan'; the declaration reiterated the EU's established position and commitment to a two-state solution respecting relevant UN resolution and internationally agreed parameters (European Council, 2020). Out of the 45 statements made by the High Representative during that period, 47% of them were made specifically concerning Israel's settlement activity in the West Bank and East Jerusalem, and 27% were concerning violent exchanges between Israel and the Gaza Strip (see Appendix).

The use of language in those statements is of significance, too. Concerning EU statements on settlements, every statement would reiterate the EU position that considers the settlements to be illegal under international law, in addition to citing UNSC resolutions on the matter such as resolution 2334, adopted in 2016. The statements address the offending party, in this case Israel, with strongly critical language, but almost always remain vague and avoid suggesting that any punitive measure could be considered as a consequence.

In a February 2017 statement by HR Federica Mogherini, she called out the illegality of Israeli settlement construction under international law, as had been the standard language

of those statements at the time, saying the EU is “strongly opposed to this policy” and that it “marks a very worrying trend, posing direct challenge to the prospects of a viable two-state solution” (EEAS, 2017a). During the same week, as the Israeli parliament adopted a law that would ‘legalise’ numerous settlements, previously considered illegal even under Israeli law, HR Mogherini upped her language and warned that such a move by the Israeli government would “further entrench a one-state reality of unequal rights, perpetual occupation and conflict”, however she ended the statement by urging “the Israeli leadership to refrain from implementing the law” (EEAS, 2017b). The wording here was significant as it could allude to an apartheid-like situation, a more accurate and controversial description of the reality on the ground, without using such wording herself.

Even in her statement in response to Trump’s announcement on Jerusalem, Mogherini warned that the announcement’s impact will “send us backwards to even darker times” (EEAS, 2017c). However, as time moved forward, the EU’s failure to go beyond rhetoric proved to be rewarding for Israel, who continued with their settlement activity, not worrying about facing consequence from the EU. In matter of fact, the wording of EU statements in the next years would become mild and further lose its significance. In Mogherini’s statement on Israeli plans to demolish a Palestinian community in Khan al-Ahmar, a move considered very controversial and detrimental to any potential solution, her statement read less like a demand grounded in international law and legitimacy, but rather as a gentle request of the Israeli government: “The EU calls upon the Israeli authorities to reconsider their decision to demolish Khan al-Ahmar” (EEAS, 2018a).

In the final statement of her post as High Representative, Mogherini addressed Israeli settlement policy, but her language was even softer as it only “called on Israel to end all settlement activity”, without any reference to punitive or disciplinary measures as consequence (EEAS, 2019a). In the first statement by the spokesperson of the new High Representative Josep Borrell on the Israeli settlement activity, it referred to the occupied territories as ‘disputed lands’, a term often used by the Israeli government and its allies that also negates the illegal status of the settlements, however it is important to note that the statement was quickly amended and the EEAS admitted the reference to ‘disputed lands’ was a human error, changing it back to a call to “end all settlement activity on occupied territories” (Ahren, 2020). The ‘human error’ in this case could be a bleak euphemism on the nature of the EU’s declaratory diplomacy on the Palestinian-Israeli conflict.

Regardless of the language used by the EU to address Israel's settlement activity, the statements of condemnations during HR Mogherini's tenure became like mantra; the statements were predictable, and the lack of action beyond the rhetoric became the rule rather than the exception. In regard to the EU's declaratory diplomacy relating to Israel and Gaza during the period of Trump's presidency, there has been a more evident trend of EU departing with use of critical language, and instead accommodating certain Israeli policies with words that could imply EU indifference or even acceptance of the policy.

The EU is regularly critical of the Israeli policy towards the Gaza Strip, consistently citing its catastrophic humanitarian impact on Palestinians living there. In the first instance of significance, the EU seemed to have departed from using 'Gaza blockade' to accurately describe what is technically a blockade, or siege, as Palestinians call it. The use of 'Gaza blockade' was normal whenever the EU declared its position on the matter, as evidenced by High Representative Catherine Ashton statements on Gaza (EEAS, 2012). However, EU statements on Gaza in 2018 referred to the situation as "closure of Gaza", rather than blockade (EEAS, 2018b). During that time, mass protests were occurring in Gaza against the blockading of the Strip, but EU statements by HR Mogherini had departed from using 'blockade', but had even implied that the casualties were not only due to Israel's disproportional use of fire against protestors, as mentioned in the statement, but also implied that the casualties were also a result of 'exploitation' by the protest organisers in Gaza (EEAS, 2018c). By not strictly calling out Israeli responsibility for shooting protestors and implying protest organisers were responsible of 'exploiting' people, this could be seen as a form of blaming the victim.

In an equally controversial departure, the EU's reaction to extra-judicial execution of a senior leader in a Palestinian political party was different in 2019, compared to 2001. In November 2019, Israel targeted a senior leader in the Palestinian Islamic Jihad party, in an operation approved by the leaders of Israel's military and the Prime Minister ten days in advance; the result was the extra-judicial execution of Baha Abul Ata, and his wife when an airstrike targeted their house in Gaza (Hendrix and Eglash, 2019). In a statement by the spokesperson of the High Representative of the EU, the description was as follows "Israel **conducted an operation** inside Gaza targeting a senior leader of the Palestinian Islamic Jihad" (EEAS, 2019b). The statement did not follow up with any reaction or condemnation

to the act, it only provided a description and the standard reiteration that a political solution is needed to end the violence.

The above statement was a major departure from previous EU policy. In 2001, a Declaration by the Presidency on behalf of the EU, which is equivalent to today's Declaration by the High Representative on behalf of the EU following the Lisbon Treaty coming into effect, was made on extra-judicial killings. The declaration stated that the EU "deplores the practice of so-called "eliminations" or extra-judicial killings of Palestinians carried out by Israeli security forces" (European Commission, 2001). Similarly, in its council conclusions in 2004, the EU condemned the extra-judicial killing of Hamas leader, saying that the "EU has consistently opposed extra-judicial killings" because, not only are they contrary to international law, but they are undermine the concept of the rule of law, saying Israel is "not entitled to carry out extra-judicial killings" (European Council, 2004).

The High Representative statement's (EEAS, 2019b) use of "operation" to describe an extra-judicial execution, as confirmed by the Israeli military (Hendrix and Eglash, 2019), and the statement's lack of any sort of condemnation for Israel's behaviour, signals an EU acceptance or even accommodation of Israel's controversial practice of extra-judicial killing. This occurred at a sensitive time where the EU was supposed to be upping its game to counter US and Israeli unilateral actions that, in the words of the High Representative herself, "have the potential to send us backwards to even darker times than the ones we are already living in" (EEAS, 2017c).

The actions of the EU

With all that being said, what steps did the EU take during the presidency of Donald Trump to hold Israel to account and safe guard the two-state solution? During this crucial period, many experts had argued that, given the Trump administration's "shredding of international law", the European role couldn't be more vital (White, 2019). Others have proclaimed that the problem is not with the EU's lack of policy or legal argument to challenge Israel, however the problem is the lack of political will to enact punitive measures; that being a result of the "EU's soft power approach in a global condition of increasing hard power" (Hawari, 2018).

The EU's depository is not lacking of declarations and statements that convey their position on the many aspects relating to the Palestinian-Israeli conflict. The same may be said about action; the EU involvement with either parties of the conflict only grew with the years. We have explored thoroughly in earlier chapters the EU's "payer not player" role when it comes to its relations with the Palestinians, we had also presented arguments that show how the EU's financial support for the Palestinians without a political end-strategy contributes to entrenching the occupation. This was no different in 2019, as the EU's new envoy to the Middle East peace process boasted about the EU's spending of €10 billion in the past 15 years to make "the two state solution possible" (Hassan, 2019).

The EU's relations with Israel during the Trump presidency, contrary to what you may think, were as vibrant and strong as ever. There was no reason to believe EU-Israel relations would be sour if the Union had proved over and over again that its declaratory diplomacy is what it is, declaratory rhetoric with no follow-up action. One measure that the EU took against Israeli settlements was its issuing of guidelines on labelling products from Israel's illegal settlements, causing a diplomatic row between Israel and the EU (Beaumont, 2015). This decision was upheld by the European Court of Justice in 2019, where it ruled that products originating from the occupied territory must be labelled to indicate their origin so that consumers could make "informed choices" when they shop (Guardian, 2019).

The EU's guidelines on labelling and the European Court's ruling ring hollow; they relegate the responsibility to the individual consumer rather than to the state, when it comes to dealing with products originating from entities considered by the EU and the international community to be illegal under international law. This, therefore, is not sufficient for the EU to meet its obligations under international law as the produce continues to be imported from those settlements. In fact, the EU imports from Israeli settlements in the occupied territory 15 times more than it imports from the Palestinians in the same space (White, 2019).

Two notable positions arise from within the EU on the issue of labelling of settlement products, those are the positions of the Netherlands and the Irish Republic. In the Netherlands, the parliament motioned against the EU court's ruling on labelling of settlement products calling on the government to object to the ruling (Times of Israel, 2019), however the Dutch government later told parliament that it would uphold the EU's

policy of labelling those products (Landau, 2019). Keeping in mind that the EU policy does not constitute a 'ban' on products from settlements it considers illegal, but rather leaves the choice to the consumer. Here, arises the Irish position, exemplary in its own way for how it upholds international law. A bill to ban Israeli settlement goods had passed in the Irish senate (Holmes, 2018), and later passed in the Irish parliament (Aljazeera, 2019), making it the first country in the EU to adopt into law a ban on produce from Israeli settlements considered illegal by the EU. The Irish example is noteworthy for it being an EU member state going beyond the rhetoric and taking concrete action to uphold its obligations under European and International law.

Before we end on the topic of labelling settlement products and moving on to forms of EU-Israeli cooperation, we must highlight the policy of 'differentiation'; a policy de facto implemented by the EU to differentiate between Israel and settlement activity in the occupied territories, with an aim to deepen EU-Israel ties while maintaining EU's legal obligations in excluding settlements from its activities (Lovatt and Toaldo, 2015). Legal Scholar Noura Erekat (2019, p14) saw this policy to be only concerned with the EU's compliance with its own laws, and less concerned with enforcing international law in Israel.

The territory covered by the EU-Israel association agreement is defined, and member states have a duty of 'non-recognition', meaning they cannot recognise, assist or aid Israel's activity in the occupied territories, and must refrain from granting benefits to or cooperating with Israeli actors who are in violation of the international law (Tozzi, 2010, p60). This line of thinking is what led the EU to issue guidelines in 2013 on the eligibility of Israeli entities to benefit from prizes and EU financial instruments, depending on whether or not their activities occurred in territories occupied by Israel since 1967. This is relevant to the issue of labelling settlement produce, and also relevant to the following section on security, research and development cooperation between the EU and Israel.

Throughout the years of the Trump presidency, where Israel's unilateral actions in defiance of UNSC resolutions and international law reached new heights, EU-Israel cooperation did indeed deepen. In the previous chapter, we mentioned the EU and Israel signing the Horizon 2020 association agreement, giving Israel access, equal to that enjoyed by any EU member state, to the union's largest-ever research and innovation program, with a budget nearing 80 billion euros over seven years (Haaretz, 2014). While the EU had

claimed to have issued guidelines preventing any Israeli entity that has its activity in occupied territory from benefiting from the scheme, a freedom of information request had revealed that the EU guidelines had provided a loophole exempting Israeli government entities from the guidelines (Cronin, 2016). In a briefing document drafted for EU High Representative Catherine Ashton, it was revealed that the EU knowingly exempted Israeli government ministries located in East Jerusalem, considered occupied by the EU, therefore breaking with its own guidelines on not funding illegal activity; the government ministries benefiting from Horizon 2020 were the Israeli Ministry of Science and Technology, as well as the Israeli Antiquities Authority, both based in East Jerusalem (Cronin, 2016).

Among the Israeli beneficiaries of the EU's Research & Development funding program Horizon 2020 was the Israeli Defense Ministry, itself involved in many of the violations and abuses the EU had abundantly criticised in their declaratory diplomacy. In 2019, the Israeli Defense Ministry was set to benefit of a \$9 million research scheme known as Respondrone (Cronin, 2019a). Around the same time in June 2019, the EU delegation to Israel held a ceremony to celebrate the scientific cooperation with Israel under the Horizon 2020 scheme, where grants totalling over €742 million were awarded to 1062 Israeli projects from the start of the program until the end of 2018 (EEAS, 2019c). The cooperation did not stop with Horizon 2020, as a new briefing paper published in 2019 suggested that Israel will be able to join the next EU research programme, Horizon Europe, where it is likely to gain access to \$1.6 billion in EU science grants (Cronin, 2019b).

Beyond the cooperation in the field of research & development that Israel was an exclusive beneficiary as a non-EU member, there was growing cooperation in the security sector as well. In 2018, EUROPOL and Israel signed a working arrangement to expand security cooperation between the two parties (EUROPOL, 2018). Israel was the first non-EU country to benefit from signing this working arrangement. EU officials involved stated that the agreement does not include any cooperation or exchange of information with sources in the occupied West Bank (Breiner and Landau, 2018). While the EU was attempting to maintain its 'differentiation' policy in the aforementioned statement, there is an elephant in the room in the fact the Israeli Police HQ is located in East Jerusalem, considered occupied territory with whom cooperation should be illegal, as well as for the

fact Israeli police activity is standard business within settlements in the occupied West Bank, while the military is responsible for the security situation outside of the settlements.

With the growing EU-Israeli cooperation in various fields, including cooperation with entities which benefit from or perpetuate the occupation through loopholes, the EU rhetoric on the Israeli occupation and the human rights situation of the Palestinians rang hollow. The context for which the EU's declaratory diplomacy lies within is fumbled with contradiction. The EU's declaratory diplomacy was in contraction with the EU's relations with Israel. The labelling of settlement produce, the cooperation in fields of research and development, as well as security cooperation, all are significant instruments which the EU may utilise to influence Israel into adhering with international law and allowing the peace process to proceed unhindered. During the time period of concern, we did not record any incidents of the EU stepping up its role to safe guard the two-state solution; on the contrary, the EU approach to Israel was not affected, and its declaratory diplomacy did not become any more critical than it was before.

During Trump's presidency, the Israeli government started acting in defiance of all rules and norms that have been set by the international community. The violations of Palestinian human rights and the expansion of the settlement enterprise during Trump's tenure were unprecedented. However, the EU did not attempt to 'isolate' or 'sanction' Israel as it did with the democratically elected Palestinian government in 2006 who did not adhere to the Roadmap principles. The release of Trump's Middle East peace plan in 2020 was technically a green light for Israeli annexation of major parts of territories occupied in 1967, therefore posing one final death-blow to two-state solution that the EU maintained support for. This was a major breach of international consensus and Roadmap principles as agreed upon by the International community; the annexation plans of Israel's government, backed by the US administration, faced rhetorical protest but no actual punitive measures as consequence. Instead, the EU prioritised deepening its cooperation with Israel and giving it preferential access and benefit to various EU programmes, while only trying to not implicate itself in the illegality of Israel's activity.

What the EU could do is condemn the new US policy and call on all its members to uphold their responsibility towards international law, like Ireland did with banning settlement produce, as well as reassess its cooperation with Israel considering the loopholes mean the EU is complicit in indirectly funding activities occurring in the

occupied territories. The EU should not underplay its abilities to influence the direction of either parties of this conflict in the direction of its desire. Yet, following our analysis of this time period, the EU had not genuinely committed itself to the pursuit of political objectives, but rather it had committed itself to strengthening cooperation with Israel and provision of aid to the Palestinians, hence entrenching the status quo. There is a strong urgency to this matter, considering the resulting situation is one where a two-state solution would become a mere fantasy, and one-state reality of unequal rights, perpetual occupation and conflict, as Ms. Mogherini (EEAS, 2017b) once warned, also known as 'apartheid', would remain as the norm.

Conclusion

Throughout its three chapters, this paper had attempted to provide an analysis into the effectiveness of the EU's role in the Middle East peace process. It focused on the EU's effort to safeguard the two-state solution in the face of a storm of political developments which aimed to provide a death-blow to prospects of the creation of a viable & contiguous Palestinian state.

This paper had explored the EU's role in the Middle East peace process at different stages, and through different perspectives. It argued that the EU had played a significant role as 'donor of ideas' following its Venice Declaration 1980, where the ideas it had adopted became the basis of international consensus on the peace process after twenty years. The EU, however, had always acted in the shadow of the US, who had dominated the peace process for years. The US's dominance over the peace process proved to be detrimental to any constructive EU effort to move the peace process forward throughout its early years of engagement.

The paper also looked into how the EU's legitimacy and coherence are received by the parties to the conflict, the Palestinians and the Israelis. The legitimacy of the EU's role was questioned due to the disparity in its approach towards Palestinians on one hand, and the Israelis on another. The EU's 'special relationship' with Israel, and its prioritisation of deepened EU-Israel economic and developmental cooperation came at the price of moving towards a political objective.

On the other hand, we argued that the EU's approach to the Palestinians paled to its approach towards the Israelis. The EU had employed very strict political conditionality in its approach with the Palestinians, evident in their bandwagoning with US and Israel in response to the 2006 Palestinian parliamentary election. It also did not deliver in doing its part of pushing for political recognition of the Palestinian State at a time when it was desperately needed, before the collapse of the peace process.

This led us to the crux of this paper, the effectiveness of the EU's role during the years of Trump's presidency. The EU was faced with a major challenge, and was invited to play the role of main sponsor of the peace process by a Palestinian side who saw the EU as the last possible space left to achieve its national aspiration of self-determination. The EU

was premised on international law and human rights, and so its role in safeguarding the two-state solution was of utmost vitality. However, we argued that the EU lacked the political will to go beyond political rhetoric and act to remove the very-obvious obstacles in the peace process.

The paper explored various instruments of which the EU could have employed strict conditionality in its approach towards Israel, ranging from trade agreements, security, cooperation, research and development funding, as well as legal instruments. We argued that the EU did not effectively deploy its declaratory diplomacy in service of the political objective it proclaimed to support.

The EU lost legitimacy in its approach to the conflict, by both sides. The Israelis saw the EU as predictable but harmless ‘background noise’; whereas the Palestinians saw the EU to have rewarded Israel by not following up their declaratory statements with any punitive measures or legal actions to ensure respect of European and international law, instead rewarded Israel with a deepened cooperation and hundreds of millions euros worth of science grants.

With the dismissal of the US as a sponsor of the peace process for clearly siding with Israel, the EU was presented with a major opportunity and was the most qualified actor to take over as the main sponsor. The EU was capable of using plenty of its instruments, at different levels, to ensure cohesion between its policy and action. During the time we examined between 2016-2020, the EU had failed to take any significant action to step up its role in safeguarding the two-state solution. The EU’s declaratory diplomacy during that same period was observed to have softened its critical approach towards Israeli violations, such as in the cases of extra-judicial executions and demolition of Palestinian communities, leading to us to observe an even weakened rhetoric during the period where stronger rhetoric and immediate action were urgently required.

This paper had repeatedly noted that ‘condemnations’ which are not followed up by any warning or threat of punitive measure will not only ring hollow, but also deal significant damage to the concept of ‘rule of law’ and the reputation of the EU with it. The EU rhetoric condemning Israeli violations lost its value as it became a predictable norm; Israel’s violations continued in a bolder manner as there was no fear of repercussion from

the EU, and the Palestinians grew frustrated at the EU's inability to take action beyond rhetoric, such as mobilise for political recognition of the Palestinian state.

The continued deterioration in the Palestinian-Israeli conflict with Israel planning to annex major territories of the West Bank, with backing from the Trump administration, spells the end of the two-state solution that had been upheld by the EU for so long. If the EU remained interested in mediating the conflict, major policy change is urgently required in utilising EU tools to put significant political pressure on Israel.

The EU remains to be the most qualified international actor to play the role of a mediator in the conflict. The EU must not underplay its abilities to influence the direction of the conflicting parties, nor should it dismiss political objectives as secondary to economic cooperation. Policy cohesion is of utmost importance when it comes to acting as a mediator in a conflict; the window of opportunity for the EU is still open but it is not clear if it will remain so.

Immediate policy change within the EU would be required. One aspect that could be undertaken immediately is a revision of the EU guidelines in engaging with Israel, and its 'differentiation' policy. We have discussed in Chapter 3 the 'loophole' that allows EU financing for Israeli institutions based in occupied territory. This could change, and the EU could clearly state to all its members that its members must uphold their legal obligations and refrain from aiding Israeli or US violations of international law by barring engagement with any Israeli body in East Jerusalem, as they refrain from engagement with settlements in the West Bank.

If Israel continued with its annexationist plans, with the support of the US, the EU must be clear on its non-recognition position of Israel's illegal behaviour. The EU must publicly consider the option of extending its non-recognition policy on Israeli activities in occupied territories, to become inclusive of Israel as a whole; this could be effective to get Israel to withhold from taking such unilateral steps toward annexation, and perhaps revive prospects for a negotiated solution that guarantees and respects the genuine aspirations of both sides.

On the simpler plain, the EU could actively encourage its members to formally recognise Palestinian legal and historic rights, and especially recognise Palestinian political

sovereignty over territories occupied in 1967 (Gaza, the West Bank, and East Jerusalem). While this might not immediately impact the reality on the ground, it is essential to support the Palestinians at a time when their entire political, legal, and historical existence is threatened.

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Appendix

EU Declaratory Diplomacy towards the Palestinian-Israeli conflict, November 2016 - January 2020

A list of all Statements by the High Representative of the EU and Statements by the Spokesperson of the High Representative of the EU, as authored by the European External Action Service Press Team, and published on eeas.europa.eu.

Date	Issued by	Title	Link
08/11/2016	Spokesperson	Statement by the Spokesperson on the latest developments regarding Gilo settlement.	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/14350/statement-spokesperson-latest-developments-regarding-gilo-settlement_en
25/11/2016	Spokesperson	Statement by the Spokesperson on the settlements in Ramat Shlomo	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/15966/statement-spokesperson-settlements-ramat-shlomo_en
08/12/2016	Spokesperson	Statement by the Spokesperson on the "Regularisation Bill" in Israel	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/16735/statement-spokesperson-regularisation-bill-israel_en
08/01/2017	Spokesperson	Statement by the Spokesperson on today's attack in Jerusalem	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/18344/statement-todays-attack-jerusalem_en
24/01/17	Spokesperson	Statement by the Spokesperson on the Israeli announcement to build 2.500 settlement units	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/19146/statement-spokesperson-israeli-announcement-build-2500-settlement-units_en
01/02/2017	HR/VP	Statement by the HRVP Federica Mogherini on the most recent announcement of 3,000 new settlement units in the West Bank	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/19698/statement-hrvp-federica-mogherini-most-recent-announcement-3000-new-settlement-units-west-bank_en
07/02/2017	HR/VP	Statement by High Representative/Vice-President Federica Mogherini on the "Regularisation Law" adopted by the Israeli Knesset	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/20104/statement-high-representativevice-president-federica-mogherini-regularisation-law-adopted_en

Date	Issued by	Title	Link
31/03/2017	HR/VP	Statement by Federica Mogherini on the latest decisions by the Israeli government regarding the settlements	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/23938/statement-federica-mogherini-latest-decisions-israeli-government-regarding-settlements_en
07/07/2017	Spokesperson	Statement by the Spokesperson on the issuing of new settlement permits by the Israeli authorities	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/29486/statement-spokesperson-issuing-new-settlement-permits-israeli-authorities_en
26/09/2017	Spokesperson	Statement by the Spokesperson on the shooting of three Israelis at West Bank settlement	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/32828/statement-spokesperson-shooting-three-israelis-west-bank-settlement_en
13/10/2017	HR/VP	Statement by the HR/VP on the agreement regarding intra-Palestinian reconciliation	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/33882/statement-hrvp-agreement-regarding-intra-palestinian-reconciliation_en
14/07/2017	Spokesperson	Statement by the Spokesperson on the attack against Israeli police officers	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/29888/statement-spokesperson-attack-against-israeli-police-officers_en
18/10/2017	Spokesperson	Statement on recent Israeli decisions to promote thousands of settlement units	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/34139/statement-recent-israeli-decisions-promote-thousands-settlement-units_en
01/11/2017	Spokesperson	Statement by the Spokesperson on the handover of Gaza crossings to the Palestinian Authority	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/34996/statement-spokesperson-handover-gaza-crossings-palestinian-authority_en
09/11/2017	Spokesperson	Statement by the Spokesperson on Gaza and intra-Palestinian reconciliation	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/35369/statement-spokesperson-gaza-and-intra-palestinian-reconciliation_en
15/11/2017	Spokesperson	Statement by the spokesperson on continuing EU support to efforts to achieve intra-Palestinian reconciliation	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/35664/statement-spokesperson-continuing-eu-support-efforts-achieve-intra-palestinian-reconciliation_en
06/12/2017	HR/VP	Statement by HR/VP Federica Mogherini on the announcement by US President Trump on Jerusalem	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/36910/statement-hrvp-federica-mogherini-announcement-us-president-trump-jerusalem_en

Date	Issued by	Title	Link
31/01/2018	HR/VP	Remarks by HR/VP Federica Mogherini at the joint press point ahead of the extraordinary session of the International Donor Group for Palestine (Ad Hoc Liaison Committee, AHLC)	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/39142/remarks-hrvp-federica-mogherini-joint-press-point-ahead-extraordinary-session-international_en
19/02/2018	Spokesperson	Statement by the Spokesperson on the recent escalation of events in and around Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/39987/statement-spokesperson-recent-escalation-events-and-around-gaza_en
13/03/2018	HR/VP	Statement by High Representative/Vice-President Federica Mogherini on the attack on the convoy of the Palestinian Prime Minister Hamdallah	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/41255/statement-high-representativevice-president-federica-mogherini-attack-convoy-palestinian-prime_en
31/03/2018	HR/VP	Statement by HR/VP Federica Mogherini following yesterday's events in Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/42323/statement-hrvp-federica-mogherini-following-yesterdays-events-gaza_en
05/04/2018	Spokesperson	Statement by the Spokesperson on planned new demonstrations in Gaza on Friday 6 April	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/42558/statement-spokesperson-planned-new-demonstrations-gaza-friday-6-april_en
07/04/2018	Spokesperson	Statement on the most recent developments in Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/42637/statement-most-recent-developments-gaza_en
02/05/2018	Spokesperson	Statement by Spokesperson on the remarks by Palestinian President Abbas on the Holocaust	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/43863/statement-spokesperson-remarks-palestinian-president-abbas-holocaust_en
14/05/2018	HR/VP	Statement by High Representative/Vice-President Federica Mogherini on violence in Gaza and latest developments	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/44510/statement-high-representativevice-president-federica-mogherini-violence-gaza-and-latest_en
31/05/2018	Spokesperson	Statement by the Spokesperson on the latest settlement announcement by the Israeli authorities as well as the intended demolition of the Khan Al-Ahmar community	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/45670/statement-spokesperson-latest-settlement-announcement-israeli-authorities-well-intended_en

Date	Issued by	Title	Link
04/07/2018	Spokesperson	Statement on the demolitions in area C of the occupied West Bank	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/47965/statement-demolitions-area-c-occupied-west-bank_en
18/07/2018	HR/VP	Statement by High Representative/Vice-President Federica Mogherini on latest developments regarding the Palestinian community of Khan al-Ahmar	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/48564/statement-high-representativevice-president-federica-mogherini-latest-developments-regarding_en
10/08/2018	Spokesperson	Statement on the latest escalation of violence between Gaza and Israel	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/49322/statement-latest-escalation-violence-between-gaza-and-israel_en
23/08/2018	Spokesperson	Statement by the Spokesperson on the latest settlements' announcements by the Israeli authorities	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/49656/statement-spokesperson-latest-settlements%E2%80%99-announcements-israeli-authorities_en
01/09/2018	Spokesperson	Statement by the Spokesperson on UNRWA	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/49983/statement-spokesperson-unrwa_en
07/09/2018	HR/VP	Statement by HR/VP Mogherini on the latest developments regarding the planned demolition of Khan al-Ahmar	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/50237/statement-hrvp-mogherini-latest-developments-regarding-planned-demolition-khan-al-ahmar_en
14/10/2018	Spokesperson	Statement on latest developments in Middle East	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/52123/statement-latest-developments-middle-east_en
17/10/2018	Spokesperson	Statement by the Spokesperson on rocket fire from Gaza and the need for deescalation	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/52310/statement-spokesperson-rocket-fire-gaza-and-need-deescalation_en
12/11/2018	Spokesperson	Statement by the Spokesperson on the escalation of violence in and around Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/53646/statement-spokesperson-escalation-violence-and-around-gaza_en
24/11/2018	Spokesperson	Statement by the Spokesperson on the latest demolitions and Israeli settlement plans	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/54380/statement-spokesperson-latest-demolitions-and-israeli-settlement-plans_en

Date	Issued by	Title	Link
25/03/2019	Spokesperson	Statement by the Spokesperson on the latest developments in and around Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/60173/statement-spokesperson-latest-developments-and-around-gaza_en
11/04/2019	Spokesperson	Statement by the Spokesperson on the latest settlements' announcements by the Israeli authorities	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/60945/statement-spokesperson-latest-settlements%E2%80%99-announcements-israeli-authorities_en
06/08/2019	Spokesperson	Statement by the Spokesperson on the latest settlements' approved by the Israeli authorities	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/66238/statement-spokesperson-latest-settlements%E2%80%99-approved-israeli-authorities_en
03/11/2019	Spokesperson	Statement by the Spokesperson on the latest escalation around Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/69839/statement-spokesperson-latest-escalation-around-gaza_en
04/11/2019	Spokesperson	Statement by the Spokesperson on latest settlement announcement by Israeli authorities	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/69856/statement-spokesperson-latest-settlement-announcement-israeli-authorities_en
11/11/2019	Spokesperson	Statement by the Spokesperson on the case of Human Rights Watch director Omar Shakir	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/70214/statement-spokesperson-case-human-rights-watch-director-omar-shakir_en
12/11/2019	Spokesperson	Statement by the Spokesperson on the security situation in Israel and Gaza	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/70279/statement-spokesperson-security-situation-israel-and-gaza_en
18/11/2019	HR/VP	Statement by High Representative/Vice-President Federica Mogherini on Israeli settlement policy	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/70610/statement-high-representativevice-president-federica-mogherini-israeli-settlement-policy_en
09/01/2020	Spokesperson	Israel: Statement by the Spokesperson on the latest settlement announcements	https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/72805/israel-statement-spokesperson-latest-settlement-announcements_en