

# SQN No. 1 : RETHINKING EU FOREIGN POLICY IN THE ISRAELI - PALESTINIAN CONFLICT

The Israeli-Palestinian conflict has certainly been a major concern for the European foreign policy, especially since the Oslo process defined the two-state solution as the only paradigm for a sustainable peace. This framework led the European Union (EU) to narrow its policies, and to jointly support both Israel and the newly-established Palestinian Authority (PA). However, the period between the military intervention in Gaza in 2014 and the adoption of the July 2018 Nation State bill has constituted a fundamental shift in the legal and factual situation on the ground. This has effectively alienated EU policies from the reality on the ground, as they are based on a situational logic that is no longer prevalent. Sine Qua Non has decided to address the resulting incoherence, according to the variables that outline its methodology:

## I) A SYSTEMATIC VIOLATION OF HUMAN RIGHTS

The Israeli-Palestinian conflict has been engaged by most major political ideologies of the past seventy years. The dawn of Human Rights on the international public scene, which were formulated shortly after the decisive year of 1948, had an especially fundamental impact on political language. If the aftermath of the First

Intifada had seemed to pave the way for a sustainable peace based on the compliance with Human Rights and international law derived thereof, the last decade has seen a dynamic of normalization of human rights violations in the Palestinian Territories. This tendency can arguably be observed on a global scale, with Yemen's humanitarian crisis and the current developments in Libya as powerful examples. As the US withdrew from the UN Human Rights Council in June 2018, accusing it of "hypocrisy" and complaining about its "unending hostility towards Israel", this dynamic was all the more emphasized. In the context of the Israeli-Palestinian conflict, the violent colonial policies in the West Bank and the deterioration of the overall situation in Gaza are widely disregarded in Western political discourse. This international silence embodies the "new normal", and epitomizes a deepening incoherence between principles proclaimed and actions on the ground.

In the meantime, the situation on the ground is indeed worrying. In October 2018, the head of the Israeli NGO BT'Selem warned the UN Security Council about an increase of human rights violations in the West Bank and in Gaza - a desperate call for the international community to take the just measure in the face of an ongoing tragedy. In the past year, such violations committed by the PA, Israel and Hamas include the prolonged detention of minors, disproportionate administrative detention, land grabs and house demolitions, torture, restrictions over freedom of movement, denial of political rights, violent repression of peaceful protests and extrajudicial killings.

## 2) A DIRECT AND/OR INDIRECT EUROPEAN RESPONSIBILITY CONCERNING THE DYNAMICS ON THE GROUND

Over the past three decades, the European Union has been developing bilateral relations and joint strategies both with Israel and the PA that purposefully addressed the aforementioned violations. These relations include trade agreements, environmental joint policies, development aid, humanitarian commitments and common political practices. The European strategy has been relying on the two-state solution paradigm, but as highlighted in the *Joint strategy in support of Palestine (2017-2020)*, the strategy has so far failed to produce a sustainable solution. Given the latest developments on the ground, the two-state solution appears even less plausible.

The EU has been exclusively focusing its support on the establishment of a Palestinian state through state-building policies, as well as through financing directed towards the PA. However, the geographical fragmentation of the West Bank, the lack of democratic governance within the PA<sup>1</sup> and the effective political separation between Gaza and the West Bank are depriving these policies of any meaningful effect on the ground. While the EU acknowledges the disparities on the ground, it refuses to act upon them and is thus reinforcing the status quo. This incoherence of policy is epitomized in the following excerpt:

*"In line with the NPA's Strategy, and while European Development Partners recognise the geographical disparities and special needs/challenges related to them, Palestine is treated as "one", so as to ensure that the geographical fragmentation (separation between East Jerusalem, the rest of the West Bank and the Gaza Strip, as well as division of the West Bank into three areas) is not further reinforced."*<sup>2</sup>

The resulting isolation of Hamas from any political negotiation since 2007, together with the assertion of support to a PA whose legitimacy is not only questioned by an increasing share of Palestinians, and by the facts on the ground, have effectively erected a barrier of understanding between the EU and the Palestinian side of the conflict. Thus, reconsidering European assumptions on the context with respect to Palestinians actors should be a priority.

Furthermore, there are profound incoherencies in current EU-Israel relations with respect to the European Union's priorities set out in previous agreements. Since the late 1990's, EU-Israel relations have inter alia been defined by the following treaties: the *Association Agreement* of 1995, the *Euro-Mediterranean Partnership* of 1995, the *European Neighbourhood Policy (ENP)* of 2003 and the *Union for the Mediterranean* of 2008. Those agreements, amongst other things, assured that "the EU and Israel share the common values of democracy, respect for human rights and the rule of law and basic freedoms."<sup>3</sup>

Arrangements of this sort intended to establish a common ground of shared principles and values, which have consistently been neglected by Israel. More recent events involving the recognition by the US of Israel's capital as Jerusalem or the recently passed Nation State bill demonstrate the increasing violation of these commitments. Reconsidering the EU's stance towards the Israeli government is thus both a priority and a responsibility.

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1 European Commission and the Palestinian Authority, (2016). *Joint Strategy in Support for Palestine 2017-2020, "Towards a Democratic and Accountable State"*. Brussels. P. 12.

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2 European Commission and the Palestinian Authority, (2016). *Joint Strategy in Support for Palestine 2017-2020, "Towards a Democratic and Accountable State"*. Brussels. P. 8.

3 European Commission and the State of Israel, (2004). *EU/Israel Action Plan 2004*. Brussels.

### 3) A SENSE OF URGENCY RESULTING FROM A SUSTAINED FAILURE OF PREVIOUS APPROACHES

The protracted conflict has challenged the resilience of a fragile-by-design territory where economic and *human capital* has progressively *de-developed*<sup>1</sup>. Latest reports published by the UN on the humanitarian situation in Gaza warn the international community of the dramatic deterioration of condition for populations, and label the status quo an ongoing catastrophe from all perspectives. Although the Gaza strip has already been marked as an emergency case in the past, there is no doubt that today Gaza has to be addressed with even more specific attention whilst yet another war between Hamas - its leading authority - and Israel could break at any time. Currently, the situation is characterized by water shortages, fuel scarcity, limited access to electricity, rapid spread of disease, endemic rates of PTSD and mental health issues, and a globally unique increase of child mortality.

With regards to the West Bank, the Nation State bill has clearly expressed the true ambitions of the current Israeli Administration, which goes against the previously negotiated position with the EU. While the EU is arguing for land swaps and similar measures aimed at protecting the territory of a potential Palestinian state, Article 7 of the Nation State bill “*encourage(s) and promote(s) establishments and strengthening [of settlements]*”. This exemplifies the complete denial of the Israeli administration to comply with the internationally agreed upon steps to reach a lasting peace. European assumptions on an Israeli willingness to achieve a sustainable peace on the basis of their own bilateral agreements are thus nothing but illusory. The assumptions outlined in the *Global Strategy for the EU’s foreign policy*, i.e. to work with “core partners, like-minded countries (...) whose cooperation is necessary to deliver global public goods and address common challenges”<sup>2</sup> are no longer in accordance with the political reality. The current Israeli administration’s actions, together with the increasing alienation of the Palestinian ruling class from their constituency, have proven that the partners in the peace process are neither like-minded, nor willing to cooperate.

**S**ine Qua Non, in light of the above, argues that the European Union must change its strategy towards the Israeli-Palestinian conflict, and that it should do so in function of its declared principles. We believe that the EU must *adhere to* these principles in order for there to be a meaningful peace that is *based on* these principles.



1 Roy, S. M. (2016). *The Gaza Strip: The political economy of de-development*. Inst for Palestine Studies.

2 European Commission, (2016). *A Global Strategy for the European Union’s Foreign and Security Policy*. “Shared Vision, Common Action: A Stronger Europe”. Brussels. P. 18.