

Gaza's hell: Why the EU must change its policy

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For the second time in six months a vicious conflict has erupted on the periphery of Europe. And for the second time in six months the EU is struggling to elaborate an effective, joint response. The Georgian and Gazan conflicts of course exhibit significant differences as well as similarities. But both raise sobering questions about Europe's supposed strengths in conflict mitigation. Even more than the Georgian episode, the current conflagration in Gaza requires a major policy re-think from European governments.

Hamas made an ill-judged decision in ending the Egyptian-brokered truce. True, Israel had never kept to the deal during its agreed 6-month duration. Between the truce agreement on 18th June 2008 and the resumption of rocket and mortar fire six months later on December 19th, the humanitarian crisis generated by the lack of food, medical supplies and fuel into Gaza reached unprecedented levels. Truckloads of food and medical aid allowed into the Strip in December 2008 were a mere 16 per day, down from 123 in October 2008, and 475 in May 2007. Of Gaza's total population of 1.5 million people, over 1.1 million are now dependent on food aid for survival. Israel has persistently violated its basic duty under International Humanitarian Law to allow and facilitate rapid and unimpeded access of relief. Notwithstanding all this, Hamas could surely know that it would be pushing Israel into an immediate and devastating response, particularly at a time when much of the Western world is celebrating the holiday season, the new American president is yet to take office and the Israeli authorities are making cynical manoeuvres in the run-up to their elections.

At the time of writing, EU activity is still focused on trying to broker a ceasefire through a number of different channels and it continues to supply much of the humanitarian aid received by the Palestinians. This is necessary but inadequate.

What we have witnessed in recent weeks is the widely-predicted effect of Europe's, and the international community's, imbalanced policies towards the Palestinian-Israeli conflict. The EU now has to restructure its failed strategy, and seek to bring the new US administration to a similar re-appraisal and policy change. There has to be a fundamentally different understanding of engagement with the Palestinians and Israelis alike. It must be recognised that the notion of 'defeating Hamas' in Gaza while pursuing peace talks only with a Fatah-controlled West Bank has made the situation worse. It is not a road to peace; it makes sustainable peace less likely. Such a strategy has been openly pursued by Israel and favoured by the Bush administration, but has also been

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supported by too many European governments. The ongoing descent into hell in Gaza is precisely the culmination of this approach, with Israel's evident attempt to erase the Hamas regime in Gaza.

The danger is that once the immediate crisis has calmed down the EU will return to the same set of failed policies. A new approach should comprise four elements.

First, Hamas must be engaged. Not because Europe should acquiesce in the organisation's more radical formal positions. If it does not engage it cannot hope to positively influence the well-known divisions within the Hamas leadership that have been on display over the last year. On the contrary, its lack of engagement has only strengthened the more hard-line elements within Hamas since the electoral victory of January 2006, as most policy-makers will admit, at least in private. If the EU wants to mediate it has to deal directly with both parties.

Second, the EU must give a longer-term and different political orientation to its aid to the Palestinian Territories. This aid has been channelled specifically to avoid the democratically elected Hamas administration whilst bolstering the unelected Fatah administration in the West Bank. In doing so EU aid has concomitantly reduced any Palestinian appetite for internal reconciliation and democracy. If the underlying problems of corruption and bad governance are not addressed, continuing to favour Fatah as the supposedly reliable partner in peace talks is part of the problem, not a solution. A different political approach to aid delivery should involve respect for Palestinian democracy. As key polls approach, it must be recognised that a vibrantly pluralistic form of politics offers the best way of generating Palestinian 'ownership' of any peace agreement. The EU must not understand 'supporting reform' to mean favouring moderate figures seen as 'our allies'. The point is to support the democratic *process*, not to give overt preference to those deemed 'helpful moderates'.

Third, the EU must recognise that it cannot keep ducking difficult issues within the Euro-Mediterranean Partnership, European Neighbourhood Policy and now the Union for the Mediterranean. The EU has erred in assuming that such forums can be effective if the EU 'depoliticises' its strategy. So far the results of these 'low politics' have been negligible. Palestinian trade with the EU has not taken off, hindered by Israel's non-recognition of the EU-PLO Interim Association Agreement; the EU-PA Action Plan has also remained a dead letter and not helped move the Palestinian economy away from its vulnerable dependence on the Israeli economy; and the EU has not been able to ensure that Israel abide by the Agreement on Movement and Access or the commitments made during the Annapolis talks. The various trilateral forums set up by the EU to foster transport, trade and infrastructure links between Israel, the Occupied Territories and the EU have had little impact. In addition to its now-stalled Rafah border monitoring mission, the EU's police missions have also struggled to gain traction.

Fourth, the EU must seriously reassess its bilateral relations with Israel. Israel's war in Gaza should mark the end of the EU's rewarding of Israel, irrespective of Israeli conduct in the conflict. The EU has never sanctioned Israel for its illegal actions in the Occupied Territories, nor has it attempted to employ positive conditionality to induce Israel to modify its actions in the territories in the context of the Association Agreement, the ENP Action Plan or the myriad of EU programmes of which Israel is part. On the contrary, at the June 2008 EU-Israel Association Council, the EU agreed to further upgrade the Association Agreement opening the way in due course for a new advanced agreement. This decision was taken in the context of a deepening Israeli siege

on the Gaza Strip, and unrelenting expansion of settlements, closures and the infrastructure of occupation in the West Bank.

It is time for the EU to put an end to its 'blind eye' approach to Israeli actions and introduce the logic of international law and human rights as the cornerstone of its 'political' approach to Israel and Palestine. It must provide aid to the Palestinians in a manner that both induces reform and intra-Palestinian reconciliation, and does not absolve Israel of its legal obligations to the welfare of the Palestinians. Its bilateral relations should cease to recognise, aid or assist internationally illegal acts, and any future measures of cooperation with Israel should have inbuilt safeguard measures to ensure the EU respects its duty of non-recognition of internationally unlawful acts.

In addition, the EU should condition the deepening of its relations (notably through a new more advanced agreement) upon Israel showing good faith on final status issues. More precisely Israel should be called upon to table substantive proposals for settlement withdrawal, the drawing of a final map, an offer of 1 for 1 territorial compensation for land retained within the pre-1967 borders, and the Palestinian place in Jerusalem. This has patently not been forthcoming under the so-called Annapolis process. An observer of the Israeli political scene can see why the drawing-up of such proposals is so difficult, in a democracy with many small political parties, including ultra-orthodox religious parties that can hold the key to coalition governments. But these are political challenges that Israel has to face up to if there is ever to be peace in its region. It is not for the EU to accept this as a permanent and inevitable fact of life. On the contrary the EU should make it clear to Israel that its failure to offer the carrot of substantive peace proposals as well as the stick of military reprisals carries its cost in Israel's international relations. The EU should no longer leave its relations with the Arab and Muslim worlds (abroad and at home) hostage to its own inert policy towards Israel.

Ideally the Obama administration would join and strongly reinforce this recalibration of Western policies, no doubt doing things differently in some respects, but adding its voice to the essential pressure upon Israel to show real movement on final settlement issues.

Let us make no mistake. Status quo policies by the EU and US mean Gaza descending deeper and deeper into its living hell on earth. And with it further deteriorates the international political reputation of Europe and the West, and thence its capacity to influence the world, as its actions are in such blatant contradiction to its principled declarations.