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Israel and the European Union: A Change in Tone?

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As expected, the government of Israel's decision to issue a tender for construction of 1,000 housing units in the West Bank and East Jerusalem elicited a response from Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy. The response by the German government, however, and a statement by the four EU Security Council members – Germany, France, Britain, and Portugal – were less expected. These criticisms roughly coincided with both a document written by EU ambassadors in Israel stating that some of the representatives propose placing the issue of Israeli Arabs on the EU agenda, and a protest to the Israeli Foreign Ministry by the EU ambassador to Israel following the destruction of Palestinian homes in the E-1 area. This protest came on the heels of a protest that the European commissioner for international cooperation, humanitarian aid, and crisis response lodged several weeks earlier regarding the evacuation of Bedouins from E-1.

Beyond the routine Israeli response to Ashton's statements on settlements (such as summoning the EU ambassador for a talk), the Foreign Ministry's decision to publish a sharp, even harsh announcement was unusual in the realm of disputes between Israel and the EU. Does the coincidence of several statements by EU members in particular, and the EU in general, or the content of these statements, suggest a change in the EU's stand? What is the reason for Israel's response?

It was the German government spokesman who first (December 19, 2011) hastened to issue a condemnation in the wake of the Israeli government decision. Germany expressed deep concern about the decision and advised the Israeli government that continued announcements of new settlement construction have a destructive effect on attempts to renew talks with the Palestinians and undermine belief in Israel's desire to negotiate. The statement demanded that Israel cancel the decision immediately.

The fact that the German government decided to respond in this way reflects the change over the past year in Chancellor Angela Merkel's position. If in the past she chose to play down her differences of opinion with the Netanyahu government on diplomatic issues and preferred a quiet dialogue, since her visit to Israel in late January 2011 discretion has been

replaced by public emphasis on the differences of opinion and the lack of trust in Prime Minister Netanyahu. The Chancellor still mitigates trends among the political elite, not to mention the German public, which is prepared to go far in its criticism, but through her spokesman, Chancellor Merkel expressed her reservations about Israel's policy on building in the territories (including East Jerusalem) and the implications of these unilateral moves for renewing talks toward a two-state solution.

Catherine Ashton's predictable response should be seen as part of the set ritual that recurs each time a decision is made about building in the territories. The latest EU statement (December 20, 2011) follows announcements in October (in the wake of the decision to build in Givat Hamatos) and November (after the decision to step up construction of settlements in response to the UNESCO decision on the Palestinian issue). Every statement comprises a standard set of motifs: opposition to a decision that contravenes international law, and a call to cancel the decision that constitutes a blow to the effort to renew the peace process. These statements join diplomatic protests lodged periodically following moves or intended moves by Israel that could establish facts on the ground in the territories, which to the EU are a violation of international law and sabotage the effort to renew dialogue.

In contrast, the statement issued by the four Security Council members is not routine. The discussion in the Security Council and the Israeli announcement on the new construction, along with the ongoing dissatisfaction with other moves by Israel, led to a decision to publish the statement at that particular time. Referring to current events, the announcement addresses the increased violence by settlers, including the torching of mosques, and calls for implementation of the steps approved by the government and prosecution of the perpetrators to the full extent of the law. The announcement reiterated the familiar positions of the European Union, including criticism of building in the settlements, which endangers the two-state solution and harms the Quartet's efforts to renew peace negotiations; a call for the immediate cessation of building activity; a call for both sides to present the Quartet with comprehensive proposals on issues of security and borders as soon as possible (as follow-up to the Quartet's announcement in September); concern over the stalemate in the peace process; and hope that negotiations will be renewed and successfully concluded. The statement reiterates four elements essential to the success of the negotiations: agreement over borders based on the 1967 lines and exchange of equal and agreed-upon territories; security arrangements; a just, fair, and agreed-upon solution to the refugee problem; and fulfillment of the aspirations of both sides on the issue of Jerusalem, with its status as the future capital of both states to be resolved through negotiations.

The timing of the statement by the four SC members was not determined by the European Union, and overall, the announcements do not signal a fundamental change in EU

positions. (The assertion in the Foreign Ministry statement that statement by the four SC states contradicts the spirit and the letter of the Quartet's plan of September 2011 is exaggerated.) The comment on settler violence and the burning of mosques is inevitable, given the principled positions of the EU, which does not see this as an exclusively internal Israeli issue. Indeed, the unbridgeable differences of opinion, not to mention the EU's expectations of Israel, which often are not balanced by similar expectations of the Palestinians, have over the years become something of a dialogue of the deaf, if not monologues by the EU and Israel.

The Israeli Foreign Ministry's response of December 21, 2011 laments what it deems as the disproportionate blame of Israel and the one-sided responsibility for the frozen peace process, as well as mistaken priorities concerning the most important issues. Some of the criticism in the Foreign Ministry's response is not accurate. For example, it is possible to express dissatisfaction with the positions of individual European Union members and the European Union as an institution toward Syria and Iran, but the EU cannot be accused of not placing these topics high on its agenda.

Israel's official expectation is that given the historical developments in the region, the European Union will leave the settlements issue to Israel, and will focus instead on events in the region. It is doubtful that Israel's expectations will be fulfilled. It is more reasonable to assume that the EU belief that a solution to the conflict is an indispensable factor for stability in the region will not change, and accordingly, neither will criticism of Israel, if it continues to be seen as creating obstacles to a solution. Furthermore, if the Minister of Education's position – that in light of the events in the region, other alternatives should be considered besides establishment of a Palestinian state – becomes part of the official discourse, the friction between Israel and the European Union can be expected to increase, unless the EU reaches the conclusion that the one-state solution will replace the solution agreed upon thus far. The EU does not intend to ignore the issue. The incoming president of the European parliament made this clear when he stated that the lack of progress in the peace process is blocking ratification of agreements to upgrade relations between Israel and the European Union.

Thus the government of Israel would do well if, instead of venting its frustration, it limited the friction with the countries making up the "moral minority," which have great strategic importance to Israel's future. If Israel does not plan its moves wisely, the dramatic erosion in support for Israel among the leaderships and large segments of the population in European Union states will continue. To arrest this trend, Israel needs a policy that successfully funnels domestic considerations toward the greater matrix of national interests.