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A Recurrent Posture: The EU on the Palestinian Issue

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On June 20, 2013, at the end of a routine visit to the region (which included stops in Jordan, Egypt, Iraq, and the Palestinian Authority), Lady Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, met in Israel with Prime Minister Benjamin Netanyahu. As expected, the Israeli-Palestinian issue was a main topic of conversation. The Prime Minister reportedly asked Ashton to withhold publication of a statement by EU foreign ministers condemning Israel for construction in the Jewish settlements on the West Bank and presenting the EU principles for a resolution of the Israeli-Palestinian conflict. A senior source explained that publication at this time, just three days before the arrival of Secretary of State John Kerry for another round of talks in Jerusalem, would damage US administration efforts to renew the negotiations. Furthermore, Israel contended, the statement is inappropriate, and its timing does more harm than good.

Ashton likely informed the Prime Minister of the differences of opinion among EU members on the content and timing of the statement that was subsequently issued at the June 24, 2013 meeting of the foreign ministers. Ashton reportedly did not hide her dismay over Great Britain and France's intention to issue a statement that would elaborate on the EU stances on the process in general and the obstacles in particular that the sides – especially Israel – have posed to negotiations on the two-state solution. Germany and Italy, among others, were of like mind with Ashton.

The short statement issued at the end of the ministers' meeting, which reaffirms the EU commitment to the two-state solution and supports the efforts of the United States to renew direct, substantive negotiations, is an achievement for Ashton, who argued that since Kerry's efforts to renew talks between Israel and the Palestinians are the only game in town, it is counterproductive to raise obstacles by issuing statements liable to damage his efforts. The Palestinian side would presumably have welcomed a more detailed statement, which even had it included some criticism of Palestinian conduct in terms of incitement would have directed the brunt of the condemnation at Israel regarding the

settlements and would also have spelled out the EU position on the principles of the permanent solution, which are close to their own stances.

The EU's willingness to accommodate Netanyahu and refrain from major exhortations (which in recent years have become a fixed ritual) is not open-ended and depends on results. A renewal of talks between Israel and the Palestinians, as important as it may be, will not be enough for the EU; the EU wants real progress. In light of the substantive fundamental disagreements between the sides on issues linked to a permanent solution, one may assume that real progress is unlikely. A deadlock in the talks will empower nations such as France and Great Britain to resume public expression on their stances.

A close reading of the May 2012 statement from the meeting of the EU foreign ministers reveals the major differences of opinion between the EU and Israel:

- a. The changes occurring in the region make the need for progress in the process more urgent.

Prime Minister Netanyahu disagrees; more than a few Israelis feel that the instability surrounding Israel requires it to be all the more cautious on territorial concessions liable to affect the country's security.

- b. The possibility of a two-state solution must be safeguarded. The EU statement expressed profound concern that developments on the ground threaten to render a two-state solution unfeasible, among them: an accelerated rate of construction since the end of the building freeze in 2010; the evacuation of Arabs from their homes and the razing of houses in East Jerusalem; expanded Jewish construction in several Jerusalem neighborhoods; the prevention of various cultural and economic ventures in East Jerusalem; the deterioration in the living conditions of Palestinians in Area C; and a significant reduction in Palestinian Authority steps for the economic development of Area C. Such steps are liable to endanger the PA's achievements in state building unless they are resolved.

The reference to concern that a two-state solution could become impracticable was made in the context of placing the blame solely on Israel, whose policy, according to the EU, stands to invalidate the two-state option. The last point and the criticism of limiting the PA's activities in Area C are new motifs not mentioned in the prior declaration of May 2011. Should Israel's conduct in Area C, which one day is supposed to be part of the Palestinian state, not change, one can expect that this issue will become a major bone of contention between Israel and the EU.

- c. The EU is determined to safeguard the two-state option based on international law. As in prior statements, the EU holds that the Jewish settlements in the West Bank are illegal according to international law, regardless of Israeli government decisions. There will be no recognition of any change to the 1967 borders, including Jerusalem, unless these are mutually agreed upon by the sides. The EU affirms its commitment to implement legislation and bilateral agreements on products of the West Bank settlements.

Similar to the American position, the EU – unlike Israel – views the 1967 borders as the starting point for negotiations and no change will be supported unless it is mutually acceptable. The statement makes no reference to land swaps. For the first time in the history of EU statements, reference is made to labeling products as made in occupied territory. While ostensibly a technical point, consistent with the agreement signed between Israel and EU, the decision, distinguishing between occupied territory and Israeli territory according to the 1967 borders, has clear political ramifications. Israel contends that territorial issues must be determined on the basis of negotiations. Moreover, in implementing this decision, the EU is bringing pressure to bear on Israel. Even if the economic implications are for the moment slight, the potential for serious damage to Israeli products in general could be extensive. Publication of the guidelines for implementing this policy will likely be postponed because of the effort underway to resume the negotiations; however, in light of the pressure of a significant number of EU members that are displeased with Israel's settlement policy, implementation of the guidelines will not disappear from the agenda.

- d. The statement reiterates the need to resolve the status of Jerusalem as the future capital of both states through negotiations.
- e. The statement speaks of economic and social development of Area C as critical for maintaining the viability of a future Palestinian state, and hence the call on Israel to allow the PA to operate there.
- f. The statement expresses concern about extremism and incitement on the part of Jewish settlers.
- g. The statement expresses concern about reports on journalists being arrested in the PA and calls on the media and others to stop the incitement.
- h. The statement recognizes Israel's legitimate security concerns, but calls for opening the border crossings to the Gaza Strip for humanitarian assistance.

Every encounter with representatives of EU member states emphasizes the glaring and seemingly unbridgeable gaps in the major issues for resolving the Israeli-Palestinian conflict. There is also a fundamental difference of opinion on the importance of the conflict on the regional agenda. Israel feels that not only are conditions unripe for a comprehensive resolution of the conflict, but regional instability (e.g., Syria and of course Iran) must be given priority. In contrast, the EU persists in assigning urgency to the conflict precisely because of the regional instability. The EU's recent decision to make do with issuing a brief statement at the end of the latest meeting of the foreign ministers suited both the Israeli Prime Minister and the American administration. Yet the distrust regarding Netanyahu's commitment to the two-state solution is evident in talks with European officials, and therefore some are calling on the EU to toughen its stance on Israel and even recognize a Palestinian state unless the talks demonstrate progress. If indeed there are no prospects for serious negotiations, the Israeli government should seriously consider constructive independent proactive steps that will advance a two-state reality.

