

Commentary: Michael Gahler



Squaring the Circle?

**EU-Israel Relations and
the Peace Process in the Middle East**

By Emanuele Ottolenghi



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Debate
Series

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1 Introduction

History binds Europe and Israel – centuries of Jewish life in Europe characterised by both bright lights and dark shadows offer a profound and meaningful background to the relation. Europe views the Middle East as a strategic region. Economic interests are also paramount. The EU is Israel's largest trading partner. And Israel is the most active participant in the European Neighbourhood Policy. Relations are good and the potential for deeper relations is strong. Since signing their first Cooperation Agreement in 1975, Israel and the EU have enjoyed a fruitful bilateral relation which has grown over the years. In 1995, Israel and the EU signed an Association Agreement, which came into force in 2000. Their Action Plan was signed in 2005. An array of additional agreements in disparate fields ensures that Israel and the EU are bound to one another in an ever closer and more intimate embrace.

The EU has also developed an institutional framework for relations with the Palestinian Authority, following the 1993 Oslo Accords between Israel and the PLO. While the EU-Palestinian partnership is one driven less by economic interest, the political implications of this relation are significant and predate Oslo and the inclusion of the Palestinian Authority into the Barcelona Process and, later, the European Neighbourhood Policy. Ever since the Venice Declaration (1980), Europe has sought an active role in fostering a peace agreement between Israel and the Palestinians. Its financial commitments to and political dialogue with the Palestinian side well predate the opening of a US-PLO dialogue in December 1988.¹ The PLO

¹ That dialogue, which took place in the waning days of Ronald Reagan's presidency, was conducted through the then US ambassador in Tunis, Robert H. Pelletreau, and was interrupted in 1990 when PLO leader Yasser Arafat failed to condemn a terror attack on an Israeli beach by a Palestinian armed commando.

was allowed to open representative offices in many European countries throughout the late 1970's and 1980's, which in some cases were granted quasi-embassy status. In some cases, EU member states have even granted financial aid to the PLO to run their representative offices.² This was not without negative consequences for EU-Israel relations: Europe's political view of the conflict, particularly its willingness to treat the PLO as a legitimate interlocutor well before the PLO renounced terrorism and political violence, cemented Israel's suspicion about a prominent European role in the Middle East peace process.

This perception, though still a relevant factor, has not impeded a gradual deepening of relations between the EU and the Middle East actors, especially after the 1993 Oslo agreements, which enabled international actors like the EU to seek more active engagement with both sides as a tool to facilitate peace and stability. And whatever the merits of Israel's view on Europe's stance vis-à-vis the Palestine question and ways to bring the Middle East conflict to a peaceful resolution, Europe has managed to become the main financial backer of a fledgling Palestinian Authority while at the same time pursuing a fruitful economic relation with Israel.

However, a shadow is cast on the ability of Israel and Europe to come closer politically – substantial differences divide them on thorny political themes, ranging from the impact of the Israel-Palestinian conflict on regional stability, the contours of its comprehensive settlement, the broader policy challenges for regional security, to, most importantly,

² This is for example the case of Italy, which has funded the PLO Representation Office in Rome since 1996. See <http://documenti.camera.it/leg15/dossier/testi/es0093.htm>.

European attempts to increase its influence in the region. Similarly, Europe's growing financial commitment to a Palestinian Authority that, 16 years after the Oslo Accords, remains deeply dependent on external aid raises questions about Europe's ability to make a difference, politically, in the Middle East conflict, even as the bill it is prepared to foot is steadily growing.

What can Europe and Israel do to bridge the political gap that divides them and that significantly affects their otherwise fruitful cooperation? What should be the nature of their bilateral relation? What can be expected of each side? Can bilateral relations be upgraded at the political level? If so, should progress on resolving the Palestinian-Israeli dispute be a precondition for an enhanced political dialogue? Or should the two elements be disjointed? Should the political distance in critical aspects of policy be allowed to stand in the way of closer political cooperation? Should Europe's present financial largesse to the Palestinian Authority be reassessed? Should conditionality be applied, similarly, to Europe's relations with the Palestinians? How is Europe to calibrate its financial aid and political support, especially after the Palestinian body politic split into two seemingly irreconcilable and geographically separated entities, one in the West Bank under the more secular Fatah leadership of President Mahmoud Abbas, and the other in Gaza under the Islamist regime of Hamas? And how can these two bilateral tracks be reconciled in a coherent framework (and should they be)?

In order to answer these questions, this paper will assess the extent of cooperation between the EU, Israel and the PA. It will then offer a set of policy recommendations for European policy makers responsible for relations with Israel, the PA and the Middle East in general.

2 Israel and the EU - A Brief Historical Background

Relations between Israel and the European Union go back a long way – Israel opened its first mission to the European Communities in the 1950s. Such a step – which even preceded some European countries that later joined the EU – reflected a recognition on Israel's part of the importance of Europe but also a desire to open a new chapter in European-Jewish relations in the post-Second World War and post-Holocaust era. For Israel, Europe is a cultural reference point, the seat of a rich past, the repository of the memories of much of its population³ and, geographically, its closest ally. Naturally, history and its impact on Israel-EU relations are magnified and turned into multifaceted affairs when one looks at bilateral relations with some of its member states. Great Britain's historic role in the region and, more specifically, the legacy of the British Mandate in Palestine (1922-1948), play a role in shaping both public views and policy in London. Germany, on the other hand, is unburdened by a colonial past – but the Holocaust looms large in its foreign policy outlook and it is central to its special relation with Israel. Central European countries like the Czech Republic and Poland, on the other hand, have seen their relation with Israel less through the lenses of World War II⁴ or the colonial legacy (which they do not have) and more as a result of their own

³ According to recent reports, as many as 20 percent of Israel's population either holds or is entitled to claim citizenship of one of the EU member states. Close to 50 percent of Israel's population is Ashkenazi – Jews whose origins are in Central and Eastern Europe and former Czarist Russia

⁴ Though one could argue that Israeli-Czech relations are positively affected by the Munich legacy and the terrible price that Czechoslovakia paid for the appeasement policy of others, whereas Poland's relation with Israel is affected by the terrible legacy of Auschwitz.

traumatic past under Communist oppression. Still, for the present purposes, this essay will mainly focus on the EU as a whole, while being mindful of the sometimes significant differences in approaches between Western European and former Eastern Bloc member states.

Given their common history and the high level of economic development of Israel, as one would expect, over time, Europe has become Israel's most important trading partner. Israel's economy lends itself to a robust and fruitful exchange with Europe. Israel's growing economy and its remarkable stability offer attractive investment conditions: its real GDP growth in the years 2004-2007 averaged about 5 percent, with a very low inflation – its high point was 2.1 percent in 2006. With a GDP of 109 billion € in 2007 (per capita 15,484 €), Israel is a bigger economy than many EU members. A detailed look at the figures of EU-Israel trade relations indicates the happy state of the affair – and the potential for growth. In 2007, the EU exported 14.3 billion € worth of merchandise and services to Israel and imported 11.3 billion € from Israel. Among the imports, machinery, and agricultural products topped 1 billion €. Among the exports, machinery was worth 2.38 billion € alone. Direct investment was an important component of the bilateral relation – with 5.9 billion € of European capital invested in Israel and 2.8 billion € of Israeli capital invested in the EU. Israel is the EU's 25th trading partner – with a volume of exchange of close to 27 billion € in 2007. For Israel, the EU is the first import and trade partner and the second export partner after the US. The volume of trade between Israel and the EU (26,761 million €) exceeds Israel's bilateral trade with the US by more than 7 billion € a year.⁵

⁵ Source: Eurostat, DG Trade, September 2008.

Successive agreements in disparate fields have enabled Israel to weave itself ever more into the fabric of Europe – and vice versa. Israel and the EU have several important agreements and frameworks over the years – the 1975 Cooperation Agreement, the 1995 Euro-Mediterranean Partnership (the Barcelona Process) and the Association Agreement, which came into force in 2000, and the April 2005 Action Plan. In this framework, the EU and Israel adopted several progress reports – the first in December 2006, and the most recent one in April 2009.⁶ In 2008 Israel and the EU adopted an Annual Action Programme which is designed to promote legislative approximation and strengthen dialogue at the public administration level and in June 2009 they signed a Financing Agreement for the implementation of the aforementioned Annual Action Programme.

Additionally, there is an array of bilateral agreements that indicate a growing cooperation on all fronts: air services (December 2008), Israel's participation in Community programmes (April 2008); scientific and technical cooperation (March 1996, June 2003 and July 2007); liberalisation measures and import of agricultural products (December 2003); application of OECD principles on laboratory practice (July 1999); government procurement (July 1997); adjustment of the import regime of oranges (December 1996); implementation of the Uruguay round agreements (November 1995), to name a few.

The complex fabric of bilateral agreements, multilateral frameworks, international treaties to which both are bound, political dialogue and the Action Plan, all mean one thing, broadly speaking: Europe and Israel have a robust, day-to-day,

⁶ http://ec.europa.eu/world/enp/documents_en.htm#3.

all-encompassing framework for dialogue over the broadest imaginable range of issues. Political dialogue touches upon non-proliferation, combatting terrorism and arms smuggling; economic cooperation deals with exchange rates and fiscal policies; the functioning of the market economy; social and welfare policies; free movement of goods and regulations; taxation; intellectual property rights; consumer protection and others. Israel participates in the Competitiveness and Innovation Programme – the first ENP country to do so. Cooperation in the area of justice and home affairs is also growing – from human trafficking to illegal immigration and organised crime, Israel and the EU are conducting a fruitful, practical dialogue on ways to enhance cooperation to tackle problems that are increasingly global and require enhanced international coordination and cooperation.

Israel is the only non-European country to enjoy full access to the 7th Framework Programme on Research – recognition to its scientific community’s accomplishments and to the fact that Europe has much to benefit from treating Israel as a full partner in the world of research and science.

Finally, since 2004, when Israel and the EU signed a protocol whereby Israel joined the Galileo Project, Israel is a full partner in Europe’s satellite navigation system. This is another tangible sign of the potential that this relation holds if pursued to the fullest. As the Times Higher Education Supplement remarked at the time of the signing ceremony, “Israel is one of the eight countries within the world space community demonstrating significant technological background on space programmes and achievements on GNSS applications, equipment, user segment and regional technology.”⁷

⁷ ‘EU and Israel reach agreement on Galileo’, *The Times Higher Education Supplement*, 18 March 2004.

This is the strongest indication to date that the EU is not offering Israel an economic partnership much like the ones granted to other ENP countries. Without belittling the economic benefit that Israel gets from a closer relation with the EU, this is clearly a case of a two-way street. The EU chooses to offer Israel enhanced partnership benefits not as an inducement for better political behaviour but because the EU stands to benefit as well at many levels. Upgrading their bilateral relation should appear desirable for both on the ground of sheer economic self-interest.

There is little doubt that this relation is destined to grow. There are of course areas where the two partners could do better – currently, only about 70 Israeli companies are traded on European stock exchanges, compared to hundreds of Israeli companies raising capital in the US. This is clearly a missed opportunity for both – especially given that many Israeli companies raising venture capital abroad are engaged in new technology projects that are highly innovative and therefore crucial for Europe. From renewable energy to waste water management, from solar power to electric cars, Israeli companies are, two decades after the Internet revolution, again at the cutting edge of new technology. Europe can only benefit from facilitating, expanding and deepening already existing trade contacts.

Regardless, the real impediments to a full fledged political partnership between Israel and the EU derive from the EU's insistence on making a political upgrade conditional upon progress on the Middle East Peace Process. The issue of conditionality appeared briefly to wane in the background when, in December 2008, the EU Council of Ministers reaffirmed its willingness to accede to an Israeli request to upgrade the relation. Despite the

European Parliament's opposition to the upgrade, the Council showed its resolve to continue on the road to a deeper relation with Israel, only to stumble on the abrupt decision by Hamas to end the Gaza ceasefire on 19 December, 2008 and Israel's response, a week later, to launch a full fledged military operation against Hamas-ruled Gaza. The ensuing operation, Cast Lead, which lasted 22 days, coupled with the change of government in March both in Israel and the EU presidency holder, the Czech Republic, meant that no further progress has occurred to this day. The ebb and flow of violence in the Middle East is thus a major factor in determining the future of EU-Israel bilateral relations.

EU insistence on conditionality is remarkable, especially given that it comes at a time when Europe is negotiating an Association Agreement with Lybia – a dictatorship whose human rights' record is one of the worst in the region according to such respected sources as Freedom House – and has just signed one with Syria, despite the total lack of political progress shown from Syria on such crucial issues as support for terrorist groups like Hamas, channelling weapons to Hezbollah in Lebanon and its failure to offer satisfactory answers to the international community with regard to its nuclear programme. One can hardly blame Israel for having the impression that the EU prefers to withhold diplomatic incentives to Israel as a way to pressure it into a different pattern of behaviour even as it offers diplomatic incentives to countries like Syria and Libya despite scant evidence their behaviour is likely to improve.

Similarly remarkable is Europe's financial commitment to the Palestinian Authority, despite a poor track record of transparency in the use (and possible

abuse⁸⁾ of EU funds, a chaotic political situation inside PA-administered territories and the foreseeable lack of progress on the political track in the near future. Yet, an upgrade in the bilateral relation with Israel is unlikely in the near future, unless the EU drops its demand or peace breaks out in the region. Equally unlikely is a European disengagement from its current policy of largesse towards the Palestinians.

To understand EU policies, despite the apparent inconsistency highlighted above, one needs to turn to the more political aspects of EU's involvement in the region. The underlying worldview that informs this involvement, it will be argued, explains the persistence of these policies.

3 The EU View of the Middle East

The European Union official position on the Middle East Peace process, i.e. the Palestinian-Israeli peace process is that

”The achievement of lasting peace in the region is of vital importance for Europe. The Middle East is a neighbouring region, with which Europe has long-standing political, historical, cultural, economic and commercial ties, and whose stability and security are essential to

⁸ Spurred by accusation of possible misuse of EU funds to support terror activities, the EU anti-fraud office, OLAF, conducted an investigation into the matter, which eventually determined there was no conclusive evidence for such accusation. Nevertheless, lack of transparency was noted in the findings released to the public in March 2005. According to OLAF “the possibility of misuse of the Palestinian Authority’s budget and other resources, cannot be excluded, due to the fact that the internal and external audit

Europe's own stability and security. This is why the Community and its Member States are fully committed to playing a consistent role in this process."⁹

This commitment in itself is not contentious – especially given that recent EU official statements reiterate the need for a two-state solution, for Israel to live in peace and security, and for a "democratic" Palestinian state as an essential element of a peace deal.¹⁰ Much of the disagreement with Israel (and agreement with the Palestinians), rather, stems from the understanding, enshrined in Europe's worldview, that a solution to the Arab-Israeli conflict is both central to regional stability and essential to finding a solution to other regional problems.¹¹ As affirmed in the 2003 European Security Strategy Paper (ESSP), "Resolution of the Arab-Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing with other problems in the Middle East." Allowing other problems to be stalled by lack of progress on the Middle East peace track, however, does not seem to square well with other interests of the European Union. The ESSP for example states that "It is in the European interest that countries on our borders are well-governed". More specifically,

capacity in the Palestinian Authority is still underdeveloped." See http://ec.europa.eu/anti_fraud/press_room/pr/2005/03_en.html.

⁹ Statement available at

http://europa.eu.int/comm/external_relations/mepp/faq/index.htm.

¹⁰ See for example the Council conclusions on the Middle East Peace Process on 15 June 2009: "The Council reiterates its commitment to the two-state solution with an independent, democratic, contiguous and viable Palestinian state, comprising the West Bank and Gaza, living side by side in peace and security with the State of Israel." Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/108500.pdf.

¹¹ What Michael S. Doran has labelled 'the Palestine-first' approach. See Michael Scott Doran, 'Palestine, Iraq, and American Strategy', in *Foreign Affairs*, Vol.82, No.1 (January/February 2003), p.19.

“The Mediterranean area generally continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union’s interests require a continued engagement with Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process. A broader engagement with the Arab World should also be considered.”

One cannot link good governance in the Maghreb or the Levant to the Arab-Israeli dispute unless one subscribes to the notion that Arab regimes cannot address their own domestic challenges until Palestinians have their own state. This is a risible notion that stands as a pretext against internal reform and the fulfilment of commitments many of these regimes solemnly undertook with the EU through their respective Association Agreements.

Clearly, the EU should recognise regional challenges as quite distinct from the peace process. It should also assert their urgency, indicating that lack of progress on the peace process should not become an impediment (or an excuse) for progress on other tracks. Regardless, at the rhetorical level this notion is frequently reaffirmed: it is EU policy that regional problems cannot be fully tackled with regional partners unless the Arab-Israeli dispute finds first an equitable solution. This emphasis, which finds no equivalent echo in Europe’s periodic utterances on other regional challenges such as human rights’ abuses, lack of democracy, absence of gender equality or social mobility, is easily documented as a constant reaffirmation of the ESSP worldview.

During the 2005 Luxembourg Presidency, for example, Luxembourg’s Foreign Minister, Jean Asselborn, said during a visit to Israel:

“I am delighted to be here in Israel today. This is my first trip abroad as President in Office of the Council of the European Union and I was determined to come here at the beginning of the Luxembourg Presidency to emphasise again to the Israeli authorities the immense importance that the EU attaches to its relationship with Israel and to finding a just and durable solution in the Middle East.”¹²

Why a victim of torture languishing in an Egyptian jail or a Saudi woman accused of adultery would wish a Palestinian state more than the restraining of police brutality or the abolishment of stoning remains a mystery – one that nevertheless does not perturb Europe’s conviction that the absence of peace precludes the region from moving forward on other fronts. Regardless, many EU politicians see a direct link between the peace process and democracy in the Middle East.

Javier Solana’s frequent pronouncements reflect this view. In a statement issued on January 12, 2005 he announced that

“We know from experience that the search for peace in the Middle East is hard, and that the absence of peace hurts Palestinians and Israelis and also all of us, inside the region and beyond. That is why the EU, directly and through its role in the Quartet, will do all it can to use this political opening to maximum effect.”

¹² Available at <http://domino.un.org/UNISPAL.NSF/0/8ff1b7196131b25b85256f8f005468c5?OpenDocument>. See also Adar Primor, ‘President of EU Council of Ministers: The Arafat excuse has disappeared’, in *Ha’aretz*, Internet English Edition, 18 January 2005: “[Luxembourg Prime minister] Asselborn attributes unusual significance to the solution of the Israeli-Palestinian conflict. He views it as the key to regional stability, to the rapprochement of the Arab world and the Western world, to healing trans-Atlantic wounds and even to world peace. Like his French colleague, Foreign Minister Michel Barnier, Asselborn believes that the establishment of an Israeli-Palestinian peace should take precedence over the stability of Iraq. Despite America’s opposite stance on this issue, Asselborn believes that during his country’s presidency of the council, trans-Atlantic relations will finally thaw.”

In a speech to the European Parliament in April 2006, a few months after Hamas' electoral victory in Palestinian legislative elections, Solana said that "[A] satisfactory solution to the Palestinian-Israeli conflict has been, is and will remain a key priority for the EU."¹³

He was echoed by Romano Prodi a few days later. In an interview to *Time Magazine* soon after his April 2006 election to the post of Italy's new Prime Minister, Mr Prodi, the former President of the EU Commission, defined the Israeli-Palestinian dispute as 'the mother of all problems.'¹⁴

More recent statements reflect this perception: the Israeli-Palestinian dispute is considered a stumbling block on the road to a more stable, peaceful and prosperous Middle East; lack of a solution stalls efforts to address all other outstanding challenges in the region. The Council conclusions of 15 June 2009 for example state that "The Council confirms its view that [a two-state solution] constitutes a fundamental European interest. It is an indispensable and urgent step towards a more stable and peaceful Middle East."¹⁵ At a minimum, this is a reflection of a European acceptance of one of the basic tenets of Pan-Arab nationalism – the centrality of the Palestine question to Arab politics and to regional priorities and the insistence of Arab regimes that before many regional problems can be tackled a solution to the Palestine issue must be found. A less benign interpretation would read this attitude as a case of 'displacement' – whereby "the mind redirects effects from an object felt to be dangerous or unacceptable to an object

¹³ Speech delivered on 5 April 2006, available at <http://www.voltairenet.org/article137663.html>.

¹⁴ Jeff Israely, 'Ten Questions for Romano Prodi' *Time Magazine*, Sunday 23 April 2006, available at <http://www.time.com/time/magazine/article/0,9171,1186540,00.html>.

¹⁵ Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/108500.pdf.

felt to be safe or acceptable.”¹⁶ It is easier, in other words, to blame intractable regional problems on the Arab-Israeli conflict, than to recognise the gargantuan task ahead to try and solve them.

This perception is not unique to Europe of course. It is nevertheless an article of faith among many EU policy makers, as evinced by their resolve to make the Middle East Peace Process their top diplomatic priority. Likewise, a considerable segment of European media feed the assumption that this single issue is the region’s proverbial Gordian knot.¹⁷

Clearly, the Israeli position is almost diametrically opposed. For Israel, many other regional problems are actually an impediment to peace or at least equally and independently deserving of attention. Regardless, many other problems are neither the consequence nor the by-product of the Arab-Israeli conflict and should not be laid at Israel’s doorstep. Israel’s top priority in its foreign and security agendas has been Iran’s growing influence in the region, one that Israel sees with particular concern in light of Iran’s pursuit of nuclear weapons and its advanced ballistic missile programme. At the same time, Israel views radical Islamic movements with apprehension, both because of their unremitting hostility against the Jewish state and due to the threat they pose to existing moderate and conservative Arab regimes. On both accounts, Israel has a point. Iran’s hegemonic aspirations and its drive to acquire nuclear weapons are not a by-product of the Israeli-Palestinian dispute and pose a challenge to the strategic interests of the

¹⁶ [http://en.wikipedia.org/wiki/Displacement_\(psychology\)](http://en.wikipedia.org/wiki/Displacement_(psychology)).

¹⁷ See Emanuele Ottolenghi, ‘To Go Where No Hilton is’, in *The Jerusalem Post*, August 13, 2004.

region's main actors, Europe and the international community at large. As for radical Islamic ideology, it is a phenomenon that has engulfed Muslim societies across and beyond the Arab world due to processes and developments which have little to do, if at all, with Israel's existence and the policies of its governments past, present and future.

At a very fundamental level then, one can see a difference in causality, sequencing and emphasis, which sometimes leads Europeans to use the Arab-Israeli conflict as a prism through which to read, understand, analyse, and assess other phenomena. In policy making circles, there is of course an appreciation of the complexities and nuances of regional policy issues – first and foremost the challenge that Iran's nuclear programme poses. Regardless, the Arab-Israeli conflict remains the main prism through which regional challenges and dynamics are interpreted and dealt with.

Regardless of what determines this view, it is prevalent in Europe, and it has policy implications. If one believes the Palestine question is the main problem of the region, the main impediment to addressing all other existing problems and bringing peace to the world, then its solution becomes imperative, taking precedence over the solution of all other problems.

The operational consequence of this view is that anyone, or anything, standing in the way of a solution is culpable not just for the lack of peace between Israelis and Palestinians, but also for the arc of instability that runs from the Atlas Mountains in Morocco in the West, to the Arabian Peninsula and the Persian Gulf in the East.

It is beyond the scope of this essay to determine the intellectual, ideological and philosophical reasons for this

divergence in European and Israeli thinking. Nevertheless, it is worth noting that many studies on this subject¹⁸ indicate that this divergence is at least partially attributable to a different reading of recent history, where Europe's colonial past and responsibility for the Holocaust play an important role. In particular, they refer to Europe's tendency to put the onus for the resolution of the conflict on Israel precisely due to this different reading. European officials are increasingly of the view that Europe has a duty to ensure Israel's security due to the legacy of the Holocaust¹⁹ – and often suggest, consequently, that Israel's *raison d'être* is chiefly a by-product of the Holocaust. They at the same time increasingly subscribe to the Palestinian narrative of the Arab-Israeli conflict – a narrative recently popularised and given undue respectability by the writings of Israel's so-called 'New Historians'. The consequence is a schizophrenic view of the conflict that informs EU policy at present: Israel's existence is never questioned because its creation is considered to be some sort of payback to the Jewish people on account of their near-extirpation in Europe. Israel's creation on the other hand is viewed as an act of European imperialism at the expense of an indigenous people – the Palestinians. By extension, Israel's protracted struggle with the Palestinians over the territories it conquered in 1967 is considered a colonialist project akin to Europe's historical forays into Africa, Asia and Latin America. Seen through this double lens, one that fails to recognise Israel's legitimacy beyond the Holocaust and which interprets its existence through the prism of post-colonialist guilt, Europe's understanding of the

¹⁸ See above all, Robin Shepherd, *A state beyond the pale: Europe's problem with Israel*, London, Weidenfeld and Nicholson, 2009.

¹⁹ This is a view most frequently expressed by German leaders and politicians. See, recently, German Chancellor Angela Merkel's speech at the Israeli parliament, the Knesset, available at <http://www.bundesregierung.de/Content/EN/Reden/2008/03/2008-03-18-rede-knesset.html>.

region has adverse implications on what Europe expects of Israel in promoting progress in the MEPP.²⁰

4 EU Funding Projects in Israel and the MENA Region: A Case of Double Standard?

Europe's prevalent view belies a status quo vision of the region, which runs contrary to Europe's stated goals in the ENP. By prioritising the Palestinian-Israeli dispute over other regional goals, Europe has accepted a basic trade-off with moderate Arab regimes that are recalcitrant about letting Europe implement its ENP, especially in areas of democracy promotion, strengthening civil society, fighting corruption and improving governance, unless such projects can cement regime stability. Their help in the quest for a negotiated solution is offered in exchange for dropping European demands of change inside their own societies.

Europe's different levels of commitment in the promotion of civil society and NGO projects in the Middle East is perhaps the strongest evidence of this contradiction. Despite the standard reference to human rights and democracy, Europe spends little time – and even less money – supporting either inside Arab countries that are partners of

²⁰ Joseph Joffe, 'The Demons of Europe', *Commentary Magazine*, January 2004.

the ENP (and in Syria, which has not fully joined yet due to a political delay in the final signing of the Association Agreement). To the contrary, the vast bulk of EU monies spent in this and other frameworks in Middle East and North Africa countries tend to improve public services and to make the public sector more efficient – a worthy purpose in developing countries, no doubt, but one that will surely strengthen their regimes and their ability to win legitimacy in exchange for basic services. By comparison, Europe’s funds for NGO activities and for civil society projects are negligible.²¹ In Morocco, for example, during the period 2000-2006, Europe’s funding for projects under the MEDA II scheme amounted to almost 540 million € - but only 15 million € over the six year period was devoted to projects promoting civil society.²²

This is true of the Palestinian Authority as well. Bilateral trade figures clearly indicate that the main engine for European investment into the Palestinian political enterprise of state and nation building on the road to independence is largely political. There is little in terms of economic gains for European companies in investing in the future of Palestine. The total volume of trade for 2006, the last year for which statistics are available, was a paltry 52 million €, with 39 million € worth of Palestinian exports to Europe and 13 million € of European exports to the Palestinian Authority.²³ Europe’s interest, then, lays elsewhere, namely, in a successful political settlement between Israel and the PA, one which could fulfil Europe’s strategic vision of peace as a springboard of stability and prosperity in the region. But are

²¹ For information on EU Commission funds to Syria, see http://www.delsyr.ec.europa.eu/en/eu_and_syria_new/european_union_syrian_cooperation_projects_lah.htm.

²² See http://www.delmar.ec.europa.eu/fr/ue_maroc/medaiaa05.htm for a complete list of EU funded projects.

²³ http://ec.europa.eu/trade/issues/bilateral/countries/palestine/index_en.htm

the policies that the EU actively funds and promotes vis-à-vis the PA conducive to this goal?

The record is mixed. A brief look at EU funding for the Palestinian Authority and projects in the PA administered areas offers a strong indication of EU focus on Palestinian statehood as a top foreign policy priority. Funding for human rights' promotion however, comes a distant second. In 2009 alone, for example, the EU committed almost 440 million € under various schemes. Of these, a full 300 million were earmarked under the PEGASE II scheme²⁴ for budgetary relief, development projects and funding to UNRWA – the UN agency in charge of Palestinian refugees. A further 115.6 million € were tagged for food aid, food facility and food security. Only 0.9 million € were earmarked under the European Instrument for Democracy and Human Rights.²⁵ In 2008, EU funding was at almost 500 million €, 8.3 of which were earmarked for civil society projects – including joint Israeli-Palestinian projects under the Partners for Peace scheme. In total, since the Second Intifadah began in late 2000, Europe has committed 3,356.39 million € in assistance.²⁶ In addition, member states have given separately to the Palestinian Authority. According to the Palestinian Ministry of Planning and Administrative Development, in 2008 the PA received 854.43 million \$ in foreign aid from EU member states and Norway, on top of slightly above 1 billion \$ from the EU.²⁷ The UK was the PA's most generous funder at 180.6 million \$, followed by Norway (173.25), Spain (99), France (97.2), Sweden (95), Germany

²⁴ See <http://www.imemc.org/article/52499> for a detailed description of PEGASE

²⁵ http://ec.europa.eu/external_relations/occupied_palestinian_territory/ec_assistance/ec_aid_to_pa_2008_en.pdf

²⁶ Ibid.

²⁷ <http://dbmo.gov.ps/amc/donorprofile.asp>

(70.7), Italy (64.8) and the Netherlands (52.2). These are staggering figures, especially when one considers how little a percentage of these sums are devoted to civil society and democracy promotion, and how they compare with EU funding of other ENP partners in the region.

When it comes to Israel, the EU adopts an opposite approach – the EU actively funds NGO projects and organisations in a way that has no parallel in the region – and this, despite the fact that Israel is the only full-fledged democratic society in the Middle East. This is not in itself a contentious issue – except that EU funding is not always channelled to projects or bodies whose aims are the strengthening of Israel’s civil society. More often, EU money overwhelmingly funds organisations on the left and extreme left of Israel’s political spectrum, including in some cases NGOs who seek to undermine Israel’s position, to challenge Israel’s self-understanding as a nation-state for the Jewish people, to demonise Israel’s actions, and to portray Israel as an apartheid society bent on the systematic discrimination of its non-Jewish citizens.

As recently noted in a study published by the Israeli watchdog, NGO Monitor, “[T]he EU has provided support for many NGOs that campaign in favour of the so-called “one-state solution” (or a bi-national state) that seeks to erode the legitimacy of Israel as a Jewish state.”²⁸ Among the most curious aspects of this funding policy, is the disbursement of monies to NGOs whose work depicts Israel as a racist society and an apartheid regime – a language that stands in

²⁸ Gerald Steinberg, ‘Europe’s Hidden Hand: EU funding for political NGO’s in the Arab-Israeli conflict – analysing process and impact’, April 2008, p. 6, available at http://www.ngo-monitor.org/data/images/File/NGO_Monitor_EU_Funding_Europes_Hidden_Hand.pdf.

open contradiction and violation of the working definition of anti-Semitism adopted by the European Union's Monitoring Centre in 2004.²⁹ In other words, EU Commission money is helping certain NGOs spread a message that according to another EU agency is considered to be anti-Semitic and thus against EU values.

Worse, this activity is counterproductive. If the EU wishes to foster peace between Israel and the PA, it should not help NGOs whose aim is to feed into the radical narrative of those on either side who do not believe in the justice, desirability or feasibility of a two-state solution. To fund organisations in Israel who are actively engaged in promoting Israel's international isolation, who embrace a narrative of rejectionism, delegitimation of Israel and in some cases its demonisation, will only heighten Israel's sense of isolation; it will convince Israelis that Europe is not an even handed broker; and it will encourage Palestinian rejectionists to avoid the painful price of compromise.

Clearly, this activity, which is worth millions of euro, highlights a double standard by the European Union in its dealing with Israel and its Arab neighbours – and it also offers further proof that, despite the robust nature of the Israel-EU bilateral relation at the economic level, Europe and Israel do not see eye to eye on the nature of the Israeli-Palestinian dispute as well as of its desirable outcome.

²⁹ Available at <http://fra.europa.eu/fraWebsite/material/pub/AS/AS-WorkingDefinition-draft.pdf>.

5 How to Solve the Israeli-Palestinian Dispute?

Simplistic as it may sound, the divergence in views between Israel and the EU on the Israeli-Palestinian dispute is as follows.

For Europe, the conflict is both the cause of other regional problems and the impediment to their solution. Solutions exist, but are elusive due to the recalcitrance of the partners involved. Israel shares much of the burden of blame for failure because, as the stronger party, it must concede more. The elusive peace, ironically, has well known contours and defined terms – and if achieved, it would set the stage for a new era in the region, where old boundaries and ancient animosities would give way to cooperation, open borders and prosperity.

For Israel, at the heart of the conflict lies the inability and unwillingness of the Arab world to recognise the legitimacy of a Jewish state in portions of what Arabs call historic Palestine and for Israeli is the biblical land of Israel. The nature of the conflict does not lend itself to an easy solution – because its existential nature derives from the fact that it is a clash between mutually exclusive national claims that are closely intertwined and rendered more intractable by a religious dimension. Since Oslo's failure, there is a growing consensus among Israelis of all political persuasions that there never was – and perhaps therefore there will never be – a reliable Palestinian partner who would concede that Israel has a legitimate claim which must be reconciled with Palestinian aspirations.

For the Palestinians, Israel's creation was an illegitimate act. This view is prevalent even among those within the Palestinian political and intellectual elites who support a peaceful compromise with Israel. In the words of Palestinian analyst, Ahmed Khalidi, "there are no conceivable circumstances in which any Palestinian can concede their own history in favour of the Zionist narrative."³⁰ A two-state solution, even if achieved, would thus hardly put Palestinian irredentist claims to rest.

This leaves the conflict as a proverbial circle that is impossible to square.

Given the gulf that divides them, one would expect Israel and Europe to be constantly at loggerheads over the MEPP. And given European insistence on conditionality on the one hand, and Israeli suspicion of European involvement on the other, one would equally presume that progress in the bilateral relation would be hampered by the lack of progress on the diplomatic track.

Yet, in recent years, the EU has taken, and Israel has welcomed, an increasingly active role in promoting a negotiated settlement, as a member of the Quartet, through its common foreign policy, and by actions of its member-states. The EU Commission has a representative office in Tel Aviv and the Directorate General for Humanitarian Aid of the Commission has an office in Jerusalem. The EU has undertaken a security mission (EUBAM) to monitor the Gaza-Egypt border crossing of Rafah following Israel's disengagement from Gaza in the summer of 2005. And troops from several member states (including Belgium,

³⁰ Ahmed Samih Khalidi, 'A one-state solution', *The Guardian*, 29 September 2003, available at <http://www.guardian.co.uk/world/2003/sep/29/comment>.

France, Italy and Spain) constitute the bulk of the beefed up UNIFIL force deployed in Lebanon following the July 2006 war between Israel and Hezbollah. Germany has provided naval units to patrol off the coast of Lebanon in the framework of a UN brokered ceasefire under UN Security Council Resolution 1701 and has played an important mediating role on delicate dossiers such as indirect negotiations between Israel and Hezbollah on the return of IDF soldiers' remains to Israel.

Much of this involvement is constructive – though it has not always been the same. It offers Europe a stronger claim to have a say – and a role – in helping the parties shape the final outcome of their negotiations. Regardless, Israel has traditionally viewed Europe's position as more tilted toward the Palestinians, and recent improvements in relations have only partially removed Israeli scepticism at European involvement. This scepticism would be given a new lease of life if the EU chose to break the international isolation of Hamas, the Palestinian branch of the Muslim Brotherhood and a member of the EU terror list, which today rules over Gaza and may keep prominence as a key player in Palestinian politics for the foreseeable future.

Thus, it is important to briefly review Europe's position on the conflict and highlight problematic areas. Europe officially supports a two-state solution, a negotiated settlement where final status issues must be agreed upon by the parties, and a framework that guarantees Israel's security while ensuring the establishment of a viable and democratic Palestinian state.³¹

³¹ Add reference to relevant Council statements.

Despite the fact that, broadly speaking, these remain also Israel's goals, the gulf between the EU and Israel over the peace process is broad. Differences pertain to a number of issues which are central to the final status issues and the outcome of negotiations – namely, borders, settlements, Jerusalem and refugees.

The EU's official position is that a final territorial settlement must take the 1949 provisional armistice lines – the so-called Green Line – as the international boundary, whereby only minor modifications would occur and then only by mutual agreement. Similarly, the EU is of the view that settlements are illegal under international law, and therefore the terms of negotiations are only about the timeline for Israel's removal of settlements, not about whether some such communities should remain under Israeli sovereignty. Finally, the EU does not explicitly express a commitment to Jerusalem being re-divided into two – an Israeli Western Jerusalem and a Palestinian East Jerusalem. Instead, it is committed to a 'fair solution' of the Jerusalem issue. However, by considering any Israeli construction in East Jerusalem to be an extension of its settlement policy and by supporting Palestinian institution building in East Jerusalem, in practice the EU takes a position close to the Palestinian one.

On refugees, the EU position refers to similarly vague language. However, it is hard to claim that Europe is impartial – especially when one considers its reluctance to recognise Israel's right to exist as *a Jewish state*. The EU official position is that taking sides on a matter that is the subject of negotiations would be detrimental to a successful political negotiation.³² In fact, Europe has already sided against Israel and with the Palestinian position on

³² http://ec.europa.eu/external_relations/mepp/eu-positions/eu_positions_en.htm

settlements, borders and Jerusalem – by siding with Israel on its nature and character as a nation-state it would make a positive contribution to the peace process, not the contrary.³³

Two episodes illustrate best this incomprehension in recent times – Europe’s position with regard to Israel’s decision to build a security barrier along much of the West Bank, especially in relation to the July 2004 International Court of Justice’s advisory opinion on the matter; and Europe’s reaction to US-Israeli understandings about settlements and borders, which then US President George W. Bush and then Israeli Prime Minister, Ariel Sharon, reached in April 2004.

On the barrier, Europe essentially made two assumptions, based on which it voted at the UN to support the International Court of Justice advisory opinion against Israel’s barrier. The first assumption is that Israel can only defend itself by means of an international law that, because it lacks adequate instruments to deal with asymmetric conflict such as the case of terrorism, leaves Israel unable to defend its citizens. The barrier, just like targeted killings, is judged according to abstract principles of international law that fail to acknowledge the nature of terrorism and the imperatives of a sovereign state to protect its civilians from wanton aggression. The second assumption is that, despite all evidence to the contrary, at any rate the barrier is neither

³³ See the angry reaction of then Commissioner for External Relations, Sir Chris Patten, to the quid pro quo between former US President, George W. Bush and then Israeli Prime minister, Ariel Sharon, regarding the future of major Israeli settlement blocs and the US position on Palestinian refugees, which was announced at a White House bilateral meeting on 14 April 2004. Patten issued his official response a week later, in an address to the European Parliament’s plenary in Strasbourg:
<http://www.europaworld.org/week174/speechpatten23404.htm>.

effective nor justified. It is not effective because it is through political dialogue, rather than military action and preventive measures, that terrorism will be neutralised. And it is not justified because it inflicts undue suffering and hardships to the Palestinian civilian population.

On the US-Israel understanding, Europe again seems to take the view that on the issue of borders, negotiations have nothing to do with boundary demarcation, but only with terms of Israeli withdrawal to a pre-established line. It is worth recalling that the American-Israeli quid-pro-quo of April 2004, entailed an Israeli promise to evacuate the Gaza Strip and part of the Northern West Bank in exchange for a generic commitment by the US to defend Israel's territorial claims over large settlement blocs and against Palestinian demands for a right of return in future negotiations.³⁴ Despite the fact that both guarantees are recognised as the necessary concessions Palestinians will have to make if there ever will be a peace agreement, the EU found it improvident that America had stated the obvious in its guarantees to Sharon.

Conditionality – the European position according to which progress in political relations is conditional upon progress on the peace track – is the direct result of this difference. For Europe, peace is not just imperative but also possible – and a by-product of mainly Israeli concessions. This view does not sufficiently take into account the broader regional

³⁴ This agreement has recently been the object of considerable debate and recrimination in the US press, since the new US Administration under President Barack Obama has been evasive about the exact contents of the agreement and whether it is binding on the new Administration. The text of President George W. Bush's letter to Ariel Sharon, which clearly states a US commitment to Israel's Jewish character, to settling Palestinian refugees only in a future Palestinian state and to recognizing the reality of 'population centres' in the West Bank can be found here: <http://georgewbush-whitehouse.archives.gov/news/releases/2004/04/20040414-3.html>.

context and its own dynamics, which are independent of the conflict, though they may affect it. Enduring memories, historically rooted grievances and religiously driven identities have been the cause of continued hostilities throughout the history of the Arab-Israeli conflict and cannot be discounted or overcome merely through a set of Israeli concessions.

6 Conclusions and Policy Recommendations

Given the closeness of bilateral relations and yet the distance that separates Israel and the EU over peacemaking, what can the EU do to best serve its interest and improve its relations with Israel?

- The EU should rebalance its priorities in the Middle East, and rate developments in other fields at least as high as progress in the peace process. It should recognise that other regional problems (e.g. the Iranian nuclear programme) actually impede progress between Israel and the Palestinians.
- Decoupling the conflict from other regional challenges does not mean relegating the MEPP to a secondary role; it means refusing to let vital European interests become hostage to progress on the peace track; it also means demanding that Arab regimes stop using the Arab-Israeli conflict as a pretext for lack of internal change and it means recognising that some regional challenges exist quite independently of Israel's existence and lack of Palestinian independence.

- The EU should therefore consider decoupling progress on the MEPP from the upgrade of political ties with Israel. Clearly, there is much to be gained in an ever closer relation between the two sides – and Israel’s experience in such disparate fields as homeland security and renewable energy technologies makes a closer cooperation highly desirable. An upgraded political relation would strengthen, not weaken, Europe’s ability to influence Israeli thinking and acting on the MEPP and it could foster progress rather than hampering it.
- The EU should add a pronouncement on final status issues about Israel’s nature as a nation-state of the Jewish people alongside its already stated support for the type of territorial arrangements a final status agreement would entail; such a statement would strengthen the already existing understanding between Israel and the US on the inapplicability of Palestinian demands on the refugee issue and would give a strong signal to Israeli leaders that concessions will not be expected at the price of Israel’s ultimate survival.
- The EU should improve its monitoring and review mechanisms on funding for NGO projects through its various existing mechanisms – including the EU’s Partnership for Peace and the European Instrument for Democracy and Human Rights – ensuring that its funds are not used for purposes that are contrary to its stated policies and values.
- The EU should carefully review its approach to other countries that benefit from access to and participation in the ENP so as not to strengthen the impression that it applies a double standard against Israel.

On the Palestinian side, the EU should consider adopting these new measures:

- If conditionality is to remain the yardstick of its relation with Israel, the EU should make delivery of EU financial assistance conditional on Palestinian political change as well in areas that are critical to the advancement of the peace agenda – including education and media;
- The EU should not drop its adherence to Quartet principles of negotiations with the Palestinian government;
- The EU should be more discerning in the kind of Palestinian NGO projects it supports and should devote more funds to civil society projects inside the PA administered territories.

Emanuele Ottolenghi

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Commentary

Any lasting and stable basis for Israel's legitimate security interests must be based on equal dignity, equal respect and equal rights for Palestinians

Since its founding in 1948, the State of Israel has always, in one way or another, enjoyed a privileged partner status in its relations with the US, individual European nations and the European Union as a whole. Firm commitments to safeguard its security, its character as the Jewish state and its status as a democratic nation have even amounted to Germany's declaring this as being part of its *raison d'état* (*Staatsraison*). The complexity of political, economic, cultural and human relations between Israel and Europe is unique compared to Europe's relations with other states in the region. Israel can be sure that nobody will let it down or put its existence at risk within the framework of policies pursued in this region.

Given this point of departure, the standards that Israel has to live up to and is measured by are those of Western democracy rather than the levels of democracy—or non-democracy—that are frequently seen in Israel's neighbourhood. In the same way that Arab countries cannot argue that they can allow a lack of democracy and human rights in their societies because of a missing peace deal with Israel or one between Israel and the Palestinians, Israel cannot reasonably implement its legitimate security demands in such a way as to leave a neighbouring nation in a permanent position of enjoying a lesser degree of sovereignty than Israel itself does.

Policies that are applied in the pursuit of achieving a peace accord for a two-state solution must be based on the

principles of equal dignity, equal respect and equal rights for both Israelis and Palestinians. Ideas involving a lesser or limited sovereignty for a Palestinian state in order to satisfy Israel's security interests cannot be accepted as part of a viable solution. However, continued real or perceived threats to Israel's long-term security after an agreement is reached with the Palestinians and Syria have to be met by concrete commitments from Israel's friends in the EU and NATO to guarantee such legitimate security interests.

For a long time the US and the EU have not been as very close as now in their assessment of the situation in the Middle East. Therefore, it is time to make the Middle East Quartet operational, first by coordination among these partners and then by addressing Israelis and Palestinians together with joint positions. These include a clear rejection of all political positions in Palestine and Israel that are not compatible with the text and spirit of agreements that have been reached so far. Hamas and other extremist organisations cannot be partners in negotiations for a peace accord as long as they do not accept the right of Israel to exist within recognised borders as a Jewish state. Politicians in Israel who give hate speeches in West Bank settlements or publicly make insulting remarks against Israeli citizens of Arab descent raise severe doubts as to whether they can be negotiators in good faith with the Palestinians. Those in the West who rightly consider Israel's security as part of their own state's *raison d'état* therefore have a political and moral responsibility to speak out clearly when they suspect that an acting Israeli government is pursuing policies that are unfortunately not in Israel's own long-term interests. As all policies applied in the region *de facto* affect each other and must be coherent, they automatically serve as 'carrot and stick' to all concerned.

While the final demarcation of a future border between Israel and Palestine is subject to a bilateral agreement and need by no means be identical with the 1967 Green Line, all ongoing Israeli settlement activities in territories that are currently claimed by Palestinians as being part of their 1967 territory add an additional burden to the peace process and should immediately be halted. While retaining or giving up territory in this process may be a 'zero-sum game', the overall effect of a comprehensive peace agreement that would also engage and oblige the EU, NATO, the Arab League and others would clearly be a win-win situation for all. For Israel, such a settlement would mean far more than 'land for peace'. Within an agreed comprehensive political and economic framework it would open not only a window, but a gateway of opportunities to profit from open borders and serve as a centre of economic development for the region, from Turkey to Egypt and the Arabian Peninsula. Such opportunities, combined with viable political and security guarantees, would largely outweigh the painful loss of certain territories on which the country has no legal claim.

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