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## Defining, Securing and Building a Just Peace

### The EU and the Israeli-Palestinian conflict

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# Defining, Securing and Building a Just Peace:

*The EU and the Israeli-Palestinian conflict*

av

Anders Persson



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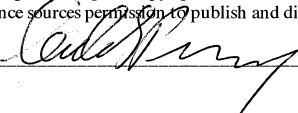
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Abstract  Just peace has been much talked about in everyday life, but it is less well researched by academics. The puzzle underlying this dissertation is therefore to probe what constitutes a just peace, both conceptually within the field of peacebuilding and empirically in the context of the EU as a peacebuilder in the Israeli-Palestinian conflict.  The EU has used the term just peace in many of its most important declarations on the Israeli-Palestinian conflict throughout the years. Defining a just peace is about these declaratory efforts by the EU to articulate a common formula of a just peace in the conflict. Securing and building a just peace are about the EU's role in implementing this formula for a just peace in the conflict through the creation of a Palestinian state.  As the EU enters its fifth decade of involvement in the conflict, there can be little doubt that in common with the rest of the international community it has failed in its efforts to establish a just peace between Israelis and Palestinians. While this is an inescapable overall conclusion from four decades of EC/EU peacebuilding in the conflict, it is, at the same time, possible to draw a number of other conclusions from this study. Most importantly, it will be argued that the EU is a major legitimizing power in the conflict and that it has kept the prospects of a two-state solution alive through its support for the Palestinian statebuilding process.		
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# Defining, Securing and Building a Just Peace:

The EU and the Israeli-Palestinian conflict



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Anders Persson

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As a young child growing up, I was often so full of energy that I could not sleep at night. In a home without a VCR, and still in the pre-Internet era, there was no amusement except for books, and I soon found myself reading long into the nights. Even at the elementary school stage I already became fascinated with questions of war and peace, terrorism and political violence. When I was twenty in 2003, I travelled with a friend to the Middle East to work on a kibbutz in Israel. It was during the second intifada and just before the Iraq war.

After my stay at the kibbutz and travels in the region, I began to work for degrees in International Relations and Peace and Conflict Studies. At the outset I had absolutely no intention whatsoever of becoming of PhD candidate, but my supervisor at Malmö City College told me that I was “PhD stuff” and encouraged me to apply to the PhD programme at Lund University. As I began to consider applying the EU-funded Just and Durable Peace by Piece project (JAD-PbP, FP7#217569) announced a PhD position focusing on the role of the EU in the Israeli-Palestinian conflict. As a strong believer in the principle that timing is the key to happiness in life, I applied and was accepted in summer of 2008. I will forever be indebted to the JAD-PbP project leader and my future supervisor Karin Aggestam for picking me for the position. I promised her on the first day that I would not disappoint her, and I sincerely hope that I did not. During these past years I have had the privilege to collaborate with the members of the project. On the academic level, my principal thanks go to Karin for all the help she has given me throughout these past five years. Among all else she has done for me, there are three things that stand out in particular: she has significantly improved everything that I have written, from the first course paper to this book; she has always, without exceptions, been available at any time and anywhere whenever I needed something from her; and most importantly and just as I wanted, she has pushed me really hard, but always within my limits. I also want to thank all the other members of the JAD-PbP project, in particular Annika Björkdahl, Adrian Hyde-Price, Yaacov Bar-Siman-Tov, Oliver Richmond and Peter Wallensteen.

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had some fantastic teachers in high school who helped prepare me for university studies: Thomas Nilsson, Eva–Karin Borgemark and Joakim Eringskog. Thank you all for helping me during my teenage years.

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## Figures and Tables

Figure 1: Illustration of the interplay between theory and empirical analysis in the abductive approach

Figure 2: The featuring of the map of Israel, the West Bank and Gaza in the colors of the Palestinian flag by Palestinian groups

Table 1: The transformation of the EU formula for a just peace, 1971-2009

Table 2: The eight major security services in the West Bank

# Abbreviations and Acronyms

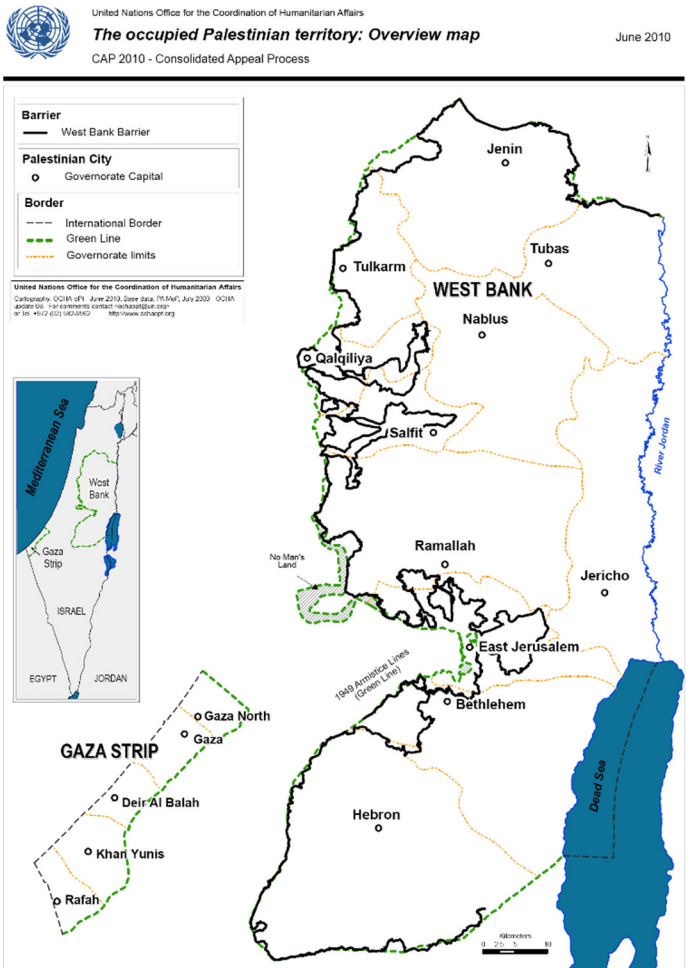
ACP - Africa, the Caribbean and the Pacific  
AHLC - Ad Hoc Liaison Committee  
AIDCO - EuropeAid Co-operation Office  
AMA - Agreement on Movement and Access  
COPP - Coordinating Committee of International Assistance to the Palestinian Police Force  
CSDP – Common Security and Defence Policy  
DOP – Declaration of Principles  
DDR - Disarmament, Demobilization and Reintegration  
EEAS - European External Action Service  
EEC - European Economic Community  
EC – European Community  
ECHO - The Humanitarian Aid department of the European Commission  
ECTAO - European Commission Technical Assistance Office for the West Bank and Gaza Strip  
EIDHR - European Instrument for Democracy and Human Rights  
EMP - Euro-Mediterranean Partnership  
ENP - European Neighbourhood Policy (also known as the Barcelona Process)  
ENPI - European Neighbourhood & Partnership Instrument  
EPC - European Political Cooperation  
ESDP – European Security and Defence policy  
EU - European Union  
EUBAM Rafah - European Union Border Assistance Mission Rafah  
EU EOM - The European Union Election Observation Mission  
EU COPPS - European Union Co-ordination Office for Palestinian Police Support  
EUPOL COPPS - European Union Police Co-ordination Office for Palestinian Police Support  
Euromarfor - European Maritime Force  
GCC - Gulf Cooperation Council  
GDP - Gross domestic product  
GNI - Gross national income  
IBRD - International Bank for Reconstruction and Development

ICAHN - Israeli Committee against House Demolitions  
IDF - Israel Defense Forces  
IMF - International Monetary Fund  
IPC – Israeli-Palestinian conflict  
IPCC - International Peace and Cooperation Center  
JAD-PbP - Just and Durable Peace by Piece  
KAS – Konrad Adenauer Stiftung  
LPE – Legitimizing power Europe  
MFA – Ministry of Foreign Affairs  
NATO - North Atlantic Treaty Organization  
NGO – Non-Governmental Organization  
NIS - Israeli New Shekel  
NPE – Normative power Europe  
OCHA - United Nations Office for the Coordination of Humanitarian Affairs  
ODIHR - Office for Democratic Institutions and Human Rights  
OECD - Organisation for Economic Co-operation and Development  
OECD – DAC - OECD Development Assistance Committee  
OECD – ODA – OECD Official Development Assistance  
OPEC - Organization of the Petroleum Exporting Countries  
OPT - occupied Palestinian territory  
OSCE - Organization for Security and Co-operation in Europe  
PA – Palestinian Authority  
PCP - Palestinian Civil Police  
PEGASE - Mécanisme Palestino-Européen de Gestion de l’Aide Socio-Economique  
PfP programme - Partnership for Peace Programme  
PLO – Palestine Liberation Organization  
PM – Prime Minister  
PNA - Palestinian National Authority  
PRDP - Palestinian Reform and Development Plan  
REDWG - Regional Economic Development Working Group  
SSR – Security Sector Reform  
TIM - Temporary International Mechanism  
UfM - Union for the Mediterranean  
UN – United Nations  
UNDP - United Nations Development Programme  
UNESCAP - United Nations Economic and Social Commission for Asia and the Pacific

UNGA – United Nations General Assembly  
UNIFIL - United Nations Interim Force in Lebanon  
UNSC – United Nations Security Council  
UNSCO - United Nations Special Coordinator for the Middle East Peace  
Process  
UNWRA - United Nations Relief and Works Agency for Palestine Refugees  
in the Near East  
U.S. – United States  
USAID - United States Agency for International Development



# Map of the occupied Palestinian territory<sup>1</sup>



<sup>1</sup> Reprinted with the permission from OCHA OPT. Available at the website of OCHA OPT; URL=[http://www.ochaopt.org/documents/ocha\\_opt\\_overview\\_map\\_june\\_2010.pdf](http://www.ochaopt.org/documents/ocha_opt_overview_map_june_2010.pdf), accessed 5 March 2013.

# Map of the Oslo structure – Area A, B and C<sup>2</sup>



United Nations Office for the Coordination of Humanitarian Affairs  
 occupied Palestinian territory  
**West Bank: Area C Map**

February 2011



<sup>2</sup> Reprinted with the permission from OCHA OPT. Available at the website of OCHA OPT; URL= [http://www.ochaopt.org/documents/ocha\\_opt\\_area\\_c\\_map\\_2011\\_02\\_22.pdf](http://www.ochaopt.org/documents/ocha_opt_area_c_map_2011_02_22.pdf), opt, accessed 5 March 2013.



# 1 Introduction

“We seek neither an admission of guilt after the fact, nor vengeance for past iniquities, but rather an act of will that would make a just peace a reality.”

Haider Abdul Shafi, Head of the Palestinian Delegation, Opening Speech at the Madrid Conference, 30-31 October 1991.

“In the history of the Arab-Israel conflict, “just” has been an Arab term representing the need (from an Arab perspective) to rectify the original “injustice” of 1948. It is important to clarify whether this is still a code word or merely a relic of traditional rhetoric.”

Itamar Rabinovich, Israeli academic and former ambassador to the U.S.

On 14 May 2011, the European Union entered its fifth decade of trying to establish a just peace in the Israeli-Palestinian conflict. Four decades earlier, on 14 May 1971, the EU, or rather its predecessor the EC, issued its first official statement on what it had identified as “the problem of the Middle East” (Bulletin of the EC 6-1971:31). This, “the problem of the Middle East”, was the Arab-Israeli conflict, and the EC concluded as early as 1971, “that it is of great importance to Europe that a just peace should be established in the Middle East” (Bulletin of the EC 6-1971:31). Several wars and some peace agreements later, what was then called the Arab-Israeli conflict is now referred to as the Israeli-Palestinian conflict. Like most other third parties involved, the EU has had little success so far in building peace in the conflict. The fact that the EU has entered its fifth decade of peacebuilding in the conflict testifies to that.

Over the past four decades, the EC/EU has used the term just peace in dozens of its declarations and other statements on the Israeli-Palestinian conflict. What is intriguing in these declarations is that the EC/EU formula for a just peace has transformed over the years, from not including the Palestinians at all as an explicit party to the conflict in 1971, into

recognizing the Palestinians' legitimate rights in 1973, their right to self-determination in 1980, their right to a state in 1999, and finally their right to a state with Jerusalem as its capital in 2009 (Bulletin of the EC 6-1971:31, Bulletin of the EC 10-1973:106, Bulletin of the EC 6-1977:62, The Berlin Declaration 1999, Council of the European Union 2009a, Council of the European Union 2009a). What is also intriguing about just peace is the term's intersubjective and emotional nature. In the Israeli-Palestinian conflict, the two sides have fundamentally different notions of the underlying grievances in the conflict and, in consequence, they also have different notions of a future just peace. For third parties involved in intractable conflicts like the Israeli-Palestinian, the challenge is to find ways forward that are perceived to be just by all parties (Dower 2009:140). This is what the EU has been trying to do for the past four decades.

## 1.1 From defining to building a just peace

Beyond defining in its declarations what it believes is a just peace in the conflict, the EU has also invested large sums of money and technical expertise in concretely trying to realize its formula for a just peace in the conflict by building up the foundations for a future Palestinian state, primarily in the West Bank (EU-PA Political and economic relations, see also Miller 2011a). In the Palestinian territories as in many other cases where the statebuilding approach to peacebuilding has been used, security has been the primary focus in the initial phases of the statebuilding process. The belief in the international community was, and still is, that only when the Palestinians were able to guarantee their own security and the security of Israel, would Israel be ready for a major withdrawal from the West Bank (The Rand Palestinian State Study Team 2005). This was the logic that had underpinned the Oslo peace process, which was supposed to solve all final status issues by 1999 (usually four: borders, settlements, refugees and Jerusalem). Instead of peace, however, the Israeli-Palestinian conflict in the 2000s witnessed some of the worst violence the conflict had ever experienced, from the outbreak of the second intifada in 2000 to the 2008-2009 Gaza war. After a decade of violence, the international community, led by the U.S. and the EU, placed high hopes on the Palestinian Prime Minister Salam Fayyad's plan for a Palestinian state, which was unveiled in 2009 and

supposed to lead to a Palestinian state by September 2011 (PNA 2009). But no state was established and instead the statebuilding process dragged out, in part because the 27 members of the EU could not decide whether or not to support the Palestinian bid for statehood in the UN. The same pattern repeated itself a year later, in November 2012, although this time, every EU member except for the Czech Republic either voted in favor of the Palestinians or abstained (Haaretz 2012).

As the EU now enters its fifth decade of engagement in the Israeli-Palestinian conflict, it does so as the statebuilding process in the Palestinian territories reaches its climax, with deadlocks in the high-level negotiations between the parties, and with profound and unprecedented changes taking place both in the EU and in the region in the wake of the financial crisis in the Eurozone and the Arab Spring. Two decades after the Oslo peace process began it is becoming increasingly clear that the years of hard work by the international community, the billions of euros in aid from the EU to the Palestinian Authority and the billions of dollars in aid from the U.S. to the government of Israel, are still far from producing a just peace.

## 1.2 Aims and questions of the study

The EU's repeated use of the term just peace in the Israeli-Palestinian conflict is also intriguing on a more conceptual level because we know very little about just peace: what it is, and how it can be studied and achieved. The puzzle and major aim behind this dissertation is therefore to probe how a just peace can be understood, both conceptually within the field of peacebuilding and empirically in the context of the EU as a peacebuilder in the Israeli-Palestinian conflict. In light of this and of the discussion so far, I have formulated the following research questions:

- How can just peace be conceptualized in the context of peacebuilding?
- How does the EU *define* a just peace in the Israeli-Palestinian conflict? How has this formula transformed over time?
- How have the Israelis, the Palestinians and the international community, in particular the U.S. and the Arab states, reacted to the EU's formula for a just peace in this conflict?

- How has the EU tried to *secure* and *build up* a Palestinian state as part of its formula for a just peace in the conflict?

## 1.3 The problematique of establishing a just peace

To answer the research questions, this study draws upon two major fields of research: the peacebuilding literature, in particular the concept of just peace and the statebuilding approach to peacebuilding; and the EU as a global peace- and statebuilder, in particular its notions of just peace, peacebuilding and statebuilding. In addition, the study also draws upon previous studies on the EU in the Israeli-Palestinian conflict.

### 1.3.1 Just peace

Despite the frequent use of the term just peace, both by world leaders and in everyday language, there is, with some notable exceptions, not much written about it in academic literatures. In the wider peacebuilding literature, there are currently only four books that deal extensively with just peace (Allan and Keller 2008a, Philpott 2012, Fixdal 2012, Aggestam & Björkdahl 2013). The lack of academic work on just peace, together with the fact that over time I had seen the term being used repeatedly in the EU's declarations on the Israeli-Palestinian conflict, were the two factors that originally motivated me to undertake this study.

Based on the little work that has been done on just peace, it is clear that the term so far has eluded more precise conceptualizations, but that it somehow concerns the interplay between peace and justice (Aggestam & Björkdahl 2013:1). Just peace is something most people seem to want, but no one knows exactly what it is and even less how to achieve it. As such, just peace has much in common with other “essentially contested concepts” like, for example, sustainable development, which are normatively-laden, all-encompassing and mobilizing – yet they are also paradoxical and imbued with conflict at the same time (cf. Gallie 1956:169). Those who criticize use of the term have argued that searching for a just peace is like searching for the Holy Grail – that the concept might simply be too ambitious, even an enemy of just a peace, in line with the cliché that the best is the enemy of the

good (Hyde-Price 2013:93, Margalit 2010:9). On the other hand, as just peace concerns the interplay between peace and justice, it can clearly help to address the strong quest for justice that many people in conflict and post-conflict societies feel, and what some scholars have identified as the “justice gap” in peacebuilding (Lederach 1999:30, Lederach & Appleby 2010:42).

As the political philosopher Avishai Margalit (2010:9) has noted, the use of the term just peace suggests that there is a qualitative difference between a just peace and what he calls “just a peace”. That just peace somehow is a specific type of peace different from other types of peace is something, in fact the only thing, which everyone who has written about just peace agrees about. But how is it different? – That is what everyone disagrees about. In the just war literature, there has been an increased recognition over the last decade of the need to develop a set of criteria for just peace similar to the criteria that exist for just war (See, for example Österdahl 2013:113, Rigby 2005:198, Kegley & Raymond 2004:49). In a similar way, Christian theologians have also long tried to develop a set of criteria for just peace based on various Biblical principles or other criteria from Christian theology (the United Methodist Council of Bishops 1986:36-37). These efforts have not succeeded because it has not been possible to find widespread agreement about what constitutes a just peace, a fact which again highlights the elusive and puzzling nature of just peace.

Recognizing the futility of trying to find universal principles for a just peace, Pierre Allan and Alexis Keller were the first to argue that a just peace could not be understood solely in terms of abstract moral principles (Allan & Keller 2008b:vii). Allan and Keller’s approach to just peace is a language-oriented process that is based on four principles or conventions: thin recognition, thick recognition, renouncement, and common rule. In contrast to how just peace is understood in the just war literature, these four principles describe not simply a set of criteria, but an intersubjective process where the parties in a conflict reach just peace together (Allan & Keller 2008a:195).

I find Allan and Keller’s intersubjective approach to just peace very useful and it has significantly inspired my thinking in this study, particularly their focus on language and recognition. But whereas Allan and Keller have an inside perspective of just peace, focusing on how parties in a conflict reach just peace together, this study has an outsider’s perspective, focusing on how a third party, the EU, has tried to establish a just peace in the Israeli-Palestinian conflict. While I have the ambition to explore just peace both



conceptually and empirically, I see it primarily as an empirical-analytical puzzle, and that makes just peace for me an object of study, whose meaning has to be probed in a particular context, rather than a precise analytical concept. The overall focus of the study will thus be on how the EU as a third party has developed just peace empirically in the Israeli-Palestinian conflict; how its formula for a just peace in the conflict has transformed and how others have reacted to this. This, in turn, will take the analysis beyond Allan and Keller's focus on recognition and on to the role of third parties and the question of legitimacy when it comes to establishing a just peace.

### 1.3.2 Peacebuilding and its statebuilding approach

The efforts by the EU to build up a Palestinian state as part of its formula for a just peace in the conflict has been a reflection of a wider international trend where statebuilding has developed into becoming an integral part and even a specific approach to international peacebuilding (See, for example, Fukuyama 2004, Paris & Sisk 2009, Bouris 2010a, Call 2008a). Both peacebuilding, its statebuilding approach, and other types of international development assistance before that, have often had difficulties in meeting the high expectations and achieving the desired results (See, for example, Paris 2004a:6, Beidas, Granderson & Neild 2007:105, Call 2007a:395). In the words of Barry Buzan

The problem is that we have no firm knowledge about how to install the process of development in places where it has not happened naturally. Existing strong states are gifts of a long history, and if their development is a model for others, the future holds a large stock of war and upheaval. Strong states can only intervene in the development of weak states up to a limit without being charged with neocolonialism, and since all such intervention is experimental, the risk of negative results is high. Development is not a benign process. It involves massive restructuring of traditional lifestyles, and as such will almost always be resisted, often violently. (Buzan 2009:136)

Mirroring the critique against contemporary peacebuilding, which the critics say is too liberal and based on hegemonic Western values, it has been alleged that the statebuilding approach to peacebuilding is the latest version of neo-colonialism/neo-imperialism (See, for example Richmond 2005, Paris & Sisk 2009:11, Jahn 2008:222). Both peacebuilding and its statebuilding

approach have also been criticized for being too technocratic, and for failing to solve the underlying issues of conflicts (See, for example, Roberts 2011:16, Allan & Keller 2008c:1, Le More 2008:84). All this has created a situation where the legitimacy of liberal peacebuilding and its statebuilding approach have been called into question, particularly from the point of view of the local societies where the actual peace- and statebuilding have taken place (See, for example, Richmond & Franks 2009:204, Pugh 2005, Donais 2012:30). While much of the criticism of liberal peacebuilding and its statebuilding approach is undoubtedly warranted, not least since the past record has indeed been mixed, it is also important to point out, as Roland Paris (2010:340) and others have done, that there are no clearly viable alternative strategies.

In this context, it is also important to emphasize that the Palestinian territories are not a typical case of a conflict or post-conflict society where neo-liberal policies have led to destabilization and violence. The Palestinian case is special, and therefore particularly interesting, because the statebuilding process has taken place under a decades-long occupation with seemingly no end in sight – a form of contradiction in terms, which makes the Palestinian case a probably unique subject for study. The situation is even further complicated by the fact that the statebuilding process takes place in territories (West Bank, East Jerusalem and Gaza) that are physically separated and often hostile to each other. All this, of course, underscores the enormous complexities involved in Palestinian statebuilding, and it also raises questions about the appropriateness of the EU's use of the statebuilding approach to peacebuilding, which to a large extent is a technocratic post-conflict strategy, in an ongoing conflict.

### 1.3.3 The EU as a global peace- and statebuilder

Because of its political system, its distinct and in many ways unique structure, the EU is a special actor in peacebuilding and statebuilding. It is often described in statebuilding literature as a statebuilding institution *par excellence*, and is widely credited for having decisively contributed to stabilizing the transition towards democracy in the ten Central and Eastern European states that joined the EU between 2004 and 2007 (See, for example, Chandler 2010:94, Paris 2004a:26, Keukeleire & MacNaughtan 2008:256, Moravcsik 2003:85). It is important, however, to emphasize that

these states were not typical conflict or post-conflict societies. Where the EU has employed the statebuilding approach to peacebuilding in ongoing conflicts, primarily the Israeli-Palestinian conflict and the Balkans, it has been far less successful than it was in Central and East Europe after the Cold War (See, for example, Bouris 2011a, Miller 2011b, Pickering 2007:17, Kappler 2013:180).

A key difference, though, between EU peacebuilding in the Israeli-Palestinian conflict and in the Balkans is that the people in the latter have reasonable chances of becoming EU members in the future, as all of the involved states in the Balkans are either recognized or potential candidates for future membership of the EU (EU Enlargement – State of play). There is widespread recognition in the EU literature that the Union is a very different actor in its neighborhood when it can play the EU membership card (See, for example, Bretherton & Volger 2006:137, Keukeleire & MacNaughtan 2008:255).

Over the past decade, there has been a big debate in the EU literature about whether the EU is a normative power in international affairs. Ian Manners (2002:242) has argued that the EU has gradually developed a normative framework that it tries to promote in its foreign policy. Many took issue with Manners' concept of "Normative power Europe" because of the complexities involved in being a normative power, but it is still common in the EU literature and among practitioners to treat the EU as a norm exporter (See, for example, Elgström & Smith 2006:xiv, Laatikainen 2013:482). The fact that the EU with its 27 member states constitutes the largest bloc of liberal democracies in the world makes it suitable for promoting norms in international affairs.

#### 1.3.4 The EU in the Israeli-Palestinian conflict

When I embarked on the JAD-PbP project and began writing this dissertation in the summer of 2008, an early aim was to conduct a comprehensive study on the role of the EU in the Israeli-Palestinian conflict. At that point, no up-to-date comprehensive study existed. There were then only some older studies and a number of book chapters and articles, many of which had the character of policy recommendations, with typical subtitles like *Can Europeans make a difference?* (Hollis 2004) or *Which Role for Europe?* (Neugart 2003). Some excellent studies did exist, but they were

generally limited in scope, focusing on specific features of the role of the EU in the Israeli-Palestinian conflict, like Ephraim Ahrām and Alfred Tovias's (1995) edited volume *Whither EU-Israeli relations*, which focused on economic and trade issues. All the more comprehensive studies on the role of the EU in the Israeli-Palestinian conflict had been written during or even before the peace process, or at the very beginning of the second intifada (See, for example, Allen & Pijpers (eds) 1984, Greilsammer & Weiler 1987, Greilsammer & Weiler (eds) 1988, Ginsberg 2001). These more historical works on the EC/EU's role in the conflict are important for my first empirical chapter which is about the declaratory diplomacy by the EC/EU to define a just peace in it.

Apparently, other researchers than myself had identified the need for more research on the role of the EU in the Israeli-Palestinian conflict, as the last few years have seen the publication of a number of comprehensive studies on the subject. They can roughly be divided into three strands. The first strand has, as many of the titles imply, been about the often problematic nature of EU-Israel relations (Shepherd 2009, Pardo & Peters 2010, 2012, Cronin 2011, Ahlswede 2009). The second strand is EU-Palestinian relations, where two major works have been published in recent years (Al-Fattal 2010, Bouris 2011a). The third strand of literature does not have a particular focus on the EU's relations with one of the conflicting parties. Instead the books in this strand focus on the problematic role of the EU as a mediator in the conflict and the gap between rhetoric and reality in the EU's policies in it (Musu 2010, Miller 2011b). In addition to these three strands of literature on the EU in the Israeli-Palestinian conflict, there is also a book by Patrick Müller (2012) about the policies of "the big three" EU countries towards it.

What will set this study apart from what has previously been written on the issue is first and foremost that it will explicitly focus on the EU and just peace in the conflict, which none of the above-mentioned studies does. As a consequence, my study will have different theoretical approaches than the previous studies and a somewhat different empirical focus as well. Some of the previous studies do discuss the EU's declaratory diplomacy but without paying much attention to the EU's legitimacy in the conflict (See, for example, Miller 2011b, Musu 2010). When the question of the EU's legitimacy is discussed, it is primarily in the context of the problematic relations between the EU and the Israeli government and public (See, for example, Pardo 2010, Pardo & Peters 2010, Harpaz & Shamis 2010).

Another important thing that will set this study apart from earlier work is that I will have the benefit of having my dissertation published after September 2011, the date by which the Palestinian state was supposed to be declared. Even though a Palestinian state did not materialize during this period, this was still an important period to analyze and this study will therefore cover more of the statebuilding process than the previous studies did. Compared to the previously mentioned studies on the role of the EU in Palestinian statebuilding, I also make greater use of field studies and interviews than most of them did.

## 1.4 Research design

I have principally employed the case study method. One of the first questions to arise when choosing it is “What is this a case of?” (Collier 1995:465) As all but one of my research questions deal with the EU in the Israeli-Palestinian conflict, this is at the highest level of abstraction a case of peacebuilding by a third party. On a lower level of abstraction, it is also a case study of a specific third party, the EU, using specific theoretical approaches to peacebuilding, such as the statebuilding approach in the Israeli-Palestinian conflict.

While I intend to carry out a comprehensive case study, the reality when dealing with complex issues like the role of the EU in the Israeli-Palestinian conflict is that it is impossible to write about everything related to the issue at hand. As Alexander George and Andrew Bennett (2005:18) have pointed out, a case study is “a well defined aspect of a historical episode that the investigator selects for analysis, rather than a historical event itself.” Consequently, as it is impossible to write about everything related to the role of the EU in the Israeli-Palestinian conflict, I have for the purpose of limitation chosen three well-defined aspects of the EU’s work to establish a just peace in it. In choosing these three aspects, I have been guided by the overall aim of the study, which is to probe, both conceptually and empirically in the conflict, what a just peace is. As the title of this dissertation implies and as has been indicated earlier, these three aspects are defining, securing and building a just peace. Defining a just peace is about the declaratory work of the EU to articulate a common formula of a just peace in the conflict. Securing and building a just peace are about the EU’s

role in implementing this formula for a just peace in the conflict through the creation of a Palestinian state.

In their book *Designing Social Inquiry*, (1994:15) Gary King, Robert Keohane & Sidney Verba argue that all research projects in the social sciences should satisfy two criteria: contribution to the scholarly literature and importance in what they call “the real world”. The research questions underlying this dissertation address both of them. As regards contributions to the scholarly literature, there are primarily three: first, a conceptual contribution to the study of just peace; second, the development and subsequent application of a conceptual framework based on statebuilding as an approach to peacebuilding in a case of great importance. It would certainly be possible to apply this conceptual framework, or at least large parts of it, in other cases where the statebuilding approach has been used; third and last, this dissertation will contribute to academic literatures, ranging from the EU’s external relations, to peacebuilding, statebuilding and international relations more generally, and to the existing literature on the Israeli-Palestinian conflict.

When it comes to policy relevance, the research questions posed in this dissertation are central and highly significant for the EU’s involvement in the conflict, and they therefore have importance for reasons that are obvious given the significance and longevity of the conflict and of the EU’s involvement in it.

Robert Yin (1984:23) has defined a case study as an empirical inquiry that uses multiple sources of evidence to investigate a contemporary real-life phenomenon where the boundaries between the phenomenon under study and the surrounding context are not clearly evident. The term “case” is often used ambiguously and could mean many things, according to King, Keohane and Verba (1994:117). George and Bennett (2005:17) have defined a case as “an instance of a class of events”. Case studies usually consist of a relatively small number of cases, sometimes just one (Hammersley & Gomm 2008:4). This dissertation is an example of a single case study which allows the researcher to go more deeply into it, by being able to invest greater resources and intensive analysis in the research process, thereby avoiding superficiality in the research (Tallberg 1999:22). Case studies often answer questions like “how”, or “what”, and sometimes “why” (Yin 2003:1, Gerring 2004:347). In general, case studies that answer “why-questions” have an explanatory purpose, while case studies that answer “how” and “what-questions” are more descriptive in character. Descriptive case studies are sometimes

considered inferior to explanatory case studies, but both John Gerring (2004:347) and Gary King, Keohane and Verba (1994:34) are quick to stress that this assertion is wrong. King, Keohane and Verba (1994:15) further argue that sometimes the state of knowledge in a field is at a stage where much fact-finding and description are needed before it is possible to take on the challenge of explanation.

This dissertation falls somewhere between the descriptive and explanatory case study. This is partly because little has previously been written about the EU and just peace in the Israeli-Palestinian conflict, which means that a certain understanding of the topic is needed before it is possible to provide explanations. But it is also related to the fact that I, in the empirical analysis, treat just peace as an object of study rather than as a theory or analytical concept. As there is no theory of just peace, it is not possible to deduce and test hypotheses on the empirical material. My purpose is thus not to generate theory on just peace. Instead, the emphasis is put on understanding relatively long empirical processes, which gives the study a more open, process-oriented character where I am interested in studying how the EU's formula for a just peace has developed in practice in the conflict (cf. Hollis & Smith 1991:89). The study's process-oriented character, together with the fact that the term just peace has eluded more precise conceptualizations, are the main reasons why the research questions in this study are "how-questions" rather than "why-questions".

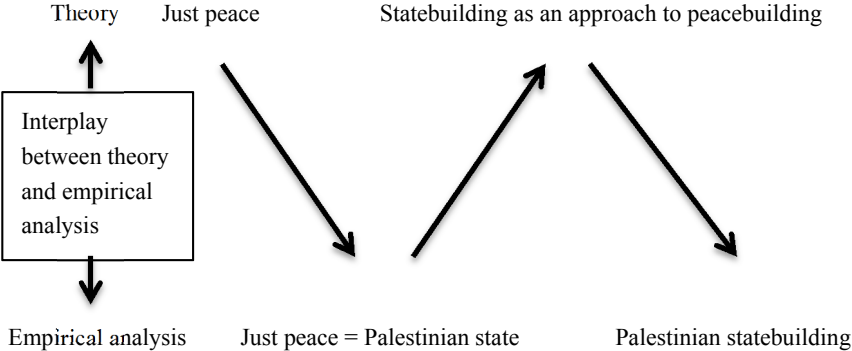
#### 1.4.1 An abductive approach

A central part of the research design behind this dissertation is an approach referred to as "abduction", which is a combination of deductive and inductive reasoning (Alvesson & Sköldberg 2008:55, see also Layder 1998). What abduction does is to recognize the interplay between theory and empirical data, in that theory both adapts to, and is shaped by, incoming evidence, which in turn has been filtered through the relevant conceptual material (Layder 1998:38, Aggestam 1999:9). What all this means for my study is that the conceptual focus on just peace has guided me in assembling material and given me ideas about what to look at, while the empirical material generated new insights, on the basis of which I adjusted and refined the conceptual underpinnings of the study (cf. Boussard 2003:13).

Since I deal with relatively long empirical processes, a major advantage of the abductive approach is that the interplay between theory and empirical data makes it possible to refine and adjust the conceptual underpinnings of the study during the research process, to allow for better precision in the interplay between theory and empirical findings (Cisneros Örnberg 2009:34). So for me, the strong focus on the empirical field in the early stages of the research process gave initial insights about what to examine and what to ignore in the conceptual underpinnings of the study. The early insights into the empirical field made it clear that the EU’s formula for a just peace had transformed into meaning the creation of a Palestinian state alongside Israel. This led me to develop a whole new conceptual framework on statebuilding as an approach to peacebuilding for the rest of the empirical analysis. According to Daniel Druckman (2005:30), conceptual frameworks are important for various stages and for different aspects of the research process. First, and perhaps most importantly, they serve as organizing devices that help to create understanding around a topic by providing categories for data collection and analyses. Secondly, conceptual frameworks also guide the analysis of empirical phenomenon, and thirdly, they provide some form of criteria for interpreting the results

**Figure 1:**

Illustration of the interplay between theory and empirical analysis in the abductive approach



The figure above illustrates the interplay between theory and empirical analysis in this study. I took my departure in the concept of just peace, which in turn is located in the broader field of peacebuilding. I then looked for what just peace means for the EU in the Israeli-Palestinian conflict. When it



became clear that just peace meant a Palestinian state, I developed a new theoretical framework based on the statebuilding approach to peacebuilding. This new theoretical approach was subsequently used for the empirical analysis of the EU's role in the statebuilding process.

It is important to emphasize here that there is no intrinsic theoretical relationship between just peace and statebuilding. Rather, it is primarily an empirical relationship that applies for the EU in this particular conflict. The EU might have a different notion of what constitutes a just peace in other conflicts in which it is involved. It could, for example, be autonomy, minority rights, truth commission, prosecutions etc., which would each have required different theoretical approaches.

#### 1.4.2 Advantages and disadvantages of the case study method

There are a number of well-known advantages and disadvantages associated with the case study method. Perhaps most importantly, it is widely recognized to be an appropriate method when the phenomenon under study is complex, not properly researched and hard to distinguish from the wider context (Yin 2003:2, Jerre 2005:10). As the historical event itself is not the object of analysis, the necessary discussions of limitations are a common problem in case study research. For example, as I have mentioned earlier, I am not interested in “the whole story” of the EU's role in the Israeli-Palestinian conflict, only in the specific parts of it related to the research questions. In general, these kinds of limitations reflect a delicate trade-off between striving for depth or breadth in case studies. Gerring (2007:49) has argued that this is a choice between knowing more about less, at the expense of knowing less about more.

By choosing three well defined aspects of the role of the EU in the Israeli-Palestinian conflict, I opted for the better of two worlds, somewhere in middle of the scale where depth and breadth are the two endpoints. On the one hand, I look at a period of four decades, which makes it hard to penetrate deeply into the issues. On the other hand, for much of this period, the EC/EU has in fact done little beyond issuing declaratory statements. In essence, this study will focus on the period following the Oslo peace process but it is important to study the 1970s and 80s, primarily for the development of the EU's formula for a just peace and its problematic relations with Israel.

The disadvantages of case studies are also well known. According to Yin (2003:10), the two typical points of criticism advanced against the case study method are, first, that it lacks rigor, and second, that it provides little basis for scientific generalization. Again according to Yin (2003:10), the first criticism can be met by reporting all evidence fairly, an issue that I will discuss thoroughly in the following section on material. When it comes to the second criticism, the generalization problem, a few issues need to be clarified. As I am interested in studying just peace empirically in the Israeli-Palestinian conflict, and as the EU's formula for a just peace may be different in other conflicts where it is involved, the ambition in this part of the study is not to produce results that could be generalized. It is further important to note that many aspects of the Israeli-Palestinian conflict and of the EU's involvement in it, such as the longevity, the attention, the resources invested, the symbolism, the sensitivity, and the wider implications of the conflict, are not easily applicable to other conflicts. On the other hand, the quest for a just peace is not unique to this conflict, nor is the focus on making statebuilding a specific approach to peacebuilding unique either to this conflict or to the EU as a peacebuilder. In that sense, because the conceptual framework on statebuilding, the role of the EU in the conflict and some of the empirical findings represent global trends, they could be applied to other conflicts and actors and generate new hypotheses for them.

### 1.4.3 The EU as a case

Relating to the discussion above about the problem of generalizing case studies, there seems to be an almost eternal debate in the EU literature over whether the EU is a unique case or not, or something in between, and what are the implications of any of these positions? (See, for example, Diez & Whitman 2002, Caporaso, Marks, Moravcsik, & Pollack 1997). The argument in the literature is basically this: if the EU is a unique case, then there are problems with testing hypotheses and generalizing beyond the EU because of its uniqueness. With regard to the research topic, the EU's efforts to establish a just peace in the Israeli-Palestinian conflict, I position myself somewhere in between the *sui generis* argument and the argument at the other end of the line, which basically says that the EU is not a unique case and that is indeed possible to generalize. Clearly, some features of the EU are unique and not applicable to other international actors, for example the

character of its political system. Moreover, the history of the EU, the history of European rivalry and the two world wars that preceded the EU are also important and unique features.

On the other hand, just as case studies were well defined aspects of historical episodes, research about the EU is also often about aspects of the EU as a political system. Most, but not all, of these are comparable in some sense, which should make generalizations possible. For example, the way the EU gives humanitarian assistance can be compared at least in some senses to how the U.S. gives humanitarian assistance. Likewise, some aspects of EU peacebuilding are clearly not unique and one of the main arguments against the uniqueness of EU peacebuilding is that the EU, like many other international actors, uses blueprints for liberal peacebuilding with a one-size-fits-all emphasis on democratization, marketization etc. worldwide (cf. Björkdahl, Richmond & Kappler 2009).

Another important objection to the *sui generis* argument is that EU peacebuilding often takes place in close cooperation with other actors: most notably the U.S., the UN and the IBRD. This is particularly true in the Israeli-Palestinian conflict where the EU is part of the Quartet together with the U.S., the UN and Russia.

## 1.5 Empirical material

While the ideal, in the matter of what empirical material to use, is to use all relevant material, this is a challenge when it comes to the EU and the Israeli-Palestinian conflict. Besides the primary material issuing from various EU institutions, there is also a constant stream of primary material from the conflicting parties, NGOs, other international actors and the media. Both the EU and the Israeli-Palestinian conflict also have their own literatures, in addition to the vast attention they have attracted in various other academic literatures, for example, in the peacebuilding literature.

The empirical material in this study therefore consists of a combination of primary and secondary sources: interviews, press releases, EU documents, publications from various other international organizations, newspaper articles and previous research. In the two conceptual chapters (chapters 2 and 3), I rely mainly on books, book chapters and articles written by other academics, but I also use some publications, reports and other similar

documents from the UN, the IBRD, the OECD and other international organizations. Since just peace, peacebuilding and statebuilding as an approach to peacebuilding, cover a broad spectrum of activities, I have drawn on many academic fields and sub-fields in these two chapters, such as democratization theories, development theories, security theories, etc.

The chapter on the EU as a global peace- and statebuilder (chapter 4) relies heavily on the EU's legal treaties, declarations, strategy documents and the like, issued by the various institutions of the Union. The first empirical chapter (chapter 5), "Defining a just peace in the conflict", relies on EC/EU declarations from the 1970s and onwards, published in the *Bulletin of the European Communities* for the period between 1970-1993, and in the *Bulletin of the European Union* and online for the period after 1993. Some of the newer EU statements and other key documents can be found on the website of the European External Action Service (EEAS), which has a special link to the EU's key documents regarding the conflict (EEAS: The EU and the Middle East Peace Process). The two remaining empirical chapters (chapters 6 & 7), which are about securing and building a future Palestinian state, rely mostly on publications and reports from international, regional and local organizations, newspaper articles and other types of primary material. Most of my interviews have also been conducted for these two chapters.

When it comes to the evaluation of empirical material, and particularly critique thereof, Peter Esaiasson et al. (2005:307-311) have established four criteria for it: authenticity, dependability, concurrency and bias. Two of these four, authenticity and concurrency are relatively unproblematic for me as I deal mostly with contemporary material from well-established sources. There is, for example, little reason to believe that a report on the IMF's website is not authentic. However, I find the two remaining criteria, dependability and bias, more problematic since I deal with an ongoing conflict and very sensitive political issues in general. In intractable conflicts like the Israeli-Palestinian, there is no chance to escape issues of dependability and bias. They are there and the researcher must openly acknowledge them. According to Esaiasson et al. (2005:308-311), dependability is based on three aspects: the ability of the researcher to be able to confirm something, the centrality of the source and the source's degree of dependability. The two first of these are less of a problem in the Israeli-Palestinian conflict than in others, because of the general plurality of available material and the small size of the territory and its population. In

Israel, the West Bank, Gaza and the various EU's missions in the area, there is a kind of "they all know one another"-mentality within each of these spheres. This, of course, does not mean that every source is well placed or knows everything, but what I mean is that centrality is less of a problem here than in conflicts like Afghanistan and Iraq, where officials might not be able to visit some areas and might not even know who the conflicting parties are.

Instead, what is problematic when researching the EU in the Israeli-Palestinian conflict is of course the sources' degree of dependability, which can work on many levels because the conflict is so intertwined with, and embedded in, international affairs. For an actor like the EU, there are all kinds of dependencies involved in the Israeli-Palestinian conflict. For example, on an international level, the EU is dependent on its relations with U.S., which clearly affects how the EU deals with the conflict. On a regional level, the EU is dependent on security and on energy resources from the region. On the local level, the EU is dependent on Israeli goodwill in order to be able to work in the Palestinian territories. In addition, personal dependencies may also be involved, in that foreign officials, aid workers, researchers like myself and others, need visas and permits to be able to work. Needless to say, visas and permits can be withdrawn or denied, primarily by Israel, but also by Hamas. All this, of course, affects how organizations and individuals act in the conflict. One aid worker, for example, told me that she could not speak openly about Israeli human rights abuses for fear that her work permit will not be renewed (Anonymous international aid practitioner, interview 7 December 2010).

Apart from various forms of dependability, bias in general is another defining feature of the conflict. What is the truth for an Israeli is most likely not the truth for a Palestinian, and vice versa, and what is the truth for a European might not be the truth for any one of the conflicting parties. A delicate part of the research process is to balance between these different narratives of the conflict.

### 1.5.1 Data collection on just peace

The fact that the EU still lacks a comprehensive online archive on its foreign and security policy does not make it easy to track how it has been using a specific concept over time. In order to analyze the EU's formula for a just peace in this conflict over the past four decades, I have employed a two-part

strategy. For the period of 1970-1993, I have read through printed copies of the *Bulletin of the European Communities* searching for EC declarations and other statements on the Israeli-Palestinian conflict. The bulletin was the official journal of the EC and published all EC foreign policy declarations and other relevant material until 1993, when it ceased to appear.

After 1993 things get more complicated as there is no complete official journal or comprehensive online archive for this period. While the Bulletin of the European Communities published all the EC's foreign policy declarations between 1970 and 1993, the *Bulletin of the European Union* is more selective. Things also get more complicated because foreign and security policy was massively expanded after the creation of the EU in 1993, and because of the EU's involvement in the Oslo peace process and the IT-revolution, which happened around the same time in. Each of these developments was in themselves a watershed event that created lots of material. But since online archives and databases are still lacking, the information is in disarray, to put it mildly.

Consequently, for want of better alternatives, I have carried out repeated searches (the latest was done on 27 February 2012) for just peace without quotation marks on EU websites, which allows for matches such as just and durable peace and the like. I have limited my searches to the websites of the European Council (Search for just peace site:consilium.europa.eu, 539 matches, 27 February 2012), the European Commission (Search for just peace site:ec.europa.eu, 2,770 matches, 27 February 2012) and the European Union External Action Service (Search for just peace site:eeas.europa.eu, 1,090 matches, 27 February 2012). These are the most important EU websites to search for just peace and altogether they resulted in about 4,500 matches, which is a reasonable amount of material for the task at hand within the framework of this part of the study.

It is likely that I have missed some instances where the EU has used just peace; it could be on a specific delegation's website, it could be material that is no longer available online, it could be material that has never been published online etc. At all events, despite the potential shortcomings, my searches and the 4,500 matches gave me a good overview of how just peace has been used in EU documents since 1993. In fact, most of the 4,500 matches did not deal with just peace at all. They simply had the word "just" in one sentence and "peace" in the next, or the other way around. Only about two hundred documents dealt with just peace, and of these, more than 95 per cent were related to the Israeli-Palestinian conflict. I found only a handful of

EU references to just peace in conflicts other than the Israeli-Palestinian, which in itself is an interesting observation: three EU references to just peace in Darfur and one to just peace in the former Yugoslavia (For Darfur, see Council of the European Union 2005, Council of the European Union 2010a, Council of the European Union 2010b; for Former Yugoslavia, see European Union 1997). In addition, I have also asked several of those whom I interviewed questions about just peace.

### 1.5.2 Field work and interviews

During work on this dissertation, I have made repeated field trips to Israel and the Palestinian territories and to Brussels. I have also made additional trips to Egypt, Jordan, Lebanon, Turkey, the U.S. and several European cities for interviews and conferences. Throughout the research process, I have constantly and consciously made a point of visiting the places, projects and people that are of interest in the study. I have on numerous occasions visited the Delegation of the European Union to Israel in Tel Aviv and the European Commission Technical Assistance Office for the West Bank and Gaza Strip in East Jerusalem. I have been to the two CSDP missions: EUBAM Rafah in Ashqelon and EUPOL COPPS in Ramallah. I have also visited the Quartet's office in Jerusalem, various UN offices, five Palestinian ministries, the Israeli Ministry of Foreign Affairs, various NGOs' offices and the relevant EU institutions in Brussels.

During my first four years as a Ph. D candidate, I was repeatedly denied an entry permit to Gaza. It was only during my final year that I was able to obtain a permit to visit Gaza, which I did in June 2012, when I visited UNSCO in Gaza (the EU has no office in Gaza). As far as possible, I have tried to arrange the interviews at the places where the interviewees work, which means that the interviews have been combined with a form of study trips. When I conducted my interviews, I also spent time observing, for example, Palestinian ministries from the inside. This triangulation of interviews and study trips is a valuable technique for the study of new problem areas where little has previously been written (Jönsson 2002:43).

Another important advantage of conducting the interview at the place where the interviewee works has been that in consequence I was often introduced to other potential interview subjects, with some of whom I later arranged interviews. In the literature on qualitative methods, this is referred

to as the snowball method (Merriam 2009:79, Flick 2007:257). In line with the logic of the snowball method, interviewing people at the place where they work has also almost always resulted in my being given various types of information material: books, reports, folders, brochures etc., some of which had not been published elsewhere, not even online. This clearly is an added value compared to the interviews I conducted in cafés and in hotel lobbies, which seldom resulted in these kinds of benefits.

However, a disadvantage of interviewing people where they work is that there is a clear risk that the interview will be interrupted by phone calls, emails, knocks on the door and the like. This happened to me in several cases. Regarding accessibility, I had in general no problems in finding EU and Israeli officials as both the various EU institutions and their Israeli equivalents have well-functioning websites, often with internal organization sections where it was relatively easy to find the people I was looking for. At the outset of my research, I had problems in finding the people I was looking for on the Palestinian side. Many Palestinian officials, even senior ones, do not have official email addresses where they can be contacted and most Palestinian ministries and other official bodies do not even have websites, which makes it difficult to contact people working there or even to find out about their existence. Of those that do have websites, many do not function properly; some lack English versions; others have not been updated for years. I initially had to look in the press or in EU documents to find the names of Palestinian officials and Palestinian interlocutors in various EU projects. When I started to send requests for interviews to these officials, I received almost no answers other than “undeliverable mail” and “RecipNotFound”.

After a period of frustration, my breakthrough came when I was able to secure an interview with Khaled Al-Barghouti, a Deputy General Director at the Palestinian Ministry of Social Affairs. Underscoring the importance of gatekeepers and the snowball method (cf. Holloway 1997:77, Brouneus 2011:133), he set up several interviews for me with officials at other ministries. Khaled taught me what I came to learn was the golden rule in the Palestinian society, namely to approach people directly without prior contact. After my interview with Khaled, I downloaded a map of the Palestinian National Authority’s ministries and other official bodies in Ramallah and simply went to a ministry’s office, knocked on the door and asked for the people I wanted to interview, without making prior arrangements. In those cases where I did not know the names of those I



wanted to interview, I asked for the people working on the EU desk or with EU-related projects. When I started this “direct approach” I immediately became successful in finding the Palestinians I wanted to interview. In other words, learning the local codes of conduct was the key to success. At the same, it is important to emphasize that this “direct approach” is not without its problems: aspects of preparation are lost, the risk of failure is probably higher and, in my case, these interviews were shorter than those pre-arranged.

Although I cannot be certain of it, the fact that I was part of an EU-funded research project probably served as a door-opener for me, particularly when dealing with EU officials who were always very forthcoming in welcoming me to the various EU institutions in Brussels and in the region. With only a few exceptions, EU officials of all kinds were always available for interviews.

### 1.5.3 Selection of interviewees

Within the framework of this dissertation, I have conducted 56 interviews, the vast majority of them being done in Israel/the Palestinian territories and in Brussels. A few interviews were made in October 2010 in Lund, Sweden, during an academic conference on the Israeli-Palestinian conflict, which was attended by a number of mostly mid-level Israeli, Palestinian and international officials. The interviews I have conducted can be divided into six different groups: 35 per cent are EU officials, 20 per cent are Palestinian officials, 10 per cent are Israeli officials, 15 per cent are NGO officials, 5 per cent are academics and the remaining 15 per cent comprise UN officials and other professionals and practitioners. The reason why there are twice as many Palestinians as Israelis is that most of the EU’s peacebuilding work in the conflict takes place in the Palestinian territories. All interviews except three were conducted in person; the three exceptions being because of last minute cancellations or sickness on the part of the interviewee. Of these three, two were conducted and recorded via Skype and the last via email.

In addition to the interviews, I have also attended a seminar with the Palestinian Prime Minister Salam Fayyad in Oslo in December 2010 and I have also participated in Q&A sessions on the Internet with the EU ambassador to Israel, Andrew Stanley, and with Aluf Benn, the editor-in-chief of *Haaretz*.

The interviews I conducted were semi-structured, meaning that themes and questions had been prepared beforehand, while space was left for the interviewees to elaborate on their own issues (Bryman 2002:127, Wengraf 2004:59). In general the questions were short and the answers were long. I have tried to heed the advice often found in the literature on how to conduct interviews, namely to start with softer questions in order to put the interviewee at ease (See, for example, Wengraf 2004:59, Grady 1998:21, Mason 2002:71). Except for the three first interviews, I have used a dictaphone for recording the interviews whenever I have been allowed to, which has been in about 50 per cent of the cases. The reason why that figure is not higher is mainly that I was not allowed to take the dictaphone or any other recording devices, including mobile phones, into most EU offices or the Israeli Ministry of Foreign Affairs. In a few cases, I conducted interviews at cafés or hotel lobbies where the noise level made recording impossible, something I often came to regret afterwards, but it is hard to refuse when an interviewee with supposedly good local knowledge suggests a place to meet outside of his/her workplace. In these and other cases where I could not/was not allowed to use the dictaphone, I took extensive notes.

As the main purpose with the interviews has been to gain material and knowledge about specific aspects of the EU's role in the conflict where little have been previously written, the interviewees have been regarded as informants rather than as respondents. This means that they have been used for gaining knowledge rather than for analyzing the specific details of what each and every one of them had to say (Esaiaasson et al. 2005:253-254). In addition, the interviews have also had the purpose of corroborating the findings of other types of material.

It is important to emphasize that not a single Israeli or Palestinian official has requested anonymity. Of those that have required anonymity, most are EU officials, which is not surprising given that the EU has been under fire from Israeli politicians and right-wing Israeli NGOs for most of the past decade since the second intifada erupted in 2000. Primarily, it is the funding of the Palestinian Authority and of left-wing NGOs that has been at the center of the criticism (See, for example, NGO Monitor 2008). It is also important to emphasize that most, but not all, EEAS officials in Brussels said that while they were authorized to speak to researchers like me, they were not authorized to be quoted by name in any publication. If I wanted to quote them by name, I was told that I had to submit the interview transcripts to EEAS for authorization, something the interviewees encouraged me not to

do since they wanted the interviews to be anonymous anyway. One interviewee required not to be quoted under any circumstances in anything I write, not even anonymously, which I consented to. The rest agreed to be quoted, but a number of EU officials and some others required complete anonymity and they have been listed as “anonymous ECTAO official”, “anonymous international aid practitioner”, or the like in the list of interviews conducted and in the text. Other EU officials, the majority of the ones interviewed, have agreed to have their names listed among the conducted interviews, but not to be cited by name in the text. When these interviews are used in the text, they will appear as an “EU official who requested not to be named” or the like.

While many researchers can claim that they are dealing with politically sensitive issues, it is clear that the Israeli-Palestinian conflict is at the top of the list of such issues in international affairs, which in turn has consequences for the people working on them, whether on the ground in Israel and the Palestinian territories or elsewhere. Using interviews with anonymous or unnamed officials, although standard in this conflict, is still problematic when it comes to intersubjectivity, which means the principle of transparency in the research process; in other words, to report all evidence openly and fairly (cf. Teorell & Svensson 2007:281). On the other hand, one must also weigh in the balance the clear benefits of conducting anonymous interviews, which allow the interviewee to speak more freely on sensitive issues, and sometimes to speak at all, as was the case with the EEAS officials whom I interviewed. When dealing with the EU in the Israeli-Palestinian conflict, there is little chance to avoid using anonymous interviews altogether.

Compared to other similar studies about the EU in the Israeli-Palestinian conflict, I place myself somewhere below the middle in terms of using anonymous interviews. Most similar studies that use interviews (See, for example, Le More 2008, Al-Fattal 2010, Cronin 2011) have more anonymous interviews than I do, but one has fewer (Ahlsvede 2009). As there are clear advantages and disadvantages both with anonymous interviews and with interviews where the interviewee agrees to be quoted by name, I believe it is important to strike a balance between the two, between intersubjectivity and reliability on the one hand, and validity and the need to access people and information on the other. A possible middle ground is to do what I have done in this study: to persuade the interviewees to agree to have their names listed among the interviews, while not being quoted by

name in the text. As usual, what is reasonable depends on the situation. In my case, out of 56 interviews, 10 required anonymity and another 9 did not want to be cited by name, but agreed to be listed among the conducted interviews. The remaining 37 agreed to be quoted by name in the text, although some wanted me to submit a draft to them for authorization of any text where I used their interviews, which I consented to.

## 1.6 Limitations of the study

It is important to note that the study also has some important limitations, both conceptual and empirical. Since the conceptual focus is just peace and the specific statebuilding approach to peacebuilding, I pay less attention to other theoretical concepts such as conflict resolution, peace negotiations, mediation etc. This, in turn, has affected the selection of what to look at in the empirical analysis. As a consequence of my conceptual choices, I do not focus on the broader regional strategies employed by the EU vis-à-vis Israel and Palestinians like the EMP, the ENP and the UfM. Rouba Al-Fattal (2010) has dealt with some of these issues in her work. In addition, since the focus is on what the EU has done in the conflict, I also pay less attention to the long processes of deliberation in the EU before policy is made, the complicated decision-making processes in the Union and the disunity among the members, particularly among the big three: France, Germany and Britain. Some of these issues have been dealt with in Müller's (2012) work and they do not feature prominently in this study. The same is true for the bilateral relations between individual European countries and the parties in the conflict.

## 1.7 Outline of the study

The following two chapters (chapters 2 & 3) constitute the conceptual underpinnings of the study. Just peace is the key theoretical concept for the whole conceptual discussion, but I locate it in the wider field of peacebuilding (chapter 2). Since the EU's formula for a just peace in the Israeli-Palestinian conflict has developed into meaning a Palestinian state,

the second conceptual chapter deals with statebuilding as an approach to peacebuilding. This is in line with the logic of the abductive approach and the interplay between theory and empirical findings in the study. The chapter about statebuilding as an approach to peacebuilding is constructed to function as a conceptual framework for the empirical analysis of the EU's efforts to build a Palestinian state.

Chapter 4 is about the EU as a global peace- and statebuilding actor and this chapter serves as a bridge between the conceptual underpinnings and the empirical parts of the dissertation. Here, I discuss the EU as a political system, its notions of peace, peacebuilding and the statebuilding approach in a more general EU context. The EU chapter serves both to conceptualize how the EU defines the key theoretical concepts of the study and to operationalize the concepts related to the statebuilding approach to peacebuilding within an EU context. The second half of the EU chapter and the two empirical chapters on Palestinian statebuilding are constructed after the categories provided by the conceptual framework, which also guides the analysis.

The next three chapters (chapters 5,6 & 7) constitute the empirical parts of the study. Chapter 5 is about the declaratory work of the EU to define a just peace in the conflict. In this chapter, I analyze how the EU's formula for a just peace in the conflict has transformed, from not explicitly including the Palestinians at all as an explicit party to the conflict in 1971, into legitimizing a Palestinian state as the key to a just peace in the conflict. I also analyze how the parties and other actors have reacted to the EU's statements on the conflict throughout the years.

Chapters 6 and 7 deal with the EU's efforts to realize concretely its formula for a just peace in the conflict, by building a Palestinian state. Since security is seen as a precondition for all types of development in statebuilding, and since a large part of Palestinian statebuilding is about security, Chapter 6 deals with the EU's involvement in the security-related aspects of Palestinian statebuilding. Here, I analyze the measures taken by the EU and other international actors to support the PA in creating security in the West Bank and what consequences these measures have had for other aspects of Palestinian statebuilding, not least for the human rights situation in the Palestinian territories. In chapter 7, I analyze the EU's involvement in the political and economic aspects of Palestinian statebuilding. The focus in this chapter is on how the international community, led by the EU, has made

the Palestinians technically ready for statehood, but without solving the underlying issues in the ongoing conflict with Israel.

The final chapter 8 provides the conclusions of the study. Here, I summarize the main conclusions of the dissertation and identify issues for further research.



## 2 Just peace in the context of peacebuilding

"As the world changes and history continues, a specific Just Peace formula will not necessarily be, as in a Kantian perspective, a perpetual one. Just Peace needs to be maintained, and therefore adapted to changing societal circumstances, in order to survive."

Pierre Allan & Alexis Keller (2008b:vii-viii)

The term peacebuilding has become something of a popular expression for describing almost every action undertaken by international actors in conflict and post-conflict societies. In 1992, the then United Nations Secretary-General Boutros Boutros-Ghali published *An Agenda for Peace* in which peacebuilding was defined as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict." (Boutros-Ghali 1992) The term peacebuilding and the practice surrounding it originally evolved out of an institutional response to handle the challenges of peacekeeping operations and humanitarian interventions that responded to internal conflict situations (Jeong 2005:1). In the 1990s and in the first years of the 2000s, many still saw peacebuilding solely as a post-conflict enterprise. For example, in 2004, Paris (2004a:38) defined peacebuilding as

action undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting. A peacebuilding mission involves the deployment of military and civilian personnel from several international agencies, with a mandate to conduct peacebuilding in a country that is just emerging from a civil war.



The initial post-conflict focus of peacebuilding has gradually been expanded into addressing violent conflicts at different phases of the conflict cycle (Duke & Courtier 2009:4). As peacebuilding is increasingly not seen as confined to a specific phase of the conflict, most researchers and practitioners would today probably consider Boutros-Ghali and Paris's definitions erroneous (See, for example, Schirch 2004, Sandole 2010, Porter 2007, Ponzio 2011, Merlingen & Ostrauskaite 2006, Little 2008).

The nature of many contemporary conflicts, with failed peace agreements, instability, unresolved issues and sporadic outbreaks of violence, has made it hard to distinguish between what is conflict and what is post-conflict. For example, in the definitions by Boutros-Ghali and Paris, the European Union's provision of judicial assistance to Kosovo after the war there would be considered peacebuilding, while the same type of assistance to Iraq, launched in 2005, in the middle of a full-blown insurgency, would not be considered peacebuilding. In addition, peacebuilding must of course also be possible in conflicts that are not civil wars, even if few such conflicts remain.

In the peacebuilding literature, there seems to be a widespread consensus that peacebuilding encompasses the overarching political and economic factors that are necessary to sustain peace (See, for example, Lederach 1997:20, Lute 2007:439, Paris 2004a:39). Peacebuilding therefore involves a wide variety of both military and what might be termed civilian or non-military activities, including the administration of elections; the retraining of judges, lawyers and police officers; the nurturing of indigenous political parties and NGOs; the reorganization of governmental institutions and the delivery of emergency humanitarian and economic assistance. It is quite common to think of peacebuilding on different levels and then usually in terms of some kind of elite top-down approach versus some kind of grass root bottom-up approach (See, for example, UN Peacebuilding Architecture 2008, Richmond 2005:104). In general, the literature on peacebuilding emphasizes the importance of having a long-term perspective, but peacebuilding entails both short-term and long-term frameworks. The former focuses on emergency relief and the control of violence, while the latter focuses more on development, conflict transformation and social change (See, for example, Kumar 2001:184, Jeong 2005:4, Chetail 2009).

The aim of peacebuilding, at least in the words of former UN Secretary-General Kofi Annan, is "to create the conditions necessary for a sustainable peace in war-torn societies" (quoted in Paris 2004a:2). In Paris's (2004a:2)

words that is “a peace that would endure long after the departure of the peacebuilders themselves.” Despite its enormous popularity in the academic literature, policy circles and the wider public debate, peacebuilding remains an elusive term. Repeated attempts at definition and conceptualization have in general not created more clarity, but instead raised questions of efficiency, coordination and sustainability (Duke & Courtier 2009:3).

In the light of the fact that peacebuilding is such a broad term that usually involves a wide variety of activities by various actors on different levels, more and more researchers have come to use peacebuilding as an umbrella term for a wide range of approaches that address conflict, violence, peace (See, for example, Schirch 2008, Abu Nimer & Lazarus 2007, Porter 2007). This makes sense to me, because as Lisa Schirch (2008:2) has pointed out, the questions related to peacebuilding are usually the same questions that are addressed within the broader field of peace and conflict studies, such as whether conflict is something to be managed, mitigated, negotiated, mediated, resolved, prevented or transformed, and consequently if peace is something to be kept, made or built? Like these researchers, I will treat peacebuilding as an umbrella term for the conceptual discussion in this dissertation. More specifically and in line with this reasoning, I see peacebuilding as holistic and comprehensive, in the same vein as Charles Call who has defined peacebuilding as “actions undertaken by international or national actors to consolidate or institutionalize peace.” (Call 2008a:5)

## 2.1 Liberal peacebuilding and its problems

Theorists from more critical perspectives contest the seemingly ambitious aims of peacebuilding. Critical voices, like Oliver Richmond (2005:103) and Roger Mac Ginty and Andrew Williams (2009:70), say that there is an implicit recognition in the literature that peacebuilding is about exporting a particular version of peace into conflict environments. Adding to Richmond’s critical stance, Michael Merlingen and Rasa Ostrauskaite (2006:142) argue that peacebuilding involves pastorship that may leave heavy footprints in the affected societies. The close relationship in conflict and post-conflict societies between liberal ideas on the one hand and peacebuilding and statebuilding by third parties on the other, has given rise to what critics, led by Richmond (2006:291), call “liberal peacebuilding”.

In essence, liberal peacebuilding is based upon democratization, the rule of law, human rights, civil society, marketization and development (Richmond & Franks 2008:186). While these characteristics of liberal peacebuilding might seem unproblematic for an outside observer, the past record of liberal peacebuilding has shown that they are indeed highly problematic, mainly for two reasons, according to the critics. The first point of criticism put forward against liberal peacebuilding is that it is in fact not liberal, as it often rests on coercion and conditionality in order to install liberal norms in places where they are being resisted by the local population (Richmond 2005:146). The critics argue that international peacebuilders, including the UN, the U.S., the EU and the two major international financial institutions, the World Bank and the IMF, support only one type of peace, i.e. the liberal peace, which is often ill-suited, according to the critics, to meet the needs of local societies. By linking aid, loans and other reconstruction efforts to the implementation of specific liberal economic policies, these international peacebuilders are able to exert significant influence over local societies, which in turn gives rise to the critics' accusations that liberal peacebuilding is a form of neo-colonialism/neo-imperialism aiming to exploit vulnerable societies (See, for example, Mac Ginty & Williams 2009:70, Richmond 2005, Paris & Sisk 2009:11, Jahn 2008:222). A milder version of this particular criticism holds that liberal peacebuilding is problematic because it fosters a culture of dependency among local societies.

The second point of criticism relates to the results of liberal peacebuilding, which have been mixed, even if it is clear that it has done more good than harm (Paris 2010:338). Richmond (2008:108) has correctly identified this problem as "a monumental gap between the expectations of peacebuilding and what it has actually delivered so far in practice, particularly from the perspective of local communities." A key problem here has been that when liberal reforms were seen as a mere technical task, they failed to take into account the specific cultural and historical needs of the local societies (Jeong 2005:11). The efforts to transform these societies therefore led, inadvertently in many cases, to exacerbated societal conflicts and helped to reproduce the very factors that historically had fueled violence in these places (Paris 2004a:6). Paradoxically, as Paris (2004a:6) and others have noted, the strategies employed by international peacebuilders to consolidate peace even seemed to have increased the likelihood of violence in a number of local societies.

While the many peace agreements signed since the end of the Cold War, together with liberal peacebuilding, have undoubtedly reduced the direct violence in many conflict and post-conflict societies, social and economic injustice, unaccountability for past crimes, criminality and other ills are still plaguing many of these societies, giving rise to what Lederach (1999:30) calls the justice gap in peacebuilding. All the critique against liberal peacebuilding has now created a situation where its very legitimacy is being called into question (See, for example, Richmond & Franks 2009:204, Pugh 2005, Donais 2012:30).

## 2.2 Introducing just peace

The very basic idea behind just peace is that justice and peace are somehow interrelated. At first glance, there appears to be nothing intrinsically problematic or contradictory about that, because it has long been argued in the peacebuilding literature that there is a connection between conflict and injustice as well as between peace and justice (See, for example, Hoppe 2007:71, Mani 2002:5). According to Rama Mani (2002:5), restoring justice after conflict means re-linking peace and justice again after they have been torn apart by the conflict. Thomas Hoppe (2007:71) argues that “peace is put at risk where justice is violated - and where peace is lost, conditions of deep injustice will soon prevail.” The use of the term “just” in just peace should therefore not be seen as arbitrary because it serves to measure the stability and ethical quality of a political order; for example how far it aims to develop and uphold conditions of life in which basic demands of justice are realized (Hoppe 2007:71).

Just peace and the relationship between peace and justice more widely are highly significant in many contemporary conflicts, not solely because of gross human rights violations, but also because of the fact that many people in conflict and post-conflict societies feel that they have been subjected to injustices of different kinds: political, economic, social etc. (Aggestam & Björkdahl 2013). This is perhaps particularly a problem in the Middle East, where Palestinians and other Arabs feel that they have been subjected to injustices of nearly epic proportions, which in turn has led to victimization and a strong quest for justice. Just before he died in 2003, Edward Said wrote that

Palestine has become a kind of touchstone for Arab opinion everywhere. It represents the injustice of the ruler towards the ruled, whether it's Israelis ruling Palestinians or Palestinians ruling Palestinians, using the Palestinian Authority against Palestinian citizens in the territories occupied by Israel or people rebelling against unjust authority and delegitimized regimes in Morocco or Egypt, all of which are supported by the United States. (Said 2003:59)

Israelis of course also feel victimized, but the tradition in Israel has been to avoid importing issues of justice into the negotiations with the Palestinians, as it is believed in Israel that this might compromise Israeli claims and the Israelis' own notions of justice.

Just peace and issues of justice more widely are therefore seen as a barrier to peace by many in Israel, even among those to the left (See, for example Beilin 2008:148, Bar-Siman-Tov 2009:15). As the examples from the Israeli-Palestinian conflict illustrate, the overriding problem with just peace is that there are different conceptions of what constitutes a just peace. This is particularly a problem in intractable conflicts where the different sides have fundamentally different perceptions of historical injustices (Aggestam 2013:36). Since different groups involved in conflicts will inevitably have different views of what is a just peace, the challenge, for the conflicting parties themselves and for international third parties, is to find ways forward that are perceived to be just by all parties (Dower 2009:140). This in turn leads to tensions related to the efforts of linking justice to peace and the ongoing debate in the literature about the desirability of peace versus justice.

## 2.3 The peace versus justice debate

As Yaacov Bar-Siman-Tov (2009:8) and others have noted, the efforts to link justice to peace are not new. For example, the Bible recalls in Psalm 85:10 that “[m]ercy and truth have met each other: justice and peace have kissed.” Another well-known example is Article 2 of the UN Charter, which emphasizes that “[a]ll Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” (UN Charter, Art. 2)

In the peacebuilding literature there has long been a debate about peace versus justice. The argument is often made that both of them are necessary, but that only one is possible, at the expense of the other – either there will be peace or justice (See, for example, Zartman 2005a:1, Jeong 2005:168, Rigby 2001:12, Mallinder 2007:208). As a consequence, the quest for both peace and justice in conflict and post-conflict societies is often elusive for several reasons, most notably because of the disruptive potential that the inclusion of aspects of justice may have in the peace processes. This is mainly because of the likely resistance from those who will be negatively affected by measures to restore justice, a problem that seems to be especially true in cases where justice needs to be imposed on members of the former regimes, rather than negotiated. In Latin America, for example, the quest for justice in the countries emerging from military dictatorships was compromised by the threat of military coups. Outgoing military regimes passed amnesty laws to indemnify themselves and the argument was that without an amnesty the military regimes would not hand over power. It was also argued that this process of neglecting accountability created conditions in which the rule of law could not be upheld. Consequently, this led many Latin American countries to situations where the population had some form of negative peace but no justice (Jeong 2005:168-169). Another such case is the conflict in the former Yugoslavia, where it has been argued that the quest for justice, particularly from outside third parties, significantly prolonged the war (Fixdal 2012:6).

In some conflicts, this quest for justice is at the very heart of the struggle. The issue of the Palestinian refugees is perhaps the best example of this (Said 2003). In other conflicts, demands for justice are less strong. Mozambique is one of the countries where the population has little desire to dig up the past, because people are already exhausted by war and fear (Schiff 2008:35). Although some countries, like post-Franco Spain, have succeeded in creating a collective amnesia by drawing a thick line between past and present, the quest for some form of justice seems to be the preferred path in many conflict or post-conflict societies (Jeong 2005:163). Mary Fitzduff (2002:141) has noted that just peace agreements are indeed rare and she argues that most agreements are a mixture of pragmatism and politics, often acceptable only because the continuation of war is a worse alternative.

The problem of striving for both justice and peace is by no means easy, but it is certainly not impossible to overcome. Justice, according to William Zartman (2005a:6), is liberty, dignity and human rights; in other words, end

values for which one fights, but so long as the fight continues, there can be no peace. The fighting therefore has to come to an end in order to create the necessary conditions for achieving justice. This means that peace must be reached first, but not in a way that precludes justice. However, according to Zartman (2005b:297), while immediate peace must precede justice and is a precondition for it, there are two sides to this relationship. The implication is that peace comes first but that it contains the promise of justice.

As Chandra Sriram (2010:1), Cecilia Albin (2009:581) and others have noted, the choice is seldom simply between peace and justice, but rather between a complex mix of both. Justice issues in peacebuilding have clearly experienced an upswing since the end of Cold War, as reflected by the explosion of various transitional justice measures in conflict and post-conflict societies since the end of the Cold War. While these measures often fall short of people's expectations, they have at least identified the need to fill the justice gap in peacebuilding and for the peace to be more just. The use of the term just peace implies a clear recognition that both peace and justice are important in peace processes and that both should be striven for. As such, the concept challenges the liberal peacebuilding paradigm, which has dominated peacebuilding since the end of the Cold War and neglected justice aspects in peace processes. The concept of just peace can thus act as a bridge between peace and justice and help to fill the justice gap that is currently plaguing the practice of liberal peacebuilding.

## 2.4 Just peace versus other types of peace

As Richmond (2005:15) has correctly noted, peace is a term surrounded by "a tyranny of multiple terminologies". Colloquially, among policy-makers, and even in academia, it is often defined negatively as the absence of war and personal violence. Defining peace negatively is problematic, not least since it is often defined differently and more subjectively by actors involved in violent conflicts and by societies emerging from them (Gawerc 2006:438). In order to broaden the term, Johan Galtung (1969) was the first to differentiate between negative aspects of peace, meaning the absence of personal violence and positive aspects of peace, meaning the absence of structural violence. According to Galtung, (1969:171) "when one husband

beats his wife there is a clear case of personal violence, but when one million husbands keep one million wives in ignorance there is structural violence.”

Galtung’s typology of positive versus negative peace is by far the most influential in the peacebuilding literature and serves as a point of reference for almost every discussion of the nature of peace that one finds in the academic literature (See, for example, Sandole 2007, Allan 2006, Barash & Webel 2002, Martinez-Gusman 2006, Kacowicz & Bar-Siman-Tov 2000). His notion of positive peace is often considered to be morally best and the most idealistic form of peace, whereas what he defines as negative peace is regarded as the least desirable form of peace. In addition to Galtung’s notion of positive and negative peace, a whole range of terms are used in the peacebuilding literature to describe various forms of peace, including stable peace, durable peace, comprehensive peace, sustainable peace, lasting peace, secure peace, cold peace, warm peace, genuine peace, just peace; the list of different terms is almost infinite. As these various forms of peace are often only loosely defined, if defined at all, and are used interchangeably, they give rise to considerable confusion in the literature, not least about how they differ from each other. What is clear is that the peacebuilding literature in many regards suffers from what Cordula Reimann (2000:2) calls a “jungle of conceptual and definitional imprecision”.

Even if it can seldom be expected, if even desirable, that researchers across the academic spectra will agree upon a common definition of a specific term, it is not the definitional imprecision, as such, that is most problematic here, so much as the plurality of terms being used. Sometimes it is not at all clear how they differ from each other. That applies, for example, as regards the notions of durable peace, lasting peace and sustainable peace, which seem largely to resemble each other (See, for example, Wagner 2003, Lake & Rothchild 2005, Wallensteen, Melander & Högbladh 2013). On the other hand, there are clear differences between notions of stable peace and just peace. Anchored in political realism, stable peace is defined according to two basic dimensions: a cognitive and a temporal. The cognitive dimension implies a joint understanding that war is unthinkable as an instrument for resolving conflicts, whereas the temporal dimension refers to the longevity of the peace (Kacowicz & Bar-Siman-Tov 2000:12). While the main point of stable peace is that political and other types of conflicts are resolved without resorting to military means, or threats of using them, it is important to emphasize that in terms of conflicts, stable peace is far from utopian (Kacowicz & Bar-Siman-Tov 2000:18). According to Kacowicz and Bar-



Siman-Tov (2000:11,33), stable peace is an ongoing and dynamic process, rather than a single situation, and it cannot be seen as resulting from a single cause or condition. While there are clear cognitive and intersubjective dimensions in stable peace, they are based on trust and not on justice (Hyde-Price 2000:259, Kacowicz 2000:216). Notions of just peace or justice more widely have no explicit role in stable peace, although Kacowicz & Bar-Siman-Tov (2000:25) acknowledge that the mutual satisfaction of the stable peace is “directly related to a subjective (and intersubjective) sense of fairness, justice, and reciprocity in reaching peace.”

Just peace has much in common with Kacowicz & Bar-Siman-Tov’s notion of stable peace. In my view, both just peace and stable peace are ongoing, transformative and intersubjective processes, rather than a single situation. Stable peace also shares with just peace the attribute that neither of them can be seen as resulting from a single predominant cause or condition. Instead, they can both occur in many different settings as the result of a number of interrelated factors. According to Allan (2008:115), the main difference lies in the strong emphasis on justice in just peace. In a just peace, the peace order is seen not only as natural or normal as in stable peace, but as just. Because of this, just peace is morally superior to stable peace, argues Allan (2008:115). Consequently, just peace must be considered more idealistic than stable peace. On the other hand, while just peace certainly is a demanding form of peace in terms of the concessions it requires and its ethical quality as such, it is less demanding than positive peace, which makes global claims towards redistributive justice (Allan 2008:117-118, Aggestam & Björkdahl 2013:1).

In contrast to positive peace, just peace is more locally constructed and applies to those who are directly involved in it (Allan 2008:118). This is indeed one of the key advantages of just peace, because what happens when peace is not intersubjectively constructed and not perceived as just on the local level can be seen today in places like Egypt, where large segments of the population regard the peace treaty with Israel as illegitimate. The main argument put forward here by the Muslim Brotherhood and other critics of the agreement is that the Egyptian people were not party to the agreement (Khoury 2012). The 1979 Egyptian-Israeli peace treaty, which was the result of the implementation of the 1978 Camp David Accords, is a clear example of an agreement that is widely perceived as just in one part of the world: the West, including Israel; and equally widely perceived as unjust in another part of the world: the Arab and the Muslim world.

As in all other forms of peacebuilding, there are a number of different supporting roles for third parties to play in order to enhance just peace. Approving or guaranteeing the solutions found are two of them. Third parties can also try to contribute to the process by promoting new norms and codes of conduct in areas like human rights and in other issues of concern (Little 2008:166).

However, there are also concerns with just peace. Avishai Margalit (2010:9), for example, has argued that just peace might be too ambitious a concept, even an enemy of just a peace, in line with the cliché that the best is the enemy of the good. As Yossi Beilin (2008) and others have argued, the concept of just peace includes many of the dilemmas related to the justice versus peace debate, such as that one individual's justice might not be another individual's justice. In one conflict, the rights of refugees might be the key issue, in another it might be truth commissions, in a third minority rights and autonomy etc. This means, as was mentioned above, that in the end what is a just peace can vary from conflict to conflict and from individual to individual.

## 2.5 Is a just peace more durable?

It appears to be an indisputable fact that an unfortunately high number of violent conflicts lapse back into violence after they were supposedly solved, although the exact percentage is not clear due to divergences in the research findings. This is mainly because of definition problems over what should be characterized as the recurrence of an old conflict as opposed to the outbreak of a new one. For example, if Israel reaches an agreement with the PA and Hamas sabotages it, there appears to be no consensus on whether this should be seen as a new conflict or as the continuation of an old one. However, according to Charles Call and Elizabeth Cousens (2007:5), most researchers put the figure of renewed conflicts somewhere between one-fifth and one-third.

There seems to be a strong but yet unproven argument in the peacebuilding literature that a just peace is likely to be more durable than other types of peace (See, for example, Dower 2009:140, Bar-Siman-Tov 2009:4, Roberts 2008:59, Little 2008:166, Allan & Keller 2008a:209). Theoretically, it makes sense to argue that if a peace is perceived to be just

by large sections of society, it should have better chance to be durable, but since there is no consensus on what constitutes a just peace or which peace agreements can be considered just, it is hard, if not impossible, for quantitative researchers to probe whether a just peace is actually more durable than other types of peace. Quantitative researchers who study durable peace have nevertheless begun to show an increasing interest in justice variables in their research, such as national courts, amnesty arrangements, criminal justice, prisoner releases, international tribunals etc. (See, for example Wallensteen, Melander & Högladh 2013, Virjamuri 2007, Bell & O'Rourke 2010). While many of these variables address aspects of accountability, reflecting a clear upswing for these issues since the end of the Cold War, they do not, and cannot, address the crucial question of what just peace means in a specific context and whether or not the population perceive the peace as just (See, for example, Mack 2005:155, Wallensteen, Melander & Högladh 2013).

## 2.6 Four approaches to just peace

While just peace is much talked about, it has, with a few notable exceptions, been very little studied (see Allan & Keller 2008a, Aggestam & Björkdahl 2013, Philpott 2012, Fixdal 2012). The term just peace is also strikingly absent from many of the most important works on peacebuilding (See, for example, Paris 2004a, Murithi 2008, Galtung 1996, Wallensteen 2006, Bercovitch, Kremenyuk & Zartman 2008, Ramsbotham, Woodhouse & Miall 2011). In other key works on peacebuilding, the term just peace is used once or twice in the whole book without being defined and without any direct meaning (See, for example, Jarstad & Sisk 2008, Reyhler & Paffenholz 2000, Webel & Galtung 2009). In addition, there are also books, book chapters and articles, that use just peace in the title, often in connection with just war, without really elaborating further on it within the texts themselves (See, for example, Chesterman 2003, Kaldor 2007).

In the wider peacebuilding literature, there are currently only four books that deal extensively with just peace (Allan & Keller 2008a, Aggestam & Björkdahl 2013, Philpott 2012, Fixdal 2012). Some work has also been done on just peace in the Christian theology literature (See, for example, the United Methodist Council of Bishops 1986) and in the just war

literature (See, for example, Walzer 2006a, Wheeler 2007, Orend 2000). Despite the scarcity of academic work on just peace, it is still possible to distinguish four different approaches to the conceptualization and study of just peace: the Christian theology approach, where just peace is based on various Biblical principles or other criteria from Christian theology; the just war-just peace approach emanating from the literature on just war where just peace is regarded as a set of criteria similar to the criteria that exist for just war; the strategic peacebuilding approach to just peace; and finally, the intersubjective approach to just peace where just peace is based on an intersubjective understanding between the parties involved.

### 2.6.1 The Christian theology approach to just peace

A plurality of references to peace and justice and how the two are interrelated can be found in the Bible, in the works of the early Church Fathers, and in Christian theology more widely (For references to peace and justice in the Bible, See, for example, Psalm 85:10, Isaiah 32:17, James 3:18). One of the best-known Church Fathers, Saint Augustine, used the term just peace explicitly and distinguished it from unjust peace. In his book *City of God*, Saint Augustine wrote

He, then, who prefers what is right to what is wrong, and what is well-ordered to what is perverted, sees that the peace of unjust men is not worthy to be called peace in comparison with the peace of the just. (Saint Augustine 426/2009:514)

Just peace has continued to be used by Christian theologians since the time of the early Church Fathers and onwards. For example, the former Pope, John Paul II, often used Psalm 85:10, which is about how justice and peace have kissed, in his speeches on peace (See, for example, John Paul II 1980). Another former Pope, Paul VI, was well known for the statement that “if you want peace, work for justice.” (Paul VI 1972) More recently, at a big church conference in Syria in 2010, the theme of the conference was *Orthodox Contribution to a Theology of Just Peace: Developing the Principles of Just Peace*. One of the key questions asked at the conference was: “If peace cannot be understood in the absence of justice, then what does “just peace” mean?” (The Greek Orthodox Patriarchate of Antioch and the All East 2010:5)

With few exceptions, such as the literature on just war which has clear Christian roots, the Christian theology literature on just peace and the more mainstream peacebuilding literature on just peace seem to be two parallel tracks with few overlaps and cross-references. In Christian theology literature, as in other literatures where just peace is mentioned, it is rarely defined or dealt with more thoroughly beyond sloganeering. An exception is the United Methodist Council of Bishops which tried to formulate a provisional list of guiding principles for a theology of just peace regarding nuclear weapons during the Cold War. The principles, which were very broad and general, were strongly influenced by Christian theology. For example, the first principle read

Perfect peace is beyond human power; it is that grace that is the whole of God's love in action. For Christians, that grace is ultimately the gift of God through Jesus Christ. (The United Methodist Council of Bishops 1986:36-37)

While the Bishops' principles are often cited in Christian theology literature, it is unclear what impact, if any, they have had outside the Christian literature. It is also unclear what receptiveness these kinds of Christian principles enjoy in contemporary conflicts, most of which take place outside the Christian world and include non-Christian combatants.

### 2.6.2 The just war approach to just peace<sup>3</sup>

In the literature on just war, many theorists see just war and just peace as part of the same continuum (See, for example Walzer 2006a:4, Wheeler 2007:284, Orend 2000:128). As Michael Walzer (2006a:4) has argued, "[i]mplicit in the theory of just war is a theory of just peace." At the same time, it is striking how little attention has been paid by just war scholars to notions of just peace; for example, it is not dealt with at all in many of the

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<sup>3</sup> The just war tradition/theory relies on a predefined and generally agreed-upon set of criteria for *jus ad bellum* and *jus in bello*. For *jus ad bellum*, the criteria are legitimate authority, just cause, right intention, reasonable hope for success, proportionality, and war as a last resort (Maesse 2003a). For *jus in bello*, the criteria are discrimination/non-combatant immunity and proportionality in warfare (Maesse 2003b).

most important works on just war, including Walzer's (2006b) *Just and Unjust Wars* and Jean Bethke Elshtain's (2004) *Just war against Terror*. Likewise, it is also striking, as Karin Aggestam and Annika Björkdahl (2013:3) have noted, how little debate there is either in academia or elsewhere about just and unjust peace compared to just and unjust wars, even if there seems to be an increased recognition in the just war literature of the importance of developing the concept of just peace (See, for example, Kaldor 2007).

In contrast to the notion of just war which has a clear, generally agreed set of criteria for *jus ad bellum* (the justice of war) and *jus in bello* (justice in war), no similar agreed set of criteria is available when it comes to just peace (Roberts 2008:82). Most negotiation theorists would also emphasize that there is no single universal criterion of justice by which negotiated peace agreements can be judged (Rubin 2002:108). However, there have been initial attempts by just war theorists, primarily by Brian Orend (2000:128) and to a lesser extent by Andrew Rigby (2005:198) and by Charles Kegley and Gregory Raymond (2004:49), to develop a set of criteria for just peace and *jus post bellum* (justice after war), similar to those that exist for just war. Orend (2000:128-129) has listed five principles for *jus post bellum*:

1. Just cause for termination – meaning that a state has to seek a just termination to the war.
2. Right intention – meaning that a state must intend to carry out the process of terminating the war without seeking revenge and in line with *jus in bello*.
3. Public declaration and legitimate authority – meaning that a legitimate authority must proclaim the terms of the peace publicly.
4. Discrimination – meaning that in setting the terms of peace, the victorious state must differentiate between the political, military and civilian population when employing punitive measures.
5. Proportionality – meaning that the terms of peace must be proportional to the end of reasonable rights vindication. Draconian punishment must be avoided.

However, this approach has not gained general acceptance, most likely because just peace and notions of justice in conflicts are considered to be

highly subjective and therefore interpreted differently by various constituencies. At this stage, there is no generally agreed-upon set of criteria for *jus post bellum* as there are for *jus ad bellum* and *jus in bello*, which of course limits its applicability.

### 2.6.3 The strategic peacebuilding approach to justpeace

Originally developed by John Paul Lederach, one of the pioneers in the field of peacebuilding, and his colleague Lisa Schirch, the strategic peacebuilding approach to justpeace has been adopted by a number of well-known researchers, such as Daniel Philpott. The strategic peacebuilding approach to justpeace is based on five principles: it is comprehensive, interdependent, architectonic, sustainable and integrative (Lederach & Appleby 2010:40-41).

As the strategic peacebuilding approach to justpeace depends on a wide array of actors and activities at all levels of society, it evinces holism, which is also its most quintessential characteristic, according to Philpott (2010:9). Its end goal is a justpeace, which according to Lederach and Scott Appleby is

a dynamic state of affairs in which the reduction of violence and management of violence and the achievement of social and economic justice are undertaken as mutual, reinforcing dimensions of constructive change (Lederach & Appleby 2010:23).

As Lederach and Appleby's definition of justpeace indicates, the strategic peacebuilding approach builds heavily on change and on conflict transformation processes (Lederach & Appleby 2010:23, Schirch 2004:45). The main contribution of the strategic peacebuilding approach to the literature on just peace is Lederach's concept of the justice gap, which emerges after the fighting is over, when people's expectations of social, economic, religious and cultural change are not met (Lederach 1999:30). In line with much of the other literature on just peace, the strategic peacebuilding approach to justpeace recognizes that a peace without justice is unlikely to be sustainable (Schirch 2004:17). In order to highlight the need to focus more on the justice gap in peacebuilding, Lederach and his colleagues write justpeace in one word (Lederach & Appleby 2010:42).

The problem, however, with the strategic peacebuilding approach to justpeace is that it is holistic to the point where it loses focus on justpeace

and on justice issues more widely. It takes in so many other concepts, processes and strategies that overshadow the end goal of a just peace and the important justice gap in peacebuilding. An additional problem with the approach is that it pays insufficient attention to the highly subjective nature of justice in peacebuilding.

#### 2.6.4 The intersubjective approach to just peace

Nigel Dower (2009:140) argues that the importance of linking justice to peace is not merely that a just peace is more likely to be durable, but that such a peace is more valuable in its own right. A peace that is not just might not be worth much, or even worth settling for at all, according to Dower. However, as mentioned above, the problem with just peace is that its subjective and highly emotional nature inevitably leads to different views of what constitutes a just peace. Therefore, the real challenge in conflict and post-conflict societies is to find common ways forward. This is what the intersubjective approach tries to do. Pierre Allan and Alexis Keller (2008a:195) see just peace as a language-oriented process that is based on four principles or conventions: thin recognition, thick recognition, renouncement, and common rule. These are prerequisites for a just peace as well as concrete steps to realize it, as they can be adjusted to the prevailing circumstances in a conflict.

It is important to note that unlike in the Christian theology approach or the just war-just peace approach, these four principles describe an intersubjective process and not simply a set of criteria. Allan and Keller (2008a:209) are very clear that a just peace cannot be defined according to abstract criteria and that it could only exist when the adversaries have settled the conflict in common. Justice, according to Allan (2008:117), is therefore “what the parties decree it is, by having found an agreement among them.”

Allan and Keller’s first principle, thin recognition, means simple recognition of the other side as an autonomous actor with a particular identity, history, culture, and language. Thin recognition is about accepting the other as the key party for solving the conflict, but it does not imply any deeper recognition of the other. Nevertheless, the principle of thin recognition is the first step towards resolving conflicts and thus a fundamental aspect of just peace (Allan & Keller 2008a:197). Thick recognition, the second principle, is a much more comprehensive term than



thin recognition and means that each party needs to understand the fundamental characteristics of the other's identity. This deepened understanding is needed in order to be able to see the situation as it appears from the other's perspective (Allan & Keller 2008a:199). Political leaders are in general keenly aware of their own concern for justice, while at the same time they can be insensitive to the role of justice for their enemies (Keller 2008:20). What is needed here is mutual empathy and an intersubjective consensus of what each side needs. Identities therefore become the crucial aspect in this part of the process. Despite their undeniable rigidity, identities are negotiable and potentially changeable. As identities are largely constructed out of real experiences, they can be redefined as historical circumstances change or when new leaders emerge. There is thus always room for maneuver in a group's self-definition, especially with regard to the definition of group boundaries and the priorities among elements of a group's identity. At the heart of the principle of thick recognition is a comprehensive understanding of the core identity of the other that fully implies the acceptance of the humanity of the other (Allan & Keller 2008a:199).

Thick recognition must be allowed to take root in society in order to replace destructive relations with more peaceful ones (Strömbom 2010:211). It is important to note that in this process of finding a common ground between identities, it is quite as important to understand oneself as it is to understand the other (Allan & Keller 2008a:200). The third principle of the intersubjective approach is renunciation, which is understood as concessions and compromises that are necessary for establishing a just peace. Since just peace cannot be had on the cheap, some symbols, positions or advantages have to be sacrificed. There should be no doubt that just peace demands painful concessions from those involved. Apart from the division of territory, sovereignty and power, overriding symbolic factors often mark negotiations. The parties initially consider these non-negotiable, but compromise-driven peace approaches are about relinquishing dreams, a tough but inevitable price of just peace, according to Allan and Keller (2008a:201-202).

Rule constitutes the fourth and final principle. Just peace cannot only be in the minds of people; it has to be shown in the open, in the public sphere. For a just peace to be durable it requires explicit rules of agreement, acceptable behavior and objective yardsticks; allowing all parties involved, including outside observers or guarantors to endorse the solution found. In a

just peace, the rule between the parties will have to be grounded in law as a mean of guaranteeing an objective approach (Allan & Keller 2008a:203-204). Based on these four principles, Allan (2008:115) defines just peace “as stable peace with justice.”

## 2.7 Just peace and legitimacy

Allan and Keller’s intersubjective approach to just peace does not deal explicitly with the question of legitimacy. Maybe that is because it is a contradiction in terms to think of a just peace that does not have legitimacy. But as Adam Roberts, one of the contributors to Allan and Keller’s edited volume on just peace has argued, during the process of establishing a just peace, ideas of what is just or unjust may depend more on perceptions of legitimacy than on elements of justice (Roberts 2008:60). Like just peace, legitimacy is an elusive concept. As Roberts (2008:60) has correctly noted, “[l]egitimacy is as difficult to define as it is important to discuss.” According to the *Oxford Dictionary of English* (2012) legitimacy simply means “conformity to the law or to rules.” This understanding of legitimacy is in line with typical political science definitions of legitimacy, which see legitimacy as the belief that an institution ought to be obeyed (See, for example, Hurd 1999:381, Cottrell 2009:217, Papagianni 2008:49). For some, typically legal experts, legitimacy is equivalent to legal validity. Many dispute this, however, by arguing that disagreements about legitimacy concern not merely what one is legally entitled to do or to have, but whether the law itself is justifiable and what moral principles lay behind it (Beetham 1991:4). This tension between legal and moral arguments has been clearly visible over the past decade in discussions about legitimacy when it comes to the use of military force (See, for example, Armstrong, Farrell & Manguashca 2005).

At its core, legitimacy thus concerns both the right to rule, the rightfulness in the exercise of rule and the rightness in the ends of rule (See, for example, Barnard 2001:26, Coicaud 2002:10). This means that legitimacy is often studied as a relational concept, as someone necessarily needs to be convinced by the claims of legitimacy (See, for example, Barnard 2001:30, Ahrnens 2007:96, Hurd 1999:381). As such, it has been studied in a variety of academic disciplines: political science, sociology and

political anthropology. The sociological study of legitimacy, pioneered by Max Weber, focuses on the rightfulness aspects of legitimacy in connection with notions of consent: how people regard the exercise of rule as rightful, not out of coercion or selfishness, but out of consent (See, for example, Weber 1964:122, Gilley 2009:3, Coicaud 2002:2). For Pierre Bourdieu, legitimacy meant the power to naturalize the social order (Bourdieu 1991:53, see also Coicaud 2002:51, Thompson 1991:23). According to Morris Zelditch (2001:40), “legitimacy is always a matter of accepting that something is right.” Political anthropologists, on the other hand, have studied variations in legitimacy over time in different societies, thus emphasizing the different temporal and spatial aspects of the concept (Gilley 2009:32).

Legitimacy clearly is something that needs to be dynamically maintained as it above all comes into question when it is threatened (Alfonso & Escalona 2004:xi, Barnard 2001:26). This processual character of legitimacy paves the way for exploring it in specific contexts by using a social constructivist approach, as demonstrated by Anette Ahrrens (2007:32) and Isabel Alfonso and Julio Escalona (2004:xii) in their respective works.

According to Joseph Nye (2007:177), power and legitimacy not only complement each other, but legitimacy is also a source of power. The greater legitimacy an actor has, the easier it will be to persuade others to cooperate with its policies (Barnett 2011:157). Legitimacy is thus a central component in Nye’s concept of soft power (Nye 2007:177). Third parties that want to contribute to the establishment of a just peace must therefore have legitimacy, both for themselves and their actions. The legitimacy of actors and their acts are not always connected (cf. Berdal 2009:98). The U.S., for example, did not enjoy great legitimacy in the Muslim world in the middle of the 2000s, but its actions to relieve the tsunami victims in Indonesia in late 2004 did. According to Daniel Serwer and Patricia Thomson, there is no magic formula for a third party to acquire and preserve legitimacy in peacebuilding, but some ingredients of legitimacy are clear: concurrence by as broad a spectrum of the international community as possible, respect from a broad cross-section of the local population, proper behavior by the intervening peacebuilders on the ground in the local societies, and fair treatment of all segments of the society emerging from conflict (Serwer & Thomson 2007:384). As one of the main problems of liberal peacebuilding has been its lack of legitimacy, the focus on just peace and legitimacy can mitigate some of the ills of liberal peacebuilding and help to bridge what

Lederach and others have called the justice gap in peacebuilding (Lederach 1999:30, Lederach & Appleby 2010:42).

## 2.8 Conclusions

While many certainly share the goal of justice after war, there is no agreement on what justice after war means. Neither is there, as Mona Fixdal (2012:7) has noted, any clear conception among scholars of what a just peace is. This, I believe, is the primary reason why scholars so far have failed to develop a meaningful theory of just peace similar to the theory of just war. In this chapter, I have identified four different approaches to the study of just peace: the Christian theology approach, the just war-just peace approach, the strategic peacebuilding approach to justpeace, and the intersubjective approach to just peace. Like Allan and Keller with their intersubjective approach to just peace, I find it erroneous to define just peace according to a certain set of criteria. The strength of the intersubjective approach is that it recognizes diversity in the understanding of what constitutes a just peace, which might not be the same in all conflicts. But Allan and Keller's intersubjective approach is based on an understanding between the conflicting parties, whereas I deal with an outside third party. Allan and Keller's intersubjective approach to just peace has nonetheless inspired my thinking and contributed to my decision to treat just peace as an object of study rather than as an analytical concept in the empirical analysis.



# 3 Statebuilding as an approach to peacebuilding

“State-building is one of the most important issues for the world community because weak or failed states are the source of many of the world’s most serious problems, from poverty to AIDS to drugs to terrorism.”

Francis Fukuyama (2004:ix)

The concept of statebuilding has clearly experienced a renaissance over the past decade or two. Before that, there had for a long time been surprisingly little interest in the international relations of the state. Indeed, as Peter Evans, Dietrich Rueschemeyer & Theda Skocpol (1985:vii) note on the first page of their seminal *Bringing the state back in*, the term “state” was rarely used when they wrote their book in 1985. Oddly as it seems in the post 9/11-world, many international relations scholars contended that “the state is dead” when John Hobson (2000:1) wrote *The State and International Relations* in 2000.

While 9/11 and the subsequent “War on terrorism” clearly played major roles in revitalizing the importance of the state in international relations, other events contributed too. During the 1970s and 1980s, and particularly after 1989, a global shift towards liberal democracy took place around the world along with liberal market-oriented reforms. By the mid-1990s, almost the entire world had adopted the fundamental elements of a market economy, including Communist states such as China and Vietnam (Paris 2004a:21). At the turn of the millennium, the mixed record of implementing these liberal economic policies manifested itself clearly in the form of violent street protests, both in the developing world and in Western cities like Seattle, Prague, Gothenburg, Genoa, to name a few. This led a number of scholars to begin to argue that strong states with strong institutions were

in fact needed to stabilize developing societies (See, for example, Fukuyama 2004:5, Paris 2004a:7, Cunliffe 2007:56).

The mixed record of implementing liberal policies, primarily liberal economic policies, outside the West is one of two reasons why statebuilding as an approach to peacebuilding has gained so much traction. The other is the failed states-debate that broke through after 9/11. The 9/11 attacks had proved that even the strongest state, the U.S., could be attacked from the weakest, Afghanistan (Rubin 2008:27). In the following year, 2002, the *National Security Strategy of the United States of America* concluded that “America is now threatened less by conquering states than we are by failing ones.” (National Security Strategy of the United States of America 2002) The long wars the US and other Western states fought in Afghanistan and Iraq during the first decade of the 2000s only served further to reinforce the argument for the necessity of legitimate and capable states. The same can be said about developments in Bosnia and in the Israeli-Palestinian conflict, where it also became increasingly clear how important the statebuilding process was for the peace processes in these two places (Chandler 2010:5).

As the realization emerged that there is no substitute for legitimate and capable states in international relations, the building or rebuilding of state institutions became a sine qua non for world peace (Rød-Larsen 2008:vii). Consequently, since the end of the Cold War and particularly after 9/11, statebuilding has developed into an integral part of, and even a specific approach to, peacebuilding by the international community, including by the EU (Paris & Sisk 2009:1). The results of using this approach have so far been mixed, and in many places, such as in the Balkans, Afghanistan and Iraq, the high expectations have not been met (Paris 2004a:6, Beidas, Granderson & Neild 2007:105, Call 2007a:396).

While observers across the political and academic spectra came to see statebuilding as a decisive tool for a more peaceful world, it has become almost a panacea for curing all the world’s ills: global insecurity, international criminality, misrule, poverty, underdevelopment, war and terrorism (Chandler 2010:5, Ghani & Lockhart 2008:23, Fukuyama 2004:ix). Again, the logic of this thinking was, in the words of Ashraf Ghani and Claire Lockhart (2008:23), that “[n]o international police or army can substitute for a combination of well-ordered markets and states that have legitimized themselves in the eyes of their populaces.” Or as *The Economist* (2009) put it: “Everybody agrees that more effective government around the world is desirable”.

Theoretically, statebuilding should support the consolidation of peace in conflict and post-conflict societies in a number of ways: by enhancing mechanisms like justice systems, policing systems etc. for security and conflict resolution, by creating frameworks where people can express their preferences and resolve their conflicts, by providing public goods, and by building state capacity so that international troops can start to withdraw. All these factors point to a complementary relationship between statebuilding and peacebuilding (Call 2008a:13).

### 3.1 Different concepts, same challenges

While statebuilding as an approach to peacebuilding is a relatively new invention, which has gained prominence only over the past decade or two, it is important to note that the term statebuilding is not new. On the contrary, statebuilding in various forms and shapes has been going on for hundreds of years. As in many other academic literatures, and as was earlier the case in the peacebuilding literature, there is a tyranny of analogous concepts surrounding the concept of statebuilding. This is particularly so in literature written before 2001, where statebuilding competes with analogous terms such as state formation, state making, state creation, state capacity and state consolidation. In literature written after 2001 it is clear that statebuilding is the key concept without any serious competition from analogous terms (See, for example, Call 2008a, Fukuyama 2004, Paris & Sisk 2009, Chandler 2007a). Therefore it is fair to say that statebuilding as a concept has seen a remarkable renaissance in the past decade or two. In older literature, it is particularly the term state formation that has a prominent place in works by giants in the field such as Charles Tilly (1993:20) and Hendrik Spruyt (1994:86).

In all the literature on statebuilding, state formation and the related concepts, there is a profound recognition that it grew out of European and later Western civilization, which in turn has raised questions of how appropriate the European/Western concept of a state is for societies with fundamentally different types of political systems (Holsti 1996:203, Fukuyama 2004:104). Indeed, there is a strong argument in the literature that the Western concept of a state is ill-suited to many societies around the world and that this model has not worked out well for many of these



societies (Holsti 1996:203, Badie 2000:57-58, Buzan 2009:136). On the other hand, if this model does not work, then what is the alternative to the Western concept of a state? This is the crucial question critical theorists of various kinds have a hard time to answer.

In Europe, war and state formation were intimately connected and the literature suggests that this will be the case in other parts of the world as well, however hard it might be to fathom in today's world (Hosti 1996:204). But recent developments in new states such as Kosovo and South Sudan, and want-to-be states like the Palestinian territories seem to confirm the violent nature of statebuilding. This intimate connection between war and statebuilding deserve notice, as it sometimes seems to have been forgotten in policy-making circles and in the public debate. As Fukuyama argues

People in the West conveniently forget how violent their own processes of state-formation were. Europe went from being made up of more than three-hundred sovereign entities at the end of the Middle Ages to containing fewer than thirty sovereign nation-states on the eve of the First World War. This involved several centuries of virtually continuous violence. (Fukuyama 2007:12)

Another strong argument made in the statebuilding literature regarding the ex-colonial world is that the start significantly impacts the rest of the statebuilding process. Early mistakes by international third parties, however well-meant, often become permanent features (Robinson 1997:198, Sisk 2009:196-197). It is often pointed out in the statebuilding literature that one of the main challenges for contemporary failed states is that they contain numerous communities, whether political, religious, ethnic or others, and that the statebuilding enterprise requires what Kalevi Holsti (1996:125) calls the "taming" of groups. What is less well known, but indicated in the remark by Fukuyama quoted above, is that large parts of Medieval Europe looked much the same with different political, religious and ethnic communities living next to each other, and sometimes on top of each other. In the European context, the term taming of groups for the statebuilding enterprise sounds like Orwellian newspeak for what to a large extent actually was war, genocide and expulsion. As the historian Tony Judt puts it

For forty years after World War Two Europeans in both halves of Europe lived in hermetic national enclaves where surviving religious or ethnic minorities – the Jews in France, for example – represented a tiny percentage of the population at large and were thoroughly integrated into its cultural and political mainstream....Since 1989 it has become clearer than it was before just how much the stability of post-war Europe rested upon the accomplishments of Josef Stalin and Adolf Hitler. Between them, and assisted by wartime collaborators, the dictators blasted flat the demographic heath upon which the foundations of a new and less complicated continent were then laid. (Judt 2007:9)

Since most authors, including many of the above-mentioned, rarely provide clear definitions of either state formation or statebuilding, it is sometimes hard to distinguish exactly what is meant by either term. According to Charles Call (2008a:5), statebuilding is “actions undertaken by international or national actors to establish, reform or strengthen the institutions of the state and their relation to society.” In a similar way, Fukuyama (2004:ix) defines statebuilding as “the creation of new government institutions and the strengthening of existing ones.” A clear difference between statebuilding as an approach to peacebuilding and historical forms of state formation is that the former now takes place in a globalized world where there seems to be less and less tolerance of war, genocide and expulsion. Hobbes, Locke and other great theorists of the state wrote at a time when states lived in relative isolation, which is not the case today (Holsti 1996:99).

In basically all books that deal with state formation, the authors, particularly Tilly (1993) and Huntington (1968), argue that there was a close relation between war and the rise of the state (See also Holsti 1996:204, Tilly 1985:183, Spruyt 1994:84). According to Huntington (1968:123), “war was the great stimulus to state building” and Tilly’s (1975:42) most famous remark is that “war made the state, and the state made war.” The time perspective of statebuilding as an approach to peacebuilding is also far shorter than what characterized historic European state formation. Just think about the hundreds of years it took France to become the France we think of today (Holsti 1996:59). Then compare that to the Palestinian Prime Minister Salam Fayyad’s two-year working plan *Ending the Occupation, Establishing the State*, or the plans to build up Iraq and Afghanistan (PNA 2009). Statebuilding in these places has been going on for a decade or two, and the international community has been complaining all along that it takes too long and that not enough progress is being made. Statebuilding as an

approach to peacebuilding emerged to a large extent as a cure to the acute problem of failed states, which naturally gave it a short-term perspective and a revolutionary character, whereas historical state formation was more evolutionary in character with long-term perspectives and with less clearly defined goals.

### 3.2 The relation between statebuilding and peacebuilding

For many years, the peacebuilding literature neglected statebuilding and focused instead on conflict resolution through negotiated peace agreements between the conflicting parties (Paris & Sisk 2009:7). This has clearly changed over the last two decades since the end of the Cold War. According to Call (2008b:384), in the light of the relatively high number of conflicts reverting to violence after an agreement has been reached, the peacebuilding literature has come to realize that peace agreements are midpoints rather than endpoints in the peace process. Like peacebuilding, statebuilding is no longer something that happens only after violent conflicts (Chandler 2010:1). While statebuilding as an approach to peacebuilding now plays crucial roles during the entire peace process (both before and after peace agreements have been signed, and sometimes even before conflicts break out in the first place) it is still, to a large extent, a technocratic post-conflict strategy.

Inherent in both peacebuilding and its statebuilding approach is, as has been mentioned, a liberal, right-based worldview (Chandler 2010:2). Consequently, as has been noted by several contributors to the statebuilding literature, the purpose of statebuilding as an approach to peacebuilding is not only to transform societies into more efficient sovereign states, but also to transform them into a certain kind of states; in other words, transforming societies into liberal states (See, for example, Egnell & Haldén 2010:432, Bell & Evans 2010:363).

It is important to emphasize that while statebuilding and peacebuilding complement each other, they are two different concepts with different objectives. There is a clear difference in values and emphasis between statebuilding and peacebuilding; the latter was defined earlier as “actions

undertaken by international or national actors to consolidate or institutionalize peace.” (Call 2008a:5) According to Call (2008a:13), the end goal of statebuilding is to create self-sustaining, legitimate and effective states, whereas the end goal of peacebuilding is to create self-sustaining and durable peace. This means, as Paris and Sisk (2009:14) have noted, that statebuilding must be considered a sub-component or more precisely, as I will treat it in the present study, a specific approach to peacebuilding.

There is a danger in using statebuilding as a panacea for all kinds of peacebuilding, because some of the fundamental causes of international conflicts, such as territorial disputes, lack of recognition, religious claims, ethnic rivalries etc., are often not rooted in, or cured by, the need for statebuilding. So while statebuilding and peacebuilding overlap and complement each other, they can also pull in different directions, as Rex Brynen (2008) has noted. On the one hand, issues of statebuilding, like the lengthy and costly building/rebuilding of institutions can be trumped or simply rushed over if the imperatives of peacebuilding are considered more pressing (Brynen 2008:231). Call (2008b:378) calls this “the external preference for peace over improved state performance”. On the other hand, statebuilding can sometimes be used as an “easy road” for peacebuilding, in which aid and technical assistance replace the more challenging path of driving the conflicting parties toward a political solution (Brynen 2008:241). By pursuing the easy road of aid and technical assistance, international third parties can claim that they are supporting peace processes while not engaging the parties in the sensitive political issues underlying the conflict. Anne Le More (2008:84) has called this phenomenon “aid instead of politics”.

As both peacebuilding and statebuilding are deeply political processes, they inevitably create winners and losers, which in turn can lead to new conflicts and do harm to local societies (Call 2008b:366, Aggestam and Björkdahl 2013:11).

### 3.3 Critique against the statebuilding approach

Mirroring the critique against peacebuilding, the critique against statebuilding as an approach to peacebuilding has been both comprehensive and multifaceted, ranging from allegations that the approach is a new form

of neo-colonialism/neo-imperialism aiming to exploit vulnerable societies, to less severe allegations that it fosters a culture of dependency (See, for example, Richmond 2005, Paris & Sisk 2009:11, Jahn 2008:222). The critique is warranted from the standpoint that the past record of employing statebuilding as an approach to peacebuilding is mixed (Paris & Sisk 2009:11). The critics can make a strong argument, as Chandler (2008:2) and others have done, that statebuilding as an approach to peacebuilding is about “how the West can statebuild the Rest.” Romanticization of the Western model, naturalization of Western development, homogenization of countries in transition and linkage between economic and political development are other types of related criticism in the literature (Jahn 2008:222).

As Allan and Keller (2008c:1) point out, the cultural neutrality of liberalism makes it very hard for liberal peacebuilding and its statebuilding approach to solve such conflicts as civil wars which are typically characterized by fundamental disagreements between different communities. Consequently, the critics have clear arguments in that there is a need for statebuilding as an approach to peacebuilding to be more context-sensitive and to put greater emphasis on social justice, deliberative processes and local ownership. It should, however, be noted that none of these points, except for a strong emphasis on social justice, is contrary to liberalism (Björkdahl, Richmond & Kappler 2009, Berdal 2009:19, Barnett 2006). Again, while much of the criticism noted above is warranted, it is equally important to point out, as Paris (2010:349) has done, that the current paradigm of statebuilding as an approach to peacebuilding cannot be said to be about efforts to extract wealth from local societies. On the contrary, as Paris notes (2010:349), the predominant flow of resources has been in the opposite direction, from international actors to local societies.

While the critique of liberal peacebuilding and the statebuilding approach is a well-established strand in the peacebuilding literature, another critical school of thought is emerging in the literature and in policy circles in the U.S., with critics arguing that the threats from failed states are exaggerated from an international security perspective, and particularly from an American national security perspective (See, for example, Hehir 2007a, Traub 2011, Patrick 2011). As James Traub argues in *Foreign Policy*

Consider the Democratic Republic of the Congo, where some 5 million or more people have died in the wars that have convulsed the country since the mid-1990s -- the single most horrific consequence of state failure in modern times. What has been the consequence to Americans? The cost of coltan, a material mined in Congo and used in cell phones, has been extremely volatile. It's hard to think of anything else. (Traub 2011:51)

According to these critics, the world is not as interdependent as advertised. What happens in the weakest or most failed states, many of which are located in sub-Saharan Africa, is of only marginal importance for global security. "What happens in failed states often stays in failed states", argues Stewart Patrick (2011:55). An important contribution from this emerging school of thought is that *realpolitik* and national interests clearly matter in statebuilding as an approach to peacebuilding, as most international resources are directed at places of strategic importance, such as Afghanistan, Iraq, the Palestinian territories and Bosnia.

At the end of the day, despite the severe criticism directed against liberal peacebuilding and its statebuilding approach, viable alternative strategies seem to be missing, except for doing nothing (Paris 2010:357). However, letting states fail (Herbst 2003), or letting the conflicts have their "natural course" (Weinstein 2005:9), offers little hope either for local societies or for international peacebuilders. I therefore agree with Paris (2010:357) that there is so far no credible alternative to some form of liberal peacebuilding.

### 3.4 The three dimensions of statebuilding as an approach to peacebuilding

Statebuilding as an approach to peacebuilding is based on three dimensions; a security dimension where security sector reform, human rights and human security are the main components, a political dimension with democracy promotion, transitional justice, rule of law and legitimacy as the main features, and an economic dimension which focuses on economic development through marketization, liberalization, good governance and the financing of NGOs (cf. Call 2008a: 14-15, Rubin 2008:35).

As these three dimensions, which are all based on liberal ideas, are delivered together or, as the critics say, imposed on societies around the world, sequencing has proven to be difficult. According to Barnett Rubin (2008:42), there is often an interdependent relationship between the various security, political, and economy-related elements of statebuilding as an approach to peacebuilding, which makes them difficult to separate. It is, for example, possible to think of good governance in all of the three dimensions of statebuilding, even though it is mostly connected to the economic dimension. At the same time, there is a realization in the statebuilding literature as well as among practitioners that everything cannot be done at once. So in practice, some form of sequencing necessarily has to take place anyway, and security is almost always considered as the first priority. The “security first” approach is based on the widely shared recognition in the literature that without security, other tasks of statebuilding are impossible (See, for example UN 2008:11, Sisk 2009:220, Mayer-Rieckh & Duthie 2009:218). At the same time, there is an equally shared recognition that too strong a focus on security and over-concentration of resources in this sector could be harmful (Call 2008b:377, Rubin 2008:43).

Whereas historical statebuilding seemed to have followed the logic of Tilly’s (1975:42) famous remark that “war made the state, and the state made war”, the present statebuilding as an approach to peacebuilding is based on the logic that peace is made through statebuilding and that statebuilding is made through peacebuilding.

### 3.5 The security dimension

The security dimension of statebuilding as an approach to peacebuilding is widely considered to be a precondition for the political and economic dimensions, and for political and economic development more generally (See, for example, UN 2008:11, Sisk 2009:220, Mayer-Rieckh & Duthie 2009:218). The argument in the literature is that without security, other tasks of statebuilding and reconstruction are not possible (Call 2008a:14). However, it is important to note here that the security dimension of statebuilding as an approach to peacebuilding includes mostly softer security measures such as security sector reform, the promotion of human rights and

human security, all measures which are very different from projecting hard military power or waging war.

Like peacebuilding and statebuilding, the term security contains political claims about what the threats or the risks are, whose security is at stake, who is to provide security, and by what means (Rubin 2008:30, Richmond & Franks 2006:28). As Barry Buzan, Ole Weaver and Jaap de Wilde (1998:18) have noted, a security problem is always connected to perceptions of what is to be seen as a security problem, which means that discursive power is essential in questions related to security. While security, like justice, is a contested concept, it is a much less subjective and value-laden concept than justice. As Erik Jensen (2008:126) has noted, it is generally much easier to find a common understanding of security than it is to find a common understanding of justice. At the same time, the literature on security emphasizes the need to be context-specific. As there are multiple sources of insecurity, and as these change over time, no single yardstick is appropriate for every society (Call 2007b:15). Other contextual factors, such as the regional environment and the role of spoilers are also of great importance (Hänggi 2009:346).

In the last two decades since the end of the Cold War, there has been a shift in both academic and practitioner circles away from a narrower state-centric, national and military view of security to a broader focus on human security and non-military threats (See, for example, Buzan, Weaver & de Wilde 1998, Sheehan 2005:3). The shift began with the 1994 *UN Human Development Report*, which stated that

The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people. The superpowers were locked in an ideological struggle-fighting a cold war all over the world. The developing nations, having won their independence only recently, were sensitive to any real or perceived threats to their fragile national identities. Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives. For many of them, security symbolized protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards. With the dark shadows of the cold war receding, one can now see that many conflicts are within nations rather than between nations. (UNDP 1994:22)



This shift has resulted in a new security agenda that is both broader and deeper than before. The broadening of the security agenda means the inclusion of primarily non-military security threats, such as environmental scarcity and degradation, the spread of diseases, overpopulation, migration and nuclear catastrophes. The deepening of the security agenda means that there is now a growing willingness to include the security of individuals and groups, rather than just the state, which has previously been the case (Paris 2004b:259).

According to Keith Krause (2009:156), this shift from state security towards human security represents the culmination of the liberal project of statebuilding as an approach to peacebuilding. As Krause (2009:156) points out, the term human security has its roots in Enlightenment ideas about the importance of personal freedom and the rights of the individual. While the security dimension of statebuilding as an approach to peacebuilding is, like the other two dimensions, explicitly linked to liberalism, it is much less criticized than the political and the economic dimensions by those who take issue with liberal peacebuilding and its statebuilding approach (See, for example, Richmond 2005, Richmond & Franks 2009, Bhuta 2008). Why this is the case is not exactly clear, but it might be that terms like human security, human rights and security sector reform resonate better with researchers from more critical perspectives, which is where most of the harshest critics of statebuilding as an approach to peacebuilding are to be found. The generally lower profile, sometimes clandestine, nature of the security dimension might also attract less attention, and thereby less criticism than the more high-profile and visible political and economic dimensions.

### 3.5.1 Security sector reform

With overlaps to several of the other key concepts of this chapter: rule of law, good governance, human security etc., security sector reform has emerged as a distinct field since the late 1990s, covering efforts to reform the military, police, and all armed personnel, and to bring them under democratic civilian control. This is of crucial importance in the transition from conflict where various armed groups often are operating in an undemocratic manner without democratic or civilian oversight (Mani & Krause 2009:110). As many of these armed groups are non-state actors, SSR cannot be thought of solely in terms of reforming public structures.

Disarmament, Demobilization and Reintegration (DDR) of non-state armed groups is also necessary. DDR is a very important aspect of SSR because if it is done successfully it enhances the law enforcement capability of the police forces. Both demobilization and disarmament of former militias are also two powerful symbols of change in the transition from war to peace (Lia 2006:371).

However, it is important to note that almost nothing has been written in SSR literature about how to handle powerful armed groups, like Hamas and Hezbollah, which simply refuse to demobilize, disarm or integrate their security forces. All that exist in this regard are vague and unspecified phrases like it could be “difficult to carry out SSR activities” (Hänggi 2009:347), or that peacebuilders sometimes have little choice but to act “illiberally” (Paris 2004a:209).

Almost by definition, the security dimension of statebuilding as an approach to peacebuilding begins under difficult circumstances where the state often lacks the capacity to provide security and other basic services (Rubin 2008:34). The establishment and control of the means of legitimate violence is therefore considered to be the most important task for the security dimension of statebuilding as an approach to peacebuilding (Rubin 2008:34). When peace processes require security reforms or human rights protection, it is necessary simultaneously to strengthen the state, as a weak state usually cannot sustain these reforms (Call 2008a:12). A state undertaking new security reforms in conflict and post-conflict situations must therefore have legitimacy if citizens are to join the security forces and be effective in their work. The success of security sector reform is thus closely related to growing legitimacy of the state. Exemplified by the development in Iraq and Afghanistan, statebuilding as an approach to peacebuilding has encountered difficulty in creating legitimacy for the state and its security forces.

As Rubin (2008:35) has noted, the statebuilding approach includes no basis of national or local legitimacy other than legal and electoral claims, which are generally insufficient in motivating people to sacrifice their lives. The literature contains no commonly agreed upon definition of SSR, but the UN defines it as

a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law. (UN 2008:6)

Similarly, the OECD defines SSR as

all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework. (OECD 2004:20)

It is important to note that both these definitions underline the process character of SSR and imply a holistic view of the security sector (cf. Friedrich 2004:10). According to Heiner Hänggi (2009:337), SSR covers all activities aimed at effective provision of state and human security within a framework of democratic rule. In that sense, SSR is a complex social process, much like democracy, which is always ongoing and where no society will ever achieve perfection (Passia 2006:16).

While SSR covers a broad range of activities, two major categories of SSR activities can be distinguished in the literature (Mayer-Rieckh & Duthie 2009:216, Hänggi 2009:342). The first is measures aimed at reconstructing and improving the capacity of the security forces and justice institutions (which include DDR), and the second is measures aimed at strengthening civilian management and democratic oversight of the security forces and justice institutions. Both the UN (2008:11) and the OECD (2004) also stress the importance of local ownership of the SSR process. This means that in order to be successful, SSR must seek basic consensus and coordination among national actors. A key lesson identified by the UN is that the transformation of the security sector is closely linked to national goals and relationships between various institutions and groups within a country. In other words, SSR is a highly political process, often with winners and losers, and support for it by outside third parties requires both knowledge and sensitivity (UN 2008:11). Potential tensions exist between seeking consensus and striving for inclusiveness on the one hand and vetting measures aimed at excluding human rights abusers on the other hand (Affa'a Mindzie 2010:118). Armed groups naturally feel threatened by SSR efforts aimed at

undermining their status and often also their sources of income as well (Rubin 2008:37).

In the SSR literature, there is a clear tendency towards highlighting the more military aspects of SSR, which in turn has led to a neglect of criminal violence, which is the source of much insecurity in conflict and post-conflict societies. In El Salvador, South Africa and Guatemala – three of the most successful peace processes since the end of the Cold War – the worst violence came in the form of criminality when the wars had ended, after peace agreements had been signed (Call 2007b:4). As Mani (2008:7) has noted, the inability to grapple with criminal violence after transition has been a major failing of international peacebuilding, illustrating the tensions that still exist between national/state security on the one hand and human rights/human security and on the other.

### 3.5.2 Human security and human rights

The term human security is widely used today by a number of governments, international organizations and NGOs, but a common definition of the term is yet to be found (Krause 2009:150-151). As Paris (2004b:249) has noted, the definitions of human security vary, but most of them emphasize the welfare of ordinary people. The definition by the UN Commission on Human Security's is one that is often used in the literature:

To protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms—freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. (Commission on Human Security 2003:4)

Critics have been quick to point out that human security is such a vague concept that it can be applied in relation to virtually everything that causes a reduction in human well-being, which means that in the end it will be analytically meaningless (Paris 2004b:264, Sheehan 2005:105). On the other hand, those who advocate using the term have argued that the shift towards human security is not just a matter of labeling, but that it has produced results in terms of increased recognition of new problems and of resources being devoted to them (Krause 2009:152, Sheehan 2005:56).

The shift of focus away from state security towards the security of the individual or the group has highlighted the tensions that sometimes exist between state security on the one hand and human security/human rights on the other, where the former, historically, has often jeopardized the latter two. The main tension lies in that the state is needed in order to promote and protect human security/human rights, while at the same time, the state is diagnosed as the source of much human insecurity (Krause 2009:154). In defense of the state-centric security paradigm, political realists argue that an expanded security agenda will lead to a loss of focus and that a restricted meaning of security is necessary (See, for example, Walt 1991:213).

While the term human security still lacks a more precise definition, it has undoubtedly changed the focus of the security agenda by showing that a state-centric view of security is no longer sufficient (Buzan 2009:34, Kerr 2010:121). As Krause (2009:155) has noted, issues related to human security – such as security sector reform, protection of civilians, and regulation of weapons – were completely absent from the security agenda a few decades ago.

### 3.6 The political dimension

Besides the early focus on security, about which there is little disagreement, the other major issue with regard to sequencing in the statebuilding process lies in the political dimension, where there is a debate about whether, when, and how to hold elections in conflict and post-conflict societies. The experience from several cases over the past two decades has demonstrated that holding elections without pre-arranged power-sharing pacts and institutions capable of upholding them, can undermine rather than help the statebuilding process (Paris & Sisk 2009:2, Reilly 2008:157). A UN report on the rule of law and transitional justice in conflict and post-conflict societies from 2004 summed up the problems of holding premature elections

Premature elections can bring about only cosmetic electoral democracies, at best. In many cases, elections held in nonpermissive security conditions exclude the meaningful participation of key groups, while exposing people to undue personal risk. In others, candidates and parties from the old political order, lacking a commitment to democratic principles and human rights, use premature elections to consolidate their power. At worst, they can radicalize political discourse and even lead to renewed conflict. (UN 2004:8)

Unfortunately, the Palestinian territories are one of these cases that clearly illustrate the difficulties involved in holding elections in conflict and post-conflict societies. Yet, premature elections are still sometimes encouraged by the international community, as was the case in both Afghanistan and Iraq, in order to legitimize the local leaders and, no less important, in order to legitimize the international presence. Initial elections in the conflict and early post-conflict period are perhaps particularly crucial because of the strong argument made in the statebuilding literature that path dependency matters. The failed and flawed elections in Iraq and Afghanistan have, for example, significantly impacted the statebuilding process in these countries. The same is true of the 2006 Palestinian elections.

As Benjamin Reilly (2008:159-160) and Timothy Sisk (2009:198) have noted, there could be a problem between democratic elections and peace, where the former encourage a competitive game for political power, whereas the latter encourages reconciliation. In practice, this means that the pursuit of democracy can undermine efforts to secure peace, and likewise, efforts to secure peace can undermine the meaning and quality of democracy (Sisk 2008:239). Call (2008b:376) has suggested that in order to bridge this potential gap between the competitive nature of democracy and the reconciliatory nature of peace, the principle of meritocracy must often be balanced with ethnic compromise or other types of power-sharing agreements. In this sense, merit-based selection criteria to build apolitical state institutions may not be the best. In a similar fashion, Katia Papagianni (2008:60) has suggested that the key to avoiding the destabilizing effects of elections in conflict or post-conflict societies is to reduce the cost of losing through power-sharing agreements that avoid winner-takes-all tendencies. Paris (2004a:7) has a powerful argument in that “Institutionalization before liberalization” is needed to counter the destabilizing effects of liberal reforms. This means that elections will have to be postponed until rudimentary domestic institutions have been established. Both Fukuyama

(2004) and Fareed Zakaria (2003) have in their respective works reached conclusions similar to those of Paris.

While it is clear that there is an obvious danger in holding premature elections and that it may be ideal to postpone elections for many years, practical political imperatives often demand rapid action, as Sisk (2009:217) has noted. It must be mentioned that postponing elections is also associated with clear risks, not least because it usually offers ammunition for opponents of the peace process (Papagianni 2008:60). The Palestinian territories offer an interesting case of the whole problematique surrounding elections; when to hold them, the problem of destabilizing results, the quality of democracy etc., which will be looked at in the chapter on building a Palestinian state (chapter 7).

### 3.6.1 Legitimacy

Experience in many conflict and post-conflict societies where the statebuilding approach to peacebuilding has been used, such as Iraq, Afghanistan, the Balkans and the Palestinian territories, clearly shows how difficult it has been to establish legitimacy for the statebuilding process, the third parties involved and the local rulers in particular. As democracy means rule by the people, it is difficult, as Anna Jarstad (2008:25) has pointed out, to imagine how to secure democratic legitimacy other than through elections. Consequently, despite all the well founded concerns about holding elections in conflict and post-conflict societies, elections remain an essential stage in the statebuilding process and a crucial test of legitimacy for the state (Sisk 2009:217). As was mentioned in the previous chapter, the typical political science definition of legitimacy is the belief that an institution ought to be obeyed (See, for example Hurd 1999:381, Cottrell 2009:217, Papagianni 2008:49). Such a minimalistic normative definition of legitimacy is useful in statebuilding, but it is important to emphasize that legitimacy can have broader meanings too. In statebuilding, legitimacy is related not solely to the normative belief of insiders, but also to the normative beliefs of outsiders as well, as states gain legitimacy both from domestic and international sources (Clark 2005:5, Paris & Sisk 2009:15). As Call (2008a:14) has noted, given the influence of third parties in legitimizing transitional regimes, national actors need to require legitimacy not only internally from domestic constituencies but externally from the international community as well. This

is, for example, a problem for Hamas, which has considerable domestic and regional legitimacy, but little international legitimacy, particularly in Europe and the U.S. The Palestinian Authority is in the opposite position, enjoying strong international legitimacy, while it has far less legitimacy at home.

According to Papagianni (2008:50-51), the statebuilding process is most likely to generate internal legitimacy if it is as inclusive as possible, but this can in turn affect the external legitimacy if third parties do not approve of certain groups, for example extremist parties or terror groups. It could also be difficult to assess a state's legitimacy if some state roles are performed well while others are not, or if some view the statebuilding process as legitimate while others do not. Finally, legitimacy should not be considered a fixed quantity; it is something that can be built up and shattered in any political context (Berdal 2009:98). All this applies to the Palestinian theatre, where all the parties involved, including the third parties, have some form of legitimacy problems.

### 3.6.2 Transitional justice and the rule of law

Transitional justice and the rule of law are the other two key features of the political dimension of statebuilding as an approach to peacebuilding. While both these terms have become increasingly popular over the past two decades, it is important to note that attempts at transitional justice in conflict and post-conflict societies are nothing new. As Naomi Roth-Arriaza (2006:1) has noted, war crimes trials go back at least to the fourteenth century. More modern attempts can be traced back to the aftermath of World War II with the efforts to enshrine international law in state relations (Lundy & McGovern 2008:268).

However, the term transitional justice is a relatively new invention, emerging first in the mid-1990s with reference to the transitions from authoritarian rule in Eastern Europe and Central America that began in the late 1980s (Bell 2009:7). As a concept, transitional justice became further institutionalized in major legal edifices such as the international tribunals for former Yugoslavia and Rwanda, the ICC, and other local and hybrid models (McEvoy 2007:415). One of the pioneers in the field, Ruti Teitel (2003:69), defines transitional justice as “the conception of justice associated with periods of political change”. Building on Teitel's definition, the International



Center for Transitional Justice has developed a definition of transitional justice, which has become widely adopted in the transitional justice literature

Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades. (ICTJ 2008)

According to Tricia Olsen, Leigh Payne and Andrew Reiter (2010:6), the two primary goals of transitional justice are to strengthen democracy and human rights protection. As was the case with both peacebuilding and its specific statebuilding approach, transitional justice is almost always confined to the discussion of societies in transition towards liberal democracy (Gross 2004:52). This means that transitional justice has been the subject of much of the same criticism; i.e., that it is a Western invention, that it is based on hegemonic values, that it is insensitive to local contexts etc.

While a large section of the transitional justice literature is about how to deal with the past, there is an increased recognition in the literature that transitional justice has to deal with the present and the future as much as with the past (Gross 2004:100). This creates tensions similar to those that exist in the peacebuilding literature between peace and justice, where the pursuit of one can affect the other negatively. In the transitional justice literature, a less abstract variant of the peace versus justice dilemma is the punishment versus impunity dilemma, which is about accountability/punishment/justice on the one hand and impunity/reconciliation/peace on the other (Teitel 2010:xv).

When transitional justice is focused on the present and the future rather than past, the concept of the rule of law assumes a more prominent role (Gowlland-Debbas & Pergantis 2009:322, Gross 2004:50). Rule of law refers to the principle that no one, including the state itself, is immune to the law, which further stipulates supremacy of the law, equality before the law, accountability to the law, impartiality of justice, separation of powers, participation in decision-making, legal certainty, protection of human rights and procedural and legal transparency (Affa'a Mindzie 2010:119). As the process of establishing the rule of law is both costly and lengthy, it is

sometimes considered a luxury that poor countries cannot afford in the light of more pressing needs such as feeding the hungry or providing basic health care (Olsen, Payne & Reiter 2010:63). The costs involved for poor countries in establishing the rule of law almost inevitably lead to the involvement of international third parties in the process. Efforts to establish rule of law in conflict and post-conflict societies focus primarily on creating a secure environment for the entire population and on establishing the basis for long-term development. These efforts include creating/strengthening the national justice system and related institutions; training judges, lawyers, and police; disarming militias, restoration of order and protection of human rights (Gowlland-Debbas & Pergantis 2009:322).

By its focus on security, rule of law efforts function as a bridge between the political and security aspects of statebuilding as an approach to peacebuilding where SSR, human rights and human security are main features. As was noted by the Secretary-General in a UN report on SSR

Ensuring international peace and security remains a daunting challenge for the United Nations. Despite efforts over the past 60 years, conflict and violence continue to pose a threat to Member States and peoples; freedom from fear and want remain elusive for many. Accordingly, the United Nations continues to search for effective responses to address insecurity based on its Charter. Two related central themes have emerged. The first is that security, human rights and development are interdependent and mutually reinforcing conditions for sustainable peace. The second is the recognition that these fundamental elements can be achieved only within a broad framework of the rule of law. (UN 2008:3)

Enhancing the capacity and legitimacy of various national institutions is therefore a crucial aspect of SSR.

### 3.7 The economic dimension

Although the three dimensions of statebuilding as an approach to peacebuilding are interlinked and considered to be mutually reinforcing, the economic dimension is perhaps even more associated with liberalism than the security and political dimensions. As Paris (2004a:40) has noted, the idea that economic liberalization is a remedy for violent conflict is not new. It

goes back to President Woodrow Wilson's foreign policy after World War I and further back to liberal philosophers such as Adam Smith (1776/1904) and Immanuel Kant (1795/2010). Smith (1776/1904:preface) stated that

Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism but peace, easy taxes, and a tolerable administration of justice: all the rest being brought about by the natural course of things.

In a similar way, Kant (1795/2010:27) argued idealistically in *Perpetual Peace* that “[t]he commercial spirit cannot co-exist with war, and sooner or later it takes possession of every nation.” Historically, and even until recently, economic liberalism has generally not emphasized the importance of the state, although it was well understood among classical liberal philosophers that successful market economies presupposed the rule of law (Paris 2004a:201). This has changed somewhat over the last two decades since it became increasingly clear that a strong state with strong institutions was in fact needed to counter some of the destabilizing factors in conflict and post-conflict societies, not least the liberal economic policies themselves (Robinson 2007:12). The rapid liberalization and marketization that took place during the 1980s and 1990s led to a widespread realization that liberal economic policies were not, as Paris (2004a:ix) puts it, a “miracle cure” for conflict and post-conflict societies, which in turn led to what David Chandler (2007a:51) calls the “rediscovery of the state”. The result of this realization was a move towards a greater emphasis, both among academics and practitioners, of the need for strong institutions and good governance.

### 3.7.1 Liberalization and Marketization

In the economic dimension of statebuilding as an approach to peacebuilding, liberalization involves marketization, which means the development of a viable market economy where private investors, producers and consumers can freely pursue their economic self-interest with little government intrusion (Belloni 2007:101). The global shift in the 1980s and 1990s towards liberal democracy that took place along with liberal market-oriented reforms became known as the “Washington Consensus”. The set of policies the Washington Consensus advocated can be summarized under the headings of stabilization, liberalization and opening up (Williamson & Haggard 1994:529). While these policies brought the latter two: liberalization and the

opening up of economies, stabilization proved to be much harder to achieve. In some cases, such as in Namibia and Mozambique, the transition toward liberalization and marketization was, by and large, successful, and stabilization was achieved. The same is true for the ten states in Central and Eastern Europe that joined the EU between 2004 and 2007. In various academic literatures, the EU is widely credited for having decisively contributed to stabilizing the transition toward political and economic liberalization in these countries (See, for example, Paris 2004a:26, Keukeleire & MacNaughtan 2008:256, Moravcsik 2003:85).

In many other countries, however, the same liberal economic policies did not bring about stabilization. Instead, these policies contributed to destabilization by exacerbating social tensions and increasing intra-group rivalry; in some cases reproducing the very same conditions that had historically led to violence in these countries. In Angola, Rwanda, Liberia, the former Yugoslavia, Nicaragua, El Salvador, Guatemala and elsewhere, liberal economic policies increased competition and inequality, which in turn contributed to destabilization and an increased likelihood of renewed violence, not least in the form of criminality (Paris 2004a:6, Belloni 2007:101). In his influential book *At War's End: Building Peace after Civil Conflict*, Paris (2004a:7) argued that "Institutionalization before Liberalization" was needed in order to counter the destabilizing effects of liberal reforms. While other scholars took issue with some of Paris's other arguments, few seemed to dispute the importance of building strong institutions in conflict and post-conflict societies. Paris's (2004a:7) strategy sought to minimize the destabilizing effects of liberal reforms by delaying the introduction of democratic and market-oriented reforms until rudimentary political institutions had been established. As Ho-Won Jeong (2005:11) correctly points out, Paris and those who agree with him do not reject the transformation of war-torn states into liberal market democracies, but they do have reservations about the application strategies. The core of Paris's (2004a:7) argument was that a more controlled and gradual approach to liberalization was needed combined with the immediate building of governmental institutions.

Again, the special circumstances in the Palestinian territories with statebuilding under occupation, makes it a special case. While some forms of liberalization and marketization have taken place, the Israeli occupation still puts heavy constraints on both imports and exports and other kinds of economic activity, which means that the Palestinian territories are not a

typical case of liberalization and marketization. In addition, huge inflows of donor money have also contributed to prevent the kind of destabilizing effects resulting from liberal market-oriented reforms that have been common elsewhere in conflict and post-conflict societies.

### 3.7.2 Good governance

The term good governance emerged in the 1980s and 1990s in the development literature in response partly to the problems associated with implementing liberal economic reforms in developing countries and partly as a strategy to absorb foreign aid and translate it effectively into development (Kahler 2009:287, Bhuta 2008:524). As has been mentioned earlier, in many parts of the world, democratization and liberalization had not yielded the expected positive results, instead resulting in ineffective semi-authoritarian regimes led by notoriously corrupt officials (Mani & Krause 2009:107). Consequently, the basic idea behind good governance is to replace bad governance by erasing some of the things that had made states weak and inefficient in the past, such as predatory behavior by rulers, unaccountability and unconditional aid by international donors (Robinson 2007:11, Mani & Krause 2009:107). Good governance therefore came to mean processes and institutions producing results that meet the needs of society, while making the best use of the resources at hand (UNESCAP: What is good governance?).

While the World Bank and other international actors claim that they do not seek to impose any particular form of government on developing states, good governance is strongly underpinned by liberal political and economic principles such as the rule of law, transparency, accountability, equity and inclusiveness (Paris 2004a:30, UNESCAP: What is good governance?). As Neil Robinson (2007:12) has noted, the liberal economic policies promoted by the international actors have not changed. What has changed is that they are now being legitimized through the concept of good governance, which leads Robinson to argue that this is a new form of the Washington consensus (liberal economic reforms + good governance). In the Palestinian theatre, good governance is of particular importance since the Palestinian Authority has been the recipient of enormous sums of donor money, particularly from the EU, which in turn has led to an additional set of problems, such as unhealthy dependencies, corruption, patronage and the like.

### 3.7.3 NGO financing

Related to the problems mentioned above about good governance, the financing by third parties of NGOs, international and local, is also a central part of the statebuilding process. As with many of the other key concepts mentioned in this chapter, NGOs and notions of civil society are, with a few exceptions, Western concepts, which again raise the usual question of applicability outside the West. Basically all the main international actors involved in statebuilding emphasize the importance of a vibrant NGO community and an active civil society (EEAS: The EU's work with NGOs, USAID 2009, UN and Civil Society).

As NGOs can fill many roles in society, so can the financing of them: from reconciliation and peace, to gender issues and minority rights, to democracy promotions and so on. NGOs experienced a general upswing from the mid-1980 and onwards, which was connected with the rise of liberal notions of peacebuilding and development, both of which at the time encouraged skepticism towards the state and favored other private alternatives (Spurk 2010:15). There seems to be a general consensus in various relevant literatures on peacebuilding, statebuilding as an approach to peacebuilding, civil society, development etc., that the financing of NGOs can both contribute to many praiseworthy objectives, such as reconciliation and peace, and be detrimental, either to the very same objectives, or to others (See, for example, Spurk 2010:10, Paffenholz 2010:59, Richmond & Franks 2009:13). The main problems with the financing of NGOs seem to be that donor money can corrupt local societies and create unhealthy dependencies; that many NGOs are not accountable and transparent; that NGOs tend to be elitist, have little impact and weak membership base; that the financing of NGOs can lead to competition, rivalry and even new conflicts in the affected societies (See, for example, Richmond & Franks 2009:73, Fischer 2007:17, Paffenholz 2010:59, Pickering 2007:125).

Finally, there is a strong argument in the literature that neither the financing of NGOs nor aid in general can replace political action (Le More 2008:84, Paffenholz 2010:430).

## 3.8 Conclusions

Over the past decade or two, statebuilding has developed into becoming an integral part and even a specific approach to peacebuilding by the international community. Observers across the political and academic spectra have come to see the statebuilding approach as the preferred strategy to peacebuilding in a number of high-profile conflicts, including the one between Israelis and Palestinians. The statebuilding approach to peacebuilding is based on three dimensions: a security dimension, a political dimension and an economic dimension. Of these three, security is almost always considered the first priority, as the argument in the literature is that without security, other tasks of statebuilding are not possible.

Consequently, when statebuilding as an approach to peacebuilding is employed in conflict and post-conflict societies, the first priority is to create a safe environment in order to make wider political and economic development possible. So far, the results of using the statebuilding approach to peacebuilding have been mixed, and in many places, such as in the Balkans, Afghanistan and Iraq, the initial high expectations set by the international community have not been met. The literature on statebuilding has always been very clear in that building states has historically been a violent process and the outcomes in the above-mentioned cases and many others confirm the destabilizing and often violent nature of statebuilding.

# 4 The EU as a global peace- and statebuilder

“Rebuilding societies after wars, communism or despots: that’s what Europe does well.”

*Time Magazine’s* correspondent Carla Power (2011:29)

This chapter is meant to serve as a bridge between the conceptual underpinnings of the dissertation and the empirical parts. The purpose is both to conceptualize how the EU sees the key theoretical terms of the study and to operationalize the concepts related to statebuilding as an approach to peacebuilding within the EU context.

In many ways, the European Union is one of the most successful cases of peacebuilding of all times. Indeed, as Natalie Tocci (2008:1) has pointed out, the emergence of the EC/EU was historically conceived as a peace project and, as such, it was very successful in stabilizing Western Europe after the World War II and large parts of Central and Eastern Europe after the Cold War. As a consequence, there have long been great expectations of the EU as an actor in international peacebuilding. It is still common to find academic articles, think tank papers and newspaper op-eds with titles like “Can the EU save”, “What role for the EU”, and “What can the EU contribute” (See, for example, Bouris & Reigeluth 2012, Schunemann 2009, Schmidt 2006). At the same time, it is clear that the EU has been far less successful, if successful at all, in building peace outside the Union, particularly in its Eastern and Southern neighborhoods, which include the Balkans and the Middle East.

Despite being high on rhetoric with lofty foreign policy goals, such as promoting peace, development and human rights, the achievements of the EU in these domains in its close neighborhood have been considerably lower. As the Asian intellectual Kishore Mahbubani (2008:265) and others



have noted, the EU has largely failed to establish good partnerships outside the Christian heart of Europe. A vast and still growing literature has emerged around different themes of this nature: that the EU constantly falls short of expectations (See, for example, Hill 1993); that there is a gap between rhetoric and reality in its policies (See, for example, Tocci 2005); that the Union is simply a weak and ineffective actor in foreign policy (See, for example, Hyde-Price 2008:30).

With the introduction of the Lisbon Treaty in 2009, the EU tried to close some of these gaps, but the critique against some of the new measures, such as the European External Action Service (EEAS), has so far been extensive, ranging from its lack of direction, to lack of efficiency and results (See, for example, Vogel 2012). Of course, the difficulties faced by the EEAS are symptoms of wider problems within the EU, such as the lack of will and agreement among members and poor coordination between EU institutions (Alonso 2012). While the financial crisis of 2008 and the subsequent debt problems in the Eurozone only served to reinforce the arguments of all the EU-skeptics, it is still important to point out that the EU has in fact evolved into being a much more capable actor in foreign policy since the turn of the millennium, at least compared to the EU that existed before. It now has a security strategy document; its security and defense policy was launched in 2001, and it has become more active, not least on the ground, in peacebuilding operations around the world.

## 4.1 The EU's actorness

There has long been a debate in the EU literature on how to conceptualize the EU as a political system, of which the EU as a foreign policy actor is only a small part (See, for example, Börzel 2010, Bretherton & Volger 2008, Keukeleire & MacNaughtan 2008, Hill and Smith 2005). What many would argue is the unique structure of the EU, “half state and half international organization”, as Andrew Moravcsik (2011:183) has described it, has led to subsequent debates in the EU literature over the preconditions, problems and resources of the EU.

Much of the EU literature on the EU's actorness departs from Gunnar Sjöstedt's work on the EC's actor capability in the 1970s. Sjöstedt (1977:16) defined actor capability in terms of “the capacity to behave actively and

deliberatively in relation to other actors in the international system.” Building on Sjöstedt’s work, Charlotte Bretherton and John Volger’s (2008:24) approach to the EU as an actor “under construction” was based on three dimensions: opportunity (meaning factors in the external environment which constrain or enable actorness); presence (the ability of the EU to exert influence beyond its borders); and capability (the availability of policy instruments). Bretherton and Volger’s (2008:1) most important conclusion was that the importance of the EU in international affairs was greater than anticipated, but that, at the same time, its actor capacity was limited because of its distinctive structure.

There seems to be a widespread consensus in the EU literature that this distinctive structure of the EU is the main reason for its under-performance in international affairs, because from this structure stems the lack of coherence, the lack of will, the lack of efficiency, the lack of a common identity and other typical EU problems (See, for example, Bretherton & Volger 2008:222, Smith 2008:238, Smith 2005:160). As Michael E. Smith (2005:160-161) and others have noted, the main problem for the EU in foreign policy is not the instruments in its possession, but the problems it faces when using them (i.e. lack of will, lack of coherence etc.). Some, typically political realists, would argue against this by saying that the EU cannot be a complete actor in foreign policy as long as it lacks a serious military capability (Smith 2008:11). Others, typically political liberals, would have much more positive expectations of the EU. Moravcsik (2003:85), for example, has argued that accession to the Union is “the single most powerful policy instrument for promoting peace and security in the world today”. While Moravcsik might have pushed this argument a little too far, it is clear that the Union sees itself as a force for good in international affairs. Along the lines of Moravcsik’s argument, but expressed in less stark language, the Commission stated early in the 2000s that “the enlargement of the European Union may in fact be the biggest single contribution to global sustainable development that the EU can make” (quoted in Keukeleire & MacNaughtan 2008:247).

On many occasions in the first decade of the 2000s, various EU leaders stressed the success of the EU in building peace in Europe and their desire to try to do the same in other parts of the world, particularly in those regions that border the EU (See, for example, Solana quoted in Aggestam 2008:1). The enlargements of 2004 and 2007 are by and large considered as major successes within the EU, and sometimes used as a point of reference for the

Union's policy towards other regions (Keukeleire & MacNaughtan 2008:256). On the one hand, the EU acknowledges that its model for integration is to a great extent shaped by the continent's history and other characteristics, and is therefore neither easily transferable nor necessarily appropriate for other regions (Smith 2008:79). Meanwhile, on the other hand, in the Union's efforts to build a ring of well governed states in its neighborhood, there seems to be at least an implicit recognition that what was good for the EU would also be good for its neighbors (Solingen & Ozyurt 2006:64).

In the EU literature, there is widespread agreement that the Union's leverage is severely weakened when it cannot or will not play the card of EU membership (See, for example, Bretherton & Volger 2006:137, Keukeleire & MacNaughtan 2008:255). Consequently, inability or unwillingness to offer membership of the Union is one of the reasons why the EU has had limited leverage in the Middle East, a region which presents the most serious foreign policy challenges for the EU and where the EU is considered to have been least successful (See, for example, Ginsberg 2001:147, Howorth 2007:249).

## 4.2 The structural contexts in which EU foreign and security policy is embedded

Since the EU's policies cover most, if not all, areas of global politics, the EU is embedded in many different structural contexts depending on the issues and areas at hand. When it comes to foreign and security policy, the EU is embedded in a complex global multilateral framework where it works together with the UN, NATO, the U.S., OSCE, IBRD, IMF and other actors. In regional contexts, the EU can cooperate with regional actors, such as the African Union in Africa.

This complex global multilateral framework is clearly visible in international peacebuilding where all the above-mentioned actors are highly involved. For EU peacebuilding in general and particularly in places like the Israeli-Palestinian conflict, two structural contexts stand out as being the most important: the UN system and American leadership.

#### 4.2.1 EU peacebuilding within the UN system

The EU and the UN are often considered to be natural partners in peacebuilding, given their shared values and convergent interest in promoting effective multilateralism (Gourlay 2009:1). At the heart of the EU's self-image in international affairs is a view of itself as being firmly embedded in the UN system, with international law as the guiding principle for regulating international affairs. Virtually every EU document on peacebuilding has explicit references to the UN (See, for example, Treaty of Lisbon, European Security Strategy 2003). This has been the case ever since the EC/EU took its first steps toward a common foreign and security policy with the founding of European Political Cooperation (EPC) in 1970. Many of the foreign policy efforts in EPC were directed at finding peace in the Arab-Israeli conflict and all the EPC's statements on the conflict from the 1970s and 80s include explicit references to the UN (See, for example, Bulletin of the EC 6-1971:31-33, Bulletin of the EC 10-1973:106, Bulletin of the EC 6-1977:62).

With the signing of the Maastricht Treaty in 1992, EPC was replaced by the Common Foreign and Security Policy (CFSP). This formalized EU-UN relations, as the Maastricht Treaty recognized the central role that the UN should play in EU foreign and security policy (Maastricht Treaty, Art. J2). At the beginning of the 2000s, the European Council endorsed the *EU Programme for the Prevention of Violent Conflicts*, which stated that "EU actions [in conflict prevention] will be undertaken in accordance with the principles and purposes of the UN Charter." (Council of the European Union 2001, *EU Programme for the Prevention of Violent Conflicts* 2001) Two years later, in 2003, the *European Security Strategy* further consolidated the role of the UN for the EU's foreign and security policy, stating that

The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfill its responsibilities and to act effectively, is a European priority. (*European Security Strategy* 2003:9)

*The Report on the Implementation of the European Security Strategy*, published five years later in 2008, further stated that the EU must lead the revival of the multilateral order, that the UN stands at the apex of the international system and that everything the EU has done in the field of

security is linked to UN objectives (Report on the Implementation of the European Security Strategy 2008:2). Also significant to mention in this context is that the 27 EU member states provide 38.9 per cent of the UN's Regular Budget and 41.3 per cent of the UN Peacekeeping Budget (UK Mission to the United Nations). This share is much higher than the EU's share of global GDP (in nominal terms), which in 2011 was about 25 per cent (and rapidly shrinking) (IMF 2011a).

The Lisbon Treaty used similar formulations with regard to EU-UN cooperation as the Maastricht Treaty had done 15 years earlier. On the one hand, it is clear that the EU has consciously tried to model its understanding and practice of peacebuilding on the UN system, as Simon Duke and Aurelie Courtier (2009:38) have noted. This is certainly true when it comes to the EU's rhetoric on peacebuilding. At the same time, it is also clear that it has been problematic for the EU to uphold lofty ambitions, such as respect for international law, democracy promotion and human rights, in practice. These are the areas where EU is most sensitive to accusations of hypocrisy and double standards. This is because the moral flag is raised higher here than in other areas, whereas the actual record is far less impressive. The Israeli-Palestinian conflict is perhaps the best example of where there is a gap between rhetoric and reality in the EU's policies (Tocci 2005). Pro-Palestinian activist groups around the world have, for example, on numerous occasions urged the EU to take punitive measures against Israel because of its repeated violations of human rights (See, for example, Ireland Palestine Solidarity Campaign 2011, *Palestinagrupperna i Sverige* 2010). The typical response of the EU here and in similar cases has been that it believes in dialogue and persuasion rather than in punitive measures (See, for example, the EU envoy to Israel quoted in Ahren 2013).

Even outside the Israeli-Palestinian theatre, the gaps between the EU's rhetoric and practice in the area of human rights seems to be growing to the point where observers like Richard Youngs (2010:127) now claim that "[a]uthoritarian powers around the world are now much more critical of the EU than the EU is of them."

#### 4.2.2 EU peacebuilding in the shadow of American leadership

With the exception of the security strategy, there are remarkably few references to the U.S. in EU documents on peacebuilding, or in EU

documents more generally. For example, the U.S. is not mentioned at all in the two most important EU treaties: the Maastricht Treaty and the Lisbon Treaty. This might be surprising given the absolutely central role the U.S. has played in post-war Europe and in the creation of the EC/EU itself. As Michael Smith and Rebecca Steffenson (2005:344) have noted, the U.S. was not only instrumental in the creation of the EC/EU, but in the wider management of European politics, economy and security. Moreover, post-war Western Europe and later the EC/EU quickly became a key part of the U.S.-led group of liberal democracies, and have remained so.

At the same time, while the U.S. was both a leader and an ally of the EU, it also became a rival and the “other” in some senses, creating what some scholars have called “competitive cooperation” (Smith & Steffenson 2005:344). The typical realist argument in this context is that EU integration took place under an American security umbrella (Sinai 2001:23). Several hundred thousand U.S. soldiers were stationed in post-war Western Europe, as were American nuclear weapons. The implication of all this, according to realist theory, was that Western Europe could prosper economically under American protection, but that, at the same time, it was hard for these West European countries, and of course for the EC/EU, to have policies, particularly foreign and security policies, which challenged core American interests. Although it is seldom expressed so bluntly, and even if the last couple of decades have seen a progressive drawdown of American troops in Europe, much of the realist thinking still applies to the EU’s foreign and security policy today. As the think tank the European Council on Foreign Relations (ECFR) expressed it in a 2010 report on European foreign policy: “Europeans mostly want American protection under NATO and they get it – but they are dependent and subordinate actors in their own security.” (ECFR 2011:67) The EU’s security strategy stated that there “should be an effective and balanced partnership with the USA” and that this was one of the reasons for the EU to build up its capabilities (European Security Strategy 2003:13).

While there are few references in EU peacebuilding documents to the U.S., out in the field there is considerably greater coordination between the EU and the U.S. (ECPR 2011:69-70). The traditional division of labor between the EU and the U.S. in peacebuilding has been that the U.S. takes overall political and military responsibility, while the EU is expected to pay a large proportion of the costs (Bretherton & Volger 2008:20). This has been particularly true in the two places where EU has been most active in peacebuilding: the Balkans and the Israeli-Palestinian conflict.

## 4.3 The EU and peacebuilding

While there is no explicit mention of the term peacebuilding in the most important EU treaties or in the Union's security strategy, it is a term increasingly found in EU documents. It is now frequently used by the Council, the Commission, the European External Action Service, EU delegations around the world and the EU's High Representative for Foreign Affairs, Catherine Ashton (See, for example, Council of the European Union 2008, EEAS The EU's Peace-building Partnership, Ashton 2010a). As Duke and Courtier (2009:9) have noted, there is no precise definition of peacebuilding in the EU context. Instead, as is the case with other organizations like the UN, the OECD and the World Bank, the EU tends to use peacebuilding as a vague umbrella term for activities that include conflict prevention, crisis management, conflict resolution and post-conflict stabilization. On the one hand, the use of the term peacebuilding by the EU will inevitably create expectations of EU peacebuilding, but at the same time, keeping the term vague will mean that most of what the EU does in its foreign and security policy can even so be related to peacebuilding in one way or the other; from development and cooperation, to aid and trade, to human rights, to non-proliferation and disarmament etc.

The EU's holistic view of peacebuilding, across a continuum from pre-conflict to post-conflict measures, is clearly evident in the Commission's Peace-building Partnership (PbP), which was established to develop the capacity of local partners to respond to crisis situations worldwide

The Peace-building Partnership envisages building the capacities of relevant organizations in pre-crisis situations, for instance to develop early-warning systems, to provide mediation and reconciliation services and to address inter-community tensions. It also addresses measures for improving post-conflict and post-disaster recovery. (EEAS: The EU's Peace-building Partnership)

It is also well recognized in the EU literature that EU peacebuilding cannot be considered in isolation from other actors in international politics, primarily the UN and the U.S. (See, for example, Duke & Courtier 2009:10, Keukeleire & MacNaughtan 2008:32).

### 4.3.1 The EU and peace

The Lisbon Treaty explicitly states in Article 2:1 that “[t]he Union’s aim is to promote peace, its values and the well-being of its peoples.” (Treaty of Lisbon, Art. 2:1) The treaty further states that the EU

shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter. (Treaty of Lisbon, Art. 2:5)

Previous EU treaties such as the Maastricht Treaty had used similar language. In the Maastricht Treaty, it was stated that one of the objectives of the EU’s foreign and security policy was “to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter” (Maastricht Treaty, Art. J2). Neither in the Lisbon Treaty nor in previous treaties is the EU’s notion of peace explicitly connected to academic conceptualizations of peace, but it is nonetheless clear, as the passages quoted above indicate, that the EU sees peace as something rather more than the absence of violence. Moreover, the Maastricht Treaty, the Lisbon Treaty and the Union’s 2003 security strategy all acknowledge the crucial role of the UN in international relations and that the EU undertakes to cooperate closely with the UN to preserve peace (Treaty of Lisbon, Art. 10A, European Security Strategy 2003). The strengthening of the UN is thus considered a priority for the EU (European Security Strategy 2003:9).

In the Lisbon Treaty and the security strategy, as well as in other EU documents, it is clear that the Union’s notion of peace and peacebuilding has clear legalistic underpinnings. Both the Lisbon Treaty and the security strategy explicitly state that the EU is committed to strictly observe and develop international law (Treaty of Lisbon, Art. 2:5, European Security Strategy 2003:9). While it is, as mentioned, commonplace to find references in EU documents to how the Union is to work side by side with the UN to preserve peace, it is considerably harder to find similar references in the treaties to the EU working together with the U.S. for the same purpose, even though the security strategy acknowledges that the EU and the U.S., if working together, can be a formidable force for good in the world (European Security Strategy 2003:13).



While it is sometimes hard to distinguish precisely what are the EU's core interests, values or prioritized areas in peacebuilding, most of its CSDP missions have taken place in either the Union's eastern or southern neighborhood, which suggests that these are the prioritized regions for the EU when it comes to peacebuilding. The Lisbon Treaty tends to support this interpretation, stating that

The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation. (Treaty of Lisbon, Art. 7A)

The security strategy is more explicit than many other EU documents in formulating the challenges and threats the EU is facing, as well as its strategic objectives. One of the key policy elements in the security strategy is to "promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations." (European Security Strategy 2003:8) In the security strategy, resolution of the Israeli-Palestinian conflict is considered as "a strategic priority for Europe" and as the key to deal with other problems in the Middle East (European Security Strategy 2003:8).

#### 4.3.2 The EU and just peace

As was mentioned in methodology part of this dissertation, I found very few EU references to just peace in conflicts other than that between Israel and the Palestinians. Why it is the case that almost all EU references to just peace have to do with the Israeli-Palestinian conflict is not clear, but it might simply be that after every incident in the Israeli-Palestinian conflict the EU routinely issues statements, in more or less standardized language that calls for a just peace. It is also likely that this particular conflict generates far more EU statements than other conflicts. But this still does not explain why the EU calls for a just peace in this particular conflict and not in others. Part of the explanation why the term just peace is used by the EU in this conflict might be that historically the EU has tried to balance Israel and the U.S. by supporting the Palestinians who are the weaker party in the conflict and who feel that they have been subjected to epic injustices by Israel, the U.S. and the former European colonial powers.

By using terms like just peace, the EC/EU adopted a rights and justice-based narrative that in effect supported the Palestinians, since they put a much stronger emphasis on justice than do the Israelis. This rights and justice-based narrative is also in line with the EU's legalistic approach to international law and the UN system. For example, it is important to note that basically all EC/EU statements that call for a just peace in the Israel-Palestinian conflict simultaneously call for the implementation of UNSC resolutions 242 and 338 (See, for example, Bulletin of the EC 6-1971:31-33, Bulletin of the EC 10-1973:106, Bulletin of the EC 6-1977:62). Finally, the fact that the EU has used just peace for over four decades in this conflict might also support the argument that path dependency matters here.

## 4.4 Normative power Europe

The idea of the EU as a normative power can often be traced back to François Duchêne who argued in the early 1970s that Europe was a different kind of power, relying on political and economic means rather than on military ones. Duchêne's (1973:19) conceptualization of Europe as a civilian power was picked up by Manners (2002) three decades later in his seminal article on Normative power Europe (NPE). While Duchêne had focused on the economic dimension of Europe as a civilian power, Manners was more interested in its normative aspects. Manners defined normative power as "the ability to define what passes as 'normal' in world politics." (Manners 2002:236) Just as Duchêne's ideas of Europe as a civilian power had reflected the Cold War milieu of the 1970s, Manners' normative power approach was a reflection of the post-Cold War era (Diez & Manners 2007:173).

In his 2002 article, Manners argued that the Union had gradually developed a normative framework based on certain values that it tries to promote in its foreign policies. He identified five such core values: peace, liberty, democracy, human rights and the rule of law (Manners 2002:242). While "Normative power Europe" is a term used mostly in the academic EU literature, it has also been clearly connected to the previously mentioned and more policy-relevant idea of the EU as a force for good in international affairs (Aggestam 2008:1, Bicchi 2006, Niemann & De Wekker 2010:4). NPE in its various shapes and forms (sometimes referred to as "Ethical

power Europe”) immediately sparked a wide debate in the EU literature that is still going on (See, for example, Nicolaïdis & Howse, 2002, Diez 2005, Youngs 2004, Pace 2007a, Manners 2008, Whitman 2011).

Many have taken issue with Manners, either because they have rejected the idea of NPE completely or because they have been quick to stress the challenges and paradoxes associated with being a normative power in international affairs. Leading the critics at one end of the divide were realists, like Adrian Hyde-Price, who pointed out the dangers of NPE. Hyde-Price (2008:29) argued that the pursuit of a normative foreign policy would either leave the EU as a weak and ineffective actor unable to further the shared interests of its member states, or lead it to embark upon unrealistic and dangerous moral crusades. Hyde-Price and other realists also disputed the very existence of the normative aspects underlying the EU’s collective milieu shaping. In their opinion, the EU derived its influence not from “what it is”, as Manners (2002:252) and others had argued, but from “what it does” (Hyde-Price 2008:31). “Whatever transformative power the EU has wielded”, wrote Hyde-Price, “is based on its economic clout, the fear of exclusion from its markets and the promise of future membership - all very tangible sources of hard power.” (Hyde-Price 2008:31)

At the other end of the divide were theorists from more critical perspectives, who argued that concepts like NPE were about imposing the latest version of neo-colonialism/neo-imperialism on people who did not want or need these values (Merlingen & Ostrauskaite 2006:142, see also Sjørnsen 2006:249). These critics believed that NPE reduced local agency and subjected local orders to the EU’s normativizing universalist pretensions (Merlingen 2007:435, 449).

Between the realists and critical theorists were critics who argued that NPE had more to do with internal than external policies, and more to do with the construction of the EU’s self-identity than with the projection of particular norms (Sjørnsen 2006:235, Diez 2005, Diez & Pace 2011:210). In addition, scholars from outside the EU were quick to point out that there was a big gap between how Europeans perceived NPE and how outsiders perceived it (See, for example, Harpaz & Shamis 2010:580, Pardo & Peters 2010:115). The Arab Spring of 2011 clearly accentuated this gap as all the years of close relations with dictators like Tunisia’s Ben Ali and Egypt’s Hosni Mubarak have arguably weakened NPE and the EU’s claims to be a force for good in the region, even leading the European Commissioner for

Enlargement and European Neighbourhood Policy, Stefan Füle to say that “[w]e must show humility about the past.” (quoted in Power 2011:29)

## 4.5 The EU as a norm exporter

In the light of the decades of close relations with authoritarian rulers in the Middle East and North Africa, it is hard to see the EU as a normative power, at least in the Middle East. Energy and trade are other examples where the EU’s policies are arguably generally guided by *realpolitik* rather than by normative values. As Chris Bickerton (2011:25) has noted, the whole idea of the EU as a normative power is crystallized around the question of legitimacy. So while the EU cannot be said to be a normative power in line with Manners’ conception of Normative power Europe, it is still by far the largest bloc of liberal democracies in the world, which gives it a certain kind of legitimacy in many aspects of international affairs even if it does things that go against Manners ideas of how a normative power should behave. When the EU does things that are meant to influence other actors, it acts as a form of norm exporter, meaning an actor that is committed to promoting particular ideas that will change the existing normative context and alter the behavior of others in the direction of the new norm (cf. Björkdahl 2002:46). As Marta Finnemore & Kathryn Sikkink (1998:896) have noted, “[n]orms do not appear out of thin air; they are actively built by agents having strong notions about appropriate or desirable behavior in their community.” Norm exporters are crucial to the emergence of new norms because they call attention to issues or even “create” issues by using language that name, interpret, and dramatize them (Finnemore & Sikkink 1998:897). Treating the EU as a norm exporter is a well established practice in the EU literature (See, for example, Elgström & Smith 2006:xiv, Sicurelli 2010:1, Laatikainen 2013:482) and among policymakers who see the EU as a “force for good” (cf. Pace 2007b:659).

## 4.6 The EU and the statebuilding approach to peacebuilding

Even if the EU, in the words of David Chandler (2010:94) and others in the statebuilding literature, is widely seen to be a statebuilding institution *par excellence*, the term statebuilding is with some notable exceptions not very common in EU documents or in the academic literature on the EU. The exceptions mainly relate to statebuilding in Central Europe after the Cold War, where the EU did play a crucial role, to statebuilding in the Balkans where the EU is playing a central role today, and to statebuilding in the West Bank where the EU is a big actor in more technical and economic matters, but much less so in the overall diplomacy (See, for example, Knaus & Cox 2005:39, Hehir 2007b:134, Solana & Ferrero-Waldner 2007). In addition, it is also possible to find the term statebuilding being used in EU documents in other conflicts where the EU is not very active, such as Iraq, Afghanistan, Yemen and some places in Africa (See, for example, Council of the European Union 2009b, Solana 2009a, European Commission 2010b).

But overall, the term statebuilding is not very common in the general EU context; it is not used at all in the most important EU documents, such as the Maastricht Treaty, the Lisbon Treaty and the security strategy. It may be that it is sensitive for the EU to use the term statebuilding in places that are not considered to be in conflict or post-conflict, as the use of the term might imply neo-colonial connotations. For example, if the EU were to state that it aimed to embark on statebuilding in places like Egypt and Algeria, it might not be well received in these states given the long history of European colonial domination and exploitation there.

At the same time, while not explicitly using the term statebuilding, building functioning states in its neighborhood is precisely what the EU tries to do, or at least it is what the EU says it is doing. Here, there are two types of critical arguments put forward against the EU: the first is represented by Chandler (2007b) who says that the EU is hegemonic and tries to impose its values on other societies, and the second is represented by Cronin (2011) who says that the EU is not genuinely interested in spreading liberal values to other societies, because of geo-political considerations, powerful business interests etc. In the EU's rhetoric however, there is a strong emphasis on the importance of statebuilding, even if the term is not always explicitly used.

In the mid-90s, the EU launched the Euro-Mediterranean Partnership (also known as the Barcelona Process), which had a multilateral character, and aimed, among other things “at creating a common area of peace and stability underpinned by sustainable development, rule of law, democracy and human rights.” (Euro-Mediterranean Partnership) Since little in terms of peace and stability came out of the EMP, it was followed up a decade later, in 2004, by the European Neighbourhood Policy (ENP), which was a bilateral initiative between the EU and individual neighboring countries.

While it is unusual to find the term statebuilding in ENP documents, with the exception of the Palestinian territories, it was nevertheless clear that ENP, and its predecessor the EMP, was about EU statebuilding in its neighborhood. For example, most aspects of statebuilding as an approach to peacebuilding are visible in the following passage from the Commission’s strategy paper on the ENP

The level of the EU’s ambition in developing links with each partner through the ENP will take into account the extent to which common values are effectively shared. The Action Plans will contain a number of priorities intended to strengthen commitment to these values. These include strengthening democracy and the rule of law, the reform of the judiciary and the fight against corruption and organised crime; respect of human rights and fundamental freedoms, including freedom of media and expression, rights of minorities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment; support for the development of civil society; and co-operation with the International Criminal Court. (European Commission 2004:13)

Moreover, it was likewise clear that statebuilding, although not used as a term, was a central aspect of the EU’s security strategy, published a year earlier in 2003, which stated that

The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order. (European Security Strategy 2003:10)

So while the EU often does not use the term statebuilding, it is clear that much of what the EU does in its foreign and security policy is, in fact, related to statebuilding. Indeed, it is fair to say that the wider international trend where statebuilding has become a specific approach to peacebuilding is visible in EU peacebuilding as well, as indicated by the quotes above.

The remaining part of this chapter will deal with the EU and the statebuilding approach to peacebuilding: how the EU conceptualizes the key theoretical concepts of the statebuilding approach and also how it more precisely operationalizes these concepts. For practical reasons and in order to be consistent, the structure of the rest of this chapter follows the structure of the previous chapter on statebuilding, which had three dimensions: a security, a political and an economic dimension. As was mentioned in the previous chapter, there is often an interdependent relationship between the three dimensions and clear overlaps exist between them, for example when it comes to good governance, which is important in all the three dimensions of statebuilding, even though it is mostly connected to the economic dimension.

The interdependent relationship between the various security, political and economic-related elements of statebuilding as an approach to peacebuilding can also be seen in many EU documents where one often finds overlaps between the EU's understanding of democracy, which typically includes references to human rights; and, conversely, its understanding of human rights typically includes references to democracy. As the Council concluded in 2009 in *The EU Agenda for Action on Democracy Support in EU External Relations*:

Human rights and democracy are inextricably connected. Only in a democracy can individuals fully realize their human rights; only when human rights are respected can democracy flourish. (Council of the European Union 2009c:Annex)

A similar relationship exists between rule of law and good governance and between SSR and human security/human rights, where it is hard to think of one without the other. In other words, rule of law appears to be a precondition for good governance and it is likewise hard to think of good governance without rule of law. The same can be said about the components of the security dimension: SSR, human security and human rights, which are also closely connected to each other.

As a multifaceted international actor, the EU is active in all three dimensions of statebuilding as an approach to peacebuilding. It is active as a security actor, although it is still considered to be very weak in this capacity. It is also active in the political sphere where democracy promotion, transitional justice, legitimacy and rule of law are the main components. In its capacities as the world's largest trade bloc and biggest donor, the EU is of course also active in the economic dimension of statebuilding, which focuses on economic development through marketization, liberalization, good governance and the financing of NGOs. As the rest of this chapter builds largely on various EU documents, it is to a certain extent a self-image of the EU that is presented. How this self-image of the EU as a statebuilder then corresponds to the work that the EU has done in the Palestinian territories is something I look into in chapters 6 and 7, which deal with the Palestinian statebuilding process.

## 4.7 The EU and the security dimension of statebuilding

The emergence of the EU as a security actor over the past two decades since the end of the Cold War has taken place simultaneously with the emergence of new definitions of the security concept itself. During this period, the concept of security was both deepened and broadened, resulting in the inclusion of new subjects for security as well as new threats. Security has a prominent place in the Lisbon Treaty, where it is mentioned no less than 184 times (Treaty of Lisbon).

The *European Security Strategy*, published two years after the 9/11 attacks, was heavily influenced by the global terrorist threat, which came to symbolize the period between 9/11 and the invasion of Iraq. In the security strategy, the EU outlined three strategic objectives: addressing the threats, fostering security in its neighborhood, and contributing to an international order based on effective multilateralism (European Security Strategy 2003). As Sven Biscop (2005:1) and others have noted, this new recognition of the increasingly complicated nature of security fits well into the EU's self-image as a complex, multilateral and holistic actor in international affairs. In fact, according to the Council's General Secretariat, the EU is uniquely placed to



bring together a wide range of civilian and/or military activities in the framework of SSR activities. The EU has, according to the Council's General Secretariat, the capacity to take a holistic approach in supporting SSR outside the Union by using its political, diplomatic, civilian and military means (Council of the European Union, General Secretariat 2005:10).

In this context, it is certainly possible to make the argument that the security landscape the EU faces has been even further complicated since the financial crisis erupted in 2008-2009 with the debt crisis in the Eurozone, mass unemployment and violent protests in several European countries. The Arab uprisings of 2011 have also contributed to further instability and uncertainty in the EU's foreign and security policy.

#### 4.7.1 Security sector reform

As the term security sector reform became popular in the early 2000s, the EU found that it had been unwittingly promoting SSR for a long time because of its efforts to support democracy, human rights, rule of law etc., of which good security sector governance was a fundamental component (Spence 2010:195). The Commission wrote in a 2006 communication to the Council and the European Parliament that the EU was currently engaged in SSR-related support in over 70 countries through both geographical and thematic programmes (European Commission 2006:6).

Many of these countries are not directly conflict or post-conflict societies and the SSR-related measures include Development Cooperation, Enlargement, the Stabilisation and Association Process, the European Neighbourhood Policy, Conflict Prevention and Crisis Management, Democracy and Human Rights, and the External Dimension of the area of Freedom, Security and Justice (European Commission 2006:3). More practically, EU support for SSR takes the form of reforming law enforcement institutions, justice institutions, and state institutions dealing with the management and oversight of the security system. The EU is also involved in a large number of activities that help to strengthen civilian control and democratic oversight of the public sector in general, which indirectly contribute to SSR (European Commission, DG for External Relations 2006:8).

In line with the academic literature on SSR, the EU sees the overall SSR process as a long-term process, even though some measures can be

short-term, and based on strong national ownership tailored to the specific needs of an individual state and its people (European Commission 2006:3, Council of the European Union 2006, Council of the European Union, General Secretariat 2005:11). When reviewing EU documents on SSR, I have not found a particular EU definition of the concept. Instead, the Council has concluded that EU action on SSR should be based on the following principles, adopted from the OECD-DAC definition on SSR:

- nationally/regionally owned participatory reform processes.
- addressing the core requirements of a well-functioning security system.
- addressing diverse security challenges facing states and their populations.
- accountability and transparency standards should be the same that apply across the public sector.
- political dialogue with each partner country.  
(Council of the European Union 2006:16-17)

Also in line with the argument made in the SSR literature that without security other tasks of statebuilding and reconstruction will not be possible, the EU's security strategy recognizes that "[s]ecurity is a precondition of development." (European Security Strategy 2003:2) Basically all EU documents on SSR stress the need for the Union to take a holistic approach to SSR (See, for example, Council of the European Union 2006, European Commission 2006, Council of the European Union, General Secretariat 2005).

One part of this holistic EU approach to SSR is the concept of Disarmament, Demobilization and Reintegration (DDR), which the EU has identified as a significant pillar of SSR in some cases. At the same time, the EU has stressed that SSR remains the primary concept here and that DDR is seen as a complement, or a specific approach, to SSR (European Commission, DG for External Relations 2006, EU Concept for support to DDR 2006:5). It is primarily a number of African countries, Liberia, Sierra Leone, Sudan and Ivory Coast, which have been the focus of the Union's DDR work (European Commission, DG for External Relations 2006).

At the same time, the CSDP mission to Aceh had a DDR component within it and there are many overlaps between the EU's SSR activities in other places and DDR. For example, the training of police officers in conflict

and post-conflict societies, which the EU sees as part of its SSR activities, is almost always about some form of reintegration into society of former irregular combatants. Some of the approximately two dozen CSDP missions launched to date have indeed taken a holistic approach to SSR. The EUPOL COPPS police mission in the West Bank, for example, covers a chain of SSR activities from police to prisons with the whole justice apparatus in between. Other CSDP missions have been more limited in scope, such as the monitoring missions in Aceh and Gaza, but all the CSDP missions launched so far have in some way been related to SSR activities, directly or indirectly.

It is also clear that they must be characterized as light security missions with relatively little risk for the personnel involved. For the really hard security missions, like deploying combat troops to the most dangerous theaters of war, such as Iraq and Afghanistan, European states have preferred to do this outside the EU framework, either under NATO or bilaterally together with the U.S. This pattern was repeated in the 2011 intervention in Libya. All this of course underscores the well-known weaknesses of the EU as a hard military actor.

#### 4.7.2 Human security and human rights

Human security is another such concept that is increasingly being used by the EU. The Commission has stated that security should not be limited to the security of the state or of a particular regime. Instead, it should include both the internal and external security of a state as well as of its people (European Commission 2006:4). A study group reporting to the EU's former High Representative for the Common Foreign and Security Policy, Javier Solana, even suggested that the EU "should build its security policy on a 'human security doctrine', aimed at protecting individuals through law-enforcement with the occasional use of force" (quoted in Solana 2004).

So far, this has not happened, but in the foreword to the Commission's publication *The European Union Furthering Human Rights and Democracy across the Globe*, published in 2007, former Commissioner for the EU's external relations, Benita Ferrero-Waldner, wrote that human security is now central in the EU's work to promote democracy and human rights. Human security in the words of Ferrero-Waldner means "looking at the comprehensive security of people, not the security of states, encompassing

both freedom from fear and freedom from want.” (European Commission 2007a:3)

Arguably, the concept of human security with its focus away from state security towards security of the individual resonates well with the EU’s self-image as a worldwide promoter of human rights and democracy. More than anything else, human rights together with democracy are at the heart of the EU’s history, identity, stated values and foreign and security policy, and the Union never misses a chance to say so. In dozens, if not hundreds of EU publications and other documents, one finds that the EU is constantly using the two terms democracy and human rights about its founding and identity as well as about the work it is doing (See, for example, Maastricht Treaty, Treaty of Lisbon, Council of the European Union 2009c).

The Council’s conclusions on *Democracy Support in the EU’s External Relations* from 2009 stated that human rights and democracy were inextricably connected. In its 2007 publication on human rights, the Commission linked human rights to peace and development and stated that without human rights neither peace nor development is possible (European Commission 2007a:5). In the same report, the Commission also stated that “democracy and human rights are par excellence issues of global concern and constitute ‘public goods’” (European Commission 2007a:21). Since 1995, the Commission has systematically included a standard “human rights and democracy clause” in all agreements, other than sectorial agreements, concluded with non-industrialized countries defining respect for human rights and democracy as an essential element underlying the bilateral relations (European Commission/Council General Secretariat 2009:30). Even in agreements with industrialized countries similar clauses have been inserted. Human rights clauses are now considered by the EU to be an “essential element” of its agreements with more than 120 countries. The aim of this is to tie human rights to other key parts of each agreement, and there is also the possibility of re-examining the agreement in the event of serious and persistent breaches of human rights (EEAS 2010:10). Moreover, “[t]he EU has made a very public commitment to protecting Human Rights Defenders, i.e. those people who expose human rights violations and seek redress for victims.” (EEAS 2010:13)

## 4.8 The EU and the political dimension of statebuilding

The EEAS wrote in its 2010 report “Human rights and democracy in the world” that “[a] commitment to human rights and democracy is at the heart of the EU.” (EEAS 2010:7) The same report also stated that the EU has a vocation to bring its values to its external relations. In its most important legal treaties: the Maastricht Treaty and the Lisbon Treaty, it is emphasized that the principles which have inspired the EU’s creation, development and enlargement, most notably democracy and human rights, are also to guide the Union’s action on the international scene (Maastricht Treaty, Art. 11, Treaty of Lisbon, Art. 10A). As the treaties and many other EU documents show, democracy and human rights are to be the core of the Union’s foreign and security policy.

The EU can employ a number of measures to promote democracy worldwide, ranging from political dialogues to more specific instruments of economic and technical cooperation. They can take either a top-down or a bottom-up approach and address a range of actors in different sectors, including democratic institution-building, helping to develop the capacity of parliaments and local government, electoral processes, monitoring, civil society programmes, information and education activities in the areas of human rights and democracy (European Commission/Council General Secretariat 2009). There is a fundamental problem, however, in that the EU, on the one hand, has democracy promotion as the pinnacle of its foreign and security policy, while at the same time it “recognizes that democracy cannot be imposed from the outside.” (Council of the European Union 2009c) This creates a delicate balancing between outside intervention and local ownership with all kinds of legitimacy issues in between.

At the end of the day, these dilemmas touch upon a more fundamental problem in EU programmes such as the ENP, namely, to what extent values really are shared between the EU and third parties? In various EU documents, such as in the Commission’s 2007 publication *The European Union Furthering Human Rights and Democracy across the Globe*, it is typical to find formulations such as “[t]he ENP is based on the shared values such as liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.” (European Commission 2007a:13) Beyond the rhetoric, it is unclear who really shares these values, since the

participating countries, with few exceptions, constitute a long list of authoritarian states, including some of the worst human rights violators in the world, such as Egypt and Syria.

The long history of European colonization and exploitation has not exactly made it easier for the EU to promote democracy in its neighborhood, particularly not in the south, where many people remain suspicious of liberal values, which are seen by some as an extension of Western imperialism and by others as incompatible with the role of Islam (Heper 2006:288). Even if the Arab Spring uprisings offer enormous hope for the region, the Middle East is still in many ways the antithesis of liberal democracy, As *Time Magazine* put matters in its article on the 2011 Person of the Year: The Protester, its authoritarian regimes, massive human rights abuses, limited personal freedoms, dominant role of religion, inferior role of women etc. make it the world's tyranny belt (Andersen 2011:45). The situation is further complicated by the fact that the colonial history is still a living memory that is used by the regimes and other elements to shrug off external calls for liberal change (Adler & Crawford 2006:27).

Even if the EU stresses that it does not want to “preach” democracy to others (EEAS 2010:68), the complaint is often heard from people on the other side of the partnerships with it that preaching to others what they should do is exactly what the EU does. It is important to note here that this critique comes not only from authoritarian regimes and other rogue elements, but from leading human rights activists, like Amos Oz in Israel (see quote in Harpaz & Shamis 2010:105), and well-established public intellectuals, like Kishore Mahbubani (2008:80) in Singapore.

#### 4.8.1 Elections and legitimacy

In line with its conviction that democracy cannot be imposed from the outside, the EU has a whole apparatus in place to support locally-driven democracy processes, particularly elections. According to a Commission/Council General Secretariat joint paper on democracy building in the EU's external relations, election observation is perhaps the most visible part of EU democracy building efforts around the world (European Commission/Council General Secretariat 2009:17). The EU seems to agree with Jarstad's theoretical argument that, despite the well-founded concerns about holding elections in conflict and post-conflict societies, it is hard to

imagine how to secure democratic legitimacy other than through elections. In the Commission/Council General Secretariat joint paper on democracy building it was stated that “[e]lections are a key step in the democratic process, representing a crucial opportunity for political participation and representation as well as the full enjoyment of a wide range of human rights.” (European Commission/Council General Secretariat 2009:17)

The EU is one of the leading global actors in supporting elections and its support to electoral processes combines EU Election Observation missions, electoral assistance projects, political instruments and, in some cases, CSDP missions (EEAS 2010:69, European Commission/Council General Secretariat 2009). Between 2000 and 2010, the EU deployed over 60 Election Observation Missions and 15 election expert missions around world, except in the OSCE region where the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) has been responsible for this (EEAS 2010:71). The EU seems to believe that there is a strong link between democracy and human rights. As the Commission put it in its 2007 publication on human rights: “The conduct of credible elections is vital to ensure democratic development and therefore, in turn, to protect human rights.” (European Commission 2007a:32)

At the same time, while the Commission sees elections as “an essential element in the strengthening of democracy and human rights”, it also acknowledges that “democracy does not just come down to elections” (EIDHR 2009:13). In recent years, top EU officials like Catherine Ashton and Stefan Füle have begun talking about “deep democracy” (Ashton 2011a, Füle 2011). According to Ashton, deep democracy is

the kind that lasts because the right to vote is accompanied by rights to exercise free speech, form competing political parties, receive impartial justice from independent judges, security from accountable police and army forces, access to a competent and non-corrupt civil service — and other civil and human rights that many Europeans take for granted, such as the freedom of thought, conscience and religion (Joint Communication by the High Representative and the European Commission 2011: 2).

While there certainly is a need for democracy beyond the ballot box, it seems that elections are still the barometer for many of the human rights and fundamental freedoms the EU includes in its notion of deep democracy.

#### 4.8.2 Transitional justice and rule of law support

As Laura Davies (2010:11) and Thomas Unger (2010:387) have noted, the EU does not yet have an overall policy or agreed approach to transitional justice. Within the broader field of transitional justice, it is primarily in the rule of law sector that the EU is active. It is sometimes considered that rule of law can more readily be promoted by third parties internationally than can democracy and human rights. The reason for this is that rule of law generally resonates better among authoritarian regimes than democracy and human rights, because rule of law can be regarded not simply as a prime component of democracy as it is in the West, but as a tool to fight corruption and inefficiency, which are priorities in authoritarian states like China (Wei 2006:28).

Like democracy and human rights, rule of law is at the core of the EU's identity and its foreign and security policy. The importance of promoting rule of law is also well grounded in various EU treaties, including the Lisbon Treaty (Treaty of Lisbon, Art. 10A). The EU promotes rule of law externally, particularly in its neighborhood, in a number of ways. A key feature of the ENP is the bilateral Action Plans between the EU and each partner country. While these Action Plans are different for each partner country they normally include various efforts by the EU to promote rule of law in the target country, such as the reform of penal and civil codes, codes of criminal procedure, strengthening the efficiency of judicial administrations and elaboration of strategies in the fight against corruption (EEAS 2010:27).

More visible are perhaps the EU's CSDP missions, several of which are about promoting rule of law. Other CSDP missions, like the police mission deployed to the West Bank have significant rule of law components within them. Efforts to establish the rule of law are often associated with missions like the above-mentioned, and with post-conflict situations and SSR more generally, but it is important to stress that the EU sees rule of law as connected to the whole society, including public authority and public administration, to which most citizens will turn for their rights (Serrano 2010:3).



## 4.9 The EU and the economic dimension of statebuilding

The economic dimension of statebuilding as an approach to peacebuilding is the part where the EU is strongest and most coherent. This is particularly the case when the partner countries are not recognized as potential candidates to join the Union, like Israel and the Palestinian Authority. One of the reasons why the EU is a capable economic actor is that this is indeed the domain where much of its work has historically taken place, and still does. Another reason is that there is generally far more agreement and far less friction within the EU regarding trade and aid issues, which are considered low politics, compared to foreign and security policy, which are considered high politics (Le More 2008:94).

Also important to note is that the EU is the largest trade partner (often by far) to basically all the countries in its neighborhood, including Israel. The Palestinian territories are an exception here because of their minimal involvement in international trade due to Israeli restrictions. However, when it comes to its Southern neighborhood the fact that the EU is a powerful economic actor has in most cases not enabled it to be a capable political actor and even less so to be a capable security actor.

### 4.9.1 Liberalization and marketization

While peace, democracy, human rights and the rule of law are referred to by the EU, most notably in the Lisbon Treaty, as the values of the Union, it is much harder to trace in EU documents references to the package of liberal buzzwords: privatization, liberalization, marketization, liberal markets and deregulations. It is not that these terms are not used by the EU, they are, but they rarely feature prominently in the most important EU documents on foreign and security policy, such as the Lisbon Treaty or the security strategy. In fact, except for two references to liberalization in the Lisbon Treaty, none of these terms is used in either the Lisbon Treaty or the security strategy.

Instead the Lisbon Treaty talks about “free and fair trade” and “a highly competitive social market economy, aiming at full employment and social progress” (Treaty of Lisbon, Art. 2:5, Art. 2:3). Even though one of the

Copenhagen criteria, the conditions for joining the EU, is to have “a functioning market economy as well as the capacity to cope with competitive pressures and market forces” (European Commission, Economic and Financial Affairs), it is apparent that the EU does not want to promote itself too strongly in liberal economic terms. This is an important observation, because, as might have been expected, it is more common to find the liberal buzzwords in the Commission’s trade, development and aid sections. These sections make up a significant part of what the EU is doing both within the Union and beyond it. There might be a paradox here, because while the liberal economic discourse is not part of the EU’s identity and values, it is clearly a major part of its practice. This is, for example, how Karel De Gucht, European Commissioner for Trade, expressed himself when he gave a speech at the Business Europe organization in Brussels in 2011

Europe’s export success rests very much on the openness and health of global markets. Our job is to keep those markets open and to pursue further openings. It is only through further liberalisation and active trade policy that we will bring down the barriers to trade growth. (De Gucht 2011:2)

It might be that it is sensitive for the EU too explicitly to emphasize that it is liberal because that might tarnish its identity as a social caring Union. Beyond the rhetoric, however, where the EU has one type of language for its trade policy and another for its foreign and security policy, with clear discrepancies in between, there is, in reality, often greater convergence between the EU’s trade policy and its foreign and security policy. However, this is apparently not the case in the EU’s relations with Israel and the Palestinian Authority, as its trade with Israel is, to a large extent, not related to EU peacebuilding in the conflict, and the EU has only minimal trade with the PA.

As Sophie Meunier and Kalypso Nicolaidis (2005:247) and others have noted, trade liberalization, both internally and externally, has always been the essence of European integration. At the same time, the EU prides itself for “trading on values” (EC, The EU’s place in the global market). The Commission’s Directorate-General for Trade has stated that the EU

has been working hard to conduct its business with heart and soul... This means that European trade policy is geared towards social solidarity, providing a social safety net to those who need it. It also seeks to reduce the environmental impact of trade through such measures as reducing emissions, developing environmentally friendly technologies, using renewable energy sources, and more. It also makes efforts to achieve sustainable development both for Europe and the rest of the world. (EC, The EU's place in the global market)

#### 4.9.2 Development aid and NGO financing

In its capacity as being both the largest trade bloc and the largest donor in the world, the EU believes that there are extensive links between trade and aid in world politics. EU officials, like its former External Trade Affairs Commissioner Peter Mandelson, often point out that international trade has lifted hundreds of millions of people out of poverty over the last decades, and that trade policy, when used well, can make a powerful contribution to development (EC, The EU's place in the global market).

For a number of years, the EU has provided over 50 per cent of all development aid worldwide and the member states had originally agreed to increase the assistance to 0.56 per cent of its gross national income (a measurement roughly the same as GDP) by 2010 on the way to reaching the UN target of 0.7 per cent by 2015 (EC, Development and Cooperation). However, the financial crisis of 2008-2009 and the subsequent debt problems in the Eurozone led several European countries to fall short of their earlier promises. 2010 therefore saw a 13 billion euro shortfall in the overall EU target to raise aid to 0.56 per cent of GNI (Youngs 2010:74). Only a handful of EU members now meet the UN target of 0.7 per cent and most are not even close (OECD ODA/GNI in 2010).

In the *European Consensus on Development*, a joint document produced by the Council, the Commission and the European Parliament in 2006, the values, goals, principles and commitments for the EU's development policies were outlined. Three things stood out in particular: reducing poverty, that development should be based on Europe's democratic values and that developing countries are mainly responsible for their own development (Council of the European Union, the EC and the EP 2006, EC, Development and Cooperation). The ways in which the EU gives development aid are complicated for a number of reasons, ranging from the

plurality of sources where the aid comes from, to issues of oversight, transparency, accountability and efficiency. First, aid from the EU goes from the Commission to a number of geographic and thematic instruments, for example the European Neighbourhood & Partnership Instrument (ENPI), which is geographically connected, or to EIDHR, which is thematically connected with the promotion of democracy and human rights. EU development aid covers a broad span of recipients, from governments and other institutions within a state, to NGOs and even single individuals (ENPI, Who is eligible for funding?, EIDHR, Who is eligible for funding?) Besides development aid, the EU also provides humanitarian aid through the European Community Humanitarian Office (ECHO).

#### 4.9.3 Good governance

Besides peace, democracy, human rights and the rule of law, the four terms that one finds in virtually all EU documents about its foreign and security policy, good governance is a term which the EU appears to use increasingly in its foreign and security policy. To an even greater degree than with the other buzzwords, it almost always does so without attaching any clear meaning to it, which is frustrating as it is hard to understand what is really meant by its use of the term. But looking beyond the EU's foreign and security policy domain, to development and aid policy, it becomes easier to find a clearer EU view of what constitutes good governance. For example, in the Cotonou Agreement, which is a partnership agreement signed in 2000 between the EU and 79 countries from Africa, the Caribbean and the Pacific (ACP), good governance is defined as

the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption. (The Cotonou Agreement, art 9:3)

At about the same time, in 2001, the Commission published a white paper on European governance, in which it stated that five principles underpin good governance: openness, participation, accountability, effectiveness and

coherence. According to the Commission, each of them is important in establishing more democratic governance and, taken together, they underpin democracy and the rule of law (European Commission 2001:10).

It is no coincidence that the Cotonou Agreement stated that good governance underpins the EU-ACP partnership (The Cotonou Agreement, Art. 9:3). As the world's largest trade bloc and donor, good governance is of critical importance for the EU in its dealings with the 79 ACP countries, many of which are among the poorest and most corrupt in the world.

## 4.10 Conclusions

As a regional peacebuilder, the EU has been successful in stabilizing West Europe after World War II and large parts of Central and Eastern Europe after the Cold War. At the same time, however, the EU has had far less success in building peace outside the Union, particularly in its Eastern and Southern neighborhoods, which include the Middle East. One of the main reasons for the lack of success in its neighborhood is that the Union's leverage is severely weakened when it cannot or will not offer membership to countries outside it.

Like many other international peacebuilders, the EU has made statebuilding a central feature of its peacebuilding efforts, particularly in its neighborhood. The EU is involved in all three dimensions of statebuilding as an approach to peacebuilding: it is emerging as a security actor, it has made the promotion of democracy a key aspect of its foreign policy and it is a major economic actor in its capacity as the world's largest trade bloc and biggest donor.

# 5 Defining a just peace in the conflict

“We Europeans excel at declarations...it is compensation for our scarcity of action.”

Miguel Moratinos, former EU special envoy to the Middle East peace process (quoted in Eldar 2010)

This chapter aims to shed light on how the EU has defined a just peace in the conflict. The questions I pose specifically to this chapter are: How does the EU define a just peace in the Israeli-Palestinian conflict? How has this formula transformed over time? How have the Israelis, the Palestinians and the international community, in particular the U.S. and the Arab states, reacted when the EU has defined its formula for a just peace in this conflict?

As was mentioned on the first page of this dissertation, the EC issued its first official statement on what it had identified as “the problem of the Middle East” on 14 May 1971. The fact that the EU is still issuing declarations about the conflict four decades later indicates that the Union has not been very successful in its efforts to bring peace to this conflict. Many observers, however, nevertheless see a great value in the EU’s declaratory policies on the Israeli-Palestinian conflict (See, for example, Everts 2003, Aoun 2003:293, Tocci 2009, Hollis 2010:35, Müller 2012:1). While acknowledging that the EU has been either unwilling or unable to implement its declaratory policies, it is now increasingly clear that the key players in this conflict, the Israelis, the Americans, the Palestinians and other Arabs, gradually have moved in the direction of accepting many of the ideas articulated in the EU’s declarations throughout the years. This includes successive U.S. and Israeli governments, many of which had previously been highly critical of the EC/EU’s declarations. While this has perhaps not altered much in the everyday reality on the ground in Israel and in the

Palestinian territories, it has changed the framework for the negotiations that are supposed to lead to a future peace. All this, moreover, suggests an important visionary and legitimizing role for the EU in the conflict.

## 5.1 The EC enters the Middle East

The six original member countries of the European Community, Germany, France, Belgium, the Netherlands, Luxembourg and Italy, all enjoyed good relations with Israel in the first decade after the Treaty of Rome was signed in 1957 (Dosenrode & Stubkjaer 2002:59-63). Diplomatic relations between the EC and Israel were established in 1959 and the first economic agreement between the two was signed five years later in 1964 (Harpaz 2006:4). In the decade that followed the signing of the Treaty of Rome, the main concern for the member states of the EC was not a common foreign policy but further integration, internal trade and agricultural policies. Therefore the EC's economic relations with the countries in the Middle East were somewhat disorganized and there was no foreign policy coordination within the EC in the 1950s and 60s.

The lack of a common foreign policy was clearly demonstrated when the June 1967 war broke out between Israel and most of her neighbors (Dosenrode & Stubkjaer 2002:65). The divisions within the EC became obvious, particularly between France on the one side and Germany and the Netherlands on the other, as France decided not to support the Israeli war efforts. Prior to the war, France had been the key ally of Israel and supplied it with advanced military technology, including fighter jets and nuclear technology (Shlaim 2000:205). The political u-turn by France shocked Israelis and the situation went from bad to worse after the French President Charles De Gaulle issued a series of harsh statements against Israel. The nadir was reached when the French leader asserted that Israel had been implanted in the Middle East under dubious circumstances. French behavior during and after the war only added weight to Israel's existing mistrust and skepticism about European involvement in the Middle East (Segev 2005:560). Israel already had an ambivalent relation with the other two major European powers, Germany and Britain; with the former because of the Holocaust and with the latter because of its behavior during the mandate

period, particularly because of Britain's refusal to accept Jewish refugees into Palestine.

The June 1967 war had broken out a decade after the Treaty of Rome was signed and it resulted in a decisive Israeli victory with the seizure of the Sinai, the Gaza strip, the Golan Heights and the West Bank, including East Jerusalem. It was a watershed event and constituted a major turning point, not only in the Israeli-Palestinian conflict, but also in the approach of the EC and its member states towards the region and the conflict. As the occupation of Arab/Palestinian territories continued, the support for Israel became more tenuous and, particularly after settlements began to be built on occupied lands, much support for the allegedly pre-1967 underdog, Israel, started to be transferred to the allegedly post-1967 underdog, the Palestinians (Yacobi & Newman 2008:181). This in turn, only added further weight to Israel's mistrust of the EC and led to further Israeli skepticism about EC involvement in the peace process.

In November 1970, three and a half years after the war had ended, the foreign ministers of the then six member countries of the EC met in Munich for the first time within the framework of the newly established European Political Cooperation (EPC). The issue on the agenda was foreign policy and the situation in the Middle East was one of the top priorities. Ever since that meeting in Munich in 1970, the Israeli-Palestinian conflict, or the Arab-Israeli conflict as it was called back then, has remained a constant concern and a top priority for the EC/EU in its foreign policy (Peters 2000:154). Within the framework of EPC, the Arab-Israeli conflict was consciously placed high on the agenda for both external and internal reasons. Besides the importance of finding a solution to the conflict, which indeed has always been a real concern, not least in the wake of the growing dependency on energy and trade with the countries in the region, this conflict was also used by the EC/EU for internal gains, to foster integration within the community (Greilsammer & Weiler 1984:133).

One of the rationales behind the quest to show a united stand on the Arab-Israeli conflict, which was already considered to be one of the most intractable issues in international affairs, was that the international community would only start to see the EC as a serious actor in international affairs if it was united and spoke with one voice. This logic, that the show of unity is necessary in order to be counted upon as a serious international actor, goes back all the way to the early days of EPC and explains much of the EU's ever-present quest to be able to speak with one voice in the



conflict, a quest which sometimes leads to vague declarations based on the lowest possible denominators (Keukeleire & MacNaughtan 2008:69).

## 5.2 Just peace without the Palestinians

A year later in 1971, and also within the framework of the EPC, the member countries agreed on a secret report, known as the “Schuman document”, that called for Israeli withdrawal from occupied territories in return for recognition of Israel by Arab states. The status of the “Schuman document” was unclear, but France considered it an official policy, unlike Germany and the Netherlands who were more hesitant to endorse it and described it as only an informal working paper (Dosenrode & Stubkjaer 2002:81).<sup>4</sup>

The first official mention of the term just peace in the context of EC-Middle East relations was in a declaration of 14 May 1971, at about the same time as the EC adopted the “Schuman document” at the second EC foreign ministers’ conference on political cooperation. This was the EC’s first official declaration regarding the situation in the Middle East and the meeting was held for the purpose of consultation on various problems of common interest, of which the situation in the Middle East was one (Bulletin of the EC 6-1971:31). Regarding the situation in the Middle East, the foreign ministers’ of the EC stated that:

it is of great importance to Europe that a just peace should be established in the Middle East, and they [the foreign ministers] are therefore in favour of any efforts which may be made to bring about a peaceful solution of the conflict, and particularly of the negotiations in which Mr Jarring is involved. They urge all those concerned to ensure that this mission proves successful. They confirm their approval of Resolution No. 242 of the Security Council dated 22 November 1967, which constitutes the basis of a settlement, and they stress the need to put it into effect in all its parts. (Bulletin of the EC 6-1971:31)

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<sup>4</sup> For an analysis of the Schuman document, see Pardo & Peters 2012:74.

It is important to note that nowhere in the text is the term “Palestinian” used, which is also the case in the UN Security Council Resolution 242, the landmark resolution so often referred to by all the parties involved in the conflict. UN Security Council Resolution 242 had emphasized “the inadmissibility of the acquisition of territory by war” and called for Israeli withdrawal “from territories occupied in the recent conflict” (UNSC 242). The formulation “from territories occupied in the recent conflict” is of the utmost importance according to Israel and its international supporters. In the words of Alan Dershowitz

Note that the resolution does not require Israeli withdrawal from all the territories, only “territories”, thus contemplating some territorial adjustments of the kind proposed by Israel at Camp David and Taba in 2000. The elimination of the definite article there was an explicit compromise engineered by the United States in order to permit the retention by Israel of territories necessary to assure secure boundaries. (Dershowitz 2003:96)

Resolution 242 also emphasized “the need to work for a just and lasting peace” and “the right of every State in the area... to live in peace within secure and recognized boundaries” (UNSC 242). The resolution affirms further the necessity of “achieving a just settlement of the refugee problem”, but it does not refer to it as a Palestinian problem (UNSC 242).

Ever since the early 1970s, Resolution 242 has constituted the main foundation of EC/EU policy towards the Israeli-Palestinian conflict and it is referred to in almost every declaration that the EC/EU has produced on it. But, as already mentioned, the Palestinians were not considered to be an explicit party to the conflict when the EC called for a just peace in the Middle East in 1971. This would change dramatically in the years to come.

### 5.3 Just peace in the context of legitimate Palestinian rights

The early 1970s saw a dramatic increase in the EC’s diplomatic and economic activity in the Middle East, as well as three new members: Britain, Denmark and Ireland. Regarding the Israeli-Palestinian conflict, Britain took up a position between France and Germany; neither wished to be considered

as either clearly pro-Palestinian or clearly pro-Israeli. Instead, and contrary to both France and Germany, Britain has historically tried to function as a bridge between the EU and the U.S., believing that American involvement in the peace process was crucial (Müller 2006:14). The admission of Britain complicated the decision-making processes still further, although it was clear from the outset, even before Britain joined, that the EC had severe problems in moving beyond issuing declarations, to active implementation of its policies.

After the October 1973 war, another watershed event in the history of the Middle East, and the subsequent Arab oil embargo, the foreign ministers of the by now nine members of the EC met on 6 November 1973 to discuss the situation in the Middle East. The meeting resulted in a declaration that again emphasized the need for Israel to end the territorial occupation in line with UNSC 242 and the newly issued UNSC 338. For the first time in an official EU declaration the term “Palestinians” was used and “the Palestinians” were explicitly recognized as a party to the conflict (Bulletin of the EC 10-1973:106). Furthermore, the declaration went on to recognize “the legitimate rights of the Palestinians” (Bulletin of the EC 10-1973:106).

Terminology like “the legitimate rights of the Palestinians” had, prior to this declaration, been language used only by the Arab states (Dosenrode & Stubkjaer 2002:86). This declaration was viewed by the Arab side as a satisfactory response, revealing a positive attitude towards understanding Arab demands in the struggle with Israel. Consequently a few days later OPEC declared an end to most of the oil embargo against the members of the EC (Dosenrode & Stubkjaer 2002:86).

The 1973 declaration signaled a major discursive shift in the EC’s relations with Israel and the Palestinians, and it also constituted the first major transformation in how the EC conceptualized a just peace in the Middle East. From not having mentioned the Palestinians at all two years earlier, the 1973 declaration asserted that “in the establishment of a just and lasting peace account must be taken of the legitimate rights of the Palestinians.” (Bulletin of the EC 10-1973:106) The reactions from Israel were not slow to come. Israel’s Foreign Minister Abba Eban bluntly responded that the declaration meant “Oil for Europe” and not “Peace in the Middle East” (quoted in Greilsammer & Weiler 1984:135). After the 1973 declaration, Eban formulated the three points of criticism which still constitute the standard reply by Israeli governments whenever the EU issues declarations which displease them: that they are counter-productive; that

they are ill-timed; and that if the EU wants to be relevant, it should stop dictating the conditions for peace (Greilsammer & Weiler 1984:135).

### 5.3.1 The EC and the oil crisis

The October 1973 war between Israel and two of its neighbors, Egypt and Syria, came as a surprise for the then nine members of the EC and brought to light the internal divisions among EC members. The EPC framework proved totally inadequate to deal with the situation and the following Arab oil embargo had a shock effect on the EC (Greilsammer & Weiler 1987:12). According to Panayiotis Ifestos

It [the oil embargo] made Europeans brutally aware of their vulnerability in both economic and political terms; it changed the pattern of relationships with both Israel and the Arab world, and brought about a dramatic shift towards more pro-Arab attitudes; it revealed the extent of European external disunity and generated calls for more integration as a result of this experience; it had economic effects not imaginable before the crisis; and last but not least, it brought to the surface the uneasy nature of Euro-American relations. (Ifestos 1987:421)

The nine EC members were dependent on energy supplies from the Middle East, both when it came to stabilizing the price of oil and to ensuring its supply (Dosenrode & Stubkjaer 2002:85). At the time, the major European states imported between 30-60 per cent of their oil from the Arab states (Britain 30 per cent, West Germany 38 per cent, France 53 per cent, Italy 60 per cent), figures far higher than that of the US (only 4 per cent), which was relatively independent of energy supplies from the Arab states (Miller 2011b:37). By 1979, over 60 per cent of West Europe's total oil imports came from the Arab states (Miller 2011b:78).

In addition to energy, the EC member states had a growing interest in the region as a trade partner. In 1972, EC exports to the eight Arab members of OPEC were valued at \$2.97 billion. By 1979, they were valued at \$27.7 billion, an almost tenfold increase in seven years (Garfinkle 1983:8). While there should be no doubt that energy and trade considerations played a significant role in shaping EC policy towards the Middle East in the 1970s, it is too simplistic to believe that these were the only factors that mattered for the EC there. As early as the 1970s, the members of the EC had expressed a

genuine disapproval of Israel's continued occupation and particularly of the construction of settlements on occupied territory, which the EC/EU has always perceived as illegal under international law.

The Palestinians and other Arabs have historically always tried to use the EC/EU as a political force against Israel. This was particularly the case after the 1973 oil crisis, with the establishment of the "Euro-Arab dialogue" in 1974, which sought to establish a special relationship between the EC and the Arab states. While the EC primarily was interested in its economic dimension, the Arabs wanted to use it as a political force against Israel, which they largely failed to do. This led to clashes between the EC and the Arab states and in the end not much came out of the Euro-Arab dialogue (Musu 2010:37).

### 5.3.2 The uneasy nature of EC-U.S. relations

The EC's declarations on the conflict in the early 1970s took place against an unprecedented backdrop of West European estrangement from the United States over the Vietnam War, monetary and trade policies and strategic defense issues in the light of *détente*. The period of *détente* (1969-1979) had enabled the EC to become more of an independent actor in the context of the Cold War superpower rivalry. During the October 1973 war and the subsequent oil embargo, these developments found dramatic expression when every EC member, along with the rest of Western Europe other than Portugal, refused to assist the U.S. effort to resupply Israel militarily (Garfinkle 1983:2-3).

After the oil crisis was over, the EC in December 1973 launched the "Euro-Arab dialogue" which, as already mentioned, sought to establish a special relationship between the EC and the Arab states. As no non-EC members had ever previously been admitted to an EC summit, this unprecedented event caused considerable resentment in the U.S. and critics saw it as fawning at the feet of Arab leaders (Musu 2010:33). President Nixon and his Secretary of State, Henry Kissinger, led the critical American response to the EC's launch of the Euro-Arab dialogue, President Nixon declaring that

Now, the Europeans cannot have it both ways. They cannot have the United States participation and cooperation on the security front and then proceed to have confrontation and even hostility on the economic and political front. And until the Europeans are willing to sit down and cooperate on the economic and political front as well as on the security front, no meeting of heads of government should be scheduled...Because I can say one thing: I have had great difficulty in getting the Congress to continue to support American forces in Europe at the level that we need to keep them there. In the event that the Congress gets the idea that we are going to be faced with economic confrontation and hostility from "The Nine," you will find it almost impossible to get Congressional support for continued American presence at present levels on the security front. Now, we do not want this to happen. That is why I have urged my friends in Europe, our friends in Europe, to consider this proposition. It does not mean that we are not going to have competition, but it does mean that we are not going to be faced with a situation where the nine countries of Europe gang up against the United States--the United States which is their guarantee for their security. That we cannot have. (Nixon 1974)

The essence of what Nixon said in 1974 is still valid today: the EU, and Europe more generally, is dependent on American protection for its security, which in turns means that it is hard for either the EU or individual European countries to advocate policies which run significantly contrary those of the U.S., especially in matters related to security and defense issues.

A year later, in 1975, Kissinger told the German Chancellor Helmut Schmidt that "the PLO seemed to be a European obsession", and added that the U.S. "had nothing to discuss with the PLO until the PLO accepted Israel's right to exist" (quoted in Miller 2011b:58). In addition to the uneasy relations between the EC and the U.S. during the first half of the 1970s, this period was also a stormy time for Israel at the UN where the Arab states and their Communist and third world allies tried to delegitimize it. The best known example is a 1975 UNGA resolution equating Zionism with racism (UNGA 3379), which was revoked in 1991 (see UNGA 46/86).

## 5.4 Just peace in the context of a Palestinian homeland

The EC's next discursive shift and a new transformation of just peace in the conflict developed in the latter half of the 1970s when the EC drew even closer to the Palestinian narrative of the conflict. At a meeting in London on 29 June 1977, the European Council issued a declaration that once again recognized, like the previous declaration from 1973, that the legitimate rights of the Palestinians had to be taken into account "in the establishment of a just and lasting peace." (Bulletin of the EC 6-1977:62) The nine members also reaffirmed their view that a just peace should be based on Security Council Resolutions 242 and 338, and once again emphasized the rights of the Palestinians, in that

a solution to the conflict in the Middle East will be possible only if the legitimate right of the Palestinian people to give effective expression to its national identity is translated into fact, which would take into account the need for a homeland for the Palestinian people. They consider that the representatives of the parties to the conflict including the Palestinian people must participate in the negotiations in an appropriate manner to be worked out in consultation between all the parties concerned. In the context of an overall settlement, Israel must be ready to recognize the legitimate rights of the Palestinian people: equally, the Arab side must be ready to recognize the right of Israel to live in peace within secure and recognized boundaries. (Bulletin of the EC 6-1977:62)

What was new in this declaration, constituting the new discursive shift in the EC's formula for a just peace, was first that the Palestinians were referred to as "the Palestinian people" with a "national identity". Secondly, the Palestinians had to be included in the negotiations. Thirdly, and most important, the declaration called for "a homeland for the Palestinian people" (Bulletin of the EC 6-1977:62).

Nine days before the EC issued this declaration, on 20 June 1977, Menachem Begin was sworn in as Prime Minister of Israel. EC-Israel relations had deteriorated further with the election of Begin and his Likud party. Begin's election victory marked another watershed event in the history of the Middle East, as it ended three decades of uninterrupted Labor dominance in Israeli politics. While the previous Labor governments had

been Western European-oriented with close relations with the Jewish communities in these countries, the new Likud government brought a new elite to power, which was much more U.S.-oriented and focused on the Jewish community there (Musu 2010:37).

The EC's 1977 declaration resembled the legendary 1917 Balfour Declaration, which had been the first significant declaration by a world power in favor of a national home for the Jewish people in Palestine. The Israeli government under Begin knew all too well what was meant by expressions such as homeland, a term which had been used by the Zionists in their struggle to establish Israel (Greilsammer & Weiler 1987:39). According to Greilsammer and Weiler (1987:37), the Begin government's policy of claims to Biblical Israel and increased settlement building in the West Bank led the EC to stiffen its position on the conflict even further, which in turn resulted in Israeli counter-reactions, accelerating the downward spiral in EC-Israel relations.

In the following year, 1978, the EU issued a new declaration in which it reaffirmed that "[t]he Nine have for years advocated a just, comprehensive and lasting peace-settlement on the basis of Resolutions 242 and 338" (Bulletin of the EC 9-1978:53). This declaration also explicitly deplored Israel's claim to sovereignty over the occupied territories and the construction of settlements in these territories (Bulletin of the EC 9-1978:54). Unsurprisingly, the EC's 1978 declaration deploring the settlements was condemned both in the Knesset and in a message by Foreign Minister Moshe Dayan to the nine members of the EC. In his response, Foreign Minister Dayan said

The Israeli settlements are, in our opinion, strictly in accord with international law, and we know of no rule of law which could feasibly ban Jews from living in Judaea, Samaria and the Gaza District. Not a single Arab has been displaced by these settlements. On the contrary, the establishment of the Jewish settlements in the areas has brought with it economic development and additional sources of employment to the Arab inhabitants of these areas. (Foreign Minister Dayan's Message to the Foreign Ministers of the Nine, 20 June 1979)

Summing up the EC's formula for a just peace in the Israeli-Palestinian conflict during the 1970s, it underwent a remarkable transformation from not having mentioned the Palestinians at all in 1971, to recognizing their legitimate rights in 1973, and to calling for a Palestinian homeland in 1977.



A senior U.S. State Department official commented in 1979 that “the pace of the turnaround in opinion” in Europe in favor of the Palestinians was “amazing” (quoted in Miller 2011b:78). Simultaneously, this period only added weight to Israel’s mistrust of the EC and led to further Israeli skepticism of EC involvement in the conflict.

## 5.5 Just peace and the Venice Declaration

In April 1980, *Time Magazine* ran a six-page cover story under the title “The Palestinians-Key to a Mideast Peace”. It was by now clear to everyone that the Palestinians had emerged as a major player in the conflict during the 1970s and that they could no longer be ignored. Yehuda Blom, Israel’s UN ambassador at the time, was quoted in the article as having called the seemingly growing numbers of supporters for the Palestinian cause, many of which were European states, “a sorry parade of nations supplicating the Arab oil gods.” (quoted in *Time Magazine* 1980:41)

But times were indeed changing and the rapprochement between the EC and the Arab states culminated in the seminal Venice Declaration of June 1980, which marked the emergence of a more unified EC stance towards the conflict and clearly reflected the EC’s aspiration to play a more prominent role in it

The nine member states of the European Community consider that the traditional ties and common interests which link Europe to the Middle East oblige them to play a special role and now require them to work in a more concrete way towards peace. (The Venice Declaration 1980)

The Venice Declaration called for a special role for the EC and it outlined the steps that should be taken to a peaceful resolution of the conflict. It did not use the term just peace, but asserted that it was imperative to find a just solution to the Palestinian problem, which was seen not simply as a refugee problem (The Venice Declaration 1980). Moreover, the Venice Declaration condemned the construction of Israeli settlements in the occupied territories and stated that the Palestinian nation must be allowed “to exercise fully its right to self-determination.” Maybe most significantly, the Venice Declaration called for the inclusion of the Palestine Organization (PLO) in

any negotiations for a settlement (The Venice Declaration 1980). Two years later, in the middle of the war in Lebanon, the foreign ministers of the EC issued a new declaration in line with the Venice Declaration, in which they explicitly called for a “just and lasting peace” and “justice for all peoples, including the right of self-determination for the Palestinians with all that this implies” (EC Declaration 1982). The declaration also reaffirmed that the EC would maintain and expand contacts with all parties.

Both economic and strategic factors pushed the members of the EC toward a more unified stand on the conflict in the late 1970s and early 1980s (Dieckhoff 2005:53). Internal EC matters like Britain’s contribution to the EC’s budget had been settled, the Soviet invasion of Afghanistan had induced the EC to counter Soviet influence in the Middle East and, perhaps most importantly, there was widespread agreement within the EC that the negotiations on Palestinian autonomy within the Camp David Accords had reached an impasse (Greilsammer & Weiler 1987:45).

Originally, the Venice Declaration was meant to be a platform from which the EC would develop a genuine Middle East policy, but as Dosenrode and Stubkjaer have correctly noted, the Venice Declaration fulfilled the hopes of neither the EC nor the Arabs. The EC’s initiative for a new Middle East policy vanished after a year or so, and for the rest of the 1980s the role of the EC was, in the words of Dosenrode and Stubkjaer (2002:106), “virtually non-existent”.

Despite never being implemented, the Venice Declaration nonetheless established the EC as a fairly independent international actor in the shadow of the Cold War rivalry. Three decades after it was issued, it still constitutes the basic principles of the EU’s policy towards the conflict, while at the same time, the Declaration marked the low-point in the EC’s relations with Israel from which, to this day, it has not yet fully recovered (Peters 2000:154). One of the big problems with the Venice Declaration was that it was issued at a time when the EC’s actor capacity was being severely reduced by the tightening bipolar structure of the international system. The period of *détente* (1969-1979), which had allowed the EU room for maneuver, was about to be replaced by the *New Cold War* (1979-1986). The tightening of the bipolar structure that followed did not allow the EC many possibilities for an active, alternative policy to that of the United States (Dosenrode & Stubkjaer 2002:118-119).

### 5.5.1 Israeli reactions to the Venice Declaration

As mentioned above, the Venice Declaration, which had recognized the Palestinians' right to self-determination and called for inclusion of the PLO in any negotiations for a peace settlement, marked the low-point in EC-Israel relations. Israel had together with the U.S. unsuccessfully tried to prevent the EC from issuing the declaration. After its release, the Venice Declaration was condemned by virtually the entire political spectrum in Israel (Alpher 2000:196). The Israeli cabinet issued the following response

Nothing will remain of the Venice Resolution but its bitter memory. The Resolution calls upon us, and other nations, to include in the peace process the Arab S.S. known as "The Palestine Liberation Organization." The principal component of this organization of murderers passed the following resolution in Damascus, on the eve of the Venice Conference: 'Fatah is an independent national revolutionary movement whose aim is to liberate Palestine completely and to liquidate the Zionist entity politically, economically, militarily, culturally and ideologically.' Not since Mein Kampf was written have more explicit words been said, in the ears of the entire world, including Europe, about the desire for the destruction of the Jewish state and nation. (The Israeli Cabinet statement on the Venice Declaration, June 15 1980)

In his book *Inglorious Disarray*, Rory Miller analyses in great detail material in various archives showing how the parties reacted to the Venice Declaration. On the Israeli side, Prime Minister Begin called it "a shame" and his Foreign Minister Yitzhak Shamir (who later succeeded him as Prime Minister) called it "a shame and scandal for Europe" (quoted in Miller 2011b:92). Opposition leader Shimon Peres dismissed it as "a piece of paper" that changed nothing on the ground (quoted in Miller 2011b:92). An Israeli foreign ministry report written shortly after the Venice Declaration stated that "the political principles of the European Community are destructive and unacceptable and stand no chance of being considered viable by Israel" (quoted in Miller 2011b:93). On top of this, a *New York Times* editorial described the Venice Declaration as "absurd" (quoted in Miller 2011b:91). While Abba Eban described the Venice Declaration in the early 1980s as "the principal obstacle to peace moves in the region" (quoted in Greilsammer & Weiler 1987:61), it appears far less radical today, as Yossi Alpher and others have noted (Alpher, interview 21 April 2010).

Avi Primor, former Israeli ambassador to the EU, says that the main problem with these EU declarations during the 1970s and 80s, particularly the Venice Declaration, was the tone. According to Primor, many Israelis saw these declarations not merely as being anti-Israeli, but as being an EC attempt to teach Israel a lesson (Primor, interview 15 April 2010). During a trip to Vienna in 1985, Prime Minister Shimon Peres harshly criticized Europe's "obsequious attitude towards the PLO". Peres called on European leaders to see their "great mistake", "to cease closing their eyes" and "to refrain from an attitude of forgiveness" towards the PLO (quoted in Miller 2006:643). A few years later, Peres signed the DOP (Declaration of Principles) and personally led the Israeli government's efforts to legitimize the PLO. Today, Peres, speaking now in his capacity as President of Israel, constantly warns that if Israel does not sign an agreement similar to the Venice Declaration, "we will hit a wall." (quoted in Eldar 2011)

### 5.5.2 Arab and Palestinian reactions to the Venice Declaration

As the EU prepared to issue the Venice Declaration in 1980 there was widespread speculation and great hopes among Palestinians and other Arabs that it would include a proposal to change the iconic Resolution 242 by replacing the word "refugees" with the word "Palestinians" (Greilsammer & Weiler 1984:142). As this did not happen, and as the PLO was not recognized as the sole legitimate representative of the Palestinians, another Palestinian demand, the Arab side was somewhat split over the Venice Declaration, with the PLO clearly disappointed (Greilsammer & Weiler 1987:51). PLO chairman Yasser Arafat said that the Venice Declaration was "a piece of bone that they [the Europeans] could throw to us and keep us busy". He added that "the Palestinian people are in no need of a political statement or initiative to determine its destiny" (quoted in Miller 2011b:91). Farouk Kaddoumi, Arafat's de facto Foreign Minister at the time, described the Venice Declaration as a hopeful but inadequate and unsatisfactory beginning (Miller 2011b:91). King Hussein of Jordan, on the other hand, said that the shift in EC positions represented

"a major change in the situation in the world.... We would like to encourage it. We would like to see it evolve. We believe that it will represent a tremendous change in terms of possibilities in the future." (quoted in Garfinkle 1983:51)

Hanna Siniora, a member of the Palestine National Council and a veteran Palestinian NGO official, says that at the time when the Venice Declaration was issued, the EC was seen as having a pioneering role in the conflict and many Palestinians expected more such developments. Unfortunately, in Siniora's view, as the EU grew in size its role in the conflict became more economic than political, which the Palestinians regretted since they have always wanted the EC/EU to acquire a more political role, to counter-balance the U.S. and Israel (Siniora, interview 22 April 2010).

### 5.5.3 American reactions to the Venice Declaration

While EC-U.S. tensions over the conflict calmed down in the latter half of the 1970s, they rose to the surface again in early 1980 when the EC was about to issue the Venice Declaration. The Americans feared that a controversial EC statement would impede the Camp David Accords, which had been signed two years before in 1978. In response to American pressure the Venice Declaration was much more modest when it finally issued than had originally been intended by the EC (Musu 2010:39). Most significantly, it did not include a proposal to amend Resolution 242 by replacing the word "refugees" with the word "Palestinians". This apparently pleased the U.S. Secretary of State, Edmund Muskie, who said that he "could see nothing in the text which directly challenged the Camp David process." (quoted in Greilsammer & Weiler 1987:50)

In the late 1970s and early 80s, both President Carter and President Reagan talked about various forms of legitimate Palestinian rights as the EC had done since 1973. Carter even spoke in favor of a Palestinian homeland (Miller 2011b:69). At the time, however, none of them came even close to approving what was advocated in the Venice Declaration, such as support for Palestinian self-determination or talking to the PLO. Both the 1978 Camp David Accords and the 1982 Reagan plan advocated "autonomy" and "self-government" for the Palestinians (Camp David Accords 1978, the Reagan plan 1982). It was not until 1988 that the U.S. finally agreed to talk to the PLO. After the Reagan plan was issued in 1982, *The Guardian* commented that "[t]he US has, after all, come a long way since Europe adopted the Venice declaration" (quoted in Greilsammer 1988:298). *The Financial Times* wrote that President Reagan was "now moving some way

towards the ideas contained in the EEC Venice declaration on the Middle East” (quoted in Greilsammer 1988:298).

Both European leaders and many academics have long argued that the EC/EU played the key role in legitimizing the Palestinians, the PLO and its leader Arafat, on the international scene before the DOP were signed in 1993 (See, for example, Biscop 2003:65, Miller 2011b:134, Keukeleire & MacNaughtan 2008:282). According to Sven Biscop (2003:65), the EC/EU was “instrumental in the world wide acceptance of the Palestinian claims as legitimate demands”. Arguably, the EU’s decade-long legitimization of the PLO made it easier for the Americans to open up an official dialogue with the group in 1988. When the DOP was signed in 1993, thirteen years after the Venice Declaration was issued, it looked much closer to the Venice Declaration than anything the U.S. had previously outlined. King Hussein of Jordan acknowledged that the EC/EU had been a “forerunner” in legitimizing the PLO long before the U.S. and Israel did the same (quoted in Miller 2011b:134).

## 5.6 Just peace as a Palestinian state

After the Venice Declaration was issued, the rest of the 1980s was somewhat of a lost decade as regards the efforts by both the EC and other international actors to build peace in the region, as the Israeli-Palestinian conflict provoked a major war in Lebanon in the first half of the decade and an intifada in the occupied territories in the second half. The Venice Declaration had fallen short of explicitly calling for a Palestinian state and it took almost another two decades before the EU was ready to support the idea of a Palestinian state. This also constitutes the fourth transformation in the EU’s formula for a just peace in the conflict. The Cardiff European Council of 1998 had called “on Israel to recognise the right of the Palestinians to exercise self-determination, without excluding the option of a State” (Council of the European Union 1998:29), but it was not until the Berlin Declaration of 1999 that the EU explicitly endorsed the idea of a Palestinian state

The European Union reaffirms the continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfillment of this right. It appeals to the parties to strive in good faith for a negotiated solution on the basis of the existing agreements, without prejudice to this right, which is not subject to any veto. The European Union is convinced that the creation of a democratic, viable and peaceful sovereign Palestinian State on the basis of existing agreements and through negotiations would be the best guarantee of Israel's security and Israel's acceptance as an equal partner in the region. The European Union declares its readiness to consider the recognition of a Palestinian State in due course in accordance with the basic principles referred to above. (The Berlin Declaration 1999)<sup>5</sup>

It is now widely believed that the EU issued the Berlin Declaration at least in part in order to prevent the PLO leader Yasser Arafat from unilaterally declaring a Palestinian state in 1999, a move which could have led to a collapse in the peace process and to a more hostile Israeli government following the elections that were to be held later that year in Israel (Peters 2000:157).

The term just peace was not mentioned in the Berlin Declaration, but it has been used in many other EU documents in recent years. For example, in March 2009, Javier Solana called for a just and lasting peace in the Middle East. This time, at a conference for the reconstruction of Gaza held in Sharm el-Sheikh, Solana said that

urgent work is needed to restore a credible and sustained political process that will lead to a just and lasting peace for Palestinians and Israelis alike, and ultimately all the peoples in the region. We cannot rest until this goal is achieved. (Solana 2009b)

In this speech, as in many others, Solana emphasized the need for a Palestinian state and stressed that "Gaza is an integral part of the future Palestinian state." (Solana 2009b) Like similar previous EC/EU declarations, the Berlin Declaration led to a predictably angry response from Israel (Peters 2000:157). Prime Minister Benjamin Netanyahu said in his response that "it

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<sup>5</sup> It is important to note here that the EU did not invent the idea of a two-state solution, which has been in circulation since the UN Partition Plan of 1947 and indeed even goes as far back as the Peel Commission of 1937.

is particularly regrettable that Europe, where one-third of the Jewish people perished, has seen fit to try and impose a solution which endangers the State of Israel and runs counter to its interests” (Netanyahu 1999). It is important to note that the U.S. did not endorse a Palestinian state until November 2001 when President Bush delivered a speech at the UN’s General Assembly

We are working toward the day when two states -- Israel and Palestine -- live peacefully together within secure and recognized borders as called for by the Security Council resolutions (Bush 2001).

The idea of a Palestinian state was first recognized by the UN Security Council the following year, in 2002, when a U.S.-sponsored resolution affirmed “a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders” (UNSC 1397).

## 5.7 Just peace with Jerusalem as the capital of a future Palestinian state

The fifth discursive shift and the latest transformation of the EU’s formula for a just peace in the Israeli-Palestinian conflict took place in December 2009 when, during the Swedish Presidency, the Council of the European Union issued a declaration which recognized Jerusalem as the capital of a future Palestinian state (Council of the European Union 2009a). This declaration did not explicitly discuss just peace but, six months later, in June 2010, at the 20th EU-GCC Joint Council and Ministerial Meeting in Luxembourg, the Council of the European Union issued a similar declaration which

reaffirmed the EU and the GCC shared position that a just, comprehensive and lasting peace in the Middle East is vital for international peace and security...The two sides reaffirmed their shared position not to recognize any changes to the pre-1967 borders other than those agreed to by both parties including with regard to Jerusalem, as the future capital of two states. (Council of the European Union 2010c)

Before the Swedish Presidency issued the declaration in December 2009, a draft version, containing even more articulated language critical of Israel,



had been leaked to the Israeli press (Ravid 2009a). The ensuing debate led many in Israel to accuse Sweden of having tried to push the EU into a collision course with Israel. When the softer final version of the document was officially issued, it was condemned both by the Israeli government and by the main opposition leader, the Kadima chairwoman, Tzipi Livni. Israel's Ministry of Foreign Affairs issued a response which said that "any attempt to dictate for either party the nature of the outcome on the status of Jerusalem, is not helpful and wrong.", and that "[t]he process being led by Sweden harms the European Union's ability to take part as a significant mediator in the political process between Israel and the Palestinians" (quoted in Ravid 2009b). Tzipi Livni responded with the comment that "I wish to convey my deep concern regarding what appears to be an attempt to prejudge the outcome of issues reserved for permanent status negotiations" (quoted in Ravid 2009b). Oded Eran, a former Israel ambassador to the EU told Israeli media that the EU had often served as a bellwether for the rest of the international community, in that the EU was the first to talk about Palestinian self-determination and statehood. Now, Eran told *The Jerusalem Report*, the EU is taking the lead on East Jerusalem "and, if you look at the precedents, all those who are against any compromise in the city should be worried." (quoted in Susser 2010:9)

Despite these declarations, it is clear that a significant rapprochement has in fact taken place between EU and Israel over the past two decades since the peace process began. As has been noted by the former Israeli ambassador to the EU, Ran Curiel, the EU largely ceased to engage in what Israelis call "megaphone diplomacy", meaning "European statements condemning Israel and counter Israeli reactions" (quoted in European Jewish Press 2007). According to Curiel

Today, Europe and Israel have no big different views on the main challenges facing our region: the peace process, Iran, terror, extremists versus moderates, Lebanon, Syria,... If we look at where we want to go, the interests are identical. Europe wants, like Israel, stability, development, democratization in the Middle East. If we have nuances, there are more on how to get there but not where to get. The enrichment of the dialogue between us brought more understanding of each other's sensitivities and interests. (quoted in European Jewish Press 2007)

Nevertheless, even if Ambassador Curiel is right that a significant EU-Israel rapprochement has taken place over the past two decades, the political

dialogue between EU and Israel remains problematic, especially from the EU's point of view, with regard to Israel's continued occupation and expansion of settlements.

As is the case with EU-Israel relations, those between the EU and the U.S. regarding the Israeli-Palestinian conflict have been less conflictual over the last two decades since the peace process began. It is important to note that U.S. officials did not react angrily to the 2009 EU declaration recognizing Jerusalem as the capital of a future Palestinian state. Neither condemning, nor endorsing, the EU declaration the U.S. State Department issued a declaration saying simply that the fate of Jerusalem should only be determined by Israel and the Palestinians in negotiations (Mozgovaya & Ravid 2009). This lame reaction from the U.S. has led observers like Yossi Alpher, former co-editor of *Bitterlemons*, to suggest that the 2009 EU declaration regarding Jerusalem is indeed President Obama's position, but that he cannot explicitly endorse it yet because of various political constraints. In this regard, Alpher argues that the EU plays a vanguard role for the U.S. in formulating new policy departures at the declaratory level, which can later be adopted by the U.S. and others when they are seen as less controversial (Alpher, interview 21 April 2010).

## 5.8 The transformation of EU's formula for a just peace 1971-2009

**Table 1:**

The transformation of EU's formula for a just peace, 1971-2009

1971	1973	1977	1980	1999	2009
Paris Declaration	EPC Middle East Decl.	EPC Middle East Decl.	Venice Declaration	Berlin Declaration	Council of the EU
<b>No mention</b> of the Palestinians as an explicit party to the conflict.	EC recognized the <b>legitimate rights</b> of the Palestinians.	EC took into account the need for a <b>homeland</b> for the <b>Palestinian people</b> .	EC recognized the Palestinians' right to <b>exercise fully their right to self-determination</b> .	EU declares its explicit commitment to the creation of a <b>Palestinian state</b> .	EU recognizes <b>Jerusalem as the capital</b> of a future Palestinian state.

As table 1 illustrates, the EU has, in fact, shown a remarkable degree of consistency in its policy towards the Israeli-Palestinian conflict over the past four decades even if its formula for a just peace in the conflict has undergone significant transformations during this period. The Palestinian problem has moved, as Friedemann Buettner (2003:146) has correctly noted, from being a refugee problem subordinated to territorial and other security issues, to occupying a position at the very center stage of any possible conflict resolution regarding peace in the Middle East. As these declarations clearly show, the EC/EU's formula for a just peace transformed from not including the Palestinians at all as an explicit party to the conflict in 1971, into recognizing "the Palestinians" and their "legitimate rights" in 1973. A further evolution took place four years later when just peace came to mean a "Palestinian people" with a "national identity" and the right to a "homeland". In 1980, the EC's formula for a just peace in the conflict transformed to include the Palestinian nation's right to "exercise fully its right to self-determination". Two decades later, in 1999, the idea of a "Palestinian state" became the main foundation of the EU's formula for a

just peace between Israelis and Palestinians. In December 2009, the EU's formula for a just peace transformed further to include "Jerusalem as the capital" of a future Palestinian state.

As a result of these declarations, the EU gained over the years the reputation as being in Arab/Palestinian eyes an unreliable friend, in American eyes a difficult and unreliable ally, and in Israeli eyes a dangerous actor that must be marginalized (Musu 2010:42). More than anything else, these declarations had consequences for the EU's relations with the Israelis as they cemented an already problematic relationship by adding weight to the existing Israeli mistrust and skepticism towards EU involvement in the conflict.

## 5.9 The EU and the Palestinian UN bid for statehood

In 2010-2011, when it became clear that the Palestinians were planning to seek formal United Nations recognition of a Palestinian state, Europe, and more specifically the EU, quickly emerged as the crucial battlefields for whether the bid would succeed or not. Never before in the EU's four decades-long involvement in the Israeli-Palestinian conflict had it been in such a pivotal position. The International Crisis Group (2011:32) called it "Europe's moment", a chance for the EU really to use its legitimizing power as leverage in the conflict. Since most of the countries in the rest of the world had already made up their minds, overwhelmingly in favor of the Palestinians, the EU with its 27 votes in the UN was indeed seen as the critical middle ground by all sides involved, including the U.S. As the *Haaretz* columnist, Carlo Strenger, put it

The European vote carries great weight: It is neither part of the Palestinian's third-world automatic majority in the General Assembly; nor is it identified as an automatic Israeli ally under all conditions. Yet, together with the U.S., it is the leader of the free world. (Strenger 2011)

The Palestinians hoped to get as many EU members as possible to support their bid in the UN in order to isolate Israel and the U.S. and secure a moral victory. But most EU members were hesitant and did not openly declare their positions; of the few that actually did, most seemed, in fact, to be

against the Palestinians (Ravid 2011). When PA President Abbas on 23 September 2011 submitted the application to the United Nations Security Council for recognition of a Palestinian state, deliberations on the matter immediately stalled, as the Palestinians could not get the necessary 9 out of 15 votes it needed to force President Barack Obama to use the American veto in the Security Council (Spillius 2011).

The legitimizing power of the EU in the conflict was clearly understood by David Horowitz, the former editor-in-chief of *The Jerusalem Post* (now editor of *Times of Israel*), a center/right-wing newspaper in Israel, who published several editorials about the EU's role during the campaign for Palestinian statehood (Horowitz 2010, 2011a). In one editorial from July 2010 entitled "European assets" Horowitz wrote that

The realization that Europe often serves as a kind of global barometer of legitimacy in international affairs dawned some years ago in Jerusalem, and several prime and foreign ministers, including the incumbents, have rightly invested themselves in broadening the dialogue with key European players. (Horowitz 2010)

While Israel has traditionally not openly accepted the legitimizing power of the EU in the conflict, there are increasingly signs that even this is beginning to change. When, ultimately, most EU members declined to support the Palestinian UN bid for recognition as a state in 2011, Israeli leaders claimed that they had achieved a moral majority against the Palestinians, thereby implicitly acknowledging the EU's moral authority (Susser 2012:11). At the same time, it was clear that those EU members who opposed the Palestinians' moves at the UN were not opposed to Palestinian statehood as such, rather, their ambivalence stemmed from Israeli and American opposition and from fear that it would be a destabilizing move. As one European diplomat told the International Crisis Group: "We're not going to recognise a Palestinian state out of despair with the situation. We want it to be a positive thing and politically useful" (quoted in International Crisis Group 2012a:17).

## 5.10 Conclusions

Despite its failure to speak with one voice on the 2011 Palestinian UN bid, the EC/EU has shown a remarkable degree of consistency in its declaratory policy towards the conflict over the years. The EPC managed early on to form a common position among the members, and history proved the EC/EU to be forward-thinking in promoting Arab and later Palestinian claims as legitimate demands. As Haim Yacobi and David Newman (2008:183) have correctly noted, the EC/EU has issued declarations that were adopted some years later in a similar way by other countries in the international community, most notably by the U.S., Israel and some of the Arab states. Both EU leaders and many academics consider it a major success for EU diplomacy that today there is a widespread consensus on the two-state solution (See, for example, Bretherton & Volger 2006:185, Keukeleire & MacNaughtan 2008:282, Biscop 2003:65).

A major conclusion of this chapter is that the EU is important as a legitimizing power in the conflict. At the same time, the EU faces legitimacy problems vis-à-vis both the Israeli and the Palestinian side of the conflict. These legitimacy problems apart, it is clear that the EU has made an important contribution to peace through its visionary and legitimizing role in defining a just peace in the conflict. As two Israeli academics noted in an editorial in *The New York Times*, published in June 2010, the 30th anniversary of the Venice Declaration

The verdict is clear: The Europeans were right. They were right to point out that solving the Arab-Israeli conflict required Israel to recognize Palestinian “self-determination,” the diplomatic code word for independent statehood. They were right to call for bringing the P.L.O. into the peace process... In fact, the European declaration was not only right but also visionary in that it boldly spelled out the principles that such a comprehensive solution would require... These are the principles that continue to define the contours of the only plausible agreement possible between Israel and the Palestinians. (Touval & Pardo 2010)

What in this study I will call “Legitimizing power Europe” (LPE) will no doubt continue to play an important role in Israeli-Palestinian conflict in the foreseeable future, not least in questions such as whether products made in Israeli settlements should be marked with specific labels.



# 6 Securing a just peace: the EU and security sector reform in the Palestinian territories

“If you want to get to a Palestinian state you have to fully support Fayyad.”

International aid practitioner (Interview, 6 December 2010)

“[T]here is no health, economy, development or social development without security.”

Jihad Al-Museimi, PCP Deputy Chief (quoted in EUPOL COPPS Press Release 2010a)

The aim of this chapter and the next is to shed light on how the EU has tried to implement its formula for a just peace in the conflict. Since the EU, as was concluded in the previous chapter, has defined a just peace in the conflict as a Palestinian state alongside Israel, the following two chapters will look into the EU’s role in the Palestinian statebuilding process. This chapter will deal with the security aspects of Palestinian statebuilding: how the EU has worked to establish security in the Palestinian territories, how the EU’s support for the Palestinian security sector has affected the human rights situation in the Palestinian territories and what kind of security has been established. The next chapter will then be about the political and economic aspects of Palestinian statebuilding.

Security has always been an issue of the utmost importance in the Israeli-Palestinian conflict, particularly for Israel. The first intifada between 1987 and 1991 had exposed Israeli society to the enormous costs involved in maintaining the occupation with its direct military control over the Palestinians. One of the main tenets of the Oslo peace process was therefore that the PA could take care of Israel’s security better than Israel itself



(Robinson 1997:189). The PA was very cautious at the beginning of the peace process not to be seen as being under Israel's command or doing its direct bidding, at the same time as Israel, as many observers noted, was very open about the fact that it wanted the PA to do its "dirty work" in the West Bank and Gaza (See, for example, Le More 2005:986, Robinson 1997:189, Turner 2012:192). For example, on 7 September 1993, a week before he signed the DOP, former Israeli Prime Minister Yitzhak Rabin gave an interview to the Israeli daily *Yedioth Ahronoth*, in which he said that

I prefer the Palestinians to cope with the problem of enforcing order in the Gaza Strip. The Palestinians will be better at it than we were because they will allow no appeals to the Supreme Court and will prevent the Israeli Association of Civil Rights from criticizing the conditions there by denying it access to the area. They will rule by their own methods, freeing, and this is most important, the Israeli army soldiers from having to do what they will do. (quoted in Le More 2005:986)

According to Martin Indyk, former American ambassador to Israel, the Israelis told the Americans that "Arafat's job is to clean up Gaza." (quoted in CBS 60 Minutes, *Arafat's Billions*, 2003)

The events over the past decade: the collapse of the peace process at Camp David and the outbreak of the second intifada in 2000, the 9/11 attacks and the following War on terrorism, the withdrawals from Lebanon and Gaza and the subsequent wars Israel fought in these places, have only served to reinforce everybody's preoccupation with security in the conflict. During the second intifada, especially following the 9/11 attacks and the peak of the violence in 2002, security became a cornerstone, not just for Israel, but also for the entire international community, in its approaches to the conflict. Consequently, all internationally-sponsored peace plans, negotiations and diplomatic initiatives have since been heavily influenced by the security aspects (Friedrich & Luethold 2007:9). The best known of these initiatives, the "Arab Peace Initiative", issued by the Arab League on 28 March 2002, and the "Roadmap for peace", released by the U.S. State Department on 30 April 2003, both strongly emphasized the need for security for all the states in the region, including the future Palestinian state (The Arab League 2002, Quartet on the Middle East 2003). In the five-page Roadmap, which specified a timeline and the steps for the two parties to take in order to reach a settlement under the auspices of the Quartet (the U.S., the

EU, the UN and Russia), the word “security” appears 29 times (Quartet on the Middle East 2003).

## 6.1 The anomalies of Palestinian security sector reform

The 1994 Agreement on the Gaza Strip and the Jericho Area enabled the first contingent of PLO security forces to be deployed in Gaza and in the Jericho enclave on the West Bank. By mid-1996, almost 40,000 PLO cadres, administrative staff and family members had moved to the PA-controlled areas in the West Bank and Gaza (Parsons 2005:130). While it is important to emphasize that policing by non-state actors in conflict and post-conflict societies is not at all unique to the Palestinian case, the fundamental anomaly in Palestinian policing was that its main duty, according to the signed agreements, was to protect Israel. At the time, the prevailing logic was that only then would Israel be ready to withdraw from the rest of the Palestinian territories and give the Palestinians their freedom (Lia 2006:2-3).

As the PA, after it was established in May 1994, was required to fight what were called “the enemies of the peace process” (The Palestine Yearbook of International Law 1995:231), meaning primarily, but not exclusively, the militant Islamist groups, it is not surprising that from the very beginning of the institution-building process the Palestinian security forces quickly gained a reputation for being abusive. Israel was certainly not to blame for all the abuses committed by the PA; the fact that the PLO came in with an insurgent-based policing culture, that democratic oversight and accountability were lacking, that former militiamen, street fighters and prisoners were recruited into the security forces without much screening, made civilian-oriented democratic policing more difficult (Lia 2006:429). As the former head of the PA’s security forces in Gaza, Mohammed Dahlan, said regarding recruitment to the security forces: “We view it as a social issue because I cannot tell a prisoner who has spent 15 years in jail that I have no job for him.” (quoted in Lia 2007:165)

However, the strong Israeli and American demands for counter-terrorism and public order set the stage for much of the abuse that was to take place as the PA was forced to take what the Israelis and Americans

called “concrete action” against the militant groups (The Palestine Yearbook of International Law 1995:231). The same pattern repeated itself when it came to dealing with collaborators. According to the 1994 Agreement on the Gaza Strip and the Jericho Area, the PA was not allowed to prosecute collaborators (Agreement on the Gaza Strip and the Jericho Area 1994, article XX.4). However, the strong demand from Palestinian society for action against collaborators drove the PA to use illegal and abusive methods when no legally accepted methods were available. While this was in violation of the Oslo Accords, it also showed that the PA was not willing to leave this matter in the hands of “vigilante” squads or paramilitary groups (Lia 2006:356).

One of the fundamental challenges when it comes to addressing the security issues of the conflict is that Israelis and Palestinians have very different conceptions of what security means for them. For many Palestinians, security does not mean protection from crime or disorder, but from the Israeli occupation. The PA’s security forces are therefore not merely regarded as agencies that provide law and order, but as vehicles for achieving national independence (Lia 2006:429). As an occupying power, Israel tends to regard security through the prism of its territorial interests in the Palestinian territories and the threat of terrorism (Kerkkänen, Rantanen & Sundqvist 2008:6-7).

According to Roland Friedrich and Arnold Luethold (2007:9), Israel expected that security sector reform in the framework of the peace process would “produce a system of Palestinian policing, too weak to constitute a danger and strong enough to confront the ‘infrastructure of terror’”. The dilemma for Israel was, and still is, that a strong PA was needed in order to create security, but a too strong PA might constitute a threat to Israel (Lia 2006:106). As it was put by Haim Assaraf, Director of the Palestinian Affairs Department at the Israeli MFA, “We don’t want to create something that will work against us.” (Assaraf, interview, 14 June 2011)

## 6.2 The need for security sector reform in the Palestinian territories after the second intifada

During the peak of the second intifada in the spring of 2002, the PLO leader Yasser Arafat was singled out by Israel and the U.S. as being the main obstacle to peace. Peace required “a different Palestinian leadership” declared President Bush in June 2002 (quoted in *The Economist* 2002). President Bush then called on the Palestinians to “elect new leaders, leaders not compromised by terror” (quoted in *The Economist* 2002). Throughout his entire career Arafat had always regarded the PLO’s and later the PA’s security forces as a crucial pillar of his rule. He was therefore naturally reluctant to yield any control over them, which in turn precluded serious efforts at institutionalization and reform as long as he was alive (Friedrich & Luethold 2007:24). Following Arafat’s death in November 2004, the new President Mahmoud Abbas was eager to break up Arafat’s hold over the security forces. Supported by the U.S. and the EU, the PA under President Abbas concentrated its new security efforts in four areas: structural reorganization; establishing a legal framework for the security sector; civil police reform; and disarmament, demobilization and reintegration of the Al-Aqsa Martyrs Brigades into the PA’s security forces (Al-Fattal 2010:87).

The PA’s security infrastructure had largely been destroyed during the second intifada when Israel, as an editorial in its daily *Ma’ariv* newspaper put it, was “at war with the Palestinian Authority.” (IsraelNationalNews.com 2001) Police stations, prisons and other institutions were systematically targeted by Israel because of the security forces’ involvement in the intifada. Widespread unrest and anarchy followed, as armed militias, radical groups, family clans and criminal gangs filled the security vacuum that was created in the West Bank and Gaza Strip (Al-Fattal 2010:38). The result was a near complete breakdown in Palestinian law enforcement, a return to extra-judicial means of dispute resolution and a rise in decentralized violence against Israel (Parsons 2005:166).

In its Presidency Conclusions of June 2004, the EU delivered a strong message to the PA regarding the security situation:

The European Council urges the Palestinian Authority to take immediate, decisive steps to consolidate all Palestinian security services under the clear control of a duly empowered Prime Minister and Interior Minister. It reaffirms its readiness to support the Palestinian Authority in taking responsibility for law and order and, in particular, in improving its civil police and law enforcement capacity. The EU will study practical steps to that end. The European Union commends and supports the involvement of the Government of Egypt in this regard and reaffirmed its willingness to cooperate with it. The European Council urges the development of contacts and dialogue between Israel and the Palestinian Authority. (Council of the European Union 2004:26)

The security situation in Israel and the West Bank improved significantly after 2005 and onwards, due to a series of events: Arafat's death in November 2004 and the new PA President Mahmoud Abbas' declaration in February 2005 of an end to the intifada and to armed confrontation with Israel contributed to this; so did Israel's disengagement from Gaza in 2005 and the building of the separation barrier/wall. A general war fatigue on both sides, and significantly fewer Israeli casualties as a result of Palestinian violence, also helped to improve the situation.

### 6.3 Fayyad and the “security first” approach

In line with the academic literature on statebuilding, Salam Fayyad, who became Palestinian Prime Minister in 2007, quickly recognized the paramount importance of security for the statebuilding process. In fact, Fayyad's entire statebuilding project is built around creating security, both for his own people and, no less important, for Israel as well. As The Rand Palestinian State Study Team concluded as early as 2005, two years before Fayyad became Prime Minister, “[t]he success of an independent Palestinian state – indeed, its very survival – is inconceivable in the absence of peace and security for Palestinians and Israelis alike.” (The Rand Palestinian State Study Team 2005:4) But in contrast to infrastructure or industry, security cannot be built gradually after the state has been established. It must be in place before the state is established (The Rand Palestinian State Study Team 2005:4).

Palestinian statebuilding has therefore been a prime example of what the statebuilding literature calls the “security first” approach. All this was supported by the international community, led by the U.S. and EU, which had come to see security as the key issue in the conflict. As Andrea Matteo Fontana, International Relations Officer at the EC Directorate General for External Relations, put it when she was interviewed in a 2008 book published by the Commission, entitled *From warning to action: Reportage on the EU’s Instrument for stability*

The security issue is the key area of the conflict: if you want to tackle the security of Israel you also have to tackle the security of the West Bank and Gaza. (quoted in Franciosi 2008:150)

When Fayyad became Prime Minister, an even stronger emphasis was placed on creating security. His *Palestinian Reform and Development Plan* (PRDP) identified security as a top priority for the PA. The word security is mentioned 167 times in the PRDP (PNA 2008). One of the first things Fayyad did was to begin clamping down on the militant groups in the West Bank, chief among them Hamas, in an organized manner. This was something that Arafat had never really dared to do (Harel & Issacharoff 2010), as he always preferred to deal with the militant groups through an ambiguous balancing between co-option and confrontation. There is no doubt that Abbas and Fayyad have chosen the latter. Together they moved the PA’s security forces into Nablus, Jenin and Hebron, cities which had been flashpoints of the second intifada and still were hotbeds for the militant groups and armed gangs. Between 2007 and 2010, nearly 10,000 Palestinians were arrested by the PA’s security forces in the West Bank (Bröning 2011:107).

As militants, criminals and armed men disappeared, uniformed police took their place, and the PA resumed charge of all areas under its control (Area A when it comes to security). As it is often portrayed in the statebuilding literature, the Disarmament, Demobilization, and Reintegration (DDR) that took place in the West Bank had a powerful symbolic effect, both locally and internationally.

Fayyad’s impressive results quickly made him the darling of the international community, but critics were equally quick to point out that human rights and civil liberties suffered accordingly from the measures taken to restore security. The brutality of the security forces was a particular

issue of concern, not least since these very forces were supported and trained by the U.S. and the EU. This development corroborates several of the arguments made in the statebuilding literature: that statebuilding is a violent process, that peacebuilders have little choice but to act illiberally, that it matters how you start, that national security prevails over human security, and that the statebuilding process can provoke new conflicts.

## 6.4 The EU's support for Palestinian security sector reform

Contrary to the conventional wisdom, the EU and its members have been involved in security measures in the Israeli-Palestinian conflict throughout the whole peace process (Lia 2007:54). In 1994, the EU became one of the main donors to the UN police donor group, the so-called COPP (Coordinating Committee of International Assistance to the Palestinian Police Force). According to Brynjar Lia (2007:53), the COPP played an indispensable role in enabling the Palestinian police to function during the early stages of self-rule. For the most part this received little attention from the media or the academic community.

The new millennium witnessed a significant increase in the capacity of the EU in the security sector in tandem with the EU's willingness to use this capacity. As of 2012, there have been around 30 Common Security & Defence Policy (CSDP) missions, of which about half have been completed and the other half are still ongoing (CSDP Map). Two of the missions, EUBAM Rafah and EUPOL COPPS, are deployed to the Israeli-Palestinian conflict. In addition, there is also a large European force stationed in Lebanon under UNIFIL II's mandate, established by United Nations Security Council Resolution 1701. Many Israelis and Palestinians confuse this mission and its European troops with the EU's CSDP missions, but it is important to note that this force is under UN command and has nothing to do with CSDP missions.

As have been noted by Ari Kerkkänen, Hannu Rantanen and Jari Sundqvist (2008:2), the deployment of these missions to the Israeli-Palestinian conflict is in itself a significant development for the EU's Security and Defence Policy, particularly as regards the problematic relation

that has obtained between the EU and Israel over several decades. Many analysts rightly see these two missions as clear signs of a rapprochement in EU-Israeli relations, as they could not have been deployed without Israel's consent. At the same time, more critical voices, such as Stefan Ahlswede (2008:70), argue that behind the rapprochement is a new Israeli policy of no longer trying to exclude the EU as a player in the conflict, but instead trying to integrate the EU into the conflict by giving it minor responsibilities in order to "tame" it. According to Ahlswede

Israel's central tactic to cope with the Europeans' unwelcome quest for political relevance has been to provide them with a token role: In stark contrast to Israel's usual shield of rejection against any direct political involvement of the EC/EU, Israel in this case accepts or even welcomes a specific political endeavour of the European Union in the Middle East...It is a token role to keep the Europeans amused, coming at little cost for Israel, devoid of any real relevance...It will also help Israel to channel the EU's ambitions, making the Europeans more predictable, less dissatisfied and thus less prone for maverick initiatives and easier to cope with. (Ahlswede 2008:248)

Although EUBAM Rafah is no longer operational, the EU seems to be very pleased with both missions, as they represent concrete peacebuilding measures on the ground in an area where the EU has long desired an expanded and more visible role. Throughout the years, leading EU officials have on several occasions praised the work of these two missions (See, for example, Solana 2008a, Solana 2008b).

Another important fact is that both missions have been comparatively cost-effective in terms of impact and visibility on the ground. The yearly budget of EUPOL COPPS is €9.33 million (EUPOL COPPS Factsheet 2012:1), and for the non-operational EUBAM Rafah, it is €970.000 (EUBAM Rafah Factsheet 2012:2).

#### 6.4.1 EUPOL COPPS – helping to police the West Bank

EU COPPS was formally established in April 2005 following an exchange of letters between then Palestinian Prime Minister Ahmed Qurei and Marc Otte, the EU's special representative to the peace process at the time. In July that year, the foreign ministers of the EU decided that EU COPPS would take the



form of an ESDP mission (subsequent to the Lisbon Treaty termed CSDP). This led to the start of EUPOL COPPS on 1 January 2006 (EUPOL COPPS Factsheet 2012:1).

The mission is currently running at full speed in the West Bank, but the original intention was to have it operating in Gaza as well, something that has not been possible since Hamas took power there. The aim of the mission

is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the Community's institution building programmes as well as other international efforts in the wider context of Security Sector including Criminal Justice Reform. (Council Joint Action 2005/797/CFSP)

According to Henrik Malmqvist, the former head of the EUPOL COPPS, the training of the Palestinian police is, on the one hand, no different from police training elsewhere, but on the other hand, it is different because everything is done with the approval of Israel (Hass 2011a). In addition to training, advising and supporting the Palestinian Civil Police, EUPOL COPPS has expanded its Rule of Law section in order to create a more comprehensive approach to security for the Palestinians. The idea behind it is to support the whole chain from police to prisons. EUPOL COPPS is, according to the EU, an expression of the Union's "continued readiness to support the Palestinian Authority in complying with its Roadmap obligations, in particular with regard to 'security' and 'institutionbuilding'" (Council Joint Action 2005/797/CFSP).

#### 6.4.2 A difficult security environment

Even if the security situation in the West Bank during the height of the statebuilding period in 2009-2011 was far from ideal, the level of violence was then much lower than at any point in the previous decade (B'Tselem statistics). Throughout the whole institution- and statebuilding process since 1994, Israeli security forces have continued to make regular incursions into Area A, which is supposed to be under full Palestinian control. These incursions, sometimes referred to as "picnics" by Israeli security officials, are widely considered to be a show of force by the Israelis, clearly

undermining the legitimacy of the PA and its security forces (Hass 2011a, Asseburg 2010:79).

At least eight major and possibly as many as eighteen smaller different Palestinian security services are still active in the West Bank. This is largely a legacy from the Arafat-era and the precise division of labor between these organizations is not exactly clear. Grey areas certainly do exist and the various organizations sometimes overlap each other (Page, interview 19 April 2010). In the West Bank today, a sort of blue-green division exists between the EU and the U.S., where the EU assists civil security structures, while the U.S. assists more military security structures, like the Palestinian National Security Forces and the Presidential Guard (Bulut 2009a:296).

**Table 2:**

The eight major security services in the West Bank<sup>6</sup>

Name of organization	Strength	Trained by
General Intelligence Service	4,000	
Military Intelligence Service	2,000	
National Security Forces	7,000	U.S.
Palestinian Civil Defense	n/a	
Palestinian Civil Police	7,800	EU
Palestinian Navy	n/a	
Presidential Guard	2,500	U.S.
Preventive Security	4,000	
Total Pal. security personnel in the WB	around 30,000	

(Sources: International Crisis Group 2010:3, EUPOL COPPS Factsheet 2012:2, Page, interview, 19 April 2010)

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<sup>6</sup> In addition to its West Bank security personnel, the PA also has around 36,500 security personnel in Gaza who continue to receive salaries while being unable to work since Hamas took power there in 2007 (International Crisis Group 2010:3).

Of these forces, the EU-trained PCP is considered to be among those least prone to commit abuse (Bulut 2009a:295, Milhem, interview 5 December 2010). Reforming the civil police is also seen as less controversial than reforming intelligence services or the more military security forces, as the civil police is less political than the other security services and people generally applaud efforts to combat crime and other ordinary police services (International Crisis Group 2010:13). In ideal circumstances, we would probably not have started with three intelligence services, says Neil Page, an advisor to the U.S. Security Coordinator, General Keith Dayton, (now replaced by Admiral Paul Bushong), who was in charge of training the more military Palestinian security forces. We are not dealing with Sweden or Finland here, so it is important to recognize things are not always done the way we are doing it at home, says Page (Page, interview, 19 April 2010). One example of this is that the EU and the U.S. have moved away from talking about “police primacy”, meaning that the civil police is always in charge when an incident occurs, to “policing primacy”, meaning that other services than the civil police can do the same job (Page, interview 19 April 2010).

The enormous complexities the PCP are facing given the environment of occupation, internal and external threats, the West Bank/Gaza split and the semi-autonomy of the PA, are seldom recognized in EUPOL COPPS press releases and in other documents on its website, which often talk about “best international standards”, “highest operational standards” etc. (EUPOL COPPS Press Release 2010b, EUPOL COPPS Press Release 2010c). While the EUPOL COPPS must so far be considered successful given the circumstances, it is nevertheless unlikely that the PCP will attain the standards of best international practice any time soon, as Esra Bulut (2009a:296) has pointed out.

While the EUPOL COPPS tries to separate “the political from the technical” (EUPOL COPPS official quoted in Kristoff 2012:7), “the question is always there”, says Malmqvist, “how much can they be pushed, how much can be demanded of them to act against their own people, if there is no progress in the peace process?” (quoted in Hass 2011a)

### 6.4.3 EUBAM Rafah

EUBAM Rafah is the older of the two CSDP missions in the Israeli-Palestinian conflict and was rapidly put together in the wake of Israel's unilateral disengagement from Gaza in the summer of 2005. Later that year, Israel and the Palestinian Authority concluded an Agreement on Movement and Access (AMA) which among other things invited the EU to monitor the Rafah border crossing between Gaza and Egypt.

Like EUPOL COPPS, EUBAM Rafah does not have an executive mandate. Palestinian security and customs officials did all the actual work at the crossing (EUBAM Rafah 2007), which gave the mission a degree of local ownership. At the same time, the crossing could not operate unless the monitors were present and, since the mission's office was in Israel, Israeli authorities could stop the monitors from reaching the crossing at any time. Consequently, despite having no physical presence there, Israel maintained effective control over it (Maan 2009).

EU monitors began operating at the border crossing on 24 November 2005 (EUBAM Rafah Factsheet 2012:2). In the following seven months, nearly 280,000 people crossed the border and things seemed to have gone on without major problems until 26 June 2006, the day when the Israeli soldier Gilad Shalit was captured just nearby the Rafah crossing. After Shalit's capture, the Rafah border crossing was closed for normal operations and only opened on exceptional occasions during the year that followed. Between 25 June 2006 and 13 June 2007, it was opened for only 83 days, allowing nearly 165,000 people to cross (EUBAM Rafah 2007). On 13 June 2007, EUBAM's Head of Mission declared a temporary suspension of operations due to the deteriorating security situation in Gaza, which subsequently led to a Hamas takeover of Gaza, including the Rafah crossing (EUBAM Rafah 2007). Despite the renewal of the mandate for EUBAM Rafah, the crossing has not been open in its presence since June 2007, and the mission must de facto be considered defunct.

### 6.4.4 An important precedent

Despite the problems, EUBAM Rafah was nevertheless of great significance, setting a notable precedent in that the EU was given an important responsibility in the security sector. Israel's first choice had been to have

U.S. monitors at the Rafah crossing, but since the Americans were not willing to undertake the mission, the role fell to the EU (Nacrou, interview 7 December 2010). As Haim Assaraf said regarding EUBAM Rafah: “Nobody was really satisfied but we didn’t have another option so we thought it would be good to give Europeans a role to play.” (quoted in Bouris 2010a:20) In the light of decades of problematic relations between the EU and Israel, EUBAM Rafah represents a breakthrough, a fact which has not been recognized to the extent it deserves in the EU literature, or in the public debate:

When a guy like Ariel Sharon who had nothing but contempt for the Europeans, when he agrees to, I am going back to what preceded the withdrawal from Gaza in 2005. When he agrees that there will be no Israelis at the Rafah crossing and there will be Europeans there, and to place this in the hands of the EU, this was an extraordinary breakthrough in European-Israeli relations, that Israel would show this degree of trust the first time, the first crossing between a Palestinian entity and a neighboring Arab state is going to be entrusted to the Europeans, that was really quite extraordinary. (Alpher, interview 21 April 2010)

While it is debatable how long EUBAM Rafah can be deployed without being operational, Anis Nacrou, Political and Security Advisor to the Quartet Representative, Tony Blair, says that he personally would see it as a setback if EUBAM Rafah was dismantled, because this is the first time the EU is actively involved in important security issues in the conflict. After all, says Nacrou, EUBAM Rafah is about border control, which is one of the conflict’s final status issues (Nacrou, interview 7 December 2010).

According to a senior EUBAM Rafah official, the mission was considered by the EU to be the most successful CSDP mission until it was suspended (Anonymous EUBAM Rafah official, interview 15 April 2010). It was rapidly deployed, it made a difference on the ground, it gave the EU visibility at a comparatively low cost and it established an important precedent (Bulut 2009b:307).

According to Christian Berger, the former Head of the European Commission Technical Assistance Office for the West Bank and Gaza Strip (ECTAO), EUBAM Rafah represents “a glimpse of the future” in the sense that a future peace agreement will probably include international observers, monitors and perhaps even troops at Israel’s borders, some of which will likely be from the EU (Berger, interview 28 May 2009). There were initially

plans to extend the EUBAM Rafah mission to one or more of the internal crossings of Gaza, meaning the crossings between Gaza and Israel, but this is problematic, not just because of the present security situation in Gaza, but because the EUBAM Rafah mission was based on an agreement between Israel and the PA, whereas Hamas, now the de facto ruler of Gaza was not a party to the agreement (Lazaroff 2009).

The fact that neither Israel, nor the U.S. or the EU has any official contacts with Hamas makes these kinds of arrangements very complicated if not impossible. Nevertheless, senior EU officials have since 2005 repeatedly expressed the EU's willingness to play a greater role at Gaza's borders. Following Israel's raid on the flotilla outside Gaza in May 2010, the Foreign Ministers of France, Italy and Spain proposed an EU plan to lift the Israeli-led blockade of Gaza by monitoring Gaza's crossings and providing a maritime force which would open up Gaza's port to the outside world while ensuring that no weapons or other types of illicit material would enter Gaza by sea (Kouchner, Frattini & Moratinos 2010). The EU already has such a maritime force: EUROMARFOR, which was deployed on a similar mission in Lebanon in 2008-2009 (EUROMARFOR brochure 2010). In the Lisbon Treaty, EUROMARFOR is recognized as one of three main "Euroforces". Such a force would in the words of Dimitris Bouris

be a courageous step for Brussels to ensure Israeli security, Palestinian trade and avoiding other unnecessary flotilla incidents while also advancing a more comprehensive approach to SSR. (Bouris 2010b)

The plan was, at the time, welcomed by Hamas, whose senior official Salah Al-Bardawil said that Hamas would be glad to receive a European presence at all of Gaza's border crossings (Maan 2010a).

#### 6.4.5 A glimpse of the future or a memory of the past?

Since 2007, the EU has again and again renewed the mandate for EUBAM Rafah on a six months basis, both out of hope that the political situation will improve so that the mission can be activated, and probably also out of fear that it would be accused by Israel of not staying the course or not being a trustworthy partner if the mission were dismantled. Following the May 2011 intra-Palestinian reconciliation agreement between Fatah and Hamas, the EU issued a statement where it declared that it "stands ready to reactivate the

EUBAM Rafah Mission, once political and security conditions allow” (Council of the European Union 2011).

However, these conditions are unlikely to emerge soon, as many things have changed in the region during the years while EUBAM has been inactivated. After the fall of Mubarak, who had cooperated closely with Israel in enforcing the blockade on Gaza, speculation immediately arose that the new regime would open the border. Leading Hamas officials no longer expressed their willingness to see EU monitors return there. A senior Hamas official, Ghazi Hamad, told Palestinian media in May 2011 that Palestinians have proven they are capable of operating the Gaza side of the Rafah crossing themselves and that there is no longer any need for foreign observers there (Maan 2011a).

Similar statements were heard from Israel around the same time. Foreign Minister Avigdor Lieberman published an Op-ed in *The Wall Street Journal* in early 2011, in which he declared that “[w]e cannot allow a return to the ineffective EUBAM mission, which unilaterally vacated its positions at the Rafah Crossing upon Hamas’s seizure of power in Gaza.” (Lieberman 2011) When the new Egyptian regime in 2011 gradually began to ease restrictions at the Rafah border and allowed more Palestinians to cross, Israel’s finance minister Yuval Steinitz declared the AMA “not worth the paper it’s written on” (quoted in Maan 2011b). Steinitz went on to say that the border reopening proved that Israel needed to maintain control over the Jordan Valley under any peace agreement with the Palestinians and that Israel could not rely on other nations to protect its borders (Maan 2011b).

With rhetoric high on all sides, it must be remembered that the politics surrounding the Rafah crossing are more complex than many people believe. While there are constant populist demands in Egypt for opening the border, either in solidarity with the Palestinians, or in defiance of Israel, or both, there are equally strong fears among Egyptian leaders that if Egypt opens the Rafah crossing, Israel will close its borders with Gaza, and effectively throw the keys of Gaza over to Egypt (Hass 2011b). In the words of an Egyptian diplomat:

I can understand if we are opening Rafah for Egypt, but not if it is to help the Palestinians. Opening Rafah to goods will mean: having to pay the price with the U.S.; having to pay the price with Israel; opening ourselves to international criticism for allowing the tunnel trade while dealing with Hamas (since tunnels won't disappear completely); opening ourselves to related legal battles; being accused of sabotaging the [U.S.-Quartet-Israel-PA] 2005 Agreement on Movement and Access for Rafah; ending totally our relationship with Abbas; deepening the division between the West Bank and Gaza; and being remembered in history as the ones who connected Gaza to Egypt, thereby ending once and for all the notion of a Palestinian state. (quoted in the International Crisis Group 2012b:36)

As things stands now, the glimpse of the future, as senior EU officials once described EUBAM Rafah, looks more like a memory of the past.

## 6.5 Whose security?

Both EUBAM Rafah and EUPOL COPPS have been plagued by these different Israeli and Palestinian conceptions of security, which often have a zero-sum nature in that Palestinian steps towards independence are regarded by Israel as threats to its security, at the same time as Israeli steps to enhancing its security, are typically seen by Palestinians as a consolidation of the occupation and as threats to their national rights. EUBAM Rafah is a clear example of this dilemma: in the words of its Head of Mission, Colonel Alain Faugeras, it represented for the Palestinians “the door of freedom” and for the Israelis “the door of danger” (quoted in Lazaroff 2009). As EUBAM Rafah has not been operational since the summer of 2007, this is no longer an issue, but the fact that Palestinian security and customs officials did all the actual work at the crossing of course minimized the risk that the EU would be seen as creating security on Israel's behalf rather than helping the Palestinian people.

The situation is rather different for EUBAM COPPS which, even if it is also a non-executive mission like EUBAM Rafah, operates in the West Bank's highly complex security environment. As the EU-trained Palestinian Civil Police is the PA's main law enforcement apparatus and handles ordinary functions, such as combating crime and maintaining public order, it often finds itself in difficult situations. “It is very delicate all the time” says



Victoria Sjölander, Political Advisor to the EUPOL COPPS and “people criticize the PA, the security forces, the police for doing the job of Israel when they arrest wanted people because these people might have been wanted by Israel in the past” (Sjölander, interview 14 April 2010).

It is clear that Fayyad has made significant progress in the security sector since he became Prime Minister in 2007. Armed men no longer roam the streets, the security forces are active everywhere, violence of all kinds have been dramatically reduced, and so has crime, an issue often neglected by international peacebuilders, and a major problem in many other conflict and post-conflict societies. A PA official from Nablus told the Israeli daily *Haaretz* that crime has gone down by 95 per cent in his city since the PA began redeploying its security forces there after the second intifada (Issacharoff 2011a).

The PA’s efforts in the security sector have been widely praised by the international community, including by the EU, and even by the Israelis, who are very pleased that the PA and Fayyad have declared war on Hamas and dismantled the armed militias. This has no doubt contributed to a dramatic cessation of the violence in the West Bank since 2007, both as regards Palestinian attacks on Israelis, and vice versa. At the end of 2010, the security situation was considered so stable in the West Bank that Israeli troop levels there were the lowest since the start of the first intifada in 1987 (Pfeffer 2010). In the same period, Israel’s most-wanted list for the West Bank had also dwindled to almost nil (Issacharoff & Harel 2010). Many observers, however, both in the region and outside were cautious not to overemphasize the development. As one Western diplomat told the International Crisis Group:

On the one hand, within the diplomatic community, everyone is impressed with how the chaos in the West Bank came to an end. But on the other hand, we don’t have any objective way to measure the success of reform. What that has meant for many of us is that the main criterion of success is Israeli satisfaction. If the Israelis tell us that this is working well, we consider it a success. (quoted in the International Crisis Group 2010:16)

Many PA officials regarded the stable security measures in the West Bank as a political tool that could be used against Israel and the U.S. to gain leverage in the negotiations. The underlying logic of this was that by fulfilling its security commitments the PA hoped to be able to turn the table against Israel and undermine Israel’s arguments for keeping soldiers and settlers in the

West Bank for security reasons (International Crisis Group 2010:5). The flip side of this strategy was that all Palestinians who were affiliated with Hamas and other radical groups were at best excluded, and at worst targeted, by the security measures undertaken by Fayyad's government, and indeed by much of the statebuilding project itself. As one Hamas-affiliated law student told the International Crisis Group:

I have studied law for four years, and I'm top of my class. But I will not get a job within the PA bureaucracy or any institution the PA controls, since I will not get security clearance. I have no place in the society that is being built from Ramallah. (quoted in the International Crisis Group 2010:31)

Another flip side was that since almost no negotiations between the PA and Israel took place during 2009-2011, the whole argument of guaranteeing security and turning the table against Israel proved to be at best tenuous, if not wrong.

## 6.6 National security versus human security

As has happened several times in the past, the interests of the PA regarding security have converged with those of the international community, the surrounding Arab states and Israel, in that all these actors want stability in the region and the survival of the PA (Nakleh 2004:27). This situation is of course good for Israel, and high-ranking Israeli officers regularly praise the Palestinian security services for their work to combat violence against Israel. As one former senior Israeli defense official told the International Crisis Group:

[T]he current security set-up significantly reduces the burden on Israel's shoulders. When the Palestinians take care of our security, this is the best kind of security arrangement we can achieve. (quoted in the International Crisis Group 2010:17)

The Palestinian security forces, including the EU-trained Palestinian Civil Police, often find themselves in difficult situations when dealing with security issues in the West Bank. One of the most difficult tasks for the PCP is to maintain order at demonstrations against the occupation and sometimes

prevent demonstrations from reaching checkpoints and settlements. The dilemma here is that, on the one hand, there must be scope to express legitimate criticism against the occupation. But, on the other hand, sometimes the Palestinian police might need to save people from being injured in confrontations with the occupation forces. “We had a discussion last year [2009] during Operation Cast Lead when there were a lot of demonstrations heading for checkpoints” says Victoria Sjölander of EUPOL COPPS, and “we were thinking, you know, what is better, being shot by an IDF soldier or being beaten with a stick by the Palestinian police” (Sjölander, interview 14 April 2010).

After 2008-2009 Gaza war, the chief of the PCP, Major General Hazem Atallah, praised the work of his forces and the other security forces when they had prevented West Bank Palestinians from getting killed in confrontations, either with the occupation forces, or with the Palestinian security forces. There were a few cases where people were badly beaten, but no one was killed (Page, interview 19 April 2010). Whether this outcome was good or bad for the Palestinians is a difficult question, because the Palestinian security forces clearly suppressed their own people by violent, albeit not deadly, means in demonstrations against the occupation. In these situations, the line between serving the Palestinian people and serving the occupation is indeed thin. While this close cooperation with the Israeli occupation forces is clearly problematic for the PA from a human rights and human security perspective, it has major advantages from a national security perspective. The present security situation in the West Bank certainly benefits the Palestinians in the sense that it has created an environment where the PA can further its cause in the international arena in a non-violent context. It is much easier now for the Palestinians to claim that they have undertaken their commitments with regard to security and the peace process, while claiming that the Israeli government has not, thereby putting pressure on Israel to be more forthcoming.

However, as Fayyad failed to deliver a Palestinian state by September 2011, and if the state does not materialize in the foreseeable future, then it will become far more difficult for the PCP chief Atallah to defend suppression of his own people in the name of national security in a context of unending occupation. “The political sensitivity of creating security without making it look like you are protecting Israel” is one of the most difficult aspects of our work, says Victoria Sjölander, the political advisor to EUPOL COPPS.

While the EU and other third parties often get caught between the two sides' different conceptions of security, supporting one or both parties' security concerns does not have to be negative per se vis-à-vis the other side. Security does not have to be a zero-sum game, or mutually excluded, as the parties in the Israeli-Palestinian conflict often assume it is. As Victoria Sjölander puts it:

We are here to provide the Palestinian people with the feeling of security of their own. We are not here to protect, to make sure that Israel gets its security, because that will anyway be the result of it; that is how I see it, but it is very difficult to reach that point, because of all these external factors; not being able to perform because the restrictions; because of deadlock in the peace negotiations. (Sjölander, interview 13 April 2010)

## 6.7 Human rights abuses and the provoking of new conflicts

Given the complexities of the Israeli-Palestinian conflict (the continued occupation, the split between the West Bank and Gaza, and the status of the PA) the debate about internal Palestinian human rights violations in the West Bank and Gaza has always been polarized and politicized. With a few exceptions (See, for example, Cronin 2010, Byrne 2010), there is a widespread agreement among prominent Palestinian NGOs like Al-Haq that the Fayyad government made significant improvements in the human rights area during its first years in office after 2007 (See, for example, Al-Haq 2010a). The problem, however, according to these same NGOs, was that the improvements took place in an increasingly authoritarian context and that the PA was transforming itself into a police state (Al-Haq 2010b). While there was a marked decrease in allegations of torture by the security forces in the West Bank following Fayyad's instructions to ban all forms of ill-treatment of detainees in 2009 (European Commission 2010c:6, Al-Haq 2010a), serious human rights violations have occurred throughout Fayyad's time in office. These include arbitrary detentions, the failure of security forces to present arrest and search warrants, the continued exercise of the Military Justice Authority and the interference in the affairs of associations (Al-Haq 2010a).

The PA's authoritarian tendencies continued to grow in 2011 and 2012, with repeated reports of abusive behavior by the security forces against peaceful demonstrators, detainees, journalists and NGO activists. In August 2012, Human Rights Watch published a critical report of the PA's abuse of human rights, calling on donors to reevaluate support for the Palestinian security forces. In the report, Human Rights Watch's deputy Middle East director, Joe Stork, urged the EU and the U.S. to "take a hard look at the PA security forces' record of impunity, and condition support for those forces on credible investigations and prosecutions of abuses" (Human Rights Watch 2012). The spokesperson for the Palestinian security forces, Adnan Damiri, rebutted the report and said that "[w]e don't believe (HRW) has done a thorough investigation... The PA has greater transparency than Human Rights Watch and the United States." (quoted in Maan 2012a)

Fayyad's own response to allegations of authoritarian tendencies by his government is that the present situation should be compared to the lawlessness that was prevalent in the West Bank before he assumed his post as Prime Minister in 2007. Fayyad also blames Hamas for the authoritarian tendencies of the PA. We do not want to be authoritarian, we want elections, but Hamas prevented that, says Fayyad (Fayyad, Q&A at a seminar in Oslo, 15 December 2010). Despite the Human Rights Watch report, it is important to emphasize that the numerous human rights violations in the Palestinian territories have been committed not by the EU-trained Palestinian Civil Police, but by the myriad of other security forces that are active in the West Bank (Bulut 2009a:295, Milhem, interview 5 December 2010).

The EU has repeatedly criticized the PA for the problematic human rights situation in the Palestinian territories in all of its *Progress Reports* between 2006 and 2012, but the Union has been careful not to criticize Fayyad personally for any of these violations (European Commission, 2006, 2007b, 2008, 2009, 2010c, 2011, 2012a). Those who criticize the EU for human rights abuses in the Palestinian territories, whether those committed by Israel or those by Palestinians, all agree that there is a gap between the rhetoric in the EU's declarations and what it does on the ground in the Palestinian territories (See, for example, Tocci 2005, Bouris 2011b:100). Some of the fiercest critics, like David Cronin (2010) and Aisling Byrne (2010:2), accuse the EU of being directly acquiescent in both Israeli and PA human rights violations against the Palestinian people. They see the Fayyad government as a proxy for Israel and the West, meaning primarily the U.S.

and the EU, which acts to enhance Israel's security rather than enhancing the security of its own people.

Others critics, like several of the leading Palestinian NGOs, hold Israel, Hamas and the PA as directly responsible for the human rights violations in the Palestinian territories, giving the EU no more than a secondary indirect responsibility for these abuses. In a joint letter dated 17 September 2010, a dozen leading Palestinian NGOs calling themselves "Palestinian Civil Society" urged the EU to base its relations with the PA on respect for human rights. The group was clear that the parties themselves were directly responsible for the problematic human rights situation in the Palestinian territories

Most human rights violations committed by the Palestinian authorities in the West Bank and the Gaza Strip are a direct result of political tensions between the Hamas de-facto government in Gaza and the Fatah-led PA in the West Bank. The vast majority of human rights violations perpetrated by the PA are directed against Palestinians in alleged affiliation with Hamas; in the Gaza Strip individuals affiliated with Fatah are the primary targets of violence. (Palestinian Civil Society 2010:1)

However, the problem with the EU and human rights in the Palestinian territories is primarily of an indirect nature, according to these organizations. By refusing to enter into a dialogue with the Hamas government in Gaza, the EU has exacerbated the intra-Palestinian rivalry and fuelled the conflict between Hamas and Fatah (Palestinian Civil Society 2010:1).

## 6.8 The security conundrum

According to Mark Heller (1983:146), whenever security is at issue for strong powers, there is a natural inclination to prefer the status quo to any alternative if the choice is between the known and the unknown. The Israeli occupation, which many observers over the years have deemed unsustainable, has proven itself to be remarkably sustainable thus far, as Israel has been able to resist international pressure at a relatively low cost and maintained control over the territories it captured in 1967 (Sheizaf 2012a). The entire idea of the Oslo peace process was to create an interim period in which Palestinian self-rule would be tested to see whether it was

capable of preventing violence against Israel. The problem, however, was that as long as Israel was only willing to offer the PA limited autonomy it was not possible to know whether the PA might be able to guarantee Israel's security (Lia 2006:105).

The lessons learned from the unilateral Israeli withdrawals from Lebanon in 2000 and Gaza in 2005, have led to a broad consensus that has emerged in Israel and abroad that if a future Israeli withdrawal from the West Bank is to take place, whether unilaterally or within the framework of a peace agreement, it must be accompanied by international guarantees, monitors and perhaps even international troops (Katz 2008, Shavit 2010, Primor, interview 15 April 2010). As the *Haaretz* correspondent, Ari Shavit, wrote in 2010:

Five years after leaving Gaza, the picture is clear. The 2005 disengagement was problematic, but strategically, it was and remains crucial. The lesson from the first disengagement is that the second disengagement must be done differently. We must not retreat to the 1967 lines, we must not retreat without international backing, we must not retreat without quiet understandings with moderate Palestinians (Shavit 2010).

The idea of deploying international troops in the West Bank after an Israeli withdrawal has been discussed repeatedly over many years, but there is a historic reluctance in Israel to place the country's most pressing security concerns in the hands of foreigners. First of all, Israelis point out that the historical record of deploying outside forces in the region is not impressive (Heller, interview 12 April 2010). Secondly, the Palestinian leadership under Abbas and Fayyad is considered by many in Israel to be so weak that it cannot offer Israel security, simply because the PA is not capable of guaranteeing its own security, let alone that of Israel. The thinking among many in Israel is that without the presence of the Israeli army in the West Bank, Hamas will rise to power and topple the PA, as happened in Gaza in 2007 (Primor, interview 15 April 2010). Thirdly, in the light of the historical record of outside forces and the weakness of the PA, there is a fear in Israel that the deployment of an international force in the West Bank could create operational challenges for the IDF if Palestinian attacks were to continue even after an Israeli withdrawal (Katz 2008).

According to Avi Primor, former Israeli ambassador to the EU, an American force would be the most efficient, but the Americans will not deploy such a force for a variety of reasons. So if it is not going to be an

American force, there is only one alternative, says Primor, and that is a European force, possibly with the help of Turkey. Primor says he believes that the Palestinians would welcome such a force, at least initially, as a liberation army (Primor, interview 15 April 2010). Perhaps the most likely scenario would be a European force under NATO command with strong American support but without active participation of U.S. forces on the ground in the West Bank.

However, after the Arab Spring of 2011, the fall of Mubarak and the near collapse of the 1979 Egyptian-Israeli peace treaty, more and more Israelis seem to agree that it is not possible to rely on others, least of all the Palestinians, to guarantee their security. Noam Sheizaf captures the present sentiment in Israel when stating that

security is the one thing Palestinians cannot give Israel. Israel's security will be placed at risk by evacuating the West Bank, and nothing the Palestinians say or do can eliminate this risk (one could also argue that Israel's security would be at risk by continuing the occupation, but this is a separate debate). Any kind of agreement President Abbas signs today won't guarantee that in five, ten or twenty years, hostilities won't be renewed. "Peace," or mutual security, depends on political circumstances and how both leaderships conduct themselves in years to come – not on documents they sign now... So any promise the Palestinians or Israel make today is worthless on its own, since we cannot anticipate political developments in both societies. (Sheizaf 2012b)

## 6.9 Conclusions

It is clear that the statebuilding process in the West Bank has made significant progress since 2007 in creating security and curbing violence, whether directed at Israel or domestic. It is equally clear that the price has been high in terms of human rights abuses and the emergence of new conflicts. The politics of stability at all costs has made the PA more authoritarian, up to the point where it more and more resembles a classic Arab security state without the benefits of actually being a state. The Palestinians living in the PA-controlled areas are increasingly denied freedom and basic rights, while the many security services ensure order and stability. Critical voices, like that of veteran NGO activist and director of



ICAHN (Israeli Committee against House Demolitions), Jeff Halper, say that the Palestinians now live under two occupations, one by Israel and one by the PA (Halper, interview 13 April 2010). In 2011, senior PA officials openly bragged about how the PA has banned what are called “unlicensed gatherings” (Maan 2011c) and even firecrackers in order to preserve order (Issacharoff 2011b). Taken as a whole, this development corroborates many of the arguments in the statebuilding literature, which sees statebuilding as a violent and illiberal process.

In order to support Palestinian statebuilding, particularly in the security sector, the EU and the rest of the international community have been dependent on cooperation with Israel, even in the absence of Israeli consent and goodwill. There has of course been the alternative of not cooperating with Israel, as has been suggested by the critics who argue that the international support for the statebuilding process only maintains the occupation. But as Ulrich Steinle, an ECTAO Task Manager for Government and Public Administration says, “It is easy to say stop the funding if you sit at a café in Stockholm or Vienna.” (Steinle, interview, 28 April 2010)

However, the critics certainly do have a point in that close cooperation with Israel inevitably means toning down criticism against the occupation, Israeli human rights abuses and settlement construction. On the one hand, this enables the occupation to go on, but on the other hand, it is hard to see how the Palestinians could ever realize a Palestinian state and end the occupation if there were no security sector reforms, no functioning Palestinian security institutions, and no dismantling of militant groups, all of which require cooperation with Israel and the occupation at this stage. As one Palestinian police officer told the International Crisis Group:

Before I go to bed at night, I look at myself in the mirror with pride, as I know that what I am doing is the only way to an independent Palestinian state. (quoted in the International Crisis Group 2010:37)

As security is seen as a precondition for all types of development in statebuilding, the main achievement of Fayyad has been that the progress in the security sector has made his plan to establish a Palestinian state much more feasible. There should be no doubt that the statebuilding project would have been far less feasible in an environment of constant violence against Israel, whether legitimate or not.

# 7 Building a Palestinian state

“Arafat was a great state leader, but not a great statebuilder.”

Anonymous EEAS official (Interview, 3 October 2012)

“Fayyad is a one-man show... He is not connected to the real world.”

Anis Nacrou, Advisor to the Quartet Representative in Jerusalem (Interview, 7 December 2010)

This chapter will deal with the EU’s role in the political and economic dimensions of the statebuilding process in the Palestinian territories: how the EU has contributed to these two aspects of Palestinian statebuilding and what the Palestinian statebuilding process so far has achieved. As was mentioned earlier, the EU’s involvement on the ground in the Israeli-Palestinian conflict since the Oslo peace process began in 1993 has been a prime example of how statebuilding as an approach to peacebuilding has been used in practice. In the European Commission’s 2010 *Progress Report* on the occupied Palestinian territory, the Commission stated that “[t]he overarching objective of EU policy towards the Palestinians is the creation of an independent, democratic, contiguous and viable Palestinian state” (European Commission 2010c:2). Many similar statements have been heard over the years, as leading EU officials and EU institutions have repeatedly stressed how critical Palestinian statehood is for any just, workable and lasting solution to the conflict (See, for example, Solana 2009b, Ashton 2010b). The Council of the European Union has also declared “its readiness, when appropriate, to recognize a Palestinian state” (Council of the European Union 2010d).

When the prelude to the Oslo peace process started in Madrid in 1991, the EC had hoped to be one of the leading diplomatic actors at the

negotiating table. However, these hopes proved short-lived, as it soon became clear that the United States and Israel would not let the EC play a significant part in the negotiations (Peters 2000:158). Consequently, the EC was able to secure only a minor role as an observer at the Madrid conference, a clear sign of its marginalization as a diplomatic actor (Gomez 2003:124). Despite this bad start, the EC quickly found a role for itself as the main funder of the peace process, a role that was accepted by all the other parties involved. The EC, which by now had become the EU, chaired the Regional Economic Development Working Group (REDWG), which it sought to use as an umbrella organization for the disbursement of funds to underwrite the peace process (Hollis 1997:22). Among the grandiose aid projects the EU supported was the setting up of the Palestinian Authority in 1994 (Youngs 2006:146).

The launch of the peace process also prompted the EU to move ahead on related issues such as negotiations for a new Israeli-EU trade agreement, which was signed in 1995, and the Euro-Mediterranean Partnership (EMP), also signed in 1995 (Hollis 1995). While the EU has overall not played a leading diplomatic part in the peace process, with the exception of its important declaratory work described in chapter 5, it has always had a key role in implementing it (Bouris 2010a:31).

## 7.1 From institution-building to statebuilding

Throughout the 1990s, when the EU, the U.S. and other leading international actors did not openly endorse a Palestinian state, much of the work in the Palestinian territories was called institution-building (See, for example, the Independent Task Force Report 1999). This changed early in the 2000s when all the involved parties began openly to envision a two-state solution with a Palestinian state alongside Israel. As a consequence, what was called institution-building now became statebuilding. The statebuilding process in the Palestinian territories was further accelerated after Prime Minister Salam Fayyad in 2009 unveiled a detailed two-year working plan, “*Palestine — Ending the Occupation, Establishing the State*”, ending with the supposed establishment of a Palestinian state in August 2011 (later changed to September 2011) (PNA 2009).

Fayyad's approach, which was technocratic rather than political, marked a radical break from the strategies employed by the late PLO leader, Yasser Arafat, and to a lesser extent by his successor as PA President, Mahmoud Abbas. Whereas Arafat and Abbas always had focused on solving the final status issues (borders, settlements, refugees and Jerusalem) before establishing the state, Fayyad focused on Palestinian statebuilding first (Bröning 2011:100-102). As Robert Danin (2011:95) noted in an article in *Foreign Affairs*, Fayyad's plan was "[e]legant in its simplicity and seemingly unassailable in its reasonableness." There was clearly a transformative element in Fayyad and his plan, which many observers dubbed the third way, between armed struggle and peace negotiations, neither of which had previously paid off for the Palestinians.

Prime Minister Fayyad quickly became the darling of the West, whose support was almost unanimous from the beginning. But critics were quick to point out the apparent contradictions in building a state under a decades-long Israeli occupation with seemingly no end in sight. They argued that technocracy could never be a substitute for political action (Le More 2006, 2008, Brown 2010). While there were major technical improvements during 2009-2011, there were almost no comparable political improvements, as the two sides, Israelis and Palestinians, could not even talk to each other during most of this period.

## 7.2 Formal and informal frameworks for the EU's involvement in the institution- and statebuilding process

The institutional framework for the EU's relations with the PA is provided by the Interim Association Agreement, signed in 1997 between the EU and the PLO for the benefit of the PA. This agreement integrated the Palestinians into the EMP (EU-PA Legal Framework). Since 2004 the PA has also been included in the European Neighbourhood Policy (ENP), which has a joint EU-PA Action Plan as its working and guiding tool (EU-PA Political Framework). The ENP's objective was to avoid the emergence of new dividing lines between the EU and neighboring countries following the 2004 enlargement (ENP: The Policy). While not replacing the EMP with its

multilateral focus, the ENP has a bilateral focus with new financial tools and legal instruments, most notably the above-mentioned Action Plan. The current Action Plan for the Palestinian Authority ran from 2005 and a new one was about to be concluded in 2011 (Sbaih, interview 6 December 2010), but was delayed because of the problematic political situation in the Palestinian territories. In late 2012, the EU and the PA finally concluded negotiations on a new joint Action Plan (European Commission 2012b). The Commission issues annual *Progress Reports* about its implementation.

Besides these formal EU-PA relations, it is important to note that at the international level the EU has since 2002 formed part of the Quartet on the Middle East. This is widely seen by observers across the board as a U.S. run show, in which the EU is expected to line up behind the U.S. (Nacrour, interview 7 December 2010). The International Crisis Group (2012a:35) has described the EU's participation in the Quartet as a Faustian bargain: a sacrifice of autonomy in return for a place at the table. However, it is questionable whether the EU has even been sitting at the high diplomatic table since joining the Quartet in 2002, as it was not invited either to the 2007 Annapolis conference or to the 2009 direct negotiations in Washington. According to the International Crisis Group (2012a:35), the former U.S. Secretary of State, Colin Powell, admitted to a European diplomat that the Quartet was set up to make sure that nobody except the U.S. could do anything in the peace process. This seems to have affected mostly the EU, since Russia and even the UN have maintained more independent roles in the conflict.

On a more regional level, the Israeli occupation, together with the Oslo structure, which divided the Palestinian territories into Areas A, B and C are further constraints for the EU, because it means that the EU is dependent on Israeli consent and goodwill to be able to work at all in the Palestinian territories. In the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed on 28 September 1995 and commonly referred to as Oslo II, the West Bank was divided into three areas: Areas A, B and C. As Palestinian jurisdiction was gradually expanded during the peace process, the size of these areas changed. Today, Area A comprises 18.2 per cent of the West Bank, Area B 22.8 per cent and Area C the remaining 60 per cent. The PA has full civil and security control in Area A, and civil but not security control in Area B, whereas Israel has full control, both civil and security, in Area C. The overwhelming majority of Palestinians in the West Bank live in Area A and Area B (Le More 2008:28, Parsons 2005:119). Only

about 150,000 Palestinians live in Area C (Hass 2012a). Throughout the Oslo peace process, the future of Area C has been one of the key questions in the negotiations between the two sides: how much territory will Israel keep for its settlements and security, and how much territory will the Palestinians get for their future state? Because of Israeli restrictions, implementation of Fayyad's plan to establish a Palestinian state has so far been virtually limited to Areas A and B. In fact, Area C is only mentioned twice in Fayyad's plan for a state (PNA 2009).

Finally, there are local Palestinian constraints in terms of the split between the West Bank and Gaza, various social and informal structures, which all affect the work of the EU in the Palestinian territories. In practice, as Alfons Lentze of the EU's Seyada II rule of law project and others working on EU projects in the Palestinian territories have noted, this structure of constraints is set in advance, before the EU and other third parties even undertake missions and other activities in the Palestinian territories (Lentze, interview 5 December 2010). As Victoria Sjölander, Political Advisor to the EUPOL COPPS puts it:

They [Israel] are in charge of whether we stay here or not, whether or not we increase or decrease, whether or not we can have cars to be sent to a mission, whether or not we want to import anything for a project. They are in charge of basically everything. (Sjölander, interview 14 April 2010)

Consequently, says Lentze, by working inside these structures, we are enabling them and further strengthening them (Lentze, interview 5 December 2010). Others, like the NGO activist, Jeff Halper, says that the EU helps Israel, not the Palestinians, by keeping these unviable structures in place (Halper, interview 13 April 2010). On the other hand, if the EU were not to accept these structures, particularly the Israeli occupation and the Oslo structure, it would not be able to operate in the Palestinian territories, because this cannot be done without Israel's consent.

## 7.3 The political dimension of Palestinian statebuilding

Even if the EU portrays itself as a “key player in the Middle East Peace Process” (ECTAO 2009), it must be considered a weak diplomatic and political actor in the Israeli-Palestinian conflict. With the exception of the 1998 Wye River Memorandum, the EC/EU historically played at best a marginal role, if indeed it was present at all, in the series of important peace negotiations through the years: the 1978 Camp David Accords, the 1993 DOP, the 1994 Israel-Jordan Treaty, the 1995 Oslo II Accords, the 2000 Camp David Summit, the 2003 Road map for peace and the 2007 Annapolis conference. Both the Israelis and the Palestinians continue to regard the U.S. as the only game in town when it comes to high-level mediation by international third parties.

Despite its overall political weakness, the EU has nevertheless, under the auspices of the U.S. and Israel, had a key role in implementing the various political dimensions of Palestinian statebuilding, such as setting up democratic elections and establishing legitimacy and the rule of law. One of the main problems for the EU with regard to the political dimension of statebuilding in the Palestinian territories is that it is trapped in a peculiar Catch-22 situation that seems very hard to escape. On the one hand, the EU believes that the key to ending the occupation lies in building up Palestinian institutions and preparing for Palestinian statehood, which is what the EU has been doing since Oslo. At the same time, on the other hand, the Union believes that ending the occupation is the key to Palestinian institution-building and a future state (Council of the European Union 2002). Not surprisingly, over the past two decades, the EU has constantly found itself in situations where it had to choose between bad alternatives and even worse ones.

### 7.3.1 Democracy and elections in the Palestinian territories

Palestinian statebuilding over the past two decades illustrates the often heard warnings in the theoretical literature on statebuilding about if, when and how to hold elections in conflict and post-conflict societies. Since 1993, the Palestinians have held two major rounds of elections, in 1996 and in 2006.

Both have been very problematic, for completely different reasons. The 1996 legislative and presidential elections were designed to consolidate the power of the PA and Arafat rather than to contest it (Robinson 1997:195). While deemed free and fair by international observers, including a big delegation from the EU, the elections were constructed in a way that made it extremely difficult for anyone than Arafat, his Fatah party and their allies to win. The key to this was a winner-takes-all election system (Robinson 1997:195), instead of a proportional representation system, something the theoretical literature on statebuilding warns about (See, for example, Papagianni 2008:60).

The 1996 elections gave the PA what Mandy Turner (2012:193) calls “the formal attributes of democracy”. In the presidential election, Arafat ran virtually unopposed and won 88 per cent of the vote. The only other contender, a woman named Samiha Khalil, won a surprising 12 per cent (Robinson 1997:197). Khalil was never in a position to challenge Arafat but her candidacy gave the election the formal appearance of being a contest (Parsons 2005:191). Another example of “the formal attributes of democracy” is the Palestinian Legislative Council, sometimes referred to as the Palestinian parliament, which has never really functioned in the way a parliament in a democracy is supposed to do. The terms of the Oslo framework placed severe restrictions on the Council’s authority over many important areas of national life. Moreover, some of its buildings have been destroyed by Israel, which has also repeatedly denied its members freedom of movement thereby preventing them from attending meetings. Some members have also been arrested and imprisoned by Israel (Parsons 2005:205-206). Because of the split between Fatah and Hamas, the Palestinian Legislative Council has been unable to meet since 2007 (European Commission 2010c:4).

Although it became clear almost from the outset of the peace process that the PA under Arafat had as many authoritarian tendencies as it had democratic, the international community often supported the PA’s authoritarian measures against what were called the enemies of the peace process. In addition, with massive international political and economic backing, the PA could act like a rentier regime that did not have to raise revenues from its own population. A crucial part of the internal political bargaining process in Palestinian society was therefore lost (Robinson 1997:200). For international actors like the EU, who had no higher objective than to keep the peace process on track, there were few alternatives other



than to support the PA and Arafat, despite all the well-known difficulties. Following this logic, it is very difficult for the EU to be tough and use various types of conditionality measures against the PA, because this would likely weaken the PA. That in turn would make a bad situation even worse, and ultimately empower the Islamists at the expense of the PA, a situation which the EU and other Western donors wish to avoid absolutely.

When the EU's support for the PA was questioned during the second intifada, either because it was seen as supporting an occupation or because of the nature of the PA, including complicity in the violence against Israel, leading EU officials such as Chris Patten and Miguel Moratinos defended the EU's position by arguing that economic support to the PA saved it, and thereby the whole peace process, from collapsing during the intifada's most troublesome moments. In Patten's words, "the alternative to the Palestinian Authority is Palestinian anarchy." (Patten 2001) While there was much truth in what Patten and Moratinos were saying, the main point of all the critics was that the PA, for various reasons, was not worth saving (Halper, interview 13 April 2010). All this shows the enormous complexities that underlie the EU's relations vis-à-vis the Palestinians.

The situation vis-à-vis the Israelis is equally complicated, but for completely different reasons, and it has been suggested in the EU literature that imposing sanctions or negative conditionality against Israel is one of the strongest taboos in EU foreign policy, even in the light of Israel's settlement policy and its destruction of EU-funded infrastructure (Keukeleire & MacNaughtan 2008:287). Imposing negative conditionality against Israel might lead to the exclusion of the EU from the peace process in addition to strained relations with the U.S.

### 7.3.2 The 2006 elections

The Palestinian elections in 2006 are a textbook example of the difficulties involved in holding elections in conflict and post-conflict societies. This time, the elections were contested and described by the EU's election observation mission as an "important milestone in the building of democratic institutions" (EU EOM 2006). To the surprise of everyone, Hamas won the elections. Shocked by the surprise victory of Hamas, the U.S. and the EU responded by placing three demands on the group: renounce violence and accept Israel's existence and past agreements. Many saw the demands as

unfair and unrealistic, not least since the Western powers had never demanded anything similar from Israel (Smith 2008:159). In retrospect, the boycott of Hamas must be seen in the light of the 9/11 attacks and the War on terrorism, but the problem with these types of measures is that, once in place, they are very hard to reverse because all involved parties are anxious to maintain face and not to be seen as giving in.

The boycott of Hamas effectively closed off diplomacy, which among other things reduced the EU's influence in Gaza. Today, there are few, other than the Israelis, who think that the boycott of Hamas has been successful. It has been very troublesome, particularly for the EU, which prides itself on having legitimized the PLO into becoming an acceptable interlocutor for the Israelis and for the U.S. when it was in a similar situation in the 1970s and 80s as Hamas is in now. Even if it can be argued that Hamas is not representative of the Palestinian people in the way that the PLO was back in the 70s, it should be clear that there are huge costs at stake here both in terms of inclusion and exclusion. Islamists in general and militant Islamists in particular pose serious policy dilemmas for the international community, perhaps even more so for the EU, because of its proximity to the Middle East, threats of terrorism, problems with migration, integration and so on (Kemp 2004:170). The way the EU chooses, or does not choose, to deal with these groups will therefore have major implications for the Palestinian and other Arab perceptions of the EU in the conflict and in the region.

### 7.3.3 Legitimacy

As Michael Bröning (2011:104) has correctly noted, EU officials have scrambled to outdo each other in praising Fayyad and his plan for a state. In July 2010, Catherine Ashton said that “[t]he European Union will continue to work side by side with him [Fayyad] and his government to lay the foundations for a Palestinian State.” (Ashton 2010b) A month earlier, in June 2010, Tomas Dupla del Moral, Director of the Middle East and South Mediterranean Department in the European Commission, said that “we are proud of our joint achievements during the past three years and we see steady progress in the PNA’s efforts to fulfill their ambitious state-building agenda that we support whole-heartedly.” (quoted in EU-PA joint committee 2010) The former head of ECTAO, Christian Berger, hailed the Fayyad plan as “music to our ears” (quoted in Bröning 2011:104). More than any other

international actor, the EU has supported Fayyad and his statebuilding project. Christian Leffler, a senior EEAS official in Brussels, says that this is because the idea of statebuilding as a form of peacebuilding has a special appeal to the EU, clearly reflecting its own history and identity as a peace project. One of the major successes of the EU is that it has managed to turn complex political problems into bureaucratic and technical issues, which are far easier to deal with. This is what Fayyad tried to do and that is why it was so appealing to the EU, according to Leffler (Leffler, lecture 8 May 2012).

In the EU and the U.S., Fayyad and his plan for a state was appealing even up to the point where observers began talking about “Fayyadism”. In a June 2009 op-ed in *The New York Times*, Thomas Friedman wrote that:

Fayyadism is based on the simple but all-too-rare notion that an Arab leader’s legitimacy should be based not on slogans or rejectionism or personality cults or security services, but on delivering transparent, accountable administration and services. Fayyad, a former finance minister who became prime minister after Hamas seized power in Gaza in June 2007, is unlike any Arab leader today. He is an ardent Palestinian nationalist, but his whole strategy is to say: the more we build our state with quality institutions — finance, police, social services — the sooner we will secure our right to independence. I see this as a challenge to “Arafatism,” which focused on Palestinian rights first, state institutions later, if ever, and produced neither. (Friedman 2009)

It is important to note that the Fayyad government, which is so widely and almost always uncritically praised by the international community, has never been elected by the Palestinian people. The popularity and legitimacy Fayyad enjoys in the West stand in dire contrast to his status in the Palestinian territories, where he is seen, in the words of Danin (2011:102), as a “one-man phenomenon”.

I myself met Fayyad in Oslo in 2010 during the height of his popularity when he was travelling around the world and was received like a rock-star. The problem, of course, was that he could not do the same in his own country. He could not travel to Gaza because of the split, he could not travel freely in the West Bank and East Jerusalem because of Israeli restrictions, and most importantly, his own people did not see him as a rock-star. On the contrary, Fayyad has always had a very weak base of support in the Palestinian territories, both because he has never been elected and because he is not a member of any of the big Palestinian factions (Bröning 2011:122).

The difficult internal political situation in the Palestinian territories with stalled presidential, legislative and municipal elections, continued Israeli occupation and the split between the West Bank and Gaza, has in effect created two separate governments, one in Gaza and one in Ramallah, both of questionable legitimacy. As both these governments have shown increasing authoritarian tendencies and an unwillingness to hold new elections, observers like Nathan Brown are right when they talk about a “new authoritarianism” in the Palestinian territories and even an “end to Palestinian democracy” (Brown 2010:10).

#### 7.3.4 Rule of law

The ongoing conflict with Israel and the occupation of the West Bank make the whole rule of law situation very difficult for all the parties involved, including the EU. The laws in force in the Palestinian Territories stem from half a millennium of foreign rule: from the Ottomans to the Israelis. The legal system, or rather systems, are therefore a mixture of several different legal systems. Even the West Bank and Gaza Strip do not have the same legal system because they were controlled by, respectively Jordan and Egypt, before the Israeli occupation in 1967 (Robinson 1997:183). The legal system in the West Bank derives from the Napoleonic tradition and the introduction of Jordanian law in the 1950s and 60s, whereas in Gaza, the legal system consists of the Anglo-Saxon common law tradition, as applied by the British Mandate until 1948 and, with some modifications, by the Egyptians until 1967. After 1967, the Israeli military government introduced further modifications in the form of military orders (Sayigh & Shikaki 1999:35-36). The present Israeli occupation, the structure imposed by the Oslo peace process, the West Bank/Gaza split and the ambiguity of Gaza’s legal status further complicate the situation. In the West Bank, the PA does not exercise overall, exclusive and independent governmental authority either over the territory, most of which is fragmented, or over its population (Milhem & Salem 2010:2). The Palestinian rule of law experts Feras Milhem and Jamil Salem have referred to this peculiar situation as “rule of law without freedom” (Milhem & Salem 2010:1).

Despite the obvious difficulties of having a non-sovereign entity like the PA working to establish rule of law in an occupied territory, Prime Minister Fayyad has nonetheless made rule of law one of the main pillars of

his plan for a Palestinian state. Rule of law was also one of the issues to which the 2005 EU-PA Action Plan attached particular importance (EU-PA Action Plan). In the 2009 *Progress Report*, it was recognized that “PM Fayyad has made considerable progress in the area of rule of law and succeeded in deploying security forces in Nablus, Jenin, Hebron and Bethlehem” (European Commission 2009:4). On the other hand, the same report also stated that “ Hamas has established parallel structures throughout the Gaza Strip, including duplicates of institutions already existing in the West Bank, which exacerbated the split between the two parts of the occupied Palestinian territory.” (European Commission 2009:4) Similar developments have also been reported in other *Progress reports*, with the PA making progress in the West Bank, while Hamas enforces its own rule in Gaza (European Commission 2012a:2).

However, as was mentioned in the previous chapter, human rights abuses continue to be a problem in both halves of the Palestinian territories, where the security forces are still notorious for their brutality (Palestinian Civil Society 2010). While the general level of violence involving the Israeli army and the various Palestinian factions has gone down significantly in the West Bank from the mid-2000s onwards, settler violence continues to be a big problem. According to the leading Israeli human rights group monitoring settler violence, B’Tselem, the Israeli authorities usually take a lenient attitude toward settlers when they commit violence against Palestinians. In dire contrast, the Israeli authorities typically apply the full force of the law against Palestinians committing crimes against Israelis (B’Tselem 2011).

### 7.3.5 EUPOL COPPS Rule of Law Section and the Seyada II project

Two EU efforts are of particularly importance when it comes to efforts to establish rule of law in the Palestinian territories: the EUPOL COPPS Rule of Law Section and the Seyada II project.<sup>7</sup> Much of the EU’s rule of law support to the PA is of a very practical nature, such as rebuilding prisons,

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<sup>7</sup> Seyada II is a project funded by the EU with the aim of developing and strengthening the Palestinian judicial system. The project has a budget of €4.4m. Beneficiaries of Seyada II include the High Judicial Council, the Palestinian Judicial Institute and the Palestinian Bar Association.

detention centers and police stations. Other types of assistance include providing the Palestinian police with IT equipment, training prison officers, holding gender workshops with the Palestinian police, and study trips to various places in Europe for judges, lawyers, prosecutors and police officers. While most of the assistance is provided by EUPOL COPPS, EU members provide part of it bilaterally to the PA (EUPOL COPPS News archive).

Given all the challenges for the rule of law situation in the Palestinian territories, two key questions to be asked are what should the measurement of success and the framework of reference really be? As was mentioned earlier, the EU often talks about “best international standards” and “highest operational standards” in its documents regarding how it aims to contribute to the rule of law situation in the Palestinian territories (EUPOL COPPS Information Brochure 2010, EUPOL COPPS Press release 2010b). While the situation for Palestinian judicial institutions and the laws in place are already better than in neighboring Arab countries, according to Milhem (Milhem, interview 5 December 2010), Nicholas Robson, Head of EUPOL COPPS Rule of Law Section, says that it would be unfair to compare them with European standards (Robson, interview 7 December 2010). Because of all the international input and the foreign experts working within governmental structures in the West Bank, which does not exist in other countries in the region, the level of competence in judicial institutions in the Palestinian territories is far higher compared to regional standards, but that does not mean, according to Alfons Lentze, team leader of Seyada II, that there is proper implementation, because of all the constraints.

As was mentioned earlier, the constraints for international involvement are set from the beginning. For example, says Lentze, sometimes the EU is not able to get permits for Palestinian judicial experts to go from Ramallah to Jerusalem to attend EU meetings there on rule of law issues. As the Americans and even the Canadians are able to get such permits for similar activities, this is a sign of the weakness of the EU, according to Lentze (Lentze, interview 5 December 2010). Besides the Israeli occupation and the Oslo structure, local Palestinian structures such as informal tribal justice systems and gender barriers place further constraints on proper implementation of the rule of law. For example, women may have difficulties approaching the police in matters related to honor crimes, as these types of crimes have traditionally been dealt with within the family and other informal structures, and the police expect it to be like that, says Milhem (Milhem, interview 5 December 2010).

In 2011, at the end of the statebuilding process, several international actors published reports which all stated that the PA, despite the tremendous difficulties it faced, had made steady advances in the rule of law and justice sector, including in drafting legislation and addressing the long-standing backlog of court cases (See, for example, UNSCO 2011, European Commission 2011). However, despite this progress, rule of law, together with human rights, are the two areas of Palestinian statebuilding that have been most negatively affected by the split between the Fatah and Hamas. In the West Bank and Gaza, two different sets of security forces and legal systems have been established and consolidated. Consequently, in reality, it is questionable to what extent, if any, Gaza now can be considered part of Fayyad's statebuilding project. The PA's former officials in Gaza, numbering several tens of thousands, have since they were ousted by Hamas in 2007 been receiving salaries month after month without being able to work. A UN Gaza official, Simon Boas, refers to this as the "sleeping ministries of the PA" (Boas, interview 2 July 2012).

All this, moreover, underscores the problems of factionalism in the Palestinian territories, where civil servants are affiliated with a faction rather than with the whole of society, which in turn enforces structures of patronage and clientelism. This further makes it dangerous for factions like Fatah or Hamas to lose elections and other power struggles. In the end, this is one of the reasons why both groups are hesitant to call for new elections because they both fear the consequences of losing. As a result, Fatah and Hamas have each entrenched themselves in, respectively, the West Bank and Gaza, and consolidated their own power base while mutually oppressing each other, to the dismay of the Palestinian population who strongly favor reconciliation between the groups (For polls about this, see Palestinian Center for Public Opinion 2011).

## 7.4 The economic dimension of Palestinian statebuilding

It has become something of a cliché to say the EU is just a payer and not a player in the Israeli-Palestinian conflict. While this is a somewhat simplistic notion, which was partially challenged in chapter 5, it is clear that the

economic role is by far the most prominent role of the EU in the conflict. At the same time, it must be recognized that the fundamental tasks with regard to economic assistance, namely supporting the PA, funding civil society, wider development and aid issues, are all deeply political processes with close relations to other political developments in the Palestinian territories. Even if these and other economic matters regularly and sometimes unfairly are overshadowed by what is called the final status issues, there should be no doubt that building up functioning Palestinian institutions is of decisive importance for any future peace agreement.

According to Rouba Al-Fattal (2010:12), the reason why the EU acquired a mainly economic role was that all parties welcomed it; the Palestinians needed the money; the Israelis and the Americans needed someone who could pay the bills; and the EU needed a presence in the conflict. An economic role is also generally far less sensitive than a political role, which makes it suitable for the EU. By assuming an economic role, which had the consent of all parties, the EU could claim it was supporting the peace process and the Palestinian people while not being directly involved in sensitive political matters, a situation that Le More calls (2008:84) “aid instead of politics”. It was the hope and belief of the EU that its “low politics” would influence Israeli and American “high politics”, in other words, the final status issues of the conflict. As this has not happened, in large part because there was little “high politics” going on between the Americans and the two parties since the collapse at Camp David in 2000, Le More (2008:85) argues that “in the absence of movement on the diplomatic front, donor initiatives became the peace process.”

#### 7.4.1 A substantial EC/EU economic commitment to the peace process

The EC began supporting the Palestinians economically as early as 1971, two decades before the peace process began. EC/EU assistance was first channeled through UNRWA and then, after the Oslo peace process began, partly through the Ad Hoc Liaison Committee (AHLIC). After the election victory of Hamas in 2006 the route was through the Temporary International Mechanism (TIM). The latest mechanism, PEGASE, which replaced TIM, was launched by the EU in 2008 and channels economic support to the Palestinian people, either through the Palestinian Authority or via direct



payments to eligible companies and individuals. Although launched by the EU, PEGASE is also open to donors and organizations outside the Union. Like its predecessor, PEGASE also has programmes that distribute allowances both to the PA's civil servants and pensioners and to the most vulnerable Palestinian families (EU's PEGASE Mechanism 2009:1).

The EU is the largest donor to the Palestinian people and since the inception of peace process following signature of the DOP in 1993, the EU and its member states have made a substantial economic commitment to it (PEGASE 2009). Exactly how much money the EU and its members have given is not clear, but the standard figure in the literature is that the EU provided approximately half of the total economic aid to the Palestinians within the framework of the peace process (Hollis 1997:22, Keukeleire & MacNaughtan 2008:283). Most EU officials interviewed in this dissertation, even the most senior who have worked on the conflict for many years, say that they do not know how much money the EU has spent on it, but according to one mid-level EEAS official in Brussels, since the peace process began the EU, including the individual member states, has provided over €10 billion to the Palestinians (Anonymous EEAS official, interview 17 November 2011).

Economic assistance to the PA and the Palestinian people constitutes the EU's highest per capita foreign aid program. The latest seven-year budget, which will end in 2013, also funds UN projects, such as UNWRA and UNDP (Maan 2010b). Through UNWRA, the EU is the largest multilateral provider of international assistance to the Palestinian refugees (EU-PA Political and economic relations). Over the period 2000 to 2009 the EU gave more than €1 billion in support to UNRWA, exclusive of contributions by the individual member states. In 2009, the EU and its member states jointly provided 62 per cent of UNWRA's General Fund (Maan 2010c).

In 2003, a decade after the peace process begun, the World Bank reported that the aid to the Palestinians "is thought to be the highest sustained rate of per capita disbursement to any aid recipient anywhere since the Second World War." (The World Bank 2003:8) As the largest donor and financier of the peace process, the EU played a key role in all this, and in 2009, the European Commission Technical Assistance Office for the West Bank and Gaza Strip (ECTAO) reported that the EU, exclusive of bilateral funding by member states, provided €3.3 billion in assistance to the Palestinian people between 2000 and 2009 (PEGASE 2009). In 2012, the

Commission wrote on its webpage that from 1994 to the end of 2011, the EU, exclusive of the member states, committed approximately €5 billion in assistance to the Palestinians through its various geographical and thematic instruments (EC, Development and Cooperation, Occupied Palestinian Territory). The Palestinian newspaper *Maan* reported in 2011, citing a senior official at the Palestinian Ministry of Planning, that the PA has received about US\$20 billion in donor funds since the peace process began (Maan 2011d). It is unclear exactly what that figure includes/excludes, but the EEAS official's estimate that the EU, including individual contributions by its members, has given €10 billion to the Palestinians since the peace process began sounds reasonable in the light of this.

The PA's budget for 2011 was US\$3.7 billion, of which about a quarter was foreign aid. Reliance on donor money was twice as high, about half of the budget, in 2008 (Associated Press 2011). According to the Palestinian Ministry of Planning, of all the donor assistance to the Palestinians in 2011, about 43 percent came from the EU and its member countries; about 25 percent from the USA and its agencies; about 25 percent from Arab countries and their agencies; and about 7 percent from other donors, such as Australia, Japan, Canada and Norway (Maan 2011d). The decreasing reliance on donor money is considered to be one of Prime Minister Fayyad's greatest achievements.

Depending on what sources one uses, the PA employs somewhere between 150,000 to 170,000 people in the West Bank and Gaza (Maan 2011e, Reuters 2011, The World Bank 2012:13). Of these, around 65,000 are in Gaza (The World Bank 2012:13). The PA's Gaza employees continue to receive half-pay even though the Hamas government has replaced them with its own civil servants. A large part of the Palestinian population depends on the wages of these public employees. The World Bank estimates that the dependency rate is about 6-8 for each public employee, meaning that around one million Palestinians, 25 per cent of the total Palestinian population, rely on this income from public sources (The World Bank 2009a). This dependency on the PA is, of course, a major source of leverage and legitimacy for the PA. A large public sector has also traditionally been considered a force for stability in the Palestinian territories.

As has been noted by David Shearer and Anuschka Meyer (2005:165), the large volume of sustained aid to the Palestinians is very unusual in international peacebuilding, especially over such a long period of time. The EU's four decades of involvement in this conflict therefore testifies to the

great significance that the EU and other Western states attach to it. It is also important to note that the EU sends aid to the PA and other relevant bodies in euros, which means that the value of the aid when converted into Israeli shekels, which is the currency also used in the Palestinian territories, has declined significantly over recent years (Maan 2010d). In April 2008, before the financial crisis broke out, the exchange rate between the euro (€) and the Israeli shekel (NIS) was 1€=5.74NIS (Sheva 2008). In mid-June 2012, the exchange rate was 1€=4.92NIS, a 14 percent loss for the euro against the shekel since the start of the financial crisis (XE currency rates 26 June 2012).

#### 7.4.2 Liberalization and marketization in the Palestinian territories

Because of the large involvement in the statebuilding process of international third parties, including the two leading financial institutions, the World Bank and the IMF, it is not surprising that critical voices, mainly from the left, have accused the PA and its international backers of pursuing neo-liberal policies. The fact that Prime Minister Fayyad himself, with his free market approach to economic policies, has worked for both the World Bank and the IMF, makes him an easy target for such criticism (Bröning 2011:117).

While Fayyad in his plan for a state talks about a firm commitment to a free market economy (PNA 2009:12), the Palestinian territories cannot be said to represent a typical case of a conflict or post-conflict society where neo-liberal policies have led to destabilization and violence. Too many things are abnormal in the Palestinian territories for this to be true. First, they are one of the most donor dependent societies in the world, with a majority of the population receiving some kind of assistance (Development Initiatives 2011:23, European Commission 2009:8). Secondly, the Palestinian territories have a big public sector. Thirdly, the Palestinian economy faces major constraints when it comes to imports/exports, freedom of movement for persons and goods, fragmentation of the territory and lack of control over natural resources (The World Bank 2009b:4). As all these and other similar factors go against the logic of liberalization and marketization, it is incorrect to characterize the economy in the Palestinian territories as neo-liberal.

However, critics like Rafeef Ziadah (2011) certainly have a point in that the big West Bank security apparatus means less public welfare. Against

that, all experts agree that the improvement in the security sector is a major reason why the Palestinian economy has flourished in recent years (The World Bank 2009b:4, European Commission 2010c:8). The purpose of the 1997 EU-PA Interim Association Agreement was to establish the conditions for increased liberalization of trade between the EU and the PA, but with the outbreak of the second intifada three years later in 2000, not much has come out of it (ENP Country Report PA 2004:3). With €99 million in EU-PA trade in 2011, the Palestinian territories remain the EU's smallest trading partner in the Euro-Mediterranean region and almost so worldwide (EU-OPT Trade Statistics, Maan 2011f). In recent years, the EU has on several occasions tried to bolster its trade relations with the Palestinian territories (See, for example, Maan 2011f) but, so far, little has materialized from these efforts. EU-PA trade even decreased 20 per cent between 2010 and 2011 (EU-OPT Trade Statistics).

The PA's economy, excluding Gaza, is extremely dependent on Israel. The World Bank estimates that 85-90 per cent of the West Bank's trade flows are with Israel (The World Bank 2008:i). In Gaza, the economy is largely controlled by Hamas and dependent on smuggling with Egypt, even if Israel's blockade of Gaza has progressively been lifted since 2010. Both halves of the Palestinian territory experienced significant growth during the statebuilding period of 2009-2011, sometimes almost double-digit figures, but this growth stemmed from a low base during the second intifada, was primarily donor-driven and also mainly confined to the non-tradable sector (The World Bank 2011a:5). As a powerful illustration of the limits of Fayyad's technocratic approach vis-à-vis the hard political realities, all the leading international organizations were in 2011 in clear agreement that progress and economic growth could not be sustained without lifting the various restrictions that accompany the Israeli occupation (The World Bank 2011a:5, UNSCO 2011, IMF 2011b, Ashton 2011b).

### 7.4.3 EU funding of NGOs

Besides the funding and support of the PA, the EU and its members are also major funders of the myriad of different NGOs that are active in the Israeli-Palestinian conflict, particularly in the Palestinian territories. According to Christian Berger, the former head of ECTAO, "the Palestinian civil society

sector has always played a vital role in the Palestinian society and its aspiration for a free and sovereign Palestine.” (quoted in Maan 2010e)

As might be expected in an ongoing conflict, the NGO environment is polarized and politicized both in Israel and in the Palestinian territories. Particularly since the outbreak of the second intifada, EU funding of NGOs during the conflict has become a major issue in some, primarily right-wing, circles in Israel, where the EU and some of its members have repeatedly come under fire for allegedly funding NGOs that promote conflict, false claims against Israel and oppose the stated goals of the EU in the peace process (NGO Monitor 2008:16). Even if some of the critics have obvious political agendas, it is clear that the EU’s funding of NGOs in the Israeli-Palestinian conflict is a controversial issue at present.<sup>8</sup>

The situation for NGOs in the Palestinian territories is equally precarious, but for completely different reasons. Historically, the PA, with its authoritarian tendencies, has always been suspicious of domestic NGOs and tried to use them as a tool against Israel. Over the period 2006-2011, as the level of Israeli-Palestinian violence in the West Bank declined after the second intifada, Palestinian NGOs began to turn their attention inwards, away from the Israeli occupation and more and more to scrutinizing the PA. This caused anxiety in the PA. One of President Abbas’ advisers told the International Crisis Group “that NGOs can be easily used against the PA, rather than against Israel. They talk a lot about human rights in the PA, less about occupation.” (quoted in International Crisis Group 2012a:21)

In addition to the precarious situation that NGOs face in the conflict, the more general effectiveness of the EU’s massive funding of them has also been scrutinized and questioned by a number of observers, including by the EU itself. Reflecting a clear gap between rhetoric and reality, the Evaluation Team for the Partnership for Peace programme concluded in 2005 “that there has been no identifiable impact on the macro Middle East Peace Process that can be traced directly to this Programme.” (Evaluation of the PfP programme 2005:53).

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<sup>8</sup> In the first years of the second intifada, the EU was also accused by some pro-Israeli observers of financing Palestinian terrorism against Israel (See, for example, Carmi & Carmi 2003:86). These accusations remain unproven.

In this context it should be mentioned that problems related to NGO-funding are peculiar neither to the EU, nor to this conflict. However, there are some interesting problems in this particular context. Critics like the NGO Monitor typically accuse the EU of funding questionable NGOs, while the EU claims it is funding specific projects, rather than a whole organization, thereby allowing an NGO to have other projects going on simultaneously, which are not supported by the EU. In practice, this means that an NGO like Adalah can get funds from the EU for a specific project, while at the same time running other projects with aims contrary to those of the EU. In the Adalah case, this particular NGO has promoted a “Democratic Constitution”, an idea that resembles a one-state solution, in stark contrast to the EU’s position of promoting a two-state solution.<sup>9</sup> When Adalah’s “Democratic Constitution” was published in 2007, the *Haaretz* correspondent, Yoav Stern (2007), wrote that “Adalah’s version of the constitution essentially abolishes the Jewish elements of Israel.”

Asked about the appropriateness of this particular case, an EU official who requested not to be named said that the NGOs funded by the EU are not obliged to agree entirely with the EU’s views as long as they do not promote violence or hamper its work. On the contrary, the official said, the EU saw a democratic value in allowing a pluralistic and lively debate among NGOs and within civil society in general (Unnamed EU official, interview). The Adalah case poses a real dilemma for the EU and raises an important question of principle about how far an NGO’s agenda can differ from the EU’s without hampering the Union’s work in the conflict. The two-state solution is at the heart of EU’s formula for a just peace in this conflict, and the EU has spent two decades and billions of euros trying to realize it. It must therefore be considered an obstacle to the EU’s work when an organ that is funded by the EU works against this pivotal objective. On the other hand, when no negotiations are taking place and there is no movement towards a two-state solution, NGOs will naturally and rightfully explore different paths to peace.

Another interesting and even more problematic case is the Bader Youth Network, which is a joint initiative by the International Peace and

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<sup>9</sup> Adalah’s Democratic Constitution can be found on its website; URL= [http://www.old-adalah.org/eng/democratic\\_constitution-e.pdf](http://www.old-adalah.org/eng/democratic_constitution-e.pdf), accessed 28 June 2012.



Cooperation Center (IPCC) in Jerusalem and the Konrad Adenauer Stiftung (KAS) in Ramallah. While the Bader Youth Network does not receive funds from the EU, both the IPCC and the KAS do so, albeit not for this particular project, but rather for other projects within the EU's PFP programme and through EIDHR. According to the KAS website the

[a]im of the Project [Bader Youth Network] is to strengthen the role of youth in Palestinian society and in the political arena, to support future leaders as well as to cut back gender barrier. In this way, KAS and its partner [IPCC] support the build-up of a pluralistic, democratic and viable civil society in the Palestinian Autonomous Territories. (Konrad Adenauer Stiftung 2008)

While these are praiseworthy objectives, the Bader Youth Network distributes posters featuring a map of Israel, the West Bank and Gaza painted in the colors of the Palestinian flag (Black, red, white and green). This is widely seen as an expression of denying Israel its right to exist, and it was also a common practice by militant Palestinian groups, like Hamas, during the second intifada to feature the same map in the background of so-called "martyrdom posters". Again, this is a question of appropriateness: whether the EU should finance organizations (or projects belonging to organizations), which in turn finance other organizations/projects whose actions clearly run contrary to the efforts by the Union. Even if it is routine for both sides in the conflict to depict the whole Israeli-Palestinian territory in their own respective flags, this is not a practice that the EU should engage in, even indirectly.

**Figure 2:**

The map of Israel, the West Bank and Gaza depicted in the colors of the Palestinian flag by Palestinian groups.

	
<p>A Bader Youth Council poster featuring Israel, the West Bank and Gaza in a Palestinian flag. The logo of the Konrad Adenauer Stiftung is in the upper right corner.</p>	<p>A so-called martyrdom poster with the same flag featuring 25 years-old Hamas member Ala Ayyad who was killed by Israeli troops on 25 March 2003. The logo of Hamas is in the mid-right of the picture.</p>
<p>Photo by the author, IPCC Ramallah office, May 2009.</p>	<p>Photo by the author, Bethlehem, November 2003.</p>

Observers across the political spectrum have also long warned that the enormous amounts of international assistance to the Palestinians will create various forms of unhealthy dependencies in the Palestinian society. Some have even referred to this as a peace industry (See, for example, Bailey



2012, Segal 2012, Halper, interview 13 April 2010). Particularly for young people with good educations in poor societies like the Palestinian territories, the best jobs available are often those associated with international organizations or NGOs. While this, almost by default, creates a disconnect between a young, well-educated and liberal class working for these organizations and the rest of society, breeding this liberal class is nevertheless important and has an intrinsic value in itself. Young liberal activists have been in the forefront both in the revolutions of the Arab Spring and in the social protests that emerged in Israel in the summer of 2011. Without these, mostly young people, both the Palestinian and the Israeli society would be less pluralistic, less tolerant and less democratic. During the 1990s, Glenn Robinson (1997:184) saw the NGO community in the Palestinian territories as “a principal reason for optimism that a liberal political order can be built in Palestine.”

Given the character of the Israeli-Palestinian conflict, the fact that the EU’s funding of NGOs in the conflict stirs up controversy is not surprising, and it is not necessarily negative. On the contrary, it may stimulate debate and even move the peace process forward. As concluded by the Evaluation Team for the PfP programme (2005:90): “The PfP Programme cannot avoid confrontation if it truly wishes to produce a just peace in the region”.

#### 7.4.4 Good governance

According to a senior EEAS official, the late Arafat was a great state leader, but not a great statebuilder. What Fayyad did in the late 2000s, Arafat should have done a decade earlier. By not doing so, he wasted many precious years of the statebuilding process for his people, in the view of this official (Anonymous EEAS official, interview 3 October 2012). During the decade of Arafat rule (1994-2004) there were never-ending allegations against him personally and the PA more generally of corruption, unaccountability and mismanagement of funds. While no one doubts that these and other authoritarian tendencies existed within the PA, there has always been disagreement over how widespread these phenomena actually were. Some, mainly pro-Israeli observers, argue that corruption was endemic in the PA (See, for example, Dershowitz 2003:125, Rubin & Rubin 2005:329). These observers often cite an estimate by *Forbes*’ Nathan Vardi (2003) that Arafat had a personal wealth of \$300 million.

Others paint a somewhat different picture and argue that while corruption certainly did exist in the PA, it appears not to have been worse than in many other conflict and post-conflict societies. In 2000, before the second intifada broke out, Rex Brynen (2000:218) wrote that “the record [of corruption] in Palestine is comparatively good” and that corruption appeared to be less widespread in the Palestinian territories than in neighboring Egypt, Lebanon, or Syria and also less than in Cambodia, Haiti, Mozambique and other comparable societies (Brynen 2000:143). Anne Le More (2008:69) has argued that while the PA was far from flawless, some of its shortcomings were exaggerated for political reasons. One such issue was the “monopolies” that the PA enjoyed on a whole range of imported products, most notably on petrol and cement (Parsons 2005:104). The revenues from these monopolies were off-budget, and while some funds went into private pockets, much of the revenue was used for what was called “discretionary funds” to pay for the PA’s off-the-book expenses (Brynen 2000:143). While it is hard to say with certainty how big a problem corruption was for the PA under Arafat, it is clear that the international community believed that it was considerable.

#### 7.4.5 “Reform is not just a slogan”

One of Prime Minister Fayyad’s biggest challenges has been to tackle this legacy of corruption, unaccountability and mismanagement within the PA. Fayyad launched his plan for a Palestinian state under the watchword “Reform is not just a slogan”, and not surprisingly, he has made good governance one of the main tenets of his plan for a Palestinian state (This Week in Palestine 2009). Basically all the Commission’s five principles for good governance (openness, participation, accountability, effectiveness and coherence) are recognizable in Fayyad’s plan:

Achieving our national goals depends on the adoption of the basic principles and practices of good governance throughout the public sector, the private sector and civil society. In the light of the occupation regime's continued measures that hamper the efficiency and effectiveness of our national institutions, the establishment and promotion of good governance in the occupied territory is elevated to the status of a national goal in and of itself. The basic aim is to meet the demand of our people for transparent, accountable institutions that deliver services, social development, economic growth, and career opportunities free from favouritism and wastefulness. Achieving this goal requires commitment and determined effort from all corners of our society. (PNA 2009:12)

While the PA has been widely praised for its efforts to restore security and for improvements in implementing the rule of law, achieving good governance has been more problematic. The 2010 *Progress Report* stated that while significant progress was made in “the transparent operations of the government, the absence of a functioning legislature continues to fundamentally impede the accountability of the executive.” (European Commission 2010c:3)

Both local and international media like to show Fayyad as a busy statebuilder travelling across the West Bank inaugurating new projects such as the opening of wells in small villages, the paving of new roads, the inauguration of cultural and youth centers etc. (See, for example, *This Week in Palestine* 2009). Achieving good governance is of decisive importance for the PA in maintaining the flow of donor money and proving to the international community that the PA is ready for statehood. So far, the results have been mixed. In a major 2011 study by the World Bank on improving governance and reducing corruption in the Palestinian territories, the PA received mixed grades (The World Bank 2011b:vii). According to the World Bank, the PA has made significant progress in managing public funds, a matter for which the Commission also gave the PA credit in its 2009 *Progress report* (The World Bank 2011b:vii, European Commission 2009:6). The Bank also said that the PA was doing well in reducing nepotism in civil service recruitment, but that it had failed to prosecute senior officials who were suspected of corruption (The World Bank 2011b:xiii, xxi).

The Commission has in several of its *Progress reports* noted the problems in relation to corruption in the Palestinian territories. In four consecutive *Progress reports* from 2008-2011, the Commission explicitly

mentioned corruption as a problem for the statebuilding process (European Commission 2008:6, European Commission 2009:7, European Commission 2010c:8, European Commission 2011:3). However, the most recent *Progress report*, from 2012, stated that the PA had made progress in the fight against corruption by creating an Anticorruption Commission and by increasing the cooperation between different PA institutions (European Commission 2012a:5).

According to the 2011 World Bank report, public procurement is where the PA is most vulnerable to abuse because this is an area that involves large and discrete transactions. As Neil Page, a security consultant to the U.S. Security Coordinator, puts it: “You have to accept that it [corruption] is there and then you try and make sure that it does not affect delivery of public service any more than it has to.” (Page, interview 19 April 2010) An illustrative example of the problems regarding public procurement in the Palestinian territories is the ongoing controversy surrounding the shady business interests of PA President Abbas’s two sons, Yasser and Tareq, who have both enriched themselves by means of monopolies and aid money from USAID (Entous 2009, Schanzer 2012).

## 7.5 The state that was not born

The statebuilding period between 2009 and 2011 marked a honeymoon period between the Fayyad government and large parts of the international community. Donor money flowed in as never before, expectations started to build up and all eyes were focused on September 2011 when the Palestinian state was supposed to be established. In the first half of 2011, all the involved international institutions published reports that unanimously stated that the Palestinians were ready for statehood (IMF 2011b, UNSCO 2011, World Bank 2011a, Ashton 2011b).

While these reports often conveniently overlooked factors such as the split between West Bank/Gaza, the lack of democracy in the PA and the complex security situation, it was nevertheless clear that these organizations believed that the PA now performed above the threshold for what was expected of a state. After it was concluded at a major donor meeting in Brussels in April 2011 that the Palestinians were ready for statehood, Fayyad

told reporters afterwards that the meeting had amounted to the “birth certificate” for the Palestinian state (Lazaroff 2011).

The U.S. was less enthusiastic about the prospect of a Palestinian state that did not have Israel’s support. For this reason, President Obama declared in a major speech in May 2011 that the U.S. would not support any unilateral Palestinian declaration for statehood (Obama 2011). This took much of the momentum out of the bid for statehood that the PA had planned to submit to the UN in September 2011. Still, the Palestinians hoped to get as many EU members as possible to support its bid but, as mentioned in chapter 5, many EU members were hesitant and did not openly declare their positions. After the failure at the UN, the legitimacy of the PA was put on the line as never before. During 2012 massive demonstrations against the PA took place in almost every city on the West Bank, with protesters calling for an end to rising costs and high unemployment, for higher salaries, for Fayyad to step down, and for ending security and economic cooperation with Israel (See, for example, Maan 2012b, Hass 2012b). There were additional signs in late 2012 and at the beginning of 2013 that trouble was brewing in the West Bank. More and more Palestinians were killed by Israeli forces, and violent attacks by Palestinians against Israelis also increased. For the first time in many years, and as a direct challenge to the PA’s security forces, masked gunmen began to reappear on the streets of the Balata refugee camp in Nablus in early 2013 (Khoury 2013, Maan 2013).

## 7.6 Conclusions

After the DOP was signed in 1993, Palestinian institutions had to be established from scratch, and not just rebuilt, which is often the case in other conflict and post-conflict societies. The difficulty or, as some would say, impossibility of building a Palestinian state under conditions of occupation has been widely recognized both in various academic literatures, and by the EU itself (See, for example, Le More 2006, 2008, Brown 2010, Council of the European Union 2002). Consequently, it is unrealistic to believe that the EU and other third parties can achieve more than what the overall political and security conditions permit (Rennick 2010:12, House of Lords EU Committee 2007:47). A fair assessment of the whole institution- and statebuilding process is therefore that the results have been mixed, clearly

less than what the international community had hoped for, but at the same time, not worse than in many other comparable cases. This ambiguous situation is reflected in the following statement from a UN official:

We started at zero, there were no institutions of their own. The Palestinians had no experience in managing their administration. Now, the structures are in place, whether good or whether there is scope for improvement is a different story, but there was nothing before. Development should not be overemphasized; we did not start with no electricity, no schools, no transport....The main difference as compared to 93 is less the number of hospital beds, the number of classrooms and of mobile phones than the whole question of ownership. For the first time ever, truly Palestinian-owned structures were put in place. (UN Official quoted in Le More 2008:168)

Much of this work by the EU and other actors, like the paving of roads and the construction of sewage systems, can be hard to see on the surface and are unglamorous subjects for journalists and academics. These low-key, but highly qualitative projects, are nevertheless often of great importance for the statebuilding process and the local population.

The Palestinian state-in-the-making was in many aspects a technocratic success that turned out to be a political failure. Fayyad and his international backers, most notably the EU, had managed to make the PA function above the threshold for what was expected of a state. This was a considerable achievement given all the constraints, but the technocratic achievements were never accompanied by any similar political achievements. All the final status issues remained unresolved, and they were not even dealt with in any serious way by Fayyad's plan for statehood. Even if the final judgment is yet to be made about the statebuilding process, the political realities have so far triumphed over the technocratic achievements – that is the key conclusion of this chapter. There is still a chance, if declining, that a Palestinian state will materialize in the foreseeable future. If that happens, the whole problematic statebuilding process of the past two decades will probably be reassessed and the EU may even receive great credit for its policies, particularly its persistent support for the PA. But overall, Palestinian statebuilding clearly shows the limitations of statebuilding as an approach to peacebuilding. Without political solutions there will always come a point along the road where technical improvements can no longer be sustained. This is what is happening now in the Palestinian territories, and for this reason, politics and political solutions must be brought back in to the conflict.

Palestinian statebuilding, described by Danin (2011:106) as a bicycle that must be pedaled or it will fall over, is indeed now falling over. If the Palestinian statebuilding project fails, it will almost certainly move the conflict out of the two-state solution paradigm and into an uncertain future. This will mean that billions of euros in aid and years of hard diplomatic work by the EU will be lost.

# 8 Conclusions

“The peaceful unification of our continent has been our great achievement, and now our main challenge is to act as a credible force for good. From a continental agenda, we should move to a global agenda. From building peace in Europe to being a peace-builder in the world.”

Javier Solana, former EU High Representative for the CFSP (quoted in Aggestam 2008:1)

“No issue in international affairs has taxed the ingenuity of so many leaders or captured so much attention from around the world”, wrote Walter Russell Mead about the Israeli-Palestinian conflict in *Foreign Affairs* in 2009 (Russell Mead 2009:59-60). Michael Bröning (2011:1) has further noted that the Oslo peace process, in particular, has empowered few, frustrated many and brought remarkable little peace. Countless international leaders have throughout the years tried to solve the conflict, but all have failed. The British tried after World War I and the UN tried after World War II, without success. Neither did Winston Churchill, nor the “wise men” who built NATO, succeed. Henry Kissinger, Jimmy Carter, George H.W. Bush and Bill Clinton had some success, but the core issues, or the final status issues as they are called in this conflict, remained unresolved (Russell Mead 2009:59-60). George W. Bush failed completely during his two terms in office and to the dismay of many in the international community, the same must be said about Barack Obama in his first term. In the light of the past century’s failed mediation attempts in the Israeli-Palestinian conflict, the EU’s efforts to establish a just peace in this conflict should be considered as nothing less than a breathtaking challenge.

There have historically been great expectations of the EU as a peacebuilder in the Middle East, both in the region and within the Union.



Both Israelis and Palestinians have long desired closer ties with the EU. At the same time, however, they harbor great suspicion towards the EU, given the historical record of colonialism, the Holocaust and perceived bias in the conflict. Throughout the past five decades, Israelis have traditionally preferred mediation by the Americans rather than by the EU, although individual European countries such as Norway have played important roles in mediating between the two sides. The Palestinians too have somewhat reluctantly come to realize that the real diplomatic muscles are in Washington and not in Brussels.

As the EU enters its fifth decade of involvement in the Israeli-Palestinian conflict, it continues unabated even if the years between the 2008-2009 Gaza war and the recent Gaza war in late 2012 saw a relative decline in the violence, at least if one excludes Gaza. Seen over the past four decades, however, there can be little doubt that the EU, together with the rest of the international community, have all failed in their efforts to establish a just peace between Israelis and Palestinians. While this is an inescapable overall conclusion from four decades of EC/EU peacebuilding in the conflict, it is, at the same time, possible to draw a number of other conclusions from this study. Most importantly, it will be argued in this concluding part of the dissertation that the EU has made two significant contributions to peace in the conflict: it has successfully legitimized its formula for a just peace and it has kept the prospects of a two-state solution alive through its support for the Palestinian statebuilding process.

## 8.1 The elusive just peace

The puzzle underlying this study has been to probe what constitutes a just peace, both conceptually within the field of peacebuilding and empirically in the context of the EU as a peacebuilder in the Israeli-Palestinian conflict. As was noted at the outset, just peace has been much talked about in everyday life, but it is less researched by academics. There are small but increasing signs that this is beginning to change, but there is still a long way to go before just peace could be said to be a defining concept in the peacebuilding literature. This study has identified four different approaches to how just peace can be understood in the context of peacebuilding: the approach from Christian theology, in which just peace is based on various Biblical

principles; the just war-just peace approach that derives from the literature on just war, in which just peace is regarded as a set of criteria similar to those that exist for just war; the strategic peacebuilding approach to justpeace; and finally, the intersubjective approach, in which just peace is based on an intersubjective understanding between the parties involved.

Of these four, it is primarily the intersubjective approach to just peace, originally developed by Allan and Keller, which has inspired my thinking in this study. Like them, I see just peace as a language-oriented process that tries to build a new common language. In chapter 2, I conclude that what constitutes a just peace is best understood as something that is intersubjective, dynamic and transformative. This means that what constitutes just peace in one conflict may not do so in another. Similarly, what is a just peace at one point in time in a conflict may not be a just peace at another point. This is why the more strictly criteria-based approaches (the Christian theology approach and the just war-just peace approach) are less appropriate because they do not recognize diversity in the conceptualization of just peace; in other words, that a just peace may look very different in different situations.

Whereas Allan and Keller had an inside perspective of just peace, this study has adopted a third party perspective: how the EU has defined and tried to establish a just peace in the Israeli-Palestinian conflict. In contrast to Allan and Keller's focus on the mutual recognition between the parties to a conflict, the focus of this study has been on the role of third parties and on the legitimacy of peacebuilding in establishing a just peace. The lack of legitimacy on the part of third parties has been one of the key problems of liberal peacebuilding and of its statebuilding approach.

## 8.2 The EU's formula for a just peace in the IPC

In my empirical analysis of how the EU has defined a just peace over the past four decades in the Israeli-Palestinian conflict I treat just peace as an object of study, whose meaning has to be probed in a particular context, and I establish that its formula has undergone considerable transformation over time. Far from being divided, the EC/EU managed at an early stage to form a common position among the members regarding a just peace in the Israeli-Palestinian conflict. This unity persists today and no EU member would

disagree that a future solution lies in the formula that the EC/EU has developed over the past four decades.

Beginning in 1971, in its first official statement regarding the situation in the Middle East, the EC called for a just peace in the Middle East without even mentioning the Palestinians as an explicit party to the conflict (Bulletin of the EC 6-1971:31-33). Two years later, in the wake of the October 1973 war and the subsequent Arab oil embargo, the EC repeated its call for a just peace in the region, but now stressed that “in the establishment of a just and lasting peace account must be taken of the legitimate rights of the Palestinians” (Bulletin of the EC 10-1973:106). In 1977, the EC issued a new statement that again called for just peace, taking “into account the need for a homeland for the Palestinian people” (Bulletin of the EC 6-1977:62). The EC/EU’s most important statement regarding the conflict, the seminal Venice Declaration of 1980, used the term “just solution” instead of just peace, and called for Palestinian self-determination and for the PLO to be included in the negotiations (The Venice Declaration 1980). Almost two decades later, in Berlin in 1999, the EU was finally ready to declare its explicit commitment to the idea of a Palestinian state (The Berlin Declaration 1999). In 2009, the EU’s formula for a just peace developed further to include Jerusalem, when the Council of the European Union, under the Swedish Presidency, issued a statement that recognized Jerusalem as the capital of a future Palestinian state (Council of the European Union 2009a).

Throughout the past four decades, the EU has successfully developed and legitimized its formula for a just peace in the Israeli-Palestinian conflict. After decades of uphill battles and despite massive criticism from the Israelis, the Americans, the Palestinians and other Arabs, it is now increasingly clear that the key players in this conflict, the ones just mentioned, have gradually moved in the direction of accepting many of the ideas articulated in the EU’s declarations. This has not changed much of the realities on the ground in Israel and in the Palestinian territories, but it has changed the framework for the negotiations that are supposed to lead to a future peace, and it is here that the EU’s contribution to the peace process lies. At the same time, however, it must be acknowledged that the EU has been neither willing nor able to enforce these declaratory policies. The 27 EU members agree with each other only as regards the overall framework for ending the conflict. When approaching the conflict on a more everyday and practical level, especially in crisis situations such as the 2006 Second Lebanon war, the 2008-2009 Gaza war, the 2011 Palestinian bid for

statehood in the UN, and more generally in matters related to Israel, fundamental differences still exist between EU members. As crisis situations often tend to reveal the true nature of things in international affairs, it is not surprising that the EU, and the EC before that, did not do well in these situations in the Israeli-Palestinian conflict.

### 8.3 The strategic use of just peace by the EU

Why is it that the EU uses just peace so frequently in this conflict and rarely, if ever, uses it in other conflicts? As was indicated earlier in this study, there are a number of possible answers to this question, all of which in one way or another relate to its usefulness for the EU. First, since the EU cannot be the power it aspires to be in the conflict, a concept like just peace is very useful for the EU because of the vagueness that still surrounds the term. It is clearly preferable for the EU to speak with one voice on a distant just peace which everyone can agree upon, rather than having stormy and divisive discussions on how to get there. While the EU likes to portray itself as a “key player in the Middle East Peace Process” (ECTAO 2009), it is nonetheless striking how absent it has been from many of the most important peace negotiations throughout the years, from the 1978 Camp David Accords, to the 1993 DOP, to the 1994 Israel-Jordan Treaty, to the 1995 Oslo II Accords, to the 2000 Camp David Summit, to the 2003 Road map for peace, to the 2007 Annapolis conference and lastly to the 2009 direct negotiations in Washington. Many European leaders have long dreamed of an EU in parity with the U.S. in the peace process, but in contrast to the U.S., the EU is not capable of being a powerful diplomatic actor in the conflict in line with the logic of political realism. The EU simply lacks the power and resources to bring pressure on the conflicting parties and to induce them to negotiate an agreement. This is especially true since the Union appears unwilling to use its economic clout effectively against either Israel or the PA (Persson 2011:7). The EU’s lack of sway in the conflict is further diminished by competing national interests among the members, domestic political considerations and local jealousies (Miller 2011a:9). As Miller (2011a:9) has noted, “[t]his disconnect between the role the EU craves and the one it actually plays haunts European leaders.”

Secondly, by acting as a peacebuilder in the Israeli-Palestinian conflict, the EU early on legitimized itself as an important actor in international affairs. In this regard, it is important to emphasize that the whole concept of just peace fits very well into the EU's self-image in the conflict as an actor with strong legalistic underpinnings in its foreign and security policy. In the legitimacy literature, it has long been noted that self-justification in moral terms is important for most actors in international affairs (See, for example, Alagappa 1995:4, Pérez Alfaro 2004:111). By using a term like just peace from the outset of its involvement in the conflict, the EU not only adopted a rights and justice-based narrative of the conflict, it also connected the future solution of the conflict to the application of international law and United Nations Security Council Resolutions. The EC/EU has in basically all its statements that call for a just peace in the Israel-Palestinian conflict simultaneously called for the implementation of UNSC resolutions 242 and 338. In further emphasizing its right and justice-based narrative of the conflict, the EU has on numerous occasions stated that it regards Israeli settlements as illegal under international law. Moreover, in 2012 the EU explicitly recalled "the applicability of international humanitarian law in the occupied Palestinian territory, including the applicability of the fourth Geneva Convention relative to the protection of civilians." (Council of the European Union 2012)

Thirdly, both the EU's terminology and its entire legalistic discourse are very different from the typical U.S. or Israeli narrative of the conflict. They are indeed much closer to the traditional Palestinian narrative of the conflict, although it must be emphasized that there is no longer only one typical Palestinian narrative of the conflict because of the deep divisions within Palestinian society. The use of the term just peace has thus been a way for the EU to support the weaker side in the conflict, as a counterweight to the U.S and Israel.

## 8.4 The visionary and legitimizing role of the EU in the conflict

One of the most important conclusions of this study is that the EU has had a significant visionary and legitimizing power in the conflict, which has been used to introduce and legitimize new ideas. What in this study I have called Legitimizing power Europe became most obvious during the Palestinian bid for membership of the UN in 2011, and again in 2012, when both the PA and Israel openly acknowledged how important it was for them to win the 27 EU votes. As a columnist in the *Maan* newspaper noted before the 2011 bid: “Despite their powerful status at the diplomatic level, the US and Israel only have two votes among 192 in the UN General Assembly. The European Union has 27.” (Moerenhout 2011) But more than its 27 votes, as a legitimizing power in the Israeli-Palestinian conflict the EU can influence how others behave towards the conflict, thus significantly punching above its weight in importance.

Long before the Palestinian bid for membership of the UN, the EU had for many years furnished the international community, most notably the U.S., with ideas for new policy departures. One such example is the 2003 Road Map, originally an idea developed by the Danish Presidency of the EU, which was later taken up by the U.S. in the framework of the Quartet (Larsen 2011:104). The same is true for the legitimate rights of the Palestinians in the 1970s, self-determination for the Palestinians in the 1980s and their right to statehood in the late 1900s and early 2000s. Most notably the EU, more than any other international actor, has pioneered the idea of solving the conflict through a negotiated two-state solution and has furthermore succeeded in creating international legitimacy for such an outcome. Setting and openly declaring policies is a basic and very important means of legitimation, because once policies are set and openly declared, they are difficult to reverse. For example, once the EU had said that it envisages Jerusalem as the capital of a future Palestinian state, as part of its formula for a just peace, it became difficult to retract such a statement and to say, for example, that Ramallah should be the capital instead (cf. Bouris 2010a:30).

Israel has historically feared an independent EU role in the conflict because of what the Israelis perceive as its bias in favor of the Palestinians. Israel has therefore historically tried to play down the legitimizing role of the

EU in the conflict. The U.S. too has also from time to time feared an independent EU role in the conflict but, as was shown in chapter 5, it has often adopted the EU's positions on the conflict at a later stage when it became politically acceptable for it to do so. Much of the EU's diplomacy regarding the conflict has in fact been directed at influencing American rather than Israeli and Palestinian policies. As a European diplomat told the International Crisis Group in 2012, the EU has tried to "civilize" the U.S. and to make it more active in the peace process (quoted in International Crisis Group 2012a:35).

At the rhetorical level, the EU continues to play a vanguard role for the U.S. by formulating new policy departures that can later be adopted by the U.S. and others when they have come to be seen as less controversial. In 2011 for example, it was widely reported in the American and Israeli press that the U.S. was secretly pushing the EU to be tougher towards Israel and to lead the Quartet's diplomatic efforts in this direction (See, for example, Horowitz 2011b, Keinon 2011). Elliot Abrams, former Special Assistant to President George W. Bush, wrote in *The Weekly Standard*

The Israeli nightmare has the leading nations of the world demanding terms about borders, security, and Jerusalem with which Israel cannot live—and then finding Israel further isolated and demonized. The EU is leading this Quartet effort, but every Israeli official with whom I spoke said the United States is waving the Europeans on and hiding behind them. (Abrams 2011)

With the U.S. shielding behind the EU's legitimizing power, it is once again clear, as it was with talking to the PLO in the 70s and 80s and with advocating a Palestinian state in the late 90s and early 2000s, that the U.S. has to be dragged into the peace process rather than leading it.

It is important to note that in this study I have not proven causality, that is to say, that the EU's rhetorical policies directly led to changes in Israeli, American, or Palestinian policy. My ambition has been more limited in that I have tried to show that the EU has played an important visionary role in the conflict by legitimizing new ideas and that others have subsequently changed their positions and adopted these ideas themselves. Future studies should look deeper into the causality mechanisms here, not least between EU and U.S. policies.

#### 8.4.1 Developing the concept of Legitimizing power Europe

Like Manners' concept of Normative power Europe, Legitimizing power Europe stems from what the EU is, rather than from what it does. But while NPE is about projecting normative values universally, something the EU clearly has failed to do, particularly in the Middle East and North Africa, LPE, of itself, makes no such universal claims. However, when the EU legitimizes something, such as a just peace in the Israeli-Palestinian conflict, it becomes a kind of normative power, or a norm exporter. Yet it is important to emphasize that the ideas or norms it legitimizes are not given beforehand as in Manners' concept of NPE. LPE could therefore be understood as a softer, more intersubjective, and less demanding form of Normative power Europe, which is not so readily subject to accusations of hypocrisy and double standards as compared to NPE. It is, for example, possible for the EU to be a legitimizing power in the Israeli-Palestinian conflict, while not being so in other conflicts, such as in Afghanistan and Iraq. There is no contradiction in that, whereas there would be a contradiction in claiming to stand for democracy and human rights, in accordance with Manners' concept of the EU as a normative power, while at the same time working closely with regimes that undermine these very objectives.

As legitimacy is often understood to be a relational and processual concept, LPE is a matter that needs to be explored in a particular context. It is clearly not the same in all situations and it might not even be useful in some. While there are certainly many aspects of international affairs where the EU's legitimacy might not be very relevant, or even relevant at all, there is strong evidence that the EU's legitimacy is indeed important when it comes to establishing a just peace in the Israeli-Palestinian conflict. What makes it effective in this context is that both Israel and the Palestinian Authority, and also, albeit to a much lesser extent even Hamas, actively seek and value legitimacy from the EU. As an Israeli official told the International Crisis Group in August 2011, a month before the Palestinians were to submit their application to the UN:



Europe is vital because Europe is the key to international legitimacy. The U.S. is the key to the effective exercise of power, but the U.S. cannot confer legitimacy. The Europeans alone can do that. (quoted in International Crisis Group 2011:30)

In the same report, a PA official made it clear how important EU legitimacy was for them as well:

Netanyahu has said that the test is what the EU does. We accept the challenge. It is critical for us to have as widespread backing as possible from European countries. Without that, a UNGA vote will look like a defeat. (quoted in International Crisis Group 2011:32)

As these quotations illustrate, both the Israeli government and the PA see the EU as the key to their own legitimacy in international affairs. The main source of LPE in the Israeli-Palestinian conflict is thus the ability of the EU to give others legitimacy in international affairs. As Horowitz has put it, the EU is seen in the conflict as the “barometer of legitimacy” and as the “the middle ground” in international affairs” (Horowitz 2010, 2011a). For Israel, which views itself as a liberal democracy, it is of course crucial to be recognized as such by the largest bloc of liberal democracies in the world. The same is true for the PA, which also aspires to be recognized as a democratic state. It is important for Hamas too to have international legitimacy, if not to the same degree as it is for Israel and the PA. Hamas’ primary source of legitimacy comes from being an Islamic resistance movement against Israel, rather than from being a democratic actor.

In the Israeli-Palestinian conflict, the EU seems to be in a particularly good position to act as a legitimizing power because it is not only the conflicting parties themselves who seek and value EU legitimacy. In addition to the EU’s ability to give the Israeli government and the PA legitimacy in international affairs, the other critical source of LPE in the Israeli-Palestinian conflict is that many states in the international community apparently see the EU’s position on the conflict as right and proper. This was clearly evident during the Palestinian bids for membership of the UN in 2011 and again in 2012. As Dore Gold, a former Israeli ambassador to the UN, wrote in an Op-ed in the *Israel Hayom*:

From personal experience, when many non-European ambassadors were asked how they were voting in the General Assembly on a controversial draft resolution on the Israeli-Palestinian conflict, they would say that they would follow the European lead — this was true for diverse countries from Argentina to Japan. (Gold 2012)

According to an anonymous EEAS desk officer, the legitimizing power of the EU is further important in international affairs because some two dozen other democracies, such as Norway, Switzerland, Japan, Australia and New Zealand, pay close attention to how the EU countries act, vote and speak in various international forums. These countries, said the EEAS desk officer, constitute virtually the entire donor community in international affairs (Anonymous EEAS desk officer, interview 17 November 2011). Israel refers to these nearly 50 countries as the “moral majority” of states in international affairs (See, for example, Stein 2011, Somfalvi 2011). The fact that the EU makes up half of this group and influences the other half underscores the importance of the EU as a potential legitimizing power even beyond the Israeli-Palestinian conflict. It would thus be fruitful to explore whether the EU has legitimizing power in other conflicts or regarding other policy areas, such as environmental policies or trade.

#### 8.4.2 LPE and just peace in the local arenas

Whereas the EU enjoys strong legitimacy regarding the Israeli-Palestinian conflict in the international community, it enjoys far less legitimacy among the populations of Israel and the Palestinian territories. In the theoretical literature on legitimacy and on the EU as a normative power, it is well understood that the way in which others perceive an actor has direct bearing on its success as a player in international affairs (See, for example, Lucarelli & Fioramonti 2010:2). Since neither the Israeli population, nor the Palestinian, seek and value legitimacy from the EU in the same way as their governments do, it is not surprising that LPE has had only limited value in relation to the two populations when it comes to establishing a just peace in the conflict.

It has long been clear that the EU faces severe legitimacy problems vis-à-vis both the Palestinian and the Israeli people. There is, for example, an ocean of discrepancy between placing Hamas on a terror list as the EU did a few years before the Palestinians placed the same group in their government.

On the Israeli side, there is a similar ocean of discrepancy between how the EU perceives itself and how it is perceived by the Israelis (Harpaz & Shamis 2010:580, Pardo 2010:72). There is a widespread feeling in Israel that the Holocaust has disqualified the EU from preaching to Israel about what it should do (Harpaz & Shamis 2010:590). It is important to note that this critique does not come only from the government or the political right. As the Israeli author and long-time peace activist Amos Oz has argued

Maybe it is thus best for Europe to wag its finger of morality less, and to display more empathy and assistance to both sides, the Israelis and the Palestinians. (quoted in Harpaz & Shamis 2010:606)

Israel's skepticism towards the EU's declarations on the conflict is of course connected to wider perceptions in Israel that the EU is not a fair mediator in the conflict. In 2007, almost 60 per cent of Israelis believed that the EU's involvement in the conflict prevented progress towards peace (Pardo 2010:72). On the Palestinian side, there are similar problems. According to Ghassan Khatib, Director of the Palestinian Authority's Media Centre, there is a widespread disappointment in Palestinian society that the EU has not been able to enforce its declaratory policies (Khatib, interview 14 April 2010).

As this study and previous studies have concluded (See, for example, Everts 2003), the price of the EU's declaratory policies on just peace in the conflict has been its problematic relations with Israel, as successive Israeli governments came to see the EU as having a strong pro-Arab and later pro-Palestinian bias. There has long been a widespread feeling in Israel that the EU, particularly as compared with the U.S., is insensitive to Israel's security needs, the threats it faces and its hostile environment (Pardo & Peters 2010:20). EU officials always counter that they care deeply about Israel's security in everything from the territorial disputes with the Palestinians to Iran's nuclear program. "The question", according to a senior EU official in Brussels "is to what extent does Israel care that the EU is caring about them?" (Anonymous EEAS official, interview 3 October 2012)

Two decades after the Oslo peace process began, the EU finds itself in a situation where it has bad political relations with two of the three main stakeholders in the conflict: the Hamas government in Gaza, with which the EU has no official contacts; and the Israeli right in general and to a slightly lesser degree the Likud-led government, with which the EU continues to

have strained relations. The EU has good relations with the Palestinian Authority in the West Bank, but its status and legitimacy have diminished significantly during the statebuilding process, particularly after the failed UN bid in 2011. In the light of the problematic relationship that the EU continues to have with several of the parties in the conflict that are supposed to make peace with each other, important issues for future research will be to explore the apparent discrepancies between the EU's legitimizing power in the conflict and its lack of legitimacy at the local level.

## 8.5 Keeping the Palestinian statebuilding process alive

At the beginning of the second intifada, Roy Ginsberg (2001:106) concluded in his study on the role of the EU in the Israeli-Palestinian conflict that "the EU helped keep the promise and process of peace alive among the Palestinians." In more recent studies, Miller (2011a:11) and others have argued that it is largely due to the EU's economic support and technical expertise that the Palestinians are ready for statehood. The findings of this dissertation corroborate these studies, in that the EU has kept the prospect of a two-state solution alive, both through its rhetorical work to legitimize such a solution and through its practical work to build up the foundations of a future Palestinian state. In trying to implement its formula for a just peace in the conflict, the EU has played important roles in all aspects of Palestinian statebuilding (chapter 6 & 7), primarily in the political and economic spheres, but also when it comes to security.

However, there are those who dispute that the EU has contributed to peace in the conflict by keeping the prospect of a two-state solution alive. An increasing number of academics and other observers have lost faith in the two-state solution, or never believed in it from the beginning. Some of these, like the veteran NGO activist, Jeff Halper, argue that the EU should not be bragging about its support for the Palestinians because it has, according to him, placed the Palestinians under two occupations, one by Israel and one by the PA (Halper, interview 13 April 2010). Even if there is a certain amount of truth in what he is saying, it is hard to see how the Palestinians could ever end the occupation and achieve statehood if there are no Palestinian

institutions, no security sector reforms, no rule of law and no applications of good governance in the West Bank. In order to support Palestinian statebuilding, the EU and the rest of the international community, have been dependent on cooperation with Israel. The paradoxical reality is that the Palestinians progressed towards statehood at the same time as the occupation became even more deeply entrenched by the continued building of Israeli settlements. It is here that statebuilding as an approach to peacebuilding in the Palestinian territories collides with the hard political realities of the conflict.

Compared to many of the other most donor-dependent countries in the world, the Palestinian territories should have some clear advantages.<sup>10</sup> The West Bank and Gaza are small territories with a small, homogeneous and well-educated population. Palestinian institutions and infrastructure in both parts of the territories are also comparatively good. But as was shown in chapters 6 and 7, the fundamental difference between the Palestinian territories and other similar cases where statebuilding has been used as an approach to peacebuilding is that the Palestinians are under a seemingly unending occupation. Here lies the key problem. The leading international institutions have all been very clear that progress and economic growth in the Palestinian territories cannot be sustained without lifting the restrictions that accompany the Israeli occupation (World Bank 2011a:5, UNSCO 2011, IMF 2011b, Ashton 2011b). This became particularly apparent after the Palestinians' failed UN bid in 2011 when the statebuilding process began to slow down with falling growth rates and a deteriorating political situation.

### 8.5.1 Technocratic achievements and political failures

At the beginning of the renewed Palestinian statebuilding process in 2009, the U.S., the EU and others in the international community believed, or at least hoped, that the momentum Prime Minister Fayyad created would be conducive to progress in the peace process as well. In the year or so leading

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<sup>10</sup> In Development Initiatives' Global Humanitarian Assistance Report 2011, the Palestinian territories are ranked as the second largest recipient of humanitarian aid after Sudan and before Ethiopia, Afghanistan, Iraq and Pakistan (Development Initiatives 2011:23).

up to September 2011, they seemed to be right. The PA made significant progress in basically all the sectors of governance that were measured by the UN, the IBRD and the IMF. Most importantly, the PA took control of the complex security situation in the West Bank, though it came at a high price. As has been the case in other instances where statebuilding has been adopted as an approach to peacebuilding, democracy and human rights suffered when the state-in-the-making consolidated its rule through various authoritarian measures. The literature on statebuilding has always been clear that building states is a violent process and nothing in the Palestinian case contradicts this. Behind Fayyad's technocratic approach, the PA's security forces ruled the West Bank with an iron fist during the statebuilding process of 2009-2011. The question now is how long the security cooperation with Israel can be maintained when the likelihood of a Palestinian state coming into being in the foreseeable future seems to be diminishing day by day?

One of the theoretical insights of this study is that statebuilding as an approach to peacebuilding can create a much-needed momentum in deadlocked peace processes by placing the focus on technical rather than on political issues. While Fayyad's plan did not create a state, it did, as mentioned above, create a sense of momentum for the PA, which indeed was what the Palestinians had hoped it would. But as has been noted in previous studies on the earlier phases of Palestinian statebuilding, technocracy, however successful it may be in the short-term perspective, cannot be a replacement for political action in the long-term (Le More 2006, 2008, Brown 2010). At some stage in the process, politics and political solutions must be brought back into the conflict. This did not happen in the Palestinian case and that is the main reason why Fayyad's plan failed to deliver a Palestinian state by September 2011. For the international community, particularly the EU and to a lesser extent even the U.S., it was also very convenient to support Fayyad's technocratic approach because it saved them from the usual trouble of dealing with the political sensitive issues of the conflict, and it kept Israel happy, at least until the state was supposed to be declared in September 2011.

All this does not mean, however, that Fayyad's plan was a complete failure. On the contrary, the PA's progress in the security sector saved both Palestinian and Israeli lives. As security is the most important among indispensable factors in statebuilding (Hunter & Jones 2006:49), the progress in this sector made the political and economic parts of Fayyad's plan much more feasible. "Had there not been security cooperation, nothing

else would have taken place”, says Haim Assaraf at the Israeli Ministry of Foreign Affairs (Assaraf, interview, 14 June 2011). That security is a precondition for political and economic development is perhaps particularly apparent in Palestinian statebuilding, because of the level of control, direct and indirect, that Israel exerts over the West Bank. As the Israeli peace activist, Gershon Baskin, has noted, if the PA stops the security cooperation with Israel, the checkpoints inside the West Bank will be restored and the Palestinian economy will immediately suffer (Baskin, interview, 1 June 2011).

As was argued in chapter 6, there is little chance that Fayyad’s plan could have been feasible in an environment of constant attacks against Israel, whether legitimate or not. What the progress in the security sector did was to give Fayyad’s plan a chance to succeed and, as chapter 7 concluded, the plan did succeed technically. According to all the international actors that have been involved in the statebuilding process, with the exception of the U.S. government, the Palestinians are now ready for statehood (IMF 2011b, UNSCO 2011, World Bank 2011a, Ashton 2011b). Pro-Israeli observers often dispute this by arguing that these international organizations do not have the full picture since they mainly measure the economic aspects of statebuilding, conveniently ignoring some of the complex political and security aspects of Palestinian statebuilding (See, for example, Clawson & Singh 2011). While these observers often have political motivations for criticizing the Palestinian statebuilding process, they were right in pointing out that the statebuilding approach to peacebuilding has not solved the underlying issues of the conflict. As was noted in chapter 3, statebuilding as an approach to peacebuilding emerged to a large extent as a cure for the problem of failed states, but its focus on technocratic rather than political solutions has left many of these conflict and post-conflict societies in limbo between war and peace, with failed peace agreements, instability, unresolved issues, spoiler groups and sporadic outbreaks of violence.

### 8.5.2 The uneasy relationship between peacebuilding and statebuilding

All in all, the development in the Palestinian territories points to an uneasy relationship between statebuilding and peacebuilding. As mentioned, the statebuilding approach to peacebuilding has not been a panacea for solving

the issues at stake in the conflict. In fact, Fayyad's plan for a state did not solve, and was not even close to solving, any of the final status issues (borders, settlements, refugees and Jerusalem). Nor did it deal in any serious way with Area C, the 60 percent of the West Bank under full Israeli control where the settlements are located, the same territory that the Palestinians need to make their future state viable and contiguous. Israel's refusal to cede territory in Area C to the Palestinians is one of the main reasons why the statebuilding project in the West Bank is no longer moving forward. As the EU Heads of Mission concluded in an internal report in mid-2011:

The increasing integration of Area C into Israel proper has left Palestinian communities in the same area ever more isolated. During the past year there has been a further deterioration of the overall situation in Area C. If current trends are not stopped and reversed, the establishment of a viable Palestinian state within the pre-1967 borders seems more remote than ever. (EU HoMs 2011:1)

The failure of the EU and the rest of the international community, the U.S. in particular, to pressure Israel to make concessions regarding Area C clearly shows the overall ineffectiveness of the international community in the conflict. It also shows the asymmetry in power between the Israelis and the Palestinians, the disconnect between high and low politics in the conflict, and the discrepancies between technocratic strategies like statebuilding as an approach to peacebuilding and realities on the ground.

### 8.5.3 Implications for the EU

The Palestinian statebuilding process is a gamble for the EU. If it pays off and a Palestinian state is eventually established, the EU will be widely credited for its persistent support of the PA. If no state is established, the EU will be accused of having pursued a misguided peacebuilding strategy, directly or indirectly supporting the occupation. As Timothy Donais (2012:30) has argued, the overarching problem of liberal peacebuilding and its statebuilding approach is that they are at once too strong and too weak. They impose themselves on local societies and run over local actors and indigenous processes, while at the same time, they are not capable of transforming conflict and post-conflict societies, or of solving the underlying issues. This has indeed been true for the EU in the Israeli-Palestinian



conflict, where it has effectively excluded local actors like Hamas (and with them a large section of Palestinian society) and supported unelected leaders. At the same time, the EU and other international peacebuilders, have not been able to end the Israeli occupation or to solve any of the final status issues. This, in turn, has given rise to the critics' accusation that the EU has supported an occupation rather than a peace process.

But according to Mark Heller, this is a false dichotomy. What the EU is really doing in the Palestinian statebuilding process, says Heller, is paying for its own self-image in international affairs (Heller, interview 12 April 2010). To what extent Heller is right is impossible to know, but the two crucial questions for the EU over the foreseeable future are how much it really wants a Palestinian state and what it is ready to do in terms of carrots and sticks to help achieve it. There are small but increasing signs that the EU is ready to use its contractual agreements with Israel as sticks rather than carrots (See, for example, Ahren 2013). The vote by the EU members on the 2012 Palestinian UN bid in the General Assembly should also be regarded as a sign, although not a unanimous sign, that the members of the EU really want a Palestinian state. But the fact that the EU members could not present a united position either on the 2011 or the 2012 Palestinian bid for statehood in the UN of course raises the questions that have plagued the EU since its inception, namely what will or capability the EU really has to help implement a Palestinian state.

The final implication of the Palestinian statebuilding process, for the EU and everyone else involved, is that the stakes involved cannot be underestimated. If the Palestinian statebuilding project fails, as it seems to be doing now and if no state is established in the foreseeable future, the conflict will almost certainly move out of the two-state solution paradigm and into an uncertain future.

## 8.6 Lessons learned and challenges ahead

Throughout the past decade, even during the most troublesome moments of the second intifada, almost all observers believed that the creation of a Palestinian state in some form was inevitable. Now, most observers are no longer so sure. The reasons for this are many, and both sides are still, two decades after the Oslo peace process began, deeply divided over how, or

even whether, to divide the land. This is indeed a tragedy because the current status quo will almost certainly guarantee future rounds of violence since few Israelis and Palestinians really want to live together in a single state, regardless of whatever shape or form such a state might have (For polls about this, see the Israel Democracy Institute 2012, Shikaki 2012:4). The lack of progress is also a tragedy for third parties, like the EU, which has tried to legitimize a two-state solution for the past two decades and worked hard to achieve it through its support for Palestinian statebuilding. But without genuine support from the parties directly involved in the conflict, it is hard for third parties like the EU to change the situation significantly. As American officials often say: “We can’t want it [a two-state solution] more than they want it.” (See, for example Riedel 2011)

In addition, it is also important to emphasize that the idea of a two-state solution was based not merely on the willingness of the parties to compromise, but also on the previous regional order, with supposedly stable states that did not threaten either Israel or the future Palestinian state (Hunter & Jones 2006:45). This old regional order was swept away by the Arab Spring and it will likely take some time before a new regional order begins to crystalize.

There is sometimes a tendency in the EU literature and elsewhere to underestimate the enormous obstacles that stand in the way of peace in this conflict: the half a million Israeli settlers now living in the Palestinian territories, the widespread rejection of Israel’s legitimacy in the region, the split in the Palestinian leadership and between its territories, etc. Perhaps most profoundly, there seems today to be no real effort in either the Israeli or Palestinian society to press for a realization of the two-state solution (Aggestam & Strömbom 2013:109). Instead, from left to right, from the secular to the religious, with some liberals in between, more and more leading Israeli and Palestinian academics, intellectuals, peace activists and politicians are now coming out against the two-state solution and claim that it is no longer possible to divide the land into two states. This list includes the Palestinian academic Sari Nusseibeh, *Haaretz’s* liberal columnist Carlo Strenger, peace activist Jeff Halper, the former Knesset speaker Reuven Rivlin and many more. The EU continues to maintain that the two-state solution is the only possible solution, although it has in several of its latest declarations on the conflict expressed deep concern about developments on the ground that threaten to make a two-state solution impossible (See, for example, Council of the European Union 2012). If it so happens, if the two-

state solution becomes impossible to implement, then the EU will have to develop a new formula for a just peace in the conflict to meet these new realities.

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<sup>11</sup> In addition to these interviews I have also attended a seminar by the Palestinian Prime Minister Salam Fayyad in Oslo on 17 December 2010. At the seminar which I recorded I got the chance to ask the Prime Minister one question. I also participated in an online Q&A event on Facebook in May 2011 with the EU's ambassador to Israel, Andrew Stanley.

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