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# EU's New Settlements Guidelines Are Already Biting

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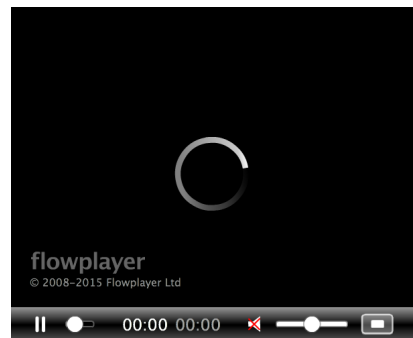
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Even before they are set to begin, the new EU guidelines (<http://eur-lex.europa.eu/LexUriSery/LexUriSery.do?uri=OJ:C:2013:205:0009:0011:EN:PDF>) (the technical term is Commission Notice) against the Israeli settlements in the West Bank are already biting. While few in Europe took notice of them when they were mid-July they created a political storm in Israel. The new guidelines prohibit **any new building from the EU to the settlements in the West Bank East** or Colan Heights. Most significantly, however, they also include a clause stipulating that these areas are not part of the State of Israel. In other words, in future

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agreements between the EU and Israel, the new guidelines will actually force the Israeli government to admit that the occupation is illegal under international law - something no Israeli government, least of all the incumbent - will ever do.

#### Many on the political right

([http://www.israelhayom.com/site/newsletter\\_opinion.php?id=5002](http://www.israelhayom.com/site/newsletter_opinion.php?id=5002)) in Israel immediately labelled new guidelines with accusations of anti-Semitism. In the center (<http://www.bloomberg.com/news/2013-08-12/israel-faces-deepening-isolation-kerry-warns.html>), the guidelines were condemned for being one-sided and for not differentiating between isolated settlements far into the West Bank and those settlements closer to the Green Line that Israel most likely will keep in a future deal with the Palestinians. Only on the far left (<http://www.haaretz.com/opinion/.premium-1.53919>) in Israel were the new guidelines welcomed as an ever-more tangible sign of the costs of continued occupation. Palestinian commentators, for their part, were generally supportive of the guidelines, although many saw them as too little, too late.

The Israeli government has responded that it will be unable to sign the upcoming €80 billion Horizon 2020 research project, set to begin in January 2014, if the guidelines remain in place. Israel is the only non-European country offered to participate fully in Horizon 2020, expected to contribute about €600 million to the project and receiving more than €1 billion in return. But this is not about money, neither for Israel, nor for the EU. For Israel, this is about legitimising its hold over the territories it captured in the 1967 war. For EU, it is about delegitimising the occupation of what it perceives to be Palestinian/Syrian lands.

The guidelines, therefore, are the most significant EU action in the Israeli-Palestinian conflict since the 1980 Venice Declaration, which called for a special role for Europe in the conflict, Palestinian self-determination and talks with the PLO. They clearly show the potential for the EU to become a 'player' in the conflict, instead of just writing checks to finance the increasingly irrelevant 'peace process', which has been a long, expensive process without peace for the past 20 years. It is also clear that the guidelines represent a new policy tool for the EU, potentially very effective, as it is hard for a small post-industrialised, high-tech oriented country like Israel to flourish in the 21st century if it is excluded from major international research projects. As such, the guidelines represent a powerful combination of what political scientists call 'hard' and 'soft power'. Perhaps more than anything else, the guidelines show the potential for the EU to exercise its normative and legitimising power in the conflict - as an example that others will follow.

In my own and other's research (<http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=3736680&fileId=3736685>), it is increasingly clear that the EU is emerging as a normative/legitimising power in international affairs. The EU is by far the largest bloc of liberal democracies in the world, and its 28 members can collectively legitimise or delegitimise many features of international affairs. Many other states in the world pay close attention to how the EU countries act, vote and speak in various international forums. This is certainly the case even in the Israeli-Palestinian conflict, where the EC/EU successfully legitimised Palestinian rights in the 70s, self-determination for the Palestinians in the 80s, and their right to statehood in the 90s. While all sides involved in the conflict, including the Palestinians themselves, initially heckled these ideas when they were first issued, they now form a significant part of a future two-state solution.

While many have used big words for small things before in this conflict, it may certainly be that the guidelines will change nothing on the ground; either because they in the end will be watered-down or not implemented properly; or because it may simply be too late to roll back the occupation. But the guidelines are a potential game-changer in the over hundred years conflict in the Middle East. Symbolically resembling a 21st century Balfour Declaration, they are the first detailed declaration ever by a major international actor on the settlements. This is why Benjamin Netanyahu has been quoted as saying (<http://www.haaretz.com/news/diplomacy-defense/.premium-1.546108>) that Israel's failure to stop them represents his country's biggest diplomatic failure since he entered politics three decades ago (for anyone familiar with Israeli politics, that says a lot). It may well be that 1 January 2014 when the guidelines go into effect will be remembered as the day when the settlements began to be delegitimised on a large scale.

*A shortened version of this article was recently published in European Voice.*

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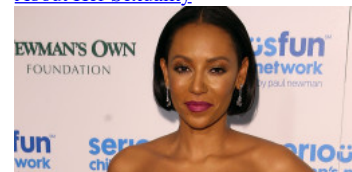
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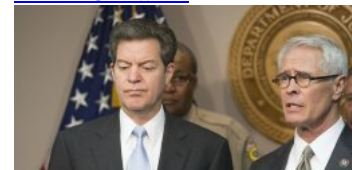
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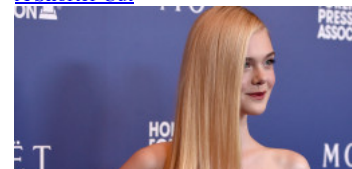
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