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Legitimizing a just peace

EU's promotion of the parameters of just peace in the Israeli-Palestinian conflict

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Legitimizing a just peace

EU's promotion of the parameters of just peace in the Israeli-Palestinian conflict

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1. Introduction

There have historically been great expectations on the role of the EU as a peacebuilder in the Middle East, both in the region and within the Union. Many people in the region, both Israelis and Palestinians have long desired closer ties with the EU. At the same time, there is great suspicion towards the EU among both Israelis and Palestinians given the historical record of colonialism and the Holocaust. For the past four decades, the EU has been active in trying to establish a just and durable peace in the Israeli-Palestinian conflict, beginning in the early 1970s (Dosenrode & Stubkjaer 2002:84). The fact that the EU is about to enter its fifth decade of peacebuilding in the Israeli-Palestinian conflict suggests that it has not been successful in its efforts to bring peace to this troubled region. Indeed, the conflict continues unabated even if the last two years have seen a dramatic cessation in the level of violence since Operation Cast Lead in Gaza in 2008-2009. Nevertheless, observers from basically the whole political and academic spectrum criticize the EU for not having done enough or for having done nothing at all to contribute to a future solution to the conflict, and for being a weak and divided actor more generally in international affairs, unable to speak with one voice (e.g. Hyde-Price 2008:30, Smith 2008:235, Halper, Interview, 13 April 2010, Heller, Interview, 12 April 2010). A seemingly growing number of critics have also begun to question whether the EU's financial assistance to the Palestinian Authority has funded a continued occupation rather than a real peace process? (e.g. Youngs 2006:150, Le More 2006:92) In this working paper I problematize this rather simplistic notion of the EU as a historical failure in the Israeli-Palestinian conflict, especially when it comes to being a weak and divided actor which has not contributed to the peace process. Even if much of the above criticism against the EU is true, I argue in this working paper that the EU has actually contributed significantly to the peace process by developing and legitimizing the parameters of a just peace in this conflict. Far from being divided, it is clear that the EC/EU early on managed to form a common position among the members regarding a just peace in the Israeli-Palestinian conflict. This unity persists even today and no EU member would disagree that a future solution lies in the parameters of the just peace the EU has developed and legitimized for the past four decades.

Beginning in 1971, the EC in its first official statement regarding the situation in the Middle East, called for a just peace in the Middle East without even mentioning the Palestinians as a 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 which again called for just peace and took “into account the need for a homeland for the Palestinian people” (Bulletin of the EC 6-1977:62). The EC’s/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 to include the PLO 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). When EU leaders like Javier Solana spoke of just peace between Israelis and Palestinians during the past decade the idea of a Palestinian state had become the main foundation of the EU’s notion of just peace in the conflict (Solana 2009). In 2009, the EU’s notion of just peace evolved further into including Jerusalem as the Council of the European Union under the Swedish Presidency issued a statement which recognized Jerusalem as the capital of a future Palestinian state (Council of the European Union 2009). Throughout the past four decades the EU has successfully developed and legitimized the parameters of 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, gradually have moved in the direction of accepting many of the ideas articulated in the EU’s declarations. This has perhaps 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 here lies the EU’s contribution to the peace process. The ambition in this working paper is not to prove causality; that the EU’s declarations directly led to changes in Israeli, American, or Palestinian policy. I am not suggesting that was the case. Rather the ambition here is more limited in that I try to show that the EU has played an important role in the Israeli-Palestinian conflict by developing and legitimizing the parameters for a just peace between the two sides, and that others subsequently have changed their positions and themselves adopted these ideas.

1.2 Notions of just peace

As mentioned, the EU has sought to establish a just and durable peace between Israelis and Palestinians since the early 1970s, when the integration level of what was then called the European Community reached a point where it could begin to act in international affairs (Dosenrode & Stubkjaer 2002:84). Over the years the EU has in its declarations constantly and more than any other international actor emphasized the need for a just peace between the two sides. But despite being regularly used in EU declarations for over four decades, and even though it is widely used in everyday language, just peace has been given little attention in the peace and conflict literature, as Aggestam and Bjorkdahl (2008:2, 2009:2) have noted. This naturally raises questions such as what a just peace is, how it can be achieved, how the EU conceives of a just peace in the Israeli-Palestinian conflict, and how the EU has worked to achieve it? It is clear that the very basic idea behind just peace is that justice and peace are interrelated somehow. Several academics, among them Hoppe (2007:71) and Mani (2002:5) have argued that there is a connection between conflict and injustice as well as between peace and justice. Hoppe (2007:71) has argued that “peace is put at risk where justice is violated - and where peace is lost, conditions of deep injustice will soon prevail”. Both justice and peace have long been the focus of much debate as well as numerous attempts of conceptualization up to a point where there is now what Oliver Richmond (2005:15) calls “a tyranny of multiple terminologies” surrounding them. As mentioned, just peace has been very little studied, but those who have studied it, like Allan and Keller (2008:199) or Aggestam and Bjorkdahl (2008:16) typically see just peace as a process rather than a set of requirements, a process which includes the creation of an intersubjective consensus on the core interests of each side and on what ought to be a just peace. This intersubjective understanding between the conflicting parties is at the heart of the concept of just peace. As just peace is focused more on the process than the substance it seems to be a concept that is easy to describe but harder to define. One of the few academics who have actually tried to define just peace rather than loosely describing the term is Pierre Allan (2006:115) who argues that “just peace is stable peace with justice”. Indeed, just peace resembles stable peace in many ways but with some notable exceptions. Like just peace, stable peace can be seen as an ongoing and dynamic process, rather than a single situation, which might take place in many different settings (Kacowicz & Bar-Siman-Tov 2000:11). Stable peace also resembles just peace in that neither of them can be seen as resulting from a single predominant cause or condition. Instead, they

are the results of a number of interrelated factors (Kacowicz & Bar-Siman-Tov 2000:33). The main difference according to Pierre Allan lies in the latter's strong emphasis on justice. In this regard, just peace goes beyond the notion of stable peace in the sense that the peace order is seen not only as natural or normal, but as just. Because of this just peace is morally superior to stable peace, argues Allan (2008:115). Therefore, the use of the word just in just peace is not arbitrary; it serves to measure not only the stability of every political order but also the ethical quality; for example how far it aims to develop and uphold life conditions in which basic demands of justice are met (Hoppe 2007:71). More specifically, Allan and Keller (2006:195) see just peace as a process whereby the conflicting parties reach peace and justice through an intersubjective understanding of peace and of the core issues at stake. I find this approach very useful, although this paper deals only with an intersubjective EU understanding of just peace and not with wider Israeli and Palestinian notions of just peace.

2 EU's notion of just peace in the Israeli-Palestinian conflict

The original six members of the EC were generally considered to be quite supportive of Israel in the first decade after the Treaty of Rome was signed in 1957 (Yacobi & Newman 2008:181). Diplomatic relations between the EC and Israel had been established in 1959 and the first economic agreement between the two was signed five years later in 1964 (Harpaz 2006:4). During the 1960s, the main concerns for the member states of the EC were not a common foreign policy or the Middle East, but further integration, internal trade and agricultural policies. The EC's economic relations with the countries in the Middle East were therefore somewhat disorganized in the 1960s and a foreign policy coordination within the EC did not exist, something which became apparent by the outbreak of the June 1967 war. Divisions within the community rose to the surface as Germany and the Netherlands sided with Israel, while France decided not to support Israel's war efforts and even imposed a weapons embargo towards the countries involved in the war, including Israel (Dosenrode & Stubkjaer 2002:63-65). Many Israelis were shocked at the French President Charles De Gaulle's behavior as his country prior to the war of June 1967 had been seen the key ally of Israel. France had during the 1950s and 60s supplied Israel with advanced military equipment, including fighter jets and nuclear technology (Shlaim 2000:205). The situation went from bad to worse after President De Gaulle issued a series of harsh statements against Israel. French-Israeli relations reached its nadir when the French leader asserted that Israel had been implanted in the Middle East under dubious circumstances (Segev 2005:560). There is no doubt that De Gaulle's political u-turn had a profound effect on Israel and France now joined Germany and Britain as *the bêtes noires* for most Israelis. All the three major European powers came to have an ambivalent relation with Israel; France because of De Gaulle's political u-turn, Germany because of the Holocaust and Britain because of its behavior during the mandate period, particularly because of its refusal to accept Jewish refugees into Palestine. The June 1967 war constituted a major turning point not only in the Israeli-Palestinian

conflict, but in the approach of the EC and its member states towards the region as well. The support for Israel became more tenuous as the continuation of the occupation and the building of Israeli settlements on occupied lands began to switch much support away for the allegedly pre-1967 underdog, Israel, to the allegedly post-1967 underdog, the Palestinians (Yacobi & Newman 2008:181). In short, this development added weight to Israel's mistrust and skepticism of European involvement in the peace process.

2.1 Just peace in the early 1970s

In November 1970 the foreign ministers of the then six member countries 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. When it comes to foreign policy, 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 ever since that meeting in Munich in 1970 (Peters 2000:154). Within the framework of the EPC the conflict in the Middle East was consciously placed highest 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 singled out and used by the EU to foster integration within the Union. The rationale behind this 'hidden agenda' was that by being able to show a united stand on this particular issue, the Israeli-Palestinian conflict, which already then was considered to be one of the most difficult issues in international affairs, the international community would start seeing the Union as a serious international actor (Keukeleire & MacNaughtan 2008:46). This logic, that the show of unity is necessary for being counted upon as a serious international actor goes back all the way to the early days of the EPC and explain much of the Union's ever-present quest for being able to show a united front in the region (Keukeleire & MacNaughtan 2008:69). A year later in 1971 and also within the framework of the EPC, the member countries agreed on a secret report, the so-called "Schuman document" that called for Israeli withdrawal from the occupied territories in return for recognition of Israel by the Arab states. The status of the Schuman document was unclear as the member states could not agree on whether the document was an official policy as France considered it, or an informal working paper as

Germany and the Netherlands described it (Dosenrode & Stubkjaer 2002:84). That same year 1971, the EC issued its first official statement regarding the situation in the Middle East (Bulletin of the EC 6-1971:31). It was also to the best of my knowledge the first time the EC used the term ‘just peace’ in the context of EC-Middle East relations. In this statement from what was called the second EEC foreign ministers’ conference on political cooperation it was declared 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).

Important to note is that nowhere in text is the term ‘Palestinian’ used, which is also the case for 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). 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 “for 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 the United Nations Security Council Resolution 242 has constituted the main foundation of the EC/EU’s policy towards the conflict, referred to in almost every statement that the EC/EU has produced on the Israeli-Palestinian conflict. However, as mentioned, the Palestinians were not even mentioned as a 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.

2.2 Legitimate rights of the Palestinians

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 placed itself in between France and Germany, neither considered being clearly pro-Palestinian nor 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 US, believing that American involvement in the peace process was crucial (Muller 2006:58). The admission of Britain complicated the decision-making processes even further although it was clear from the beginning, before Britain joined, that the EC had severe problems of moving beyond the issuing of declarations to actually enforce its policies. The October 1973 war between Israel and two of her neighbors; Egypt and Syria, came as a surprise for the then nine members of the EC and the following Arab oil embargo had a shocking effect on them. The nine EC members were dependent on energy supplies from the Middle East, both when it came to stabilizing the price of oil and ensuring its supply (Dosenrode & Stubkjaer 2002:85). As much as 60% of Europe's total energy came from the Middle East, a figure far higher than that of the US, which was relatively independent of energy supplies from the Middle East (Dosenrode & Stubkjaer 2002:85). In addition to that, 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 \$2.97 billion. By 1979, they were valued \$27.7 billion, an almost tenfold increase in seven years (Garfinkle 1983:8). 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. Panayiotis Ifestos sums up the effects of the oil crisis on the EC in this way:

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).

Even if energy and trade became major issues that certainly shaped EC policy in the Middle East, it is too simplistic to believe that these were the only factors that mattered for the EC in the Middle East. Already from the beginning of the 1970s the members of the EC felt a genuine displeasure against Israel's continued occupation and particularly against the construction of settlements on occupied territory, which the EC/EU has always perceived as illegal under international law (For example see European Council 09/16/2010). After the October 1973 war and the subsequent Arab oil embargo, the Foreign Ministers of the then nine members of the EC met on November 6 to discuss the situation in the Middle East. The meeting resulted in a statement 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 statement, the term “Palestinians” was used and “the Palestinians” were explicitly recognized as a party to the conflict” (Bulletin of the EC 10-1973:106). Not only that, the statement went on to recognize that “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 statement been a phrasing used only by the Arab states (Dosenrode & Stubkjaer 2002:86). This statement was viewed by the Arab side as a satisfactory response and as a positive attitude towards understanding Arab demands in the struggle with Israel, and consequently; a few days later OPEC declared an end to most of the oil embargo towards the members of the EC (Dosenrode & Stubkjaer 2002:86). The 1973 statement signaled a new change of tides in the EC’s relations with Israel and the Palestinians, and it also constituted the first major shift 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 statement said 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). As could have been expected, the reaction from the Israeli government was sharp, and in a political communiqué three days later, the Israeli Minister of Foreign Affairs Abba Eban said that the statement meant “Oil for Europe” and not “Peace in the Middle East” (Quoted in Greilsammer & Weiler 1984:135). Eban also put forward three points of criticism which would become the standard reply of various Israeli governments’ whenever the EC/EU issued statements which were not appreciated by Israel; that they are counter-productive; that they are ill-timed, and that the EC/EU if it wants to be relevant should stop dictating the conditions for peace (Greilsammer & Weiler 1984:135).

The oil crisis of 1973 is often seen as the catalyst for deepened EC involvement in the Middle East peace process and as a crucial event that significantly influenced EC policy (Dosenrode & Stubkjaer 2002:86), even if, as mentioned earlier, the EC had issued statements that took the situation in the Middle East seriously and called for just peace already in 1971, two years before the oil crisis. In the wake of the oil crisis the EC launched in December 1973 the ‘Euro-Arab dialogue’, which sought to establish a special relationship between the EC and the Arab states. As no foreigners had ever before been admitted to an EC summit, this unprecedented event caused considerable resentment in the US and critical voices saw it as a fawning at the feet of Arab leaders (Musu 2010:33). While the EC primarily was interested in its economic dimension, the Arabs wanted to use it as a political weapon 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).

2.3 A Palestinian homeland

The EU's next major policy departure and a new notion of just peace in the conflict developed in the latter half of the 1970s when the EC turned even closer to the Arab narrative of the conflict. At a meeting in London on 29 June 1977 the European Council issued a statement which again recognized, like the previous statement 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 settlement 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 were new in this declaration and what constituted the second major shift in the EC's notion of just peace was first that the Palestinians were referred to as "the Palestinian people" with a "national identity". Second, the Palestinians had to be included in the negotiations. Third and most importantly, the statement called for "a homeland for the Palestinian people" (Bulletin of the EC 6-1977:62). In a similar statement issued two years later, on 18 June 1979, the EC reaffirmed its position that "just and lasting peace can be established only on the basis of a comprehensive settlement which should be based on Security Council Resolution 242 and 338". This statement also explicitly deplored Israel's claim to sovereignty over the occupied territories and the construction of settlements in these territories, which the EC considered illegal under international law (Bulletin of the EC 9-1978:54). Again, Israel reacted harshly to these statements. The Israeli government under Prime Minister Menachem Begin knew all too well what was meant with expressions such as homeland, a term which had been used by the Zionists themselves in their struggle to establish Israel (Greilsammer & Weiler 1987:39).

EC's 1979 statement which had deplored 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 notion of just peace between Israelis and Palestinians underwent a remarkable development during the 1970s; from not having mentioned the Palestinians at all in 1971, to recognizing their legitimate rights in 1973, to calling for a Palestinian homeland in 1977.

2.4 Right to self-determination

In April 1980, Time magazine ran a six-page cover story with 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 calling the seemingly growing numbers of supporters for the Palestinian cause, many of whom were European states, "a sorry parade of nations supplicating the Arab oil gods" (Quoted in Time Magazine, April 14, 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. The declaration also marked the emergence of a more unified EC stance towards the Israeli-Palestinian conflict. In the Venice Declaration, it was clearly reflected that the member states of the EC sought to play a more prominent role in the conflict:

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. The declaration used the term "just solution" instead of just peace and asserted that it was imperative to find a just solution to the

Palestinian problem, which was seen not simply as a refuge problem (The Venice Declaration, 1980). Moreover, the Venice Declaration condemned the construction of Israeli settlements in the occupied territories and stated that the Palestinian people must be allowed “to exercise fully its right to self-determination”. Maybe most significantly, the Venice Declaration called for the inclusion of the Palestine Liberation Organization (PLO) into any negotiations for a settlement (The Venice Declaration, 1980). Israel and the US had tried to prevent the EC from issuing the declaration, and in Israel, the declaration was condemned by virtually the entire political spectrum (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).

Two years later, amidst the war in Lebanon, the foreign ministers of the EC issued a new statement in line with the Venice Declaration where they explicitly called for a “just and lasting peace” and “justice for all peoples, including the right of self-determination for the Palestinian with all that this implies” (EC Statement, 1982). The statement 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 a 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, there had been widespread speculations both in Europe and elsewhere that the Venice Declaration would include a proposal to change the mythical UNSC 242 by replacing the word “refugees” with the word “Palestinians” (Greilsammer & Weiler 1984:142). As this did not happen, the Arab side was somewhat split over the Venice Declaration. The PLO had hoped for a change in UNSC 242 in addition to being recognized by the EC as the sole representative of the Palestinians, which did not happen either (Greilsammer & Weiler 1987:51). King Hussein of Jordan said nevertheless 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). But as the Arab side realized that the EC was not capable to outweigh the U.S., their optimism started to fade. One of the big problems with the Venice Declaration was that it was issued at a time when the EC’s actor capacity was severely reduced by the tightening bipolar structure of the international system. The period of *Détente* which had allowed the EU space of maneuver was about to be replaced by the *New Cold War*. 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). 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 correctly have noted, the Venice Declaration fulfilled neither EC nor Arab hopes. 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 established the EC as a fairly independent international actor in the shadow of the Cold War rivalry. Nearly thirty years after it was issued, the Venice Declaration still constitutes the basic principles of the EU’s policy towards the peace process, while at the same time, the declaration marked a low-point in the EC’s relations with Israel from which it has not fully recovered to this day (Peters 2000:99). In 1981, a year after the Venice Declaration, Abba Eban described it as “the principal obstacle to peace moves in the region” (Quoted in Greilsammer & Weiler 1987:61).

2.5 A Palestinian state

As mentioned, the 1980s was sort of a lost decade both for the ECs’ and other international actors’ efforts to build peace in region as the Israeli-Palestinian conflict caused a major war in Lebanon in the first half of the decade and an Intifada in the occupied territories in the second half. The re-launching of the peace process following the Gulf War in 1991 was therefore met with high hopes within the EC. But these hopes proved to be short-lived as it soon became clear that the United States and Israel would not let the EC play a significant role in the process (Peters 2000:158) The EC was only able to secure a minor role for itself as an observer, a clear sign of its marginalization, according to Ricardo Gomez (2003:124). Despite

the bad start, the EC which now had become the EU soon carved out for itself an economic role as the main financier of the peace process. In the first years of the peace process, the EU took upon itself several grandiose aid projects, among them the support of the setting up of the Palestinian Authority, where the EU provided over half of the funding (Youngs 2006:146). The standard figure in the literature is that the EU provided approximately half of the total economic and financial aid to the Palestinians within the framework of the peace process (e.g. Hollis 1997:22, Keukeleire & MacNaughtan 2008:282). As have been noted by David Shearer and Anuschka Meyer (2005:165) and others; such high amounts of sustained aid are very unusual in international peacebuilding, especially over such long periods of time. The World Bank wrote in a report from 2003 that “this is thought to be the highest sustained rate of per capita disbursement to any aid recipient anywhere since the Second World War” (World Bank Report 2003:8). Much of the EU’s peacebuilding work over the past 16 years since Oslo has been directed at institution building in the Palestinian territories. When just peace is mentioned in contemporary EU documents, it means pretty much the same as it did in the 1970s, but with one major exception; the EU now explicitly endorses the idea of a Palestinian state. The Venice Declaration of 1980 had fallen short of explicitly calling for a Palestinian state and it took almost another two decades before the EU was ready to stand behind the idea of a Palestinian state and this also constitute the fourth major shift in the EU’s notion of 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” (Cardiff European Council 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, 24 and 25 March 1999).

It is now widely believed that the EU issued the Berlin Declaration at least partially 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 a more hostile Israeli government in the elections that was to be held later that year in Israel. Like previous EC/EU statements, the Berlin Declaration led to a predictable angry response from Israel (Peters 2000:157). Prime Minister Benjamin Netanyahu said in his response that “it 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). 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 once again called for just and lasting peace in the Middle East. This time, at a conference for the reconstruction of Gaza 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 2009). In that 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 2009). What is also new is that the contemporary EU notion just peace is that it appears to be connected to the Union’s wider peacebuilding efforts in the Palestinian territories. For example, this is how Emanuele Giaufret, the former head of the economic and political section of the Delegation of the European Commission to Israel, describes the EU Partnership for Peace Programme:

The overall objective of the EU Partnership for Peace Programme is to help provide a solid foundation at the civil society level for a just and lasting peace in the Middle East. The programme aims to foster wider public exposure to and involvement in the efforts aimed at finding peace in the region. It also aims to strengthen and increase direct civil society relationships and cooperation based on equality and reciprocity between citizens of the region including Israelis of Jewish and Arab origin. Moreover, the Programme aims at broadening the base of support for the peace process in both Israeli and Arab societies by reaching out to those who are traditionally less sensible to peace efforts in the region (Giaufret 2005).

2.6 Jerusalem as capital

The fifth shift and the latest evolution of EU’s notion of just peace in the Israeli-Palestinian conflict took place in December 2009 when the Council of the European Union under the Swedish Presidency issued a statement which recognized Jerusalem as the capital of a future Palestinian state (Council of the European Union 2009). This statement 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 statement 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 by both parties including with regard to Jerusalem, as the future capital of two states” (Council of the European Union 2010). As could have been expected, Israel reacted harshly to these statements which called for the division of Jerusalem. Before the Swedish Presidency issued the statement in December 2009, a draft of it, containing even more articulated language against Israel had been leaked to the Israeli press (Haaretz 01/12/2009a). The ensuing debate led many in Israel to accuse Sweden for having tried to push the EU on a collision course with Israel. When a softer version of the draft document finally was officially issued, it was condemned both by the Israeli government and by the main opposition leader, 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” (Haaretz 01/12/2009b). Israel’s main opposition leader, Kadima chairwoman Tzipi Livni, responded by saying: “I wish to convey my deep concern regarding what appears to be an attempt to prejudice the outcome of issues reserved for permanent status negotiations” (Haaretz 01/12/2009b).

2.7 The evolution of EU’s notion of just peace 1971-2009

What constitutes a just peace in the Israeli-Palestinian conflict in the eyes of the EU has indeed significantly changed over the past four decades. The Palestinian problem has moved as Friedemann Buettner (2003:146) and others have noted, from being a problem of refugees subordinated to territorial and other security issues, into the very center stage of any possible conflict resolution regarding peace in the Middle East. This development was reflected in the various EC/EU statements on the Israeli-Palestinian conflict. As the Palestinian problem rose to prominence, the terminology of the EC/EU statements changed as did the Union’s notion of

just peace in the Israeli-Palestinian conflict. After decades of uphill battles and despite massive criticism from basically of all the key players involved: the Israelis, the Americans, the Palestinians and other Arabs; it is now increasingly clear that these key players gradually have moved in the direction of accepting many of the ideas articulated in the EU's statements. As table 1 illustrates, the EU has in fact shown a remarkable degree of consistency in its policy towards the conflict over the years. Again, this is much in contrast to how many of the others actors involved in the conflict have acted and changed their positions over time, most notably the Americans, the Israelis, the Palestinians and other Arabs (Yacobi & Newman 2008:183).

Table 1: The evolution of EU's notion of just peace, 1971-2009

1971	1973	1977	1980	1999	2009
EC statements	EC statement	EC statement	Venice Declaration	Berlin Declaration	EU statement
No mentioning of the Palestinians as a party to the conflict.	EC recognized the legitimate rights of the Palestinians.	EC took into account the need for a homeland for the Palestinian people.	EC recognized the Palestinians right to exercise fully its right to self-determination . EC called for the PLO to be included in the negotiations.	EU declares its explicit commitment to the creation of a Palestinian state .	EU recognizes Jerusalem as the capital of a future Palestinian state.

It could be argued that it is ironic that the EU which is often accused of not being able to unite and speak with one voice whenever it faces serious challenges has indeed been much more forward-thinking than the rest of the international community on this particular issue, the Israeli-Palestinian conflict, which is widely considered to be one of the most controversial issues in international affairs. In retrospect it is clear that the EPC managed to form a common position among the members, a unity which persists even today. No EU member would disagree that a future solution lies in the parameters outlined in table 1. At the same time, it must be mentioned that even if there is a widespread agreement in the EU on the future solution to the conflict, fundamental differences still exist among EU members over how to

approach the conflict on a more daily and practical level, especially in matters related to Israel.

2.8 Just peace - a major success of EU diplomacy?

As the EU is about to enter its fifth decade of trying to legitimize a just and durable peace in the Israeli-Palestinian conflict, it is clear that history has proved the Union to be quite forward-thinking in promoting Arab and later Palestinian claims as legitimate demands. Over the past four decades the world community has gradually moved in the direction of accepting many of the ideas articulated in the Union's declarations as the parameters of a future peace. This includes successive U.S. and Israeli governments, many of which had previously been highly critical of the EU's statements. As Yacobi and Newman (2008:183) have correctly noted, the EC/EU has issued statements that were some years later adopted in a similar way by other countries in the international community, most notably by the U.S. Even Israel, including the present government under Benjamin Netanyahu has come to accept many of these ideas, most notably the concept of a two state solution. Both EU leaders and many academics consider the fact that there is today a widespread consensus on the two state solution as a major success for EU diplomacy (e.g. Bretherton and Volger 2006:185, Keukeleire & MacNaughtan 2008:282, Dieckhoff 2005:53, Biscop 2003:65). In this regard, it is important to mention that EU did not invent the idea of a two state solution. This idea has been around since the UN Partition Plan of 1947, and it even goes as far back as the Peel Commission of 1937. But in the contemporary context, the EU has more than anyone else legitimized a two state solution, even if these efforts have yet to bear fruit. Israelis are of course less impressed of this EU achievement which is commonly referred to as "megaphone diplomacy" in Israel (EJP 22/11/2007). A former Israeli ambassador to the EU, Avi Primor, says that many Israelis saw these declarations as being not just anti-Israeli, but the EU was seen as teaching Israel a lesson (Primor, Interview 15 April 2010). It is obvious, as Everts (2003:18) and others have noted that the price of this "megaphone diplomacy" has been problematic relations with Israel over a long period of time as most Israeli governments over the past four decades came to see the EC/EU as having a pro-Arab and later pro-Palestinian bias. This is still the case today even if the picture has changed somewhat over the last decade as the EU appears to have softened its statements about the conflict. At the end of the day, it is

clear that the EU has done the Palestinians a major favor by promoting Arab and later Palestinian claims as legitimate demands, a fact many Palestinians and their international supporters do not appear to be aware of today. EU diplomacy could therefore in the words of Sven Biscop (2003:65) be said to have been “instrumental in the world wide acceptance of the Palestinian claims as legitimate demands”. Some, like Roy Ginsberg (20001:106) would even go as far as saying that “the EU helped keep the promise and process of peace alive among the Palestinians”.

3. Conclusion

In this working paper, I have tracked the evolution of EU's notion of just peace in the Israeli-Palestinian conflict over the past four decades, from the early 1970s to the present. As table 1 illustrates, the EU's notion of just peace has evolved from not including the Palestinians at all as a party to the conflict in 1971 into involving "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 EU's notion of just peace in this conflict evolved to include the Palestinian people'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 EU's notion of just peace between Israelis and Palestinians. Just recently, in December 2009, EU's notion of just peace evolved further to include "Jerusalem as the capital" of a future Palestinian state. Against this background, just peace must necessarily be regarded as a dynamic and transformative concept which can change and develop depending on the circumstances. As mentioned in the beginning of this working paper, the EU's efforts to legitimize a just peace in the Israeli-Palestinian conflict has perhaps not changed much of the realities on the ground, but it has definitely changed the framework of the negotiations that are taking place at the moment. Four decades ago, the EPC managed to form a common position among its members and enabled the EC to speak with one voice on this issue, which had been one of the objectives of EPC. Every EU member came to accept these parameters for a just peace, the difficulty today is to convince the parties, primarily the Israelis. A possible way forward would be to take Israeli demands into consideration and addressing Israeli security concerns within the EU's parameters of a just peace. It is important to remember that at the end of the day, Israelis and Palestinians will be ones who will have to live with the just peace. Therefore, it is imperative to get both the Palestinian public and the Israeli public on board. This remains the challenge today.

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