

50 years since the Six-day war and the third decade of the Oslo Accords. Why does EU policy in the Middle East fail?



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It was the policy of the EEC and the EU of the last four decades, which mostly convinced the Palestinians themselves, that despite having lost in the 1948 and 1967 wars they can still claim their own independent state even though they never had any as they have missed many previous opportunities to establish it.

The recently adopted UN Security Council resolution 2334 is considered to be one of the biggest diplomatic defeats for Israel, as the United States abstained and did not veto the resolution as in many previous cases. On the other hand, the resolution does not urge for adopting any further steps against Israel.¹ It basically confirms the generally adopted narrative – the Israeli settlements on the West Bank are illegal and they are considered an obstacle to a peaceful solution of the decades-long Arab-Israeli conflict. The peaceful solution is – according to the UN and the EU – the establishment of two states, a two-state solution: Israel and Palestine, side-by-side, coexisting in peace and mutual cooperation.

Today, the two-state solution is further from being reached than at any time in history. Maybe it is time to change the narrative.

The Israel-Egypt agreement as a paradigm for a successful peace process

The example of successful diplomacy is the Israel-Egypt peace treaty from 1979, signed under final supervision of United States. The treaty was a big diplomatic success for the United States – Israel remained closest ally of United States in Middle East, while Egypt was finally separated from the Soviet sphere of influence and became a United States ally as well. Why did the United States diplomacy ultimately succeed in this effort, while no state or organisation so far succeeded in orchestrating a similar peace treaty between Israel and Palestine?

The Israel-Egypt peace treaty brought some losses for both belligerents. Egypt lost its position as leader of the Arab world. The most populous Arab country was expelled from the Arab League for the next ten years.² The diplomatic relations with the Soviet Union remained cold until the collapse of the Soviet bloc.³ Egyptian president Anwar Sadat ultimately paid the highest price – he was assassinated in 1981.

Israel lost the Sinai Peninsula – a strategic area with considerable natural resources. Israel was also forced to dismantle its settlements on the Sinai Mediterranean shore.⁴ The Israel-Egypt border was

¹ Immediately after adoption of the resolution the Israeli government stated it doesn't feel to be bound by the resolution and it started with series of diplomatic counter-measurements against the countries that voted for the resolution.

² Particularly because of Sadat's acknowledgement of Israel's right for exist.

³ From 1981 until 1984 the Soviet-Egyptian diplomatic relations were even severed due to the Soviet opposition to the peace treaty.

⁴ These settlements were constructed in effort to keep this area under Israeli control even after possible return of the whole area to Egypt. Similarly there were Israeli settlements in Gaza strip close to Egyptian border, creating corridor and thus effectively isolating Gaza strip from Egypt. The settlements in Sinai were abandoned after Egypt refused to resume control over Gaza strip. Gaza settlements were dismantled by Israel during Israeli disengagement from Gaza in 2005.

moved 200 km closer to Tel Aviv. With the October war of 1973 in mind, this was considered a serious security risk for Israel, although Sinai remained a demilitarized area.⁵

Nevertheless, both parties agreed to the terms of agreement – mostly because of the United States offer of economic and military aid to Egypt and to Israel (and guarantees to Israel of military supremacy above its rivals in the Middle East). While both countries had to accept territorial or political losses, they gained a mighty supporter and acceptable compensations. Egypt became once again one of the leading powers of the Arab world, while Israel became a military hegemon of Middle East.

Failure of the Oslo accords

If we compare this situation with the status quo in the West Bank and the Gaza strip, we find a completely different scheme. The World diplomacy and European diplomacy in particular got stuck in a conflict, which has virtually no reasonable solution for any of the belligerents.

But let us imagine such a hypothetical situation, probably the ideal solution according to the EU: Israel withdraws completely from the West Bank, dismantles all settlements with ca 400 000 inhabitants and finds a consensus about Jerusalem with a State of Palestine. Palestinians further abandon their demand for the return of millions of Palestinians from refugee camps back to Israel, provide security guarantees to Israel and somehow manage to establish and maintain a viable state in the West bank and Gaza as well.

But nobody asks why they should do that.

Why should the Israelis withdraw from the West Bank, leave everything behind and agree to a frontier at the outskirts of Jerusalem and Tel Aviv? Does the EU or the Middle East Quartet offer anything substantial to compensate all the concessions? To be honest – no, they do not. They could offer security guarantees to Israel, but in view of the unassertive stand of the EU against Russian aggression in Eastern Ukraine no state would consider such guarantees effective.

Why should the Palestinians settle for such a solution, when it is not exactly what they expect to get? Moreover, why should they accept any solution, if they can get anything (especially foreign aid without accepting even the smallest responsibility) without changing their policy? It was the policy of the EEC and the EU of the last four decades, which mostly convinced the Palestinians themselves, that despite having lost in the 1948 and 1967 wars they can still claim their own independent state even though they never had any as they have missed many previous opportunities to establish it.

Major European involvement in the Israeli-Palestinian process started in 1980 with the Venice Declaration of nine European members of the EEC. Ironically, this declaration was inspired by the peace process between Israel and Egypt.

⁵ In effort to bypass the possible Soviet veto in Security Council, Israel, Egypt and United States established Multinational Force and Observers (MFO) in Sinai.

“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.”⁶

Unfortunately, the EEC interpreted its special role in a completely wrong way. Instead of providing negotiations between belligerents (like the United States in case of the Israel-Egypt agreement), they repeated the ill-fated policy of the British Foreign Office during the Czechoslovak crisis in the late 1930s.⁷ Not only have they made Israel bear the main burden of responsibility,⁸ they were also willing to deal with the PLO, which at that time was still committed to the destruction of Israel.⁹ The Venice Declaration was the first of several blank cheques provided by the EEC to the PLO.

As an example of a different type of agreement we can see the London agreement from April 1987 – signed by Shimon Peres and king Hussein of Jordan. The agreement was supposed to establish a framework for an international peace conference. The solution was to be based upon resolutions 242 and 338 respectively and required the renunciation of violence and terrorism, thus effectively isolating the PLO – instead, the representative of the Palestinians should be Jordan. Such a conference could bypass both the EEC and Soviet-supported proposals for solution. But the treaty was rejected by the Israeli Prime minister Yitzhak Shamir,¹⁰ who did not support the so-called “Jordan option”. The “Jordan option” was one of the Israeli proposals how to deal with West bank. While the “Palestinian option” counted with the creation of Palestinian semi-autonomous or autonomous regions, the “Jordan option” proposed a return of large parts of the West bank to Jordan in exchange for a peace agreement. After the failure of the London agreement, the first intifada broke out in December 1987. In July 1988, Jordan renounced its claims to the West bank, thus shifting the whole peace process from negotiations between two sovereign states (Israel-Jordan) to asymmetrical negotiations between a sovereign state and a stateless, leaderless entity (Israel-Palestinians).

The new phase of the peace process started already in 1988, when Yasser Arafat agreed to the US proposal, accepted the United Nations Security Council resolutions 242 and 338, acknowledged Israel’s

⁶ The Venice Declaration, article 2.

⁷ When Czechoslovakia struggled with German nationalist movement (fuelled and supported from Nazi Germany), the conclusion of Foreign Office was to increase the pressure on Czechoslovak government to make some peace offering towards Sudeten Germans, which led to the infamous policy of appeasement and destruction of Czechoslovakia.

⁸ The Venice Declaration, article 9: “The nine [i.e. nine members of EEC] stress the need for Israel to put an end to the territorial occupation which it has maintained since the conflict of 1967, as it has done for part of Sinai.” Especially this part of Venice Declaration shows the deep misunderstanding of the real background of Israel-Egypt agreement by EEC.

⁹ The only part about the violence is the article 10:

“Concerned as they are to put an end to violence, the nine consider that only the renunciation of force or the threatened use of force by all the parties can create a climate of confidence in the area, and constitute a basic element for a comprehensive settlement of the conflict in the Middle East.”

But it doesn’t call for stopping the terrorist attacks and the support of terrorism by PLO, neither for recognizing Israel’s right to exist. Note the declaration was published only 7 years after Munich massacre and 4 years after kidnapping Air France Flight 139 to Entebbe.

¹⁰ Partially due to the animosity between Peres and Shamir, partially due to Shamir’s negative opinion about international conferences.

continued existence and renounced terrorism. But the real beginning of the peace process is the signing of the Oslo accords in 1993, an event which will probably be commemorated as one of the biggest failures of the 1990s and which is actually the exact opposite of the Camp David accords of 1979.

The Oslo Accord was not “a peace agreement” – it was merely a framework or user guide on how to achieve peace, step by step. The signing in 1993 was only the first step – during the next 5 years, the final settlement should have been reached.

Since 1993, the Palestinian Authority received billions of USD as part of EU foreign aid¹¹ without being forced to stop violence against Israeli civilians and armed forces (which was the main Israeli concern). On the contrary, during the first five years after the Oslo accords were signed, several hundreds of Israelis were murdered – more than during the previous fifteen years (including the first intifada). The terror campaign which followed the signing of this historical accord came as a deep shock for the Israeli society. It would be reasonable to grant financial aid after the signing of a definite settlement and use it as pressure on the Palestinian Authority, but the PA received the aid literally for free.

The death toll grew dramatically after 2000 during the so-called “second intifada”, which is the common name for a terror campaign orchestrated by the Fatah movement and its terrorist sub-organisations, such as the Al-Aqsa martyrs’ brigades etc. And despite his direct responsibility, Yasser Arafat was still glorified in Western Europe as a repenting radical and statesman who finally pursues the way of peace. During the second intifada, the far-left movement in Europe revived the infamous UN GA resolution 3379 condemning Zionism as racism (revoked in 1991) and made an anti-Israeli (and sometimes covertly anti-Semitic) stance a key part of its agenda. The responsibility for the escalation of violence was put predominantly on Israel. The World’s newspeak was to be enriched by terms like “inadequate response”, “disproportionate use of force” etc. And despite corruption of the Palestinian Authority and its inability to apply the rule of law in areas A and B, despite Hamas taking over and carrying out a purge in Gaza, despite the periodical escalation of violence by Hamas during 2000s and 2010s, despite car and knife terrorist attacks, various Western countries and the EU still generally continue their policy of support for the Palestinian claims.¹² Palestinians were never forced to make any concessions. And it was the European Union and the UN who convinced them that their strategy works. Terrorist attacks can actually lead to international acceptance – after eleven years of conflict, Palestine was even accepted as a UNESCO member – naivety and blindness of the European policy was clearly demonstrated by the Luxembourg foreign minister Asselborn, who openly said during the session: “We cannot let the Palestinians leave New York at the end of the month with nothing.” Unfortunately, nobody told Mr. Asselborn “Yes, we can.”

¹¹ The EU foreign aid to Palestine is the highest foreign aid per capita of all similar foreign aid programs conducted by EU.

¹² Not speaking about pro-Palestinian altitude (rather than neutral) of Catherine Ashton or Jean Asselborn.
<https://euobserver.com/foreign/32535>

This strategy works to the extent of damaging Israel's image. But it totally fails in its effort to improve the living conditions and economic situation of the Palestinians, who had been better off under direct Israeli control before both parts signed the Oslo Accords.

Changing the narrative

One of the most quoted documents and the basis for peace talks is the UN Security Council resolution 242 from June 1967. This resolution demands the withdrawal from territories occupied during the 1967 war, but not from "all" territories, i.e. not to the Green line of 1949 but rather "within secure and recognised boundaries free from threats or acts of force".¹³ Neither Jordan nor Israel ever accepted the Green line as a border. Immediately after the conquest of the West bank, the Israeli government stated it did not feel bound by the truce agreement with Jordan, as it was obviously broken by Jordan. Israel also hardly considered the occupation of the West Bank as an occupation of sovereign territory of another state.¹⁴ The Israeli stance was clear since the very beginning – if Jordan could claim the West bank and Egypt could control the Gaza strip, Israel had the same right to do so.

The Israeli settlements are generally seen as a violation of the 4th Geneva Convention. The problem is that the convention speaks only about "individual or mass forcible transfers, as well as deportations," not about people moving voluntarily to the occupied area. The fact is that the Israeli government never forced any of the settlers to move to the West Bank. On the contrary, in some rare cases, it forced settlers to move out of occupied territories back to Israel.¹⁵

Obviously, question of settlers, Jerusalem and borders is the most serious part of the whole settlement between Israel and Palestine. These issues were basically named in Article XVII.1 of the Oslo Accords as "to be negotiated" later, during the final settlement. The Palestinians interpreted the Oslo accords as the master plan for gradual Israeli disengagement from the West Bank back to the 1967 borders. This disengagement was supposed to include the complete dismantling of all Israeli settlements. Israel understood the whole case in a very different sense. Immediately after the Knesset approved Oslo II, Yitzhak Rabin declared "the security border to protect the State of Israel will be set in the Jordan Valley,

¹³ As it was confirmed by one of the authors of the resolution, Lord Caradon:

We didn't say there should be a withdrawal to the '67 line; we did not put the 'the' in, we did not say all the territories, deliberately. We all knew - that the boundaries of '67 were not drawn as permanent frontiers, they were a cease-fire line of a couple of decades earlier... We did not say that the '67 boundaries must be forever; it would be insanity. MacNeil/Lehrer Report, March 30, 1978.

Note the Green line has been never adopted as a regular state border, because of Jordanian request.

¹⁴ This presumption was based on the fact that no other state (except for United Kingdom) has ever acknowledged *de iure* Jordanian annexation of West Bank. When Israel invaded West Bank on June 6th 1967, it basically invaded no-mans land, occupied by Jordanian forces.

¹⁵ Other example of such settlements in occupied area is Northern Cyprus. Roughly half of the population of Northern Cyprus are Turkish settlers from mainland Turkey. Turkey also keeps its occupational forces on the island. Interestingly, Cypriot case was never the main case in EU foreign policy, although it directly affects one member state and one candidate state. There are even opinions that the settlers cannot be forcefully expelled from the island and that a solution must "balance the overall legality of the settlement program with the human rights of the settlers." Encyclopedia of Human Rights, Volume 5. Oxford University Press. 2009. p. 460.

in the broadest meaning of this term.” Israel thus never considered a complete withdrawal from the West Bank or its majority (with the exception of the Clinton proposal, accepted by Barak in 2000 and the Olmert proposal in 2007).¹⁶ The Israeli and Palestinian claims were therefore in conflict and the peace process started in Oslo was doomed to fail since the very beginning.

The result is that neither the EU nor the UN can offer anything to Israel and the Palestinians to convince them to accept a two-state solution, not to mention the prevailing mood among the Palestinians and the Israelis, a majority (or significant part) of whom already consider a two-state solution to be gone.¹⁷ The two-state proposal, a core of the EU, the UN and the US policies in Middle East, has only limited support on both sides. Its support among the Palestinians is varying more than amongst Israelis. The majority of Palestinians would support nonviolent popular resistance in case of the collapse of negotiations, but a significant percentage would support armed struggle as well.¹⁸ This stance, seemingly illogical, is understandable in view of the events of recent decades – the Palestinians are frustrated and unwilling to accept Israel as a matter of fact. Such a combination of armed and diplomatic struggle proved to be effective at least in terms of gaining sympathies in the West.

Post-Oslo reality

Already in 2015, Abbas declared that “we cannot continue to be bound by agreements [i.e. Oslo Accords].” The latest poll in December 2016 indicates that 62 % of Palestinians support it (although 64 % of the Palestinian public does not believe Abbas was serious about it).¹⁹ While 46 % of Palestinians believe the main goal should be an end to the Israeli occupation of areas occupied in 1967 and the building of a Palestinian state in the West Bank and the Gaza Strip with East Jerusalem as its capital (compared to only 11 % who believe that the first goal should be the establishment of a democratic political system), the disillusion from the collapse of a two state solution is getting stronger among the Palestinians and the Israelis as well.

¹⁶ This was similar to the Allon plan from 1968

¹⁷ According to the August 22nd 2016 poll “a slight majority of Israelis and Palestinians support the two-state solution. However, they do not trust each other, have disparate views on the terms of a permanent settlement, underestimate the level of compromise on the other side, and view its intentions as threatening.” <http://www.pcpsr.org/en/node/660> But four months later, in December 2016 “two thirds of the Palestinian public believe that the two-state solution is no longer viable.” <http://www.pcpsr.org/en/node/676>

In case of Israelis the situation is a bit more complicated. The opinions differ according to political preferences and various polls present various (sometimes contradictory) results. The support for two-state solution has been slightly dropping during and after second intifada but it is still above 50 %. According to latest poll (January 2017) two thirds of Israelis still favour two-state solution. <http://www.haaretz.com/israel-news/1.765146>

The poll was presented by J Street, Jewish anti-occupation movement supporting two-state solution. Nevertheless the poll shows that 55 % of Israelis support basic principles of Israeli version of two-state solution (area transfer instead of strict return to '67 line, shared control over Jerusalem instead of divided city, financial compensation instead of return of refugees). Slightly bigger support for two-state solution among Israelis is motivated predominantly by demographic threat.

¹⁸ In the absence of peace negotiations, 74 % of Palestinians support joining more international organizations, 62 % support nonviolent popular resistance, 53 % support a return to an armed intifada, and 48 % support the dissolution of the Palestinian Authority.

¹⁹ <http://www.pcpsr.org/en/node/676>

There is also another solution – although highly improbable during Netanyahu’s current term – the annexation of the West Bank by Israel, or the so-called one-state solution. Of course, such a step should bring also the full acknowledgement of the Palestinians as full citizens of Israel. If Israel annexed the Palestinian territories and did not grant full citizenship to its inhabitants, it would become an apartheid state. According to John Kerry, in case of a one-state solution, Israel will have to choose between being a Jewish state and a democratic (but not Jewish) state.²⁰ According to the Palestinian public, a one state solution should imply a bi-national, secular state, perhaps with a new name and the right to return of Palestinian refugees.

The other variants are the annexation of Area C, the establishment of Palestinian cantons or confederation or even the establishment of a federation or confederation with Jordan. But without changing the Palestinian claims (especially the refugee issue), no solution is realisable.²¹

Now it is up to the EU – will it be more flexible towards the changing situation in the Middle East or will it remain fixed on former proposals? No matter about the further development, either a one-state or two-three-state solution, the EU should reconsider its position and prepare itself for all possibilities, if it wants to retain its position as an important political body in the Middle East.

²⁰ According to J Street poll, 68 % of Israelis don’t agree with Kerry and are convinced it is possible to be Jewish and democratic state as well.

²¹ A similar problem was already solved in 1997 *Czech–German Declaration on the Mutual Relations and their Future Development*. The clause “the wrongs committed are problem of the past” was focused mainly to Munich agreement and 1945–1947 expulsion of Sudeten Germans. Germany basically abandoned demands of the Sudeten German organisations for any reparations, restitutions and repatriations.

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