

# EU-PALESTINE RELATIONS IN 2020: IS POLITICAL ENGAGEMENT POSSIBLE?

BENEDICT MOLETA

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## ABSTRACT

This dissertation considers the prospects for more direct and effective political relations between the EU and Palestine, in light of the geopolitical pragmatism proposed by new Commission President Ursula von der Leyen and new High Representative Josep Borrell.

Part I of the dissertation reviews current conditions within the EU, in EU-US relations, and in Palestine and the surrounding region, which I suggest are producing new opportunities for political engagement.

A persistent tension is identified between the primarily economic and ethical terms of engagement which characterize EU-Palestine relations today, and the potential for these to be accompanied by more directly political forms of diplomacy and foreign policy.

Part II of the dissertation draws on Olivier Roy's *The Politics of Chaos in the Middle East* (2007) to present three conceptual elements which could frame a newly political EU-Palestine relationship. These are: inescapable nationalism, problems of political legitimacy, and the necessity of engaging with complex political actors such as Hamas and Hizbullah.

Part II presents an analysis of contemporary EU-Palestine relations via these three conceptual elements, and proposes that in all of them a productive “intermediary” quality is evident. They address aspects of political interaction which lie between long-term historical factors and current events (historical intermediacy), between local, regional and global affairs (geographical intermediacy), and between theoretical and practical considerations (methodological intermediacy).

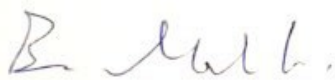
The dissertation proposes that an intermediary approach, based on negotiation with an enlarged range of diplomatic partners, could contribute to a conceptual reorientation of EU-Palestine relations.

Such a reorientation would mean avoiding undue emphasis on crisis or “deadline” developments affecting EU foreign policy, such as the COVID-19 pandemic or the prospect of Israel’s annexation of the West Bank – events which are considered briefly in the dissertation’s conclusion. Instead, taking initial steps toward direct and expanded political negotiation would demonstrate strategic but realistic EU autonomy in the region, and would be in accordance with the geopolitical pragmatism proposed by the new EU leadership.

## STATEMENT OF ORIGINALITY

This is to certify that to the best of my knowledge, the content of this thesis is my own work. This thesis has not been submitted for any degree or other purposes.

Signature:



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## **PART I**

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## Note on terminology and transliteration

For Arabic, Persian and Turkish names and proper nouns, and terminology related to the history of the Middle East, I have applied a simplified version of the spelling and transliteration conventions used in the *International Journal of Middle East Studies*. Exceptions have been made for the names of a few persons frequently named in media sources. For these I have applied one consistent spelling (for example Sayyid Musa al-Sadr, Qassem Soleimani). The spelling and conventions used by authors of quoted sources have been left as they appear in the original source.

For simplicity, I have not adopted the *International Journal of Middle East Studies*' convention that distinguishes between Shii (noun and adjective) and Shia (plural noun). Instead, I have used Shia throughout (therefore "the Shia in Lebanon" and "Shia Lebanese").

Also for simplicity, all diacritical marks have been omitted, and punctuation has not been employed to represent the Arabic *ayn* or *hamza*. Italics are used for Arabic and Persian terms, other than proper nouns (therefore "*vilayat-i faqih*" but "Sunni").





*Violence is at the heart of politics, but to domesticate that violence one cannot simply cast it aside as a crime or barbarism. One has to transform it into a political process.*

*Olivier Roy (2014)*



## INTRODUCTION

### The EU's new geopolitical pragmatism at home and abroad

*What can Europe do to influence the central conflict of the area, the Arab-Israeli confrontation? The answer must be: very little directly.*<sup>1</sup>

Wolfgang Hager (1972)

In November 2019 European Commission President-elect Ursula von der Leyen proposed “a fresh start for Europe.” The Commission’s guiding principle was to be a new political pragmatism in world affairs. It was a “geopolitical Commission ... that Europe urgently needs,” she said, and this required, above all, action. “My message is simple: Let us get to work.”<sup>2</sup>

The message was communicated in von der Leyen’s Mission Letter to her new High Representative for Foreign Affairs and Security Policy, Josep Borrell: “The European Union needs to be more strategic, more assertive and more united,” and “This is why we must be a Geopolitical Commission.”<sup>3</sup> In turn, Borrell stated in his confirmation hearing at the European Parliament “I am convinced that if we don’t act together, Europe will become irrelevant.”<sup>4</sup> And he indicated that this unity of purpose would need to come, not from *inherent* European values or *existing* European economic power, but from the

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<sup>1</sup> Wolfgang Hager, “The Community and the Mediterranean,” in *A Nation Writ Large? Foreign-Policy Problems before the European Community*, ed. Max Kohnstamm and Wolfgang Hager (London and Basingstoke: Macmillan, 1973), 218.

<sup>2</sup> Ursula von der Leyen, “Speech by President-elect von der Leyen in the European Parliament Plenary on the occasion of the presentation of her College of Commissioners and their programme,” European Commission, November 27, 2019, [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_19\\_6408](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_19_6408).

<sup>3</sup> Ursula von der Leyen, “Josep Borrell: High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission,” European Commission, December 1, 2019, [https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner\\_mission\\_letters/mission-letter-josep-borrell-2019\\_en.pdf](https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner_mission_letters/mission-letter-josep-borrell-2019_en.pdf).

<sup>4</sup> Josep Borrell, “Hearing of Josep Borrell Fontelles, High Representative/Vice President-designate of the European Commission: Opening statement by Josep Borrell Fontelles,” European Parliament Multimedia Centre, October 7, 2019, Video, 15:10, [https://multimedia.europarl.europa.eu/en/hearing-of-josep-borrell-fontelles-high-representative-of-union-for-foreign-policy-and-security-poli\\_13228\\_pk](https://multimedia.europarl.europa.eu/en/hearing-of-josep-borrell-fontelles-high-representative-of-union-for-foreign-policy-and-security-poli_13228_pk). All quotations are taken from my own transcription of this hearing, due to inaccuracies in the auto-generated version available online.

*development* of political agency: “To sum up in a single sentence: The European Union has to learn to use the language of power.”<sup>5</sup>

This need for a new geopolitical pragmatism in the European Union (EU) can be understood as a result of both recent events and long-term trends, within the Union and in the world at large. Locally, the departure of the United Kingdom indicates that the EU is now regarded with a combination of criticism, ambivalence and detachment which, whatever the ultimate consequences of Brexit, is able to challenge the idea of European integration at the highest governmental and institutional levels. And globally, the EU faces large geopolitical challenges, including disharmony in the transatlantic alliance, the rise of China and the inconvenient proximity of Russian power.

To frame the EU’s response to these realities specifically in terms of geopolitical action means proceeding beyond the vocabulary which has defined European unity in the postwar period. This vocabulary has fused *economic and institutional integration* with *overarching ethical principles*, from which a supranational European identity was to emerge, distinct from national power politics. On the institutional and economic side, this concept of European unity guided the establishment of the European Coal and Steel Community in 1951, having been expressed in the Schuman Declaration the year before:

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.<sup>6</sup>

On the ethical side, the same “de facto solidarity” is called upon in the preamble to the Treaty on European Union (TEU), where unity is identified with shared values. The TEU aimed “to mark a new stage in the process of European integration,” drawing on “the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.”<sup>7</sup>

Compared with these earlier statements of European integration, the need for geopolitical pragmatism described by the new EU leaders proceeds from different *sources*, responds to different *challenges* and perhaps intimates different *methods* through which concerted European agency could be cultivated.

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<sup>5</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>6</sup> Robert Schuman, “Declaration of 9<sup>th</sup> May 1950 delivered by Robert Schuman,” reproduced in *European Issue*, No. 204, May 10, 2011, Foundation Robert Schuman, 1, <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-204-en.pdf>.

<sup>7</sup> References are to the 2016 “Consolidated version of the Treaty on European Union,” 15, EUR-Lex, accessed May 30, 2020, [https://eur-lex.europa.eu/eli/treaty/teu\\_2016/oj](https://eur-lex.europa.eu/eli/treaty/teu_2016/oj).

Political unity and foreign policy – two aspects of postwar European unity in which the concrete achievement of “de facto solidarity” has most been lacking – are now considered crucial to the Union’s future relevance. Political unity is being described not as an ideal but as a requirement. And foreign policy is being described, not as an outgrowth of Europe’s values, but as a matter of primary *internal* importance. The EU’s resources and prospects have been turned inside out, and its new leaders recognize that the situation calls for action.

How might this proposed geopolitical turn affect EU policy toward the Middle East? The Union’s relations with Palestine<sup>8</sup> can serve as a case study for analysing the prospects of this “fresh start” in EU foreign affairs. This dissertation considers the EU’s potential to develop new forms of political interaction with Palestine, through the diplomacy and foreign policy led by the High Representative. It asks: Can a new geopolitical pragmatism be incorporated into the EU’s relations with Palestine, and, if so, how?

This introduction consists of three sections. Firstly, the EU’s current and prospective relations with Palestine are described using economic, ethical and political terms of reference. Secondly, background information is provided on the 2006 Palestinian legislative elections. I believe the EU’s participation in the multilateral action which followed the elections remains a key indicator of the difficulties it faces in engaging effectively and autonomously with Palestine on political terms. These events therefore stand as a precedent in comparison to which the credibility of future diplomatic and foreign policy approaches developed by the EU can be considered. Salient aspects are summarized here, and are referred to throughout the dissertation. The introduction concludes with an outline of the dissertation’s structure.

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<sup>8</sup> In key EU documents the designation “Palestine” is used with an asterisk noting “This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.” See, for example, the primary policy document outlining current bilateral and multilateral relations: European Commission, “European Joint Strategy in support of Palestine 2017-2020 – Towards a democratic and accountable Palestinian State,” accessed May 20, 2020, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/european\\_joint\\_strategy\\_in\\_support\\_of\\_palestine\\_2017-2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/european_joint_strategy_in_support_of_palestine_2017-2020.pdf). Because it is concerned with EU policy, this dissertation adopts the EU’s designation, acknowledging that ambiguity over the territorial definition of Palestine (as a region with a historically-distinct identity or as the basis for a future state) is intrinsic to the Israel-Palestine conflict. In this dissertation the phrase “occupied territories” is also used, as employed widely in scholarly and diplomatic literature to refer to the West Bank, East Jerusalem and Gaza, occupied by Israel since 5 June 1967.

## **TERMS OF REFERENCE:**

### **Economic assistance, ethical commitment and political engagement**

To ask whether political engagement is possible implies that it currently does not take place. My premise is that the EU's current terms of engagement are primarily economic and ethical, rather than political. That is, the parameters which have shaped internal European integration also frame its foreign policy toward Palestine.

#### *Economic assistance*

Economically the EU is the “biggest donor of external assistance to the Palestinians.”<sup>9</sup> Its aid and development funds are transferred primarily to the Palestinian Authority (PA) to support its institutional, economic and security activities,<sup>10</sup> and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), contributing to its work in the West Bank, East Jerusalem and Gaza.<sup>11</sup> The ambiguous relationship between this economic assistance and productive political change can be described in terms of means and ends. The means employed by economic assistance are tangible, but they are not directed toward the primary political sources of the conflict. Whether through infrastructure development, institutional assistance or humanitarian aid, economic transfers provide significant support in the present, but are not directly concerned with political questions such as Palestine's lack of statehood, the delineation of borders, or the future viability of the Palestinian Authority as a governing entity. The role of economic assistance in improving the political situation is unclear.

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<sup>9</sup> European Commission, “European Neighbourhood Policy and Enlargement Negotiations: Palestine\*,” last updated January 22, 2020, [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en).

<sup>10</sup> The EU acknowledges that these activities do not cover the entirety of the occupied territories, and that the PA, established in 1994 through the US-led processes of the Oslo accords, has remained a “transitional authority with limited jurisdiction since its creation, [and] has full civil and security authority only in Area A (18% of the West Bank).” European Commission, “European Joint Strategy in support of Palestine,” 17–18.

<sup>11</sup> Current priority areas for this bilateral and multilateral funding are outlined in “European Joint Strategy in support of Palestine.” Programs are funded through the European Neighbourhood Instrument, with an indicative yearly allocation of between €1.11 billion and €1.356 billion for the period 2017-2020. See “European Neighbourhood Policy and Enlargement Negotiations: Palestine\*.”

### *Ethical commitment*

Ethically, the EU “has been deeply concerned about developments on the ground which threaten to make a two-state solution impossible.”<sup>12</sup> Such developments are contrary to the EU’s overarching commitment to the realisation of “a two-state solution with an independent, democratic, viable and contiguous Palestinian state living side-by-side in peace and security with Israel and its other neighbours.”<sup>13</sup> EU concern is expressed by affirming established multilateral principles relating to the Israel-Palestine conflict. These fall into three categories:

1. Key United Nations (UN) Resolutions (such as 194, 242, 338 and 2334).<sup>14</sup>
2. The “permanent status negotiations” named in the US-brokered Declaration of Principles on Palestinian Self-Rule/Oslo I accord of 1993, relating to “Jerusalem, refugees, settlements,

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<sup>12</sup> European External Action Service, “Middle East Peace Process,” June 15, 2016, [https://eeas.europa.eu/diplomatic-network/middle-east-peace-process/337/middle-east-peace-process\\_en](https://eeas.europa.eu/diplomatic-network/middle-east-peace-process/337/middle-east-peace-process_en). This summary statement provides an overview of EU positions on the Israel-Palestine conflict, affirming numerous specific UN Resolutions, and listing all five of the key “final status issues” of Oslo I (without mentioning the accord by name), as well as describing the EU’s participation in the Middle East Quartet and other multilateral initiatives and forums.

<sup>13</sup> European External Action Service, “Middle East Peace Process.”

<sup>14</sup> The key elements of the first three resolutions, following the wars of 1948, 1967 and 1973, are: **Firstly**, UN General Assembly Resolution 194 (III), December 11, 1948: “...the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible”; **Secondly**, UN Security Council Resolution 242, November 22, 1967: “Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every state in the area can live in security.”; **Thirdly**, UN Security Council Resolution 338, October 22, 1973, urging that “...immediately and concurrently with the ceasefire negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.” Reproduced in David Lea and Annamarie Rowe, eds., *A Survey of Arab-Israeli Relations 1947-2001* (London: Europa, 2002), 273, 274, 280. (Throughout this dissertation, quotations from these UN Resolutions are taken from the texts reproduced in this volume). **Fourthly**, UN Security Council Resolution 2334 relates to Israeli settlement activity, and was adopted December 23, 2016. It reaffirms related earlier resolutions including 242 and 338, and is concerned with “Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions...” “S/RES/2334 (2016),” United Nations website, accessed May 20, 2020, <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.

security arrangements, borders, relations and co-operation with other neighbours, and other issues of common interest.”<sup>15</sup>

3. Various multilateral initiatives such as those of the Middle East Quartet (consisting of the EU, Russia, the UN and the United States – hereafter also referred to as “the Quartet”).<sup>16</sup> An example is the co-sponsored 2002 Roadmap for Peace.<sup>17</sup>

In all three categories the EU has supported multilateral activities which are summarized in official EU statements on peace in the Middle East. But the longer the overarching objectives of these activities remain unrealised, the more they have come to signify *ethical ideals* rather than *practically feasible outcomes*. The relationship between means and ends is ambiguous here, as it is in the provision of economic assistance. Ends are described in accordance with a just resolution of the conflict, and the achievement of a viable Palestinian state. But it is not clear how ethically-motivated commitments are to contribute as *tangible means* in accomplishing these ultimate ends. Over time these commitments have become increasingly limited to symbolic significance, in relation to the political “developments on the ground” which continue to elicit EU concern.

If the geopolitical pragmatism proposed by the EU’s new leaders is to influence the EU’s relations with Palestine, it will involve assessing the means and ends of economic assistance and ethical commitments, and attempting to formulate ways in which *practical means* might more tangibly contribute to *political ends*.

### *Political engagement*

In what respect are the EU’s relations with Palestine political? Present relations take place against a background of European and American political involvement in the Middle East over the course of the

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<sup>15</sup> The “permanent status negotiations” are listed in the Declaration of Principles/first Oslo accord. The Declaration of Principles is also known as “Oslo I,” as distinct from the “Interim Agreement on the West Bank and Gaza strip/Oslo II” accord, which outlined areas of jurisdiction A, B and C, followed in 1995. What is widely referred to as the Oslo process includes the objectives of Oslo I, together with those of second Oslo accord which followed in 1995, and the associated initiatives by which these commitments would lead to a “comprehensive peace settlement.” Lea and Rowe eds., *A Survey of Arab-Israeli Relations*, 311. (Throughout this dissertation, quotations from the Oslo accords are taken from the texts reproduced in this volume).

<sup>16</sup> Established in 2002, the Middle East Quartet’s mandate “is to help mediate Middle East peace negotiations and to support Palestinian economic development and institution building.” Office of the Quartet, “About us,” accessed May 18, 2020, <http://www.quartetoffice.org/page.php?id=4e3e7y320487Y4e3e7>

<sup>17</sup> European External Action Service, “Middle East Peace Process.”



past century. This background includes the multilateral activities following the Oslo accords of the 1990s, the long-term questions of global energy insecurity which followed the 1973 oil crisis, the rift between Britain and France and the United States during the Suez Crisis of 1956, and the formative events during and after World War I, when Britain and France determined the outlines of the modern Middle East through the Sykes-Picot Agreement of 1916. The post-World War I system of Middle East Mandates was agreed to by the European and American victors, conferring on Britain and France the authority to guide the new polities toward independent statehood. As stated in the Covenant of the League of Nations “the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it...”<sup>18</sup>

Current EU engagement with Palestine is *influenced* by this political background. But how might the EU *newly and effectively contribute* toward political improvement in Palestine today? Can the “fresh start” announced by Ursula von der Leyen be incorporated into EU-Palestine relations, expanding those relations beyond economic and ethical terms, and avoiding repetition of earlier methods of engagement?

In considering these questions, the EU’s involvement in the events which followed the 2006 Palestinian legislative elections remains an important point of reference.

### **THE 2006 PALESTINIAN LEGISLATIVE ELECTIONS: A precedent to be repeated or superseded?**

#### *Background to the elections:*

#### *Oslo structures, political parties and ambiguities of democratic process*

The holding of democratic elections was a primary stipulation of Oslo I, which aimed to outline conditions in which “the Palestinian people in the West Bank and Gaza Strip may govern themselves.”<sup>19</sup> The Palestinian Authority was created in 1994, as the institutional structure through which transition to self-government was to occur. Yasir Arafat was appointed President.

So began a period of ambiguity regarding the political legitimacy of the entities representing Palestinian interests. Arafat had risen to prominence through leadership of the armed resistance movement Fatah, established in 1965. Fatah quickly became the dominant group within the Palestinian Liberation Organization (PLO), which, in turn, was designated “the sole legitimate representative of the

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<sup>18</sup> Article 22 of the Covenant of the League of Nations (1919), reproduced in Lea and Rowe eds., *A Survey of Arab-Israeli Relations*, 262.

<sup>19</sup> Lea and Rowe eds., *A Survey of Arab-Israeli Relations*, 311.

Palestinian people,<sup>20</sup> at the 1974 Rabat summit of the Arab League. Having renounced terrorism and recognized the State of Israel in 1988, the PLO cooperated with the Clinton administration in the Oslo process, and, when Arafat was made President of the Palestinian Authority, Fatah's leadership of the PLO came to coexist with its direction of the PA, the leadership of both entities resting in the same person. The PLO remains a distinct entity, and Fatah remains a distinct political party in Palestinian electoral processes (and was the winner of the legislative elections held in 1996). After the death of Yasir Arafat, he was succeeded by his deputy, Mahmoud Abbas, in the presidential elections of 2005. Until the legislative elections which followed in 2006, the ambiguities of political legitimacy which pertained to Fatah, the PLO and the PA could be subordinated by measures of expediency. External assistance of the Oslo process by the United States and the European Union was conducted through the PA which had some claim to political legitimacy, since the PA was led by Arafat and then by Abbas, as the successive heads of Fatah and therefore of the internationally-recognized PLO. But when Fatah lost the 2006 legislative elections to Hamas, the ambiguous legitimacy of Fatah's leadership suddenly stood in contrast to a locally-achieved mandate, one which conferred democratic political legitimacy on Hamas.

In the period between January 2006, when the elections took place and June 2007, when Hamas was dismissed from unity government with Fatah and seized power in Gaza, the Quartet exerted decisive influence over events. Analysis of these events is easily affected by partisanship. In this dissertation the primary interest is not to justify or discredit the actions of any party during this decisive period, but rather to recognize that the EU co-sponsored a multilateral intervention *which contributed to the unseating of the democratically elected Hamas government, and the return of Fatah to leadership of the PA.*<sup>21</sup> Since no subsequent elections have been held, and since the PA remains the EU's primary Palestinian diplomatic partner and recipient of economic assistance, the EU's relations with Palestine remain significantly influenced by this re-establishment Fatah's leadership of the PA. The EU's officially stated objective of

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<sup>20</sup> League of Arab States, "Seventh Arab League Summit Conference Resolution on Palestine," October 28, 1974, reproduced in the United Nations Information System on the Question of Palestine, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/63D9A930E2B428DF852572C0006D06B8>.

<sup>21</sup> Two studies which draw comprehensively on institutional, diplomatic and local sources to analyse the roles of key actors during this period are: Anne Le More, *International Assistance to the Palestinians after Oslo: Political guilt, Wasted money* (Abingdon and New York: Routledge, 2010), and Sara Roy, *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector* (Princeton and Oxford: Princeton University Press, 2011). Le More's study focusses the role of economic assistance from 1993 to 2006. Roy's study focusses on the various dimensions of Hamas' activities in Gaza, primarily between 1993 and 2000.

“an independent, democratic, viable and contiguous Palestinian state”<sup>22</sup> stands in tension with its participation in these events of 2006–2007, and this renders the credibility of its political engagement with Palestine ambiguous.

If a new geopolitical pragmatism is to be incorporated into the EU’s relations with Palestine, this political ambiguity could be made the subject of policy analysis, political dialogue, and negotiation with all involved actors. If this does not occur, the EU’s earlier actions are likely to stand as precedents of ineffective political engagement, preventing the development of a new political approach, and limiting EU engagement to the terms of economic assistance and affirmation of overarching ethical principles.

### *The EU’s involvement after the elections: Three aspects*

In the various multilateral actions which involved the EU after the 2006 elections, three aspects are relevant to the prospects for newly political engagement which are considered in this dissertation. Each indicates that the EU’s decisions were shaped primarily by compliance with its multilateral partners. Therefore each indicates an obstacle to the development of direct, geopolitically pragmatic negotiation with Palestinian political actors.

#### 1. Preponderance of externally-formulated conditions

Five days after the elections, on 30 January 2006, the EU participated in a concerted multilateral response articulated by the Quartet. Three principles were communicated which Hamas would need to accept if it were to be internationally recognized as the governing party within the PA. The Quartet required that:

all members of a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the [2002 Quartet] Roadmap.<sup>23</sup>

As Nathalie Tocci has pointed out, only the first of the Quartet’s three conditions (renunciation of violence) has a clear basis in law.<sup>24</sup> But the Quartet principles are more generally problematic in their

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<sup>22</sup> European External Action Service, “Middle East Peace Process.”

<sup>23</sup> “Quartet Statement on the Situation in the Middle East (Quartet Principles),” January 30, 2006, reproduced as Appendix IV in Khaled Elgindy, “The Middle East Quartet: A Post-Mortem,” The Saban Center for Middle East Policy at Brookings, Analysis Paper Number 25, February 2012 (Washington D.C.: The Brookings Institution, 2012), 64, [https://www.brookings.edu/wp-content/uploads/2016/06/02\\_middle\\_east\\_elgindy\\_b-1.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/02_middle_east_elgindy_b-1.pdf), accessed June 11, 2020.

<sup>24</sup> Nathalie Tocci, “What went wrong? The Impact of Western Policies towards Hamas and Hizbollah,” Centre for European Policy Studies, July 16, 2007, 2, <https://www.ceps.eu/ceps-publications/what-went-wrong-impact-western-policies-towards-hamas-hizbollah/>.

non-negotiable imposition of terms, formulated in response to an election result which clearly had not been foreseen by the EU, the US or their multilateral partners. It was not realistic to insist that Hamas immediately and unambiguously comply with these terms. The EU continues to affirm its support for “an independent, democratic, viable and contiguous Palestinian state,”<sup>25</sup> but, by co-sponsoring the conditions imposed by the Quartet, the EU demonstrated that, when democratic processes returned an unacceptable result, external criteria would take precedence over the *self-definition* of Palestinian national political objectives.

### 2. Preference for an externally-patronized para-state administrative entity

Since Hamas would not accept the Quartet principles, economic assistance was halted, in a US-led initiative with which the EU and most international donors complied.<sup>26</sup> Since the PA depended on this economic assistance, it ceased to be viable under the leadership of Hamas Prime Minister Ismail Haniyeh. Over the following twelve months conditions deteriorated through a series of events: the failure to sustain an attempted unity government between Hamas and Fatah; conflict between the two parties which became increasingly violent (with Fatah receiving arms from the US); Hamas’ isolation from government and seizure of power in Gaza, and, finally; President Abbas’ dismissal of Prime Minister Haniyeh and installation of a technocratic cabinet. Once this had occurred, in June 2007, economic aid transfers from the US and EU were reinstated. The operational procedures of the PA could thus resume, with Fatah regaining executive functions.<sup>27</sup>

The interruption of economic aid showed that, despite the achievement of a democratic mandate, Hamas’ political legitimacy would not be recognized. By acceding to multilateral economic action which prevented Hamas from being able to govern, the EU demonstrated that its support for a future Palestinian self-government was, in the last instance, determined by its relations with its own multilateral partners.

### 3. Specific reluctance to negotiate with Hamas

In addition to supporting the non-negotiable Quartet principles, the EU’s involvement in the events following the 2006 elections was guided specifically by its position on Hamas. Hamas was not prevented from *participating in the elections* by the Quartet (or independently by the EU or US) even though Hamas:

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<sup>25</sup> European External Action Service, “Middle East Peace Process.”

<sup>26</sup> Elgindy, “The Middle East Quartet,” v.

<sup>27</sup> Roy, *Hamas and Civil Society in Gaza*, 43–45.

- did not formally recognize the State of Israel (though such recognition had been instrumental in the PLO being internationally accepted as a dialogue partner)
- remained a hybrid entity involving a political bureau and violent military brigades, and had been classified as a terrorist organization by the United States since 1997<sup>28</sup> and by the EU since 2001<sup>29</sup>
- had in principle rejected the terms of the Oslo process, not participating in its initiatives, and not formally entering the 1996 elections<sup>30</sup>

Once President Abbas had dismissed Hamas Prime Minister Haniyeh, Hamas effectively resumed its international status as a terror organization proscribed by the EU, one that now convened an unrecognized administration in Gaza. The EU has not subsequently engaged in formal political or diplomatic dialogue with Hamas, and in its primary current document of bilateral relations describes the movement as one “with whom the majority of the international community has adopted a no-contact policy.”<sup>31</sup>

For the EU, these three aspects of involvement in the events following the 2006 elections indicate significant obstacles to effective political engagement with Palestine. If these obstacles are to be taken into account in developing newly pragmatic forms of political engagement, three significant challenges can be noted as follows:

- Palestinian political objectives, now as earlier, are inseparable from matters pertaining to *territorial and nation-state conditions*. Effective engagement will involve dialogue with Palestinian political actors about their national objectives. This is incommensurable with engagement being made conditional on externally-formulated principles such as those of the Quartet.

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<sup>28</sup> U.S. Department of State: Bureau of Counterterrorism, “Foreign Terrorist Organizations,” accessed May 21, 2020, <https://www.state.gov/foreign-terrorist-organizations/>.

<sup>29</sup> European Council, “Council Decision (CFSP) 2019/1341 of 8 August 2019 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2019/2,” EUR-Lex, <https://eur-lex.europa.eu/legal-content/en/TXT/HTML/?uri=CELEX:32019D1341&from=en>.

<sup>30</sup> Some Hamas members did run as independents in the 1996 elections. Their independent participation was allowed and even encouraged by the movement. See Roy, *Hamas and Civil Society in Gaza*, 37.

<sup>31</sup> European Commission, “European Joint Strategy in support of Palestine,” 18.

- Palestinian political structures may develop from externally-patronized institutions such as the PA. But effective engagement will require participation by Palestinian actors that have *achieved political legitimacy through democratic processes*. This is incommensurable with continued patronage of a non-elected, para-state administrative entity.
- Palestinian political actors have developed in a context of protracted conflict and instability. These formative conditions are likely to be reflected in complex political movements with hybrid structures. Engagement is likely to be ineffective unless it includes *dialogue with such hybrid local political entities*. The tension is specifically apparent in the EU's no-contact policy toward Hamas: EU policy is determined, not by the movement's 2006 democratic victory, but by its unacceptable hybrid nature.

These three obstacles to effective EU engagement were powerfully apparent after the 2006 elections, and they continue to influence the EU's approach today. They are broadly relevant to the recent conditions affecting EU-Palestine relations, which are surveyed in Part I of this dissertation. And they align closely with the conceptual elements of Olivier Roy, which are employed in Part II.

## **OUTLINE OF THE DISSERTATION'S STRUCTURE**

The dissertation considers the prospects for renewed political engagement by analysing recent events and conditions (in Part I), and by describing a flexible and productive conceptual approach (in Part II).

### *Part I:*

#### *What is possible in the present?*

#### *A convergence of conditions in which EU-Palestine relations might change*

Part I considers recent events and contemporary conditions which are presenting the EU with new opportunities for political engagement with Palestine. It does so in three categories: within the European Union itself, in the transatlantic relationship, and in Palestine and the surrounding region.

Within the EU, early programmatic statements of Commission President Ursula von der Leyen and High Representative Josep Borrell are considered, in terms of the "geopolitical Commission" which has been proposed, and the emphasis on a pragmatic EU which "deals with the world as it is."<sup>32</sup> These statements stand as early indicators of the general leadership context in which any specific developments

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<sup>32</sup> Josep Borrell, "Embracing Europe's Power," *Project Syndicate*, February 8, 2020, <https://www.project-syndicate.org/commentary/embracing-europe-s-power-by-josep-borrell-2020-02>.

in diplomacy or foreign policy will proceed – including a reconceptualization of EU-Palestine relations. These developments are reviewed in Chapter 1.

In the transatlantic relationship, actions of the administration of Donald J. Trump are considered which have materially and symbolically supported the position of Israel in ways that contradict long-standing EU (or shared EU-US) positions on the Israel-Palestine conflict. How the EU might respond to this transatlantic divergence in relation to Palestine depends upon its capacity for unified political negotiating power. These developments are reviewed in Chapter 2.

In the region itself, events are considered which indicate points of transition or potential for change in several spheres. Three examples are described: First, the UN's 2012 report on conditions in Gaza which suggested that, in 2020, the area would be difficult to classify as liveable; second, activities of Hamas which demonstrate a new political pragmatism; and, third, the mass protests which began in Lebanon in 2019. These developments are analysed in Chapter 3.

Part I suggests that significant and simultaneous changes in these three categories are presenting the EU with a convergence of conditions well suited to the new geopolitical pragmatism its leaders have proposed. This convergence will not necessarily *increase* EU agency or influence. But it is producing *new opportunities* for pragmatic political engagement.

*Part II:*

*Negotiation and intermediary action:*

*Three elements of political engagement drawn from Olivier Roy*

Part II draws on three elements affecting political interaction between external parties and the Middle East, which are discussed by Olivier Roy in his 2007 book *The Politics of Chaos in the Middle East*.<sup>33</sup> They are:

- the persistence of the nation-state framework in local and regional Middle East politics
- problems of political legitimacy (of local political actors and those sponsored by external powers)
- the necessity for negotiation with hybrid political actors such as Hamas and Hizbullah

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<sup>33</sup> Olivier Roy, *The Politics of Chaos in the Middle East*, trans. Ros Schwartz (London: Hurst, 2007).

All three of these elements were exemplified after the 2006 Palestinian elections, in the obstacles to effective EU engagement described previously. They continue to indicate points of tension in EU-Palestine relations today.

In Chapter 4, Roy's three elements are applied to the specific case of EU-Palestine relations and, through analysis of long-term and recent examples, are proposed as conceptual bases for a reassessment of political engagement today.

In Chapter 5 it is proposed that, beyond the specific analytical benefits to be gained from Roy's three elements, what is most productive about them is a characteristic they share, which I call their intermediary quality. In Chapter 5, this intermediary quality is described in historical, geographical and methodological terms. Each category is correlated to the prospects for newly pragmatic EU political engagement with Palestine.

Today, EU economic assistance to Palestine draws on substantial means, but does not directly address the primary political sources of the conflict. At the same time, the EU's affirmation of multilateral ethical commitments supports the ultimate objective of a just settlement, but not by directly mobilizing tangible means to effect tangible change.

A politically intermediary approach would seek to bridge these gaps between means and ends – not in principle but in practice. Such an approach, combined with a realistic assessment of the EU's capacity to influence the Israel-Palestine conflict, would be in accordance with the new geopolitical pragmatism announced by Ursula von der Leyen and Josep Borrell. As such it could contribute to a newly political relationship between the EU and Palestine.



## PART I

### WHAT IS POSSIBLE IN THE PRESENT?

#### CONVERGING CONDITIONS IN WHICH EU-PALESTINE RELATIONS MIGHT CHANGE

*In periods of Euro-disillusion it may be argued that ... attitudes become hyper-realist, with the actions and potential of the EU not being fully appreciated. Negative expectations are less common than the usual optimism but they too can lead to a capability gap, where power is not mobilized, or used too timidly, as on occasions over the Israel-Palestine dispute.*<sup>34</sup>

Christopher Hill (2007)

## INTRODUCTION TO PART I

Speaking at the 2020 Munich Security Conference, in reference to the Trump administration's recently announced Middle East peace plan,<sup>35</sup> Josep Borrell remarked:

It is not enough to say "This plan is not going to work." As [US Secretary of State Michael] Pompeo said the other day "If someone has something better, I am ready to listen to it." We should be able to offer something better.<sup>36</sup>

This remark exemplifies three qualities which were evident in early public statements made by von der Leyen and Borrell. The first is a self-reflective note suggesting that, if it is to remain relevant, the EU needs to find ways of being more than a principled objector to global wrongs. Second is a note

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<sup>34</sup> Christopher Hill, "The Future of the European Union as a Global Actor," in *Managing a Multilevel Foreign Policy: The EU in International Affairs*, ed. Paolo Foradori, Paolo Rosa, and Riccardo Scartezzini (Lanham, Boulder, New York, Toronto, Plymouth, UK: Lexington Books, 2007), 4–5.

<sup>35</sup> The White House, "Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People," accessed May 29, 2020, <https://www.whitehouse.gov/peacetoprospersity/>.

<sup>36</sup> Munich Security Conference, "EU must develop 'Appetite for Power', top diplomat Josep Borrell says," February 16, 2020, video, 1:27:20, <https://www.youtube.com/watch?v=IcQ1ih8ZLSg>.

acknowledging that the EU's self-definition in the present remains powerfully informed by its relationship with the United States. The third note is the most interesting one: assertiveness and sobriety combined. The self-addressed injunction "We should be able to offer something better" is worlds away from the tone of EU foreign policy declarations leading up to the 2004 enlargement, and before the financial crisis of 2007-2008. For contrast we only need to recall two important foreign policy statements from 2003. In March of that year the "Wider Europe" statement proposed invigorated relations with eastern and Mediterranean neighbours. It proclaimed that "Enlargement will boost EU growth and employment opportunities within a framework of shared values and common respect for fundamental liberties."<sup>37</sup> Six months later, the EU's first comprehensive statement of external security policy – the "European Security Strategy" – began with the words "Europe has never been so prosperous, so secure nor so free."<sup>38</sup>

At the Munich conference in 2020, Borrell was expressing the desire to draw upon the accumulated historical, intellectual and moral experience of the postwar European project, and to bring it to bear on dialogue with a transatlantic partner with whom the EU has found itself at odds during the first two decades of the twenty-first century, especially in relation to the Middle East. At the same time, Borrell's tentative "We should be able to offer something better" indicates uncertainty about the EU's potential to act as a unified and effective global actor. Here too tensions with the US over the Middle East are pertinent. In 2003, inability to adopt a unified position in relation to the US invasion of Iraq showed the persistence of member states' national agendas, despite the "ever-closer union" which, since the Treaty of Rome in 1957, has been the aim of supranational European consensus. Two years after Iraq, European disunity was again expressed, through the failure to ratify the EU constitutional treaty (significant majorities in France and the Netherlands voting against it).

The first two decades of this century have thus shown uncertainty and strain in both the stability of EU integration, and in transatlantic relations, through successive US administrations. The optimism of EU statements such as "Wider Europe" now seems as distant as EU-US declarations such as the "New Transatlantic Agenda," signed by President Bill Clinton and Felipe Gonzalez in 1995 (during Spain's

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<sup>37</sup> European Commission, "Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours. COM(2003) 104," European External Action Service, March 11, 2003, 3. [http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03\\_104\\_en.pdf](http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03_104_en.pdf).

<sup>38</sup> Council of the European Union, "A Secure Europe in a Better World: European Security Strategy," December 8, 2003. Quotation is from 2009 version including "Report on the Implementation of the European Security Strategy," 27, <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>.

presidency of the EU Council of Ministers), which affirmed “our conviction that the ties which bind our people are as strong today as they have been for the past half century.”<sup>39</sup>

Against this background of internal and transatlantic uncertainty, Part I of this dissertation reviews current conditions across spheres of activity which present the EU with both obstacles and options. In these converging conditions, the new EU leadership has an opportunity to develop modified approaches to longstanding matters of foreign policy, including the Union’s engagement with Palestine.

In Part II Olivier Roy’s three elements of political engagement will be presented as conceptual means by which recent events can be considered in a larger frame (historically, geographically, and in terms of the possibilities for diplomatic negotiation). At relevant points in Part I, reference is made to Roy’s three conceptual elements, correlating them to recent events. These are examples of concrete conditions in which an intermediary dimension can be articulated – where historical precedents, unfolding events, geopolitical tensions and diplomatic objectives can be conceptually brought together. Articulating this intermediary dimension could contribute to the development of a newly political relationship between the EU and Palestine.

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<sup>39</sup> European Commission, “Press Release: A New Era for transatlantic relations,” IP/95/1336, European Commission Press Corner, December 3, 2003, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_95\\_1336](https://ec.europa.eu/commission/presscorner/detail/en/IP_95_1336).

## CHAPTER 1

### Learning the language of power: Agenda statements of the new EU leaders

“Get ready for a strong EU” wrote Nathalie Tocci in March 2019, responding to the nomination of Ursula von der Leyen and Josep Borrell for the top two posts in the new Commission.<sup>40</sup> Tocci was assessing the candidates’ strengths from a position close to events, having served for five years as Special Adviser to previous High Representative Federica Mogherini, and having drafted the 2016 “European Union Global Strategy” document. Tocci noted that both candidates would bring solid foreign affairs experience to their leadership positions, together with clear areas of expertise and interest. In the case of von der Leyen, German defence minister since 2013, this meant a combination of “steadfast commitment to NATO and the strengthening the EU-NATO relationship, and vocal support for a European security and defense union, notably the Permanent Structured Cooperation and the European Defense Fund.”<sup>41</sup> In the case of Borrell, formerly foreign minister of Spain, and President of the European Parliament 2004–2007, Tocci suggested that a High Representative “who hones in on the institutional dimension of European foreign policy and selects only a few dossiers on which to focus may be what is needed.”<sup>42</sup> Tocci named the Western Balkans, and specifically talks between Serbia and Kosovo as one such dossier. In addition to their depth and range of experience, Tocci stressed both candidates’ strong commitment to Europe in a “pivotal and tumultuous time,” promising “renewed vigor for the EU on the global stage.”<sup>43</sup>

This renewed vigour was indeed expressed in early agenda statements by von der Leyen and Borrell, where it was tied to their shared belief that, on the one hand, the EU must cultivate a newly geopolitical identity in global affairs, and, on the other hand, that the Union’s aspirations must become newly pragmatic, while focussing on specific and timely global priorities.

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<sup>40</sup> Nathalie Tocci, “Get ready for a strong EU”, *Politico*, March 7, 2019, <https://www.politico.eu/article/get-ready-for-a-strong-eu-ursula-von-der-leyen/>.

<sup>41</sup> Tocci, “Get ready for a strong EU.”

<sup>42</sup> Tocci, “Get ready for a strong EU.”

<sup>43</sup> Tocci, “Get ready for a strong EU.”

## **1.1 URSULA VON DER LEYEN: “A Europe that takes the global lead on the major challenges of our times”**

Eurosceptic media questioned the feasibility of von der Leyen’s newly “geopolitical Commission.”<sup>44</sup> Yet the “Political guidelines for the next European Commission,”<sup>45</sup> which were the basis of her candidacy proposal, balanced ambitious statements with a practical outline of how effort could be allocated. Three of the six “headline ambitions” relate to the EU’s place in contemporary global geopolitics: two because of the implied divergence from policies of the US, China and Russia, and a third because it proceeds from the longstanding problem of convening supranational political authority in the EU.

Firstly, the commitment to announce a “European Green New Deal” proposes EU leadership in the most tangibly global problem of our time – from the overarching aim to be “the first climate-neutral continent,” to the details of leading the world in the management of single-use plastics. This ambition cannot but be interpreted in relation to the climate policy of the Trump administration. Von der Leyen’s desire to “go further and faster” than the targets of the 2015 Paris Climate Agreement expressed the need for more cooperative action – in direct contrast to the Trump administration’s 2017 decision to withdraw from the Paris agreement.

Secondly, while investing in “A Europe fit for the digital age” is tied to stimulating economic growth within the EU, references to “joint standards for our 5G networks” and “technological sovereignty in some critical technological areas” relate ineluctably to China and Russia, and to their shifting power relations with both the US and the EU. Chinese telecommunications giant Huawei has been central to the US-China trade war, but the US has not convinced all its NATO allies to exclude Huawei

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<sup>44</sup> Alexandra Brzozowski, “‘Geopolitical’ Europe could struggle to take shape in troublesome 2020,” *Euractiv*, January 3, 2020, <https://www.euractiv.com/section/global-europe/news/geopolitical-europe-could-struggle-to-take-shape-in-troublesome-2020/>.

<sup>45</sup> Ursula von der Leyen, “A Union that strives for more: My agenda for Europe. Political guidelines for the next European Commission, 2019–2024,” European Commission, July 16, 2019, [https://ec.europa.eu/info/about-european-commission/what-european-commission-does/delivering-political-priorities\\_en#relatedlinks](https://ec.europa.eu/info/about-european-commission/what-european-commission-does/delivering-political-priorities_en#relatedlinks). In this section, subsequent quotations from von der Leyen are taken from this document (no page numbers).

components from European 5G infrastructure.<sup>46</sup> Meanwhile, Russia's "sovereign internet"<sup>47</sup> law, passed in November 2019, indicated a new development in the relationship between state sovereignty and the ability to control information. None of these powers is named or criticized in von der Leyen's proposals. Instead, her intentions for the EU are outlined positively: "We will jointly define standards for this new generation of technologies that will become the global norm." Von der Leyen's intention is to lead a Commission which acts with global authority in relation to digital technologies, and the global power dynamics to which they contribute.

Von der Leyen pledged to deliver formal policy statements on these first two ambitions within "my first 100 days in office" – a pledge honoured when the "European Green New Deal" was announced by the Commission in December 2019,<sup>48</sup> and when the initial "Shaping Europe's Digital Future" document was released in February 2020.<sup>49</sup>

Thirdly, specific priorities are noted under the heading "A stronger EU in the world." It will be for Josep Borrell to articulate the foreign policy practicalities of the proposed "comprehensive strategy on Africa"<sup>50</sup> and engagement with the Western Balkans. Von der Leyen's suggestion of a 30 per cent increase in external action investment indicates recognition of the resources required for work in these

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<sup>46</sup> The US claims incorporating Huawei components in the development of 5G will leave its NATO allies vulnerable to Chinese interference – meaning the US may cease sharing intelligence with them. While post-Brexit and post-COVID 19 Britain may revert to a position which accords with the US, Chancellor Angela Merkel has stated that "I don't think I make myself particularly secure if I completely eliminate providers in their entirety and then don't know how they develop – I am sceptical about that." "Huawei in Germany: Merkel says it's risky to ban any 5G provider," *Al Jazeera*, January 24, 2020, <https://www.aljazeera.com/ajimpact/huawei-germany-merkel-risky-ban-5g-provider-200123202320425.html>.

<sup>47</sup> "Russia Internet: Law introducing new controls comes into force," *BBC*, November 1, 2020 <https://www.bbc.com/news/world-europe-50259597>.

<sup>48</sup> European Commission, "Communication from the Commission: The European Green Deal," COM(2019) 640 final," EUR-Lex, December 11, 2019, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX:52019DC0640>.

<sup>49</sup> European Commission, "Press Release: Shaping Europe's digital future: Commission Presents Strategies for Data and Artificial Intelligence," European Commission Press Corner, Brussels, last modified February 26, 2020, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_273](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_273).

<sup>50</sup> A formal policy statement on Africa was presented in March 2020. See European Commission, "Press Release: EU Paves the Way for a Stronger, More Ambitious Partnership with Africa," European Commission Press Corner, March 9, 2020, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_373](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_373).

areas to be effective, and is perhaps an acknowledgement of the recurrent scepticism expressed by analysts about the European External Action Service (EEAS), since it was established in 2010.<sup>51</sup>

These contemporary matters aside, the long-term geopolitical significance of von der Leyen's proposed "stronger EU in the world" is how this ambition might relate to concerted EU action in security and defence. Taking "further bold steps in the next five years towards a genuine European Defence Union" relates to the future of the EU's reliance on – and investment in – NATO, as against the potential development of an EU defence entity. Key contemporary elements are the Trump administration's ambivalence toward the future of NATO, and the divergent views on it held by Chancellor Angela Merkel (who has emphasized Germany's commitment to NATO) and President Emmanuel Macron (who referred to NATO's "brain death" after Turkey's invasion of north-eastern Syria in October 2019,<sup>52</sup> and has questioned the "fundamentals of what NATO should be"<sup>53</sup>).

But the larger geopolitical significance of aiming for a European Defence Union is best understood by recalling the place a supranational defence force has occupied in the history of the European project as a whole. When the proposed European Defence Community (EDC) was defeated in the French parliament in 1954, the French showed that national sovereignty would not be diluted when it came to the most tangible embodiment of political power. As Luuk van Middelaar has put it "There seemed to be no middle course between undermining French sovereignty and betraying the supranational idea."<sup>54</sup> Jean Monnet's subsequent resignation from the High Authority of the European Coal and Steel Community marked the wider significance of the EDC's failure – since with it failed the plan for a European Political Community, drafted the year before. "Many of the elements of this first plan for a European Political Community were to reappear in later efforts," wrote Monnet in his memoirs, "One such plan, one day, will exactly fit the bill."<sup>55</sup> Von der Leyen's ambition to move toward a "genuine

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<sup>51</sup> Some key questions about the mandate of the EEAS are raised in Stefan Lehne, "Is There Hope for EU Foreign Policy?" Carnegie Europe, December 5, 2017, <https://carnegieeurope.eu/2017/12/05/is-there-hope-for-eu-foreign-policy-pub-74909>.

<sup>52</sup> "Merkel vows to hit 2% NATO spending target by 'early 2030s'," *Deutsche Welle*, November 27, 2019, <https://www.dw.com/en/merkel-vows-to-hit-2-nato-spending-target-by-early-2030s/a-51432189>.

<sup>53</sup> Nicolaj Nielsen, "Macron spars with US and Turkey over Nato," *EU Observer*, December 4, 2019, <https://euobserver.com/foreign/146810>.

<sup>54</sup> Luuk van Middelaar, *The Passage to Europe: How a Continent Became a Union*, trans. Liz Waters (New Haven and London: Yale University Press, 2013), 150.

<sup>55</sup> Jean Monnet, *Memoirs*, trans. Richard Mayne (London: Collins, 1978), 394.

European Defence Union” is responding to the need for genuine supranational political agency – beyond economic integration and shared values – which would demonstrate commitment by member states to the most tangible form of unified European power. Monnet recognized that the 1953 plan “was a step in the right direction; but it proposed to go too fast, without waiting for the force of necessity to make it seem natural in the eyes of Europeans.”<sup>56</sup> By making unified defence a priority, von der Leyen is aiming to show that this “force of necessity” is today newly apparent, and that it requires Europe to develop a newly authoritative political identity.

In these tensions between national sovereignty and supranational agency over matters of security, defence and political efficacy, we can see a correlation to the first of Olivier Roy’s three elements of political engagement – one which shows that reassessing EU-Palestine political relations may also be instructive in analysing fundamental tensions *within* the EU. What Roy calls “inescapable nationalism” refers to both the ambitions *and* limitations of actors in the Middle East, in their representation, development and expression of political agency. The nation-state system interacts in complex ways with ideologies, organizations and methods that exceed national boundaries or exist at a sub-national level – and this is particularly complex in the case of Palestine, due to its lack of sovereign statehood. EU relations with Palestine therefore involve a *supranational* entity interacting with a *non-state* entity, and with the *nation-state* aspirations variously represented by its people. While these interactions may be productively pursued in non-state forums (including via nongovernmental organizations), it is the nation-state system which surrounds Palestine, which fundamentally distinguishes it from Israel, and which therefore provides its inescapable geopolitical parameters.

But as can be seen in the EU’s attempts to create political unity through shared defence capability, “inescapable nationalism” does not only affect the particularly complex case of EU-Palestine relations. The persistence of nation-state differences has been a primary hindrance to European political integration, and remains one today, motivating von der Leyen’s aspiration toward a “genuine European Defence Union.” Roy’s notion of inescapable nationalism affects the EU’s foreign policy toward Palestine, but also identifies a lasting obstacle to supranational political unity within Europe. Investigating this notion abroad might also contribute to understanding problems of geopolitical agency at home.

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<sup>56</sup> Monnet, *Memoirs*, 395.



## **1.2 JOSEP BORRELL: “Geopolitics, one could say, begins at home”**

In her December 2019 mission letter to Josep Borrell, von der Leyen summarized key priority areas for her newly-appointed High Representative. Referring to internal and external action as “two sides of the same coin,” she emphasized the need for greater coherence within the EU, in order for it to have greater efficacy in the world at large: “This is why we must be a Geopolitical Commission.”<sup>57</sup> An overarching aim for external relations was presented as follows:

The European Union needs to be more strategic, more assertive and more united in its approach to external relations. You should seek to strengthen the Union’s capacity to act autonomously and promote its values and interests around the world.<sup>58</sup>

Combining internal unity and external efficacy was a theme of Borrell’s confirmation hearing, delivered at the European Parliament on October 7.<sup>59</sup> And the “overall vision”<sup>60</sup> he outlined included the same three elements which were to characterize his later remarks at the Munich Security Conference: urgency regarding the need to cultivate geopolitical agency, qualified by a sober recognition of the challenges that this need presents, and described with reference to an uncertain transatlantic alliance. The message of Borrell’s confirmation address was unambiguous: productive mediation of these three elements requires action rather than proclamations, outcomes rather than aspirations, and efforts to “pool national sovereignties”<sup>61</sup> so that member states can together create a single EU political strategy: “To sum up in a single sentence the European Union has to learn to use the language of power.”<sup>62</sup>

Borrell summarized key contemporary challenges, in the year marking the thirtieth anniversary of German reunification. While acknowledging achievements in European integration since the jubilation of 1989, he stated that, “the world has changed dramatically and for the worse – much worse.” Causes included the prevalence of new “hybrid threats” – “climate change, refugee crisis, and instability in our neighbourhood” – as well as the return of power politics:

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<sup>57</sup> Ursula von der Leyen, “Josep Borrell: High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission,” European Commission, December 1, 2019, [https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner\\_mission\\_letters/mission-letter-josep-borrell-2019\\_en.pdf](https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner_mission_letters/mission-letter-josep-borrell-2019_en.pdf).

<sup>58</sup> von der Leyen, “Josep Borrell,” 5.

<sup>59</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>60</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>61</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>62</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

The rules-based international order is being challenged by the logic of power politics which is much more unfair, unpredictable and conflict prone.<sup>63</sup>

While the need to define a role in relation to Russia and China was mentioned, Borrell focused on Europe's relationship with the United States, indicating the priority of "resetting transatlantic relations." But whereas the idea of a "reset" was used by President Obama in 2009 to describe a wished-for diplomatic improvement with Russia, Borrell emphasized that today a "reset" would require new *EU-led* multilateral initiatives:

There is no certainty about the international role of the United States. ... We have to back rules-based multilateralism and promote our own approach. We are and we will remain allies of the US – strong allies. But we have legitimate concerns about unilateral moves that go against decades of cooperation.<sup>64</sup>

The cultivation of this new autonomy was described with reference to von der Leyen's political guidelines. And where von der Leyen's prioritisation of a unified defence policy recalls Jean Monnet's advocacy for the European Defence Community, Borrell in his address anchored the need for unified action to another strong EU leader:

My old friend Jacques Delors said we must reconcile Sunday speeches with Monday actions. But for that we need a truly integrated foreign policy that combines the power of member states acting together in the Council, with our policy managed by the Commission and the democratic legitimacy of this house. This was the premise of the Lisbon Treaty.<sup>65</sup>

While dialogue on new forms of pooled European sovereignty will of course need to be conducted within the institutional structure provided by the treaties, Borrell emphasized that the *means* should be newly-tangible and specific initiatives, and the *objective* should be formation of a newly authoritative EU, acting with greater autonomy in external relations. Through this simultaneous emphasis on both means and objectives, Borrell was implicitly emphasizing the importance of their *combination*. The efficacy and credibility of the EU are to be advanced through practical action, which is not diluted by technocratic processes, which is not avoided by taking idealistic normative positions, and which develops intermediary methods, through which principles, processes and goals are more effectively brought together. This combination of means and ends would gradually increase political agency, as distinct from economic power or a community of shared values.

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<sup>63</sup> Borrell, "Hearing of Josep Borrell Fontelles."

<sup>64</sup> Borrell, "Hearing of Josep Borrell Fontelles."

<sup>65</sup> Borrell, "Hearing of Josep Borrell Fontelles."

Borrell, like von der Leyen, is thus committing himself to the process of political union, the missing dimension of the European project, to which – at least as an ambition – the development of a common foreign and security policy has been central, since it was made the second pillar of the Treaty on European Union in 1992.<sup>66</sup> When it was created in 1999, the role of High Representative for Common Foreign and Security Policy provided a dedicated post to serve this ambition. And broadly speaking we could say that the achievements of the office holder should be assessed in terms of concrete progress toward unified and globally effective diplomacy and foreign policy, which would be a significant contributor to European political union.

Borrell's emphasis on "Monday actions" over "Sunday speeches" means serving this ambition by demonstrating greater *agency* in global affairs (through effective consolidation of effort) and simultaneously greater *legitimacy* in the representation of member states (so that member states perceive consolidation to be a supranational *benefit* rather than a national *diminution*). Borrell's challenge will be to make agency and legitimacy reinforce one another in effective and recognizable ways, and so to counter the momentum of divergent national interests and pervasive Euroscepticism:

The heart of my work as HR and VP will be to bridge the foreign policy of the member states with the external action of the Commission. I know it is not an easy task, but I will do my best.<sup>67</sup>

Borrell's fusion of aspiration and sobriety was expressed throughout his confirmation hearing, in describing this need to cultivate unified and assertive action. And it was tied directly to the EU's prospects for credibility in world affairs: "Geopolitics, one could say, begins at home. Why? First because to be geopolitically relevant we need unity, much more than the one we have."<sup>68</sup>

A final observation can be made on the place of specific policy priorities in Borrell's confirmation address, which reflects the importance he has placed on concrete actions, and at the same time bears upon the prospects for his engagement with Palestine. When he was Spain's foreign minister, Borrell advocated for unified EU recognition of Palestinian statehood, moreover stating that "if the EU is not

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<sup>66</sup> In the preamble signatories are "Resolved to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article 42, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world." European Union, "Consolidated version of the Treaty on European Union," 6.

<sup>67</sup> Borrell, "Hearing of Josep Borrell Fontelles."

<sup>68</sup> Borrell, "Hearing of Josep Borrell Fontelles."

able to reach unanimous decision – each to their own.”<sup>69</sup> This suggested that Spain might follow Sweden, which officially recognized Palestinian statehood in 2014, becoming the first European country to do so while being an EU member.<sup>70</sup> Further, in 2018 Borrell wrote a strongly-worded criticism of Israel’s military actions in Gaza, claiming they reflected “the dehumanization of the Palestinians by a large part of the Israeli political class and society,” and referring to Prime Minister Netanyahu’s “warrior arrogance.”<sup>71</sup> Now in his new role, Borrell has been urged by Luxembourg’s foreign minister Jean Asselborn to reintroduce a discussion on unified EU recognition of Palestine.<sup>72</sup> Borrell’s previous statements on Israel and Palestine have been seen as a serious obstacle to his efficacy in this area during his term as High Representative. Analyst Grace Wermenbol, of Washington’s Middle East Institute, sees them as an indicator that “the EU will continue its reactionary political approach to the Middle East peace process,” and believes that:

Borrell’s perceived pro-Palestinian and anti-Israeli stance exacerbates Israeli perceptions of the EU as a biased mediator while sustaining the U.S.’ role as Israel’s preferred interlocutor in the Middle East peace process.<sup>73</sup>

How much these factors will limit Borrell’s ability to engage with the Israel/Palestine conflict remains to be seen. A more complex matter, and hopefully one which will contribute to a balanced and pragmatic approach, is how he will work under his Commission President in this regard – considering

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<sup>69</sup> Noa Landau, “Spain to Push for European Recognition of Palestine: We May Go It Alone if That Fails,” *Haaretz*, September 20, 2018, <https://www.haaretz.com/israel-news/.premium-spain-to-push-for-european-recognition-of-palestine-we-may-go-it-alone-if-that-fails-1.6491746>.

<sup>70</sup> “Sweden Officially Recognises State of Palestine,” *The Guardian*, October 30, 2014, <https://www.theguardian.com/world/2014/oct/30/sweden-officially-recognises-state-palestine>. Other European countries have recognized Palestine before becoming EU members (including Bulgaria, Cyprus, Slovakia, Hungary, Malta, Poland and Romania). The variety of diplomatic positions which these countries now hold in relation to Israel and Palestine shows that even official recognition of statehood by individual European countries has limited significance if it remains simply the subject of a declaration by individual states.

<sup>71</sup> Josep Borrell, “Europe Against Gaza, Italy and Iran,” *República de las Ideas*, May 19, 2018, <https://www.republica.com/cronicas-de-europa/2108/05/19/europa-ante-gaza-italia-e-iran/>.

<sup>72</sup> “Luxembourg urges EU debate on Palestine recognition,” *Euractiv*, December 10, 2019 <https://www.euractiv.com/section/global-europe/news/luxembourg-urges-eu-debate-on-palestine-recognition>.

<sup>73</sup> Grace Wermenbol, “The EU and the Israeli-Palestinian Peace Process in a Post-Mogherini Era,” Carnegie Endowment for International Peace, October 3, 2019, <https://carnegieendowment.org/sada/79985>.

powerful expressions of German commitment to Israel's security during von der Leyen's term as German Defence Minister (such as Germany's 2017 provision of submarines to Israel).<sup>74</sup>

However, it is important to note that, in his confirmation hearing, Borrell commenced by naming his main policy ambitions. While the list included mention of some large and general concerns – Asia, Latin America, US relations – it was topped by specific and concrete matters, and the first of these is both the closest and the most European:

let me stress from the beginning my intention to engage and do reforms and integration processes in the Western Balkans, to support democracy and territorial integrity of Ukraine, address the challenges in our southern neighbourhood.<sup>75</sup>

And this order of priorities was repeated in a letter Borrell sent to foreign ministers of member states shortly after his confirmation, in which he wrote “First and foremost, we must anchor solidly the Western Balkans within the EU.”<sup>76</sup> Borrell will unavoidably be drawn into complex and unpredictable debates regarding Israel and Palestine. His performance in them, and the way it relates to the EU's position on Palestine, will be best judged at the end of his term – not based on statements made in his previous role as part of Spain's national government. But naming the Western Balkans as his first priority is a clear reflection of Borrell's belief that geopolitics “begins at home” – that if the EU is to increase its agency in world affairs, its credibility may be best demonstrated first in difficult conditions close to home, rather than through large claims to be capable of decisive action in conflicts abroad.

This combination of aspiration with realism is likely to distinguish Borrell's term as High Representative from that of his predecessor Federica Mogherini. Whereas Mogherini stated “The EU is a superpower,”<sup>77</sup> Borrell has implied it needs to learn to become one, writing that EU credibility today requires “relearning the language of power.”<sup>78</sup> And whereas, speaking in London before Brexit,

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<sup>74</sup> Prime Minister's Office, “PM Netanyahu welcomes signing of Germany-Israel MOU on the acquisition of submarines 23 October 2017 Israel Ministry of Foreign Affairs,” Government of Israel Press Releases, October 23, 2017, <https://mfa.gov.il/MFA/PressRoom/2017/Pages/PM-Netanyahu-welcomes-signing-of-German-Israel-MOU-23-October-2017.aspx>.

<sup>75</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>76</sup> Jacopo Barigazzi, “Borrell urges EU to be foreign policy ‘player, not the playground’,” *Politico*, December 10, 2019, <https://www.politico.eu/article/on-foreign-policy-josep-borrell-urges-eu-to-be-a-player-not-the-playground-balkans/>.

<sup>77</sup> “Mogherini: ‘The EU is a superpower’,” *Euractiv*, February 25, 2015, <https://www.euractiv.com/section/global-europe/news/mogherini-the-eu-is-a-superpower/>.

<sup>78</sup> Borrell, “Embracing Europe's Power.”

Mogherini, emphasized the benefits of unity to individual member states, which cannot “survive alone in this complexity,”<sup>79</sup> Borrell, after Brexit, suggested that the EU may need its members more than some of them feel they need it, stating plainly in his confirmation hearing “I am convinced that if we don’t act together, Europe will become irrelevant.”<sup>80</sup>

These early agenda statements by von der Leyen and Borrell register the range and scale of the challenges facing the EU, and the need to respond to these challenges through specific and concrete actions, rather than through technocratic processes imbued with noble sentiments – or “these thousands of communiqués,” as Borrell put it during confirmation hearing.<sup>81</sup> Most importantly, these statements propose a newly pragmatic approach to EU activity in global politics. What can credibly be developed today might be kept in perspective by recalling the events of 1953–1954, when a much smaller group of member states could not forge the supranational unity required to create the European Defence Community. It will require progress toward a European unity which is qualitatively different from the incremental creation of “common foundations for economic development” which has been the basis of European integration since the 1950 Schuman Declaration.<sup>82</sup> And it will mean cultivating new forms of pooled executive power, rather than relying on a shared heritage of “universal values” which the Treaty on European Union hoped would bind member states together.<sup>83</sup>

In June 2019, some months before the incoming EU leaders presented their agendas, the European Council on Foreign Relations published a collection of analyses under the title *Strategic Sovereignty: How Europe can Regain the Capacity to Act*. In their introductory essay, Mark Leonard and Jeremy Shapiro made one primary recommendation: “Most fundamentally, the EU needs to learn to think like a geopolitical power.”<sup>84</sup> Von der Leyen and Borrell have recognized the same need. How they respond to this need

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<sup>79</sup> *Euractiv*, “Mogherini: ‘The EU is a superpower’.”

<sup>80</sup> Robin Emmott, “Mission impossible: Next EU foreign policy chief warns of EU irrelevance,” *Reuters*, October 7, 2019, <https://www.reuters.com/article/us-eu-commission-borrell/mission-impossible-next-eu-foreign-policy-chief-warns-of-eu-irrelevance-idUSKBN1WM1QW>.

<sup>81</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>82</sup> “The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims.” Schuman, “Declaration of 9<sup>th</sup> May 1950 delivered by Robert Schuman.”

<sup>83</sup> European Union, “Consolidated version of the Treaty on European Union,” 15.

<sup>84</sup> Mark Leonard and Jeremy Shapiro, eds., *Strategic Sovereignty: How Europe can Regain the Capacity to Act* (Berlin, London, Madrid, Paris, Rome, Sofia, Warsaw: European Council on Foreign

will be evident in their progress toward objectives they themselves set, and those arising from changing circumstances in the years ahead. But their geopolitical agency will also be shaped by relations with their transatlantic ally. Here diverging EU-US positions are producing situations in which many EU members may agree to act in contradiction of US policies. Unilateral US actions in relation to the Israel-Palestine conflict are producing one such situation. Here, to demonstrate the feasibility of a “stronger EU in the world” von der Leyen and Borrell will need to find ways to reconcile the potential for increased efficacy based on the views of a *majority* of member states, with the requirement for *unanimous* support which applies to EU foreign policy decisions. This is a tension between power and legitimacy; between the prospect of exercising greater supranational influence, and the ability of individual member states to express their sovereign wishes through vetoes. Its effect on EU-Palestine relations can be seen in European responses to some of the unilateral actions which the Trump administration has taken in the region. These will be considered in the next chapter.

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Relations, 2019), accessed May 5, 2020, 5, [https://www.ecfr.eu/page/-/ecfr\\_strategic\\_sovereignty.pdf](https://www.ecfr.eu/page/-/ecfr_strategic_sovereignty.pdf).

## CHAPTER 2

### Transatlantic divergence over Israel/Palestine during the Trump administration: Negation or test of EU agency?

In January 2020 the Trump administration delivered its consolidated political and economic statement on Israel/Palestine, entitled “Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People.”<sup>85</sup> Responses from EU member states varied, and it was not possible to present a joint EU statement unanimously rejecting the plan.<sup>86</sup> Austria, Italy, the Czech Republic and Hungary were among the six member states blocking a joint statement, and the Czech Republic and Hungary have been active in developing new ties with Israel in recent years.<sup>87</sup>

These responses will hardly have surprised Josep Borrell, who has acknowledged that member states are “very much divided”<sup>88</sup> on Middle East peace. Perhaps all the more significant then, that following the failure to achieve unanimity, Borrell released a statement in his own name, pointing out that the Trump plan “departs from . . . internationally agreed parameters,”<sup>89</sup> to which the EU remains committed. By speaking for the majority of member states on such a contentious matter, but without unanimous support, Borrell may increase disaffection among member states who do not share his views. He may also be weakening the EU’s potential to act effectively in relation to the Israel-US alliance, by appearing

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<sup>85</sup> The White House, “Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People.” <https://www.whitehouse.gov/peacetoprospersity/>.

<sup>86</sup> “6 countries block EU resolution that would have condemned Trump plan, annexation,” *The Times of Israel*, February 4, 2020, <https://www.timesofisrael.com/eu-reportedly-blocked-from-resolution-condemning-trump-plan-annexation/>.

<sup>87</sup> In 2019 Prime Minister Benjamin Netanyahu described the Czech Republic as the “best friend of Israel in Europe”. See Katerina Veliskova, “Why is the Czech Republic Supporting Israel?” *European Security Journal*, January 11, 2019, <https://www.esjnews.com/why-is-the-czech-republic-supporting-israel>. Also in 2019 Hungary opened a diplomatic trade office in Jerusalem. The PA considered this “a violation of international law and a violation of the EU position to [sic] the city of Jerusalem,” and in response recalled its ambassador from Hungary. See “Palestine protests Hungary over Jerusalem office,” *Middle East Monitor*, March 20, 2019, <https://www.middleeastmonitor.com/20190320-palestine-protests-hungary-over-jerusalem-office/amp/>.

<sup>88</sup> “EU warns Israel any West Bank annexation can’t go unchallenged,” *The Times of Israel*, February 4, 2020, <https://www.timesofisrael.com/eu-warns-israel-any-west-bank-annexation-cant-go-unchallenged/>.

<sup>89</sup> Josep Borrell, “MEPP: Statement by the High Representative/Vice-President Josep Borrell on the US initiative,” European External Action Service, February 4, 2020, [https://eeas.europa.eu/headquarters/headquarters-homepage/73960/mepp-statement-high-representativevice-president-josep-borrell-us-initiative\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/73960/mepp-statement-high-representativevice-president-josep-borrell-us-initiative_en).



as a mediator biased toward the Palestinians (the approach criticized by analyst Grace Wermenbol). But by drawing attention to longstanding, internationally agreed parameters, Borrell was implying three things, all closely related, which may have greater long-term significance for the EU's position than any specific response to US actions in the present. Firstly, he was implying that the Trump administration had now made *an official policy statement* of its departure from principles of an international consensus to which it had formerly subscribed, to which Palestinian actors and other Middle East entities such as the Arab League had subscribed in varying degrees, and to which the EU still subscribes. Borrell mentioned matters associated with the key UN Resolutions, and which were also among the "permanent status" matters of the Oslo process, including "borders, the status of Jerusalem, security and the refugee question," and supporting "direct negotiations by both parties".<sup>90</sup> Borrell's statement implied that the US had formally placed itself outside the frame of discourse within which external parties will need to remain, if they intend to contribute to a just resolution of the conflict.

Secondly, Borrell was implying that any recommendations contained in the "Peace to Prosperity" plan *are compromised from the outset* by their departure from these previously shared commitments. In other words, while the EU may feel compelled to provide an official response to the specific proposals contained in the plan, the prospective benefits of an individual item in the plan are compromised outright by an overall vision which departs from multilateral principles long considered integral to the peace process.

Thirdly, and contentiously, Borrell was implying that, during his term as High Representative, the EU may respond *in newly assertive ways* to unilateral US actions if they depart from long-upheld multilateral commitments. While such an assertive approach may have the previously-noted deleterious effects of increasing polarization among member states and producing an impression of anti-Israel bias, Borrell's independent statement showed that he intends to proceed in this direction nonetheless. It can be interpreted as an expression of the experimental and even provocative manner in which he is willing to conduct diplomacy concerned with one of the priorities emphasized in his confirmation hearing: "resetting transatlantic relations." How successful Borrell is in this regard will be best evaluated at the end of his five-year term. But his early diplomatic provocation was noteworthy because, through it, Borrell publicly refuted the legitimacy of the US plan, reiterated "internationally agreed parameters" in contrast to unilateral US actions, and emphasized the objective of "an independent, democratic, contiguous, sovereign and viable state of Palestine," which does not bypass "direct negotiations between

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<sup>90</sup> Borrell, "MEPP: Statement by the High Representative."

both parties.”<sup>91</sup> Whether or not the longstanding “internationally agreed parameters” reiterated by Borrell are in fact all *essential* criteria for the future of the peace process is of course open to debate. For example, commentators have long questioned the practical feasibility of creating two separate and contiguous states for Israelis and Palestinians.<sup>92</sup> Nevertheless, these parameters all relate to unresolved *political* matters, and the substance of Borrell’s statement was to emphasize the EU’s commitment to these matters:

The European Union will continue to support all efforts aimed at reviving a political process in line with international law, which ensures equal rights and which is acceptable to both parties.<sup>93</sup>

Regardless of the detailed proposals of its “Peace to Prosperity” plan, the Trump administration had already departed from these longstanding political principles, through unilateral actions undertaken since 2017. Borrell’s statement is significant above all as a criticism of this unilateralism, for its capacity to hinder the peace process in three distinct but interacting ways. Firstly, US actions have territorially and diplomatically served the interests of the stronger party in the conflict, demonstrating that multilateral engagement with the peace process is not a primary commitment of the Trump administration. Secondly, considering the regional alliances of actors in nearby countries (especially those of the Syrian government and Hezbollah with Russia and Iran), abrupt changes which reinforce US-Israeli relations may have unpredictable consequences in the Middle East and beyond. Thirdly, some of the Trump administration’s actions are highly symbolic, in their affirmation of Israel’s territorial claim to what it considers its biblical patrimony. In particular, four US actions taken since 2017 can be seen to have contributed to the likelihood of such interacting, destabilizing developments.

## **2.1 STATUS OF JERUSALEM AND ASSOCIATED DIPLOMATIC ACTIONS**

In December 2017 President Trump recognized Jerusalem as Israel’s capital. The US embassy was moved from Tel Aviv to Jerusalem the following May, thus affirming Israel’s exclusive claim to the

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<sup>91</sup> Borrell, “MEPP: Statement by the High Representative.”

<sup>92</sup> Already in 1982 Meron Benvenisti had written “Time is running out . . . The data show us clearly that the processes of integration known as ‘annexation’ (although this is no more than a legal expression for a much deeper process) are advancing very quickly to a point of no return.” Quoted in Ian S. Lustick, *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca and London: Cornell University Press, 1993), 13. Benvenisti had been deputy mayor of Jerusalem from 1971 to 1978, acting as senior municipal planner. During the 1980s he produced the “West Bank Data Project” publications, combining geographical, demographic and planning data.

<sup>90</sup> Borrell, “MEPP: Statement by the High Representative.”

city.<sup>94</sup> East Jerusalem was occupied by Israel in 1967. The city's status as the capital of both Israel and a future Palestinian state has been central to the dispute over territory, and was one of the "permanent status" matters named in Oslo I. The EU's official view remains that "A way must be found through negotiations to resolve the status of Jerusalem as the future capital of both states."<sup>95</sup> Recognizing Israel's exclusive claim to Jerusalem is likely to increase tension in the al-Haram al-Sharif/Temple Mount area in the Old City which, containing the al-Aqsa Mosque, the Dome of the Rock and the Western Wall, is sacred to both Jews and Muslims, and has been a site of disputes since the Western Wall incident of 1929. The al-Haram al-Sharif/Temple Mount area embodies the interaction between religion and national territorial claims to Jerusalem; it is therefore especially important that external parties avoid the appearance of partisanship, in any intervention which affects this area.

Two subsequent US decisions are associated with the US recognition of Israel's right to Jerusalem. The closure of the PLO office in Washington, in September 2018, suggested that the Trump administration does not consider it necessary to retain close diplomatic relations with the PLO, despite the fact that its role as sole legitimate representative of the Palestinian people remains widely accepted internationally. Closure of the PLO office was followed by a decision in October 2018 to close the existing United States diplomatic mission in Jerusalem, which had hitherto provided de facto diplomatic support to Palestinians under a Consul General reporting directly to Washington. The mission has been consolidated into the main embassy recently moved to Jerusalem. This consolidation dissolved the post of Consul General and has placed diplomatic relations with Palestinians under the purview of U.S. Ambassador to Israel David Friedman – who is known to be a financial supporter of Israeli settlements in the West Bank.<sup>96</sup>

*Diplomatically*, these three actions indicate the United States' preferred communication channels. *Territorially* they demonstrate the United States' preference regarding the status of Jerusalem. In both spheres, Israel's authority has been increased.

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<sup>94</sup> "Trump hails anniversary of embassy relocation to Jerusalem," *The Times of Israel*, May 15, 2019, <https://www.timesofisrael.com/trump-hails-anniversary-of-embassy-relocation-to-jerusalem/>.

<sup>95</sup> European External Action Service, "Middle East Peace Process."

<sup>96</sup> Ruth Eglash, "U.S. to merge diplomatic mission serving Palestinians with embassy in Israel," *The Washington Post*, October 18, 2018, [https://www.washingtonpost.com/world/middle\\_east/us-to-merge-diplomatic-mission-serving-palestinians-with-embassy-in-israel/2018/10/18/02b3510a-d2eb-11e8-a4db-184311d27129\\_story.html](https://www.washingtonpost.com/world/middle_east/us-to-merge-diplomatic-mission-serving-palestinians-with-embassy-in-israel/2018/10/18/02b3510a-d2eb-11e8-a4db-184311d27129_story.html).

## 2.2 RECOGNITION OF ISRAELI SOVEREIGNTY OVER THE OCCUPIED GOLAN HEIGHTS

In March 2019 President Trump stated his support for the extension of Israeli sovereignty over the occupied Golan Heights.<sup>97</sup> The strategically valuable region was first captured from Syria by Israel during the 1967 war. Further incursion was achieved during the 1973 war, but, following US mediation in 1974 under Henry Kissinger, Israel returned these additional gains to Syria, and a UN buffer zone has been in place ever since.<sup>98</sup> Recognizing Israeli sovereignty of the Golan Heights contradicts United Nations Security Council Resolution 242 (“the inadmissibility of the acquisition of territory by war”). And since Israeli settlements have been built in the Golan since 1967, recognizing sovereignty there also implies US support for settlements throughout the West Bank.

Settlements were named as one of the “permanent status” matters of Oslo I, and in December 2016 United Nations Security Council Resolution 2334 reiterated that, since changes to the borders of 4 June 1967 were not recognized, settlement activity in territory occupied since then has “no legal validity and constitutes a flagrant violation under international law.”<sup>99</sup> The US signalled its formal disagreement with this Resolution in November 2019, when Secretary of State Michael Pompeo announced “we will no longer recognize Israeli settlements as *per se* inconsistent with international law.”<sup>100</sup>

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<sup>97</sup> “Golan Heights: Trump signs order recognising occupied areas as Israeli 25 March 2019,” *BBC*, March 25, 2019, <https://www.bbc.com/news/amp/world/middle-east-4769771>.

<sup>98</sup> David W. Lesch, *Syria* (Cambridge and Medford: Polity, 2019), 116–7.

<sup>99</sup> United Nations Security Council, “Israel’s Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms,” United Nations: Meetings, Coverage and Press Releases, 7853rd Meeting (PM) SC/12657, United Nations website, December 23, 2016, <https://www.un.org/press/en/2016/sc12657.doc.htm>. The US abstained (neither vetoing nor voting in favour), with all other 14 members of the UNSC voting in favour, leading to the adoption of the Resolution. US Ambassador to the United Nations Samantha Power explained her abstention by saying the US did not agree with every word of it, but that “the settlements have no legal validity” and that “we cannot stand in the way of this resolution.” Eric Cortellessa, “Choosing not to veto, Obama lets anti-settlement resolution pass at UN Security Council,” *The Times of Israel*, December 26, 2016, <https://www.timesofisrael.com/choosing-not-to-veto-obama-lets-anti-settlement-resolution-pass-at-un-security-council/>.

<sup>100</sup> “Full text of Pompeo’s statement on settlements,” *The Times of Israel*, November 2019, <https://www.timesofisrael.com/full-text-of-pompeos-statement-on-settlements/>. The “Peace to Prosperity” plan states US support for Israeli annexation of what has been considered occupied territory since the 1967 war, as per UN Security Council Resolution 242. In the “Peace to Prosperity” plan, the Jordan Valley (accounting for approximately a third of the occupied West Bank) is considered “critical for Israel’s national security” and is to be “under Israeli sovereignty.” The White House, “Peace to Prosperity,” 13.

The UN rejected the Golan proclamation of March 2019, with a statement from the office of Secretary General António Guterres saying “the status of Golan has not changed.”<sup>101</sup> And EU High Representative Federica Mogherini released a statement unanimously supported by all 28 member states, saying the EU “does not recognize Israeli sovereignty over the occupied Golan Heights.”<sup>102</sup>

Since Israel’s northern borders with Syria and Lebanon are highly sensitive areas, and the sites of significant conflict over the past fifty years, any unilateral support for Israel’s claims in these areas is likely to increase regional instability. Israeli border disputes with Syria and Lebanon may also contribute to the potential for actual interstate war, because of regional alliances between Syria and Russia, between Hizbullah and Iran, and because any military activity here will inevitably also affect stability between Israel and Jordan. In 2018 a panel of experts at Washington’s Middle East Institute considered the risk of new interstate wars in the region very real.<sup>103</sup>

Considering the Golan announcement from these perspectives shows that several interrelated matters can be affected by decisions which abruptly depart from international consensus. Sovereignty, borders, settlements and longstanding tensions with neighbouring states are all involved, and each is a source of potential local reaction which could also activate regional alliances in unpredictable ways.

### **2.3 WITHDRAWAL FROM UN SYSTEM OF INTERIM HUMANITARIAN ASSISTANCE**

The Trump administration has reduced its involvement in long-standing humanitarian, social and cultural initiatives related to the Israel-Palestine conflict. Most significantly, between 2017 and 2019, the Trump administration reduced US contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from US\$ 364 million to zero,<sup>104</sup> having previously

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<sup>101</sup> “U.N. chief clear that Golan status has not changed: spokesman,” *Reuters*, March 26, 2019, <https://www.reuters.com/article/us-usa-israel-un/u-n-chief-clear-that-golan-status-has-not-changed-spokesman-idUSKCN1R623E>.

<sup>102</sup> Noa Landau, “EU States Unanimously Announce: We Do Not Recognize Israeli Sovereignty Over Golan Heights,” *Haaretz*, March 27, 2019, <https://www.haaretz.com/israel-news/premium-eu-states-we-do-not-recognize-israeli-sovereignty-over-golan-heights-1.7062664>.

<sup>103</sup> Middle East Institute, “The risk of interstate war(s) in the Middle East,” video, Middle East Institute, May 17, 2018, <https://www/mei.edu/events/risk-interstate-wars-middle-east>. Participants in this panel discussion were Martin Indyk, Kenneth Pollack, Bilal Y. Saab and Julianne Smith, chaired by Paul Salem.

<sup>104</sup> Data and donor charts available at United Nations Relief and Works Agency for Palestine Refugees in the Near East, “Funding trends,” United Nations Relief and Works Agency for Palestine Refugees in the Near East website, December 31, 2019, <https://www.unrwa.org/how-you-can-help/government-partners/funding-trends>.

been the largest single donor to the agency. The UNRWA's housing, food and education programs are tied to the 1948 UN General Assembly Resolution 194 (III) – affirming the right of refugees to return to their homes – since UNRWA's ongoing activities continue to respond to the refugee situation created by the 1948 war. The US Department of State's 2018 description of UNRWA operations as “irredeemably flawed” was rejected “in the strongest possible terms” by the UN.<sup>105</sup> In 2019 the United States also withdrew from membership of UNESCO, simultaneously with Israel.<sup>106</sup> These decisions have followed the Trump administration's withdrawal from multilateral agreements in other arenas, prominent examples of which include the 2015 Joint Comprehensive Plan of Action (commonly known as the Iran nuclear deal), the 2015 Paris Agreement on climate change and the 2016 Trans-Pacific Partnership.

Today it would seem unfeasible to provide full restitution or adequate compensation of property to all descendants of those who lost their homes in 1948. But this hardly renders Resolution 194 worthless. The difficulty of practically attending to the needs of Palestinian refugees was evident from the outset. Before the UNRWA was established in 1949, the UN had established the United Nations Relief for Palestinian Refugees (UNRPR), which supplied organizations directly involved in relief work.<sup>107</sup> This was meant as a temporary arrangement, to expire on August 31, 1949. But it quickly became clear that a longer lasting UN agency would be required, as Ilana Feldman has written, because of “the magnitude of the need and the lack of action toward a political solution.”<sup>108</sup> The UNRWA too was intended to be temporary; its continued existence more than 70 years later exemplifies the complex relationship between the provision of humanitarian aid by external actors, and a political solution which external actors might assist, but which must ultimately be negotiated between Israelis and Palestinians.

Regardless of material obstacles, Resolution 194 ties responsibility for addressing the needs of refugees to political negotiation between the parties involved, *and* to internationally-observed principles. It is this commitment to *interaction* between Israeli-Palestinian negotiation and the multilateral consensus

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<sup>105</sup> Sami Mshasha, “Urgent UNRWA statement,” United Nations Relief and Works Agency for Palestine Refugees in the Near East website, September 1, 2018, <https://www.unrwa.org/newsroom/official-statements/urgent-unrwa-statement>.

<sup>106</sup> Raphael Ahren, “69 years after joining, Israel formally leaves UNESCO; so, too, does the US,” *The Times of Israel*, January 1, 2019, <https://www.timesofisrael.com/69-years-after-joining-israel-formally-leaves-un-cultural-body/>.

<sup>107</sup> Ilana Feldman, *Life Lived in Relief: Humanitarian Predicaments and Palestinian Refugee Politics* (Oakland: University of California Press, 2018), 6.

<sup>108</sup> Feldman, *Life Lived in Relief*, 8.

expressed in international law that means Resolution 194 remains a meaningful principle of the peace process, as are the activities of agencies such as UNRWA which rely on multilateral cooperation and funding. The Trump administration's decision to cease contributing to these programs indicates that, along with Resolutions 242, 338, and 2334, this earliest UN Resolution has little bearing on current US policy toward the conflict.

When powerful member states do not consider the UN's authority binding, its capacity to guide peaceful international relations is limited. In this regard in the Middle East, the most significant example of US unilateralism in recent decades has been the 2003 invasion of Iraq. Trump's cancellation of UNRWA funding is part of his administration's more general withdrawal from multilateralism. But it should be remembered that US involvement in the Israel-Palestine conflict has long been affected by the tension between UN principles which support long-term stability, and the short-term objectives of US administrations. This was observed in 1945 by Dean Acheson, in relation to President Truman's advocacy for Jewish immigration to Palestine after World War II. President Truman had stated "My basic approach was that the long-range fate of the Palestinians was the kind of problem we had the U.N. for," prompting Acheson to record in his autobiography that "[t]his idea that the United Nations was and should be something different from its members and could assume responsibility without authority has been a curiously persistent one."<sup>109</sup>

## **2.4 PROCEEDING FROM AN ECONOMIC VISION OF PEACE**

Finally, when Senior Advisor Jared Kushner provided the first outline of the Trump administration's \$50 billion plan for peace in the Middle East in June 2019, it was clear this plan was to proceed from an economic vision of peace, not from political engagement. At the Peace to Prosperity workshop in Bahrain, June 25–26, 2019, Kushner said:

To be clear, economic growth and prosperity for the Palestinian people are not possible without an enduring and fair political solution to the conflict, one that guarantees Israel's security, and that respects the dignity of the Palestinian people. However, today is not about the political issues; we'll get to those at the right time.<sup>110</sup>

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<sup>109</sup> Dean Acheson, *Present at the Creation: My Years in the State Department* (New York: Signet, 1970), 233. Acheson was serving as US Under Secretary of State at the time, and received Jewish and Arab leaders during September and early October 1945, while Secretary of State James Byrnes was in London.

<sup>110</sup> Peace to Prosperity Workshop, "Peace to Prosperity workshop: June 25–26, 2019, Manama, Bahrain," July 9, 2019, video, 22:10, <https://www.youtube.com/watch?v=fh8s1XnYMdg>.

Political matters were thus to be considered after financial assistance had reinvigorated the peace process, creating the “new reality” which Kushner invited attendees to imagine: “a bustling commercial and tourist centre in Gaza and the West Bank, where international businesses come together and thrive.”<sup>111</sup> The future political settlement intimated by Kushner also allocated different terms of reference to each side: to Israel, security (a primary requirement of sovereign statehood) and to Palestinians, dignity (a subjective quality, to be granted to a people rather than a state). This asymmetry of tangibly political and intangibly “human” rights recalls the asymmetry of the Balfour Declaration a century earlier – which was addressed, on the one hand, to the national aspirations of the Zionist Federation, and the “rights and the political status enjoyed by Jews in any other country” (that is, outside Palestine), but, on the other hand, only to the “civil and religious rights of existing non-Jewish communities in Palestine.”<sup>112</sup>

Key Palestinian figures rejected the proposals of the Peace to Prosperity workshop and its terms of reference. PA President Abbas described the Bahrain presentation as a “big lie,”<sup>113</sup> and Hamas political bureau head Ismail Haniyeh stated that “Palestine is not for sale.”<sup>114</sup> Reiterating that progress cannot credibly commence with economic incentives, PLO spokeswoman Hanan Ashrawi emphasized that political and territorial matters remain primary:

The issue is not money; the issue is the occupation. The issue is the fact that we have no rights, that Israel steals our land and our resources, controls our boundaries, our entry and exit points, our airspace, our territorial waters; it controls our lives.<sup>115</sup>

By deferring engagement with these unresolved geopolitical problems, the Peace to Prosperity workshop resembled Oslo I’s deferral of “permanent status negotiations.” And by framing political matters in terms which recall the disparities of the Balfour Declaration, Kushner was unlikely to be seen as a credible architect of the full US plan which was to follow in 2020. So it was no surprise when Abbas

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<sup>111</sup> Peace to Prosperity Workshop, “Peace to Prosperity workshop.”

<sup>112</sup> The text of the Balfour Declaration, reproduced in David Lea and Annamarie Rowe eds., *A survey of Arab-Israeli Relations 1947-2001* (London: Europa, 2002), 258.

<sup>113</sup> Adam Rasgon, “Abbas: Bahrain summit a ‘big lie’ invented by Kushner to ‘make a fool’ of us,” *The Times of Israel*, July 4 2019, <https://www.timesofisrael.com/abbas-bahrain-summit-a-big-lie-invented-by-kushner-to-make-a-fool-of-us>.

<sup>114</sup> “Haniyeh: ‘Palestine is not for sale’,” *Middle East Monitor*, June 27, 2019, <https://www.middleeastmonitor.com/20190627-haniyeh-palestine-is-not-for-sale/>.

<sup>115</sup> Ali Harb, “Hanan Ashrawi slams Kushner’s ‘fictitious economic plan’,” *Middle East Eye*, June 18, 2019, <https://www.middleeasteye.net/news/issue-not-money-plos-ashrawi-slams-kushners-fictitious-economic-plan>.



presented his response to the full document in January 2020 by saying “We say a thousand times, no, no, no ... We rejected this deal from the start and our stance was correct.”<sup>116</sup>

The “internationally agreed parameters” referred to by Josep Borrell in February 2020 included “borders, the status of Jerusalem, security and the refugee question.”<sup>117</sup> Borrell was correctly noting that the final “Peace to Prosperity” document (presented in January 2020) “departs from these internationally agreed parameters.”<sup>118</sup> But the Trump administration had already demonstrated this departure over the preceding years. After the recognition of Jerusalem, the Golan declaration and the cancellation of UNRWA funding, the Peace to Prosperity workshop proposed peace in terms of economic patronage to be overseen by the United States. Later discussion of political matters was framed for Palestinian people in ethical terms of respect and dignity, rather than in nation-state terms of political independence. This combination of unilateralism and postponement of geopolitical negotiation sets the US position in marked contrast to that which Borrell has outlined for the EU:

The European Union calls on both sides to re-engage and to refrain from any unilateral actions contrary to international law that could exacerbate tensions.... In line with international law and relevant UN Security Council resolutions, the EU does not recognise Israel’s sovereignty over the territories occupied since 1967. Steps towards annexation, if implemented, could not pass unchallenged.

The European Union will continue to support all efforts aimed at reviving a political process in line with international law, which ensures equal rights and which is acceptable to both parties. The EU will engage with both parties, with actors in the region and all international partners.<sup>119</sup>

“Reviving a political process,” commitment to multilateralism and to the UN Resolutions which have long framed it, and asserting that contrary actions “could not pass unchallenged” – these are the principles guiding Borrell’s geopolitical position on Palestine. All these principles are in tension with actions taken by the Trump administration. Announcing that his first trip once appointed would be to Kosovo, Borrell had stated that “We cannot be a global actor if we cannot resolve our problems at home.”<sup>120</sup> And in accordance with von der Leyen’s “Political Guidelines,” he had indicated that the first priority for external relations beyond Europe would be to frame “a new, integrated strategy for and

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<sup>116</sup> “Trump Middle East plan: Palestinians reject ‘conspiracy,’” *BBC*, January 29, 2020, <https://www.bbc.com/news/world-middle-east-51292865>.

<sup>117</sup> Borrell quoted in *Times of Israel*, “EU warns Israel any West Bank annexation can’t go unchallenged.”

<sup>118</sup> Borrell, “MEPP: Statement by the High Representative.”

<sup>119</sup> Borrell, “MEPP: Statement by the High Representative.”

<sup>120</sup> Emmott, “Mission impossible.”

with Africa.”<sup>121</sup> But the presentation of the complete US peace plan in January 2020 meant that Borrell’s first forceful articulation of the EU’s newly geopolitical approach was to be made, not in a portfolio of the EU’s choosing, but as a response to the actions of its transatlantic ally.

Referring to the challenges the EU faces, Borrell has stated that “political battles are won or lost depending on how they are framed.”<sup>122</sup> It may not be possible to frame political engagement with a divergent US administration as a battle that the EU can “win.” But it may nevertheless be possible to frame a new EU approach to the Palestinian situation. Such an approach would need to assess the implications of broad transatlantic divergence, but also acknowledge that attempting to return to previously-shared principles (for example once Trump is no longer in power) may not guarantee the EU a more decisive role. Instead the EU could aim to expand beyond its current economic and ethical terms of engagement and cultivate new methods of political engagement with actors in the region, while remaining committed to multilateral support for negotiation between Israelis and Palestinians themselves.

Apart from changes within the EU described in Chapter 1, and the transatlantic differences described in this chapter, there is a third sphere of activity which bears on the EU’s prospects for political engagement with Palestine: conditions in the occupied territories themselves, and the surrounding region. These conditions continue to present formidable challenges, but they also offer potential points of engagement at which a modified approach to Palestine could be developed.

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<sup>121</sup> Borrell, “Embracing Europe’s Power.”

<sup>122</sup> Borrell, “Embracing Europe’s Power.”

## CHAPTER 3

### Recent developments in the occupied Palestinian territories and the region

As the provider of the largest single share of economic assistance to the Palestinians, the EU is very tangibly involved in observing and responding to conditions in the occupied territories. Given Josep Borrell's emphasis on reviving a political process, the EU leadership may attempt to shift the focus of its engagement in the coming years. But regardless of changes within the EU, local conditions are producing their own events, relationships and timelines – and therefore their own political realities. This chapter considers three examples which indicate the variety and interactive nature of these developments, and the fact that they tie present conditions in Palestine to circumstances in the wider region, as well as to EU actions in the past. They are:

- the UN's 2012 report "Gaza in 2020: A liveable place?," and its relevance for the EU's assessment of the Palestinian situation today
- recent activities of Hamas, including its conspicuous international diplomatic outreach and its relations with the Palestinian Authority
- recent mass protests in Lebanon, resulting in the dissolution of government, which, when reconstituted, again showed the decisive influence of Hizbullah. Lebanese events are relevant because of the country's proximity, because of relations between Hamas and Hizbullah, and because of the EU's relations with the two movements

All three cases relate to developments in the region which will affect the EU's prospects for political engagement in the years ahead.

#### **3.1 UNITED NATIONS REPORT: "GAZA IN 2020: A LIVEABLE PLACE?"**

When the UN released its 2012 report "Gaza in 2020: A liveable place?," its intention was to survey current trends and present "an extrapolation eight years forward to 2020," to raise awareness and to strategically inform UN programming.<sup>123</sup> The document was not attempting to set a "deadline" at which habitable conditions in Gaza would cease – as if deterioration beyond specific UN criteria might suddenly induce a humanitarian or diplomatic breakthrough. For the EU in 2020 the value of the report

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<sup>123</sup> United Nations Relief and Works Organization for Palestine Refugees in the Near East, "Gaza in 2020: A liveable place?" August 28, 2012, <https://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>.

is not as data to support an ethical notion of humanitarian crisis, which might invigorate diplomatic discourse. Rather, its main value is what the report implies politically.

### *Political framing of the report's analysis*

The UN's report focussed on living conditions: power, water, sanitation, health services, population density, housing, and other aspects. It stated that Gaza's isolation by blockade since 2007 meant that "in the longer term its economy is fundamentally unviable under present circumstances,"<sup>124</sup> and that "[t]o ensure that Gaza in 2020 will be 'a liveable place,' on-going herculean efforts by Palestinians and partners in such sectors as energy, education, health, water and sanitation, need to be accelerated and intensified in the face of all difficulties."<sup>125</sup> But while analysis of these "developmental, humanitarian and social imperatives"<sup>126</sup> was the report's subject, senior UN personnel have indicated the organization's view of the political context in which these imperatives should be considered.

In 2017 UN Coordinator for Humanitarian and Development Activities in the occupied territories Robert Piper remarked "When you're down to two hours of power a day and you have 60 percent youth unemployment rates ... that unlivability threshold has been passed quite a long time ago."<sup>127</sup> Also in 2017 Robert Vallent, spokesman for the UN Development Program in Gaza, stated that people living in Gaza should not be considered a humanitarian case: "This is a man-made political situation that requires political action."<sup>128</sup> And in 2018 Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 Michael Lynk noted that his work, like that of his two predecessors, had been hindered by Israel's refusal of entry to the occupied territories or to Israel itself.<sup>129</sup> How to reconcile these political realities with the relief and development mandate of the

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<sup>124</sup> UNRWA, "Gaza in 2020: A liveable place?" 2.

<sup>125</sup> UNRWA, "Gaza in 2020: A liveable place?" 16.

<sup>126</sup> UNRWA, "Gaza in 2020: A liveable place?" 2.

<sup>127</sup> "Gaza conditions 'unlivable' 10 years into siege: UN," *Al Jazeera*, July 12, 2017, <https://www.aljazeera.com/news/2017/07/living-conditions-worsen-10-year-gaza-siege-170712045047448.html>.

<sup>128</sup> UNRWA, "Gaza in 2020: A liveable place?" 1.

<sup>129</sup> United Nations Relief and Works Organization for Palestine Refugees in the Near East (UNRWA), "Gaza 'Unliveable', UN Special Rapporteur for the Situation of Human Rights in the OPT Tells Third Committee – Press Release (Excerpts)," United Nations Information System on the Question of Palestine, October 24 2018, <https://www.un.org/unispal/document/gaza-unliveable-un-special-rapporteur-for-the-situation-of-human-rights-in-the-opt-tells-third-committee-press-release-excerpts/>.

UNRWA has been a tension intrinsic to the agency's work for seventy years. The same tension will be present in any attempt by the EU to move beyond its economic and ethical relations with Palestine, and toward more direct political engagement. The UN report offers four points of reference which may be instructive in this regard.

### *Four points of reference*

The following four points of reference are not alien to EU external relations, but the UN report indicates their particular relevance to EU-Palestine relations today, and their alignment with the broader problems and prospects of a credible geopolitical EU foreign policy.

#### 1. Pragmatism requires concrete detail and medium-term planning

The report works from detailed analysis of empirical data, gained through the UN's operations in Gaza, to plan for the medium term. For the EU this point of reference is significant in two respects. Firstly, proceeding from close interaction with local conditions should have a tempering influence on the normative abstraction and idealism which are common in EU discourse – the “universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law” from which the Treaty on European Union draws inspiration.<sup>130</sup> A turn toward close empirical interaction with concrete conditions aligns with Borrell's statement that “Europeans must deal with the world as it is, not as they wish it to be.”<sup>131</sup>

Secondly, developing strategies for the medium term (such as the eight-year forward projection of the UN report) should mean that initiatives are proposed which aim for a middle ground between defeatism and haste; between appellations such as “the world's most intractable conflict,”<sup>132</sup> and the hurried formulation of statements which simply *react* to each new event. The former engenders incapacity by approaching the conflict as if it is an unchangeable phenomenon. The latter engenders incapacity by

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<sup>130</sup> European Union, “Consolidated version of the Treaty on European Union,” 15.

<sup>131</sup> Borrell, “Embracing Europe's Power”.

<sup>132</sup> This expression has been widely used in media commentary and scholarship on the Israel-Palestine dispute. A recent scholarly example is Gershon Shafir, *A Half Century of Occupation: Israel, Palestine, and the World's Most Intractable Conflict* (Berkeley: University of California Press, 2017), while the UN itself has stated that “The question of Palestine remains the most intractable conflict situation in the United Nations history.” See United Nations, “United Nations Press Release GA/9250, GA/PAL/761,” United Nations website, June 10, 1997, <https://www.un.org/press/en/1997/19970610.go9250.html>.

engaging only with effects that emerge from the conflict's ongoing history – rather than engaging with its causes.

With policy aspirations from climate change to Africa, and with the COVID-19 pandemic having now made internal stability its highest priority, the EU may not be able to make Palestine a focus of foreign policy during the term of the current Commission. But this need not prevent it from making credibly-resourced commitments for the medium term – for example over the ten year span of Ursula von der Leyen's possible two terms as Commission President.

### 2. Economic assistance has not led to prosperity

The UN report states that economic assistance alone has not been able to halt or reverse the deterioration of living conditions in Gaza. While the UN has been involved in providing aid and development assistance to the Palestinians since 1949, and while it continues to do so through the UNRWA, the report draws unambiguous conclusions from its data on employment, GDP and other economic measures: “The people of Gaza remain worse off than they were in the 1990s,” and “Gaza is currently kept alive through external funding and the illegal tunnel economy.”<sup>133</sup>

Since this assessment of the inefficacy of economic aid has been made by the EU's primary multilateral partner in the region, the UN report provides significant grounds for the EU to reconsider the economic focus of its relations with Palestine.

### 3. Political causes are primary

The report indicates that economic measures cannot decisively alter the deteriorating conditions because the *causes* are not economic but political. Within the document “an end to the blockade”<sup>134</sup> is identified as essential, and Robert Vallent's subsequent 2017 statement that the situation “requires political action” is an example of the UN's wider view of the primacy of political causes.

For the EU in 2020, this third point of reference relates to the importance of “reviving a political process,”<sup>135</sup> which Borrell stated in response to the announcement of the US peace plan. This would mean finding credible and sustainable means of demonstrating the EU's commitment to the primacy of Palestinian political objectives – including self-government beyond the frame of an interim, unelected

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<sup>133</sup> UNRWA, “Gaza in 2020: A liveable place?” 2.

<sup>134</sup> UNRWA, “Gaza in 2020: A liveable place?” 2.

<sup>135</sup> Borrell, “MEPP: Statement by the High Representative.”

and subsidized Palestinian Authority, and the establishment of feasible territorial parameters for a Palestinian state.

#### 4. EU-UN cooperation remains a source of capability

The report provides a timely reminder that, while multilateral cooperation with the United States is currently strained in relation to the Israel-Palestine conflict, multilateral action with the United Nations remains a fundamental principle of EU foreign policy. This commitment proceeds from Article 21 of the Treaty on European Union, where EU external action “shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.”<sup>136</sup> Von der Leyen reaffirmed this commitment in her Political Guidelines, emphasizing that “Europe should play a full and active role on a global level at the United Nations in our neighbourhood.”<sup>137</sup>

The idea of “intersecting multilateralisms”<sup>138</sup> has been used to analyse EU-UN relations. But the productive fusion it invokes, of globally-agreed principles, implemented through effective collaboration, has not resulted in concrete political change in the Palestinian case. The UN has provided aid to Palestinian refugees since 1949, and UN peacekeeping missions have been integral to the disengagement of forces and the maintenance of buffer zones, especially in the Golan Heights after the 1973 war. But it was also the UN which, through Resolution 181 (II) ratified the 1947 Palestine partition plan,<sup>139</sup> despite partition having been voted against by all Arab UN member states, and all member states in the greater region likely to be affected by the subsequent creation of the State of Israel – that is, by Afghanistan, Egypt, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey and Yemen.<sup>140</sup>

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<sup>136</sup> European Union, “Consolidated version of the Treaty on European Union,” 28.

<sup>137</sup> von der Leyen, “A Union that strives for more: My Agenda for Europe.”

<sup>138</sup> See Knud Erik Jørgensen, “Intersecting Multilateralisms: The European Union and Multilateral Institutions,” in *The European Union at the United Nations: Intersecting Multilateralisms*, ed. Katie Verlin Laatikainen and Karen E. Smith (Houndsmills, Basingstoke, Hampshire and New York: Palgrave Macmillan, 2006), 195-211.

<sup>139</sup> United Nations General Assembly, “Resolution 181 (II). Future government of Palestine, 29 November 1947,” United Nations Information System on the Question of Palestine, accessed May 30, 2020, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>.

<sup>140</sup> UN General Assembly Resolution 181 (II), adopted during the 128<sup>th</sup> plenary meeting. An overview of the Resolution, associated documents and map are available on the United Nations website, last updated September 20, 2019, <http://ask.un.org/faq/14536>. The Voting record is available on page 1424 of the Resolution document, accessed August 1, 2020, <https://undocs.org/en/a/pv.128>.

In other words, the UN has its own history in relation to the Palestinian situation, and this history is not without ambiguities in terms of involvement, assistance and interference with local and regional actors. While the EU's treaty-based commitment to collaboration with the UN emphasizes the benefits of this relationship, the contentious aspects of intervention in Israel-Palestine relations – starting with the 1947 partition plan – cannot be excised from the relationship's history. If the EU is to develop newly political relations with Palestine today, all aspects of its past multilateral engagement with the region will need to be kept in view. Retaining cognizance of matters such as the UN's facilitation of partition will help avoid simple contrasts between good and bad multilateralisms – the former conceived in terms of idealized EU-UN relations, and the latter in terms of a troubled partnership with the United States. Rather than assuming that collaboration with certain partners will inevitably produce certain results, an expanded approach to multilateralism would consider eligibility for collaboration based on any prospective partner's willingness to commit to politically realistic and peaceful change.

This point of reference is perhaps best understood in relation to the “capability gap” referred to by Christopher Hill, “where power is not mobilized, or used too timidly, as on occasions over the Israel-Palestine dispute.”<sup>141</sup> The UN's 2012 report on Gaza is a reminder that, if, in Borrell's words, “Europeans must deal with the world as it is, not as they wish it to be,” then “relearning the language of power” in order to conceive of Europe as a “top-tier geostrategic actor”<sup>142</sup> should involve considering all factors which are potential sources of capability, and which may assist the mobilization of power in ways that are neither idealistic, nor timid, but are credible. While multilateral relations with the US are unlikely to contribute to such capability in the short term, and while differences between EU member states mean that unanimity is difficult to achieve on divisive foreign policy statements, the EU's relationship with the UN provides an intermediary forum for cooperation, *between* the transatlantic and the intra-EU. The UN's report on Gaza, in its methodology, its medium-term outlook and its pragmatism, is the kind of initiative a politically pragmatic EU could draw on, to consolidate its multilateral capabilities.

These four points of reference for EU-UN relations are particularly relevant to Gaza because it is there that the EU's relations with the Palestinian people are the most politically complex. Since Hamas took control in 2007, and the coastal strip was blockaded by Israel, the EU's approach to Gaza has been bifurcated. On the one hand, the EU acknowledges that the “situation in the Gaza Strip is particularly

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<sup>141</sup> Christopher Hill, “The Future of the European Union as a Global Actor,” 4–5.

<sup>142</sup> Borrell, “Embracing Europe's Power.”



critical,”<sup>143</sup> and its commitments to the peace process apply as much to residents of Gaza as to those of the West Bank and East Jerusalem – including the commitment to the contiguity of these areas, in a future Palestinian state.<sup>144</sup> On the other hand, the EU has no formal diplomatic relations with Hamas, considering it a “de facto authority”<sup>145</sup> in Gaza – but above all considering it a terror organization, toward which a no-contact policy is maintained.

While the EU’s no-contact policy is likely to remain unchanged under von der Leyen and Borrell, Hamas itself is changing in three respects: firstly in modifying and refining the objectives expressed in its public statements, secondly in expanding its international diplomatic contacts, and thirdly by interacting variably with the Palestinian Authority in response to unfolding events. Turning now to consider Hamas’ recent activity in these three areas, we see that the EU is proscribing a political actor which has not only continued to operate despite more than a decade of confinement in Gaza, but which is currently exhibiting new capacities for adaptation to regional and global political conditions. If the EU is to develop a more directly and *comprehensively* political relationship with Palestine, this purpose may not be best served by continuing to exclude Hamas outright.

### **3.2 RECENT ACTIVITIES OF HAMAS:**

#### **Public statements, diplomatic outreach and relations with the Palestinian Authority**

The three aspects of Hamas’ recent activity described here will not necessarily increase the group’s influence in the region, enable it to newly threaten Israel, or provide it with the means to challenge the status of the Palestinian Authority – whether as official administrative entity in the West Bank, or as the EU’s principal dialogue partner. But all three aspects indicate an environment susceptible to change; one in which Hamas remains proscribed by the EU, yet is pursuing a variety of modified approaches to public action.

As far as the prospects for EU engagement are concerned, the significance of Hamas’ recent activities summarized below is therefore their bearing on the question of Hamas’ political legitimacy. The group is not considered a legitimate dialogue partner by the EU because it is defined in unitary terms as a terror organization. How the EU might reconcile this definition with Hamas’ 2006 democratic electoral victory remains a dilemma with a variety of ethical, legal and political dimensions. But the more tangible and practical problem for the EU is that other regional powers do not necessarily share the

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<sup>143</sup> European Commission, “European Joint Strategy in support of Palestine,” 25.

<sup>144</sup> European External Action Service, “Middle East Peace Process.”

<sup>145</sup> European Commission, “European Joint Strategy in support of Palestine,” 18.

criteria of legitimacy which it is tacitly applying to Hamas. These regional powers are engaging with the movement as each of them sees fit. These interactions may contribute to the emergence of altered geostrategic dynamics in the across the Middle East. The EU will not be able to exert early diplomatic influence over such dynamics if it continues to avoid dialogue with Hamas, and to consider its participation in regional dialogue to be politically unacceptable. These matters will be returned to in Part II of this dissertation, in relation to Olivier Roy's second element of political engagement: problems of political legitimacy in the interactions between external powers and local political actors.

Through its activities in the three areas described here, Hamas is contributing to political conditions which are already in a state of change. A newly geopolitical EU approach to these conditions is yet to be articulated.

*Public statements:*

*New Hamas charter of 2017 and five new priorities for 2020*

In 2017 Hamas released a new charter, its "Document of General Principles and Policies."<sup>146</sup> It was the movement's first programmatic statement since the "Hamas Covenant" which announced the movement's formal establishment in 1988.<sup>147</sup> The 2017 charter differs considerably from the earlier document. It is two-thirds shorter, it has dispensed with lengthy scriptural quotations and allusions to imperial and crusader history, and, though it contains clear statements on Israel and on Zionism as a Western-backed phenomenon, the forty-two numbered paragraphs of the 2017 charter contain little of the Covenant's inflammatory language. The 1988 document used as an epigraph the following statement by the founder of the Muslim Brotherhood Hassan al-Banna: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."<sup>148</sup> It also said of the Hamas movement that "death for the sake of Allah is the loftiest of its wishes."<sup>149</sup> No statement in the 2017 charter is enunciated in this manner. The later document is less ambiguous, contains less aspirational language, and is focussed more on definitions and objectives expressed in qualified terms. For example the 1988 Covenant speaks of open-ended ambitions such as "Our struggle against the Jews

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<sup>146</sup> Hamas, "A Document of General Principles and Policies," Hamas website, May 1, 2017, <https://hamas.ps/en/post/678/a-document-of-general-principles-and-policies>.

<sup>147</sup> Hamas, "Hamas Covenant, August 18, 1988," Reproduced on Yale Law School: Lillian Goldman Law Library, accessed May 30, 2020, [https://avalon.law.yale.edu/20th\\_century/hamas.asp](https://avalon.law.yale.edu/20th_century/hamas.asp).

<sup>148</sup> Hamas, "Hamas Covenant, August 18, 1988."

<sup>149</sup> Hamas, "Hamas Covenant, August 18, 1988."

is very great and very serious. It needs all sincere efforts. It is a step that inevitably should be followed by other steps.”<sup>150</sup> In contrast, the 2017 charter states:

Hamas affirms that its conflict is with the Zionist project not with the Jews because of their religion. Hamas does not wage a struggle against the Jews because they are Jewish but wages a struggle against the Zionists who occupy Palestine. Yet, it is the Zionists who constantly identify Judaism and the Jews with their own colonial project and illegal entity.<sup>151</sup>

Rather than avowing “very serious” but indeterminate resistance which is specific to the objectives of Hamas, the 2017 position broadly aligns with longstanding and continuing international criticism of Israeli actions – such as has recently been expressed in response to Israel’s 2018 law declaring Israel to be the “nation-state of the Jewish people.” This law states that “The exercise of the right to national self-determination in the State of Israel is unique to the Jewish People,” that “Jerusalem, complete and united, is the capital of Israel” and that “The State views the development of Jewish settlement as a national value.”<sup>152</sup> The EU joined widespread criticism of the law when it was passed, expressing concern over the additional complications it produced, hindering progress toward the creation of two viable states.<sup>153</sup>

All of these qualities indicate a charter which is newly pragmatic, and which describes motives and objectives in specific and concrete terms. But perhaps the most important element of the charter is one which does retain ambiguity: the reference to territorial conditions, contained in article 20:

Hamas rejects any alternative to the full and complete liberation of Palestine, from the river to the sea. However, without compromising its rejection of the Zionist entity and without relinquishing any Palestinian rights, Hamas considers the establishment of a fully sovereign and independent Palestinian state, with Jerusalem as its capital along the lines of the 4<sup>th</sup> of June 1967, with the return of the refugees and the displaced to their homes from which they were expelled, to be a formula of national consensus.<sup>154</sup>

This “formula of national consensus” appears to be a qualified acceptance of the principle of a two-state solution, though its practical implications for Hamas’ overarching position toward Israel remain unclear.

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<sup>150</sup> Hamas, “Hamas Covenant, August 18, 1988.”

<sup>151</sup> Hamas, “A Document of General Principles and Policies.”

<sup>152</sup> The Knesset, “Basic Law: Israel – The nation-state of the Jewish People,” July 18, 2018, Though designated an “unofficial translation by Dr Susan Hattis Rolef,” this is the version hosted on the official Knesset website, available at <https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf>.

<sup>153</sup> “EU expresses concern over Israel's Jewish nation-state law,” *Reuters*, July 18, 2018, <https://www.reuters.com/article/us-israel-politics-law-eu/eu-expresses-concern-over-israels-jewish-nation-state-law-idUSKBN1K91K7>.

<sup>154</sup> Hamas, “A Document of General Principles and Policies.”

Some journalists avoided remarking on this ambiguity, instead emphasizing that the new charter indicated acceptance of a Palestinian state on 1967 lines, and demonstrated “softening” and “moderation.”<sup>155</sup> But Israel’s view was unchanged: in advance of the document’s release a spokesman stated on behalf of Prime Minister Netanyahu that “ Hamas is attempting to fool the world, but it will not succeed.”<sup>156</sup>

While Israel’s position remains resolute, and the EU’s no-contact policy toward Hamas remains unchanged, the 2017 charter plainly shows that Hamas itself is in a state of change. If third parties such as the EU retain their current positions (and above all outright exclusion of Hamas from dialogue), they are unlikely to be attuned to the changes occurring within the movement. Therefore they may be inadequately prepared to respond to developments which occur as a result of those changes.

In December 2019, a second indicator of Hamas’ changing identity appeared, when the movement published five strategic priorities:

developing Hamas’ armed structure against Israel to tilt the balance of power in its favor; adopting a national position on managing the conflict with Israel; confronting the Israeli measures against the Palestinians in every way; standing up to the US-proposed deal of the century; and mobilizing the Palestinian diaspora to support the Palestinian people back home.<sup>157</sup>

The first point affirms a renewed militancy. The second point may be interpreted as support for interfactual reconciliation to achieve a unified national stance (a core recommendation of the EU and other parties).<sup>158</sup> The third point may appear evidence of an aggressive stance toward Israel, or simply as a commitment to the right to resist occupation. The fourth point, rejecting the US peace plan, is a

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<sup>155</sup> For example, Patrick Wintour, “ Hamas presents new charter accepting a Palestine based on 1967 borders,” *The Guardian*, May 2, 2017, <https://www.theguardian.com/world/2017/may/01/hamas-new-charter-palestine-israel-1967-borders>; and Ian Fisher, “In Palestinian Power Struggle, Hamas Moderates Talk on Israel,” *The New York Times*, May 1 2017, <https://www.nytimes.com/2017/05/01/world/middleeast/hamas-fatah-palestinians-document.html>.

<sup>156</sup> Raphael Ahren and Dov Lieber, “Israel dismisses purportedly ‘friendlier’ Hamas principles,” *The Times of Israel*, May 1, 2017, <https://www.timesofisrael.com/israel-dismisses-purportedly-friendlier-hamas-charter/>.

<sup>157</sup> Adnan Abu Amer, “Here are Hamas’ five strategic goals for 2020,” *Al-Monitor*, January 5, 2020, <https://www.Al-Monitor.com/pulse/originals/2019/12/palestine-hamas-five-strategic-priorities-2020-media-israel.html>.

<sup>158</sup> For example the EU “has consistently called for intra-Palestinian reconciliation,” European External Action Service, “Middle East Peace Process.”

position which has been adopted by a wide global public. And it would be hard to find anything contentious in the final point, seeking expressions of solidarity from Palestinians in the wider world.

For outside powers such as the EU, the primary significance of these new priorities – like that of the 2017 charter – is simply that they indicate that the movement is in a state of change, notably in the way it publicly presents its objectives. As political scientist Adnan Abu Amer has noted, “ Hamas leaders rarely talk about specific priorities for their next strategy. This has been limited to Hamas’ official political documents.”<sup>159</sup> As in the 2017 charter, some ambiguity remains and interpretation of intent will be influenced by partisan positions. But what these five points mean in practice will ultimately be demonstrated by the actions of the movement itself in the coming years – not by the interpretations of outsiders.

These public statements are unlikely to have any immediate effect on the EU’s no-contact policy toward Hamas, and the movement has not figured in any of Borrell’s early high-level statements. While the EU cannot make any abrupt policy changes on so contentious a matter as contact with Hamas, continued proscription may impede the EU’s ability to accurately understanding the movement *in the present*, as it adapts to current circumstances, and modifies its methods and goals.

The current state of the movement can be observed in practice in its conspicuous diplomatic exchanges with parties who do not consider Hamas in unitary terms as a terror organization. Several examples of this recent diplomatic activity indicate its breadth and prominence.

### *Recent diplomatic activity*

Commencing in December 2019 Hamas political bureau leader Ismail Haniyeh conducted an international tour, meeting heads of state and senior politicians in Turkey, Iran and Russia. This diplomatic contact follows international meetings held over the past decade by Khaled Meshaal, Haniyeh’s predecessor as leader of the Hamas political bureau (1996–2001). Meshaal’s own recent return to prominence has led to speculation he may seeking to resume leadership of the movement. In any case, his meetings indicate that recent Hamas activities are part of a longer and broader strategy to challenge the movement’s diplomatic isolation.

Haniyeh’s tour demonstrated Hamas’ regional mobility beyond the confines of Gaza and outside the parameters of EU and US proscription. It also made Haniyeh visible in places where diplomatic dialogue involving the EU and the US has been strained in recent years. In the case of the Iran nuclear deal the

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<sup>159</sup> Amer, “Here are Hamas’ five strategic goals for 2020.”

strain involves a relatively clear policy divergence between the EU and US. In the cases of Turkey and Russia the tensions are more complicated, for example in relation to the Syrian conflict. The regional instability, formation of alliances, and migratory pressures resulting from the Syrian civil war all bear upon Iran, Russia, Turkey, the EU and the US in different ways, thus affecting the way each party's position on the conflict has evolved over the past decade. These multidimensional pressures relating to Turkey, Iran and Russia prompt the following question: If Hamas develops increasingly productive and uncontroversial relations with these countries, how should a geopolitically pragmatic EU engage with this aspect of Hamas' activities? Maintaining a policy of outright proscription would seem to be failing to attend to the real changes that are occurring in these diplomatic arenas.

In November 2019 Haniyeh met Turkish President Recep Tayyip Erdogan. The meeting was followed by an official statement by Turkey's Ministry of Foreign Affairs refuting recent reports (apparently from Israeli and Egyptian sources) that Hamas had been allowed to establish outposts in Turkey, from which it could plan assassinations of Israeli officials.<sup>160</sup> The ministry made two further statements, indicating its open dialogue with Hamas, and its view of the proscription on such contact:

The majority of the international community considers Hamas not as a terrorist organisation but as a political reality which has won the elections in Gaza back in 2006... It is worth recalling that the UNGA [United Nations General Assembly] rejected branding Hamas as a terrorist organisation last year. Various countries, including Turkey, have contacts with Hamas at different levels.<sup>161</sup>

These statements align NATO member Turkey with the UN, in terms of a flexible position on Hamas, and in contrast to the separately held no-contact policies of both the EU and the US. The legitimacy of diplomatic contact with Hamas is thus invoked in diplomatic arenas in which all these parties participate, and this is in tension with the proscriptions independently maintained by both the EU and the US. Thus, while the idea of "intersecting multilateralisms" may offer an attractive image of EU-UN concerted action (as in the case of the UN's activities in Gaza), it can also happen that multilateralisms clash – or rather that independent activity by a complex actor such as Hamas can show the lines along which multilateral organizations can become politically strained.

As well as drawing attention to the complex challenges facing multilateral dialogue in the region, Haniyeh's visit to Turkey also exemplifies the dynamic role Ankara is playing in contemporary Middle East politics. Whether considered in relation to the conflict in Libya, the outflow of refugees from

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<sup>160</sup> "Turkey denies Hamas planned attacks from Istanbul," *Ahval News*, December 20, 2019, <https://ahvalnews.com/hamas/turkey-denies-hamas-planned-attacks-istanbul>.

<sup>161</sup> *Ahval News*, "Turkey denies Hamas planned attacks from Istanbul."

Syria, or the Iranian nuclear question, Turkey is significantly involved in matters which not only concern EU foreign policy, but which also bear upon internal European politics (such as migration) and transatlantic relations (such as divergence over Iran). Expanded political cooperation with Turkey could assist the EU in contributing to stability in matters such as these. This cooperation is hindered by strained EU-Turkey relations, in particular due to disputes between Greece and Turkey. Here the longstanding territorial standoff over Cyprus forms the background for specific tensions which emerge between the neighbouring countries – as exemplified in 2020 in relation to competing claims over gas reserves in the eastern Mediterranean.

A geopolitically pragmatic EU will need to consider how these specific issues fit into a wider assessment of prospects for Mediterranean and Middle Eastern stability. This means facing difficult questions such as how to reconcile the rights of Greece and Cyprus as member states with the significant geopolitical role Turkey plays across the region. But it also means that if the EU cannot develop a more collaborative political relationship with Turkey, independent policy directions taken by Turkey may produce new geopolitical dynamics over which the EU will struggle to exert diplomatic influence.

Though a small actor such as Hamas can play only a minor role in such changing geopolitical dynamics, Turkey's recognition of Hamas "not as a terrorist organisation but as a political reality" is one example of an independent policy direction which Ankara is *already taking*. The Hamas-Turkey talks in November 2019 thus show that an uncontroversial diplomatic exercise by Ismail Haniyeh in fact highlights how closely Palestinian politics relate to the foreign policy of a significant regional power, and at the same time raises questions about the EU's capacity to develop a more effective political approach to the Middle East.

Following his meeting with President Erdogan, Haniyeh took a Hamas delegation to Tehran in January 2020, the first time he had been to the Iranian capital in eight years. His visit occurred shortly after the US assassination of Iranian Major General Qassem Soleimani, and Haniyeh was the only non-Iranian speaker at Soleimani's funeral.<sup>162</sup> Though Iran has supplied funds to Hamas in the past, its relations with the movement over the past decade have not been simply those of a supporter which receives unqualified obedience in return. Hamas withdrew its support of Bashar al-Asad's Syrian government at

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<sup>162</sup> Adnan Abu Amer, "Hamas and Iran: More than an understanding, not quite a complete alliance," *Middle East Monitor*, January 17, 2020, <https://www.middleeastmonitor.com/20200117-hamas-and-iran-more-than-an-understanding-not-quite-a-complete-alliance/>.

the outbreak of the 2011 protests which led to civil war in Syria.<sup>163</sup> In doing so it distinguished itself from Iran's ongoing support of Asad, and showed that its objectives are primarily national Palestinian ones, rather than those of an unquestioning or ideologically-framed alliance against Israel. Nevertheless, Yahya Sinwar ( Hamas leader within Gaza) has claimed that Iran continues to provide tens of millions of dollars to support the industrialization of Hamas' military wing, the Izz al-Din al-Qassam brigades.<sup>164</sup> While these facts may be difficult to verify, Haniyeh's January 2020 visit to Tehran – and especially the symbolic significance of his speaking at Soleimani's funeral – are indications of renewed contact between Hamas and Iran which could stimulate a variety of diplomatic and practical developments. Adnan Abu Amer suggests Hamas "sees Haniyeh's visit as a watershed in its relations with the Islamic Republic"<sup>165</sup> and considers that:

the movement is committed to Iran and looks forward to strengthening its relations with it to a degree close [to] an alliance, despite the differences between them over several regional matters and Hamas's desire to distance itself from any axes or extreme polarisations in the region.<sup>166</sup>

Haniyeh's visit to Tehran is especially significant in light of recent EU-US-Iran relations. With the Trump administration's 2018 withdrawal from the Iran nuclear deal, and the reimposition of US sanctions, tensions between the US and Iran culminated in the assassination of Soleimani. The EU has been attempting to keep the principles of the nuclear deal in place, meaning Iran would not accelerate its enrichment of uranium. In January 2020 Borrell stated:

We have been saying in the past and we continue to say that we regret the US decision to withdraw from the deal. ... And we continue believing that this deal is a key element of the global nuclear non-proliferation architecture and critical for the regional stability.<sup>167</sup>

Just as contact with Turkey brings Hamas into a diplomatic space that involves tensions between Western multilateral alliances, so its recent contact with Iran places Hamas in a position obviously antagonistic to the US – but also perhaps closer to an Iran with which the EU is seeking to discourage polarization and promote stability. This is a second opportunity for the EU to assess Hamas' diplomatic

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<sup>163</sup> Adnan Abu Amer, "How do Palestinians see the Syrian war?" *Al Jazeera*, October 20, 2018, <https://www.aljazeera.com/indepth/opinion/palestinians-syrian-war-181016192358526.html>.

<sup>164</sup> Amer, "Hamas and Iran: More than an understanding, not quite a complete alliance."

<sup>165</sup> Amer, "Hamas and Iran: More than an understanding, not quite a complete alliance."

<sup>166</sup> Amer, "Hamas and Iran: More than an understanding, not quite a complete alliance."

<sup>167</sup> Alexandra Brzozowski, "EU willing to maintain Iran nuclear deal, risking rift with the US," *Euractiv*, January 11, 2020, <https://www.euractiv.com/section/global-europe/news/eu-willing-to-maintain-iran-nuclear-deal-risking-rift-with-the-us/>.



activity in terms of its potential to contribute to productive regional dialogue today, rather than in ideological terms related to alliances between Hamas, Iran and Hizbullah in the past.

A third example of Hamas' newly visible international diplomacy is the movement's meetings with Russian officials. Russia has previously hosted talks on reconciliation between Palestinian political actors, notably at a February 2019 meeting in Moscow, which was attended by representatives of fourteen Palestinian groups.<sup>168</sup> But at a March 2020 press conference in Moscow, Haniyeh presented himself as an initiator and a pragmatist, by outlining four new proposals for national unity among Palestinian factions, and indicating that "any of the proposals could achieve internal reconciliation and that Hamas will agree to any option Fatah chooses."<sup>169</sup> Russia's foreign minister Sergey Lavrov welcomed the proposals, and expressed his country's willingness to host Palestinian groups for further discussion in the future.<sup>170</sup> This Hamas-Russia dialogue is another example of Hamas' conspicuous entry into diplomatic spaces which for the EU are both politically fraught and geographically close. Both sides of the dialogue are relevant to the EU. *On the Russian side*, the meetings are examples of Russia's interest in exerting regional influence in the Middle East. As political scientist Imad Ayada has suggested:

Russia is trying to fill the vacuum that the US left when it pulled away from several issues in the Middle East. In this regard, Moscow is seeking a greater role in [ending] the Israeli-Palestinian conflict ... and uniting Palestinians to eliminate the pretexts of the US and Israel that Palestinians are divided with no one representative to talk to.<sup>171</sup>

Any success Russia has – or can claim – in brokering Palestinian factional unity will advertise its efficacy in a matter the EU has long *officially supported*, but, because of its no-contact policy toward Hamas, has not been able to *practically advance* through dialogue or summitry. *On the Palestinian side*, the Russia meetings are examples of Hamas' own decision making in identifying potential agents of mediation between Palestinian actors. Here, as in meetings with Turkey and Iran, the primary message for the EU is that Hamas is actively seeking diplomatic engagement in the wider region, outside the sphere of EU proscription, and therefore potentially free from EU influence over any agreements or alliances which these interactions might produce. If the EU misses an opportunity to engage with Hamas during this

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<sup>168</sup> Ahmad Abu Amer, "In Moscow, Hamas offers 4 plans for Palestinian unity," *Al-Monitor*, March 9, 2020, <https://www.Al-Monitor.com/pulse/originals/2020/03/hamas-visit-russia-propose-fatah-palestinian-reconciliation.html>.

<sup>169</sup> Amer, "In Moscow, Hamas offers 4 plans for Palestinian unity."

<sup>170</sup> Amer, "In Moscow, Hamas offers 4 plans for Palestinian unity."

<sup>171</sup> Imad Ayada quoted in Amer, "In Moscow, Hamas offers 4 plans for Palestinian unity."

period of discussion with regional powers, it will not have been because Ismail Haniyeh was rejecting or avoiding multilateral dialogue.

### *Hamas/Palestinian Authority relations: Three aspects*

External advocacy for unity among Palestinian factions is concerned above all with the idea that Hamas and Fatah should work together more harmoniously to represent Palestinian interests, and that their rifts and lack of cooperation have contributed to the entrenchment of their current positions: an unrecognized Hamas administration in Gaza, and an internationally recognized Palestinian Authority, led by Fatah, which administers the West Bank.

The EU's official position is that it has "consistently called for intra-Palestinian reconciliation and holding of democratic elections."<sup>172</sup> But it is difficult to see how this official position can be put into practice since the EU conducts its bilateral relations only with the Palestinian Authority and does not engage in dialogue with Hamas, and considering that, when democratic elections were held in 2006, the EU participated in multilateral actions which effectively unseated the elected Hamas government.

Regardless of official EU statements or the degree to which they are currently put into practice, events in the region are stimulating new and varied interactions between Hamas and Fatah. Decisive elements of the 2006 elections, which led to the confinement of Hamas in Gaza, have been summarized in the introduction to this dissertation. Here it may help to recall key details, pertaining to the ambiguity of Fatah's executive status, and the isolation of Hamas from 2007 onwards.

Fatah's leadership of the Palestinian Authority remains ambiguous. This can be observed from two perspectives. Firstly, any transition to democratic government under the terms of the Oslo accords would have required Palestinian groups to accept the Oslo framework, with the US as its arbiter. Hamas, together with ten other Palestinian groups based in Damascus, rejected the Oslo framework from the outset,<sup>173</sup> though when elections were held in 1996, it allowed some of its members to run as independents. Secondly, Hamas officially participated in the 2006 elections, thus demonstrating its willingness to accept the Oslo process in practice, whatever its objections in principle. It won a clear majority, but was prevented from governing due to international pressure applied by the Quartet, led by the US, but with EU participation. Importantly, withholding of international aid, due to Hamas non-compliance with the Quartet's three principles prevented Hamas from forming a coalition with Fatah –

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<sup>172</sup> European External Action Service, "Middle East Peace Process."

<sup>173</sup> Roy, *Hamas and Civil Society in Gaza*, 33.

that is, from convening a unity government which could have led to pragmatic reconciliation between the rival parties. Forming such a coalition appeared to be Hamas' intention in 2006.<sup>174</sup> It then became the official program of both parties in February 2007, when the Saudi-sponsored Mecca Agreement formally established a National Unity Government.<sup>175</sup>

The potential for reconciliation between Hamas and Fatah has been discussed in the media repeatedly since 2007. Two reconciliation pacts have been signed by delegates of the groups, the first between Hamas and the PLO in 2014,<sup>176</sup> and the second (under Egyptian brokerage) between Hamas and Fatah in 2017.<sup>177</sup> Both have broken down and media coverage has focussed on criticism by Fatah and the PLO of Hamas' unwillingness to cede power over Gaza. A 2018 statement by Fatah spokesman Hussein Al-Sheikh is indicative:

The dialogue with Hamas, which has been going on for 12 years, is a dialogue with the deaf. It is a waste of time and a reinforcement of the division [between the two parties]. There will be no partnership with Hamas in the PLO or a national government unless it ends its coup in Gaza.<sup>178</sup>

And from the Hamas side, the movement's rejection of the Oslo process has framed its criticism of a PA which received international recognition and came to assume its quasi-governmental status through the person of Yasir Arafat who, as leader of Fatah and the PLO, was accepted as a dialogue partner by the US and Israel. Security coordination within the occupied territories is perhaps the most inflammatory area in which Hamas sees the PA's acceptance of Oslo patronage to be in direct tension with the cause of Palestinian liberation, since PA security activities involve controlling dissenting Palestinian groups. Early in the Oslo process, the "Black Friday" incident of 1994 made this tension. Following a demonstration by Hamas, protesting the arrest of Islamists by the PA, Palestinian police killed thirteen civilian demonstrators in Gaza, and injured 200 others.<sup>179</sup>

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<sup>174</sup> Roy, *Hamas and Civil Society in Gaza*, 41.

<sup>175</sup> Roy, *Hamas and Civil Society in Gaza*, 42.

<sup>176</sup> Nidal al-Mughrabi and Noah Browning, "Hamas, Abbas's PLO announce reconciliation agreement," *Reuters*, April 23, 2014, <https://www.reuters.com/article/us-palestinian-israel-unity/hamas-abbass-plo-announce-reconciliation-agreement-idUSBREA3M14420140423>.

<sup>177</sup> Nidal al-Mughrabi and Omar Fahmy, "Palestinian rivals Fatah, Hamas sign reconciliation accord," *Reuters*, October 12, 2017, <https://www.reuters.com/article/us-palestinians-talks/palestinian-rivals-fatah-hamas-sign-reconciliation-accord-idUSKBN1CH0F5>.

<sup>178</sup> "Fatah closes door to reconciliation with Hamas," *Middle East Monitor*, December 1, 2018, <https://www.middleeastmonitor.com/20181201-fatah-closes-door-to-reconciliation-with-hamas/>.

<sup>179</sup> Le More, *International Assistance to the Palestinians after Oslo*, 77.

Undeniably, Fatah and Hamas have confronted one another both peacefully and violently. But focussing on disagreements between the Palestinian groups distracts from the impact of externally-applied conditions – such as the Quartet’s three principles – which have limited the prospects for cultivating unity between Hamas and Fatah in ways that would be deemed acceptable by outside powers. Israel’s position is unambiguous, as expressed by Prime Minister Netanyahu’s response to the 2014 unity pact: President Mahmoud Abbas can “have peace with Israel or a pact with Hamas – he can’t have both.”<sup>180</sup> The Trump administration’s position is stated unambiguously in the “Peace to Prosperity” document: “The United States does not expect the State of Israel to negotiate with any Palestinian government that includes any members of Hamas.”<sup>181</sup> And in the EU’s case, the disinclination to engage with Hamas means that official statements supporting the idea of interfactional unity appear rhetorical rather than productive.

Articulating the EU’s current position in February 2020, Borrell reiterated the importance of engaging, not only with Israel and Palestinians, but with “actors in the region and all international partners.”<sup>182</sup> But for the EU, the events of 2006 cast a long shadow: unity between Hamas and Fatah is something that has already existed, was convened by the parties themselves, and was formalized in the Saudi-sponsored Mecca Agreement – an arrangement made apart from EU and US frameworks. In 2007 the EU was either not inclined or not able to dissuade the US from destabilizing this nascent unity through the Quartet, and the EU’s proscription of Hamas stands in the way of practically assisting reconciliation.

For these reasons, while recent interactions between Hamas and Fatah may have uncertain implications, these interactions are creating spheres of dialogue from which the EU may find itself absent. In 2020 three developments were apparent which have the potential to produce new political dynamics between Hamas and Fatah. A range of political consequences may emerge from these developments, but the EU will not have an opportunity to productively engage with them if it continues to avoid contact with Hamas.

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<sup>180</sup> “Netanyahu says Abbas must abandon unity deal with Hamas,” *BBC*, April 24, 2014, <https://www.bbc.com/news/world-middle-east-27142594>.

<sup>181</sup> The White House, “Peace to Prosperity,” 10.

<sup>182</sup> Borrell, “MEPP: Statement by the High Representative.”

### 1. Hamas-Fatah unity through equal rejection of US peace plan – led by Hamas?

Both Hamas and Fatah rejected the US peace plan. Ismail Haniyeh released a statement in January 2020 declaring “We unequivocally state that we reject the deal of century.”<sup>183</sup> And President Abbas presented the PA’s official response at the UN Security Council in February 2020, saying “I have come to you today to reaffirm the Palestinian position that rejects the Israeli-American proposal.”<sup>184</sup> The “Peace to Prosperity” plan has thus acted as a stimulant for the groups to publicly state their shared views on the unilateral US approach to the peace process. This convergence may be interrupted by differences between the movements or by external pressures, as has happened in the past. But one thing was clear in the early months of 2020: Hamas was showing itself to be an *initiator* of movement toward unity, and was at the same time urging the PA to make use of its internationally-accepted status in order to concretely demonstrate its objections to the US plan. Haniyeh called for an urgent Hamas-Fatah meeting, which then did not occur, apparently because of disagreement over how other Palestinian groups should be involved,<sup>185</sup> but he also insisted that “Abbas must turn his rejection of the US deal into reality on the ground.”<sup>186</sup>

Haniyeh’s March 2020 visit to Moscow, mentioned previously, was the occasion of another public gesture toward leading a unified rejection of the US plan. By outlining four proposals for unity with Fatah, Haniyeh appeared pragmatic – whereas there had been no discernible practical outcomes of Abbas speech at the UN the month before.

Haniyeh is making himself conspicuous in the region, as a flexible proponent of unity initiatives, and without appealing to the UN Security Council, the US or the EU. These moves will not radically increase Hamas’ influence, but they are uncontroversial demonstrations, in a variety of diplomatic arenas, that, like the EU, Palestinian groups are critical of the US peace plan, and that they are pursuing

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<sup>183</sup> Ismail Haniyeh, “Hamas chief: We unequivocally reject Trump’s deal, invite Fatah for urgent meeting,” Hamas website, January 26, 2020, <https://hamas.ps/en/post/2560/hamas-chief-we-unequivocally-reject-trump-s-deal-invite-fatah-for-urgent-meeting>.

<sup>184</sup> “PA's Mahmoud Abbas says Trump plan offers ‘Swiss cheese’ state,” *Al Jazeera*, February 12, 2020, <https://www.aljazeera.com/news/2020/02/pa-mahmoud-abbas-trump-plan-offers-swiss-cheese-state-200211181240761.html>.

<sup>185</sup> Entsar Abu Jahal, “Hamas, Fatah trade blame for holdup on Gaza meeting,” *Al-Monitor*, February 25, 2020 <https://www.Al-Monitor.com/pulse/originals/2020/02/hamas-fatah-plo-delegation-meeting-gaza-factions-bilateral.html>.

<sup>186</sup> “Hamas calls on Abbas to accept Haniyeh’s initiative,” *Middle East Monitor*, January 28, 2020, <https://www.middleeastmonitor.com/20200128-hamas-calls-on-abbas-to-accept-haniyehs-initiative/>.

various methods to respond to it. A pragmatic way for the EU to respond to these developments would be to evaluate the political efficacy of its current relationship with the PA, and consider whether this relationship might need to be expanded to include dialogue with other Palestinian groups, based on the realism and flexibility of their proposals for Palestinian unity in today's conditions.

## 2. Return to prominence of former Hamas leader Khaled Meshaal

Khaled Meshaal began leading the Hamas political bureau in 1996, and served as the movement's overall leader from 2004 to 2017. A Jordanian citizen, he has lived most of his life outside the occupied territories, in Jordan, Kuwait and Qatar. After an attempted assassination by Mossad in Amman in 1997 he was exiled from Jordan, and moved to Damascus in 2001. When Hamas distanced itself from Bashar al-Asad's government at the beginning of the Syrian civil war, Meshaal relocated to Qatar, where he has lived since 2012.<sup>187</sup> Meshaal resigned as Hamas leader in 2017, and Haniyeh was chosen as his successor. However, Meshaal returned to prominence in 2019, and appeared to be acting for Hamas in a formal diplomatic capacity. Examples in three different arenas are notable.

When Meshaal attended the Kuala Lumpur Islamic Summit in December 2019, he met a number of heads of state, including President Erdogan of Turkey and Iranian President Hassan Rouhani. This appearance fuelled speculation that Meshaal may be considering a return to official duties within Hamas, and may be aiming to run for the presidency of the Palestinian Authority, if and when elections are held in the occupied territories.<sup>188</sup> Also in December 2019, Meshaal had a meeting in Doha with Robert Malley – CEO of Washington's International Crisis Group and an authority on the Israel-Palestine conflict. And in February 2020 Meshaal joined a Hamas delegation which met Russian Deputy Foreign Minister Mikhail Bogdanov.<sup>189</sup> To the PA this could only appear an act of insubordination, an anonymous source reputedly close to President Abbas commenting:

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<sup>187</sup> Biographical information from Eban Kaplan, "Profile of Khaled Meshal (aka Khalid Meshaal, Khaleed Mash'al)," Council on Foreign Relations, July 13, 2006, <https://www.cfr.org/backgrounders/profile-khaled-meshal-aka-khalid-meshaal-khaleed-mashal>, Schlomi Eldar, "New 'rules of the game' for Israeli-Hamas standoff," *Al-Monitor*, June 6, 2017, <https://www.Al-Monitor.com/pulse/originals/2017/06/israel-qatar-expulsion-hamas-rapprochement-iran.html>, and "Jordan's king receives Hamas leader," *Al Jazeera*, January 20, 2012, <https://www.aljazeera.com/news/middleeast/2012/01/2012129133314758190.html>.

<sup>188</sup> Adnan Abu Amer, "Is high-profile Meshaal setting stage to lead Hamas again?" *Al-Monitor*, January 9, 2020, <https://www.Al-Monitor.com/pulse/originals/2020/01/hamas-khaled-meshaal-return-palestinian-elections.html>.

<sup>189</sup> Adnan Abu Amer, "Hamas-Russia meeting in Doha riles PA," *Al-Monitor*, March 1, 2020, <https://www.Al-Monitor.com/pulse/originals/2020/02/hamas-meets-russia-doha-palestinian-us-peace-plan.html>.

Hamas' foreign contacts . . . must be made through the official Palestinian leadership instead of going over its head. The Russians deal with the official Palestinian authorities, even if they meet with Hamas delegations out of courtesy.<sup>190</sup>

Meshaal's meetings and appearances are no more likely to produce a sudden change in Hamas' regional prospects than are Haniyeh's international tour or public statements. But like Haniyeh's activities they are uncontentious and exploratory interactions with a variety of dialogue partners, which could lead in a number of directions. As Adnan Abu Amer has remarked, if Meshaal were to seek resumption of office as leader of Hamas, he would be doing so "with the support of Qatar and Turkey."

This would be bad news for Israel, since the movement's decision-making would thus come from outside the Palestinian territories, over which Israel wields significant control.<sup>191</sup>

Meshaal's activities have the potential to contribute to Hamas' efficacy within and beyond Gaza, perhaps at the expense of the Palestinian Authority, and independent of EU-approved forums so long as they continue to exclude Hamas. And dialogue with widely respected experts such as Robert Malley has the potential to lead to new third-party analytical representations of Hamas, arising from direct contact with the movement's long-term former leader. Meshaal has the potential to exert influence while being unavailable to Israel, outside PA discourse, and unheard by the EU. In contrast, the EU's own position seems less flexible and also less likely to lead to an accurate understanding of the ways in which the movement's current and former leaders are shaping Hamas-PA relations today.

### 3. Hamas and the future leadership of the Palestinian Authority

Speculation about Khaled Meshaal's intention to run for election as president of the Palestinian Authority raises a third aspect of Hamas-Fatah relations which is relevant to the EU: the future of the Palestinian leadership. In a September 2019 address to the UN General Assembly, President Abbas announced that he intended to call presidential and legislative elections.<sup>192</sup> At the time of writing, in September 2020, elections have not yet been called. Israel has said it would not allow Palestinians in

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<sup>190</sup> Amer, "Hamas-Russia meeting in Doha riles PA."

<sup>191</sup> Amer, "Is high-profile Meshaal setting stage to lead Hamas again?"

<sup>192</sup> Mahmoud Abbas, "Statement by H.E. Mr. Mahmoud Abbas, President of the State of Palestine, Delivered before the United Nations General Assembly 74th Session on 26 September 2019," Website of the Permanent Observer Mission of the State of Palestine to the United Nations New York, September 26, 2019, <https://palestineun.org/statement-by-h-e-mr-mahmoud-abbas-president-of-the-state-of-palestine-delivered-before-the-united-nations-general-assembly-74th-session-on-26-september-2019/>.

East Jerusalem to vote, and this has been one official reason given by the PA for its reluctance to proceed, since in Abbas' view "legislative elections must be held in Jerusalem."<sup>193</sup>

In Chapter 4 three dilemmas will be considered, which the EU might face if elections were to be called. Recognition of Hamas as a legitimate democratic contender is central to these dilemmas. But there is also another element related to the future of the PA leadership which could produce a situation requiring a prompt EU diplomatic response. This element is not dependent upon EU foreign policy, the ambitions of Hamas leaders, or electoral limitations imposed by Israel. It is the death of eighty-five year-old Mahmoud Abbas in the foreseeable future.

Whether or not Haniyeh and Meshaal have been increasing their diplomatic showmanship in order to appear to international parties as viable successors to Abbas, the possibility that Abbas' death could improve Hamas' prospects has not been lost on Israel. According to media outlet *Middle East Monitor*, Israel's Military Intelligence Directorate (Aman) has noted that, while security cooperation between the PA and Israel has been effective in controlling resistance activities in the West Bank, if Abbas were to die a situation could unfold which brought Hamas to power – immediately putting the future of security cooperation in doubt.<sup>194</sup> Regardless of the veracity of this reporting, or the degree to which it reflects actual Israeli anxieties, it is not inconceivable that the death of Abbas would result in an unstable political atmosphere within the PA. When Israel announced its intention to apply sovereignty to settlements in the West Bank commencing July 1, 2020, Abbas announced the suspension of security cooperation with Israel. But it is difficult to see what practical or diplomatic power this evinced. If Abbas dies before he is able to elaborate more concretely the PA's rejection of the US peace plan, and also not long after having promised that elections would be called, uncertainty about the PA's credibility would be compounded. Popular protests could follow, perhaps interacting in unpredictable ways with those which have destabilized Lebanon since late 2019, and this could lead to widespread demand that Palestinian elections take place. This might fuel competition between Hamas and Fatah, but it could also invigorate Hamas-Fatah unity talks, provide Haniyeh and/or Meshaal with an opportunity to step forward, and could conceivably lead to simultaneous legislative and presidential elections under extraordinary conditions. The results could quite feasibly be a rerun of 2006, with

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<sup>193</sup> Ramy Ayyub, "Palestinians eye long-delayed election, ask Israel to allow Jerusalem voting," *Reuters*, December 18, 2019, <https://www.reuters.com/article/us-israel-palestinians-politics-election/palestinians-eye-long-delayed-election-ask-israel-to-allow-jerusalem-voting-idUSKBN1YL25T>.

<sup>194</sup> "Israel concerned of Hamas victory if Abbas dies," *Middle East Monitor*, January 16, 2020, <https://www.middleeastmonitor.com/20200116-israel-concerned-of-hamas-victory-if-abbas-dies/>.



legislative victory for Hamas, but with the possibility this time of a Hamas member also being elected to the presidency of the PA.

Of course none of this may happen. But the PA's inability to improve Palestinian people's lives through the Oslo process was an obvious contributor to Hamas' success in 2006 – “a vote,” as Sara Roy has written, “that was less *for* Hamas and far more *against* Fatah.”<sup>195</sup> And if the current PA president dies without demonstrating his party's efficacy in concretely forestalling the effects of the US peace plan, his death could contribute to a sudden shift toward popular support of other political actors in the occupied territories, assisting their local and regional ambitions.

For the EU, this element of uncertainty is a reminder that events in Palestine are shaped not only by geostrategic competition, UN Resolutions, or US-Israel relations – but also by the mere facts of time and mortality. If the EU wishes, as Borrell has said, to “deal with the world as it is” rather than simply “expressing our concerns,”<sup>196</sup> these facts relating to relations between Hamas and the PA and Hamas *as they are unfolding today* will need inform its future engagement with Palestine.

### **3.3. LEBANON:**

#### **Mass protests, dissolution of government, new government including Hizbullah**

A third regional aspect affecting Palestine is the mass protests in Lebanon which began in late 2019, leading to the dissolution of government and a period of renewed instability in the country, and, in particular, the role played by Hizbullah in these events. Geographical proximity means that ongoing attention to these developments will be a necessary part of any comprehensive EU engagement with politics in Palestine.

In October 2019 public protests against dysfunctional public services and government corruption began in Beirut, showing the anger of citizens living in a country with the world's third- highest level of public debt.<sup>197</sup> Conditions in Lebanon seemed depressingly similar to those described by Kamal Salibi thirty years earlier:

The state ... has long ceased to exercise sovereign control over its national territory. There remains an administrative bureaucracy which continues to provide a cover of legitimacy to public and private transactions, as well as a minimum of public services of steadily deteriorating

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<sup>195</sup> Roy, *Hamas and Civil Society in Gaza*, 40.

<sup>196</sup> Borrell, “Embracing Europe's Power.”

<sup>197</sup> Hesham Shawish, “How did Lebanon become the third most indebted nation?” *BBC*, October 25, 2019, <https://www.bbc.com/news/world-middle-east-50183895>.

quality. Otherwise, particularly where security is concerned, citizens are left to fend for themselves.<sup>198</sup>

In 2020, the combination of economic crisis, popular protest against government ineptitude, and the presence of political actors whose sources of legitimacy are complex and questioned by the EU, makes the Lebanese situation instructive for the EU's engagement with adjacent Palestine – where the EU treats an unelected Palestinian Authority as representative of the Palestinian people, and yet is faced with the continued presence (and now the invigorated regional diplomacy) of a Hamas it does not recognize as legitimate. Lebanon's sectarian politics and its relations with Israel and regional powers have their own histories, but they are hardly irrelevant to the historical development of conditions in Palestine. If the EU is to develop a newly geopolitical engagement with the Palestinian situation, it will need to be informed by destabilizing events next door.

Writing in 1950, Philip K. Hitti concluded his encyclopaedic history of the region by emphasizing the potency of both local and externally applied political forces during the period of Ottoman decline. Hitti noted that above all “[t]hese forces are dynamic and interactive.”<sup>199</sup> The same is true today, with the number of interactive forces having only increased over the intervening seventy years of postwar and post-Cold War history. At the time of writing, this volatile combination of internal and external forces has again become apparent, after the massive explosion in Lebanon's port on August 4, 2020, caused by thousands of tons of unsafely stored ammonium nitrate. The explosion killed more than one hundred people, left hundreds of thousands of people homeless, and caused billions of dollars' worth of damage. Protests again expressed anger toward the nominally technocratic government which had been installed in January 2020, and Prime Minister Hassan Diab announced his cabinet's resignation on August 10.<sup>200</sup> This destructive event immediately mobilized external influences – from the competing interests of regional powers, to the politics of international aid.<sup>201</sup>

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<sup>198</sup> Kamal Salibi, *A House of Many Mansions: The History of Lebanon Reconsidered* (Berkeley and Los Angeles: University of California Press, 1988), 1–2.

<sup>199</sup> Philip K. Hitti, *History of Syria Including Lebanon and Palestine* (London: Macmillan, 1951), 697.

<sup>200</sup> Ghaida Ghantous, “Lebanese call for downfall of president, other officials over Beirut blast,” *Reuters*, August 11, 2020, <https://www.reuters.com/article/us-lebanon-security-blast/lebanese-call-for-downfall-of-president-other-officials-over-beirut-blast-idUSKCN25713Y>.

<sup>201</sup> Shlomo Ben-Ami, “Beirut blast could lead to another civil war in Lebanon,” *The Strategist / Australian Strategic Policy Institute*, August 12, 2020, <https://www.aspistrategist.org.au/beirut-blast-could-lead-to-another-civil-war-in-lebanon>

Consideration of this dynamism and interactivity is essential to a geopolitical EU approach to the region. One element will be ongoing attention to the ways in which the political prospects of Hamas in Palestine, relate to those of Hizbullah in Lebanon.

*Hizbullah and Hamas:  
Ideological similarities or practical differences?*

Like Hamas, Hizbullah is a hybrid movement involved in both political activity and violent military resistance. Like the US, the EU considers Hamas in unitary terms as a terror organization, including the movement as a whole on its list of proscribed entities. But, whereas the US has included Hizbullah as a whole (like Hamas) on its list of foreign terror organizations since 1997,<sup>202</sup> the EU makes a distinction between Hizbullah's political and military "wings." Only the latter is included on the EU terror list.<sup>203</sup>

Like Hamas, Hizbullah began as a movement organizing resistance activities against Israel, distinguishing itself from secular groups by linking its activities to Islam. Where Hamas developed from social and religious institutions established especially in Gaza through the 1970s by the Muslim Brotherhood,<sup>204</sup> Hizbullah developed from social activism, advocating for the needs of poor Shia Lebanese, predominantly in the south of the country, who were vulnerable not only to the effects of inconsistent modernization throughout Lebanon, but also to Israel's attacks. The first general strike by Shia Muslims in Lebanon, led by Iranian cleric Sayyid Musa al-Sadr, was a notable demonstration of the activism which would eventually result in the formation of Hizbullah.<sup>205</sup> Where Hamas distinguished itself from the secularism of Fatah and the PLO, Hizbullah was formally convened in 1985 having diverged from more secular groupings within the Lebanese movement Amal, itself the main Shia group to have

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<sup>202</sup> U.S. Department of State: Bureau of Counterterrorism, "Foreign Terrorist Organizations."

<sup>203</sup> The list produced by "Common Position 2001/931/CFSP of 27 December 2001" was updated in European Council, "(CFSP) 2019/1341 of 8 August 2019." It names under "groups and entities" affected: 'Hamas', including 'Hamas-Izz al-Din al-Qassem' and 'Hizballah Military Wing' (a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hizbullah Military Wing', a.k.a. 'Hizbollah Military Wing', a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hisbollah Military Wing', a.k.a. 'Hizbu'llah Military Wing' a.k.a. 'Hizb Allah Military Wing', a.k.a. 'Jihad Council' (and all units reporting to it, including the External Security Organisation)), EUR-Lex, <https://eur-lex.europa.eu/legal-content/en/TXT/HTML/?uri=CELEX:32019D1341&from=en>.

<sup>204</sup> A concise account of Hamas' development from Muslim Brotherhood activities from the 1970s onward can be found in Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence and Coexistence*, rev. ed. (New York and Chichester: Columbia University Press, 2006), 16–23.

<sup>205</sup> For an account of Hizbullah's social formation, see Lara Deeb, "Hizbullah in Lebanon," in *Routledge Handbook of Political Islam*, ed. Shahram Akbarzadeh (Abingdon and New York: Routledge, 2018), 74–88.

emerged in response to Israel's 1982 invasion of Lebanon and the civil and sectarian strife that had preceded that invasion.<sup>206</sup>

Like Hamas, Hizbullah has been financially and militarily supported by Iran, receiving the blessings of Ayatollah Ruhollah Khomeini after the Iranian revolution of 1979.<sup>207</sup> And though regional alliances have been essential to its development, Hizbullah, like Hamas emphasizes its national objectives, its "Political Charter" stating:

Lebanon is our homeland ... We want it to be unified and united as a land, a people, a state and as institutions. We reject every sort of division or "federalism," overt or covert. We want it to be sovereign, free and independent.<sup>208</sup>

But unlike Hamas, Hizbullah has made the transition to official parliamentary participation, having been involved in Lebanon's party system since 1992, when legislative elections were held for the first time since the end of the Lebanese civil war.<sup>209</sup> Over the past two decades, Lebanese politics have been by turns volcanic and frozen. On the one hand, volcanic instability has issued from the pro- and anti-Syrian split which occurred after former Prime Minister Rafiq Hariri was assassinated in 2005. Hariri's son Saad proceeded to lead the new "March 14" group in condemning Syria for its suspected role in the assassination and its perceived interference in Lebanese affairs more generally,<sup>210</sup> while Hizbullah led the "March 8" coalition, loyal to Syria for militarily supporting Hizbullah against Israel. On the other hand political functioning was frozen first in 2006, when the March 8 coalition staged a mass resignation of all six Shia ministers to counter Prime Minister Siniora's refusal of their demand for unity government – and again in 2011, when the March 8 group resigned as a bloc, causing the government to become constitutionally inoperable.<sup>211</sup>

Because all of this domestic disorder is inseparable from regional instability, and because this regional instability affects the interests of global powers and contributes to the causes of migration out of the Middle East, Lebanese instability in all its dynamism is relevant to the EU's security concerns. Because

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<sup>206</sup> For political origins of Hizbullah, see Mohammed Ayoob, *The Many Faces of Political Islam: Religion and Politics in the Muslim World* (Ann Arbor: University of Michigan Press, 2008), 112–119.

<sup>207</sup> Ayoob, *The Many Faces of Political Islam*, 118.

<sup>208</sup> From Hizbullah's "Political Charter" as reproduced in Dominique Avon and Anais-Trissa Khachadourian, *Hezbollah: A History of the "Party of God"*, trans. Jane Marie Todd (Cambridge, Massachusetts and London: Harvard University Press, 2012), 140.

<sup>209</sup> Deeb, "Hizbullah in Lebanon," 78.

<sup>210</sup> Lesch, *Syria*, 148.

<sup>211</sup> Deeb, "Hizbullah in Lebanon," 80–81.

the EU makes a distinction between political and military wings of Hizbullah, and recognizes the legitimacy of the former, the public political activities of Hizbullah during the recent upheavals provide a point of comparison to political activities of Hamas in Palestine – which could therefore contribute to reassessment of the EU’s political engagement there.

*Hizbullah and popular protest:*

*Resistance, government, pragmatism: Hybrid and indivisible phenomena*

In 2007 Oliver Roy noted that “Hezbollah makes no secret of its determination to make or break any government in Beirut.”<sup>212</sup> This determination has been apparent in the movement’s coalition-building activities, significantly in 2005, when Hizbullah gained the support of former General Michel Aoun (a Maronite Christian, though one opposed to sectarianism), who joined Hizbullah in the pro-Syrian March 8 group, and who has been President of Lebanon since 2016.<sup>213</sup> When elections were held in 2018, the Free Patriotic Movement (to which Aoun belongs) became the most powerful Christian party, and remained aligned with Hizbullah.<sup>214</sup> The obsolescence of rigid Shia/Sunni political categories (and therefore of simple identification of Hizbullah’s objectives with those of Shia Iran) has also become clear in recent years, as Hizbullah has attracted increasing numbers of Sunni Lebanese followers, as well as Christians and Druze.<sup>215</sup>

In other words, though Hizbullah may have arisen as a Shia-specific resistance movement, against the background of Lebanon’s sectarian politics and supported by Iran, it has for some time now been developing into something rather more conventional – that is, into a movement which forms political alliances pragmatically, assessing them above all on their potential to assist the acquisition of power. While this development has obviously increased Hizbullah’s dynamism and influence, it has also meant a transition from resistance to government. In other words it has made Hizbullah part of the establishment. Accordingly, when Hizbullah leader Hassan Nasrallah addressed protestors in Beirut by video link during the 2019 protests, he warned against destabilizing the government, and against dissolving it to install a technocratic administration.<sup>216</sup> It is not surprising that protestors chanted

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<sup>212</sup> Roy, *The Politics of Chaos in the Middle East*, 2.

<sup>213</sup> Deeb, “Hizbullah in Lebanon,” 81.

<sup>214</sup> Michal Kranz, “Hezbollah’s Rainbow Coalition,” *Foreign Policy*, August 9, 2019, <https://foreignpolicy.com/2019/08/09/hezbollahs-rainbow-coalition/>.

<sup>215</sup> Michal Kranz, “Hezbollah’s Rainbow Coalition.”

<sup>216</sup> “Hezbollah leader rejects calls for Lebanese govt to resign, warns of ‘chaos and collapse’,” *France 24*, October 25, 2019, <https://www.france24.com/en/20191025-hezbollah-leader-rejects-calls-for-government-to-resign-warns-of-chaos-and-collapse>.

“Revolution” in response. Nor is it surprising that, after Prime Minister Saad Hariri resigned and a new nominally technocratic government was sworn in under Prime Minister Hassan Diab, it could only take office because it was endorsed by Hezbollah and its allies, who as a bloc occupy a parliamentary majority.<sup>217</sup>

Commentators who note public frustration in the aftermath of these events are right to point to protesters’ misguided expectations of a revolutionary shift, and are correct in their perception that “the protesters have so far been unable to articulate a coherent long-term strategy for change.”<sup>218</sup> Though the Lebanon protests had their own specific prehistory, their general arc is hardly unique. They passed from mass spontaneous civil demonstrations, to the eventual return to power of a government influenced or controlled by political actors who were previously in charge. A broadly similar sequence of events occurred across the Arab world after the mass protests of 2010–2011, and although ten years later conditions in tiny Tunisia have been heralded as “a beacon of hope for pro-democracy movements across the Middle East,”<sup>219</sup> this upbeat assessment, by Carnegie Endowment Fellow Sarah Yerkes, recalls the Western “development institution” approach to democratization which Olivier Roy saw being so ideologically and ineffectively deployed by the US in Afghanistan and Iraq.<sup>220</sup> Small-scale democracy promotion is enthused over when it is guided by US, EU or multilateral funding programs. It may *consider* locally-mobilized political aspirations – including those of Islamist parties – but does not aim to *facilitate their predominance* in government.

So it was in Tunisia in 2013 when the National Dialogue Quartet “convinced [Rached Ghannouchi’s Islamist party] Ennahda to step down and brought a new technocratic government to power,”<sup>221</sup> and so it will be as long as Western promoters of democracy consider Islamist entities such as Ennahda important for the local legitimacy they represent, but also intrinsically in need of shepherding. In other words, as long as a tension is perceived between the *democratic* and the *Islamist* elements of their politics,

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<sup>217</sup> Kareem Chehayeb, “Counterfeit change: Lebanon’s new government,” European Council on Foreign Relations, February 2, 2020, [https://www.ecfr.eu/article/commentary\\_counterfeit\\_change\\_lebanons\\_new\\_government](https://www.ecfr.eu/article/commentary_counterfeit_change_lebanons_new_government).

<sup>218</sup> Anchal Vohra, “Lebanon Is Broken: So Are Its Protests,” *Foreign Policy*, February 18, 2020, <https://foreignpolicy.com/2020/02/18/lebanon-protests-politics-leadership/>.

<sup>219</sup> Sarah Yerkes, “The Tunisia Model: Lessons From a New Arab Democracy,” *Foreign Affairs*, 98, no. 6 (November–December 2019): 67–72.

<sup>220</sup> Olivier Roy describes what he considers the “doctrine of the major development institutions” in Roy, *The Politics of Chaos in the Middle East*, 33–45.

<sup>221</sup> Yerkes, “The Tunisia Model: Lessons From a New Arab Democracy,” 68.

and the former is to be “developed” while keeping a watchful eye on the latter. Another tendency of this “developmentalist” approach is to selectively portray promising, localized events – and the foreign organizations which have promoted them – as “models” or “catalysts” of wider change. As development analyst Ian Smillie once observed, this belief can be fed by

the sometimes overweening influence of consulting firms, experts and foreign NGOs. Donors, sometimes overwhelmed by the brilliance of their own insight on a particular issue, think of themselves as *catalysts*, showing the less prescient how things can or even *must* be done.<sup>222</sup>

The idea that Tunisia can be imagined as a model of democratisation in the Middle East also needs to be seen in regional and historical perspective. This perspective can be gained by comparing the Tunisian situation with the sequence of events in Egypt, where there was a swift passage from revolt to restoration. In 2011 mass protests against the thirty-year regime of Hosni Mubarak led to his resignation and were followed by parliamentary and presidential elections. Muhammed Morsi’s Islamist Freedom and Justice party came to power briefly, before his assumption of sole executive control provoked a new wave of dissent, which precipitated his removal from power in a coup led by General Abdel Fattah el-Sisi.

With its population nearly ten times that of Tunisia, with its modern history shaped by the interplay of external powers seeking strategic influence, and with Islamist nationalism having been associated with subversion of ruling powers there since the 1870s, Egypt exemplifies the complexity of political forces affecting the prospects for democratic change in the Middle East, and the variety of factors involved in attracting the sustained popular support which is required for long-term legitimacy. Any Islamist movement, whether in Tunisia, Lebanon, Palestine, or elsewhere in the Middle East, is likely to face similar challenges to those faced by Morsi after the events of 2011; on the one hand, the need to be highly pragmatic in building and sustaining political alliances, and, on the other, to swiftly demonstrate credibility once in power, by delivering reforms which recognizably improve the lives of people who have criticized the preceding order, and who have supported the movement for change.

In Lebanon, Hizbullah had done both of these things – with cross-sectarian alliances demonstrating that its objectives are primarily national rather than confessional, and with its successful repulsion of Israel from southern Lebanon in 2006 making Hizbullah leader Hassan Nasrallah a hero across the Arab world, “his image appearing in taxicabs and store windows as far as Senegal.”<sup>223</sup> But the 2019 protests showed

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<sup>222</sup> Ian Smillie, *Mastering the Machine Revisited: Poverty, Aid and Technology* (London: ITDG Publishing, 2000), 193–4.

<sup>223</sup> Deeb, “Hizbullah in Lebanon,” 81.

that, with its transition from resistance to authority, Hizbullah had by no means achieved a political legitimacy which was respected by the thousands of protesting Lebanese citizens, who saw Hizbullah as part of an ineffective and corrupt system of government unable to meet the country's needs.

To assess the way popular reactions to Hizbullah during the protests might bear upon the movement's future political prospects, the EU and its multilateral partners will need to forego the emphasis on political "choice" that appears in journalistic coverage of events – for example statements to the effect that "the Shiite group has to decide whether it is a resistance movement or part of the establishment."<sup>224</sup> Hizbullah cannot simply "decide" to have a political future which breaks entirely from its origins as a resistance movement against Israel, with a specific poor, south-Lebanese Shia constituency. Nor can its subsequent rise to cross-sectarian influence be understood except as a series of specific undertakings and specific responses to unfolding regional events, combining national ambition, pragmatic domestic politics and international military alliances. Analysis which results in an exhortation to *choose* between one form of political identity and another is not realistic. Hizbullah could no more credibly release a statement declaring "We have now chosen to be part of the establishment," than a statement declaring "We have now chosen to relinquish all ties to military resistance." When political actors say they have chosen a path that will satisfy all parties they are likely to be propagandizing, caving to external pressures or fooling themselves (or a mix of all three) – because achieving a practical synthesis of their current ambitions, the historical forces that have shaped them, and the wishes of their constituents and backers is never a matter of merely making a decision. While the achievement of such a workable synthesis may be particularly difficult for Islamist groups operating in the constrained or volatile conditions of Gaza or Lebanon, the idea that subjective choice is the decisive element in political action is not merely a device of journalism covering the Middle East. Rather, this idea has pervaded modern secularist political thought. As Hans Morgenthau observed in the 1950s, there is a "basic philosophic position, prevalent in our time, that political practices are the result of subjective preferences, to be changed at will."<sup>227</sup> Insisting on the power of free choice may lead to dealing with Islamist political actors by means of ultimatum: this is effectively what happened in 2006 when the Middle East Quartet

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<sup>224</sup> Michal Kranz, "Hezbollah's Old Tricks Won't Work in Lebanon," *Foreign Policy*, November 4, 2019, <https://foreignpolicy.com/2019/11/04/lebanon-shiite-hezbollah-resistance-establishment-protest/>.

<sup>227</sup> Hans J. Morgenthau, "The Permanent Values in the Old Diplomacy," in *Diplomacy in a Changing World*, ed. Stephen D. Kertesz and M.A. Fitzsimmons (Notre Dame, University of Notre Dame Press, 1959), 10.



insisted that Hamas “choose” to accept its three principles in order for its democratic mandate to be recognized. Such an approach is unlikely to guide effective dialogue with political actors such as Hizbullah and Hamas today.

An EU foreign policy which is attempting to take a geopolitically pragmatic turn would need to engage more directly with these movements’ hybrid status between resistance and government, rather than unrealistically demanding they *choose* to proceed in an unambiguous and compliant manner. Hizbullah and Hamas share this hybrid nature, but given Hizbullah’s recognized parliamentary status, and because it is not proscribed by the EU in the same unitary terms as is Hamas, the two movements offer the EU different perspectives and different opportunities to assess viable approaches to political engagement with the region.

This matter will be returned to in Part II, in relation to Olivier Roy’s third element of political engagement affecting external powers in the Middle East: the need to negotiate with complex, hybrid political actors such as Hamas and Hizbullah.

A newly geopolitical EU foreign policy could incorporate pragmatic assessment of the roles played by these complex actors in the region. And this could be complemented by consideration of the two other regional elements which have been touched upon in this section: the medium-term approach exemplified by the UN’s report on Gaza, and the recent activities of Hamas.

The challenge will then be to bring this consideration of regional conditions into a practicable relationship with the two other spheres of activity considered in Chapters 1 and 2: firstly, the sphere of an EU reorientation toward geopolitical pragmatism, and, secondly, the sphere of a transatlantic relationship about which, in Borrell’s words, “there is no certainty.”<sup>228</sup>

Borrell has stated that “It is essential for a common strategic culture that all Europeans see security threats as indivisible.”<sup>229</sup> He has also emphasized the hybrid nature of the threats the EU faces: “climate change, refugee crisis, and instability in our neighbourhood.”<sup>230</sup> But it is not only *threats* which are hybrid and indivisible. Regional conditions affecting Palestine, a transatlantic relationship in which US Middle East policy has explicitly diverged from that of the EU, and an EU which is in a state of heightened instability because of the COVID-19 pandemic – all these conditions constitute a single, indivisible context, in which obstacles and opportunities cannot easily be separated from one another,

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<sup>228</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>229</sup> Borrell, “Embracing Europe’s Power.”

<sup>230</sup> Borrell, “Hearing of Josep Borrell Fontelles.”

and in which challenges are unlikely to be overcome by means of the economic and ethical principles which have underwritten the European integration project to date.

## CONCLUDING REMARKS TO PART I

Developments within the EU, in relations with the United States, and in Palestine and the region present the EU with an environment that is *nothing if not geopolitical*. Palestine was not mentioned by the new EU leaders in their initial agenda statements. Borrell has emphasized the primacy of the Western Balkans, and von der Leyen has combined large-scale regional attention to Africa with the even larger scale of climate policy. But a geopolitical EU which “deals with the world as it is” will need to assess, judge, plan and implement not only according to its preferences, but also *in response* to challenges it does not predict, does not like, and yet cannot ignore. At the scale of global affairs the COVID-19 pandemic has shown the political, economic and societal importance of responding effectively to unforeseen challenges. At the smaller scale of the EU’s relations with the Middle East, the imperative *to respond* became apparent after the announcement of the US peace plan. By releasing a statement in his own name Borrell signalled his intention to test the current institutional parameters of EU diplomacy and foreign policy; not in order to flout unanimity rules or to disrespect the positions of member states, but as a political response to US policy, criticising the “Peace to Prosperity” plan in terms that Borrell could be confident a majority of member states would support.

Borrell has said 2020 is the year in which the EU must begin concretely taking “a geopolitical approach, escaping the fate of being a player in search of its identity.”<sup>231</sup> Present conditions within the Union, in transatlantic relations and in the region are not likely to *facilitate* the new EU leaders’ preferred policy objectives. But they are conditions in which a newly geopolitical EU could begin to demonstrate its ability to act, by calling on the full range of its multilateral resources, while remaining realistic about the difficulties involved in attempting to move from normative aspiration to political efficacy.

Conditions are converging in which EU-Palestine relations might change; it remains to be seen whether the EU will be largely an observer of this change – reacting to the policies of others and to unfolding regional events – or whether a newly pragmatic EU will be able to move slightly beyond the frame of economic assistance and ethical commitments, by developing elements of a new approach to political engagement.

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<sup>231</sup> Borrell, “Embracing Europe’s Power.”

## PART II

### NEGOTIATION AND INTERMEDIARY ACTION:

#### THREE ELEMENTS OF POLITICAL ENGAGEMENT DRAWN FROM OLIVIER ROY

*The negotiator ... should study history and memoirs, be acquainted with foreign institutions and habits, and be able to tell where, in any foreign country, the real sovereignty lies.*<sup>232</sup>

*François de Callières (1716)*

*It is indisputable that negotiation with the enemy is not rejected, either legally or rationally; indeed there are some stages in conflict among enemies when negotiations are required and become necessary.*<sup>233</sup>

*Khaled Meshaal (2010)*

*A negotiation can succeed only if the minimum terms of each side can be made to coincide.*<sup>234</sup>

*Henry Kissinger (1982)*

*Sooner or later one has to negotiate, and one usually negotiates with one's enemies, not with one's friends.*<sup>235</sup>

*Olivier Roy (2014)*

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<sup>232</sup> From *On the Manner of Negotiating with Princes*, quoted in Harold Nicolson, *The Evolution of Diplomatic Method* (London: Constable and Company, 1954), 65.

<sup>233</sup> Khalid Mish'al, "Assabeel Newspaper interview with the Head of Hamas Political Bureau Khalid Mish'al on Hamas Political Thought [Excerpts], 23 August 2010," reproduced in *Hamas: Studies of Thought and Experience*, ed. Mohsen Mohammed Saleh, trans. Baraah Darazi, Karim Traboulsi and Salma Houry (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2017), 640.

<sup>234</sup> Henry Kissinger, *Years of Upheaval* (Boston and Toronto: Little, Brown and Company, 1982), 201.

<sup>235</sup> Olivier Roy in interview with Jean-Louis Schlegel, *In Search of the Lost Orient: An Interview*, trans. C. Jon Delogu (New York: Columbia University Press, 2017), 227.

## INTRODUCTION TO PART II

The converging conditions described in Part I are presenting the EU with opportunities to develop a newly political relationship with Palestine. Assessment of these current conditions, and of how the EU might act in response to them, will need to be guided by appropriate organizing concepts, if it is to avoid two tendencies which can limit the efficacy of EU foreign policy. Firstly, undue emphasis on reacting to unfolding events means that piecemeal statements may get the better of concrete planning, thus hindering the articulation of substantial medium-term objectives. This may lead toward *policy without purpose*: being dispersed among events, and attempting to compensate for political weakness by, for example, simply extending interim economic aid programs. Secondly, undue emphasis on longstanding ethical principles may lead to *policy without practice*: upholding criteria which become increasingly detached from real conditions, thus hindering pragmatic assessment of those conditions. As each new crisis appears, compensation may be made for political weakness by simply reiterating statements of ethical concern.

These two tendencies reduce the prospects for developing effective *political* terms of engagement. Both show the difficulty of responding to long-term conditions and recent events in a way that is coherent and productive. In 1982 Henry Kissinger suggested there was deadlock in Israel-Palestine because “what the autonomy talks most lack is not a negotiating forum but a concept.”<sup>236</sup> An effective multilateral negotiating forum remains absent today, and further EU-US divergence will not help to convene one. But for a European Union seeking to cultivate *its own* geopolitical pragmatism in the region, policy will need to be guided by an effective conceptual approach. To contribute to a newly political relationship between the EU and Palestine, concepts will be required which are intellectually dynamic (not riveted to universal principles) and at the same time realistic (addressing problems at a scale that can lead to tangible action).

Three such concepts, all related to political engagement by external powers, are articulated by Olivier Roy in his 2007 book *The Politics of Chaos in the Middle East*. The aim of Part II of this dissertation is to correlate these conceptual elements to the specific case of EU-Palestine relations, and to propose that they could be productively employed by the EU, in its diplomatic and foreign policy engagement with Palestine in the years ahead.

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<sup>236</sup> Henry Kissinger, “From Lebanon to the West Bank to the Gulf: June 1982,” in *Observations: Selected Speeches and Essays 1982–1984* (Boston and Toronto: Little, Brown and Company, 1985), 54.

Roy's book does not specifically analyse EU-Palestine policy objectives. Focussing on US interventions after the events of September 11, 2001, its analysis is removed by more than a decade from global events unfolding in 2020. But Roy's three elements of engagement offer historical, geographical and methodological parameters which are relevant beyond the specific conditions he surveyed in 2007, because they identify causes of ongoing tension between external parties and local politics, and are also informed by the history of earlier American and European involvement in the Middle East. The object of Roy's analysis is not simply US policy under President George W. Bush, but rather the variety of conditions affecting Middle East conflicts and "attempting to understand how they are related to the major issues facing Western societies."<sup>237</sup> Roy is analysing problems of political engagement which he identifies across Western alliances, and especially in international or supranational entities which he calls "the major development institutions (from the United Nations to the European Union and the World Bank)."<sup>238</sup>

In Chapter 4, I correlate Roy's three elements of political engagement (inescapable nationalism, problems of political legitimacy, and the need to negotiate with hybrid political actors) to the specific case of EU engagement with Palestine. The three elements are interrelated. There can be no discussion of Palestine's nation-state prospects without consideration of legitimate political representatives; assessing the political legitimacy of those representatives involves assessing their claims to represent Palestine's future in the nation-state system; and political engagement is likely to lack credibility if it excludes the possibility of dialogue with local political actors which may be complex or hybrid in their activities, but which evidently continue to exert influence in the region.

The productive potential of Roy's three elements lies, not in their capacity to provide *responses to specific challenges*, but in their capacity to *conceptually stimulate new approaches to political engagement and negotiation*. Whether such approaches can be incorporated into the external relations of a newly pragmatic and geopolitical European Union will be affected by many things the EU cannot entirely control. But it does remain within the EU's control to make decisions regarding the parameters of its engagement with Palestine; whether these will remain primarily ones of economic assistance and ethical commitments, or whether they might be extended to include more directly political initiatives.

These decisions needn't be made *reactively* (after each new regional crisis or transatlantic disagreement); they can be made *productively* by exploring the potential for diplomacy and foreign policy to be modified

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<sup>237</sup> Roy, *The Politics of Chaos in the Middle East*, 7.

<sup>238</sup> Roy, *The Politics of Chaos in the Middle East*, 33.

through the incorporation of effective conceptual guidelines. Whether or not the EU will be able to start making such productive decisions remains to be seen. Therefore, in Chapter 4, the consideration of each of Roy's conceptual elements leads to a concluding question, not a concluding recommendation or evaluation. All three questions recall Borrell's comment on the US peace plan: "We should be able to offer something better." And all three point back to the overarching question motivating this dissertation: Is political engagement between the EU and Palestine possible?

These three concluding questions relate specifically to the prospects for EU-Palestine political engagement. But while EU-Palestine relations are the primary concern of this dissertation, it would be difficult to ignore the fact that Roy's three elements of political engagement also bear upon problems intrinsic to the EU's internal political identity, above all the enduring challenges of European political unity. The concordance between foreign policy dilemmas and challenges within the EU can be seen in relation to all three of Roy's elements: in the full spectrum of nationalisms evident across Europe today, from resurgent local populisms all the way to Brexit; in the questions of political legitimacy and "democratic deficit" which have long motivated debates about the credibility of EU institutions (and therefore of the EU as a supranational identity); and in the problems of engaging with political actors whose objectives are not easily commensurable with EU norms or expectations, but who contribute in various ways to the European political reality. This means not only "difficult" political actors and their constituencies (whether Sinn Féin, Catalan separatists or PEGIDA), but also any collectivity, grouping or state to whom supranational "ever closer union" does not seem to have solved all the riddles of territorial identity, competing local interests and political representation. This includes political actors of all types and scales; from unreconciled contenders over the status of South Tyrol/Alto Adige, to the regionalism of the Visegrád Group (the Czech Republic, Hungary, Poland, and Slovakia), to a United Kingdom now seeking forms of cooperation and autonomy which the EU apparently could not provide.

It is within Roy's third element of political engagement – interacting with complex, hybrid political actors – that the most specific and difficult questions arise for the EU, in terms of the potential for developing newly-pragmatic political relations with Palestine. And yet, as examples from PEGIDA to Brexit indicate, what may appear to be an exceptional or extreme case of EU foreign policy (engaging with complex political actors in Palestine such as Hamas) is in fact only different in location and degree from matters of political representation which continue to challenge the viability of supranational political union across Europe. In other words, investigating these problems of complex political engagement abroad may also contribute to clarifying political problems at home. In Chapter 4, this potential for beneficially "reflexive" analysis will be noted in relation to the questions which conclude consideration of Roy's three conceptual elements.

Chapter 5 elaborates what I propose to call an intermediary quality, common to Roy's three elements. Their approach is intermediate in the sense that they address aspects of political engagement which lie *between* long-term historical factors and current events (historical intermediacy), *between* local, regional and global affairs (geographical intermediacy), and *between* theoretical and practical considerations (methodological intermediacy). Each of these three intermediary aspects will be considered in turn. Beyond the analytical benefits to be gained by applying Roy's three specific elements to the Palestinian case, I believe it is this shared intermediary quality which makes these three elements conceptually productive, and relevant to the formulation of new EU approaches to diplomacy and foreign policy. This intermediary quality stands in contrast to the *tangible but inconclusive* means which are mobilized in economic assistance, and in contrast to the *noble but intangible* ends served by statements of ethical concern. An intermediate sphere of activity would be necessarily political. It would proceed by negotiation with all involved parties, in the name of practical political change.

## CHAPTER 4

### Three interrelated elements affecting political engagement

Olivier Roy's three elements of political engagement appear throughout *The Politics of Chaos in the Middle East*, as recurrent points of tension, misconception, hindrance or avoidance affecting external actors' involvement in the region in recent decades. They identify aspects of diplomacy and foreign policy through which external actors have *insisted* on certain methods of political engagement when intervening, have *discounted* the influence of pre-existing political conditions on their planned objectives, or have *excluded* certain local actors from negotiation and dialogue, without adequately considering the long-term effects this may have. Roy himself does not explicitly present these three conceptual elements as guiding principles for his survey of interventions in the Middle East. But I believe they are the primary conceptual bases of his analysis, and that they can be productively applied to the specific case of EU-Palestine relations today. Key characteristics of each element can be described as follows.

Firstly, "inescapable nationalism"<sup>239</sup> refers to the persistence of the nation-state as both the primary unit of political interaction across the region, and the primary sphere in which external parties will need to frame their policy objectives, whether directly (in dialogue with state representatives), or by engaging with non-state actors in terms of their national objectives. Despite the influence of inter-state alliances ("clannism, tribalism, sectarianism"<sup>240</sup>), sub-national movements, or supranational ideologies (secular or religious), in Roy's analysis "The political framework is first of all national."<sup>241</sup> In this first element, the quality bearing most upon the EU's political engagement with Palestine is the *durability* of the nation-state system.

Secondly, political legitimacy is, for Roy, a "major problem in the Middle East."<sup>242</sup> On the one hand, the legitimacy of political actors can be compromised or destabilized by the competing demands for representation at various scales – from highly localized territorial claims to supranational ideologies such as "pan-Arabism, pan-Islamism, 'pan-Shi'ism"<sup>243</sup>. On the other hand, political legitimacy can be rendered ambiguous when local actors are patronized by external entities such as the US or EU, in ways

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<sup>239</sup> Roy, *The Politics of Chaos in the Middle East*, 82.

<sup>240</sup> Roy, *The Politics of Chaos in the Middle East*, 81.

<sup>241</sup> Roy, *The Politics of Chaos in the Middle East*, 83.

<sup>242</sup> Roy, *The Politics of Chaos in the Middle East*, 81.

<sup>243</sup> Roy, *The Politics of Chaos in the Middle East*, 81.



that show the external power prefers to unilaterally *select* its dialogue partners rather than assessing a field of possible partners based on local legitimacy, efficacy or longevity. Political legitimacy may also be achieved through democratic or parliamentary processes by actors such as Hizbullah and Hamas, with which the EU and its multilateral partners maintain a policy of either no contact, or contact which is conditional upon compliance with explicit criteria. In effect, such conditionality means that the geostrategic interests of external powers will override any legitimacy claimed by local political actors – even when it is accompanied by a democratic mandate, such as Hamas achieved in 2006. In this second element, the quality bearing most upon the EU’s political engagement with Palestine is the *complexity* of conditions pertaining to political legitimacy.

Thirdly, there is the requirement to negotiate with hybrid political actors such as Hamas and Hizbullah. For Roy, effective political engagement in the Middle East ultimately requires such negotiation. Avoiding it is likely to reinforce the *externality* of foreign powers, and so compromise their credibility in the region. In particular, Roy draws a contrast between the need to negotiate with hybrid *political* actors, and a Western approach which promotes peace and democracy in avowedly *ethical* terms. The partiality of the latter approach, and its emphasis on moral parameters, is unlikely to bring complex political actors into a process of moderate political dialogue. On the contrary, it may contribute to polarization between willing and unwilling dialogue partners, and to the likelihood that excluded parties will seek other alliances and resort to other methods. This point is expressed in one of Roy’s characteristically trenchant formulations: “Moral intransigence leads to impotence if based on a non-political definition of evil.”<sup>244</sup> In this third element, the quality bearing most upon the EU’s political engagement with Palestine is the *primacy* of negotiation.

For each of these elements, used in Roy’s analysis of external powers’ involvement in the wider Middle East, aspects and examples will now be described which pertain specifically to EU-Palestine relations. These examples indicate difficulties, but also areas in which the EU could develop more directly political forms of engagement. Correlating Roy’s three elements to EU-Palestine relations leads to a concluding question at the end of each section. The examples could provide regionally- and historically-informed *focal areas* for diplomacy and foreign policy, and the concluding questions could function as *focussing devices*, to explore these areas. In combination, these could contribute to a conceptual reorientation of EU-Palestine relations – beyond the terms of economic assistance and ethical ideals, and toward the terms of concrete political dialogue.

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<sup>244</sup> Roy, *The Politics of Chaos in the Middle East*, 56.

## 4.1 INESCAPABLE NATIONALISM

Roy's first conceptual element fastens upon some lasting political parameters which will need to be taken into account in any reassessment of EU-Palestine relations. The primacy of the nation-state system can be observed in the historical foundations of the modern Middle East, in some basic geopolitical facts affecting the region, and in the disjuncture between Palestinian national objectives and the supranational ethos of the European Union. Formative and enduring influences can be noted in each of these categories. Insufficient acknowledgement of these influences is likely to encourage idealistic and normative approaches to engagement, rather than the geopolitical pragmatism proposed by the new EU leaders.

### *Historical foundations*

Palestine is located in a region which received its modern territorial boundaries through the expression of European interests. The territorial outlines emerged through British and French decisions in the Sykes-Picot Agreement of 1916, and the new state boundaries were formalized as Ottoman rule came to an end. The Mandate system was written into the Covenant of the League of Nations and adopted by the Paris Peace Conference in 1919, after which the San Remo Agreement of 1920 formally assigned the Mandates of Iraq and Palestine (including what would become the separate Emirate of Transjordan) to Britain, and the Mandate of Syria to France (including what would become the separate country of Lebanon, with its own constitution granted by the French in 1926). Olivier Roy describes this as the “first trauma” of the Arab world; the “re-colonisation and the carving up of the area into new states. The Allies grouped the Ottoman provinces (*vilayet*) in combinations that suited their strategic interests at the time.”<sup>245</sup>

The modern political order thus established – new nation-states, to be assisted toward self-government by the allied victors of World War I – issued from an imperfect transatlantic fusion: distant Wilsonian universalism and proximal European implementation. From President Wilson's advocacy of the amorphous notion of “self-determination” emerged the sentiment that, regarding the populations of the Mandates, their “existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory [government] until such time as they are ready to stand alone.”<sup>246</sup> And from the European side followed all the geopolitical complexity arising

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<sup>245</sup> Roy, *The Politics of Chaos in the Middle East*, 76.

<sup>246</sup> From Article 22 of the Covenant of the League of Nations, reproduced in Lea and Rowe eds., *A Survey of Arab-Israeli Relations*, 262.

from the fact that Britain and France ultimately could not reconcile their declining imperial identities with national-political developments in the former Ottoman lands. After World War I two aspects of the allies' conduct caused this complexity to increase. Firstly, the consequences of having patronized the Hashimites against the Ottomans during the war: How were Britain and France to reconcile the ambiguous territorial promises of the Husayn-McMahon correspondence with the territorial division they had arrived at among themselves in the Sykes-Picot Agreement? To now hand over substantial power to the Hashimites Faysal and Abdallah would immediately compromise the territorial architecture of the Mandate system which the Allies had designed. Hence followed the Hashimites' varied experiences in Syria, Iraq and Jordan, with Faysal and Abdallah quickly learning that their national monarchical aspirations would be tolerated only if they complied with overarching Western plans. Secondly, over the next quarter century Britain and France faced increasing local and regional political ferment, which developed in response to the Mandate system. Expressed in a variety of nascent nationalist movements, this activity developed partly in reaction to the arrangements the Allies had made with the Hashimites, partly from local movements arising over the course of nineteenth-century Ottoman decline, and partly because of the possibilities offered by a new post-imperial world order after World War I. The unstable relationship between the Allies' postwar principles and the concrete political developments during the Mandate period remains a foundational experience for all subsequent European and American involvement in the Middle East. Control over the emerging nation-state order in the region was a decisive aspect of this instability.

For the non-Jewish people of Palestine there was an added dimension, since Britain had pledged to assist the national development of the Palestine Mandate, and, at the same time to support Zionist claims to the Holy Land. An irreconcilable tension was created when the principles of the Balfour Declaration were included in the document outlining the Mandate for Palestine, in 1922: Britain committed itself to guiding the *aggregate* population of this territory toward self-government, while also committing itself to the creation of a "National Home" for a religiously-defined minority group *within* that aggregate population.

This unstable territorial architecture, put in place by the European victors after World War I, continues to shape the way external powers engage with the Middle East today. The nation-state parameters introduced by the Mandate system led to some basic and lasting geopolitical conditions, which will affect any attempt to reconfigure EU-Palestine relations in the years ahead.

### *Geopolitical basics*

Geopolitically, Roy's concept of inescapable nationalism refers to the nation-state system both in terms of *aspiration* and *delimitation*. On the one hand, *it is primarily at the scale of the nation-state that decisive political interaction takes place*. In Roy's analysis, the nation-state is the effective unit of political activity in the Middle East, as against notions of pan-Arab, ideological or religious power blocs. This means that holding power at the national level will be the object of any political aspiration which is likely to be effective. On the other hand, *the existing nation-state system provides the basic parameters within which political change occurs*. This means that, while external powers may employ a variety of means and work through a variety of channels in their attempts to produce beneficial change, if their aim is to contribute to long-term political stability in the region the changes they produce will need to be absorbed into the ongoing interactions between national governments. In Roy's words: "it is not possible to bypass the state."<sup>247</sup> Taking into account both aspiration and delimitation is especially instructive in the case of Palestine, where the lack of statehood is a defining and extraordinary aspect of political conditions. It is a matter of debate whether Palestinian people today might realistically *aspire* to become citizens of a sovereign Palestinian state, of a binational Israeli-Palestinian state, or of any other configuration proposed by politicians and commentators.<sup>248</sup> But regardless of local aspirations or external advocacy for one state configuration or another, it is a fact that the Palestinian situation is geopolitically *delimited* by the nation-state system – whether considered at the local level, in terms of Israel's internationally-recognized statehood in contrast to the statelessness of the occupied territories, or at the regional level, in terms of the maximum territorial boundaries to which Palestinian aspirations could extend: the borders with Lebanon, Syria, Jordan and Egypt.

Whether or not the inhabitants of the occupied territories might one day become citizens of a sovereign Palestinian state, it is the nation-state system which provides the basic geopolitical framework within which the future must be imagined. This is almost a truism, but it expresses a fundamental and unresolved problem, both for Palestinian people disadvantaged by their lack of statehood, and for the EU if it seeks to assist Palestinian political prospects. Again we can recall Josep Borrell's February 2020 injunction that "Europeans must deal with the world as it is, not as they wish it to be."<sup>249</sup> If this is to be

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<sup>247</sup> Roy, *The Politics of Chaos in the Middle East*, 42.

<sup>248</sup> A summary of recent concepts for Palestinian statehood, including confederalism and ideas such as "stacked states" is given by Dahlia Scheindlin, "An Israeli-Palestinian Confederation Can Work," *Foreign Policy*, June 29, 2018, <https://www.foreignpolicy.com/2018/06/29/an-israeli-palestinian-confederation-can-work>.

<sup>249</sup> Borrell, "Embracing Europe's Power."

more than a platitude, it suggests the EU needs to engage with Palestine through the inescapably national and territorial conditions from which its political future will need to be created.

*Palestinian national objectives and EU supranational principles: An unlikely match?*

The postwar project of European integration was fundamentally motivated by a desire to moderate the power of nation-states, by encouraging them to participate in supranational forms of cooperation. The “de facto solidarity”<sup>250</sup> proposed by the Schuman Declaration was to grow from an initiative which sought to reconcile the historical enmity between the powerful states of France and Germany, by having them cooperatively manage the steel and coal which had lately powered their respective war machines.

Given these founding supranational principles, in which economic cooperation was imbued with moral purpose, perhaps the EU is intrinsically unsuited to advocating for unfulfilled national causes such as the Palestinian one, and unsuited to assisting negotiation between the powerful State of Israel and weak, non-sovereign Palestinian actors. This disjuncture, between fundamental EU principles and conditions which concretely define the Israel-Palestine conflict, is the third aspect of Roy’s “inescapable nationalism” which can be drawn upon to reconsider EU-Palestine relations in the present. Like the historical foundations and geopolitical basics summarized above, this disjuncture is plain to see, and is the reason for expressions of scepticism such as that voiced by Wolfgang Hager in 1972 – that Europe can do “very little directly”<sup>251</sup> to influence the Israel-Palestine conflict.

In terms of Palestinian national objectives, and the means by which they are variously pursued, this disjuncture is especially pronounced in the EU’s different relationships with the Palestinian Authority and Hamas. As described in my introduction, the electoral events of 2006 remain a signal point of tension in the EU’s approach to Palestinian self-government. How the comparative political legitimacy of the two groups is to be assessed will be returned to later in this chapter, in relation to Roy’s second element of political engagement; the section below will focus on key aspects pertaining to the representation of *nation-state* objectives.

On the one hand, the EU conducts its economic and diplomatic relations with the Palestinian Authority, an entity created not through locally-legitimized national political processes, but through the US-led Oslo accords. Since the Arab League’s Rabat Summit of 1974, the PLO had been internationally recognized as the sole de jure representative of the Palestinian people. Then, when the Palestinian

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<sup>250</sup> Schuman, “Declaration of 9<sup>th</sup> May 1950 delivered by Robert Schuman.”

<sup>251</sup> Hager, “The Community and the Mediterranean,” 218.

Authority was created in 1994, its de facto and supposedly interim *administrative* authority ambiguously absorbed the de jure status of the PLO's leadership. This ambiguity may have been superficially obscured because the same person (Yasir Arafat) was the leader of both entities. But, as Anne Le More has written, the process signified an "ambivalent and incomplete transition from a national liberation movement into a 'para-state' or government lacking sovereignty."<sup>252</sup> That the PA has remained the EU's dialogue partner in Palestine ever since exemplifies the fact that the EU's arrangements with its multilateral allies (primarily the US and the Middle East Quartet) define its engagement here. Such arrangements may result in ongoing patronage of administrative entities which do not clearly represent the national-political aspirations of readily identifiable constituencies.

On the other hand is the EU's proscription of Hamas, designated in unitary terms as a terror organization despite its achievement of a democratic mandate, in the elections of 2006. For the EU's supranational vision the difficulty here is in coming to terms with the fact that an indigenous resistance movement, whose political bureau could not be unambiguously distinguished from its violent military brigades, expressed the national aspirations of Palestinian people formally, through the ballot box. This situation produced a tension between *democracy in theory* and *democracy in practice* that the EU was unable to resolve; between the promotion of democratic ideas and the reality of democratic processes. Since the reality of a Hamas victory was unacceptable, the EU's multilateral alliances dictated its response to the elections: the EU acceded to US leadership of the Quartet in the events of 2006–2007, which resulted in the unseating of the Hamas government, and the restoration of the Palestinian Authority. Thus Palestinian national aspirations were subordinated to the terms of engagement imposed by the international and supranational organizations managing the peace process.

Though the EU may have felt compelled to follow US leadership in 2006, and while the EU may continue to find the PA the only feasible Palestinian partner for diplomatic contact and economic assistance, other nationalist aspirations persist. Despite more than a decade of confinement in Gaza, Hamas continues to pursue its national agenda, continues to pragmatically modify its official statements, and continues to develop contacts with regional powers. And when the coalition Israeli government was formed in April 2020, between Benjamin Netanyahu and Benny Gantz, it was inescapable nationalism which prompted Hamas spokesman Fawzi Barhoum to characterize the Israel-Palestine conflict as a national conflict between Israeli interests and Palestinian ones:

Such Israeli coalitions with extremist agendas, which competed and agreed with each other to obliterate our Palestinian people's rights, annex their lands, and establish a Jewish state, will

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<sup>252</sup> Le More, *International Assistance to the Palestinians after Oslo*, 65.

never frighten us ... This confirms that all the wagering on the so-called peace process with this entity in the region is a losing bet and illusion marketing.<sup>253</sup>

Nationalism is inescapable because political actors such as Hamas will continue to view the State of Israel in this manner, and will continue to oppose Israeli actions by stating their own national objectives – ideally in unity with other Palestinian factions, but in any case not subordinated to an externally-sponsored peace process which appears to place supranational principles and multilateral initiatives above Palestinian national rights. External entities such as the EU may disagree with statements such as these – or may be unwilling to conduct diplomatic relations with some of the actors making the statements – but neither the statements, nor the actors, nor the national objectives expressed are likely to disappear from the political scene.

If the EU is to “support all efforts aimed at reviving a political process,”<sup>254</sup> as Josep Borrell stated in February 2020, these inescapable national objectives will need to be considered beyond the frame of diplomatic and economic relations with the Palestinian Authority. Such a modified approach – simultaneously *broader* in its conception of engagement and *more focussed* on how this engagement might pragmatically be achieved – would move little by little away from the political weakness invoked by Wolfgang Hager in 1972. And such an expanded, pragmatic approach is precisely what von der Leyen and Borrell have proposed to cultivate during their time in office. Here we can see that, far from being defined by its exceptional or historically intractable qualities, and though it did not figure in the new EU leaders’ early lists of policy priorities, engagement with the Palestinian situation reflects key foreign policy challenges of the EU. It does so especially in the current global environment, because through expanded and more focussed engagement with the Palestinian situation, specific policy practices could be made to demonstrate – *however tentatively* – the geopolitical pragmatism which von der Leyen and Borrell have suggested is required, if the EU is to remain a relevant global actor. Borrell has emphasized that “we must relearn the language of power and conceive of Europe as a top-tier geostrategic actor.” But he readily acknowledges that this approach does not flow easily from the sources of EU identity: “After all, the EU was established to abolish power politics.”<sup>255</sup>

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<sup>253</sup> “Palestinians need unified national strategy against Israel: Hamas,” *Press TV*, April 21, 2020, <https://www.presstv.com/Detail/2020/04/21/623581/www.presstv.tv>.

<sup>254</sup> Josep Borrell, “Declaration by the High Representative Josep Borrell on behalf of the EU on the Middle East Peace Process,” January 28, 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/01/28/declaration-by-the-high-representative-josep-borrell-on-behalf-of-the-eu-on-the-middle-east-peace-process/>.

<sup>255</sup> Borrell, “Embracing Europe’s Power.”

The tension described here by Borrell is fundamental to the EU's prospects for remaining an effective and meaningful actor in world affairs in general. It also bears specifically on the EU's prospects for politically engaging with the Palestinian situation – where multilateral contributions to the peace process have had limited and mixed success, and where attempts to separate economic assistance and ethical commitments from the influence of geostrategy and hard power have not been able to address the primarily territorial, nation-state elements of the conflict. Problems of political engagement between the EU and its Mediterranean neighbours thus closely resemble problems of the EU's own internal political identity. This correspondence between foreign policy dilemmas and internal EU dilemmas is due to the fact that both spheres remain troubled by the ongoing tension between supranational principles and nation-state objectives. “Many say that EU foreign policy will never succeed,” Borrell has said, “because Europe is too weak and too divided.”

It is, of course, true that if member states disagree on key lines of action, our collective credibility suffers. ... With unanimity rules, it is difficult to reach agreements on divisive issues, and the risk of paralysis is always present.<sup>256</sup>

Failure to achieve unanimous support from all member states prevented Borrell from delivering a unified EU statement objecting to the Trump administration's peace plan. Ideally the various national positions of EU members would be brought into concordance, expressing an ever-closer union from which the EU would draw its power as a “top-tier geostrategic actor.” But state nationalism is inescapable within the European Union. It is also inescapable in the Palestinian situation; in relation to the nation-states surrounding the occupied territories, in relation to the State of Israel, and in relation to the variety of political actors for whom Palestinian objectives continue to be conceived in national and territorial terms.

### *Concluding question regarding inescapable nationalism*

And so we arrive at a concluding question, which emerges from these tensions between national and supranational aspirations, from the geopolitical basic facts pertaining to Palestinian prospects for statehood, and from the historical foundations of the polities of the Modern Middle East: In its relations with Palestine, will the EU seek to develop political dialogue focussed on the nation-state conditions which remain inescapable determinants of Palestine's political future?

Exploring this question would involve correlating the EU's newly stated desire for geopolitical pragmatism with some of the obdurate Palestinian conditions summarized above. It could also involve reflexive analysis of an enduring problem within the EU: the tension between the *variety* of nation-state

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<sup>256</sup> Borrell, “Embracing Europe's Power.”



conditions, each with its own blend of aspiration and resistance to supranational governance, and the *unity* sought through European integration, with its promise of benefits beyond the frame of the nation-state. In 2000, when the EU took as its motto *in varietate concordia*, it was expressing its aspiration to continue transforming the *problems* of national variety into the *benefits* of supranational concordance – the same long-term vision was expressed in 1950, in the Schuman Declaration’s “de facto solidarity,” and in 1957 in the Treaty of Rome’s “ever-closer union.” In 2020 working toward this concordance across Europe remains a basic EU principle, and demonstrating progress toward it remains the overarching criterion of EU credibility. This is what motivated Josep Borrell to name engagement with the Western Balkans as his first European priority.<sup>257</sup> But if Ursula von der Leyen’s Commission is to be a newly geopolitical one, in which, as Borrell has said, “Europeans must deal with the world as it is, not as they wish it to be,”<sup>258</sup> it will require the EU to engage with inescapable nationalism, both within Europe and in the regions toward which its foreign policy is directed. If it is acknowledged to be a source of political identity which remains alive and well, rather than being considered as an obstacle to higher forms of cooperation, the nation-state framework will remain an object of productive analysis and realistic engagement, such that the EU’s founding belief in supranationalism does not become idealistically detached from global political realities.

Roy’s first element of political engagement thus provides a general geographic, historical and conceptual baseline for consideration of EU-Palestine relations; a window onto foreign affairs which is also a mirror in which to observe longstanding tensions internal to the EU. The historical and geopolitical durability of the nation-state framework, and the disjuncture between Palestinian national objectives and the EU’s supranational ethos, are basic conditions of the relationship between the EU and Palestine.

Proceeding to Roy’s second element of political engagement means passing from the enduring difficulties which these conditions present, to the complexity of conducting legitimate political relationships within them.

## 4.2 PROBLEMS OF POLITICAL LEGITIMACY

Olivier Roy’s immediate object of analysis in *The Politics of Chaos in the Middle East* is US policy after the 2003 invasion of Iraq, which then motivates a broader consideration of foreign engagement with the

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<sup>257</sup> “In my opening statement I will approach in a conceptual basis rather than a geographic approach for reasons of time. But let me stress from the beginning my intention to engage and do reforms and integration processes in the Western Balkans.” Borrell, “Hearing of Josep Borrell Fontelles.”

<sup>258</sup> Borrell, “Embracing Europe’s Power.”

Middle East. The US intervention in Iraq is analysed in relation to the previous US campaign in Afghanistan (launched in October 2001 to destroy Al-Qaida's bases and remove the Taliban from power). Roy then proceeds from specific commentaries on the democratization campaigns in Afghanistan and Iraq (the former leading to elections in 2004, the latter leading to the activities of the Coalition Provisional Authority under Paul Bremer, and elections in 2005)<sup>259</sup> to a broader analysis of US and European engagement, spanning the period from World War I to 2007, and in relation to events across the region, from North Africa to Central Asia.

Roy's analysis returns repeatedly to the requirements of political legitimacy: "A major problem in the Middle East is that of political legitimacy."<sup>260</sup> This problem is considered from several perspectives, in relation to national situations from Tunisia to Somalia to Iran, and can be considered in two categories: problems of political legitimacy pertaining to indigenous political actors, and problems of political legitimacy pertaining to actors and processes sponsored by intervening powers. Both are instructive for the specific case of EU-Palestine relations today.

#### *Pertaining to indigenous political actors*

In this first category Roy notes complex interactions between sources of aspiration, representation and identity which inform political actors' claims to legitimacy in complex ways: local nationalisms, supranational ideologies ("pan-Arabism, pan-Islamism, 'pan-Shi'ism"<sup>261</sup>) and inter-state alliances and loyalties ("clannism, tribalism, sectarianism"<sup>262</sup>).

Of particular significance are the tensions intrinsic to political Islam, which are affected by all three of these sources of political legitimacy. Exploring these tensions has been a preoccupation of Roy's work since his 1985 *Islam and Resistance in Afghanistan*, and is the subject his best-known work, *The Failure of Political Islam* (1992). Roy summarizes these tensions, mentioning some of the reasons for the inability of an Islamic state to be "capable of instigating effective and legitimate political institutions and social justice, and guaranteeing economic development."<sup>263</sup>

It does not work, as all the aftermaths of victory show (Iran, Afghanistan), and there are complex reasons for this: political, national and even ethnic or tribal loyalties have a more powerful hold than ideology; societies become secular

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<sup>259</sup> Roy, *The Politics of Chaos in the Middle East*, 39–40.

<sup>260</sup> Roy, *The Politics of Chaos in the Middle East*, 81.

<sup>261</sup> Roy, *The Politics of Chaos in the Middle East*, 81.

<sup>262</sup> Roy, *The Politics of Chaos in the Middle East*, 81.

<sup>263</sup> Roy, *The Politics of Chaos in the Middle East*, 57.

when faced with the impasse of religious ideology; corruption makes the myth of the virtuous leader meaningless, etc.<sup>264</sup>

Similarly, in 2014, pointing to the aftermath of the Arab protests of 2010–2011, Roy described the predicament of political Islam again:

In truth, political Islam can prosper in the future only as part of some opposition; but it's doomed to fail as soon as it takes power, as the exemplars of Tunisia and Egypt demonstrate all too well. Put another way, the exercise of power marks the failure not only of the Islamist ideology, but of the very idea that religion offers a program for governing.<sup>265</sup>

Roy is not disputing the fact that Islamist movements can enjoy indigenous political legitimacy. He is proposing that this form of legitimacy cannot provide the basis for effective government in today's global political order. Nevertheless, Islamist groups have remained active in national political movements, from the Iranian revolution in 1979, to the Afghan *mujahidin* in the 1980s, to Hizbullah and Hamas from the 1980s, to the Tunisian Ennahda and the short-lived Egyptian government of Muhammed Morsi after the 2011 Arab protests.

In other words, the political legitimacy and the national aspirations of Islamist actors may not be tied together in ways that have facilitated a series of lasting accessions to power – but the relationship continues to be evident across the region, and this cannot be ignored by external intervening powers. This relationship is expressed in many and various ways. It can be seen in the Shia-specific “guardianship of the jurisconsult” (*vilayat-i faqih*) introduced by Ayatollah Ruhollah Khomeini as the highest principle of authority in the Islamic Republic of Iran. It can be seen in the pragmatic arrangement which Hizbullah has developed with Michel Aoun's Maronite Christian Free Patriotic movement in order to exert national influence. And it can be seen in the regional diplomacy undertaken by Hamas, which seeks national power in Palestine while referring to Islam as its “frame of reference, which determines its principles, objectives and means.”<sup>266</sup> Roy's “failure” of political Islam refers to the fact that *once in power* “the politicians decide what place religion will have, and not the reverse, including and even especially in the case of so-called theocracies.”

In the case of Iran the mullahs are the archetype of failure: it's the Islamic revolution that's managed to produce the most secularized society in the entire Muslim world, where the practice of religion has consistently declined!<sup>267</sup>

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<sup>264</sup> Roy, *The Politics of Chaos in the Middle East*, 57.

<sup>265</sup> Roy, *In Search of the Lost Orient*, 112.

<sup>266</sup> Hamas, “A Document of General Principles and Policies.”

<sup>267</sup> Roy, *In Search of the Lost Orient*, 112–113.

Nevertheless, external powers which refuse to accept the presence of Islamism in Middle East politics are likely to remain either *punitive* (and therefore unable to pass beyond a relationship with Islamists which is characterized by confrontation and containment) or *detached* (and therefore ineffective, since Islam is likely to continue informing local political movements in a variety of ways, and external powers will show themselves to be not only inflexible but ultimately naive if they insist on negotiating only with those actors who renounce Islamism, or who distance themselves from Islam itself). Either way, external powers will be avoiding interaction with a source of enduring political legitimacy which informs aspirations across the region, regardless of its prospects for dictating a government's actions once in power. Avoiding such interaction also occurs when external powers insist on sponsoring selected political actors because of their perceived freedom from, or resistance to, undesirable local ambitions. But such selective patronage leads to other problems of political legitimacy.

#### *Pertaining to actors and process sponsored by external powers*

While the transition from opposition to government may oblige successful Islamist actors to adopt the *parameters of the state* in order to govern, in Roy's view nationalism and Islam nevertheless remain *together* "the two pillars of political legitimacy in the region."<sup>268</sup> Therefore, the complex and varied ways in which Islam informs the objectives of political actors will need to be engaged with, if external powers are to become effectively *involved* in the region, rather than simply imposing themselves on it. While political legitimacy may be a "major problem in the Middle East" it will also remain a major problem for intervening powers seeking to influence regional politics, if they insist on supporting only those actors whose methods and objectives appear to be unaffected by any complicating blend of national aspirations and Islam. Hence "the key point that is forgotten is that there can be no democracy without political legitimacy,"<sup>269</sup> and "The Americans' (and Europeans') big mistake was to conceive of democratisation in the abstract, without anchoring it in political legitimacy."<sup>270</sup>

In Roy's regional analysis following the 2003 US invasion of Iraq, this failure is exemplified in the figure of Ahmed Chalabi,<sup>271</sup> an Iraqi whose family had lived in exile in the United States since the 1958 coup that had removed King Faysal II from power, who had long advocated for the US removal of Saddam Hussein, and who in turn was supported, as part of the US vision of creating an Iraqi government

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<sup>268</sup> Roy, *The Politics of Chaos in the Middle East*, 41.

<sup>269</sup> Roy, *The Politics of Chaos in the Middle East*, 40.

<sup>270</sup> Roy, *The Politics of Chaos in the Middle East*, 42.

<sup>271</sup> Roy, *The Politics of Chaos in the Middle East*, 41.

responsive to Western democratic tutelage. Though Chalabi was Shia, he was considered secular enough to represent a US-sponsored democratic government that would not gravitate toward Shia Iran. Chalabi's tenure as a representative of the US democratization project was brief: his Iraqi National Congress failed to win any seats in the election of 2005, and by this time the US had accused him of sharing US state secrets with Iran, and had ceasing providing him with funds. Before he died in 2017 Chalabi had developed significant ties with Iran, but these were no more effective in facilitating his 2014 bid for the Iraqi prime ministership than US support had been, in facilitating a rise to power ten years earlier.<sup>272</sup>

The political prospects of figures such as Chalabi are limited on two fronts: they struggle to remain pliant enough to act as trusted instruments of a Western democracy agenda, yet they are perpetually at risk of appearing too pliant in the eyes of the local population:

most of the time they are perceived by the local population as either a new type of businessman, or as agents “of American imperialism and Zionism”. On the other hand, while the West sees them as “new men”, they very often have their family, tribal, ethnic and community connections and their own political aims, without which they would in fact be nothing.<sup>273</sup>

So long as external parties conceive of local actors as recipients of foreign benevolence rather than as political subjects seeking representation and justice on their own terms, problems of political legitimacy will remain unaddressed. These problems may pertain to local political groups, their regional allies, or individual figures sponsored by Western powers in their desire to promote principles of democracy, human rights, civil society and the rule of law. Roy criticizes the “development theory” he sees underpinning interventions by the US, the World Bank, the UN and the European Union because of its failure – or ideological disinclination – to engage with these dilemmas of political legitimacy. Such a methodology is likely to reinforce what international development analyst Ian Smillie once referred to as the “preponderant externality”<sup>274</sup> of the foreign benefactor; a condition noted by Roy when he writes that “This social engineering aim assumes a pedagogical voluntarism that often seems somewhat naïve.”<sup>275</sup> If this pedagogical externality avoids attending to local actors' motivations, objectives and

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<sup>272</sup> Martin Chulov, “Ahmed Chalabi: Iraqi exile whose reputation waned after return,” *The Guardian*, November 3, 2015, <https://www.theguardian.com/world/2015/nov/03/ahmed-chalabi-exile-reputation-waned-iraq>.

<sup>273</sup> Roy, *The Politics of Chaos in the Middle East*, 41.

<sup>274</sup> Ian Smillie, “Capacity Building and the Humanitarian Enterprise,” in *Patronage or Partnership: Local Capacity Building in Humanitarian Crises*, ed. Ian Smillie (Bloomfield, Kumarian, 2001), 7.

<sup>275</sup> Roy, *The Politics of Chaos in the Middle East*, 35.

sources of legitimacy, it may succeed in briefly *forcing change* on local political conditions (as did the US invasion of Iraq), or may result in a policy of humanitarian assistance which *avoids contact* with local political actors (such as UN assistance in Gaza or EU priorities for Palestine such as “Rule of Law, Justice, Citizen Safety and Human Rights”<sup>276</sup>). But in neither of these approaches is there much prospect for *productive political change*, because neither is guided by the principle of coming to terms with local sources of political legitimacy. For Roy, describing the post-2003 environment in the Middle East, the consequences of preponderant externality are obvious: “Ultimately, the democratisation policy has not found the right instruments or interlocutors.”<sup>277</sup> Conducted unilaterally, and insulated from contact with influential but not necessarily pliant dialogue partners, approaches which avoid the problems of political legitimacy are unlikely to promote the cause of stability and democratic change.

For Roy, providing patronage to figures such as Ahmed Chalabi in Iraq combines the least desirable traits of Western intervention in the Middle East: ineffective in the short term, damaging in the long term. His analysis of the Iraqi situation after 2003 illuminates the relations between political legitimacy, Islam and external patronage, providing a productive frame through which to analyse the Palestinian situation, and the EU’s prospects there today.

*The political legitimacy of Palestinian actors today:  
What can the EU learn from previous interventions?*

Roy’s description of the Iraqi situation is instructive for analysis of EU-Palestine engagement because of the way it bears upon the comparative political legitimacy of the Palestinian Authority and Hamas. Just as they occupy different positions regarding Palestinian national objectives, the PA and Hamas occupy different positions in terms of political legitimacy; on the one hand as defined by Western intervening powers in accordance with secular or modern democratic values (all loaded and ultimately ambiguous terms), and, on the other hand, as it develops from local sources of political aspiration, which may include political Islam. These differences will be relevant not only to the question of *which local actors* the EU needs to engage, but also to the question of *which characteristics of those actors* the EU should focus on, as indicators of their legitimate claims to represent Palestinian political objectives.

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<sup>276</sup> This is the second of “five mainstreamed Pillars” of the EU’s 2017–2020 Joint Strategy for Palestine. The others are Governance Reform, Fiscal Consolidation and Policy, Sustainable Service Delivery, Access to Self-Sufficient Water and Energy Services and Sustainable Economic Development. European Commission, “European Joint Strategy in support of Palestine,” 11.

<sup>277</sup> Roy, *The Politics of Chaos in the Middle East*, 45.

The Palestinian Authority:

Ambiguous inheritance of PLO leadership, practical inefficacy, electoral defeat

The Palestinian Authority is an unelected administrative entity, created in 1994 as part of the US-brokered Oslo process. It can claim political legitimacy through its de facto inheritance of the PLO's status as internationally-recognized representative of the Palestinian people. By the time this status was conferred on the PLO at the 1974 Rabat Summit of the Arab League, Yasir Arafat's movement Fatah was well and truly the dominant group within it. Fatah led the PLO under Arafat, and Arafat was the dominant figure in the PA until his death in 2004, when he was succeeded by Mahmoud Abbas. But, as Rashid Khalidi has written, rather than illustrating a progression from guerrilla movement to consolidated faction leader to global negotiating partner, "the effective monopolization of power in the PA by Fatah never brought unity and discipline to the Palestinian political scene."<sup>278</sup>

Most importantly, Fatah lost much of its legitimacy and credibility due to its failure to negotiate more effectively with the Israelis, to provide protection, security, or proper governance for the 3.6 million Palestinians under its sway, and to deliver effective leadership for the struggle of the entire Palestinian people for the recovery of their national rights.<sup>279</sup>

Formally the PA's political legitimacy is compromised by the fact that it lost the 2006 legislative elections to Hamas, as well as by the fact that no elections have been held since then. Informally the PA's political legitimacy is compromised by its evident inability to counter the progress of Israeli settlements in the West Bank, Israel's annexation of East Jerusalem (and de facto control of the Muslim shrines in the al-Aqsa area), and, more recently, its inability to stall or counter US-supported Israeli actions claiming sovereignty over the Golan Heights, or intentions to apply Israeli sovereignty to settlements in the West Bank. In the UN General Assembly PA President Mahmoud Abbas can make impassioned statements against Israel's policies and the support they receive from the US, and can note that "Palestine is a State party to over 110 international instruments and organizations."<sup>280</sup> But this does little to alter Israeli policies or to deter the US from supporting them, because such matters are not guided by speeches made in the UN General Assembly. The *visibility* which the PA enjoys through its "non-member observer status" in the United Nations, and its *recognition* by more than 110 international entities or instruments are not matched by demonstrable *political efficacy*.

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<sup>278</sup> Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston: Beacon, 2007), 152.

<sup>279</sup> Khalidi, *The Iron Cage*, 152.

<sup>280</sup> "At UN, Abbas rejects Israeli 'arrogance', vows to terminate all agreements if Palestinian territory is annexed," *UN News*, September 26, 2019, <https://www.news.un.org/en/story/2019/09/104770>.

While its efficacy is indisputably constrained by local, regional and global pressures, the fact remains that it is difficult to attribute to the Palestinian Authority a tangible substrate of local political legitimacy, formal or informal. The EU's 2017–2020 “European Joint Strategy in Support of Palestine” is subtitled “Toward a democratic and accountable Palestinian State.”<sup>281</sup> But as is the case with many recipients of Western economic aid in complex political situations, it is unclear exactly to whom the para-state entity of the PA is accountable today. And while its democratic qualities can perhaps be identified in the civic institutions or civil society initiatives with which the PA associated – and which are supported by the EU – we are reminded again of Roy's remark: “the key point that is forgotten is that there can be no democracy without political legitimacy.”<sup>282</sup>

The PA was constituted through the Oslo process as an administrative entity through which US-sponsored initiatives would assist the development of Palestinian institutions and economic activity, and would promote security dialogue with Israel. Yasir Arafat was considered an acceptable diplomatic partner and figurehead of the newly-created PA since, under his leadership, Fatah and the PLO had recognized the State of Israel in 1988, renounced terrorism, and shown a willingness to accept a US-brokered peace plan. In other words, Arafat's legitimacy as a dialogue partner was identified first and foremost with his acceptance of an external power's terms of engagement. But the tension between legitimacy *attributed by an external party*, and legitimacy understood as *an index of indigenous political aspirations* was soon apparent. Formally this was immediately the case, because the PA was invested with an ambiguous, de facto status as international representative of the Palestinian people (conferred by the Oslo process), when previously only the PLO had been understood to hold this position. But more decisive were the informal ways in which the PA's political legitimacy became questionable in the years following the first Oslo accord – as the PA appeared unable to improve political conditions in Palestine and was “widely accused of corruption, featherbedding, and nepotism.”<sup>283</sup> The legitimacy of the PA's claim to be providing Palestinian political leadership became increasingly unstable, as Israeli settlement activity continued, as talks between Arafat, Israeli Prime Minister Ehud Barak and President Clinton broke down in July 2000, and, finally, as the Second (or al-Aqsa) Intifada broke out two months later, following Ariel Sharon's inflammatory visit to the Muslim shrines in the al-Aqsa area. The PA's status as acceptable dialogue partner thus came to coexist with both a lack of local political legitimacy and a lack of demonstrable results – an unenviable position for any political entity, and a situation which

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<sup>281</sup> European Commission, “European Joint Strategy in support of Palestine.”

<sup>282</sup> Roy, *The Politics of Chaos in the Middle East*, 40.

<sup>283</sup> Khalidi, *The Iron Cage*, 152.



contributed to the PA's loss to Hamas in the 2006 elections. Broadly speaking, this is the position the PA continues to occupy today; one of internationally acceptable political weakness.

Hamas:  
Social foundations, electoral victory, political pragmatism

In contrast to the PA, Hamas can claim the formal quality of political legitimacy achieved through its victory in the 2006 legislative elections. And if and when elections were to be again held in the occupied territories, Hamas leaders might be excused for asking in advance whether, in the event of another Hamas victory, the EU intended to again follow the lead of the US, or whether, instead, it would articulate its own position this time around.

But in terms of the conditions that should shape the EU's assessment of Hamas, more significant than the formal index of an election victory are what Roy describes as the "anthropological" sources of political actors' legitimacy. "[P]olitical legitimacy presupposes that the actors are deeply rooted in a country's history, traditions and social fabric."<sup>284</sup> These "anthropological" aspects of local actors are what Roy insists external parties must come to terms with, if their engagement is to be based on political negotiation, rather than administrative patronage or the imposition of conditions which must be met before eligibility for dialogue will be considered.

While the presence of formalized Islamic activism in Gaza can perhaps best be dated to 1945, when the Muslim Brotherhood was established in Gaza City, the development of Hamas as a distinct entity proceeded from the Islamic social, educational and charitable institutions which grew principally from the Islamic Centre founded in Gaza City in 1973, by *shaykh* Ahmad Yassin. The momentum which developed through these locally beneficial institutions, services and networks is inseparable from Hamas' later official establishment during the mass uprising of the first Palestinian Intifada, beginning in December 1987.<sup>285</sup> In its emergence from these activities, Hamas exemplifies Roy's mandatory qualities of political legitimacy: "that the actors are deeply rooted in a country's history, traditions and social fabric." The part played by Islamic social institutions in the development of Hamas is one of the formative experiences it shares with Hizbullah, which developed through social and charitable activities in Lebanon's poor, Shia south. To some degree a contrast can be drawn here to Fatah's formation under Arafat in the 1960s (and Fatah's subsequent leadership of the PLO), where initial esteem was earned not

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<sup>284</sup> Roy, *The Politics of Chaos in the Middle East*, 40.

<sup>285</sup> Sara Roy provides a concise summary of these developments in *Hamas and Civil Society in Gaza*, 19–23.

through social services but through guerrilla activities. But the contrast which is more immediately relevant to relations with external powers is between Hamas' consistent rejection of the Oslo accords (and all associated agreements), and Arafat's participation in them, through Fatah, the PLO and the PA. This participation, carried forward by Mahmoud Abbas as President of the PA after Arafat's death, is twice problematic – first for its inability to practically improve Palestinian political prospects, and second because its lack of both formal and informal political legitimacy means that the PA's status as international dialogue partner and recipient of aid becomes increasingly difficult to justify as time goes on.

#### Undue emphasis on the secular/Islamist distinction in designating dialogue partners

The place of political Islam also contributes to the difference between the PA and Hamas, and to the perception of their legitimacy as international dialogue partners. Hamas is by any measure an Islamist movement, informed, like the Muslim Brotherhood before it, by both Islamic social institutions and armed activities, and with a charter that states "Its frame of reference is Islam."<sup>286</sup> By contrast, Fatah – and so the PLO and PA – can be considered a secular nationalist movement, in the sense that Fatah began as a secular guerrilla movement, and because of symbolic events such as the PLO's 1988 official recognition of the State of Israel, leading toward its participation in the Oslo process.

But focussing on a secular/Islamist distinction between the PA and Hamas will not facilitate the EU's political engagement with Palestine, because the practical political objectives involved are not defined by the presence or absence of Islamist principles. Therefore the fitness of any political group to represent Palestinian people in making progress toward those practical political objectives cannot be judged by the place of Islam in its platform. The question of Palestinian self-government is not a question of Islamism versus secular democracy; it is a question of how a viable Palestinian political entity might become a reality, whether as a sovereign nation-state, as part of a single binational state, or in some other configuration. Seeking *political* answers to these questions requires assessing local actors in the first instance based on their claims to political legitimacy. In *The Politics of Chaos in the Middle East* Roy remarks that "Hamas and [Islamic] [J]ihad's quarrel with Fatah is not religious, but centres on its alleged betrayal of the interests of the Palestinian people."<sup>287</sup> In other words, like political parties elsewhere, what distinguishes the movements from one another is not their crystallized religious or

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<sup>286</sup> Hamas, "A Document of General Principles and Policies," 2.

<sup>287</sup> Roy, *The Politics of Chaos in the Middle East*, 82.

secularist motivations, but their respective capacities to make tenable political proposals representing their constituencies. Another of Roy's remarks is even more pertinent to the situation today:

the conflict between Hamas and Fatah is not ideological; it does not oppose two different models of Palestinian society. The secular nationalists are on the same side as the Islamists; in other words, the rift is not over *sharia*.<sup>288</sup>

Hamas may have won the 2006 elections partly because voters voted against the PA's inefficacy, and partly because enough voters felt that Hamas was proposing valid objectives, and had a recognizable support base among the Palestinian population. But whereas in 2006 this result showed a *political difference* between Hamas and the PA, rather than a difference between Islamist and secular programs, Roy's remark that "[t]he secular nationalists are on the same side as the Islamists" highlights another possibility which has recently emerged. This is the possibility, suggested in Chapter 3, that both *spurious distinctions* (based on the supposed importance of Islamism versus secularism), and *real distinctions* (based on the movements' competing political agendas), might be superseded by a *real unification* of PA/Hamas interests and activities, mobilized through their shared rejection of the US peace plan, and the policy actions which have grown out of it over the course of 2020.

Such developments cannot be predicted – but this is all the more reason for the EU to begin engaging the widest range of political actors open to political dialogue. It means that “reviving a political process,” as advocated by Borrell, should include reviving – and expanding – direct methods of diplomacy with local actors, based, not on perceived ideological distinctions, but on their political legitimacy.

With whom should the EU engage, and on what bases?

Of course no combination of formal and informal political legitimacy can guarantee Hamas' success as an alternative governing body to the PA (if future elections were won by Hamas), or its success as a coalition partner with the PA (if future elections produced a unity government). But the point for the EU is that eligibility for diplomatic contact cannot be predicated on the association of Islamism with violent resistance, any more than it can be predicated on the idea that a formally secularist movement will govern well. Realistic engagement will mean acknowledging the *inescapably hybrid* nature of political actors which have developed as resistance organizations during conditions of protracted instability and conflict. This means that defining Hamas in unitary terms as a terror organization is likely to constrain the EU within ethical terms of engagement, expressed legalistically in rulings or dictates. Such dictates – for example that diplomatic contact will only be offered upon full Hamas disarmament or the

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<sup>288</sup> Roy, *The Politics of Chaos in the Middle East*, 59.

unequivocal renunciation of violence – are unlikely to be effective *preconditions* for dialogue, though they may be desirable *outcomes*, after negotiations have taken place. A primarily ethical-legal approach is likely to remain somewhat disengaged from the real, historically-shaped political conditions in which Palestinian actors have developed.

A geopolitically pragmatic EU will instead need to decide how successful it considers the PA to have been in serving the interests of the Palestinian people, after having followed the PLO's path in recognizing Israel, renouncing violence, and accepting US and multilateral management of the peace process through the Oslo process. By any measure, the living conditions of Palestinians in the occupied territories have deteriorated in the period since the PA was established in 1994, and neither under Arafat nor under Abbas has the PA become more politically effective in its negotiations with Israel or the US. These facts do not support the idea that political relations between the EU and Palestine should continue to be limited to dialogue with the PA.

For an EU seeking to reconsider both *with whom* it should engage and *on what bases*, the course taken by the PA from 1994 onwards can be instructively compared to an earlier instance of patronage offered by another outside power; this is the British Mandate's 1921 creation of an entity it called the Supreme Muslim Council, and its designation as a body through which Muslim interests could be specifically represented. The position of Grand Mufti of Jerusalem was created at the head of this institution, and British High Commissioner Sir Herbert Samuel appointed Hajj Amin al-Husayni as its first office holder.<sup>289</sup> Two parallels with the creation of the Palestinian Authority are instructive.

Firstly, in both periods the outside power's designation of legitimate Palestinian dialogue partners involved imposing *religious* distinctions which confused the terms of *political* engagement. US dialogue with the PA encouraged an image of bifurcation between the *secularist* Fatah and the *Islamism* of Hamas (and smaller groups such as Islamic Jihad, which had also rejected the Oslo process). And during the Mandate period, Britain's creation of the Supreme Muslim Council encouraged *Muslim particularism*, establishing a specific channel for the expression of Muslim Palestinian interests. Yet the political

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<sup>289</sup>A comprehensive political biography of Husayni, including his relations with the British authorities through the Supreme Muslim Council, is Philip Mattar, *The Mufti of Jerusalem: Al-Hajj Amin al-Husayni and the Palestinian National Movement* (New York: Columbia University Press, 1988). A concise survey of Husayni's relations with the British Mandate and the creation of the Supreme Muslim Council can be found in Khalidi, *The Iron Cage*, especially chapter three, 65–104. In chapters 2 and 5 Khalidi describes a number of processes employed during both the Mandate and Oslo periods which kept engagement with Palestinian political objectives within the patronized structures of the Supreme Muslim Council and the Palestinian Authority. The following section draws on Khalidi's analysis, though Khalidi does not specifically focus on the notion of political legitimacy.

interest in countering the creation of a Jewish “national home” in Palestine was common across the local population at the time, and was not necessarily differentiated according to religious affiliation. As Rashid Khalidi recounts, shortly after the establishment of the British Mandate

Palestinian political figures set up Muslim-Christian Associations (and later a Palestinian Arab Congress) in major cities and towns all over the country as a means of countering an attempt to use this approach to divide the Palestinian Arabs along religious lines.<sup>290</sup>

In both the Mandate and Oslo periods local political groups were constrained in their ability to represent Palestinian interests by the faith-based parameters emphasized by the external powers. Institutional mechanisms were created which distinguished Muslim from Christian populations (in the 1920s) and secularist from Islamist groups (in the 1990s), and eligibility for dialogue was predicated on acceptance of the categories created by the British Mandate and the US.

In contrast, an approach based on pragmatic political negotiation would avoid conferring legitimacy according to supposedly discrete faith-based constituencies or secular/religious distinctions, and would instead assess the credibility of Palestinian dialogue partners based on their legitimate representation of local political interests, and their potential to represent these interests in negotiations which can serve the objectives of peace and stability.

The second parallel between Britain’s creation of the Supreme Muslim Council and the creation of the PA during the Oslo period is the mode of *selecting* dialogue partners, and conferring legitimacy on local representatives insofar as they are willing to accept the terms of the patronizing power at the outset. In both periods this approach failed to produce effective Palestinian political entities enjoying widespread local legitimacy. And this failure has contributed to the lack of progress towards stable, negotiated peace. The Oslo accords created the new entity of the PA as designated dialogue partner, its legitimacy in effect recognized because it was convened around an Arafat-led Fatah, which had in 1988 publicly committed to non-violence, and had recognized Israel. These were the terms which made it an acceptable participant in the Oslo process. During the British Mandate, Husayni was selected as an acceptable representative of Palestinian Muslim interests through the newly-created position of Grand Mufti. Yet, as Khalidi points out, Husayni’s background was generally secular, he had received the fewest votes from Jerusalem’s Islamic religious leaders polled according to the Ottoman conventions observed when selecting a new *mufti*. He was also relatively young at the time: there is some uncertainty as to his year of birth between 1893 and 1895, but in any case Husayni was not yet thirty

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<sup>290</sup> Khalidi, *The Iron Cage*, 55.

years old when he was appointed in 1922.<sup>291</sup> Further, the office of Grand Mufti, in which Britain designated Husayni as the highest Muslim official in Palestine, did not cohere with the historical hierarchy of roles in Islamic jurisprudence, in which the position of *mufti* (a legal expert or consultant) is subordinate to that of *qadi* (judge), the former providing assistance and advice to the latter on legal matters.<sup>292</sup> In his invented role as Grand Mufti, Husayni was thus designated by the British as highest Muslim official in Palestine in a way that awkwardly misrepresented Muslim conventions. This combination of qualities hardly seems to add up to a role which would enjoy widespread local legitimacy, and would authoritatively represent Palestinian interests in negotiating with the Mandate authorities. But, as Khalidi observes, the “seemingly strange choice of the young Hajj Amin al-Husayni for this powerful new post was in fact a shrewd one,”<sup>293</sup> since authoritative Palestinian negotiating power, supported by a wide and unified base of local legitimacy, would undoubtedly have increased Britain’s difficulties in managing the tension between its commitments to the Palestinian Mandate as a whole, and to the creation of a Jewish “national home” within it.

After a period of willing cooperation through the Supreme Muslim Council that lasted more than a decade, Husayni’s relationship with the British authorities deteriorated and eventually became unworkable. He was removed from his position as Grand Mufti, and through the locally-convened Arab Higher Committee became a leading figure in the revolt against the British, which grew out of the Palestinian general strike of 1936.<sup>294</sup> Once the revolt had become violent in 1937, and leading members of the Arab Higher Committee were detained by the British authorities and exiled to the Seychelles, Husayni escaped to Lebanon. Khalidi has analysed the mix of pragmatic accommodation, opportunism and serendipity which contributed to Husayni’s relations with both British and French Mandatory authorities over these years.<sup>295</sup> But once World War II had begun, Husayni’s reputation was sealed among the European Allies, when he finally left the Middle East in 1941 and received German protection in Berlin, thus, in Khalidi’s words, “becoming a pariah, and gravely harming the Palestinian cause with which he had become identified.”<sup>296</sup>

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<sup>291</sup> Khalidi, *The Iron Cage*, 56–57

<sup>292</sup> John L. Esposito, *Islam: The Straight Path*, expanded ed. (New York and Oxford: Oxford University Press, 1991), 85–88.

<sup>293</sup> Khalidi, *The Iron Cage*, 57.

<sup>294</sup> Khalidi, *The Iron Cage*, 112.

<sup>295</sup> Khalidi, *The Iron Cage*, see especially 62–64, 79–80, 113.

<sup>296</sup> Khalidi, *The Iron Cage*, 55.

But regardless of his intentions, his tactics, or the fact that as an enemy of Britain he sought cover in Hitler's Germany, Husayni's capacity to represent Palestinian national interests was compromised from the outset by the preconditions he was obliged to meet, and the fact that this recognition almost seemed to *require him* to lack independent and broad political legitimacy among the local population. Like the PA later, he was deemed an acceptable dialogue partner because he was seen to comply with the parameters set by the predominant external power, and to agree to represent Palestinian interests through the institutional mechanisms created for him. As in the Oslo period, when the PA's compliance contrasted to the rejection of the US-led peace process by Hamas and other local groups, so was there a range of Palestinian political actors during the Mandate period, enjoying varied forms of local political legitimacy, which the British authorities did not consider eligible to represent Palestinian. As well as the Arab Higher Committee, in which Husayni became a leading figure once he had become disillusioned with the role previously conferred upon him, these groups included formal entities such as the Palestinian Congress (which met first in 1919) and the Arab Independence Party (founded in 1932), and various less formal organizations, from youth groups to the emerging militant groups associated with Syrian *shaykh* Izz ad-Din al-Qassam (after whom Hamas' military brigades would later be named).<sup>297</sup> In contrast to this method of *selecting* dialogue partners, evident in both the Mandate and Oslo periods, an approach aiming to cultivate pragmatic political negotiation would avoid both fixing the parameters of negotiation and naming the spokespersons at the outset. Rather than via a mix of explicit preconditions, inattention to local hierarchies, and unilateral designation of acceptable representatives, a politically pragmatic approach would assess the viability of dialogue arrangements according to their potential to contribute to long-term stability, achieved through negotiated peace. Such an approach would involve a gradual expansion of the field of dialogue partners, to consider not only those who willingly accommodate themselves to the patronage structures of external powers, but also those who may reject those structures, yet who enjoy a variety of local legitimacies in their claims to represent Palestinian political objectives. Engagement with such groups was avoided during the Mandate period, and has been avoided since the PA was established through the Oslo process. In neither period was a newly-created institution able to make the transition to effective government, and in both periods external powers' selection of dialogue partners contributed to the development of organized resistance by excluded Palestinian political actors.

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<sup>297</sup> On the development of these groups see Khalidi, *The Iron Cage*, 82–90. For detailed treatment of the development and activities of the Palestinian Congress, see Bernard Regan, *The Balfour Declaration: Empire, the Mandate and Resistance in Palestine* (London and New York: Verso, 2017), especially 96–98 on the First Palestinian Congress of 1919, and 143–145 on the significance of the Fifth Palestinian Congress of 1922.

An EU interested in “reviving a political process” in Palestine will need to avoid repeating these tendencies, through which local divisions are emphasized, dialogue partners are selected and legitimacy is conferred only within parameters specified from outside. Instead, a geopolitically pragmatic EU could build three principles into its engagement with Palestine. Firstly, considering an expanded range of dialogue partners, based not on their acceptance of imposed conditions but on assessment of their capacity to represent legitimate Palestinian political objectives. Secondly, engaging with political actors through forums or structures they have convened independent of EU patronage. And thirdly, studiously avoiding the association of political legitimacy with matters of religious affiliation, and in particular with simple distinctions between secularism and Islamism. All three of these principles relate to the sources of legitimacy claimed by local political actors and the way external powers judge these claims – or impose their own categories in place of them – when attributing eligibility for diplomatic contact. And here the question of opening dialogue with Hamas is once again pertinent.

The EU’s continued policy of no contact with Hamas is predicated on the idea that acts of violent military resistance are inseparable from the movement’s identity. The EU does not accept the political legitimacy of the movement because it cannot be unequivocally distinguished from the violent resistance activities of the Izz ad-Din al-Qassam Brigades. As described in Part I, other regional powers are interacting with Hamas based on a broader conception of its political identity, either tacitly or officially acknowledging its political legitimacy. The EU may not agree with the bases on which dialogue is proceeding between Hamas and Iran, Russia and Turkey – but that dialogue is proceeding nonetheless. These interactions are gradually defining a sphere of activity independent of EU influence, but which may produce results that affect the EU on a number of fronts. This incipient sphere of dialogue also stands in clear contrast to the image of PA President Mahmoud Abbas addressing the UN General Assembly; received and listened to as a legitimate representative of Palestine, but with outcomes whose political benefits for Palestinian people are increasingly difficult to discern.

### *Concluding question regarding problems of political legitimacy*

The concluding question here is therefore: If it is committed to “reviving a political process,” as Josep Borrell has said, can the EU consider expanding its diplomatic relations with Palestine by engaging with the complex political legitimacies claimed by local actors other than the PA?

In the first section of this chapter it was suggested that Roy’s concept of inescapable nationalism affects both the EU’s foreign policy toward Palestine, and also the EU’s own internal political identity. This reflexive significance also applies to problems of political legitimacy. Questions of foreign policy in what might be considered an exceptional area which requires a unique policy approach in fact relate to



matters of primary and ongoing importance within the EU. These matters pertain to the tension between the varied interests of member states and a credible, unified EU polity. The tension can be observed specifically in EU foreign policy, and also more generally in terms of the EU's supranational identity. In each case the matter of political legitimacy raises difficult questions for the EU today.

In relation to foreign policy the tension is especially evident because unanimous agreement is required among member states before key decisions or joint statements can be officially made. If the EU is to expand its dialogue with Palestinian actors based not only on existing structures or continued US management of the peace process, but also by acknowledging other claims to political legitimacy, it will mean considering the prospects for opening a dialogue with Hamas. Under current unanimity rules, and especially considering the relations with Israel which are enjoyed by member states such as the Czech Republic and Hungary, unanimous EU agreement on such contentious matters is scarcely feasible. But far from being an extreme case, specific to the particularly divisive nature of the Israel-Palestine conflict, this situation in fact exemplifies what is only likely to become an increasingly uncomfortable question about the political legitimacy of the EU itself, as expressed in the tentative, halting nature of its foreign policy. This is the question as to whether the EU can credibly hope to be a unified global actor if it continues on the path of integration (including aiming for the adhesion of states in the Western Balkans and the former Soviet republics), while at the same time attempting to make difficult foreign policy decisions which must be unanimously supported by an increasingly diverse group of members.

More generally, a matter which ties engagement with Palestine to internal EU dilemmas is the uneasy relationship between political legitimacy and a vision of democracy which is to be made tangible through supranational institutions. Olivier Roy makes the link himself:

For the neoconservatives and international institutions alike, democracy is a simple question of building institutions and electoral mechanisms (this also applies to the construction of Europe from the vantage point of Brussels).<sup>298</sup>

But just as the Palestinian Authority, created as part of an internationally supported peace process, has not been able to make the transition to effective government (and failed the democracy test in 2006), so is the frequently invoked “democratic deficit” of EU institutions more than a mere complaint about centralized, controlling bureaucracy. The fact that election mechanisms plus formal institutions does not necessarily add up to meaningful supranational democracy was demonstrated in 2019, by the EU parliamentary elections. What does it mean that record numbers of Europeans voted in these

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<sup>298</sup> Roy, *The Politics of Chaos in the Middle East*, 39.

supranational elections, in the same year that the United Kingdom was preparing to leave the EU?<sup>299</sup> EU optimists might take it as a sign that citizens of the remaining 27 member states felt newly interested in expressing their European citizenship, and that the value of such citizenship suddenly appeared greater, considering the uncertain future facing the departing UK. Eurosceptics might reply that disintegration across the EU, from the UK to Spain, and from Italy to Hungary, suggests that what happens in EU elections scarcely seems representative of European political reality. In other words, the European Parliament, like other EU institutions, lacks legitimacy.

Thus, questions about political legitimacy in the EU's engagement with Palestinian actors also reflect dilemmas of legitimacy within the EU itself, both in the unlikely unanimity among member states in relation to difficult foreign policy decisions, and also more broadly in the identity of the EU's supranational institutions. If these questions are impelled by a newly geopolitical pragmatism, such as has been advocated by Ursula von der Leyen and Josep Borrell, perhaps they will prove instructive not only for the foreign policy potential of the EU in the Middle East, but also in addressing matters closer to home.

#### **4.3 NEGOTIATING WITH HYBRID POLITICAL ACTORS: The prospects for dialogue with Hamas**

The enduring parameters of the nation-state framework and the complex conditions pertaining to political legitimacy both inform Olivier Roy's third element of political engagement: the importance of negotiating with complex or hybrid political actors. In the case of EU-Palestine relations, and the prospects for dialogue specifically with Hamas, Borrell need not attempt to lead the EU toward justifying or advocating for Hamas' objectives or methods; such an approach would not pass the unanimity test. But a geopolitically pragmatic EU foreign policy could start by more squarely facing the fact that Hamas is a political actor which continues to exert some influence on the region, despite its diplomatic isolation by the US and the EU, and despite more than a decade of confinement within Gaza. In other words, instead of considering the prospects for dialogue with Hamas *only within the frame of existing EU operating principles*, a pragmatic approach would mean expanding that frame to account for evident political facts. These facts were stated plainly by Turkey's Ministry of Foreign Affairs, after

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<sup>299</sup> Yasmeeen Serhan, "The Slow Death of Europe's Traditional Centre," *The Atlantic*, May 27, 2019, <https://www.theatlantic.com/international.archive/2019/05/european-parliament-elections/590329/>.

Ismail Haniyeh's visit in 2019: Hamas is a "political reality which has won the elections in Gaza back in 2006," and "[v]arious countries, including Turkey, have contacts with Hamas at different levels."<sup>300</sup>

Referring to the "Hezbollah-Damascus-Tehran and Hezbollah-Hamas axes" in 2007, Roy suggested that:

negotiating with some of the actors is going to be unavoidable. What will count is not their position on the "terrorism" ladder, but their willingness to be part of the most acceptable political solution for all concerned, starting with the most stable.<sup>301</sup>

The examples of Hamas' recent activities described in Part I show that, in the thirteen years since Roy pointed to the inefficacy of the "terrorism ladder" as a means of grading eligibility for political dialogue, Hamas has not only endured more than a decade of Israeli and Egyptian blockade, but has recently been expanding its regional diplomacy, has presented itself as an initiator of unity talks with Fatah, and, in the return to prominence of Khaled Meshal, is pursuing a variety of engagements in addition to those led from Gaza. The implications of all this activity are unclear, and none of it confirms or negates Hamas' prospects as a future governing entity in the occupied territories. What is clear, however, is that the movement remains active in pursuing its own paths toward the exertion of regional influence which do not involve EU patronage, and which are proceeding despite proscription by the EU and the US.

Dialogue with Hamas is neither a new or radical idea, and has been proposed in various ways by analysts and scholars since Hamas was confined to Gaza in 2007. In that year Charles Grant and Clara O'Donnell, of the Centre for European Reform, wrote:

It is time for the EU to consider talking directly to Hamas. ... The EU should recognise that the policy of boycotting of Hamas but showering favours on Fatah in the West Bank has been at best ineffectual, and at worst it has contributed to radicalising Hamas and provoking Fatah's overthrow in Gaza.<sup>302</sup>

In 2014 Nick Witney, senior policy fellow with the European Council on Foreign Relations who previously served as first Chief Executive of the European Defence Agency under Javier Solana, wrote:

Someone, then, needs to find the courage to try to bring Hamas in from the cold. Israeli control of the US Congress precludes any chance that the US could move. Which puts the onus on the Europeans. Talking to 'terrorists' is always risky. But without political leaders in London and Dublin prepared to run such risks, Northern Ireland would today still be the province of the gunman and the bomber.<sup>303</sup>

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<sup>300</sup> *Ahval News*, "Turkey denies Hamas planned attacks from Istanbul."

<sup>301</sup> Roy, *The Politics of Chaos in the Middle East*, 56.

<sup>302</sup> Charles Grant and Clara O'Donnell, "The EU should talk to Hamas," Centre for European Reform, July 11, 2007, <https://www.cer.eu/insights/eu-should-talk-hamas>.

<sup>303</sup> Nick Witney, "Time to talk to Hamas," European Council on Foreign Relations, August 7, 2014, [https://www.ecfr.eu/article/commentary\\_time\\_to\\_talk\\_to\\_hamas295](https://www.ecfr.eu/article/commentary_time_to_talk_to_hamas295).

And in a 2010 interview, Tony Judt avoided the ideologically divisive matter of identifying Israeli interests with those of the US Congress, instead calling upon concrete historical precedents to question the idea that the peace process had stalled for lack of legitimate, effective dialogue partners:

There is a partner. It may not be very nice and it may not be very easy. It's called Hamas. In the same way the provisional [Irish Republican Army] was the only realistic “partner for peace” with whom London could negotiate; Nelson Mandela (a “terrorist” for the Afrikaners until his release) was the only realistic “partner for peace”; the same was true of “that terrorist” ([according to Winston] Churchill) Gandhi; the well-known “murderous terrorist” Jomo Kenyatta with whom London fought a murderous war for five years before he became “a great statesman”; not to mention Algeria.<sup>304</sup>

Witney and Judt emphasize what they consider the plain necessity of conducting dialogue with contentious, political actors, and the examples of Northern Ireland and South Africa are informative in their various ways. But the fundamental question is whether *negotiation*, in all its complexity, can be taken as the primary means of conducting diplomacy and foreign policy – rather than a combination of economic *assistance* (addressing tangible short term needs) and ethical *commitments* (affirming intangible long term principles), neither of which addresses the political causes of the problem. The other political method – unilateral *dictation* of terms – has received its most recent great-power statement in the US “Peace to Prosperity” plan. As Josep Borrell said in his February 2020 response to the plan, this method is not conducive to cooperative engagement in the peace process precisely because of its unilateralism, that is, because it “departs from ... internationally agreed parameters.”<sup>305</sup>

When referring to the need to negotiate with controversial political actors in the region, Roy more than once refers to Hamas and Hizbullah together. Part I of this dissertation has suggested that assessing the prospects for EU engagement with Hamas can be beneficially informed by comparison with the situation of Hizbullah, since the latter is also an Islamist movement involved in resistance against Israel, but, unlike Hamas, has made the transition to participation in government. Geographical proximity also means the activities of Hizbullah will remain a general factor affecting any consideration of changed terms of engagement with Hamas in Palestine, since local events in the region quickly become international. But Roy also emphasizes that “[e]ach local conflict has its own history and follows its own course,”<sup>306</sup> and this means that Hizbullah’s history, objectives and alliances should not be conflated with

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<sup>304</sup> Tony Judt, “Tony Judt’s Final Word on Israel,” interview by Merav Michaeli, *The Atlantic*, September 14, 2011, <https://www.theatlantic.com/international/archive/2011/09/tony-judts-final-word-on-israel/245051/>.

<sup>305</sup> Borrell, “MEPP: Statement by the High Representative.”

<sup>306</sup> Roy, *The Politics of Chaos in the Middle East*, 82.

those of Hamas. Practical differences in the way each movement has developed will also be instructive for an EU seeking to formulate effective political engagement with complex actors in the region.

For the EU today, a cue to reconsider its no-contact policy toward Hamas has been provided by the prospect of Palestinian elections. As mentioned in Chapter 3, PA President Mahmoud Abbas announced in September 2019 that he intended to call elections in the near future. The question of voter eligibility of Palestinians in East Jerusalem has been one official reason given by the PA for the fact that elections have not subsequently been called. Any number of reasons to postpone them may follow, with the COVID-19 pandemic now at the top of the list. And regardless of circumstantial developments or limitations on voting imposed by Israel, commentators have questioned the degree to which elections would be politically meaningful. Polls in 2019 indicated that voter turnout may be poor,<sup>307</sup> and while there are undoubtedly contemporary reasons for this, it is also an expression of long-term disillusionment among Palestinians in the prospects of achieving meaningful change through formal democratic mechanisms. Demographic change has played a significant role in this regard, especially in Gaza. Already more than twenty-five years ago Sara Roy wrote that:

Close to 70 per cent of the population of the Gaza Strip are 25 years of age and younger, and have known nothing but occupation. ... Children are increasingly incapable of conceptualising authority in traditional terms, since their parents and teachers, unable to protect them from constant mistreatment and danger, have ceased to exist as authority figures. Authority is the enemy, the army, the state; it is organically evil.<sup>308</sup>

In addition to these objective factors, some analysts have suggested that both the PA and Hamas may be simply using the idea of elections as a political distraction. Palestine scholar Alaa Tartir suggests “neither Fatah nor Hamas are serious in their calls for parliamentary and presidential elections,” and that even if Abbas issues a decree “it will remain impracticable until Fatah and Hamas agree on the operational aspects of the elections and the political implications.”<sup>309</sup> And Roy himself points to the Afghan and Iraqi elections of 2004 and 2005 as powerful examples of the failure of formal democratic procedures alone to initiate significant political change in the contemporary Middle East. For Roy, undue emphasis on the

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<sup>307</sup> Ahmad Abu Amer, “Opinion polls paint a gloomy turnout in upcoming Palestinian general elections,” *Al-Monitor*, December 3, 2019, <https://www.al-monitor.com/pulse/originals/2019/11/palestine-elections-opinions-polls-political-faction-turnout.html>.

<sup>308</sup> Sara Roy, *Failing Peace: Gaza and the Palestinian-Israeli Conflict* (London: Pluto, 2007), 59.

<sup>309</sup> Quoted in Ben White, “Are Palestinian elections on the horizon?” *Al-Shabaka*, December 15, 2019, <https://al-shabaka.org/mentions/are-palestinian-elections-on-the-horizon/>.

significance of elections is indicative of the naivety of both US policy under George W. Bush, and of international development institutions more broadly.<sup>310</sup>

For all these reasons, Palestinian elections are unlikely to produce sudden or dramatic changes. But their mere possibility has a specific meaning for the EU, tied to the events which followed the elections of 2006. Those events showed that, whatever its intention to support a political process leading to democratic Palestinian self-government, the EU participated in denying Hamas its democratic mandate. In so doing the EU demonstrated that it could not in practice act in a way that was independent of US strategy, at the time exercised through US predominance in the Middle East Quartet.

Future Palestinian elections should not be allowed to become a “deadline” event, at which the EU would feel compelled to state its current position on the parties contending for power. If that were to occur, the EU’s no-contact policy toward Hamas would make it difficult to avoid a public statement which expressed the contradictory position the EU has held since 2006: rhetorical support for democratic political processes in Palestine, but not if they result in a victory for Hamas. In effect, this would mean the EU concurred with the strict conditionality on Hamas described in the US peace plan, which is essentially a restatement of the 2006 Quartet principles.<sup>311</sup>

#### *EU-Hamas relations in 2020:*

##### *Three dilemmas of a no-contact policy in light of possible elections*

If, as Josep Borrell has stated, the EU wishes to distinguish itself from the approach outlined in the “Peace to Prosperity” plan, the mere possibility of Palestinian elections could be taken as a timely cue to face *in advance* dilemmas which will become explicit if and when elections are called. Three such dilemmas will be described here. Within the EU’s current terms of engagement, none of these dilemmas has an obvious solution. In other words, all three indicate points of tension between the EU’s current position and Palestinian political reality. A geopolitical turn in EU-Palestine relations would involve seeing these points of tension as opportunities for change.

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<sup>310</sup> Roy, *The Politics of Chaos in the Middle East*, 33.

<sup>311</sup> “If Hamas is to play any role in a Palestinian government, it must commit to the path of peace with the State of Israel by adopting the Quartet principles, which include unambiguously and explicitly recognizing the State of Israel, committing to nonviolence, and accepting previous agreements and obligations between the parties, including the disarming of all terrorist groups. The United States expects that the State of Palestine’s government will not include any members of Hamas, PIJ [Palestinian Islamic Jihad], or surrogates thereof, unless all of the foregoing shall have occurred.” The White House, “Peace to Prosperity,” 26.

### 1. Potential Hamas victory

Firstly, at the level of local politics, the EU would need to decide whether or not to modify its official position on Hamas if elections were held and the movement were to win government. If this decision were made according to current unanimity rules, modification scarcely seems feasible. An unchanged position would mean upholding proscription, and broad alignment with the position stated in the “Peace to Prosperity” plan, and, in effect, a rerun of 2006.

### 2. Hamas and regional politics

Secondly, if elections were called in which Hamas announced its intention to participate, and the EU effectively indicated in advance that it would not recognize a Hamas government (by upholding its no-contact policy), this would unavoidably assign the EU a position in any regional polarization that occurred as a result of the elections. In the most basic terms, a division could be predicted between verbal support for Hamas from Iran, Qatar and Turkey, and verbal objection to Hamas’ participation, from Egypt, Saudi Arabia and the United Arab Emirates. None of these states is likely to consider the EU a key political player in the Palestinian situation, and none of them is likely to be surprised by an EU unwilling to recognize Hamas. Therefore, the EU is not likely to be faced with any immediate inconvenient reaction to its position, from either supporters or critics in the region.

Nevertheless, an EU which did not recognize Hamas’ participation in future elections would be providing all interested parties in the region with an up-to-date illustration of the gap between its rhetorical support for Palestinian democracy and its inability to support democratic processes when these are likely to increase the political influence of actors the EU does not consider acceptable. While this would not fundamentally change EU relations with any of the regional powers, it would hardly be a welcome addition to existing complexities. A fresh statement of EU ambiguity over Palestine would, for example, become another element contributing to strained EU-Turkey relations. And in relations with Iran, the EU faces an unpromising future, following the unravelling of the Joint Comprehensive Plan of Action. If Palestinian elections prompted an official EU statement on Hamas which in effect concurred with that of the US, this could be taken by Iran as one more small indicator of the EU’s inability to challenge US policy in the region.

### 3. Hamas in the political process

Thirdly, if the EU continues to uphold a formal proscription on Hamas, delegitimizing in advance the movement’s participation in future elections, this no-contact policy will remain indicative of the broader difficulty experienced by the EU in *practically* supporting “efforts aimed at reviving a political

process” in relation to the Israel-Palestine conflict – the necessity of which Borrell emphasized in February 2020.<sup>312</sup>

While officially the EU states it “has consistently called for intra-Palestinian reconciliation and holding of democratic elections,”<sup>313</sup> this advocacy did not pass the test of political reality after the 2006 elections, when reconciliation was achieved between Fatah and Hamas, and when democratic elections produced a result unacceptable to the EU and its Quartet partners. Because the EU’s position on Hamas has not changed in the interim, the gap remains between what the EU supports in principle and how it approaches political engagement in practice. It is difficult to see how this gap can be bridged, if Hamas remains excluded outright from processes of political negotiation in Palestine.

For as long as Palestinian elections are postponed, the EU will be under no immediate pressure to claim it has bridged this gap. But if and when election dates are announced, and the EU’s position on Hamas remains unchanged, this emergence of a “deadline” would almost certainly prompt an official statement which avoided the ambiguities of EU-Hamas relations, thereby displaying the tension between principle and practice which has characterized the EU’s political relationship with Palestine since the 2006 elections. That such a deadline is not yet in sight means the EU has an opportunity to combine the ambition and pragmatism of a newly geopolitical approach, to squarely face dilemmas such as those described above, and to assess how it might begin to bridge the gap between its current terms of engagement with Palestine, and what would be required to revive a peace process based on comprehensive political negotiation.

After the 2006 elections, independent EU political engagement with Palestine proved not to be possible. Is it possible today? The answer to this question is tied to the EU’s prospects for initiating contact with Hamas.

#### *Concluding question regarding engaging with hybrid political actors*

In relation to EU-Palestine relations, the question which concludes this consideration of Olivier Roy’s third element of political engagement is therefore: Can the EU feasibly modify its position on Hamas, leading toward the possibility of diplomatic contact with the movement?

Whereas inescapable nationalism and problems of political legitimacy are durable and complex *conditions* of EU engagement with Palestine, diplomatic engagement with Hamas appears difficult to exclude from

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<sup>312</sup> Borrell, “MEPP: Statement by the High Representative.”

<sup>313</sup> European External Action Service, “Middle East Peace Process.”



the *requirements* of reviving a credible political process. And as was the case with Roy's two other elements of political engagement, foreign policy exertions here are related to contemporary concerns within the EU. Josep Borrell has emphasized the influence of "hybrid threats"<sup>314</sup> in today's global geopolitical environment, and has suggested that it is "essential for a common strategic culture that all Europeans see security threats as indivisible."<sup>315</sup> A similar conceptual orientation will be required in order to develop an expanded approach to political engagement with Palestine; one which gradually moves away from the designation of dialogue partners based on their acceptance of externally imposed criteria, and instead recognizes that, in reality, not only *threats* but also political *actors* can be hybrid and complex. Their present identities may have been shaped by a history which has combined violent and non-violent action. This complexity may not be desirable but simply avoiding contact with it is likely to be politically naive.

The possibility of initiating contact with Hamas need not be conceived in exceptional terms – magnanimously inviting terrorists to the negotiating table. Hamas is a complex case in a difficult arena of foreign policy – but the necessity of *interacting with* rather than *avoiding* this complexity is only different in degree to the difficulty faced by the EU at home, as it attempts to balance principles of integrative, supranational cooperation, with member states' demands to be dealt with *on their own terms*. At the national level, the UK's decision to leave the EU may be considered the most significant instance yet of failure to productively manage the tension between cooperation and autonomy. But this tension is apparent in various degrees across the EU – and has been a prominent characteristic of French participation from the beginning of the postwar integration project. It was evident in France's *national* achievement in the European Economic and Steel Community – which Tony Judt has described as having been part of the "initial French postwar plan ... to reduce Germany's political and military means to the minimum while exploiting its raw materials to the full."<sup>316</sup> And it can be seen in statements of French political autonomy from President Charles de Gaulle's vetoing of the UK's application for Community membership and objection to reform of the Common Agricultural Policy which led to the 1965 "empty chair" crisis, to the verbal Gaullism of President Emmanuel Macron, rejecting unqualified EU commitment to NATO, in word if not in deed.

Broadly speaking, the EU manages such tensions between its supranational ideals and national realities through ongoing negotiation with and between the governments of member states. Likewise, the

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<sup>314</sup> Borrell, "Hearing of Josep Borrell Fontelles."

<sup>315</sup> Borrell, "Embracing Europe's Power."

<sup>316</sup> Tony Judt, *A Grand Illusion? An Essay on Europe* (London: Penguin, 1996), 11.

potential of *non-national* entities to both enhance and destabilize European political life must be assessed by the EU on an ongoing basis. Regional diversity is celebrated in a universe of online content sponsored by the EU, especially under the aegis of culture. For example 2018 was named “European Year of Cultural Heritage,” with initiatives across the EU celebrating “everything we have in common – and what makes us different.”<sup>317</sup> This happy balance may be struck during an afternoon of Irish dancing and Greek cookery. But engaging with the diversity of regional *political* identity across Europe is more likely to involve a mix of cooperation and conflict, in which sub-national or regional constituencies express a difficult variety of expectations and demands.

The idea of a Europe invigorated by sub-national or regional constituencies has inspired scholars throughout the postwar period to propose non-nation-state forms of political representation. But from Denis de Rougemont<sup>318</sup> to Jan Zielonka,<sup>319</sup> all such ideas risk being limited to apolitical abstraction if they describe the attractions of authenticity, variety, and dynamism without attending to the realities of competition and fragmentation, and the conflicting legitimacies which may accompany them. Championing a Europeanness of non-state, cultural, or regional constituencies suggests an appealing counter-force to the centripetal homogenization and democratic deficit of Brussels institutions. But it must also be acknowledged that regional associations such as the Visegrád Group draw on demands for political representation which have complex sources, and that the most authentic claims to discrete political identity may coincide with sharp disagreements over territory, such as in the Balkans or on Cyprus.

The EU’s supranational identity exists as a process of negotiation with political actors at all these levels – national, sub-national, non-national. Such negotiation forms the historical substance of the project of European integration. The same approach is required in foreign policy, if the EU is to engage realistically with the various political actors it encounters. The question of engaging with Hamas in Palestine is undoubtedly fraught with difficulty – but the basic principles of ambitious yet realistic negotiation still apply.

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<sup>317</sup> Europa, “2018: European Year of Cultural Heritage,” Last updated September 19, 2019, [https://europa.eu/cultural-heritage/european-year-cultural-heritage\\_en.html](https://europa.eu/cultural-heritage/european-year-cultural-heritage_en.html).

<sup>318</sup> Denis de Rougemont, “The Federalist Attitude. 26 August 1947,” lecture reproduced in Walter Lipgens and Wilfried Loth eds., *Documents on the History of European Integration. Volume 4, Transnational Organization of Political Parties and Pressure Groups in the Struggle for European Union, 1945-1950* (Berlin: De Gruyter, 1991), 23-27.

<sup>319</sup> Jan Zielonka, *Is the EU doomed?* (Cambridge: Polity, 2014).

In other words, the possibility of opening dialogue with Hamas can be framed broadly within the terms of geopolitical pragmatism outlined by Ursula von der Leyen and Josep Borrell. Whether the first practical steps might be taken in this direction during the terms of the current EU leadership will depend especially on Borrell's relations with the 27 member states, and on the capacity of the EU to act *as a union* in relation to the Israel-Palestine policy of the United States.

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Throughout Olivier Roy's *The Politics of Chaos in the Middle East* inescapable nationalism, problems of political legitimacy and the need for dialogue with complex political actors appear as points of tension in interactions between external powers and the Middle East. The immediate objects of Roy's analysis are the US policy following the events of September 11, 2001, and the 2003 invasion of Iraq. But he also considers broader tendencies of Western intervention, which have been informed by decisive events over the course of the twentieth century.

This chapter has sought to demonstrate that Roy's three elements of political engagement can also be productively employed in the specific case of EU-Palestine relations. Each element has local, regional and global dimensions. Consideration of them gives rise to questions which are pertinent to the future of the EU's foreign policy in the region, while also reflecting significant aspects of the EU's own internal political identity.

In addition to the specific analytical insights they offer, I believe Roy's three elements of political engagement also share a distinctive quality, which I propose to call their intermediacy. As against the unilateral activities of transferring money, expressing concern, and imposing diplomatic preconditions, Roy's three elements focus on interaction, exchange and compromise. These are activities which proceed by mediating between different spheres, and by negotiating between different objectives. As Roy has remarked in another context, "It's the relation that counts, not the essence."<sup>320</sup> This distinctive intermediary quality will be explored in the final chapter of this dissertation.

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<sup>320</sup> Roy, *In Search of the Lost Orient*, 204.



## CHAPTER 5

### Historical, geographical and methodological intermediacy: Analytical dimensions which are conceptual but concrete

Just as Roy's three elements are not theoretical axioms aimed at theoretical solutions, the aim in this chapter is not to produce a theoretical framework, but rather to propose *conceptually productive yet concretely informed* categories in which EU-Palestine relations could be turned toward the political. Mediation of the conceptual and the concrete will be explored under three headings: the historical, the geographical and the methodological.

Roy's three elements of political engagement draw on aspects of political science and international relations (nationalism, legitimacy, negotiation) without being *ahistorically abstract*. They apply to the Palestinian case, to regional matters and to global geopolitics without resulting in a *geographically generalized* or schematic view of world order. And they incorporate analysis of recent and long-term historical conditions while remaining critically engaged with the problems of external intervention. That is, in *methodological terms*, Roy's elements are not merely descriptive, but are primarily concerned with political change.

Bringing together the conceptual and the concrete in historical, geographical and methodological dimensions accords with the geopolitical pragmatism proposed by Ursula von der Leyen and Josep Borrell. Such an approach, based on the principle of intermediacy, would focus on the interactions occurring *between* spheres of activity, and the key challenges these interactions pose for the EU in diplomacy and policy formation.

#### 5.1 HISTORICAL INTERMEDIACY

Three characteristics of a historically intermediate approach can be described as follows. Firstly, it means *avoiding being trapped in the present and being defined by the past*. This means not allowing political engagement to be defined primarily by reactions to unfolding events, or by undue emphasis on previously-established principles. Neither the latest developments in the West Bank and Gaza, nor reliance on UN Resolutions or Oslo aims is likely to offer the EU productive bases for a modified political approach to Palestine. Instead, the significance of current events should be interpreted in the light of long-term regional conditions, while the ongoing value of earlier diplomatic initiatives and internationally-agreed parameters should be judged in terms of their success or failure to contribute to tangible political change.

Secondly, a historically intermediate approach means assessing local political actors' eligibility for diplomatic contact based on their *evolving objectives and methods* – rather than based on fixed principles such as unconditional recognition of Israel, or rigid distinctions between armed resistance movements and legitimate political representatives. Hamas' changing relations with Bashar al-Asad's Syria and the PA are examples of the movement's adaptation to changing political conditions over time. Comparison of Hamas' 1988 "Covenant" and its 2017 "Document of General Principles and Policies" shows a marked shift toward specific goals framed in non-inflammatory language. And given Ismail Haniyeh's numerous recent proposals for collaboration with the PA, the EU's continued emphasis on encouraging "intra-Palestinian reconciliation"<sup>321</sup> seems rather outdated. Conceptualizing local actors in terms of their development over time will assist realistic political engagement because it means coming to terms with complexity and historical change, therefore discouraging the characterization of political processes in terms of *ahistorical power blocs* – those phantasms of international relations which lend themselves to analysis in terms of competing "world views", and ultimately in terms of good and evil.

Thirdly, a historically intermediate approach means investigating the prospects for political engagement *in the medium term*, such as the five or ten years of EU leaders' appointments. This means not attributing undue significance to any single EU response to unfolding events (such as the US peace plan). And it also means avoiding the hyperbole of descriptions such as "the world's most intractable conflict" – which reinforce the idea that the Israel-Palestine conflict is not susceptible to historical change. Instead, an intermediate approach would focus on what can credibly be achieved during the terms of von der Leyen and Borrell, and what might be conceptually explored now, to be developed further by subsequent European Commissions.

In these three ways a historically intermediate approach means grasping recent and long-term conditions, and integrating them into a feasible approach to political engagement with Palestine today.

## **5.2 GEOGRAPHICAL INTERMEDIACY**

Geographically, an intermediate approach means not so much "striking a balance" between analysis of the local or regional conditions and global geopolitics, but rather seeking to comprehend *the reciprocal effects of global and local contexts on one another*. Geographical intermediacy means understanding relations of power not in terms of global hegemony and local subordinates, but rather in terms of the many and various mediations of territorial power which affect politics in the Middle East and also affect the external powers involved in the region. These include the legacies of British and French presence during

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<sup>321</sup> European External Action Service, "Middle East Peace Process."

the Mandate period; the end of the Cold War's bipolar world order and its consequences for Middle Eastern states in a new global environment; and the increased political complexity at all scales which twenty-first century globalization has produced.

Hans Morgenthau once observed that “[t]he most stable factor upon which the power of a nation depends is obviously geography.”<sup>322</sup> This is true of the Israel-Palestine conflict, in the sense that the possibility of two states, one binational state, or any other political configuration will depend on the definition of territorial rights. But geography is also decisive because effective political engagement by outside powers will depend on realistic assessment of the way the region's geopolitical complexity has been shaped through the interaction of local and foreign political forces. This interaction is considered throughout *The Politics of Chaos in the Middle East*; two aspects in particular are instructive for EU-Palestine relations today.

### *The specific and the general*

Firstly, a geographically intermediate approach means engaging with the specificities of each situation, while also attending to their relations to regional conditions and the interests of global powers. In Roy's words, it means acknowledging that “[e]ach local conflict has its own history and follows its own course,”<sup>323</sup> but without conceptualizing individual conflicts in isolation from their near and distant influences. Such an approach seems mandatory in the Middle East, given the unavoidably *interactive* nature of political dynamics across the region. Yet it poses formidable challenges for EU foreign policy and diplomacy. Two such challenges can be noted.

Broadly speaking, comprehension of regional power dynamics in the Middle East is hindered by the region's especially dense and volatile geopolitical environment. The variety of forces producing that volatility influence the Palestinian situation in both general and specific ways – from the broad significance of the Israel-Palestine conflict for European and American interests in the region, to the specificities of considering what territorial arrangements could provide the basis for future peace. EU foreign policy which aims to support a peace process based on political negotiation will be required to engage with the breadth and the detail of these geopolitical conditions simultaneously.

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<sup>322</sup> Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, brief ed. revised by Kenneth W. Thompson (New York, St. Louis, San Francisco, Auckland, Bogotá, Lisbon, London, Madrid, Mexico, Milan, Montreal, New Delhi, Paris, San Juan, Singapore, Sydney, Tokyo, Toronto: McGraw-Hill, 1993), 124.

<sup>323</sup> Roy, *The Politics of Chaos in the Middle East*, 82.

In addition, the EU's capacity to formulate policy which focusses on the *interaction* of political dynamics in the Middle East is limited by the intrinsic political weakness of EU foreign policy. This weakness is expressed in the institutional structure and assignment of roles in which EU foreign policy subsists. On the one hand, the High Representative provides an overall foreign policy vision. Josep Borrell did so in his confirmation hearing at the European Parliament, emphasizing the importance of a geopolitical approach. He continues to elaborate this approach in relation to specific circumstances, in his meetings with foreign ministers across the region. On the other hand, policy implementation – related to the Middle East in general and to Palestine in particular – is divided between European Commission portfolios (such as the Commissioner for European Neighbourhood Policy and Enlargement Negotiations), specific assignments (such as the Special Representative for the Middle East Peace Process), and the combination of bilateral and multilateral service delivery outlined in documents such as the 2017–2020 “European Joint Strategy in Support of Palestine”.

When Borrell comes away from a meeting with US Secretary of State Michael Pompeo, having discussed the proposed US peace plan, and says “We should be able to offer something better,”<sup>324</sup> how is this alternative approach to be concretely developed, across the various foreign policy roles within the EU? How is an overarching emphasis on the EU's geopolitical role in world affairs to be translated into action, through the various portfolios and programs in which EU foreign policy is implemented?

A geographically intermediate approach would consider questions such as these. While working within the EU's existing institutional structures, it means recognizing that across the Middle East, and especially in the case of Palestine, the interaction of local, regional and external power dynamics requires a correlatively interactive policy approach.

### *The internal and the external*

Secondly, a geographically intermediate approach means avoiding the conceptualization of separate Western and Middle Eastern geopolitical spheres, and therefore the idea that Western powers can implement benevolent or corrective policies in the region unilaterally, as and when they please. Interactions between external powers and the Middle East have been politically formative in the region. This means that, today, Europe and its multilateral partners are unavoidably involved in the dynamics of Middle Eastern instability.

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<sup>324</sup> Munich Security Conference, “EU must develop ‘Appetite for Power’, top diplomat Josep Borrell says.”



In *The Politics of Chaos in the Middle East* this internalization of Western foreign policies is summarized in the “three traumas” which Roy suggests “mark the contemporary history of the Middle East.”<sup>325</sup> The first of these “three traumas” was “the collapse of the project to build a great Arab kingdom” in 1918, following the division of the Middle East into new polities corresponding to British and French strategic interests. The second was “the establishment of the state of Israel and the failure of the four wars (1948, 1956, 1967, 1973) to destroy, reduce or counter it.”<sup>326</sup> And the third has been “the destruction of the balance between Shi’ism and Sunnism,”<sup>327</sup> where the spread of Shi’ism after the Iranian revolution of 1979 was “first of all blocked by the Iraq of Saddam Hussein,”<sup>328</sup> but then proceeded thanks to “Iraq’s swing toward Shi’ism”<sup>329</sup> after the US removed Saddam Hussein from power in 2003.

Because Western powers have been involved throughout these “three traumas,” any approach which conceives of counterposed Western and Middle Eastern geopolitical blocs is unlikely to represent political reality. Policies focussed on discrete, independently executed outcomes are unlikely to be productive if external powers are insufficiently attentive to the consequences of their historical involvement in the Middle East. Recognition that this history continues to involve external powers in the geopolitics of the region can be downplayed, and independent actions can certainly be carried out from a distance. But what are the quintessential examples of such unilateralism? Militarily, they are targeted assassinations (of Osama bin Laden to counter al-Qaida or Abu Bakr al-Baghdadi to interrupt the Islamic State, or Qassem Soleimani to restrain Iranian influence). Economically, acting from a distance is typified by the imposition of sanctions (Iraq in the 1990s, Iran today).

While the limitations of attempting to introduce change from a distance may commonly be identified with a US-led, geopolitically naive and *moral* vision of international relations, the same conceptual distinction pertains to EU-Palestine relations, conceived in unilateral terms of economic transfers and statements of concern. In its role as the “biggest donor of external assistance to the Palestinians”<sup>330</sup> the European Commission’s activities are ethically motivated and economically delivered. This fusion of

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<sup>325</sup> Roy, *The Politics of Chaos in the Middle East*, 74.

<sup>326</sup> Roy, *The Politics of Chaos in the Middle East*, 75.

<sup>327</sup> Roy, *The Politics of Chaos in the Middle East*, 75.

<sup>328</sup> Roy, *The Politics of Chaos in the Middle East*, 75.

<sup>329</sup> Roy, *The Politics of Chaos in the Middle East*, 75.

<sup>330</sup> European Commission, “European Neighbourhood Policy and Enlargement Negotiations: Palestine\*.”

concrete economic policy with humanist values has motivated the EU from the Schuman Declaration to the Lisbon Treaty. But here as elsewhere, economics plus ethics does not equal politics. Whether considered from the perspective of earlier European involvement in the Mandate period, or because of today's global geopolitical conditions, political engagement in the Middle East cannot be beneficially conceived in terms of unilateral action.

US military or economic unilateralism may have significant *destabilizing and backlash* effects across the region. And the EU's ethically-framed economic unilateralism may have significant *palliating* effects in the short term. But neither is likely to engage in ways that are *geopolitically productive* because both conceptualize relationships that are conducted in one direction only: from home to abroad.

In conceptualizing productive terms of geopolitical engagement, the decisive factor is not the intentions motivating such actions – regardless of whether they are punitive (assassinations and sanctions) or compassionate (aid and concern). The decisive factor is dispelling the illusion that such actions can be carried out without drawing external powers into the conditions that shape political developments across the region. The more external powers assert their ability to independently exert influence on the “internal” instabilities of the Middle East, the more those instabilities are likely to reflect the presence of external actors the after-effects of their interventions. A geographically intermediate approach would forego the conceptual distinction between internal disorder and external corrective forces, and would focus on the dynamics of interaction between outside powers and local actors.

For the EU in Palestine, comprehending the inseparability of global geostrategy from local political formations is specifically relevant to the identification of legitimate dialogue partners. It means comprehending local political actors not only by assessing the ideologies or methods which the EU considers to be *intrinsic* to them (secularist or Islamist, militant or accommodating), and not only according to the terms of their *self-representation* in official statements (such as the PLO's recognition of Israel 1988 or the rejection of “the Zionist entity”<sup>331</sup> which remains in Hamas' 2017 charter), but also by considering how *external geopolitical influences have shaped these movements' development in practice*.

Here again, the events following the 2006 Palestinian elections are emblematic of the difficulties faced by the EU. Democratic election results were overruled because of the geopolitical interests of an external entity of which the EU was a key member (the Middle East Quartet). The events which followed (leading to Hamas' confinement in Gaza) are inseparable from the subsequent development of Hamas as a political actor, and, presumably, from its leaders' view of the EU's credibility as an

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<sup>331</sup> Hamas, “A Document of General Principles and Policies,” 4.

intervening power. The EU continues to proscribe Hamas, defining it as an illegitimate dialogue partner whose actions and objectives disqualify it from the field of diplomatic negotiation. But to insist that those actions and objectives are wholly *internal* to Hamas means discounting the role played by the EU with its multilateral partners in restoring the PA to power after the 2006 elections, in continuing to finance the PA, and in designating it as sole legitimate diplomatic and administrative entity in the occupied territories. This relationship has unavoidably contributed to the subsequent identity, positioning and methods of Hamas' de facto government in Gaza, and its relations with regional powers outside the circle of EU governance. What has developed locally within Gaza, and what has issued from it – including Ismail Haniyeh's recent meetings with Iran, Russia and Turkey – have been in part induced by the global geostrategic activities of the EU and its allies. In the Palestinian situation, where internal political formations have long developed in response to the actions of external powers, a geographically intermediate approach will be one which pragmatically attends to the *real political relations between the region and what lies beyond it*, rather than seeking to control cause and effect based on an *unreal idea of unilateral policy implementation, conducted from a distance*.

As indicated by these two pairs of concepts – the specific and the general, and the internal and the external – a geographically intermediate approach means interpreting local conditions not so much by seeking to discern the *imprint* left by external actors, but rather by seeing the actions of external parties as *inseparable* from the ways local political configurations have developed – and will continue to develop. Seeking to comprehend the ways in which foreign power has become *internal* to local political developments means a primarily historical and interactive approach: seeing the limitations of unilateralism (whether it takes the form of military intervention or provision of aid) and looking for concrete evidence of reciprocity and reaction, and *from these perceptions of intermediacy* creating new prospects for geopolitical negotiation.

### **5.3 METHODOLOGICAL INTERMEDIACY**

Finally, methodologically, an intermediary approach is one concerned with the problems and prospects of bringing together theory and practice, in order to develop credible and productive forms of political engagement. Here the matter of primary interest is the relationship between concepts which frame and circumstances which are framed – or, considered from the other direction, between circumstances which provoke a diplomatic or policy response, and the conceptual terms in which this response is articulated. An intermediary method would be one which is attentive to the divergence of concepts from circumstances. Its analytical and practical aspects would be developed through close contact with

the variety and changeability of circumstances (local, regional and global), and also by learning from effective and ineffective conceptual aspects of earlier approaches to political engagement.

Ideally, this would lead to methods of engagement in which theory and practice reinforced one another, instead of being split between universal principles (ethical and legal) and interim or short-term actions (economic and technocratic). On the one hand, an approach which consists primarily of affirming universal principles is likely to lack concrete and specific analytical detail, and so lead to diplomacy detached from evolving circumstances – which will therefore lack credibility. It is this tendency to articulate aims without real efficacy, *ends lacking substantial means*, that Borrell was referring to at the 2020 Munich Security Conference, when he suggested that EU global strategy needs to become more than repeating the refrain “we really are concerned, very much concerned, extremely concerned.”<sup>332</sup> On the other hand an approach limited to economic assistance may result in efficacy without real aims: *means lacking substantial ends*. Foreign policy limited to such localized provision of services may *compensate for* political action, but is unlikely to cultivate it. This second tendency is what Borrell was referring to in the closing remarks of his confirmation hearing, describing the EU as “process heavy and policy light,” and observing the Union’s perennial political timidity when engaging with the world’s great powers: “We tend to avoid the debate, and end up with a technocratic approach – these thousands of communiqués.”<sup>333</sup>

In contrast to this sustained division between universalist and technocratic approaches, Olivier Roy’s three conceptual elements *combine* theoretical and practical aspects. Their intermediary quality consists in the fact that analytical organizing concepts are informed by specific practical conditions (such as the parameters of the nation-state system, or the various ways in which political legitimacy is claimed or denied). In turn, practical conditions are understood beyond the frame of immediate circumstances, by being articulated in conceptual propositions (such as the futility of attempting to induce democracy through patronized agents, or the risk of contributing to polarization and radicalism by excluding complex political actors from dialogue).

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<sup>332</sup> Munich Security Conference, “EU must develop ‘Appetite for Power’.”

<sup>333</sup> Josep Borrell, “Hearing of Josep Borrell, High Representative / Vice President-designate, A Stronger Europe In the World: Closing statements,” European Parliament Multimedia Centre, October 7, 2019, Video, 14:57, [https://multimedia.europarl.europa.eu/en/hearing-of-josep-borrell-fontelles-high-representative-of-union-for-foreign-policy-and-security-poli\\_13228\\_pk](https://multimedia.europarl.europa.eu/en/hearing-of-josep-borrell-fontelles-high-representative-of-union-for-foreign-policy-and-security-poli_13228_pk).

In a 2014 survey of instability and conflict across the Middle East, Mohammed Ayoob spoke of the need for “political sagacity and diplomatic creativity.”<sup>334</sup> These qualities are evident in Roy’s three elements of political engagement, and in the intermediary conceptual approach which can be drawn from them. The methodological aspects of this approach can be clarified and rendered more concrete by noting how it both resembles and differs from the technique of another practitioner who sought to combine theoretical principles with the exercise of foreign policy: Henry Kissinger’s shuttle diplomacy, conducted after the October 1973 war.

*Olivier Roy’s intermediary approach and Henry Kissinger’s shuttle diplomacy:  
Method versus objectives*

All the elements of great power politics, complex regional alliances and competing national objectives were involved in Kissinger’s shuttling, first between Aswan and Jerusalem to discuss the separation of forces between Egypt and Israel, and then between Jerusalem and Damascus to negotiate disengagement in the Golan Heights. Kissinger’s combination of historically-informed geopolitical analysis and sustained, direct negotiation conducted on the ground differs from today’s unilateral techniques of touching the Middle East from a distance – whether through the distant aggression of US drone strikes, the distant economics of electronically-transferred aid money, or the distant ethics of EU concern. This is not to suggest that Kissinger’s method was uncalculating or that it was animated by a spirit of magnanimity. It is only to observe that Kissinger’s shuttle diplomacy combined localized, in-person negotiation, with a conceptual approach informed by the study of international political history.

Olivier Roy has tactfully distinguished his approach from Kissingerian political realism, remarking in 2014: “I remain skeptical of the concept of realism in foreign policy, because it supposes that one is able to clearly identify the relations of force involved, the stakes and the actors.”<sup>335</sup> No doubt this scepticism is partly informed by the uncommon variety of Roy’s professional and personal experience, consulting for the French government and working on UN diplomatic missions on the one hand, and having lived and travelled with Afghan resistance fighters on the other. In both spheres Roy has described experiences in which geopolitical realism’s rules of the game fail to account for the real complexity of human political behaviour. Such experiences include seeing first-hand, in a 2001 meeting with Deputy Secretary of Defense Paul Wolfowitz, how the fixation on Saddam Hussein was leading to a

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<sup>334</sup> Mohammed Ayoob, *Will the Middle East Implode?* (Cambridge and Malden: Polity, 2014), 11.

<sup>335</sup> Roy, *In Search of the Lost Orient*, 176.

misconceived US policy in Afghanistan,<sup>336</sup> and being told in 1983, while passing through fields of ripe melons with a group of Afghan resistance fighters: “Do you know why the Soviets invaded Afghanistan? ... I think it’s on account of the melons, because really I don’t see what else they could be interested in here.”<sup>337</sup> Roy’s approach to geopolitical analysis is informed by the *sometimes surprising influence of the particular on the general*, and is therefore too much interested in the variety and changeability of specific circumstances to conform to political realism with a capital “r”. Nevertheless its intermediary quality – combining concepts and tangible conditions – is nothing if not geopolitically pragmatic. In this it shares something with both Kissinger’s approach in 1973, and the direction Josep Borrell has proposed for EU foreign policy: “relearning the language of power and combining the European Union’s resources in a way that maximizes their geopolitical impact.”<sup>338</sup>

Roy and Kissinger: Methodological similarities (direct contact, conceptually framed)

The aspects of geopolitical pragmatism which are common to Roy and Kissinger pertain to *method*, both intellectual and practical. Intellectually, Roy has himself described how his work has been shaped by his own “hybrid background of the theoretical and the practical.”<sup>339</sup> While he acknowledges that “[w]ithin university discourse I contributed to the development of the concepts of Islamism, of rural guerrilla activity, of tribalism and ethnic groups,”<sup>340</sup> he emphasizes that this conceptual elaboration issued from his first-hand experience of the Afghan resistance movement through the 1980s:

I want to underline especially that I avoided starting from a conceptual model and a methodology defined in advance by the social sciences, and instead privileged direct contact.<sup>341</sup>

Productive concepts are thus understood to be ones which have arisen from non-conceptual, practical experience. In diplomacy and policy formation, this means retaining interaction between guiding principles and diverse and changing circumstances. Where a more orthodox political realism may emphasize the objective nature of power relations, and the geopolitical logic they impose upon actors, Roy is suggesting that this vision of political reality may be a little rigid, and therefore a little unreal. Insofar as this rigidity is conceptual, the remedy is to bring overarching concepts into closer contact with the specific relations of force, stakes and actors which are being analysed – that is, to bring theory

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<sup>336</sup> Roy, *The Politics of Chaos in the Middle East*, 15.

<sup>337</sup> Roy, *In Search of the Lost Orient*, 117.

<sup>338</sup> Borrell, “Embracing Europe’s Power.”

<sup>339</sup> Roy, *In Search of the Lost Orient*, 180.

<sup>340</sup> Roy, *In Search of the Lost Orient*, 92–93.

<sup>341</sup> Roy, *In Search of the Lost Orient*, 93.

closer to practice: “One has to return to individuals, to the actors involved, and investigate their itineraries. One has to go back out in to the field.”<sup>342</sup>

Similar intellectual and practical aspects can be observed in Kissinger’s method. As Bruce Mazlish wrote in 1976, Kissinger

has contributed to what I refer to as the “Europeanization” of American foreign policy. One of the key elements in this transformation has been a ponderously conceptualized and updated version of the balance-of-power doctrines of the nineteenth century, especially those of the Congress of Vienna, that Kissinger had studied so intently. . . . Kissinger masterfully applied these doctrines to the world of nuclear weapons.<sup>343</sup>

During the period of Kissinger’s shuttle diplomacy, these balance-of-power doctrines provided a general conceptual frame within which negotiations with specific political actors were then arranged, one by one, and in situ. Though undeniably in the service of sustaining US power, the realism of shuttle diplomacy remains a rare example of great-power politics in which historically-informed analysis was combined with an intellectually creative, pragmatically persistent, and locally attentive approach to foreign policy and conflict mediation.

In his memoirs of the period, Kissinger emphasizes that shuttle diplomacy was part of a strategy which would “seek results step by step rather than in one comprehensive negotiation.”<sup>344</sup> Roy uses similar terms in describing the potential for conceptual and theoretical elements to inform policy, in order for collaboration between the “researcher and the decider”<sup>345</sup> to be effective.

It’s not about selling to the politician a scientific concept nor about allowing oneself to buy into a notion so ideological and confused as terrorism or delinquency. Rather it’s a matter of elaborating a space for mutual understanding, a paradigm that makes sense for both parties, even if each has a different practical perspective.<sup>346</sup>

Roy shares with Kissinger an unromantic emphasis on objective conditions, objective limitations and objective outcomes, and also an interest in the gradual elaboration of intermediate spaces, where practical action and theoretical impulses might interact. It is through such interactions, between the conceptual and the executive, between theory and practice, that we can start to understand the notion

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<sup>342</sup> Roy, *In Search of the Lost Orient*, 93.

<sup>343</sup> Bruce Mazlish, *Kissinger: The European Mind in American Policy* (New York: Basic Books, 1976), vii.

<sup>344</sup> Kissinger, *Years of Upheaval*, 799.

<sup>345</sup> Roy, *In Search of the Lost Orient*, 183.

<sup>346</sup> Roy, *In Search of the Lost Orient*, 183–4.

of methodological intermediacy in terms which are concrete, and which might contribute to the development of flexible forms of diplomacy and foreign policy today.

#### Roy and Kissinger: Different contexts, objectives and relations to executive power

At the same time, Roy's geopolitical pragmatism and the methods of intermediary action which are conceptually articulated in his writing are a world away from those of Kissinger, in terms of the broader objectives served by their respective bodies of work, their professional contexts, and their relations to executive power. Kissinger's shuttle diplomacy stands as a remarkably creative episode in direct, in situ negotiation. But it was above all an element of US Cold War geostrategy, which saw countering the influence of the Soviet Union as the primary objective in a bipolar global environment. Shuttle diplomacy between Egypt, Israel and Syria was "the culmination of the strategy we had imposed on the October war: to thwart a victory of Soviet arms," while aiming to diplomatically stabilize the region by avoiding "the humiliation of the Arabs, especially on the Egyptian front."<sup>347</sup> And in terms of executive power, shuttle diplomacy was but one expression of the highly unusual agency Kissinger enjoyed during the Nixon administration – first as National Security Adviser who appeared to act with greater authority than Secretary of State William Rogers, and then as Secretary of State who appeared capable of eclipsing the President in executing foreign policy.

These conditions of global bipolarity are not the ones surveyed by Roy in *The Politics of Chaos in the Middle East*, nor are they the ones faced by the EU today. The singular objectives of the US government which shaped Kissinger's activity are quite unlike the variety of experiences informing Roy's theoretical and practical approach. And whether lionized by his admirers or condemned by his critics, the global political consequences of decisions made by the German-born scholar-politician have been altogether of a different order to those of the analyses and recommendations made by the French scholar-consultant. More broadly, we might say that the nineteenth-century European conditions which informed Kissinger's approach were unlikely to provide an entirely appropriate basis for concepts of US grand strategy during the Cold War.<sup>348</sup> Modelling twentieth-century global geostrategy on the continental balance of power during the period of the Concert of Europe encourages a tendency to align all significant political forces with identifiable blocs, and to deal with them accordingly. It is this *inattention to specificity* which motivates Roy's scepticism of orthodox realism. In analysis of political forces

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<sup>347</sup> Kissinger, *Years of Upheaval*, 799.

<sup>348</sup> Kissinger's key concepts of stability, legitimacy and the balance of power are elaborated in his study of the Congress of Vienna: Henry A. Kissinger, *A World Restored* (Grosset and Dunlap: New York, 1964).



throughout history, it can push Kissingerian realism in the direction of gross simplification. This simplification has become increasingly apparent in Kissinger's later studies of world order. By 2014, it had resulted in Kissinger blending the instability of the Middle East during the 1970s with that of the Balkans in the nineteenth century; blending the "ideologically expansionist" vision of Ayatollah Ruhollah Khomeini with that of the Muslim Brotherhood's Sayyid Qutb; and blending Hamas, the Taliban and Islamic State into an image of "radicals and jihadists" which approaches caricature.<sup>349</sup>

However one chooses to evaluate the role of Kissinger's ideas in controversial policy actions such as the overthrow of the Allende government in Chile or the bombing of Cambodia, a geopolitical realism which tends toward simplification will tend to subordinate the interests of minor actors to the higher importance of sustaining a favourable balance of power between key players. In this respect Olivier Roy's realism is like Kissinger's in reverse. Roy does not conceptualize local elements of political activity primarily in terms the interests of larger blocs. In both his academic work and his role as a political adviser he advocates for critical engagement, rather than strategic control. And the purpose of his realism is to more accurately describe political complexity, rather than to more reliably occupy a position of political mastery. Hedley Bull once observed that a "seriously flawed" aspect of Kissinger's approach was the disjuncture between his conceptual clarity and the real ambiguities of global geopolitics, which were in a state of change during the early 1970s, when Kissinger was bringing his ideas into the realm of policy execution in his first role as National Security Adviser:

Like many others, he failed to perceive the widening agenda of international politics that brought economic issues to the fore, the power conferred by control of energy resources, and the declining ability of the great powers – even when united – to impose their will upon international society as a whole. In his period as Secretary of State much of his efforts had to be devoted to improvisations designed to remedy these inadequacies of his 'conceptual framework'.<sup>350</sup>

The need for such improvisation indicates that concepts and circumstances have not been brought into an effective intermediary relationship with one another. It is this tendency that prompts Roy's scepticism toward orthodox realism in foreign policy, and leads him to emphasize that a realistic conceptual approach must be developed through engagement with specific political circumstances.

These methodological differences between Roy and Kissinger are as instructive as the similarities previously described (relating to the combination of conceptual and practical approaches). The

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<sup>349</sup> See Henry Kissinger, *World Order: Reflections on the Character of Nations and the Course of History* (London: Allen Lane, 2014), 116, 153, 121–122.

<sup>350</sup> Hedley Bull, "Kissinger: The Primacy of Geopolitics," *International Affairs*, 56, no. 3 (Summer 1980): 486.

differences help to clarify which aspects of Kissinger's realism might be considered in combination with Olivier Roy's intermediary approach, to inform the diplomacy and foreign policy of a newly geopolitical European Union. In relation to Palestine, the differences between Roy and Kissinger also help to distinguish what might be *credible* for the EU, from what might be *effective* for the US in the present.

#### US and EU engagement with Israel and Palestine today: Grand project or credible method?

In a recent essay criticizing the Trump administration's Middle East policy, Martin Indyk has suggested that an alternative path – less reactive, more interested in multilateral consensus – might “eventually lead to a successful renovation of the grand project Kissinger began half a century ago.”<sup>351</sup> Though the unpredictable actions of the Trump administration have had a destabilizing effect on the wider Middle East, the United States continues to exert the dominant external influence on the Israel-Palestine conflict, through its longstanding support of the Israeli government. Because Kissinger's “grand project” had Israeli-Palestinian *stabilization* at its geopolitical centre, revisiting his methods might indeed serve the interests of both the US and Israel, by providing a strategic coherence which the Trump administration's approach has lacked. Focus on stabilization would also mean avoiding inflammatory actions such as moving the US embassy to Jerusalem – which inevitably provoke antagonistic responses and therefore contribute to polarization across the region.

Compared to the overly-ambitious “dual containment”<sup>352</sup> of Iran and Iraq, proposed by Indyk on behalf of the Clinton administration in 1993, Indyk's recent analysis of the Trump administration's Middle East policy is more in keeping with the multi-power complexity of the present. It suggests a geopolitical pragmatism which might have seemed timid if recommended to President Clinton in the early 1990s. But what Indyk recommends the Trump administration take from Kissinger's legacy cannot be recommended for the EU. No matter how geopolitically pragmatic the EU might become by “relearning the language of power,” its influence in the region will remain subject to many political

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<sup>351</sup> Martin Indyk, “Disaster in the Desert: Why Trump's Middle East Plan Can't Work,” *Foreign Affairs*, 98, no. 6 (November–December 2019): 20. Indyk was a key adviser on the Middle East to President Clinton during the Oslo years, serving twice as US Ambassador to Israel (1995–1997 and 2000–2001), and as Assistant Secretary of State for Near East Affairs from 1997 to 2000.

<sup>352</sup> Martin Indyk, “*The Clinton Administration's Approach to the Middle East*,” address given at the 1993 Soref Symposium, reproduced on the website of The Washington Institute, accessed August 14, 2020, <https://www.washingtoninstitute.org/policy-analysis/view/the-clinton-administrations-approach-to-the-middle-east>.

limitations, both within the institutional structure of the EU and in its capacity to execute foreign policy. Regarding the Israel-Palestine conflict specifically, even if it achieves the unanimous support of its member states, the EU cannot feasibly claim to be capable of brokering a settlement in terms which disregard US policy positions, or which contradict US-Israeli interests outright.

But the potential for EU efficacy may lie elsewhere and may be developed via other means: not in proposing a *solution* which contradicts US plans, but in developing credible *methods* by which pragmatic, direct negotiation can be advanced with all relevant political actors. The resources and executive power which lay behind Kissinger's *project* cannot be marshalled by any EU diplomat, and the ambition to global dominance which it served should not be that of the EU today. But certain elements of Kissinger's *method* could be beneficially appropriated, adapted and expanded by the EU in the present. These elements, displayed in Kissinger's shuttle diplomacy, are the ones which resemble Roy's intermediary approach: bringing together localized engagement and historically-informed geopolitical concepts.

Roy is sceptical of orthodox political realism in foreign policy, for its tendency to comprehend all significant power relations, stakes and actors in terms of large, readily identifiable blocs (conceptual and practical). But a qualified realism would accord with the combination of pragmatism and awareness of limits which was described by Ursula von der Leyen and Josep Borrell in their early agenda statements. It would combine conceptual breadth with direct, local contact, and would attend to the detail and variety of elements involved in political engagement, rather than seeking to impose a balance of power favourable to Europe and its multilateral allies.

While such a position may sound unremarkable in comparison to what Nixon and Kissinger achieved with President Sadat and against the Soviet Union, Nixon and Kissinger did not conclusively stabilize political forces across the Middle East. The strategy which Nixon and Kissinger "had imposed on the October war" may be seen as a crucial step toward the 1979 peace treaty between Egypt and Israel, and toward the symbolically powerful sharing of the Nobel Peace Prize between an Israeli and an Egyptian head of state. But the strategy of Nixon and Kissinger can also be seen to have prepared the conditions for Sadat's denunciation across the Arab world after the peace treaty was signed, his assassination two years later, and, ultimately, as an example of the opportunistic acceptance of Western patronage required of Arab politicians, before they are allowed to shake hands on the White House Lawn.

And while the EU's position may seem weak to the point of irrelevance in comparison to the Trump administration's unilateral support of Israel in recent years, the latter appears unlikely to promote

stability in the region, let alone peace. It is difficult to imagine how this will serve the long-term interests of the United States or Israel. As Martin Indyk has noted, Trump's policies:

have fuelled the conflict between Iran and Israel, alienated the Palestinians, supported an unending war and a humanitarian crisis in Yemen, and split the Gulf Cooperation Council, possibly permanently.<sup>353</sup>

The instability resulting from such divisive actions presents the EU with a clear image of what should be avoided, and therefore an opportunity to develop alternative approaches. By considering direct, localized negotiation with a range of political actors in addition to the Palestinian Authority, the EU could engage with Palestine in a way that politically passes beyond the terms of its economic aid and its statements of ethical concern, and which also differs from the approach taken by the Trump administration during its first term.

Such engagement would constitute a tangible expression of the geopolitical pragmatism announced by von der Leyen and Borrell. It would also indicate an EU policy which differed from that of the US, not by vocally objecting to the Trump administration's peace plan, but *by taking a different course of action*. Firstly, this would mean assessing current regional conditions in terms of global power dynamics and their immediate effect on Europe, secondly it would mean articulating the EU's objectives in a way that realistically considers all the limitations on EU agency in the Middle East and, thirdly, it would mean considering the eligibility of political actors to be involved in dialogue, not by upholding a rigid conceptual division between terror organizations and responsible partners, but rather based on assessment of each political actor's propensity to participate in step-by-step progress toward regional stability. Principles such as these would characterize a theoretical and practical approach; a methodological intermediacy which aims not for temporary alleviation of humanitarian crises, not to reaffirm overarching ethical principles, but to gradually develop productive forms of political negotiation. By combining realistic assessment of conditions and innovative conceptual guidelines, such an approach would be intermediary in its *method*. And by articulating objectives in terms of geopolitically credible engagement, rather than economic assistance or ethical concern, it would be intermediary in the forms of *action* it sought to cultivate. Proceeding in this manner would serve what Borrell suggested should be the EU's objective, following his discussion of the US peace plan with Secretary of State Pompeo: "We should be able to offer something better."<sup>354</sup>

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<sup>353</sup> Indyk, "Disaster in the Desert," 20.

<sup>354</sup> Munich Security Conference, "EU must develop 'Appetite for Power', top diplomat Josep Borrell says."

By drawing on the intermediary quality of Olivier Roy's three elements of political engagement, the EU also has an opportunity to outdo Kissingerian realism – not in terms of global power or regional influence, but by learning from his unromantic, innovative approach, and adapting it to the resources and aims of the European Union today. The “Europeanization” of American foreign policy, which Bruce Mazlish attributed to Kissinger, might thus be returned to sender – having passed through the filter of US Cold War grand strategy, now to be employed toward more modest ambitions, mobilized within the recognized constraints of EU foreign policy.

The EU could take the first steps in this direction by being realistic about its own capacity to induce regional change, and by comprehending that direct negotiation with political actors can no longer credibly insist on *selecting* dialogue partners in the way Sadat was selected by Kissinger and Nixon, Jordan's King Hussein was later selected by Clinton, and the Palestinian Authority continues to be designated as primary diplomatic partner by the EU today. An approach developed from dynamic yet realistic conceptual guidelines may not be geopolitically grand or masterful, but it is likely to be geopolitically credible for the EU today.

... ..

This chapter has suggested that, beyond the specific analytical benefits of applying Olivier Roy's three elements of political engagement to relations between the EU and Palestine, it is the qualities of historical, geographical and methodological intermediacy they share that are the most productive. *Historically* this is based on the pragmatic mediation of long-term conditions and present demands, to inform diplomatic and foreign policy activities which can be executed in the medium term. *Geographically* it is based on the comprehension of interrelated internal and external power dynamics. And *methodologically* it is based on the necessity of interaction between theoretical propositions and practical conditions, to serve the development of effective political dialogue.

These intermediary qualities suggest prospects for political engagement beyond the primarily economic and ethical categories of current EU action. The field of activity addressed by an intermediary conceptual approach would not be restricted to the *provision of economic aid* as an interim measure, or to the *commitment to ethical principles* as overarching conditions of any future settlement. The former has tangible short-term objectives but does not attempt to address the ultimate political sources of the conflict. The latter upholds principles of permanent normative validity, but ones which, in 2020, seem increasingly distant from actual political events. An intermediary conceptual approach would necessarily involve economic and ethical considerations – but would not be defined by them. Rather, it would be defined through interaction with the historical and geopolitical conditions which have shaped the

objectives and methods of all involved actors – such as the parameters of the nation-state system, the problems of political legitimacy, and the need to engage with complex local actors – and by the medium of direct negotiation, through which any credible political engagement will need to be conducted.

As a methodology which could inform both policy formation and diplomatic activity, an intermediary approach would aim above all to bring theory and practice together. To mediate between the concrete and the conceptual in the name of the just is no new challenge in the history of European thought. It is a dilemma which Theodor Adorno described in the 1940s, in the *Finale* to his *Minima Moralia*:

It is the simplest of all things, because the situation calls imperatively for such knowledge ... But it is also the utterly impossible thing, because it presupposes a standpoint removed, even by a hair's breadth, from the scope of existence, whereas we well know that any possible knowledge must not only be first wrested from what is, if it shall hold good, but is also marked, for this very reason, by the same distortion and indigence which it seeks to escape.<sup>355</sup>

In EU-Palestine relations, the conceptual difficulties described by Adorno can be *avoided* through economic terms of engagement, and can be *postponed* by continuing to affirm universal ethical principles. Or these difficulties can be *engaged with*, by developing practical means and just ends, not in separate spheres, but *in relation to one another*. This would be an intermediary approach, and it would proceed above all through the medium of direct political negotiation.

## CONCLUDING REMARKS TO PART II

If EU-Palestine relations are to be informed by Josep Borrell's proposition that "Europeans must deal with the world as it is, not as they wish it to be,"<sup>356</sup> it will mean considering more politically challenging forms of engagement than the EU currently entertains. Rather than benevolence and concern, it will revolve around concrete political dialogue, including dialogue with actors the EU does not currently consider to be acceptable partners. As Olivier Roy has said "Sooner or later one has to negotiate, and one usually negotiates with one's enemies, not with one's friends."<sup>357</sup>

The Trump administration seems no more likely to expand its contacts with Palestinian actors than to revisit the techniques of Henry Kissinger's earlier project. And by presenting a formal policy document which the majority of EU members and the High Representative reject, the Trump administration has

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<sup>355</sup> Theodor Adorno, *Minima Moralia: Reflections from Damaged Life*, trans. E.F.N. Jephcott (London and New York: Verso, 1991), 247.

<sup>356</sup> Borrell, "Embracing Europe's Power."

<sup>357</sup> Roy, *In Search of the Lost Orient*, 227.

stimulated increased transatlantic divergence over the Israel-Palestine conflict. Given these facts, we might again consider the contrasting positions of Wolfgang Hager in 1972 – that Europe can do “very little directly” in relation to the Israel-Palestine conflict – and of Christopher Hill in 2007 – that “In periods of Euro-disillusion ... power is not mobilized, or used too timidly.”

In their different ways, at different times, Hager and Hill were attempting to answer the European question “Is political engagement with Palestine possible?” Hager considered the question the year before the October 1973 war and the oil crisis – also dubbed the “Year of Europe” by the Nixon administration, in a gesture toward renewing transatlantic ties. Christopher Hill considered the question in 2007, three years after ten new members had joined the EU, and with the onset of the currency crisis not far away. These years after the 2004 enlargement were perhaps the point at which the EU’s “widening” finally overreached the capacity of its “deepening”, pointing toward the disintegration and dilemmas of credibility it faces today.

The EU faces the same question in 2020: Is political engagement with Palestine possible? Part II of this dissertation has drawn on three elements from the work of Olivier Roy in which conceptual and concrete aspects of political engagement are combined. By analysing EU-Palestinian relations through these conceptual elements, it has sought to articulate a productive intermediary quality. This intermediary quality could be drawn upon in developing a geopolitically pragmatic approach to EU-Palestine relations in the years ahead.

## CONCLUSION

### Where does political engagement start?

*If every European leader was a spokesman for Europe but could not represent it, and those who represented Europe were civil servants with no authority to negotiate, who then could act authoritatively?*<sup>358</sup>  
Henry Kissinger (1982)

*The obstacle in Europe's path, in 1954, was political resistance – in the last resort, the difficulty of taking decisions. It had to be tackled head on, to persuade those who held sovereign power to delegate a part of it.*<sup>359</sup>

Jean Monnet (1976)

*This is [what it means] to speak the language of power: If you can influence decisions by taking your own decisions and constrain the decisions of the others you have power. If you don't do that you have just influence. And Europeans have been using trade and human rights as the way of influencing the rest of the world, by making an example, and making treaty agreements. Well, in today's world it's not enough.*<sup>360</sup>  
Josep Borrell (2020)

*But political battles are won or lost depending on how they are framed..... This should be the year that Europe gets traction with a geopolitical approach, escaping the fate of being a player in search of its identity.*<sup>361</sup>

Josep Borrell (2020)

*There's a story, but it's true there's not necessarily any moral to it. And that's the problem – today we're constantly searching for a moral everywhere.*<sup>362</sup>

Olivier Roy (2007)

This dissertation has considered the prospects for a newly political relationship between the EU and Palestine – one which would require the EU to develop terms of engagement beyond those of economic assistance and ethical commitment.

Part I has described a convergence of conditions – within the EU, in transatlantic relations, and in Palestine and the region – which will not necessarily *facilitate* a turn toward political engagement, but

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<sup>358</sup> Kissinger, *Years of Upheaval*, 157.

<sup>359</sup> Monnet, *Memoirs*, 399.

<sup>360</sup> Munich Security Conference, “EU must develop ‘Appetite for Power’.”

<sup>361</sup> Borrell, “Embracing Europe’s Power.”

<sup>362</sup> Roy, *In Search of the Lost Orient*, 19.



which are presenting the EU with *opportunities* to develop new modes of interaction and response. Doing so may require diplomatic relations to be expanded beyond the parameters of those the EU currently conducts with the Palestinian Authority.

Part II has proposed that such a modified approach could draw on Olivier Roy's three elements of political engagement, and on what I have described as their intermediary conceptual quality. What is politically productive about these concepts and about this intermediary quality is their basis in negotiation and interaction. This primacy of political negotiation stands in contrast to both the unilateral benevolence of economic aid, and the overarching ethical principles which are reiterated in the EU's statements of concern. If a new focus on direct and expanded negotiation could be incorporated into the EU's relations with Palestine, it would be an example of the geopolitical pragmatism which Ursula von der Leyen and Josep Borrell have said is now crucial for the EU.

When von der Leyen and Borrell delivered their early programmatic statements, the development of newly pragmatic political relations with Palestine was not an item on the agenda. But when the US peace plan was presented in January 2020 it required an EU response. The inability to formulate a response unanimously supported by member states showed that differences between those states continue to limit the prospect for a concerted EU position on Israel-Palestine which might contradict that of the US. And so, for example, Israel's plans to apply sovereignty to settlements in the Jordan Valley proceeded after the release of the "Peace to Prosperity" plan, indicating that steady and demonstrable US support for Israel remains the most effective external influence over events in the occupied territories.

The EU may or may not tangibly contribute to peace between Israel and Palestine during its current leaders' terms of office. In response to the US peace plan Borrell affirmed the EU's commitment to "reviving a political process."<sup>363</sup> But there can be little substantial progress in this direction until the EU's political terms of engagement with Palestine are clarified, specified, and formally supported by a consensus among EU member states. Borrell has affirmed that "The EU will engage with both parties, with actors in the region and all international partners."<sup>364</sup> The political prospects which might follow such multilateral engagement will be inseparable from the details of *how and with whom* engagement is conceptualized by the EU.

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<sup>363</sup> Borrell, "MEPP: Statement by the High Representative."

<sup>364</sup> Borrell, "MEPP: Statement by the High Representative."

The need to clarify and demonstrate these terms of engagement brings the consideration of EU-Palestine relations inwards and homewards. Rather than being an extreme case of foreign policy, it points directly toward the need for a new geopolitical pragmatism within the Union, which von der Leyen and Borrell have proposed as the EU's guiding principle in the years ahead.

## **TWO REQUIREMENTS FOR EU-PALESTINE POLITICAL PRAGMATISM: Engaging with violence and developing a credible EU political identity**

### *1. Violence and morality in the attribution of political legitimacy*

This dissertation has suggested that dialogue with Hamas remains a required element of political engagement with Palestine, and one that is emblematic of the difficulty the EU faces in reconciling its own institutional conditions and criteria with its aspiration toward greater political authority in world affairs. Opening diplomatic relations with Hamas would demonstrate such authority, because it would show the EU to be engaging via newly pragmatic geopolitical terms.

If this dialogue were to be initiated, aside from the matter of first achieving consensus among member states, a tacit but powerful *moral* notion would need to be reconsidered. This is the notion that violence is a quality alien to legitimate politics, and therefore that a movement such as Hamas, which is associated with violent resistance activities, cannot be considered a legitimate political actor or eligible diplomatic partner. This notion can be assessed from the legal and theoretical perspectives of international law and ethics – for example by debating the legitimacy of violence which is perpetrated by a resistance movement in comparison to the state-sanctioned violence of war. But if the EU is seeking a practical approach, rather than a theoretical one, the relationship between violence and political legitimacy may need to be understood in the way suggested by Olivier Roy:

Violence is at the heart of politics, but to domesticate that violence one cannot simply cast it aside as a crime or barbarism. One has to transform it into a political process.<sup>365</sup>

And, therefore, in negotiating with political actors such as Hamas,

what will count is not their position on the “terrorism” ladder, but their willingness to be part of the most acceptable political solution for all concerned, starting with the most stable.<sup>366</sup>

As noted in Chapter 4, Borrell has emphasized the “hybrid threats” now faced by the EU. But political actors too may be unavoidably hybrid in their structures, objectives and methods, because of the specific historical experiences which have formed them, and the specific conditions in which they operate today.

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<sup>365</sup> Roy, *In Search of the Lost Orient*, 120.

<sup>366</sup> Roy, *The Politics of Chaos in the Middle East*, 56.

If the EU is to engage with such hybrid actors in ways that are first and foremost geopolitically pragmatic, it will be counterproductive to define political legitimacy – and therefore eligibility for diplomatic contact – in moral terms which preclude engagement with the place of violence in politics.

## *2. Where in the EU does political authority reside?*

Beyond the specific matter of engaging with violence as a political reality, longstanding dilemmas pertaining to the EU's internal political identity and its capacity to act effectively on the world stage (including in relation to the United States) are expressed in the epigraphs to this conclusion. Their relevance to present conditions can be summarized as follows.

Reflecting on the aborted US attempt to renovate transatlantic relations through a “Year of Europe” in 1973, Henry Kissinger wondered *where and with whom* authority resided in the European Community. With legitimacy on the side of the member states, and with unity sought in a sphere beyond the control of any single state, it was unclear to Kissinger “who could act authoritatively.” Reflecting on the 1953-1954 failure of key steps toward integrated European defence and the formalization of political unity, Jean Monnet knew that the crux of the problem lay in transferring matters of real national political importance into an arena which stood *above or apart from member states* – that is, the “difficulty of taking decisions” at a supranational level.

Josep Borrell has indicated that the EU faces essentially the same dilemma in 2020 as the one articulated by Monnet in the 1950s, but in a global geopolitical environment that is more challenging, because it lacks the consensual forces which motivated ambitious multilateralism after World War II. In today's conditions, the EU's prospects for learning to “speak the language of power” depend on its capacity to be *decisive* in a way that results in more than “making an example, and making treaty agreements.” Ultimately this means developing the means to “constrain the decisions of others.” If this capacity for geopolitical action remains fugitive, the EU will remain “a player in search of its identity.”

Borrell has also indicated that “learning the language of power” will require “learning by doing.”<sup>367</sup> Such an approach – however it is cultivated within the institutions of the European Union – will unavoidably include an element of uncertainty. Sceptics might call this experimental; advocates might call it innovative. Either way, it will be *developmental* because it will attempt to bring theory and practice together in order to articulate forms of political activity that currently do not exist within the EU. Developing in this geopolitical direction is likely to mean rationalizing the EU's commitments to

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<sup>367</sup> Munich Security Conference, “EU must develop ‘Appetite for Power’, top diplomat Josep Borrell says.”

overarching normative principles – to stop “looking for a moral everywhere,” as Olivier Roy has put it – and instead identifying opportunities to initiate qualitatively different forms of diplomacy and foreign policy. In relations with Palestine, engaging in dialogue with Hamas is one such opportunity.

## **CHALLENGE AND RESPONSE: CURRENT CRISES AND POLITICAL ENGAGEMENT**

The conditions surveyed in Part I of this dissertation together constitute a challenge to the EU’s relations with Palestine. The conceptual approach elaborated in Part II is proposed as a means of responding to that challenge. Negotiating the difficulties of challenge and response is hardly unique to the EU’s relations with the Middle East today. The same difficulties were described by George F. Kennan in 1950, in relation to American foreign policy at the start of the Cold War. Kennan, like Borrell, emphasized that political efficacy depends on being able to respond effectively to the challenges posed by current conditions:

[I]t is clear that there has been in the past a very significant gap between challenge and response in our conduct of foreign policy; that this gap still exists; and that, whereas fifty years ago it was not very dangerous to us, today it puts us in grave peril.<sup>368</sup>

Today, responding to the challenges of EU-Palestine relations will involve the general difficulty of formulating more credible political terms of engagement, together with the specific challenge of considering diplomatic contact with a political actor currently considered to be dangerous. Both will involve persistence, compromise and a willingness to accept slow and uneven progress. But such a reasonable and gradual approach is difficult because, as Roy has observed:

Today policy making is developed and managed by crisis – economic, social, or military. . . . Everything is urgent – from the speech writing for a minister to the announcement of a decision – therefore everything is a bit slapdash, put together at the last minute, and the only coherence is the coherence of the tirade, or the coherence provided after a hasty decision has already been made.<sup>369</sup>

These conditions are plainly evident in relation to the Israel-Palestine conflict, where, as Anne Le More has written:

There always seems to be a new development, a new declaration, a new commitment, a new event. . . . Fundamentally, however, very little changes. . . . This continuity is often overlooked. In the excessive attention devoted to the minutiae of the conflict, the big picture gets lost.<sup>370</sup>

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<sup>368</sup> George F. Kennan, “Diplomacy in the Modern World,” in *American Diplomacy: Sixtieth-Anniversary Expanded Edition* (Chicago and London: The University of Chicago Press, 2012), 99.

<sup>369</sup> Roy, *In Search of the Lost Orient*, 175.

<sup>370</sup> Le More, *International Assistance to the Palestinians after Oslo*, xi.

In the middle months of 2020 two such “new developments” were attracting much commentary, in relation to the future credibility of the EU, and in relation to the future of a viable Palestinian state: the COVID-19 pandemic (and what European unity will mean in its aftermath), and Israel’s plans to apply sovereignty to settlements in the Jordan Valley (thereby effectively annexing parts of the West Bank), in line with the Trump administration’s “Peace to Prosperity” plan. Both will undeniably affect EU action in the future, but neither need become the primary basis upon which to judge the viability of the EU’s political future internally or in foreign policy. Given the prominence of these two developments at the time of writing, brief observations on each are offered here.

### *Implications of the COVID-19 pandemic: Not a death knell for the EU*

When von der Leyen and Borrell began speaking of a newly ambitious European Union in late 2019, there were plenty of sceptical responses. But in the middle of 2020 this scepticism had been overtaken by questions about the EU’s future which were of an altogether higher order. As European governments began responding to EU proposals for post-pandemic economic recovery, and as it was clear that the pandemic was not yet under control, talk of the “final straw”<sup>371</sup> or “death knell”<sup>372</sup> for the EU proliferated online. Perhaps the combined economic and political challenges following the pandemic will test present forms of European institutional unity beyond functional capacity, and perhaps this will mean a turning point for the EU as it is currently conceived.

But the EU’s current institutional structure and modes of operation are not timeless requirements which, once compromised, indicate the end of European cooperation. And the language of last straws and death knells was also used for the last crisis of the EU (Brexit) and for the one before that as well (the currency crisis). As Luuk van Middelaar remarked in relation to the EU’s prospects after COVID-19:

The EU is internally ill-equipped to deal with any crisis or unforeseen circumstances, and yet each time under the pressure of events it improvises solutions.<sup>373</sup>

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<sup>371</sup> Jennifer Rankin, “Coronavirus could be final straw for EU, European experts warn,” *The Guardian*, April 1, 2020, <https://www.theguardian.com/world/2020/apr/01/coronavirus-could-be-final-straw-for-eu-european-experts-warn>.

<sup>372</sup> David Brummer, “Does ineffectual coronavirus response sound death knell for European Union?” *i24 News*, April 6, 2020, <https://www.i24news.tv/en/news/international/europe/1586102911-does-coronavirus-response-sound-death-knell-for-european-union>.

<sup>373</sup> Quoted in Rankin, “Coronavirus could be final straw for EU, European experts warn.”

Middelhaar avoids hyperbole and emphasizes pragmatism, and this is essentially the approach outlined by Borrell in his early statements. Borrell emphasized that internal disintegration and external pressures are testing the EU such that “if we don’t act together, Europe will become irrelevant,” yet, within these limitations he proposed that innovation and adaptation remain possible. In May 2020 Borrell acknowledged that:

A little over a month ago ... we were immersed in the Middle East peace process, in the conference on Libya and the situation in Syria, plus Venezuela. All of these issues have now faded into the background. I do not mean that we have abandoned them, but it is true that the response to the coronavirus crisis has preoccupied, and occupied, us a great deal.<sup>374</sup>

This preoccupation will prevent Borrell from proceeding with foreign policy plans as he saw them in late 2019, and will mean that no radical adjustment of EU-Palestine relations is likely in the immediate future. But the pandemic has not removed any of the local, regional or global questions associated with EU-Palestine relations, and once foreign policy objectives can be brought back into the foreground, these questions will need to be considered again. Perhaps for a newly straitened EU, economic largesse and ethical idealism will appear less viable as a basis for foreign policy in general, and political dialogue with Palestine will show itself to be a more realistic alternative.

#### *Israel’s West Bank annexation: Not a foreign policy deadline*

After the release of the “Peace to Prosperity” plan, with the support of the Trump administration, Prime Minister Netanyahu announced in January 2020 that Israel would “apply its laws to the Jordan Valley and all settlements in Judea and Samaria.”<sup>375</sup> This would effectively mean annexing to Israel parts of the West Bank occupied during the 1967 war, thereby directly contravening the terms of UN Security Council Resolution 242; the “inadmissibility of the acquisition of territory by war.”<sup>376</sup> That such an action could proceed with US support may be seen as conclusive evidence that a contiguous Palestinian state cannot be created in the future – perhaps symbolically the “final straw” in terms of any world power other than the US attempting to exert meaningful influence on the Israel-Palestine conflict. As the year progressed, media commentary focussed on the date of July 1, mainly because

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<sup>374</sup> Josep Borrell, “‘Strength has to start at home’: Interview with Borrell on the EU’s response to the coronavirus,” interview by José Ignacio Torreblanc, European Council on Foreign Relations, May 6, 2020, [https://www.ecfr.eu/article/commentary\\_strength\\_has\\_to\\_start\\_at\\_home\\_interview\\_with\\_borrell\\_on\\_the\\_eus](https://www.ecfr.eu/article/commentary_strength_has_to_start_at_home_interview_with_borrell_on_the_eus).

<sup>375</sup> “As peace plan rolls out, Netanyahu says he will annex Jordan Valley, settlements,” *The Times of Israel*, January 28, 2020, <https://www.timesofisrael.com/as-peace-plan-rolls-out-netanyahu-says-he-will-annex-jordan-valley-settlements/>.

<sup>376</sup> Lea and Rowe eds., *A Survey of Arab-Israeli Relations*, 274.

Netanyahu's coalition agreement with Benny Gantz involved Gantz stipulating that annexation should not proceed *before* that date.<sup>377</sup> Internationally, the significance of annexation was registered when UN Special Rapporteur Michael Lynk said on June 19: "International law is very clear: annexation and territorial conquest are forbidden by the Charter of the United Nations."<sup>378</sup> And in the region, Jordan's King Abdallah II had earlier stated "If Israel really annexed the West Bank in July, it would lead to a massive conflict with the Hashemite Kingdom of Jordan."<sup>379</sup> Such a conflict might be described as the "death knell" for peace between Jordan and Israel, achieved by treaty in 1994.

With US presidential elections to be held in November 2020, the mood of deadlines was heightened. Since Democrat challenger Joseph Biden had stated "I do not support annexation,"<sup>380</sup> it seemed the Israeli government would be motivated to proceed swiftly, while still able to rely on support from a sitting Trump administration. US Secretary of State Michael Pompeo had confirmed his government's support in May, saying "They will have both the right and the obligation to make a decision on how they are going to do it."<sup>381</sup>

But no immediate action was taken by Israel on July 1. In Israel, the stability of the co-prime-ministership shared by Netanyahu and Gantz remained uncertain. The COVID-19 situation in Israel remained serious; responding to it was perhaps the highest priority for the government. Internationally, the UN's condemnation of annexation of the West Bank is based only on the same principles that have motivated the UN's approach in the past – no new methods of exerting political pressure on Israel have become available to the UN. In the immediate region, it is difficult to calibrate King Abdallah's warning of "massive conflict" with the power imbalance between Jordan and Israel, and more broadly with the

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<sup>377</sup> David M. Halbfinger, "Netanyahu's Annexation Day Arrives, but All That Emerges Is Delay," *New York Times*, July 1, 2020, <https://www.nytimes.com/2020/07/01/world/middleeast/israel-annexation-netanyahu-johnson.html>.

<sup>378</sup> Michael Lynk (UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967), "Annexation is a flagrant violation of international law, says UN human rights expert," United Nations Human Rights, Office of the High Commissioner website, June 19, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24716&LangID=E>.

<sup>379</sup> "Resistance gathers to Netanyahu annexation plans," *Al-Monitor*, May 20, 2020, <https://linkst.al-monitor.com/view/5da946d624c17c2e549855aec4r4j.qv/4237ed1e>.

<sup>380</sup> "Resistance gathers to Netanyahu annexation plans."

<sup>381</sup> Raphael Ahren, "Pompeo: New government has 'right and obligation' to decide if and how to annex," *The Times of Israel*, May 14, 2020, <https://www.timesofisrael.com/pompeo-new-government-has-right-and-obligation-to-decide-if-and-how-to-annex/>.

history of four wars won by Israel since 1948, all of which have had some relationship to prospective Palestinian statehood. And in the United States it is difficult to imagine that Joe Biden's qualified objection to Israel's annexation plans would be followed by a dramatic change in US-Israel relations if Biden were to become the next US president.

At the time of writing, in September 2020, the status of the proposed annexation as a "deadline" event was already beginning to take its place in the larger regional and historical continuum. Under a US-sponsored arrangement, Israel announced it would temporarily "suspend" annexation in return for "normalization" of relations with the United Arab Emirates (UAE).<sup>382</sup> The regional and global geostrategic significance of the Israel-Palestine conflict was once again in the headlines. Governments and international organizations around the world made a variety of non-committal, cautious or enthusiastic statements about the UAE-Israel deal's potential to aid Middle East peace, while Iran's President Hassan Rouhani described it as "a huge mistake,"<sup>383</sup> Turkey's President Recep Tayyip Erdogan said his country may suspend diplomatic ties with the UAE,<sup>384</sup> and the deal was denounced by the PA and Hamas.<sup>385</sup> Speculation as to whether other Gulf monarchies – but especially Saudi Arabia – might follow the UAE produced a burst of media commentary, and then in September Bahrain announced it too would "normalize" relations with Israel. The resulting Abraham Accords were signed on the White House Lawn on September 15.<sup>386</sup>

The consequences of these most recent developments will unfold over the coming months, including whether or not they will be understood as a major foreign policy achievement by voters in the United States, and so contribute to a victory for Trump in the November 2020 presidential elections. While it

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<sup>382</sup> Steven A. Cook, "What's behind the New Israel-UAE Peace Deal?" Council on Foreign Relations, August 17, 2020, <https://www.cfr.org/in-brief/whats-behind-new-israel-uae-peace-deal>.

<sup>383</sup> "Iran's president says UAE made 'huge mistake' with Israel deal," *Reuters*, August 25, 2020, <https://www.reuters.com/article/us-israel-emirates-iran/irans-president-says-uae-made-huge-mistake-with-israel-deal-idUSKCN25B0BE>.

<sup>384</sup> Daren Butler and Tuvan Gumrukcu, "Turkey may suspend ties with UAE over Israel deal, Erdogan says," *Reuters*, August 14, 2020, <https://www.reuters.com/article/us-israel-emirates-turkey/turkey-says-history-will-not-forgive-uae-for-israel-deal-idUSKCN25A00N>.

<sup>385</sup> Stephen Farrell, "Israel hails UAE deal but Palestinians - and settlers - dismayed," *Reuters*, August 14, 2020, <https://www.reuters.com/article/us-israel-emirates-trump-reactions/israel-hails-uae-deal-but-palestinians-and-settlers-dismayed-idUSKCN2592R5>.

<sup>386</sup> Andrew Parasiliti, "US: Trump claims foreign-policy prize with peace accords," *Al-Monitor*, September 15, 2020, <https://emailcampaign.al-monitor.com/t/ViewEmail/t/DF328C54985181262540EF23F30FEDED/26D5BFE45D6EBFA24D402EFBD42943A3>.



is too early to gauge the long-term significance of the Abraham Accords, three observations can be made which are relevant to prospects for future EU-Palestine relations. All three suggest that the Abraham Accords – like Israel’s July 1 annexation proposal – should not be fastened upon as a deadline event, at which decisive changes affecting the Israel-Palestine conflict will occur. The Accords may appear to be the latest indicator of US preponderance in the region. But a longer view suggests that they are emblematic of the Trump administration’s avoidance of engagement with the political bases of the Israel-Palestine conflict. The opportunity to engage with these matters lies open to other parties, including the EU.

Firstly, sponsorship of the Bahrain-UAE-Israel agreement makes the present US administration’s Middle East policy appear incoherent and lacking in strategic direction. The deal indicated that the Trump administration’s focus had moved away from the specific proposals of its “Peace to Prosperity” plan and had moved back toward matters which have characterized previous US administrations’ Middle East policy: seeking opportunities for regional securitization, notably via alliance-building between the US, Israel and willing Gulf partners.

Secondly, the agreement will unavoidably accentuate polarization across the region. At the macro level Iran and Turkey made this plain in their condemnation of the first UAE-Israel announcement. But a range of effects, not all of them immediately visible, are also likely to emerge in other spheres – from the Gulf Cooperation Council, to the situations in Syria and Yemen – where tensions involve a mix of large regional alliances, and smaller, less predictable political dynamics.

Thirdly, though Trump described the deal as a “HUGE breakthrough,”<sup>387</sup> it is notable more for its similarity to previous US diplomatic interventions in the Middle East, than for its innovation. Most significant here is the conduct of diplomacy by *selection* of dialogue partners who are willing to accommodate themselves to US terms, and the characterization of agreements made with such partners as essential steps toward peace in the Middle East. So it was with President Sadat in 1979, and King Hussein in 1994. Parties criticizing this selective patronage may be considered intransigent or unrealistic. Yet this approach is the opposite of political negotiation, because it expands the field of diplomatic consensus only on the condition that each new participant is willing to accept US terms at the outset.

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<sup>387</sup> Steve Holland, “Trump scores diplomatic deal with Middle East allies before election,” *Reuters*, August 14, 2020, <https://www.reuters.com/article/us-israel-emirates-trump-deal/trump-scores-diplomatic-deal-with-middle-east-allies-before-election-idUSKCN2592XW>.

Whether considered in relation to the Israel-Palestine peace process, or stability across the Middle East, these three observations suggest that the Abraham Accords are not strategic, not stabilizing and in the long run may turn out to have been little more than a diplomatic sideshow, before the US presidential election. Josep Borrell promptly welcomed the initial UAE-Israel announcement, but also aired his view that annexation should be not delayed but rather “abandoned altogether.”<sup>388</sup> Considering the EU’s current preoccupation with the COVID-19 pandemic, any stronger a statement than this from Borrell would most likely have been seen by the US and Israel as yet another example of inconsequential European hand-wringing.

But for the EU, more important than how these events develop over the coming months is the fact that *they are not the right starting place for a new and autonomous political relationship with Palestine*. Neither expanded Israeli presence in the West Bank, nor its delay through new diplomatic deals, is likely to provide the EU with a “breakthrough” point for diplomatic engagement.

Rather than fastening onto the impact of crises or deadlines, the EU’s diplomatic contact, political negotiation and multilateral dialogue with Palestine will require strategic vision combined with tactical pragmatism: ambition for the medium term and realism without platitudes in the present. Nothing guarantees that it will be possible to combine these approaches in a way that ensures EU efficacy in the long term – but attempting to formulate policy approaches *in reaction* to each new crisis is sure to keep the EU in servitude to circumstance, rather than propelling it toward new forms of productive collective action. Speaking about the EU’s political capacity in all-or-nothing terms – whether at home in relation to the pandemic, or abroad in relation to US support for Israel – and internalizing the logic of crises and deadlines is more likely to replicate hyperbole and increase polarization, than to cultivate new forms of intermediary geopolitical pragmatism.

If productive EU diplomacy and foreign policy is possible in relation to Palestine, it will need to start elsewhere: not in reaction to final straws, death knells or other ultimate conditions, but rather in *first steps* toward more credible and effective political dialogue – including with Hamas.

### **THE PROSPECTS FOR POLITICAL ENGAGEMENT: LAST WORDS OR FIRST STEPS?**

Instead of replicating crisis and hyperbole, developing new methods of engagement with Palestine might begin by conceptually framing realistic, medium-term responses to persistent, political challenges.

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<sup>388</sup> Miles Herszenhorn, “EU foreign policy chief Borrell welcomes Israel-UAE deal,” *Politico*, August 14, 2020, <https://www.politico.eu/article/eu-foreign-policy-chief-borrell-welcomes-israel-u-a-e-deal/>.

If instead the EU continues to conduct its relations primarily through the established modes of economic assistance and ethical commitment, it will be acting in a way that is perfectly consistent with the founding principles of European unity after World War II. In the European Coal and Steel Community, economic cooperation was attributed with a catalysing ethical agency, and it was proposed that this fusion of the economic and the ethical would have an *integrative* effect, creating the prospect of a supranational Europe:

In this way, there will be realised simply and speedily that fusion of interest which is indispensable to the establishment of a common economic system; it may be the haven from which may grow a wider and deeper community between countries long opposed to one another by sanguinary divisions.<sup>389</sup>

But now, seventy years after the Schuman Declaration, Borrell has described the primary conditions and requirements of the EU, not in terms of a fusion of economics and ethics, but in terms of geopolitical realism:

we must relearn the language of power and conceive of Europe as a top-tier geostrategic actor. It may, at first, seem difficult to face this challenge. After all, the EU was established to abolish power politics. It built peace and the rule of law by separating hard power from economics, rule-making, and soft power. We assumed that multilateralism, openness, and reciprocity comprised the best model not only for our continent but also for the wider world. Things turned out differently.<sup>390</sup>

If the EU wishes to adjust its relations with Palestine according to these changed conditions and contemporary requirements, it will not be able to rely on the principles of unified economics and ethics which guided its first institutional initiative (the European Coal and Steel Community), and its first substantive statement of European integration (the Schuman Declaration). It will need to find ways of combining those foundational principles with a realistic assessment of the global conditions it faces today.

In Part II of this dissertation the consideration of each of Olivier Roy's three elements of political engagement concluded with a question rather than with a stipulation or judgement. These three concluding questions indicated that decisive elements of a political relationship with Palestine need not be framed as extreme examples of EU foreign policy. On the contrary, the inescapable influence of nationalism, the problems of political legitimacy, and the difficulty of cultivating dialogue with complex political actors are all challenges which the EU faces at home. With this in mind, what is required to work toward a "geopolitical Commission" is simultaneously a matter of external relations *and* internal

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<sup>389</sup> Schuman, "Declaration of 9<sup>th</sup> May 1950 delivered by Robert Schuman."

<sup>390</sup> Borrell, "Embracing Europe's Power."

coherence; of redefining the EU's capacity to influence world affairs, *and* its future as a credibly integrated supranational entity. Writing in June 2020, in response to the COVID-19 pandemic, Nathalie Tocci observed that,

just as Europe must work together to ensure its internal socioeconomic recovery, it must also learn to stand united during a time of escalating global confrontation.<sup>391</sup>

The massive economic consequences of the pandemic may now require the EU to be substantially absorbed by matters of internal stability. But the global nature of the pandemic is itself indicative of the fact that stability within the EU is today inseparable from global events, and ones that are multidimensional, unpredictable and hybrid. In this globalized environment, the continued relevance of the EU will depend on developing credible responses to geopolitical forces beyond Europe, as much as effectively balancing the depth and breadth of integration within the EU.

How is such an approach to be cultivated in practice? How is it first to be articulated in official EU statements in ways that are not merely targets for Eurosceptic commentators and – more importantly – not merely objects of scorn or plain disregard by European people? Unavoidably, as Borrell has said, it will involve “learning by doing.” In present conditions this can be approached partly with the help of an unflagging institutional optimism such as that of Luuk van Middelaar – “each time under the pressure of events [the EU] improvises solutions.” But at the same time, “learning by doing” will only become more than a catchphrase if it proceeds with a strictly no-platitudes realism, informed by long-range historical experience. In this regard, Luuk van Middelaar's optimism finds a good counterbalance in an observation made by Henry Kissinger in 1994, on the feasibility of European unity:

But none of Europe's erstwhile practitioners of *raison d'état* are now strong enough to act as principals in the emerging international order. They are attempting to compensate for this relative weakness by creating a unified Europe, an effort which absorbs much of their energies. But even if they were to succeed, no automatic guidelines for the conduct of a unified Europe on the global stage would be at hand, since such a political entity has never existed before.<sup>392</sup>

From their different standpoints van Middelaar and Kissinger are both pointing toward the essential quality in Borrell's “learning by doing,” a quality which involves both improvising solutions and proceeding without automatic guidelines. This is the quality of innovation – a word much abused today in all sorts of institutional activity, and so often invoked merely to describe bureaucratic *incrementalism*,

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<sup>391</sup> Nathalie Tocci, “No time for Europe to go wobbly,” *Politico*, June 10, 2020, <https://www.politico.eu/article/no-time-for-europe-to-go-wobbly/>.

<sup>392</sup> Henry Kissinger, *Diplomacy* (New York, London, Toronto, Sydney, Tokyo and Singapore: Simon and Schuster, 1994), 24.

in which technical improvements are earnestly celebrated while fundamental problems remain in the too-hard basket.

But innovation need not be identified with this creeping incrementalism. It may be better understood as activity which temporarily or slightly *departs from* an established sequence of incremental changes, in an attempt to respond to conditions which cannot be effectively managed by existing structures or processes. Conceived in this way, innovation will necessarily involve an element of rupture or discontinuity. Too quickly put into practice, or too quickly recommended as a general guide to action, it is sure to lack credibility. All the more reason to propose innovative change first in conceptually judicious terms, and in response to specific, persistent problems which existing methods cannot solve.

This is what Josep Borrell did when he released a public statement criticizing the US peace plan, after unanimous support for such a statement could not be secured among member states. The same approach – innovation through reasoned provocation – was evident in his remarks on the unanimity principle, at the Munich Security Conference:

And we have to go little by little to the idea of no unanimity. Twenty-five in favour and two against? Then the twenty-five have to do something together. The twenty-five have to put something together. Not with the flag of the European Union because there is not unanimity, but coalitions of the willing in order to start doing things. Because if not we'll be completely paralysed.<sup>393</sup>

These are examples of “learning by doing” which relate to two longstanding questions of European unity: *Who* speaks for Europe? and *At what scale* can supranational cooperation credibly function? These two questions again indicate how closely foreign policy and internal coherence are tied. Borrell’s early public statements emphasized this close relationship, and indicated that existing EU structures are not managing it effectively.

Borrell’s probes may or may not lead to tangible change. In ten years’ time they may be smiled at as dalliances which had to be retracted after the strain of coping with COVID-19 set in. On the other hand, time may show that, by questioning existing EU methods *from the inside*, and proposing modifications to the way European unity is conceptualized, the Commission under von der Leyen and Borrell was returning to the most productive and innovative aspect of the Schumann Declaration: its emphasis on “concrete achievements” which would constitute a “first step in the federation of Europe.”<sup>394</sup> This emphasis on taking practical steps toward effective European unity is the one most

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<sup>393</sup> Munich Security Conference, “EU must develop ‘Appetite for Power’.”

<sup>394</sup> Schuman, “Declaration of 9<sup>th</sup> May 1950 delivered by Robert Schuman.”

relevant today: it frames internal cooperation not as a matter of economic development or ethical aspirations, but as a matter of political efficacy. Taking steps toward this political efficacy today requires a realistic approach to cooperation between member states, and a realistic approach to Europe's geopolitical prospects in world affairs. The announcement of the US Middle East peace plan prompted Josep Borrell to publicly state a position which brought these matters of internal EU political identity into the frame of EU foreign policy. It now remains to be seen how such an approach might be introduced into EU-Palestine relations over the coming years.

Analysing Mediterranean politics in 1972, Wolfgang Hager cautioned against the idea that the European Community could decisively influence “the central conflict of the area, the Arab-Israeli confrontation,” and emphasized that “the Community is unable to guarantee a settlement.”<sup>395</sup> But today, effective involvement does not require the EU to have the last word on the Israel-Palestine conflict by presiding over a final settlement. If, as Josep Borrell has stated, the EU “will continue to support all efforts aimed at reviving a political process,”<sup>396</sup> then geopolitically pragmatic engagement with Palestine will be best conceived in terms of first steps, rather than in terms of last words. This would mean moving beyond the institutionalization of economic benevolence and toward the requirements of political justice; beyond a moral vision of global norms and toward a credible vision of global action; beyond the affirmation of ethical principles and toward the development of direct negotiation. If the first steps in this direction can be taken during the terms of the current EU leaders, a newly political relationship between the EU and Palestine will have begun.

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<sup>395</sup> Hager, “The Community and the Mediterranean,” 218.

<sup>396</sup> Borrell, “MEPP: Statement by the High Representative.”



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