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The challenge of Middle East Peace before the EU-US Lisbon Summit

The Israeli-Palestinian negotiations, restarted in Washington in September, have already come to a standstill. In the same month Israel renewed construction in the occupied Palestinian territories which caused the Palestinian party to walk out of the talks. America's intense efforts to restart the negotiations as well as High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton's brief mission to the region failed to bring results. Given the tensions in the wider Middle East (in Israel, Palestinian territories, Lebanon, Egypt, Turkey, Iraq, Iran and Yemen) the region will be high on EU and US agenda during the November transatlantic summit. But the EU again finds itself divided and unable to influence the American partner who neglects European political abilities and is likely to make changes in its negotiating tactics. Sooner or later the talks will restart and eventually reach the deadline in September 2011 during the Polish presidency of the EU Council. Whether they succeed or fail, a Syrian-Israeli track is opened, or the Palestinians unilaterally declare statehood, **there is a strong need for more coherent EU policy towards the region, based on active engagement of the High Representative of the Union for Foreign Affairs and Security Policy with the support of all EU member states.** Poland could play a role in building consensus among member states on the EU's approach to the Middle East Peace Process by reducing Franco-German tensions, increasing transatlantic cooperation and subsequently improving the EU's and its own global position.

The EU and the Middle East Peace Process (MEPP)

The paralyzing drawback of EU's foreign policy in the Middle East is the **lack of unity** among its members.¹ The most potent examples of the EU's inability to devise a common policy vis-à-vis the conflicting parties are:

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¹ This problem has been discussed in various papers. For EU's role and interests in the Middle East Peace Process see P. Sasnal, *A Broker, Not a Banker: How the EU Can Help the Middle East Peace Process*, Strategic File 11, December 2009, Polish Institute of International Affairs, www.pism.pl.

- disagreement over the linkage between Israel's policy towards the Palestinians and the enhancement of EU-Israel relations.
- differing national policies of member countries, usually reinforced by Israeli and American pressure, which overpower the efforts to develop a unified position, i.e. the "Goldstone report" vote in the UN GA in November 2009 or the December 2009 Council of the European Union Conclusions². However, despite last-minute changes in the text, the EU Council's conclusions are considered a success for the EU on both sides of the Atlantic as the March 2010 Quartet statement used similar wording.

Even though France criticised Ashton for her lack of involvement at the restart of Israeli-Palestinian negotiations while Germany backed her latest efforts in this regard, behind the scenes both France and Germany tend to speak in unison and might be looking to strengthen the Palestinian Authority while the talks are underway. More initiatives in the EU Council are therefore expected. This approach is problematic because the Palestinians can only be efficiently strengthened by including other Palestinian actors (notably Hamas) who cannot be included at this point. Any other kind of action (continued influx of funding for state institution-building) would not be effective enough to change the status quo and ironically can only move the Palestinians and Israelis away from a final status agreement within the limited timeframe of a year. It would however make a provisional agreement more likely. At the same time, France and Germany understand that Israeli expectations will have to be met, possibly by initial and explicit affirmation that the state of Israel is a Jewish state.

Another European weakness in the Middle East is the **dependency of EU actions on American policies**. The EU amplifies American messages by repeating them, but at the same time it makes the same mistakes. For example, the EU wanted the moratorium on settlement building in East Jerusalem so that the Palestinian party would resume talks and yet at the same time, even when such moratorium was not in place, it insisted that the Palestinians negotiate with the Israelis despite ongoing construction. The two demands were irreconcilable.

In a possible response to questions about Catherine Ashton's absence at the start of the Israeli-Palestinian talks and allegations that she has not been sufficiently involved, there is almost unnatural insistence on the part of the EU representatives in Washington to underline her role and support for the negotiations. Interestingly, EU representatives in Washington have recently been repeating that the EU is committed to the peace process and can be counted on even though European commitment has never been questioned in academic, analytical or diplomatic circles. It indicates that the US administration might be pushing the EU for continued or greater financial input.

² Council of the European Union conclusions on the Middle East Peace Process adopted by the 2985th FOREIGN AFFAIRS Council in Brussels, 8 December 2009, www.consilium.europa.eu.

Due to the aforementioned drawbacks (lack of unity, dependency on the US) the **European role in the Middle East, even the Quartet itself, is continuously ignored in Washington**. The topic is even missing from policy discussions, i.e. it is never raised in hearings before the US Senate Foreign Relations Committee or House of Representatives Committee on Foreign Affairs³. American foreign policy circles - represented by major US think-tanks: Brookings, Carnegie, New America Foundation et al. - share a conviction that the EU should either act independently of US policies so as to complement it when it is in the EU's interest or take corrective action when it feels the US is mistaken, unable or unwilling to take up certain initiatives. The need for such policy may soon come to light as the American administration is pondering changes in tactics of its mediation efforts. At the least the EU should demand that American intentions be discussed with European partners, possibly at the EU-US summit in Lisbon.

The United States

The negotiator and the parties have set a target for a conclusion to the negotiations of September 2011, precisely when US President Obama enters his re-election campaign. Moreover US Secretary of State Hillary Clinton has invested her own political capital in the talks. One may conclude then that the US administration is determined to have an agreement by September 2011, thirteen months before the next US presidential elections. On the negative side the Republicans, who now control the House of Representatives, have been and will be trying to score points against the Democrats on the administration's policy with Israel and Iran.

At the moment there is an internal shift of power within Obama's negotiating team which additionally confirms the administration's determination to reach an Israeli-Palestinian agreement within the set timeframe. Lack of substantial results by George Mitchell has empowered Dennis Ross, a veteran American negotiator, who is known to be more receptive to Israeli needs. That shift could cost Mitchell his position, in which case the United States will most likely adopt an approach that pressures Israel less, especially with regard to settlements.

The Palestinians

The Palestinian side is represented by a fraction of Fatah. The rest distanced itself from the negotiations, including Prime Minister Fayyad who was absent at their restart in Washington.⁴ Other influential political Palestinian entities, i.e. that of Hanan Ashrawi or Mustafa al-Barghouthi, many NGOs and other civil society groups do not support the talks in

³ On rare occasions US administration representatives do stress EU's role in the Middle East, for example during conferences organized in Washington by European think-tanks. What they mean by the "Middle East", however, is Iran and Afghanistan, not the Arab-Israeli conflict.

⁴ There was only a small Palestinian delegation that restarted the talks in Washington, among them president Mahmoud Abbas and chief negotiator Saeb Erekat.

this format.⁵ The greatest and most powerful opponent is of course Hamas. Implementation of any final-status agreement will not be possible without their acquiescence.

The Abbas faction realises that the Palestinians might eventually turn against it if Abbas is too lenient with the Israelis and accuse him of having no political strategy in the talks other than to stay in power and continue receiving support from the US and EU. The current stalemate in the negotiations demonstrates Abbas' firmness on the issue of settlements and to an extent might help restore his credibility among the Palestinians. If, however, he returns to the table and, having given in to pressures, agrees on a settlement that will be perceived as favouring the Israelis, the Palestinians will not recognise it. On the other hand, If there is no agreement, the Palestinians might also unilaterally declare independence by the end of 2011 as envisaged in the Fayyad Plan, which the Palestinian Authority is implementing with noticeable success.

Many European and American experts agree that Hamas has to be included in the peace process and there is expectation that it will be the EU who will engage Hamas (establish official contact) first, perhaps using the Hezbollah-France/UK or Hamas-German intelligence contacts as a *modus operandi*. There have been allegations that the reason EU does not want to start this process is because it is perhaps waiting for a green light from the US. That can only be partly true as good relations with Israel are among policy priorities for many EU countries. As it is a matter of common European approach and understanding the circumstances are not ripe for that yet but both France and Germany seem to agree that Hamas needs to be included in the process at the right moment. This may however cause a vicious circle of events: if Hamas is incorporated into the peace talks as they are conceived at the moment it will only hurt the process itself. If, however, it is not included at all, no agreement will be successfully implemented. The question of timing and mode then arises. Additionally, at all times Hamas has the means to disrupt the talks with violence.

Israel

The right-wing nature of the governing coalition is an obvious factor that speaks against making peace moves. Additionally there are now ca. 0.5 million settlers (the population of Israel is about 7.5 million) who are politically and ideologically motivated. They make for a large and specific group that counts and is visible politically.

The Netanyahu government now has a choice: either it sticks to the status quo; or it makes concessions to the Palestinians. The status quo would satisfy the governing coalition and in the least it would not aggravate relations with international community so the support of the US and EU would not falter. Otherwise Netanyahu could pay a grave political price, as he did in 1999. Concessions on the part of Israel are nevertheless necessary for an effective

⁵ See D. Levy, *Want That Israeli-Palestinian Peace Deal, Mr. President? Perform a C-Section*, 31 August 2010, The Huffington Post, www.huffingtonpost.com.

and final peace agreement. Israel is conscious of the fact that with a weakened Palestinian party on board it might be able to achieve a provisional agreement on its own terms which would satisfy both demands: internal (that of sticking to the status quo) and external (that of reaching an agreement with the Palestinians).

Syria and Saudi Arabia

Jordan and Egypt are already working with the Quartet in the MEPP but these countries do not represent the whole Arab world. There is a European role to play in engaging other Arab actors. The two players critical to EU and US interests are Syria and Saudi Arabia.⁶

The Obama administration has attempted to improve relations with Syria by sending an ambassador to Damascus for the first time since 2005, but the Senate has blocked the nomination. Syrian-Israeli talks can start when the US decides it is ready to offer the regime a significant warming in bilateral relations⁷. The American administration will most likely consider this option only when the Palestinian-Israeli talks stall for a longer time or a provisional agreement is within reach. The Syrian regime however might not be as enticed by American overtures as it would have been two years ago because of a significantly stronger position that it currently enjoys in the region and in relations with the EU. It may well be possible that for the time being the EU influences the Syrian regime more than the US. Even with the Palestinian-Israeli track restarted, both France and Germany see the need to engage Syria, which in practical terms means promising the Syrians that they will get the Golan Heights back. The EU's Association Agreement is a non-starter, however, because of practical problems that worry Syria.⁸ Poland has an apt ambassador in Damascus and is well situated to move along with any initiatives that promote better relations with the country.⁹

Saudi Arabia is another neglected Arab actor. The Saudis have a particularly important political and financial role to play in the MEPP. The EU would have a harder time winning the support of the Kingdom, which is crucial for the resolution of the problem of Jerusalem¹⁰. Saudi Arabia will have to be dealt with by the US. That may well be happening after the \$60 billion US-Saudi defence contract. With regard to Syria and Saudi Arabia, a certain division of labour between the US and EU could prove beneficial.

⁶ See *Saudi Arabia and Syria: Improving Bilateral Relations, Advancing U.S. Interests*, Committee on Foreign Relations, US Senate, 21 July 2010, www.foreign.senate.gov.

⁷ Itamar Rabinovich, former Israel's Ambassador to the US and chief negotiator with Syria has even written about a tripartite "Israeli-Syrian-American" peace. See I. Rabinovitch, *How to Talk and How Not to Talk to Syria. Assessing the Obstacles to and Opportunities in a Future Israeli-Syrian-American Peace Negotiation*, Brookings Institution, Middle East memo, no. 18, May 2010.

⁸ The Association Agreement's regulations could in effect negatively affect well established Syrian businessmen.

⁹ Bilateral Polish-Syrian relations have improved over the past two years. In evidence to that the Polish airlines LOT opened direct connection Warsaw - Damascus in November 2010.

¹⁰ East Jerusalem as a capital is mentioned in the Saudi-sponsored Arab Peace Initiative and King Fahd in 1993 instructed Arafat not to compromise on East Jerusalem.

Iran and Hezbollah

The Iran-Syria-Hezbollah-Hamas linkage is known and fairly constant, but the connection between the Arab-Israeli conflict and Iran is often exaggerated. American policy towards Iran has been somewhat successful: the sanctions are taking effect and Israel has been pacified for the moment. An outright war with Iran is highly unlikely. Nevertheless Israel can act on proxies: Hezbollah or Hamas. One simple conclusion for the next year of Palestinian-Israeli talks is that the Israeli government most likely will not want to ignite armed conflicts when the negotiations are going to Israel's liking. If, however, the negotiations go to the Palestinians' liking, Israel may decide to change the equation back to their advantage and strike Hezbollah, not Iran. It would be easier as the Israeli army is now retooled precisely to be ready for this kind of a conflict, with far less unpredictable results. The possibility of another Israel-Hezbollah conflict is being carefully examined in Washington analytical circles. The tensions on Israeli-Lebanese border should be included in the EU-US summit talks.

Other determinants

- The relation between the negotiating parties has changed. The usual asymmetry - occupant vs. national liberation movement - has been transformed into an asymmetrical relationship between the politically and economically strong state of Israel and the much weaker Palestinians, who are represented by an unrepresentative group that is additionally dependent on the facilitators (the US, EU and Arab states).
- A provisional agreement will not deliver stability to the region. Yet it is the only agreement that can be expected by the effective completion of the ongoing Palestinian-Israeli talks by September 2011. There would be no support for such an agreement but all parties and the mediator could claim it as a success.
- There is a visibly growing role of non-state actors as demonstrated by the Freedom Flotilla incident of 31 May 2010. It was not a push on the part of the US or EU that caused a change in Israel policy towards Gaza but a non-state actor initiative.
- With its growing clout in the region Turkey should not be excluded from consultations on the MEPP. Working with Turkey is in EU's interest as in the eyes of decision-makers in Ankara it would ascertain Union's genuine acknowledgment of Turkey's prominent role in the Middle East.
- The US administration failed to convince the Arab, Israeli and international public opinion that an agreement is attainable thus further reducing the possibilities for success. Recent polls also show that Arab public opinion favours EU countries (mostly France and Germany) over the United States by great margin.¹¹

¹¹ *2010 Arab Public Opinion Poll*, University of Maryland and Zogby International, August 2010, www.brookings.edu.

- The popular anti-Israeli sentiment in European countries is real and perceivable. European states and civil society movements are being accused in some Israeli circles of meddling in the country's internal affairs by sponsoring certain NGOs (i.e. as demonstrated by the work of NGO Monitor). This is a response to the growing delegitimation threat that Israel is facing. It has recently been researched by Israeli think-tanks (most thoroughly by the Reut Institute¹²). The Israeli government probably realises the influence of Europe on the general perception of Israel, therefore the EU could potentially offer Israel certain image-boosting incentives instead of playing only with the enhancement of EU-Israel relations and constantly using coercive diplomacy. In this regard Poland is particularly favourably positioned to work with the Israelis.

A role for Poland?

Poland will preside over the European Council in a reality defined by the Treaty of Lisbon, which limits the presidency's prerogatives in external affairs, although the treaty's *modus operandi* is yet to develop. In spite of the unprivileged position of the Middle East on the Polish presidency's agenda, it should become a region of interest. Firstly, the importance of the Middle East for EU's multilayered security and welfare is unquestioned. Secondly, it is natural for Poland to demonstrate its engagement in the European Neighbourhood Policy, which provides an institutional framework for relations not only with Eastern neighbours, but also with North African and Middle Eastern countries. Thirdly, the relation of the presidency's priorities to non-priorities should not be equated with interest vs. no-interest areas. In other words, the presidency's policy in areas of priority need not determine the overall performance of the presiding country. Even though the presidency's reaction to developments in unprioritised regions will not impact the evaluation of the presidency to the same extent as it would have before the Lisbon Treaty was adopted, there may still be perks to reap. **With relatively small resources allocated, Poland can benefit from developments in the Middle East without jeopardizing its earlier commitments or partnerships.** The Polish Presidency may coincide with a number of key developments in the Middle East in the second half of 2011:

- the de facto deadline for Israeli-Palestinian talks in September 2011 and a possible provisional agreement;
- unilateral declaration of Palestinian state sovereignty at the end of 2011 as provisioned in the Fayyad Plan should there be no Israeli-Palestinian agreement by then;
- the 20th anniversary of the Madrid Peace Conference of 1991 in October 2011.

It is the High Representative of the Union for Foreign Affairs and Security Policy that should lead the EU's unison response to these developments, but with Catherine Ashton's

¹² *Building a Political Firewall Against Israel's Delegitimization: Conceptual Framework*, The Reut Institute, March 2010, www.reut-institute.org.

significant engagement unlikely, as demonstrated by her agenda so far, nation states will continue to play an important role in inciting the EU's—and their own, of course—actions in the Middle East. **The top-down approach of building the European External Action Service and appointing Ashton is yet to be supplemented by bottom-up action of key EU members to overcome their differences.** In the buildup to the presidency Poland could embark on such a mission of a low political risk.

France is currently looking for possibilities to forge a group of core countries to take concrete steps in the Middle East, thereby overcoming the EU's internal divisions on regional issues. Germany is also considering fresh initiatives. As the Polish presidency approaches, Poland's participation in such moves is recommended, as is an active role of the High Representative in finding solutions to the MEPP. In fact, **Poland, France and Germany could use the Weimar Triangle formula as a linchpin between their policies in the Middle East to provide a platform for broader consensus on the issue.** With the High Representative, the two most vocal and potent EU members, and the most influential “new” members united around the same cause of pushing for peace in the Middle East, this would provide a bold demonstration of European unity. One such initiative could be launched at the beginning of the Polish presidency with a high-level EU conference. The political circumstances are favourable (France and Germany would be forthcoming), the timing is right (the presidency, Israeli-Palestinian negotiations restarted, 20th anniversary of the Madrid conference), and the interests are appropriate for this initiative (working with Germany would not endanger relations with Israel).

From a transatlantic perspective such an involvement would also serve Polish and European interests. Highlighting a pragmatic and global approach (as opposed to bilateral) to issues of common US-EU interest, it would confirm Poland's vigorous engagement in the changes taking place within the EU and enhance the country's visibility in Washington during the presidency.