Normative Foundations in the EU Foreign, Security and Defence Policy. The Case of the Middle East Peace Process: A View from the Field.

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Abstract

The paper examines the normative foundations of EU foreign and security policy against the context of one of the world's most intractable disputes, the Israeli-Palestinian conflict. Recent scholarship has developed a thesis that the European Union – perhaps uniquely – is a 'normative power,' an international actor dedicated to the export of values and norms rather than (or in addition to?) the pursuit of interests. This generates a number of questions, at perhaps the core of which is under what conditions and in what circumstances can and does the EU use a strategy of norm export and to what effect? The aim of this paper is thus to assess how EU foreign and security policy is pursued on the ground, how EU officials perceive their own role and – crucially - how they are seen by others within this particular peace process. The paper concludes that there is only limited evidence for the thesis of the Union as a normative power and that the explanatory power of rationalism and instrumentalism thus remains considerable. However, the very fact that many officials – from both the EU institutions and the Member States – have internalised core common norms is testimony to the changes that have occurred in national foreign-policy making.

Foreign Policy and Ideas

What can a people or set of peoples believe about themselves and how might this effect the way in which they relate to others? In what ways do perceptions of history, language, culture, race, identity and nationality impact upon global politics? These are difficult questions for scholars of International Relations since the dominant assumptions that traditionally govern much of the discipline do not lend themselves easily to addressing such queries.

One key criterion that locks together most traditional analyses of inter-state relations is the assumption of rationality. Here traditional accounts look at the policy choices available to state actors and assume that such actors – through bureaucratic and/or political processes - adjudicate as best they can between an available array of policy choices using some form of a cost/benefit analysis. Depending upon theoretical choice, such an analysis might assess the cost/benefit in terms of absolute or relative gains accruing either to the state, to the individual actor or to the elite that the actor serves and represents. In any event, behavioural laws assist in the dissection of state decision-making processes and then offer explanations as to why states 'act' in the way that they do.

This analytical agenda – in which the motivations of actors are deemed to be rational and open to quantifiable scrutiny – then raises a series of difficult questions. To what extent – if at all – might foreign policy be constructed or constrained by collective belief structures, socially constructed norms and collective identity? In seeking to address this and other related questions, an increasing number of scholars in recent years have challenged the 'rationalist' approach and instead have contributed to what

has come to be known as a 'constructivist turn' in our understanding of foreign policy and international relations.[1] This has entailed an attempt to extend the focus of international relations beyond the search for behavioural laws to include consideration of 'ideas, norms, culture – the whole socially constructed realm (which) are inaccessible to an empiricist form of knowledge.'[2] This approach is now well established in the fields of both International Relations and European Studies and it allows for a different interpretation of the motivations driving international actors' policies.[3] When it comes to the European Union, this *sui generis* organisation has been labelled a normative actor rather than a purely rational one.[4]

If the European Union is to be characterised as 'normative actor' then there must be scope for identifying how the Union's norms are exported and the extent to which these norms are then internalised by the actors to which they are directed. We may also be in a position to identify the conditions necessary for the successful export of such norms.

Perhaps the biggest challenge in such an endeavour is to demonstrate the influence of norms. For the purposes of this paper, we shall be considering a distinction between norm export and norm internalization. The means by which norms are exported is significant. One might, for example, distinguish between a 'soft' export and a 'hard' export. The soft export is the capacity of the international actor to represent a different way of doing things that is then seen as so attractive that other actors choose to follow its lead and/or example.[5] For the European Union this is often seen as its most significant power, rooted in the representation of its own history of integration as being one of overcoming conflict and which is best exemplified by the success of the

enlargement process.[6]   A 'hard' export, by contrast, is the Union's capacity to engender normative change using traditional tools of international politics – from diplomacy through to the use, or threatened use, of force.

Hard normative exports can be identified through the Union's use of its foreign policy tools including the Common Commercial Policy, development policy, humanitarian aid, the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP). The latter two are often viewed as being most analogous to a traditional state's foreign and security policy, encompassing – in an EU context – the issuance of diplomatic demarches and political declarations, imposing sanctions, offering trade and aid deals, engaging in diplomatic intervention (hosting negotiations, peace talks or appointing special envoys) and – with the development of ESDP – offering the provision of peacekeeping troops and/or police missions. One notable feature of both the Union's Common Commercial Policy and its policy towards development cooperation and even humanitarian intervention, is the increased use and application of rules of conditionality so as to provide for assurances – if not guarantees – on good governance and human rights. This is most obvious in the Union's development cooperation activities but it has also been applied – or at least attempted – in the Union's dealings with wealthy industrialised and democratic states such as Australia.

In the Middle East, the Union faces, perhaps, its greatest challenge in seeking to extend its pacific norm model to a region of active conflict and deep-rooted hostilities. There has, to date, been considerable resistance on all sides, and not inconsiderable resentment against the kind of normative ambitions pursued by the Union *vis a vis* the

putative 'partners' in the tortured Arab-Israeli peace process. The Middle East also represents a traditional case study in EU foreign and security policy failure. If any evidence of successful normative export and/or internalization can be adduced here, then its general salience may be said to have considerable potential elsewhere.

Normative bases in EU Foreign Policy

There remains an active debate on the nature of the European Union as an international actor. The Union is neither a traditional international organization nor a state. This, however, makes the analysis all the more challenging since it implies that there is no direct comparator against which the Union's international capacity can be contrasted – and for any social scientist such a proposition is problematic at best. Many, however, do insist that the Union is unique– a new kind of hybrid structure that is neither domestic nor international – an entity that challenges our traditional Westphalian understanding of sovereignty, statehood and the international system.[7]

Within this new system, the Union is also frequently seen as having forged a political community from diverse national starting points and which has subsequently created a collective identity founded upon a distinct set of values and norms. This has thus "Europeanised" the member states through shared experience and the instantiation of common procedures and a convergence of some values.[8] This has been represented as member states having 'created a notion of belonging to a community within a particular (international) order.'[9] As regards foreign policy, Ian Manners cites the Union's own dedication to 'certain principles that are common to the member states.'[10] These norms have then been institutionalized into the very structures and

policies of the Union. These norms, in turn, have a constitutive effect that defines the Union's international identity.[11]

One of the core norms, based in part upon the Union's own 'story' of its roots, construction and even purpose, is that of 'peace'. The Union's own narrative is that it was established to provide for an historic reconciliation of France and Germany, founded upon the withdrawal of national control over two key components of 20th century warfare: steel and coal. That founding bargain, which successfully domesticated security, was subsequently extended to European states struggling towards democracy following periods of dictatorship (Spain, Portugal and Greece) and is now being applied upon a continental scale to the countries of Central and Eastern Europe as well as the Mediterranean. Indeed, in Turkey's application for membership the Union is perhaps seeking to apply this historic rubric to civilisational reconciliation between the worlds of Christendom and Islam. This 'peace' project has, over time, been increasingly defined in Kantian terms of a particular kind of 'democratic peace' in which values such as human rights, a dedication to the rule of law, liberal democracy and a broadly multilateral approach to interstate problem solving have come to the fore.

These values have been specified and expanded in subsequent iterations of EU treaty change. The Maastricht Treaty, for example, stated that the objectives of the Common Foreign and Security Policy (CFSP) included the pursuit of 'democracy and the rule of law, and respect for human rights and fundamental freedoms' which was itself echoed in another reference to policy which 'shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of

respecting human rights and fundamental freedoms.' Later, the Treaty of Amsterdam insisted that the European Union was 'founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, the rule of law, principles which are common to the Member States.'

There is a long – if disparate – record of attempts to characterise the European Union as an international actor. One of the earliest, dating back to the 1970s, was Francois Duchêne's conceptualization of the then European Communities, as being a civilian power.[12] This was swiftly contested first by Galtung's proposition that in fact the Communities were a 'superpower' in the making[13] and later Hedley Bull's insistence that a 'civilian power' was an oxymoron and that Europe had to aspire to becoming a military power if it was successfully to pursue its international ambitions.[14]

More recently, the threads of Duchêne's approach have been reconsidered by a new generation of scholars who insist that the Union's uniqueness is grounded in its normative foundations and its efforts to pursue these normative ambitions outside the Union's borders.[15] These analysts focus upon the uniqueness of the Union as an international actor contrasting it most frequently with the United States - and almost always, to the latter's disadvantage. The Union, it is argued, has a very unique institutional structure, has an approach to international affairs that is firmly rooted in multilateralism and has, in sum, developed an alternative approach to politics, turning away from old fashioned power politics and instead drawing upon the wells of international law, norms, rules, cooperation and integration. It is this 'normative' power that the Union now exerts. The impact of this is – in the minds of some – to create a vision of the Union as a 'post-modern state' or, in a less sympathetic light, a

rather smug and self-satisfied Kantian island of perpetual peace shielded from international realities by a more traditionally power-oriented ally (Kagan 2002).[16]

While extending this post-modern condition and/or enlarging this island of peace to encompass much of central and Eastern Europe has been successful to date the Union's effort to export its normative condition beyond its immediate neighbourhood has been more problematic.

This paper's purpose is to consider EU policy towards the Middle East Peace Process and, specifically, the significance of norms, values and identity in both its development and execution. In particular it seeks to assess the extent to which, if at all, European policy is being driven by the values and norms ascribed under the rubric of a 'normative power' and the extent to which scope conditions allow for the success of this endeavour. To take this analysis any further, one must assume that CFSP is more than an expression of lowest common denominator politics and proceed on the basis that its sum is greater than the addition of its individual parts. Taking that assumption on board, there are at least three scenarios one might envisage arising from an empirical study of policy on the ground in the Middle East. First, one might find that European policy in this area is a creature of an ideal-type of 'complex interdependence' where an institutional regime has been established by self-regarding and rational states through which national interests are pursued.[17] The role of the state in the first instance is to aggregate competing domestic interests, to establish a hierarchy of those interests and then to set about - alongside their European partners - to maximise their relative gains through a complex system of collective bargaining. This process of negotiation - which in the European context is highly institutionalised

- establishes the norms of the resulting EU regime *vis a vis* Middle East policy. These norms are in turn fed back into the EU system for application and enforcement. Our data in this case should underline the conditional nature of EU policy bargains, should illustrate policy difficulty and delay when faced with sudden shifts or challenges from other policy actors and we should be able to identify clear member state policy leaders or even consortia of such leaders, who drive and direct the EU policy process.

Alternatively, one might instead find that while national governments remain key actors they do not exclusively monopolise the decision or policy-making processes of the Union. First, it is argued that decision making is a shared competence of actors at different levels of the Union; second, that collective decision making entails an inevitable loss of control on the part of member state governments and third, that the arena of political debate is not the sum total of 'nested' national debates but must accommodate trans-national actors and sub-national actors working across member state boundaries. Here, our data should identify a range of key policy actors beyond the member states, including the Commission, the European Parliament and other trans-national or even sub-national policy groups. There should also be some clear evidence of effective policy flexibility and a rapid response to external policy challenges as well as a clearly developed sense of collective interests.

Finally, one might find that the key dynamic within policy development is not *just* one of bargains and balancing expressed 'interests' but one of evolving beliefs and norms. Here, a process of Europeanisation is understood to be in part a process of transformation in which the self-regard and beliefs of the state actors evolve and have an impact upon the construction of the interests that they pursue. In any event, policy

actors are in the business of constructing, pursuing and implementing policy norms and collective values deriving from this evolving political system.

This model would underscore much of the agenda of those seeing the Union as a normative power. Our data should, therefore, offer us evidence of new norms deriving from collective action at the EU level. These would be expected to be both regulative[18] as well as constitutive.[19] The power of such norms would underline the extent to which - even without explicit regulatory mechanisms – they were observed in both day-to-day practice and in conditions of crisis. These norms would in turn suggest that EU foreign policy was at least in part founded upon a normative base of shared mission and identity.

There should also be evidence that national interests had undergone some evolution. Rather than see such interests as being chips in an especially complex poker game - interests would change through participation in the game itself. Interests would therefore be developed/constructed endogenously (i.e. within) the collective policy process rather than being established exogenously (i.e. formulated within the domestic sphere and then brought to the negotiating table). This would also suggest the creation of common European norms driving the conduct and execution of EU foreign policy.

Manners identified five core norms within the corpus of EU treaties, foreign policy declarations, policies and practices.[20] These core norms (peace, liberty, democracy, rule of law and human rights) are said to underpin the Union's *acquis communautaire* and *acquis poltique*. In addition, he posits four additional but more contested 'minor norms' (social progress, anti-discrimination, sustainable development and good

governance) as being significant inputs to the construction of EU foreign policy. These are not simply declaratory positions but are argued to be the constitutive foundations of an EU foreign policy which cannot rely upon the substance of sovereignty and statehood but which must reach into the cognitive core of policy makers at both EU and national level.

It is then from this foundation of norms that EU foreign policy then emerges. Thus, the pursuit of the Union's material interests and the interplay within EU foreign policy debates should be seen as a resolution and contestation, respectively, of underlying norms. This study is then an analysis of the extent to which, if at all, these underlying norms are contested within and represented effectively by the European Union and its member states with respect to the Israeli-Palestinian conflict.

The Normative Role and Impact of the EU in the Israeli/Palestinian Conflict

The argument of this paper is that if the Union is to be viewed as a normative power – with the will to exercise such power – then there must be evidence of EU influence, of successful norm export and norm internalisation. If no such evidence exists, then the Union is either not a normative power or it has insufficient capacity successfully to export same and see these internalised.

The Middle East Peace Process has long been a political priority for European policy-makers. This very sensitive issue occupies therefore centre stage when it comes to Common and Foreign Security Policy. The importance of the Mediterranean, the perception that common interests existed in the field of economic co-operation and the solution of the Palestinian problem in fostering better relations with the Muslim

world led the EU to establish a multilateral framework where all these issues could be approached and discussed.[21] This multilateral framework, formalised in the Euro-Mediterranean Partnership, sees the European Union and its member states building co-operative links with countries on the other bank of the Mediterranean in three key sectors. The first pillar of this agreement is a *political and security partnership* with an emphasis on the rule of law, respect for human rights and pluralism. The second and most detailed pillar is an *economic and financial partnership*, which attaches importance to 'sustainable and balanced economic and social development with a view to achieving the objective of creating an area of shared prosperity.'[22] The third pillar of the agreement is a *partnership in social, cultural and human affairs* with an emphasis on the rejection of the notion of the clash of civilisations in favour of a dialogue between cultures.

While not primarily concerned with it, there is in the Declaration a commitment of all participants to the 'realisation of a just, comprehensive and lasting peace settlement in the Middle East.'[23] The Barcelona Process was meant to provide yet another forum for both Israeli and Palestinian policy-makers to work in a multilateral environment on political and economic affairs affecting the whole region. Despite its successes in improving relations in the Mediterranean in terms of trade and co-operation on matters such as immigration and regional military security, the breaking out of the second *Intifada* in September 2000 has had negative repercussions on the whole process. This is recognised at EU level and in a paper on regional strategy for the years 2002-2006 it has been highlighted that 'recent developments in the Middle East have led to a virtual stalemate in the peace process, which in turn have impacted on the work of the Barcelona Conference in the creation of a favourable climate for the

Middle East Peace Process.' Some argue that such stalemate is also the result of the inability of the EU to utilise the 'Euro-Mediterranean partnership to generate dynamics more favourable to the peace process.'[24] The weight of the EU has been instead brought to bear to gain inclusion in the Quartet.[25]

In spite of these difficulties, the EU is still present in the region and the Commission is engaged in the following activities:

- High representatives of the Commission engage with the regional parties with a view to promoting progress in the Peace process.

- It implements CFSP Measures.

- It supports the EU's Special Envoy.

- It represents the EU in the multilateral track of the Middle East Peace Process.

- It participates in international donors' conferences.

- It is responsible for the preparation and implementation of assistance programs.

- It manages regional economic co-operation schemes and engages with Israelis and Palestinians in an economic dialogue.

These tasks are carried out through two delegations in the region: the European Commission's Delegation to Israel and the European Commission Technical Assistance Office to the West Bank and Gaza. Given that it is the people working in these offices who are the 'faces and voices' of the European Union in the region, the focus of this study is on how they perceive their work. Since we are talking about identity, it should be stressed that the construction of it is context-dependent. This means that the implementation of CFSP policies and the beliefs behind them may be

different in Jerusalem/Gaza and Brussels. The 'agency' factor becomes very relevant to determine who is Europe and who speaks for Europe and we paid attention to the voice in the field.

Exporting Norms?

One of the most significant aspects of CFSP in the Middle East Peace process is the absence from official discourse of the word 'interest' associated to the word 'European.' While this might be a conscious rhetorical device, its absence may also be indicative of a deeper mistrust of traditional foreign policy-making. The word 'interest' appears only when associated to the adjective 'common' to define that interests cannot be promoted or defended if only one side benefits because in the longer term this will create resentment and a contestation of preceding actions. The value of the word 'interests' is in the meaning it has for EU foreign policy makers, as it represents a higher form of the national interest to become an international one, where all parties share core values and therefore actions abiding by the same rules. This signifies that the deepening Europeanisation of certain policies has an impact on traditional notions of 'national interest' that member states have and encourages an 'identity change' among them through the concept of a shared European interest influenced by different norms and values.

Most documents, declarations and accounts of personal interviews emphasise the strategic relevance of the area to the Union, but it also emerges quite clearly that foreign policy has already moved beyond the narrow interpretation of 'strategic relevance' with its association to zero-sum games towards a new dimension based on comprehensive co-operation and solidarity. This goes beyond the liberal

understanding and belief in multilateralism to actually take the founding values of the EU as the supreme norms that need to be propagated not to defend the cause of the EU, but to recast the Middle East in the normative mould of Europe. The identity acquired by the European Union through its process of integration is the driving force behind EU foreign policy in the region. This particular identity then filters down to the member states. One clear example of this is the 2004 Franco-German agreement over the opening of a shared cultural centre in Ramallah, which symbolises at once the unity of the European Union and the possibility of reconciliation that Palestinians and Israelis should aim for.[26]

The core norms identified by Manners and the emphasis of them as the foundational values of the European Union are not simply rhetorical devices, but constitute a basis for action. European policy-makers in the region see themselves as the representatives of these values and norms rather than representatives of an institution and their actions, consequently, reflect these normative foundations. The European delegations and institutions in the area are the means through which these values can be promoted and not the entity, which decides that certain values should be promoted because they advance a specific European Interest. To a certain extent the traditional roles of entities dictating the line to be followed and the policy makers following are reversed, as the policy-maker sees him/herself as the defender or promoter of ideas, which are not the reflection of sovereignty or statehood. Given that member states are bound by this common framework, they also tend to put aside their 'national' differences to support what EU agencies do in the area.

In one particular interview with a senior EU policy-maker, this point emerged quite strongly. Without being solicited, the interviewee launched into a passionate defence of the values upon which the European Union was founded and the need to use the example of these values in the region.[27] In fact, there seems to be little doubt that the experience of the creation and the expansion of the European Union is the driving force behind the efforts of EU foreign policy in the region to solve the conflict. The role of CFSP is that of an external actor attempting to convince the parties in conflict that by looking at the EU's experience it is possible to come to a peaceful and mutually beneficial solution. The EU does heavily rely on the values it was founded on and the norms it developed over time to devise its foreign policy in the region. In the words of the Head of the Delegation in Gaza and the West Bank: 'if the French and the Germans were able to come to understand that their future laid in co-operation, there is no reason why the same reasoning cannot be achieved in this region.'[28]

This obviously leads to two different types of difficulties. One is the 'misplaced' idealisation of how Europe and a European identity emerged. In the creation of the 'mythical values' of Europe and in the selective history of how the EU became to be what it is today, it is forgotten that when it was created there was an existing 'peace' and there were both external security guarantees provided by the United States and a common external threat in the form of the Soviet Union. These conditions do not exist today in the Middle East. However, the crucial point here from the point of view of the internalisation of norms is that this very partial account of how Europe came into being is perpetuated within EU policy-making circles and does become the whole story. What is important to underline is that by eliminating some relevant factors from

the construction of the European model, EU policy-makers have created an idealised account of their own identity that they believe in and attempt to export. What follows is that the policies in the region derived from this idealised account may not be working precisely because some crucial factors have been left out from the official report of the identity-building process.

The second difficulty is the existence of competing 'interests' within the EU. While EU officials may have internalised norms, as documents and interviews show, the EU is also constituted by member-states pursuing their own separate policies. This indicates that there may be two games taking place at the same time and the contradictions generated by these conflicting actions undermine the EU's credibility and norm-exporting power. It is no coincidence that top EU officials showed a degree of frustration toward EU member states and their 'independent' activities in the region.

At a general level, it can be argued that there is a considerable gap between the 'internalised' norms, how much they actually filter down to member states and the ability to promote them successfully. This may be due to the 'over-idealisation' of the making of a peaceful Europe and to the competition that the EU is subjected to from member-states.

It's the economy…stupid!

The impact of norms in the development of EU foreign policy is evident in the instruments used to make the policy effective. As indicated previously, the Commission 'manages regional economic co-operation schemes and engages with

Israelis and Palestinians in an economic dialogue.' This is the most important activity of the EU and a very simple explanation was given for this: 'sound and successful economic co-operation will ultimately lead to political progress.'[29] The work of the European Union in the region is therefore focused on economic development. Along with the essential role played in funding the reform of the Palestinian Authority, economic development is the real priority.

Simply looking at the list of tasks that the EU has, it emerges that most of them have an economic dimension. In this respect there are a number of elements that should be highlighted. First of all, the Commission attempts not only to help the Palestinians achieve a respectable level of economic development by funding a wide variety of projects in the Occupied Territories, but tries to link the economy of these Territories with that of Israel – attempting to create an economic interdependency. Through the management of regional economic co-operation schemes, the EU is involved in building bridges between the two parties highlighting the positive outcomes of co-operation. Secondly, the Union itself does not directly manage many of the projects it funds, but rather contracts them out to international and local non-governmental organisations, so as to maximise the involvement of the local population. Thirdly, the EU actively promotes economic agreements that result in association agreements with the two political entities in order not only to foster its own commercial agenda but also to have both entities participating in the same policy arena. Given that the potential of the Euro-Mediterranean region to become a leading economic area is enormous, the benefit of economic co-operation is highlighted. All this would confirm that the EU is indeed a normative power, but this policy cannot be assessed in isolation and outcomes have to be judged.

What emerges is that the success of this policy of economic engagement is at the very best mixed. Some good results had been obtained immediately after the Oslo Peace Accords. In 1995 for instance the EU-Israel Association Agreement was signed and entered in force in June 2000 with the hope that it would also foster economic regional co-operation since similar agreements have been signed with a number of other countries in the area, but the whole international community and, more importantly, the two regional partners were committed to the process. The EU policy cannot therefore account for the overall limited success of the early years. It follows that when the external and regional actors' domestic conditions changed, the policy faltered. This strategy is not working at the moment and economic conditions in the Territories have vastly deteriorated.

This sense of failure is captured when talking to members of non-governmental organisations who receive funds from the EU to carry out projects aimed at improving the living standards of Palestinians.[30] Water sanitation projects, rubbish collection schemes, community centres, schools, and other infrastructure have been damaged by Israeli armed forces, leading some within the NGO camp to question their own activities. Commissioner Patten seemed to share some of their frustration when in a statement to the EU Parliament on political progress in the region in September 2002 when he declared that 'the Palestinians and the donor community are working hard on building institutions and reforming existing structures. But there is a danger of that becoming a sort of virtual politics, while the real situation on the ground goes from bad to worse to appalling.'[31]

These poor results do not seem to undermine the support of those who are carrying EU policy out in the field. In fact, this overall policy of economic dialogue is quite deliberate in its political objectives and once again it can be connected to how the European Union formulates its policies on the basis of its values and of its own history. Among EU policy-makers there is the assumption that "the EU is very much engaged in trying to push an economic agenda based on growth and development because of the European experience itself after World War II." Since there is the widespread notion that political success and compromise in conflict situations can only be built on economic success, the EU is engaged in following the same path that it believes that it followed from its inception. Accordingly, "the logic behind the success of the European Union is that it started out as an entity that dealt with economic issues and then these tangible results resulted in political progress."[32] If economic dialogue is successful, political results are going to be much easier to achieve, as both sides will see that they have a common interest in working together. While this is considered naïve by some elements working with development agencies in the region, it still confirms that norms – albeit idealised - do influence policy.

Building on the belief that economic progress and co-operation can drive politics, the EU is very much involved in promoting three core values in its close work with the Palestinian Authority: democracy, rule of law and respect for human rights. As previously underlined, part of the budget of the EU for the region is destined to foster political legitimacy and respect for basic civil norms. Through the training of judges and the comprehensive reform of the judicial system, it is hoped that in the Occupied Territories the rule of law will become part of the political system.

The overarching logic of this policy of democracy promotion and rule of law is to be found in the belief that a legitimate and democratic Palestinian Authority will be more prone to co-operate with Israel, as it will have assimilated and will have been socialised into the need for compromise and the need to respect other points of view. Legal norms are the means through which conflicts can be solved.

The member states of the EU are technically part of this process and their foreign policy should also driven by this acquired identity. In fact, there seems to be a very strong degree of collaboration between the representatives of the European Union and the representatives of the member states. One very senior official stated quite clearly that 'there is no conflict between what the Commission does and what Members States do when it comes to deal with the Palestinian Authority and with the peace process in general.'[33] This co-ordination of policies is also highly institutionalised, as there are scheduled meetings and fixed procedures for all the representatives to come together. According to some officials, this seems to be a radical change from past practice. 'Every member state sees itself as contributing something both on its own (there are a number of different bilateral agreements) and together with other member states through the work of the EU Commission delegation.'[34] If this is true, two important conclusions can be drawn from this. Firstly, socialisation and further integration have played a role over time in changing attitudes among policy-makers of different member-states *vis á vis* the role of the EU in foreign affairs.[35] While in the past Europe may have been seen as an encroachment on what diplomatic corps 'did for a living', the present would point to a different picture. Not only, the shared project of the building of Europe is internalised to such an extent that it modifies behaviour, but it spills over into effective policy-making, which in turn is not simply

based on a notion of sovereignty. Europe does not substitute the nation state and does not simply 'Europeanise' foreign policies, but represents normative values that have a standing of their own. The second important conclusion is that the procedures put in place for the co-ordination of these policies enhances the credibility of the EU representatives.

However, there is also the emerging belief that EU policies are not simply about norms, but that in fact 'norms are woven into material interests.'[36] For example, a recent study on the trade accords that the EU signed with countries in Africa, the Caribbean and the Pacific (ACP) demonstrated that the promotion of solidarity and equality has been scrapped in favour of the pursuit of clear economic advantages.[37] Thus, the EU itself, and in spite of the rhetoric it uses, is not immune from thinking of itself has having clearly defined interests. Secondly, the Union's Member States have significant material interests ranging from access to energy resources to military security and from immigration to the promotion of free trade. The novelty of CFSP with respect to traditional Foreign Policy may be in the realisation that these material interests have to be collapsed into norms in order to be effectively pursued, but this does not detract from the reality of member states' independence, particularly at critical junctures and regarding truly relevant matters. All member states have their own agendas in the area and their own wider objectives and while, at a rhetorical level, this agenda is synergised with the broader European one, a re-edition of the 'capability-expectations gap' seems to be central to understanding.[38]

These two points contribute to explain the failures of the EU in the area, the lack of alternatives to the '*pax americana*' in the region, and the frustration of EU officials

who have indeed internalised the EU core norms, but seem to be unable to export them successfully. The EU contributes a novel outlook for both the Palestinians and the Israelis, but its effectiveness is limited by structural constraints, by the very limited and idealised vision of the EU's own history, by contradictions from within the EU foreign policy 'system' and by the competition of other more credible and effective unitary actors such as the United States. In addition, the targeted partners do not seem to be influenced by this norm-exporting strategy and have failed to internalise it. The 'real' game is for them played with the United States and influential member states, not with the EU, which is seen as an economic partner in the more traditional 'realist' sense.

In the minds of EU officials, the 2003-2004 divisions over the war against Iraq were a powerful reminder that not only can the EU be easily sidelined, but that the regional partners have understood the very marginal gains they can make by engaging with the EU from a normative point of view. All EU policy-makers in the area seemed to be very disappointed with the lack of agreement within the EU because the very notion of Europe is undermined and credibility diminishes.

US-EU Relations: Loving Me…and Loving You.

In this context, it is worth mentioning the relationship that has developed in the area with the United States. There is little doubt that the US and the EU have different approaches to Peace Process, with the US focusing more on security and the EU focusing on the socio-economic aspect. This difference derives both from the privileged relations that they enjoy with the two parties in conflict, from different assumptions they have about the region and, more crucially, from the different

'resources' they can mobilise. The 'war on terror' has possibly increased such differences, as the current debate on PA funding demonstrates.

For the European Union, the main preoccupation seems to be reaching a type of stability, which is not built on security and military preoccupations, but on economic and social development. In order to achieve that, the solution of the Palestinian conflict is not really about 'how to guarantee security', but on 'how to conceptualise and put into practice a different concept of security'. The fact that the EU is exclusively focusing on aid and trade is witness to the commitment of the EU to a different approach and to the successful export and internalisation of EU norms.

EU policy-makers are careful in emphasising that the EU and the US co-operate in the region and that they enjoy very good relations although they deal with different matters. This recognition, it is stressed out, does not lead to competition but a useful differentiation in roles. Instead of competing with the US in a traditional manner, the EU attempts to build a counterweight to Israel 'through the creation of a democratic, efficient and economically sound Palestinian entity.'[39]

The view is that there seems to be no need to challenge the US because the US listens to the EU and the policies they both undertake can be considered complementary. The view that the EU and the US do not really compete in the area is borne out when talking to NGOs representatives. Paradoxically, many working in the third sector in the region are keen to stress two points. First of all, they are quite sceptic about the EU line on focusing mostly on economics to foster political progress. They argue that the conflict is fundamentally a political one. Even if economic conditions dramatically

improved and real co-operation was initiated, in the end the rivalry would be so intense that economic gains would be short-lived, as the conflict is seen by many on both sides as a zero-sum game. The second point is that it is very difficult for them not to be sympathetic to the Palestinians and therefore they would call for a much stronger role of the EU in competing with the Americans for influence.

There are a number of points that emerge from the analysis of EU/US relations in the area. First of all, there is some truth to the claim that the EU and the US are not competing and that the EU is not attempting to counterbalance the United States. There is a very clear and readily recognised different approach to the Peace Process on the part of the two actors, but this 'competition' does not seem to subscribe to a realist traditional interpretation. In fact, competition takes place on the terrain of values. It is believed that a region where the conflict between Israeli and Palestinians would be solved though economic co-operation will be a stable one. This 'human' stability, as opposed to the 'security' stability envisaged by the United States, should be the best means to defend material interests such as better access to oil resources, taming religious fundamentalism and expanding the Euro-Mediterranean free trade area with mutual economic benefits.

Secondly, however, it should be recognised that the EU 'thinks' in that manner because, to a considerable degree, it cannot really do anything else. The structural constraints of CFSP signify that the different member states bring to bear their own views and interests, jockeying for the position of the spokesperson of the EU. Germany and Holland are traditionally pro-Israel and therefore have their own independent approach to the whole situation, but on top of that each member state has

to consider its bilateral relationship with the US when making policies in the region. Thus, the EU becomes a 'nice' vehicle through which promote specific norms and values, but it is not given the means to do anything else because critical decisions have to still be made nationally. In turn, this profoundly undermines the identity-driven policies of the EU and subtracts from its credibility because the regional partners are aware that the important game is not really played in Brussels.

Conclusion

Given the deep divisions within the European Union with respect to the war in Iraq, it would seem preposterous to talk about the effectiveness of Common and Foreign Security Policy and the increasing primacy of EU identity as the driving force behind foreign policy.[40]

However, while rationalist and positivist explanations make a crucial contribution to explanations of particular policy choices, it does emerge that EU foreign policy is driven at a very fundamental level by the normative values ascribed to it and understood by EU and national foreign policy makers. The evidence shows that there are grounds to consider the Union operating a normative model as outlined above, since EU officials seem to have internalised the norms that Manners identifies as being constitutive. In addition, the policies deriving from this may be argued to be at least in part identity-driven, even if this identity is partial and highly idealised. According to traditional works in the literature on EU policy-making, this should, in turn, have an influence on the constituent parts of the EU and how they formulate policies that bring a European dimension into an evolving national and collective

identity. Our evidence, rather, seems to highlight the ineffectiveness of EU policy towards the peace process and this can be explained by the Union's excessively idealised vision of itself, which underplays the real-world conditions that underpinned its establishment and success. This leads to poor choice of policies because all real factors are not accounted for. In addition to this problem, there is a very substantial difficulty in turning the norms-drive policies into hard export due to the still prominent role that member states play.

The attempt to recast the Middle East in the image of the European Union is real but, at this time, the explanatory power of rationalism and the primacy of the nation-state remain considerable. According to EU officials, insisting on economic progress and economic links is the way forward not only to achieve the regional stability that all actors desire, but to obtain a type of stability that is normatively different from the traditional security-centred conception of it. However, there seems to be the refusal to acknowledge that this is not working. Along the same lines, counterbalancing the United States may not be a logical course of action because the normative foundations of the European Union are unable to reconcile it with the use of traditional instruments of power politics. It could also be said that what makes this policy the only one pursued by the EU is the internal divisions of member-sates regarding their role *vis a vis* the US.

A note of optimism is however necessary. While there is only limited evidence that the EU is a normative power, the very fact that many officials – from both the EU institutions and the Member States – have been able to internalise core norms is testimony to the changes that have occurred in national foreign-policy making. In this

respect, it might be argued that if once again integration accelerates in the domain of foreign and security policy – as with, for example, the proposed EU constitution's Minister for Foreign Affairs and the External Action Service – further progress in this direction may result. 'Europe has repeatedly defied the sceptics'[41] and a truly unified CFSP may be the next step of this defiance. This very fact means that progress is possible and that international politics does not have to be the arena where the scientific law of positivism are immutable.

[1] See for instance E. Adler, 'Seizing the Middle Ground: Constructivism in World Politics', *European Journal of International Relations,* Vol. 3, No. 3, 1997, pp. 319-63 and J.T. Checkel, 'The constructivist turn in international relations theory (a review essay)', *World Politics*, Vol. 50, No. 2, 1998, pp. 324-348.

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[3] See for instance J.T. Checkel, 'Why comply? Social Learning and European Identity Change', *International Organization*, Vol. 55, No. 3, 2001, pp. 553-588 and T. Christiansen, K. E. Jørgensen, and A. Wiener, *The Social Construction of Europe*. London, Sage, 2001.

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[5] G. Therborn, 'Europe in the 21st Century: The World's Scandinavia', *Irish Studies in International Affairs*, Vol. 8, 1997, pp. 21-34.

[6] K. Smith,'The EU, human rights and relations with third countries: 'foreign policy' with an ethical dimension?' in Karen E. Smith and Margot Light (eds) *Ethics and Foreign Policy*, Cambridge, Cambridge University Press, 2001, pp. 185-203 and R. Rosencrance, 'The European Union: A new type of international Actor', in Jan Zielonka (ed) *Paradoxes of European Foreign Policy*, The Hague, Kluwer Law International, 1998, pp. 15-23.

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[14] H. Bull, 'Civilian Power Europe: A Contradiction In Terms?', *Journal Of Common Market Studies*, Vol. 21, No. 1, 1982, pp. 149-170.

[15] See for instance J. Orbie, 'EU Development Policy Integration and the Monterrey Process: A Leading and Benevolent Identity?', *European Foreign Affairs Review*, Vol. 8, No. 4, 2003, pp. 395-415.

[16] R. Kagan, 'Power and Weakness', *Policy Review,* 2002, p. 113.

[17] R. Keohane, and J. Nye, *Power and Interdependence*, New York, Little Brown, 1997.

[18] M. Finnemore, and K. Sikkink (1998). 'International Norm Dynamics and Political Change', *International Organization,* Vol. 52, No. 4, 1998, pp. 887-917 and R. Keohane, *After hegemony: cooperation and discord in the world political economy*, Princeton, Princeton University Press, 1984.

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[20] I. Manners, 'Normative Power Europe: A Contradiction in Terms', 2001, available at http://www.ukc.ac.uk/politics/englishschool/manners00.doc

[21] On this, see R. Youngs, 'European Approaches to Security in the Mediterranean', *Middle East Journal,* Vol. 57, No. 3, 2003, pp. 414-431.

[22] The full text of the Barcelona Declaration is available at: http://europa.eu.int/com/external_relations/euromed/bd.htm

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[24] Youngs, op. cit., p. 419.

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[26] Author's interview with French Consulate official, Jerusalem, June 2004.

[27] Author's interview with EU official, Jerusalem, February 2003.

[28] Author's interview with the Head of the EU Delegation to the OPT, Jerusalem, February 2003.

[29] Ibid.

[30] Author's interviews with members of international NGOs, Jerusalem and Ramallah, June 2004.

[31] Speech available at www.europa.eu.int

[32] Author's interview with the Head of the EU Delegation to the OPT, Jerusalem, February 2003.

[33] Author's interview with EU official, Jerusalem, February 2002.

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