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About the Author

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Abstract

The European Union (EU) has played an important, yet inconsistent role in the Israel-Palestine conflict since the 1980 Venice Declaration. This paper analyses how the EU's role as a mediator has changed more recently in the Israel-Gaza conflict. Specifically, it examines how the 'Concept on Strengthening EU Mediation and Dialogue Capacities' adopted in 2009 and the creation of the European External Action Service and the High Representative by the Lisbon Treaty have changed the EU's resources and strategies as a mediator as well as how these developments improved cooperation and coordination with other mediators. This analysis is done through a comparison of the EU's role in the Israeli Operation Cast Lead in 2008/2009 and Operation Protective Edge in 2014. It is argued that the aforementioned changes made the EU a more capable mediator and facilitated internal coordination. However, these changes did not create more resources for the EU as a mediator, rather they changed how the EU used its resources.

Introduction: Strategies in Mediation

The Israel-Palestine conflict “represents one of the world’s most intractable and geopolitical conflict[s]”,¹ and after a third war in six years fought between Gaza and Israel in 2014, the time has never been more crucial to study the European Union (EU) as a mediator in the ceasefires that ended hostilities. A lot has changed, both in the region and internally in the EU, between the first war in December 2008/January 2009 and the third war in the summer of 2014. Perhaps the most notable change in relation to the EU was that the Lisbon Treaty entered into force in December 2009,² leading, *inter alia*, to the establishment of the European External Action Service (EEAS) and the position of High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP).

The resources of a mediator influence the type of strategy that a mediator chooses.³ Bercovitch noted this, saying that “without resources a mediator cannot move the parties, nor can he or she exercise any influence on the proceedings”.⁴ There are many different conceptualisations of strategies.⁵ Bercovitch identifies three main ones:

(a) communication-facilitation [facilitator], (b) procedural [the mediator may determine structural aspects of the meetings e.g. media publicity or distribution of information], and (c) directive strategies [most interventionist – the mediator affects the content and substance of the bargaining by e.g. providing incentives or issuing ultimatums].⁶

It is important to note from the outset that the EU did not use a procedural strategy in my case studies, it left this to other mediators. A procedural strategy only lies within

¹ A. Sherriff, V. Hauck & C. Rocca, “Study on EU lessons learnt in mediation and dialogue: Glass half full”, *Study submitted to the European External Action Service by ECDPM through the AETS Consortium – Cardno*, Maastricht, ECDPM, 2013, p. 10.

² European Union, “Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union of 13 December 2007”, *Official Journal of the European Union*, C 326, 26 October 2012 [hereafter, “Lisbon”].

³ J. Bercovitch, “Mediators and Mediation Strategies in International Relations”, *Negotiation Journal*, vol. 8, no. 2, 1992, p. 108.

⁴ J. Bercovitch, *Theory and Practice of International Mediation: Selected Essays*, London, Routledge, 2011, pp. 7-8.

⁵ See D. M. Kolb, “Strategy and tactics of mediation”, *Human Relations*, vol. 36, no. 3, 1983, pp. 247-268; J. Stein, “Structure, strategies and tactics of mediation”, *Negotiation Journal*, vol. 1, no. 4, 1985, pp. 331-347; P. Carnevale, “Strategic choice in mediation”, *Negotiation Journal*, vol. 2, no. 1, 1986, pp. 41-56.

⁶ J. Bercovitch, “Mediation and Conflict Resolution”, in J. Bercovitch, V. Kremenyuk & I. W. Zartman (eds.), *The Sage Handbook of Conflict Resolution*, London, Sage, 2009, p. 353, p. 347.

the remit of a lead mediator and, as it will be shown, the EU was not the lead mediator in my case studies. Furthermore, the above three strategies only apply to a party who is directly mediating, either as a lead-mediator or as a co-mediator, in a conflict. Very often though, the EU does not mediate directly in a conflict, as seen in Operation Protective Edge. Research on the EU as a mediator lacks one defining typology of strategies. However, in the 'Concept on Strengthening EU Mediation and Dialogue Capacities',⁷ the EU outlines ways in which it can act. These include:

- a. "Promoting mediation
- b. Leveraging mediation
- c. Supporting mediation
- d. Funding mediation"⁸

These four ways in which the EU plays a role in mediation are crucial in understanding the EU as a mediator and must be added to any conceptual discussion of strategies that the EU uses in mediation. They can in effect be termed the EU's self-declared typology of strategies for mediation. There are inherent overlaps between Bercovitch's typology and the EU's typology, for instance leveraging mediation is closely related to Bercovitch's directive strategy, and promoting, funding and supporting mediation are all indicative of a communication-facilitator strategy. Hence, it is not necessarily helpful to see a duality between these two typologies, instead this paper will combine them to best examine the EU's mediation strategies.

The reason for the difficulties in finding an applicable typology for the EU is linked to the fact that the EU almost never mediates alone.⁹ Hence, when examining the EU as a mediator, one must examine it in the framework of multiparty mediation. Multi-party mediation is very simply mediation with multiple mediators.¹⁰ Within multiparty mediation, this paper will examine cooperation and coordination as they are centrally linked to resources and strategies that a mediator uses. Cooperation is "a situation where parties agree to work together to produce new gains for each of the

⁷ Council of the European Union, "Concept on Strengthening EU Mediation and Dialogue Capacities", Brussels, 10 November 2009, 15779/09, pp. 1-13.

⁸ *Ibid.*, p. 5.

⁹ Sherriff, Hauck & Rocca, *op. cit.*, p. viii.

¹⁰ C. A. Crocker, F. O. Hampson & P. Aall, "Crowded Stage: Liabilities and Benefits of Multiparty Mediation", *International Studies Perspectives*, vol. 2, 2001, p. 63.

participants unavailable to them by unilateral action, at some cost",¹¹ while coordination is "a method of synchronized usage of different leverages and resources at each mediator's disposal to create necessary incentives for resolution that would have been unavailable through a single mediator".¹² Cooperation and coordination in multi-party mediation determine the strategies that the relevant mediator uses; as mediators cooperate they will adopt different strategies that complement the other mediators. Furthermore, coordination is essential "in order to determine who, in a given mediation initiative, would take on the lead role and who would play a supportive role".¹³

The paper will proceed as follows: the first section will examine the background to the EU's involvement in Gaza and Israel and look in more detail at the relevant changes brought about by the Lisbon Treaty. The second section will analyse in-depth the EU's resources, strategies and relations to other mediators in Operation Cast Lead and compare this to Operation Protective Edge. Finally, the last section will draw conclusions and make recommendations for the future.

One point must be mentioned from the outset. There was a third war between Gaza and Israel in-between Operations Cast Lead and Protective Edge. It occurred in November 2012 and was termed Operation Pillar of Defence. This has been deliberately excluded from this paper because it has a number of striking differences with the two chosen case studies. First, Operation Pillar of Defence was considerably shorter than the two other operations, only eight days, and the number of casualties was much smaller. Furthermore, the EEAS was still in the process of construction at the time of the conflict. For these reasons Operation Pillar of Defence would not truly allow for a comparative study. On the other hand, Operation Cast Lead and Operation Protective Edge had a number of striking similarities as will become clearer throughout the paper. In summary, they both came about as a result of Palestinian rocket fire on Israel, they both led to similar levels of casualties and while Operation Protective Edge lasted longer than Operation Cast Lead, they were both considerably longer than the relatively short Operation Pillar of Defence.

¹¹ I. W. Zartman & S. Touval, *International Cooperation: The Extensions and Limits of International Multilateralism*, Cambridge, Cambridge University Press, 2010, p.1, quoted in S. Vuković, "Coping with Complexity: Analyzing Cooperation and Coordination in Multiparty Mediation Processes", *International Negotiation*, vol. 17, no.2, 2012, p. 266-293.

¹² Vuković, "Coping with Complexity", *op. cit.*, p. 269.

¹³ Council of the European Union, "Concept on Strengthening EU Mediation and Dialogue Capacities", *op. cit.*, p. 9.

Furthermore, the two operations were picked as much for their differences as their similarities. The fact that Operation Protective Edge occurred almost five years after the coming into force of the Lisbon Treaty, and Operation Cast Lead occurred before Lisbon, meant that enough time had elapsed to see if the HR/VP, the EEAS and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' made a difference to the EU's resources and strategies in mediation as well as its coordination and cooperation in the framework of multi-party mediation.

The Israel-Palestine Conflict and the EU

The Venice Declaration in 1980 was a seminal moment for European involvement in the Israeli-Palestinian conflict. It laid down two important principles; "[f]irst, 'the Palestinian people [...] must be placed in a position to exercise fully its right to self-determination.' Second, the Palestine Liberation Organization should be associated with any peace negotiation."¹⁴ "The declaration implicitly called for a solution based on two states"¹⁵ and still to this day shapes to an extent the EU's relations with both Israel and Palestine. The EU's role has developed in recent years. It became a member of the Middle East Quartet, which was created in 2002.¹⁶ However, the EU never acts alone in the conflict but rather plays a complementary role, "support[ing] American mediation".¹⁷

In the pre-Lisbon Common Foreign and Security Policy (CFSP) "the EU was represented by three actors, the Commissioner for External Relations, the CFSP High Representative, and the Presidency of the EU",¹⁸ who rotated every six months, leading to a lack of continuity. This complex Troika system was with Lisbon incorporated into the position of the High Representative,¹⁹ supported by the European External Action Service. Furthermore, within the EEAS, a Conflict Prevention, Peacebuilding and Mediation Instruments Division was created. These changes all meant there was a much clearer focus on mediation, with EU Delegations, the HR/VP, and a division dedicated to it within the EEAS.

¹⁴ Cited in A. Dieckhoff, "Europe and the Israeli-Palestinian conflict", *Inroads*, vol. 16, 2005, p. 53.

¹⁵ *Ibid.*, p. 54.

¹⁶ N. Tocci, "The EU, the Middle East Quartet and (In)effective Multilateralism", *Mercury E-paper*, no. 9, June 2011, p. 3.

¹⁷ *Ibid.*, p. 5.

¹⁸ *Ibid.*, p. 6.

¹⁹ K. Koehler, "European foreign policy after Lisbon: strengthening the EU as an international actor", *Caucasian Review of International Affairs*, vol. 4, no. 1, 2010, p. 66.

In January 2006 Hamas won the Palestinian Authority (PA) legislative elections. However, "Hamas' electoral victory posed a dilemma for the US and the EU".²⁰ While the elections were indisputably democratic, Hamas was "on US and EU lists of terrorist organisations"²¹ and refused to recognise the state of Israel. As a result, the Quartet "went beyond calling on the new government to renounce terrorism and insisted on three 'principles' (an end to violence, recognition of Israel and acceptance of previous agreements), which soon evolved into strict conditions for the recognition of the government".²² Hamas could not abide by the three principles and consequently, "the EU refused to enter into dialogue with the Hamas government and withdrew its budgetary support",²³ contributing to a "sharp deterioration of the Palestinian economy and [...] a humanitarian crisis".²⁴ Furthermore, the policy of no contact "shut a crucial channel of communication with Hamas. The EU thus eroded its own capacity to use its leverage and influence in the occupied territories".²⁵ Hamas entered into a coalition government with Fatah (the previous ruling party). "However, in June 2007, tensions between the two parties spilled over into armed conflict. Hamas seized control of Gaza by force, leaving a separate Fatah administration in control of the West Bank".²⁶ Since then, there have been intermittent efforts at achieving Fatah-Hamas reconciliation in a unity government which "officially has jurisdiction over both the West Bank and Gaza, [although] Hamas remains in de facto control of Gaza".²⁷

EU Mediation in Operation Cast Lead 2008/2009

"On 18 June 2008, the Gaza authorities and Israel announced a six-month ceasefire in an agreement brokered by Egypt."²⁸ This ceasefire expired on 19 December 2008 and was not renewed. In November 2008 "the situation precipitated when Israel

²⁰ C. M. O'Donnell, "The EU, Israel and Hamas", *Centre for European Reform Working Paper*, 2008, p. 7.

²¹ *Ibid.*

²² N. Tocci, "Active but acquiescent: the EU's response to the Israeli military offensive in the Gaza Strip", *Euro-Mediterranean Human Rights Network Report*, May 2009, pp. 26-27.

²³ M. B. Altunışık, "EU Foreign Policy and the Israeli-Palestinian Conflict: How much of an Actor?", *European Security*, vol. 17, no. 1, 2008, p. 114.

²⁴ *Ibid.*

²⁵ S.S. Zafar, "The Israeli-Palestinian Conflict and The European Union: Ambitions and Limitations", *Journal of European Studies*, vol. 30, no. 2, July 2014, p. 95.

²⁶ R. Page, "Gaza Ceasefire Agreement", *Library House of Commons*, 29 August 2014, p. 3.

²⁷ *Ibid.*

²⁸ United Nations General Assembly, "Human Rights in Palestine and other Occupied Arab Territories", Report of the United Nations Fact-Finding Mission on the Gaza Conflict, A/HRC/12/48, 25 September 2009, p. 62.

carried out an incursion, allegedly in order to destroy a tunnel under construction, which killed six Hamas militants".²⁹ In retaliation Hamas began launching rocket attacks. This resulted in the Israelis almost entirely sealing the border, allowing "a mere 6 truckloads per day to enter the Strip. In a situation in which over 80% of the 1.5 million people are dependent on food aid, the effect was devastating".³⁰ The deteriorating situation in Gaza resulted again in increased rocket fire and in an attempt at least ostensibly to stop the rockets and end the smuggling of weapons into Gaza, "[o]n December 27th, 2008 Israel launched its military offensive Operation Cast Lead on the Hamas controlled Gaza Strip".³¹

The offensive finally ended when on "January 17, the Olmert government declared a unilateral cease-fire [...] About twelve hours later, Hamas and other militant Palestinian groups in the strip announced a reciprocal weeklong cease-fire".³² The results of the operation were devastating, with "some 1,430 Gazans [...] killed, over 5,300 wounded and in excess of 90,000 were homeless".³³

The EU was greatly hindered in its ability to respond to Operation Cast Lead because the rotating Presidency switched only five days into the conflict from France to the Czech Republic. This lack of continuity hurt the EU's response. The French Presidency was very assertive and reacted quickly to the crisis. On 1 January 2009, the Czech Presidency took "over from the French and espous[ed] a far friendlier approach towards Israel".³⁴ Furthermore, "President Sarkozy turned out to be unwilling to cede diplomatic leadership in European crisis management to the Czech presidency, which the French President simply considered to be not ready for this task".³⁵ As a result, there were different strategies used by the different EU actors, which greatly hindered the EU's ability to play a central role in the crisis.

Adding to the convoluted nature of EU foreign policy before Lisbon, "[t]he CFSP High Representative's declarations were largely in line with those of the Council and Presidency".³⁶ However, the "External Relations Commissioner Ferrero-Waldner

²⁹ Tocci, "Active but acquiescent", *op. cit.*, p. 34.

³⁰ *Ibid.*

³¹ S. Power, "Re-engaging the Gaza debate: The impact of Operation Cast Lead", *Intellectum*, 2009, p. 2.

³² B. S. Lambeth, "Israel's War in Gaza", *International Security*, vol. 37, no. 2, 2012, p. 101.

³³ International Crisis Group, "Gaza's Unfinished Business", *Middle East Report*, no. 85, 23 April 2009, p. 1.

³⁴ Tocci, "Active but acquiescent", *op. cit.*, pp. 56-57.

³⁵ P. Müller, *EU Foreign Policymaking and the Middle East Conflict: The Europeanization of National Foreign Policy*, New York, Routledge, 2012, pp. 60-61.

³⁶ Tocci, "Active but acquiescent", *op. cit.*, p. 57.

[...] expressed concern at Israeli military strikes and distanced the Commission from the suggestion that Israel's attack was defensive in nature".³⁷ The institutional confusion went beyond rhetoric, and "[o]n 4-6 January 2009 three separate European delegations travelled to the region: the first led by French President Nicolas Sarkozy; the second representing the EU Troika [...]; the third by the Spanish Foreign Minister Miguel Moratinos".³⁸ While they all had the same aim, the presence of three delegations created uncertainty as to actually who represented the EU, and so the EU's position was undermined from within. This was further compounded as each of the actors was in charge of a different set of resources. This separation hindered the resources that the EU could bring to bear on the conflict and such "[d]issonance within the EU seem[ed] to prevent a clear line from emerging".³⁹

It is against this chaotic background that the EU attempted to act and mediate in the conflict. The EU, as will be shown, was not without resources, however its ability to use its resources was greatly hampered by the multitude of actors.

The EU's Power Resources in Relation to Palestine

In 2009, the EU was the largest single donor to both the PA and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and it played "a major role as a reliable and punctual provider of support".⁴⁰ "The ENPI [European Neighbourhood and Partnership Instrument] allocations for the Occupied Palestinian Territory for 2009 amounted to EUR 352.8 million."⁴¹ On top of this, the EU provided funding to UNRWA, amounting to €169.7 million.⁴² As well as this financial assistance, the EU signed an Interim Association Agreement on Trade and Cooperation with the PLO (Palestinian Liberation Organisation) for the benefit of the PA. This integrated the Palestinians into the Barcelona Process and established "the conditions for an increased liberalisation of trade".⁴³ "However, the effectiveness of the agreement remained very limited as Israel did not recognize it and the EU 'has

³⁷ *Ibid.*, p. 58.

³⁸ *Ibid.*

³⁹ *Ibid.*, p. 72.

⁴⁰ European Commission, "Implementation of the European Neighbourhood Policy in 2009 Progress Report on the occupied Palestinian territory", Brussels, 12 May 2010, SEC(2010) 515, p. 18.

⁴¹ *Ibid.*, p. 17.

⁴² *Ibid.*

⁴³ European External Action Service, http://www.eeas.europa.eu/delegations/westbank/eu_westbank/political_relations/legal_framework/index_en.htm, retrieved 20 March 2015.

made no systematic attempt to persuade Israel to alter its stance'.⁴⁴ Palestine became a part of the European Neighbourhood Policy (ENP) in 2004 when the EU-PA Action Plan was signed.⁴⁵

Beyond trade and aid, the EU also disposes of more traditional 'hard' security resources. In 2006, the EU launched the European Union Co-ordinating Office for Palestinian Police Support (EUPOL-COPPS) mission, whose objective was to "establish a transparent police organization featuring a clear legal framework".⁴⁶ The mission originally had a three-year mandate, but it has been extended and still continues today. Furthermore, the EU had a second mission dealing with Border Assistance in the form of the European Union Border Assistance Mission in Rafah (EUBAM-RAFAH), although its operations were suspended in 2007. The EU also had expertise in its Commission delegations in both Israel and Palestine and it enjoyed legitimacy in the eyes of the Palestinians, as it was not seen to be as biased as the Americans.

The EU's Power Resources in Relation to Israel

The EU's relations with Israel are complex, however, it does have significant resources. The EU concluded an Association Agreement with Israel that came into force in 2000. "The EU is Israel's largest market, a market that, due to geographic proximity, cannot be realistically replaced by Israel's main ally, the USA. Hence, the EU potentially enjoys significant economic leverage vis-à-vis Israel."⁴⁷ However, this trade relationship – unlike between the EU and Palestine – runs both ways. Israel's large trade deficit makes "the relationship highly lucrative for EU member states",⁴⁸ and thus lowers the leverage that the EU has over Israel. Israel is also a member of many European cultural, educational and sports organizations,⁴⁹ and there is considerable "research cooperation in the scientific and hi-technology sectors".⁵⁰ Furthermore, along with EUBAM-RAFAH, "[t]o accommodate Israel's security concerns, the Europeans [...] also propos[ed] the deployment of international troops to prevent the

⁴⁴ Altunışık, *op. cit.*, p. 113.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ N. Tocci, "Firm in rhetoric, compromising in reality: The EU in the Israeli-Palestinian conflict", *Ethnopolitics*, vol. 8, nos. 3-4, 2009, p. 390.

⁴⁸ R. Miller, "Troubled Neighbours: The EU and Israel", *Israel Affairs*, vol. 12, no. 4, 2006, p. 656.

⁴⁹ D. Newman & H. Yacobi, "The role of the EU in the Israel/Palestine conflict", *Draft, Working Papers*, no. 12, 2004, p. 13.

⁵⁰ Miller, *op. cit.*, p. 655.

smuggling of weapons that would allow Hamas to rearm for future attacks on Israel".⁵¹

However, Israel's large trade deficit means the "EU has been receptive to Israeli suggestions to separate 'politics' from 'economics', by compartmentalising the Arab-Israeli conflict from the development of EU-Israel relations".⁵² Furthermore, the EU's resources, including an Action Plan with Israel, are greatly curtailed by the fact that "Israel, as a developed economy, is not eligible for EU financial assistance".⁵³ Israel is then very different to other countries in the ENP, and unlike Palestine, the ENP gives the EU very little leverage over Israel. Beyond all these challenges lies the bigger truth, which is that "the EU and Israel are bound together not only by trade interests but also by shared geo-strategic concerns due to their geographic proximity to each other and their mutual desire for stability in the wider Middle East".⁵⁴ This mutual dependency has only increased with the recent crisis in the Middle East and the growth of the Islamic State. As a result of this, and despite the EU's resources in relation to Israel, it has faced significant challenges, which hurt its strategies as a mediator.

The EU's Strategies as a Mediator in Operation Cast Lead

The EU's policy of no contact with Hamas meant that it could not directly mediate with it. Matters were complicated further by the fact that "Israel [...] insisted that it [would] not sit at the negotiating table with Hamas".⁵⁵ So in effect, Egypt, acting as the lead mediator, had to mediate between the two parties but separately. Despite all these hurdles, the EU was still very active in the mediation, particularly France as it had held the rotating presidency at the outbreak of the Operation. Alongside Egypt, France was crucial in putting forward proposals for a ceasefire.

Generally, the EU shies away from a directive strategy in mediation affecting the content and substance of the bargaining by, for instance, providing incentives or issuing ultimatums. The EU instead favours a more passive, communication-facilitation strategy that facilitates dialogue. In Operation Cast Lead, the EU's mediation efforts

⁵¹ B. Crumley, "European Peace Efforts on Gaza Hit Roadblocks", *Time*, 6 January 2009.

⁵² N. Tocci, "The conflict and EU-Israeli relations", in E. Bulut Aymat (ed.), "European involvement in the Arab-Israeli conflict, *Chaillot Papers*, no. 121, Paris, European Union Institute for Security Studies, 2010, p. 56.

⁵³ Tocci, "Firm in rhetoric, compromising in reality", *op. cit.*, p. 395.

⁵⁴ Miller, *op. cit.*, pp. 660-661.

⁵⁵ V. Windfuhr, U. Putz & Y. Musharbash, "Ending the Gaza Conflict: Egypt Gets Israel and Palestinians to Negotiating Table", *Spiegel Online International*, 8 January 2009.

showed signs of various strategies. However, to an extent the communication side of the communication-facilitation strategy was ruled out because of the aforementioned EU policy of no contact with Hamas. Yet, the EU could still facilitate mediation. The communication side of the communication-facilitation strategy was performed largely by Egypt but the EU still had a large role to play.

The EU immediately began talks with the Israelis, the PA and the Egyptians. It used coercive tactics, something that historically it has often been reluctant to do. The EU threatened and later did "block the previously announced upgrading of relations with Israel, which would entail the development of a new Action Plan within the framework of the European Neighbourhood Policy".⁵⁶ Furthermore, "the Commission stopped to organize any meeting of EU-Israel sub-committees on technical issues for several months [... and it] made clear that for the upgrade process to resume, Israel had to commit itself to peace negotiations with the Palestinians".⁵⁷ This marked one of the first times that the EU used conditionality against Israel and "testified to a greater willingness on the part of the Union to use its powerful economic instruments to promote progress in the peace process".⁵⁸ However, despite this seemingly directive strategy as a mediator, "the EU's relations with Israel remained subject to internal tensions and contradictions. Even though the ENP upgrade process between the EU and Israel was put on hold, the EU-Israeli economic and political relations experienced a further deepening with the signing of an agricultural agreement in November 2009".⁵⁹

Another key tactic employed by the EU was its willingness to "re-deploy EUBAM to monitor Rafah in collaboration with Israel, the PA and Egypt".⁶⁰ This offer was intended to direct the parties to reach an agreement and represents a classic reward in mediation and as such is part of a directive strategy. However, it is necessary to reiterate that this directive strategy could only be used on Israel, as the EU did not engage with Hamas. The EU also supported mediation by Egypt, which represented the facilitation side of the communication-facilitation strategy.⁶¹

⁵⁶ C. Musu, *European Union Policy towards the Arab-Israeli Peace Process: The Quicksands of Politics*, London, Palgrave Macmillan, 2010, p. 135.

⁵⁷ Müller, *op. cit.*, p. 64.

⁵⁸ *Ibid.*, p. 65.

⁵⁹ *Ibid.*

⁶⁰ Tocci, "Active but acquiescent", *op. cit.*, p. 55.

⁶¹ Council of the European Union, "Council Conclusions on Middle East Peace Process", Brussels, 26-27 January 2009, p. 1.

EU Cooperation and Coordination in Multi-party Mediation

The EU cooperates closely with the US and in effect plays the role of “second fiddle to the USA in the conflict”.⁶² However, it must be noted that in 2008/2009 during Operation Cast Lead, under the waning days of the Bush Administration, the US was conspicuously absent, and so the EU, and France in particular, took the initiative. However, “Washington [... did] not just remain on the diplomatic sideline; it [...] actively restrain[ed] the efforts of others to force an immediate halt to the Israeli operation”.⁶³ In this way cooperation and coordination between the US and EU fell to a low point.

With regard to Egypt, Hamas hoped that “France or Turkey could play a role” in ending the crisis.⁶⁴ The expectation that France would play a bigger role caused tension with the Egyptians who did not want their role to be supplanted in the region. There were “forceful indications that the U.S. would not allow any third party to supplant Cairo”.⁶⁵ The French and EU involvement in mediating in the conflict to an extent stepped on the toes of Egypt and hurt cooperation between the actors.

While the conflict ended as a result of a unilateral ceasefire, the efforts of Egypt and the EU were central in creating dialogue and putting pressure for an end to the war. These ceasefires did not occur in vacuums, the mediation and dialogue created by the EU and Egypt allowed for the ceasefires to take place.

In summary, the EU had a lot of resources that it could bring to bear on the conflict, however, the convoluted nature of EU foreign policy pre-Lisbon meant that such resources were often wasted and used at cross-purposes and by different actors. The EU used a variety of strategies and its relations with other mediators were strained as a result of an overly active role by France. This paper will now compare Operation Cast Lead to Operation Protective Edge.

EU Mediation in Operation Protective Edge 2014

“On 7 July 2014, the Israeli army launched a large military operation in the Gaza Strip, codenamed ‘Protective Edge’, with the stated objective of stopping Palestinian rocket firing at southern Israel and destroying the military infrastructure of Hamas and

⁶² Tocci, “Firm in rhetoric, compromising in reality”, *op. cit.*, p. 398.

⁶³ Crumley, “European Peace Efforts on Gaza Hit Roadblocks”, *op. cit.*

⁶⁴ International Crisis Group, “Gaza’s Unfinished Business”, *op. cit.*, p. 44.

⁶⁵ *Ibid.*

other armed groups.”⁶⁶ The direct “triggers to this war were the kidnapping and killing of the three Israeli teenagers and the subsequent kidnapping and burning alive of a Palestinian teenager”.⁶⁷ The war did not end until an open-ended ceasefire was reached on 26 August 2014. By that time, 2,205 Palestinians and 71 Israelis had been killed in what was the most devastating of the recent wars in Gaza.⁶⁸ A major reason for the length of this war was that “ Hamas viewed a return to the status quo as unacceptable”.⁶⁹

Operation Protective Edge bore striking resemblances to Operation Cast Lead a few years earlier. However, there were important differences. While in Operation Cast Lead, there was a lot of talk about ‘Franco-Egyptian’ efforts, in Operation Protective Edge, the talks were almost exclusively centred around mediation by Egypt alone.⁷⁰ One interesting point to mention is that the “ceasefire agreement was signed not only by Israel and Hamas, but also by the Palestinian Authority and by Islamic Jihad”.⁷¹ Indeed, the PA had more of a role than it did in Operation Cast Lead, as it was “expected to take over responsibility for administering Gaza’s borders from Hamas”.⁷² This is important as the EU has quite a developed relationship with the PA.

The EU’s power resources themselves changed little in the intervening period between Operations Cast Lead and Protection Edge, it is rather how these resources were used that changed because of the Treaty of Lisbon.

The EU’s Power Resources in Operation Protective Edge

The EU still remained “the biggest funder of the Palestinian Authority”,⁷³ EUPOL-COPPS was still on-going, the EU had the ability to restart EUBAM-RAFAH, the ENP was still an important policy instrument, and the EU had Delegations in the region. However, there was no EU Special Representative at the time, which hurt the EU’s ability to

⁶⁶ United Nations Office for the Coordination of Humanitarian Affairs, “Occupied Palestinian Territory: Gaza Emergency Situation Report”, 4 September 2014, p. 9.

⁶⁷ D. Bouris, “The Vicious Cycle of Building and Destroying: The 2014 War on Gaza”, *Mediterranean Politics*, vol. 20, no. 1, 2015, p. 1.

⁶⁸ United Nations Office for the Coordination of Humanitarian Affairs, “Gaza Crisis”.

⁶⁹ International Crisis Group, “Toward a Lasting Ceasefire in Gaza”, *Middle East Briefing*, no. 42, 23 October 2014, p. 4.

⁷⁰ “Israel, Palestinians set to resume Gaza talks in Cairo next week”, *eurreporter*, 22 October 2014.

⁷¹ Page, *op. cit.*, pp. 5-6.

⁷² N. Al-Mughrabi & L. Baker, “What’s in the Gaza peace deal?”, *Reuters*, 26 August 2014.

⁷³ Sherriff, Hauck & Rocca, *op. cit.*, p. 10.

coordinate its response between the relevant actors.⁷⁴ In relation to Israel, the EU still had and has an “intense commercial and scientific relationship”,⁷⁵ subject to the same limitations as during Operation Cast Lead.

However, key differences were that mediation has since 2009 with the Lisbon Treaty and the ‘Concept on Strengthening EU Mediation and Dialogue Capacities’ become a key “component of the EU’s conflict prevention and peace-building toolbox for conflict countries”.⁷⁶ There was a clear EU drive to get involved and help to solve the conflict, but many of the problems that plagued the EU during Operation Cast Lead continued in Operation Protective Edge.

The establishment of the EEAS centralised the EU’s foreign policy tools in one institution, which led to better coordination and increased coherency.⁷⁷ Furthermore, the EU was able “to use its instruments better and in a more political way”.⁷⁸ This was seen as “the High Representative became less dependent on the administrative and diplomatic resources of the member states”.⁷⁹

Despite the positive changes, a fundamental underlying problem is that the resources that the EU has are not usable in crisis management of this kind. If the EU were to use, for instance, its Association Agreements or Action Plans and threaten suspension of the agreement in order to get Israel to stop bombing Gaza, one enters a game of political conditionality. “One can only play that game when the other party is significantly weaker, which is not the case in EU-Israel relations. So there is no will to do it in the EU.”⁸⁰ Put simply, tools like reactivating EUBAM-RAFAH are all well and good, but one official doubted if such tools could bring about a ceasefire.⁸¹ Another key challenge in the use of the EU’s resources was the problem of inconsistency between the member states, a problem that “will not be solved by the

⁷⁴ Interview with official 5, European External Action Service, via telephone, 20 April 2015.

⁷⁵ B. Khader, “The European Union and the Palestinian Question (1957-2013): Soft diplomacy and hard realities”, MEDEA, November 2013, retrieved 7 December 2016, <http://www.medeas.be/2013/11/the-european-union-and-the-palestinian-question-1957-2013-soft-diplomacy-and-hard-realities>

⁷⁶ European External Action Service, http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm, retrieved on 20 March 2015.

⁷⁷ Interview with official 4, European External Action Service, via telephone, 17 April 2015.

⁷⁸ *Ibid.*

⁷⁹ P. Müller, “Europe’s Foreign Policy and the Middle East Peace Process: The Construction of EU Actorness in Conflict Resolution”, *Perspectives on European Politics & Society*, vol. 14, no. 1, April 2013, p. 31.

⁸⁰ Interview with Nathalie Tocci, Deputy Director of the Istituto Affari Internazionali in Rome, via telephone, 8 April 2015.

⁸¹ Interview with official 3, European External Action Service, via telephone, 31 March 2015.

words and sentiment of the Lisbon Treaty".⁸² Adding to this problem was the fact that the creation of the EEAS and HR/VP led to a large degree of inter-institutional jealousies, particularly with the Commission.⁸³

The EU's Strategies as a Mediator in Operation Protective Edge

The EU's policy of 'no contact' with Hamas had continued in Operation Protective Edge and still continues, and so the EU cannot facilitate communication with this group. Another interesting observation is that "strangely the EU was more active in Operation Cast Lead because this was the first major outbreak of violence since Hamas took over the Gaza strip".⁸⁴ However, arguably the increased activity of the EU in Operation Cast Lead was rather just the will of one country, France, and not the will of the EU. One official noted that in Operation Cast Lead "the EU didn't choose Sarkozy, he went to the region on his own initiative, and so it can't be inferred that Sarkozy represented the EU".⁸⁵

Egyptian mediation efforts struggled to create a ceasefire between 5 and 26 August 2014 and in the end had to be beefed up by US and European contributions to reach a more permanent end of hostilities.⁸⁶ The main strategy that the EU used was to support and facilitate the mediation process led by Egypt. "The general sense was that Egypt was carrying the ball on this one, and therefore the EU has to be supportive of the Egyptian initiative."⁸⁷ One official described the EU as "cheerleaders for the Egyptians".⁸⁸ This supportive role was seen in that the EU, *inter alia*, "pledged its readiness to revive its Border Assistance Mission (EUBAM), [... and], also provide naval escorts and controls to sea traffic between Gaza and Limassol (Cyprus)".⁸⁹ Furthermore, the HR/VP sent deputies on her behalf to help Egypt in trying to broker the ceasefire.⁹⁰ The EU in effect could act to some degree as an

⁸² A. Sherriff, "What have we learned from the past regarding EU conflict prevention and peacebuilding — and where could mediation and dialogue fit in?", in T. Tamminen (ed.), *Strengthening the EU's peace mediation capacities: Leveraging for peace through new ideas and thinking*, Helsinki, The Finnish Institute of International Affairs, vol. 34, 2012, p. 29.

⁸³ Interview with official 3, *op. cit.*

⁸⁴ Interview with official 5, *op. cit.*

⁸⁵ Interview with official 4, *op. cit.*

⁸⁶ J. Filiu, "The Twelve Wars on Gaza", *Journal of Palestine Studies*, vol. 44, no. 1, 2014, pp. 52-60.

⁸⁷ Interview with Nathalie Tocci, *op. cit.*

⁸⁸ Interview with official 5, *op. cit.*

⁸⁹ Filiu, *op. cit.*, pp. 52-60.

⁹⁰ European External Action Service, "Remarks by High Representative Catherine Ashton on arrival at the extraordinary Foreign Affairs Council", Brussels, 15 August 2014, 140815/01, p. 2.

'honest broker' and made up for the poor relations between Egypt and Hamas. Its role was invaluable in being able to offer a "mechanism that will ensure that no weapons and no illicit goods are transferred into the Gaza area and thereby preventing rearmament of any of the groups there".⁹¹

However, the main weakness in the EU's strategy was that "it's still difficult when you have this soft power body like the EU to mediate in hard conflict situations, and the creation of the EEAS hasn't really addressed this".⁹² In addition, "Ashton's term was coming to an end and there was a gradual withdrawal by her on the Middle East issue towards the end of her tenure".⁹³ Also, "it's much more difficult for the HR to act than a rotating presidency",⁹⁴ as a rotating presidency has access to independent national resources, while the HR/VP cannot use its resources completely independently. The HR/VP is still subject to accountability by the member states and the Commission. However, the rotating presidency has its own problems, so it is not so much the institutional development of the HR/VP that matters, according to one official, but the personalities.

Sarkozy has a particularly dynamic approach and he was very personally engaged. It's not the architecture but is there a person who the parties can trust in a mediation effort and someone who is available? If you can't have someone who is constantly available, and who doesn't have the trust of their political masters back home, then their word isn't going to be taken as that meaningful in such an active conflict. Some sort of envoy was needed, someone who has the time to build up trust and relations with individuals. This was crucial for the EEAS to have if it was to develop policies in response to the crisis.⁹⁵

This argument to an extent puts the proverbial cart before the horse. It is necessary to develop the position of HR/VP and institutions; this is a pre-requisite before having someone to fill that role with the right qualities.

⁹¹ "EU ambassador talks Gaza, peace, and international involvement", *ynews.com*, 26 August 2014, retrieved 10 May 2015, <http://www.ynews.com/articles/0,7340,L-4563889,00.html>

⁹² Interview with official 5, *op. cit.*

⁹³ Interview with official 4, *op. cit.*

⁹⁴ Interview with official 5, *op. cit.*

⁹⁵ *Ibid.*

EU Cooperation and Coordination in Multi-party Mediation

The Lisbon Treaty increased intra-EU cooperation because there was one contact point in Brussels in the form of the EEAS.⁹⁶ This helped the EU's cooperation and coordination with other mediators, most notably the US and Egypt.

One official implied that Egypt was the only mediator capable of having a significant role in ending the conflict; however, "the EU supported Egypt in its mediation and this support was valuable for Egypt at a diplomatic level".⁹⁷ Yet, Egypt was hindered in its mediation role, as President Sisi was cracking down on the Muslim Brotherhood, which soured relations with Hamas. Despite this, Egypt still remained in the driving seat in mediation, and the EU simply provided political and diplomatic support. There was no acute pressure on Egypt from the EU to push the parties towards a ceasefire.⁹⁸ In this way, the EU cooperated with Egypt in its mediation. There was also coordination with Egypt, as the resources the EU did have, such as the option to restart EUBAM-RAFAH, were placed at the service of Egypt in its attempts to solve the crisis.

The US also had an important role in mediating the ceasefire, given its unique relationship with Israel. "US efforts to broker a ceasefire in Gaza [...were] gathering pace, with Secretary of State John Kerry visiting Egypt."⁹⁹ The "EU is restricted to playing a supportive role in financial and political areas, but again only if and when the US wants it to do so".¹⁰⁰ This supportive and effectively subordinate role to the US for the EU is in the interest of Israel considering its special relationship with the US.

The biggest problem for the EU in its relations with other mediators was that in times of crisis "information doesn't flow very easily. There was involvement with the Egyptians, there were phone calls but it was very much an outside support by the EU and by the Americans".¹⁰¹ The EU was kept outside the room and in many ways the development of the EEAS, the HR/VP, and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' did little to change that fact. The EU was

⁹⁶ Interview with official 3, *op. cit.*

⁹⁷ *Ibid.*

⁹⁸ Interview with official 5, *op. cit.*

⁹⁹ "US urges Hamas to accept Cairo talks offer", *Euronews*, 22 July 2014, retrieved 10 December 2015, <http://www.euronews.com/2014/07/22/us-urges-hamas-to-accept-cairo-talks-offer->.

¹⁰⁰ Zafar, *op. cit.*, p. 101.

¹⁰¹ Interview with official 3, *op. cit.*

constantly seen as a junior coalition partner that could certainly help and facilitate the mediation, but it would not be allowed to drive it.

However, the fact that there was a less chaotic approach by the EU in Operation Protective Edge in comparison to Operation Cast Lead, where multiple delegations went to the region, meant that the EU could cooperate and coordinate more easily with other mediators. The development of the EEAS, the HR/VP and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' brought mediation to the fore in Operation Protective Edge. These developments did not create more resources for the EU to use in mediation; instead they changed how the EU used its resources. The increased internal coherency meant that the EU was better able to use resources it already had. Furthermore its strategies also changed as the EU, without the strong political figure of the rotating Presidency became more of a secondary player to other mediators, this in turn improved cooperation and coordination with other mediators as they no longer felt threatened by a strong EU mediation presence like France was in Operation Cast Lead.

In summary, the EU changed dramatically as a mediator as result of the developments in Lisbon and the 'Concept on Strengthening EU Mediation and Dialogue Capacities'.

Having examined and compared the two case studies in detail, this paper will move to the conclusion and summarise the main finding and policy recommendations that have flown from the research.

Conclusion: The EU as a Mediator in its Infancy

The aim of this paper was to examine if the introduction of the EEAS, the HR/VP and the 'Concept on Strengthening EU Mediation and Dialogue Capacities' changed the EU's resources and consequently strategies as a mediator. It also examined whether coordination and cooperation increased in the framework of multi-party mediation.

The paper showed that there was no exact correlation between these developments and an increase or change in the EU's resources. However, while the developments may not have increased the EU's resources, they did change the use of such resources. They made the EU a more capable mediator and internal coordination easier. The major positive post-Lisbon change was the increase in inter-institutional cooperation, which allowed the EU to better use its given resources.

It was further argued that as a result of the change in resources and the use of such resources by the EU, the EU's strategies changed. In Operation Cast Lead, the EU used two main strategies, a directive strategy and the facilitative side of the communication-facilitation strategy, while in Operation Protective Edge, a directive strategy was not used and instead the EU just used the facilitative side of the communication-facilitation strategy. One possible explanation is that the presence of a rotating presidency in Operation Cast Lead allowed member states to take the lead. The EU, being subject to the will of 28 member states that have different views on the conflict, seems unable to agree on a decision to use an active, directive strategy.

The introduction of the EEAS and HR/VP improved coordination and cooperation with other mediators, as such actors realised the importance thereof. This is to an extent confirmed by the case studies presented in this paper. In Operation Cast Lead, the EU used more directive strategies to the irritation of other mediators like the US and Egypt, which felt that such directive strategies by the EU stepped on their toes. However, in Operation Protective Edge, the EU adopted simply a facilitative strategy for the other mediators.

It is only after the entry into force of the Lisbon Treaty that the EU has started to take mediation seriously by "having developed its own internal capacity and by having done training and capacity building and engaging in international networks of mediation".¹⁰² People are slowly beginning to realise the importance and value of mediation. "This was the third war in Gaza in less than 6 years and there is a recognition that the EU hasn't been able to mediate actively in the conflicts."¹⁰³ The EU will have to act more in the future, it will have to use its vast resources like the ENP, its leverage and its contacts with other mediators to be more active at ending the conflict. It must move from passive strategies of facilitating mediation to directive strategies.

Flowing from the analysis is that for the EU to have a bigger role and use different strategies, it must establish contact with Hamas. The 'no contact' policy has crippled the EU's ability to play a more active role in the conflict and has generally

¹⁰² Interview with Dr. Antje Herrberg, co-founder and CEO of mediatEUr & Visiting Professor at the College of Europe, Bruges, 30 March 2015.

¹⁰³ Interview with official 5, *op. cit.*

proved unhelpful.¹⁰⁴ It has prevented the EU from using the communication side of the communication-facilitation strategy.

Furthermore, the EU must overcome its lack of political will to act. It has the instruments and the resources to make a difference, but often lacks the political will to use them. This prevents it at times from adopting a directive strategy and being more active in the conflict. Importantly, “peace mediation and dialogue have been introduced into the ‘agreed language’ between the [...] member states and the EU can adopt them as strategic tools when necessary”.¹⁰⁵

The EU is an important player in the Israel-Palestine conflict; it must recognise this and take on the responsibility that this implies. “One of the EU’s major strengths is that it learns from its mistakes.”¹⁰⁶ The future for the EU as a mediator is undoubtedly rocky, it faces many challenges, particularly in a conflict as entrenched as the Gaza-Israel conflict. However, the future for Gaza-Israel relations is even rockier without the presence of a more active EU mediator. The new HR/VP Federica Mogherini has focused early on in her tenure on the Middle East and has appointed a Special Representative to the Middle East Peace Process, Fernando Gentilini.¹⁰⁷ These are all positive steps. The findings of this paper have shown that others steps must be taken; recognising and dealing with Hamas, developing a political will to act, and more directive strategies so that the EU can actually use its vast resources to have influence in the conflict. In addition, this continued cooperation and coordination with other mediators remains essential.

The EU played a key role in 1980 with the Venice Declaration, and it must play this key role again. The EU cannot be a bystander, it must act. The EU understood the need to involve the PLO in 1980 when no one else did, it must take this innovative role again and recognise that peace can never come about without recognition and direct talks with Hamas.

¹⁰⁴ Interview with official 2, European External Action Service, via telephone, 30 March 2015.

¹⁰⁵ T. Tamminen, “Conclusions and recommendations”, in T. Tamminen (ed.), *Strengthening the EU’s peace mediation capacities: Leveraging for peace through new ideas and thinking*, Helsinki, The Finnish Institute of International Affairs, vol. 34, 2012, pp. 117-118.

¹⁰⁶ Interview with official 4, *op. cit.*

¹⁰⁷ European External Action Service, “High Representative Federica Mogherini to appoint EU Special Representatives to the Middle East Peace Process and to Central Asia”, Press Release, Brussels, 16 March 2015, http://www.eas.europa.eu/statements-eas/2015/150316_03_en.htm.

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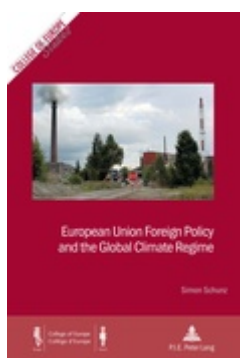
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