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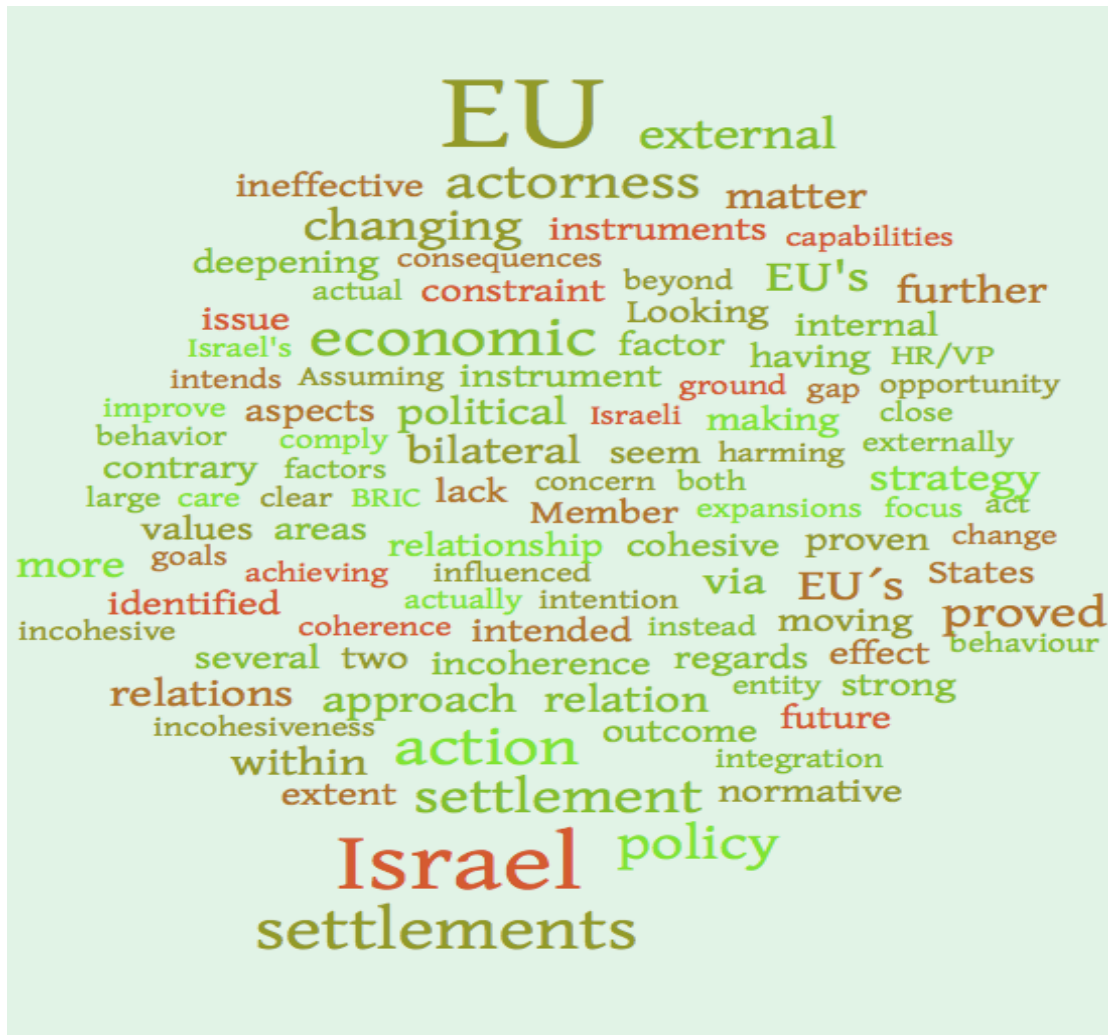
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EU actorness

Towards the continuation of Israeli settlements



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Abstract

The Israel-Palestine conflict and the settlement problematic has recently received a lot of attention from the international community including the EU. The actorness of the EU on the international scene has further been widely criticised by scholars and its effectiveness analysed in various aspects.

This particular research is an account of EU actorness in relation to the issue of Israeli settlements and the Middle East Peace Process. With a social constructivist outlook, the research has applied a contextualised version of the concepts of 'opportunity', 'presence' and 'capability' onto a vast amount of data relating EU with Israel, the peace process and the settlement issue. This is done to gain knowledge on important events that either enable or constrain the actorness of the EU, and whether the European approach to the settlement problematic can be argued to be cohesive.

The research finds that the close relation between the EU and Israel pose as a constraint for EU actorness towards the settlements. It further detects a gap between how the EU intends to act and its actual actorness, which seem to be embedded in an incohesive relation between policy areas, the Member States and the EU.

Table of Contents

Chapter 1	4
Introduction	4
Literature review.....	6
Limitation & position	9
Research Questions.....	10
Defining key elements	10
Structure of the project.....	12
Chapter 2	13
Conceptual Framework	13
Opportunity	13
Presence	15
Capability	17
Methodology.....	19
Structure and approach	20
Data collection	23
Chapter 3	25
Layer 1	25
Layer 2	38
Layer 3	52
Chapter 4	69
Conclusion	69
Reflections	71
List of References.....	73

List of Abbreviations

CFSP: Common Foreign and Security Policy

EEAS: European Union External Action Services

ENP: European Neighbourhood Policy

EU: European Union

HR: High Representative of the EU

HR/VP: High Representative / Vice-President of the Commission of the EU

IPC: Israel-Palestine Conflict

IR: International Relations

MEPP: Middle East Peace Process

NPE: Normative Power Europe

UN: United Nations

US: The United States of America

Chapter 1

This initial chapter will introduce the problem on which the research will be focused. The first part constitutes an introduction that in brief will outline the context in which the research will take place. Consecutively, a literature review will be conducted to outline existing work made within the identified research field. Following the literature review the research question as well as sub-questions will be presented. Finally, the chapter entails an outline of the structure of the project.

Introduction

The EU's actorness in International Relations (IR) and to what extent the EU constitutes an important player has been much discussed. It has especially been discussed within the field of foreign policy and external action in which EU actorness has been under vast criticism and argued not to live up to its potential (Tocci 2007, Meunier & Nicolaidis 2006, Seeberg 2009). Meunier & Nicolaidis (2006) argue that the EU does not live up to its potential in foreign policy due to intergovernmental forces between Member States while Tocci (2007) emphasises that there is nothing wrong with the formulation of foreign policy goals nor the tools to reach them, but that the problem lies in the implementation and formulation of bilateral agreements. Seeberg (2009) focuses on the EU's self-perception and the wish to be an important foreign policy player and how this is not supported by its actual economic power, thus creating an incoherence making the EU look weak and untrustworthy.

It is within this field of EU foreign policy that this analysis will have its starting point; more specifically with a focus on the continuation of Israeli settlements in the Israel-Palestine conflict (IPC) and how the EU has and intends to actively act towards it. This IPC has a high priority in EU's External Action Service (EEAS), and whether there is a possible gap between what the EU intends to do and what it actually does therefore occurs as an apparent opportunity to investigate (EEAS 1 of 6).

According to the EU, the Arab-Israeli dispute is at the heart of many of the current disagreements between the Middle Eastern countries and therefore the EU's main area

of attention in the Middle East (ibid.). The conflict is complex and multifaceted, and the EU has for the most part been situated in the middle arguing both for Israel's right to exist and the Palestinians' right to sovereignty (Keukeleire & MacNaughtan 2008: 282-3). This research does not concern itself with who has the right to what land but acknowledge that the EU itself adheres to, and supports United Nations (UN) resolutions, meaning that the EU supports the pre-1967 borders from which Israel has continuously expanded its territory in the form of among others settlements (Ibid: 20). In August 2014, Israel revealed a plan for further settlement expansions, being the largest to date (Economists 06.09.14). The EU stated that it condemned the settlements underlining that it *"undermines the prospect for a two-state solution and calls into question Israel's commitment to a peaceful negotiated settlement with the Palestinians. We stress that the future development of relations between the EU and Israel will depend on the latter's engagement towards a lasting peace based on a two-state solution"* (EEAS 02.10.14). The spokesperson of EEAS, thereby, called on the government of Israel to urgently stop the expansion

With the EU's self-perception as an important player in IR the high priority of this particular conflict and the increased institutional improvements on the area of foreign policy e.g. the creation of the Common Foreign and Security Policy (CFSP) and EEAS, together with the dual role of a High Representative/Vice President of the Commission (HR/VP). Coupled with the fact that the conflict itself has reached a critical point calling for action, seem to make the outcome of EU actorness ever more relevant (EEAS 2 of 6). This is further supported by a large focus on the conflict internationally and EU Member States starting to act towards the IPC, latest seen with Sweden's recognition of Palestine and the UK voting in favour of a Palestinian state (Euronews 30.10.14 and BBC 14.10.14). This creates a situation with expectations of the EU to act, which means that what the EU puts behind its words is of high relevance.

Having identified the problem at hand, we now turn to identifying existing knowledge by conducting a literature review.

Literature review

The literature review is divided in two parts; one looking at existing knowledge on EU actorness, and another looking at the existing knowledge on the EU involvement in the IPC.

Actorness

Actorness and international actorness of the EU has been widely discussed and researched from various different perspectives, both within traditional IR theories and beyond. The research mainly concentrates on what sort of power the EU is and thereby what kind of an actor it constitutes in IR, which is the traditional way of thinking within IR.

Moving beyond the state-centric view of the EU's role in IR where the focus has been on capabilities, Manners (2002) suggests the approach of „Normative Power Europe“ (NPE). Manners acknowledges that the EU is not a state and never will be. Soft power is important in this regard, especially through the expansion of governance, which other scholars such as Pace also work with when analysing EU's relation to the IPC (Pace 2014). But Manners also place a great deal of emphasis on identity and work from the perspective that the EU can have an impact in IR *“merely by existing as different to what is else”* (Manners 2002: 242). To underpin this argument he says that by merely existing as different to pre-existing political forms, the EU has pushed beyond the traditional way of thinking within IR, and that this predisposes the EU to act normatively (Manners 2002: 242). This means that the symbolism or perception of what the EU is has a great importance on its actorness.

Scholars who have moved beyond what the EU is and instead analyses what it does with a focus on effectiveness, are for example Niemann & Bretherton (2013). With contributions from various scholars they have provided excessive empirical knowledge on the understanding of EU actorness and Effectiveness (Rhinard & Brattberg, Edwards, Van Schaik, Carbone, Niemann & Groen, Bretherton & Vogler). Focusing their analysis on different fields of EU external policy such as 'security', 'trade', 'environment' and 'public health', they also vary in the level of analysis being EU actorness and

effectiveness through institutions, bilateral agreements and/or the level of negotiation capability in international agreements.

Niemann & Bretherton (2013) criticise previous approaches to study actorness from Jupille & Caporaso and from Sjöstadt in their core form, as they only focus on internal factors and miss out on the subtle inter-subjective processes that construct or constrain actorness in IR. By this critique they instead open up for a constructivist approach developed by Bretherton & Vogler (1999) emphasizing presence and the external environment as important components of the construction of actorness (Niemann & Bretherton 2013). This approach also includes elements from Jupille & Caporaso and Sjöstadt with the concept of capabilities focusing on the internal factors as well (Bretherton & Vogler 2006: 24).

These approaches are then re-conceptualised or contextualized according to each author and the focus area for their analysis. The notion of coherence as part of EU's capability is as an example applied and worked with in different manners, but all with the assumption that some level of coherence is expected for the EU to act intently (Niemann & Bretherton 2013: 27). Bretherton & Vogler worked with the notion of coherence and consistency when developing their framework, but in their analysis of this issue and in their recent work, they tend to focus only on coherence and have further developed this concept into three dimensions being vertical, horizontal and institutional coherence (Vogler & Bretherton 2013: 382-385).

By moving away from viewing the EU as a state-like actor in IR and thereby assuming its effectiveness as an actor, the paradigm shift towards analysing effectiveness as a separate concept and then linking it to actorness, as it constitutes a great part of this, allows one to see what the EU actually does. Necessary for a thorough constructivist approach, analysing what the EU does, also enhance the more classical approaches within IR.

The EU and the IPC

The academic focus in relation to the Israeli settlements and the EU's response thereto is partly centred on international law and the trade relations between the EU and Israel in relation to origins of goods (Hirsch 2002, Paasivirta 1999). Also, it is about the

inconsistency between the trade agreements and the political aspect - economic and political factors are separated, however, also argued to be very closely tied depending on the objective of the EU (Del Sarto 2011, Munin 2010, Harpaz 2008). Other bilateral relations between the EU and Israel i.e. the Association Agreement and the European Neighbourhood Policy (ENP) are also widely debated (Del Sarto 2011, Munin 2011, Paasivirta 1999, Altunisik 2008).

Hirsch's main focus is on territorial disputes and concentrated on goods with its origin from territorially disputed areas and that these are often linked directly with political disputes (Hirsch 2002: 573). This link between economic and political factors Munin relates as the EU's external relations policy that is to a large extent based on the principle of *"trading economic benefits for political influence"* and that the EU is very interested in gaining more influence in the Middle East (Munin 2010: 85-6, Del Sarto 2011: 117). In relation to this, Altunisik further combines the strife for political influence with the EU's interest in ensuring stability in its neighbourhood (Altunisik 2008: 105). Del Sarto looks into the contradiction between the tense political ties and what seems to be increased deepening of the economic relations between the EU and Israel. Del Sarto underlines that the EU has been very reluctant taking action in its bilateral relations with Israel to further the peace process in the Middle East (Del Sarto 2011: 130). She acknowledges that there is no sign that the bilateral relations will be further upgraded, however, a decrease in the relations do not seem to be on the table either. Altunisik mentions the use of political conditionality in relation to the conflict closely linked to the settlements. He argues that even though the Association Agreement with Israel includes conditionalities, suspension of the agreement has not been used as a tool even though Israel has continued to build settlements (Altunisik 2008: 114). Pace takes a governance approach to the EU's role in the conflict and argues that the academic discussion has centred on EU actorness concluding that the EU has been weak and/or ineffective in this context. Pace argues that the EU is more triggered by using dialogue than making economic sanctions (2014). They simply do not see this as an option. Strong economic development will create a more viable environment for dialogue, and is therefore the main focus for the EU (ibid.).

Hirsch looks at the link between rules of origin and territorial disputes and at alternative approaches to policy makers in such cases (Hirsch 2002: 573). Hirsch argues that the EU's trade policy is of great importance to Israel and therefore the determination of origin of goods from the settlements is of great importance to both Israel and Palestine, and directly linked to the political dispute (ibid.: 574). Del Sarto blames internal disagreements in the EU on the issue, and argues that no agreement has been made, however, this is when looking at the peace process as a whole, and not at the settlements. Harpaz looks at the issue from the Israeli side and argues that the EU has used "economic threats" imposing a solution to Israel on a politically sensitive issue, which Harpaz describes as a non-economic national policy (Harpaz 2008: 404-5). Hollis presents two approaches to look at territorial disputes; one with a focus on as little political involvement as possible mainly based in international trade law and the other with a greater political involvement (Hollis 2004: 198-201). Hollis argues that the EU can make a difference in the conflict by among others offering Israel a special relationship with the EU on the condition that Israel gives up its claim to the West Bank and Gaza (ibid.: 191).

Limitation & position

Our contribution is to extend the existing research zooming in on EU actorness in relation to the settlements and the relation between economic and political interests. We will look into the cohesiveness between the EU's official statements on the settlements and how this corresponds with the bilateral relations between the EU and Israel. Special attention will be on the perceptions and expectations that the EU and Israel have of one another looking into the relationship between the two.

We further examine the EU action/inaction in relation to the settlements, and what explanations there might be. We strive to move beyond the discussion of the EU's internal capabilities looking almost solely on the external factors.

We wish to fit the pieces together on EU actorness in relation to the settlement problematic taking all the above factors into consideration and look into their interconnectedness. To help us do this we have formulated research questions to guide the research;

Research Questions

The above leads us to the following main research question;

To what extent can EU actorness towards the Israeli settlements be described as cohesive, and what seem to enable or constrain this process?

In order to break down the above main research question we address the following three sub-questions:

1. Which actions have already been taken by the EU and how does it relate to the EU's official stand on the settlements
2. How are contemporary factors and events affecting the process and how have they impacted on EU actorness in relation to the settlements?
3. What seems to constitute as the most important factors that either enable or constrain the process?

Defining key elements

This part will serve to explain how the above research questions will help us unfold and answer the main research question. The order of the research questions represents the overall structure of the project, which will be further elaborated in Chapter 2. However, in order to ensure an understanding of the research questions at this point the key elements within them will be defined.

Answering the main research question will entail unfolding the EU actorness in relation to the Israeli settlements. The actorness of the EU relates to the behaviour of the EU both internally and externally. The concept is widely discussed and will also be looked at from various angles in Chapter 2 of this project, and will therefore not be defined here. The settlements referred to are Israeli settlements on territory occupied after 1967, which according to international law is not rightfully theirs. By cohesiveness we refer to the relation between the EU's actions, and whether they correspond to each other i.e. what the EU says, stands for and does. Furthermore, it relates to the EU's ability to act in a way in which it does not contradict or compromise itself forming a

united whole (Hornby 2000: 230). Being cohesive in this regard therefore means the EU being able to take action on a variety of different foreign policies without them being in conflict with each other. Enabling factors for cohesiveness are meant as factors contributing to increase this cohesiveness of the EU and the constraining factors the ones working against or making it difficult.

Research question one aims to constitute the background setting in order to obtain the knowledge for the further analysis. By actions we therefore mean to unfold previous events to which the EU has reacted in relation to the settlements. This research question will thereby establish the previous EU actorness on the settlements and is done to analyse how this has affected the ability for the EU to act in the present situation. The events will be identified in accordance with the conceptual framework and analysed accordingly. The research question will therefore not only unfold the EU actions but also other players such as Israel in relation to the same events.

The second research question will continue the background setting timeline from research question one into 2014. The events that have occurred in 2014 will be analysed in detail in order to find out what the current actorness of the EU is. The process referred to, is the EU actorness through time and how the EU has reacted to events thereby constituting a process. Answering this research question will also entail building on the findings from the first research question. Identifying factors will entail looking into things that either cause or influence the EU's actorness (Hornby 2000: 450) such as events, relationships to other actors, and the set-up of the EU etc. Factors are thereby determined as events and ideas in a context in which they are interpreted and accorded meaning (Bretherton & Vogler 2006: 24). The factors will be identified in accordance with the conceptual framework utilised (See Chapter 2). Looking into relationships will focus on both political and economic aspects also relating to factors and how these are interpreted in the various relationships.

The third research question aims to determine what are the most important factors based on the findings that have been identified in the two previous research questions.

The most important factors will be chosen based on the findings from research question one and two when unfolding the current setting in which the EU finds itself in. This research question will therefore constitute the discussion while still analysing the EU actorness; how it is challenged and what opportunities there are for furthering EU actorness.

Structure of the project

This project is divided into four chapters;

Chapter one, has included the introduction to the problem at hand, a literature review, the research question, as well as sub-questions to help answer the research question, defined the meaning of the research question as well as sub-questions, and lastly, this is an outline of the project.

Chapter two entails the conceptual framework as well as the methodological considerations of the research including the approach. The conceptual framework will be the guiding tool analysing the problem at hand and the methodological considerations will outline how the conceptual framework and the problem at hand will interact in the best suitable way for this project.

Chapter three is where the analysis will take place which is divided into three layers and which will be conducted in accordance with chapter two. Each layer has each their function for the analysis to investigate the problem at hand.

Chapter four constitutes the conclusion of the project answering the research question.

Having introduced the problem that this project wishes to address, having identified existing knowledge and formulated the research questions we will now move on to the conceptual framework.

Chapter 2

This chapter comprises two main sections, namely, the conceptual framework and the methodology. In the first section the concepts of 'opportunity', 'presence' and 'capabilities' will be reflected upon and they will be interpreted forming the conceptual framework utilised in the analysis. The three concepts will thereby together define EU actorness as it is dealt with in this project. The second section will entail the project's methodological considerations outlining the structure of how the conceptual framework will be applied, the analytical approach as well as the data collection.

Conceptual Framework

The conceptual framework of this project builds on constructivist approaches within IR and is to a large extent inspired by Bretherton and Vogler's concept of actorness (2006). Like Bretherton and Vogler, we also see the EU as an actor under construction in a "(...) *a complex set of interacting processes, based on notions of presence, opportunity and capability that combine in varying ways to shape the EU's external activities*" (ibid.: 24). The concepts of 'opportunity', 'presence' and 'capability' have inspired the creation of the overall conceptual framework in order to shed light on the processes that shape EU actorness, with special emphasis on 'opportunity' and 'presence'.

In the following, these concepts' applicability will be discussed and exemplified by being put into the context of this investigation.

Opportunity

The concept of opportunity as presented by Bretherton and Vogler is linked to Social Constructivism (2006: 24). Social Constructivism is utilised in analysing the EU especially with regards to the internal set-up whereas the various Member States have different ideas, identities and interests, which are then determinants for the level of for example EU integration. Bretherton and Vogler looks at opportunity in relation to the external environment of the EU, which is why this perception of the concept is interesting in this investigation (Bretherton & Vogler 2006: 24). In IR the EU's external

opportunity structure is often debated in relation to what kind of an actor the EU constitute in the international system and its legitimacy (Cini and Borrigan 2013: 96). 'Opportunity' is by Bretherton and Vogler looked upon as the indication of the structural context, which frames and *"encapsulates factors in the external environment which enable or constrain actorhood"* and thereby shapes EU action or inaction (Bretherton & Vogler 2006: 5 + 25). Factors are events and ideas that shape the external context in which they are interpreted and accorded meaning (ibid.: 24). 'Opportunity' can be used to look at the historical developments in the external environment of the EU in order to investigate a possible changed behaviour and opportunity structure. In this investigation it can be used to gain an insight in the pattern of actions of the EU and what the EU has previously done in relation to the settlements and how/if this affects the opportunity it has to act today. Further, an example of international awareness that could possibly affect EU opportunity to act, is the latest development of the US expressing in April 2014 that there are limits to the time and effort that the US will put into the peace negotiations if the parties are unwilling to take "constructive steps", which could open up an opportunity for an increased role in the MEPP for the EU (White 2013: 123). This goes well in hand with Bretherton and Vogler explaining opportunity as not exclusively to be used as "background setting", but also as a dynamic process in which *"ideas are interpreted and events accorded meaning"*. It is further utilized to create shared understandings in a complex setting of structures and thereby shape the context of action (Bretherton & Vogler 1999: 25). Material conditions such as the Israeli-EU economic relations are not separated from the shared understandings that the EU and Israel have of their relations to each other, but help to interpret these understandings in various ways. The mentioning of shared understandings in relation to opportunity also relates back to the internal aspects of the EU in that the opportunities for the EU to act increases the stronger the shared understandings among the Member States are.

Normative considerations of the EU will also be looked into in relation to among others economic relations as these might influence the external opportunities. The normative principles (Manners 2009) such as democratic values that the EU is promoting when entering into a trade agreement are of relevance as these might result in constraints

towards EU action (Pace 2007: 1044). This adds on another layer of analysis and widens the scope of opportunity as the normativity of the EU and the wish to externalise this normativity in the EU's external policies can take part in shaping the opportunity in the external relations.

The concept of opportunity contributes to answering the research questions set out in this investigation in that it is a useful tool when trying to identify what might have enabled or constrained the EU's role in relation to the settlements. Events as well as ideas surrounding the settlement problematic and the EU's external actorness in relation to this might help unfold why the action has been taken or not taken by the EU. Furthermore, it is important to investigate the opportunities that the EU has had with regards to action in relation to the problematic and more importantly what opportunities it has to act now.

Presence

The concept of 'presence' utilised in this analysis is strongly inspired by the concept introduced by Bretherton and Vogler (2006) and conceptualizes as the ability for the EU to exert influence beyond its borders by virtue of its existence (Bretherton & Vogler 2006: 27). It includes several aspects of looking at identity, for example, by looking at other actors' perceptions and expectations, which interact and together influence the presence of the EU and EU actorness, but also the material existence of the EU (Bretherton & Vogler 2006). Following the separation of material matter from social processes, emphasis is on a differentiation between the material existence of the EU and the shared understanding that gives meaning to what the EU is and what it does (Bretherton & Vogler 2006: 27). The material existence in this analysis will refer only to the EU as an economic integrating entity. The material existence of the EU as an economic integrated entity cannot be excluded from the shared understanding that give meaning to what the EU is and what it does and it also influences how other actors might perceive the EU. Adding to the inspiration from Bretherton & Vogler (2006), the understanding of strategic culture within IR will also help enhance the understanding of presence, especially in regards to what can be expected by the EU. Strategic culture refers to a set of ideas that influence how others expect one to act (Jackson &

Sørensen 2010). Manners (2002) works with the concept of NPE and his notion of the normative values of the EU and how they influence its actions will also be added to the understanding of the concept 'presence' in this analysis. The concept of 'presence' in short, thus includes; 1. the material existence, which has been compressed to refer only to the EU's presence as an economic power, 2. the identity of the EU in foreign policy based on a long lasting set of ideas that influence others' perceptions and expectations of how the EU will act and, 3. the unintended external consequences of internal EU action in relation to the settlements (Bretherton & Vogler 2013). The definition of Presence has thus been elaborated by the understanding of strategic culture and normative values, which help enhance the concept as first, inspired by Bretherton & Vogler. Each point will be elaborated below;

The material existence of the EU is defined as the "*de facto existence of an EU (...) which has a wealth and size (...) which presence in the international system only increases by the continuation of its enlargement*" (Bretherton & Vogler 2006: 28). This implies that the EU is an economic entity that continues to expand and because the EU is the biggest single market to be accessed, also by Israel, the material existence in this analysis will be compressed to only encompass the fact that the EU is an economic integrating entity able to attract cooperating partners.

Another aspect of 'presence' is the "*shared understanding that gives meaning to what the EU is and what it does*" (ibid. 2006). This means, how other actors perceive the EU and how the EU perceives itself, but also how this affects the expectations others have of the EU and how this influence their behaviour accordingly. The EU's self-perception as a promoter of peace, human rights and the rule of law could in this respect have an influence on how others expect them to act and how the EU intends to act. In other words, the values of the EU could predispose it to act normatively and is therefore relevant to keep in mind (Manners 2002: 242). The notion of strategic culture refers to the way in which ideas are able to influence the foreign policy and how countries over time develop a set of long lasting ideas that tell something about how they will act within foreign affairs, will also help us to understand how Israel perceives the identity of the EU

within foreign affairs, and thereby expect the EU to act (Jackson & Sørensen 2010: 256). Linking it back to Manners (2002) the EU has incorporated a set of normative values, which can also be said to count as a set of long lasting ideas that could have an influence on how one can expect the EU to act. Perceptions and expectations of the EU from other actors are important as they have the power to change behaviours (Bretherton & Vogler 2013). In line with Bretherton and Vogler the perception of a unified and coherent EU further enhance the concept of presence (2013: 266).

Bretherton and Vogler also speak about how internal action can have unintended external consequences (2006: 27). They refer it to internal policies having a direct external effect but we argue that it can be utilised in other ways, and still be relevant (ibid: 28.). In this relation, the communication between national diplomacies of the EU and Israel could have the power to warp the way in which the EU's actual stand is perceived and thus unintentionally influence how Israel will expect the EU to act upon its official statement.

Capability

Capability is about internal factors and how these are utilised as well as to what extent they are utilised to respond to external factors i.e. opportunities and expectations (Bretherton & Vogler 1999: 5). In other words, it refers to EU policy processes, which either constrain or enable external action addressing both the formulation of policies as well as availability of appropriate policy instruments (ibid.: 29). Internally, capability can be challenged by competing discourses among the Member States, and is therefore closely linked to the level of competence of the EU and thereby to what extent the EU is able to act in unity (ibid.: 29). This is also strongly linked to the intergovernmentalist approach inspired by the realist or neo-realist understandings of rational and self-interested states looking to ensure their survival in an anarchical system (Cini & Perez 2013: 72). In relation to the EU, this means that the states are participating in the EU mainly for self-gain, which can at times result in difficulties when the EU is to speak with one voice. This could be exemplified with differing approaches among the Member States towards Israel and Palestine, respectively (Seeberg 2009: 3). We will, however,

not dwell with opinions of respective Member States in relation to the settlements, but depart on the basis that they are all subject to UN resolutions and therefore in practice share the same understanding and take the same stand. We do, however, argue that the concept of capability cannot be left out in an analysis on EU actorness entirely. Noting the difficulties formulating policies due to competing Member States' interests this is still important. To help us understand these difficulties, Bretherton and Vogler (2013: 382-85) developed the notion of coherence problems divided into three dimensions; vertical, horizontal and institutional coherence. 'Horizontal coherence' refers to the coherence between different levels of policy making meaning how the external policies of the Member States is complementing the EU's policies, but vary from different areas of policies due to competences (ibid.: 383). 'Vertical coherence' refers to the coherence between different policy sectors such as trade and Human Rights. This form of coherence is difficult to achieve due to the complexity of the institutional environment within the EU (ibid.: 382). Lastly, the 'Institutional Coherence' within and between institutions refers to a function or mechanism, which help to ensure coordination between the different institutions (Ibid: 384). Although this will not be directly applied in the analysis an understanding of this could prove useful when analysing the EU's capability to act.

Furthermore, in the context of 'capability' it is interesting to look at into what policy instruments are actually available for the EU to make use of in its external action. Bretherton and Vogler mention in this regard e.g. political (diplomacy/negotiation), economic (incentives/sanctions) and military means (Bretherton & Vogler 1999: 33). Meunier & Nicolaidis state that "*The use of trade to achieve non-trade objectives has pride of place as a potential instrument of Europe's Geopolitical power*" (2006: 912). The EU competences in the area of trade has been transferred from a national level to a supranational level and thereby, it has the ability to negotiate externally with one voice (ibid. 2006). The EU being Israel's largest trading partner could mean that this specific aspect is of high relevance to look into. Furthermore, Smith speaks of policy instruments available for the EU as "*those means used by policy-makers in their attempts to get other international actors to do what they would not otherwise do*" (Smith 2008: 54). She

identifies three key instruments available for the EU to use in its external policy i.e. economic, diplomatic and military instruments, and refers in relation to the first to agreements made between the EU and third countries in which she mentions the element of conditionality (Smith 2008: 54-73). These understandings of policy instruments will help getting a better and deeper understanding of the instruments available by offering concrete instruments that we can then look into whether have been used by the EU or not. We are interested in looking upon these instruments in the external action/inaction of the EU in the context of the settlements. This can help unfold the cohesiveness in that it can dig into the instruments and the extent to which the EU has utilised these.

Examples of how each concept holds relevance in relation to the settlement problematic and how they can help investigating the EU's actorness in this regard have now been mentioned. In the following the methodological considerations will be explained including the structure, approach and data collection.

Methodology

This section will first outline the methodological considerations behind the analysis, together with its structure and how the conceptual framework will be utilised accordingly. Secondly, the analytical method, which has been developed to utilise the conceptual framework, is visualised by a constructed model and explained. Thirdly, the empirical foundation for the analysis will be elaborated.

This analysis is a qualitative analysis that sees EU actorness as a social phenomenon and seeks to describe and understand it in relation to the Israeli settlements by the use of social concepts and especially the understanding of social processes (Delanty & Strydom, 2010).

Being aware that a circular relationship exists between the three concepts that make up the conceptual framework, neither one of them can be addressed as the cause or the effect for EU actorness, but must be viewed in a relation where each one affect the

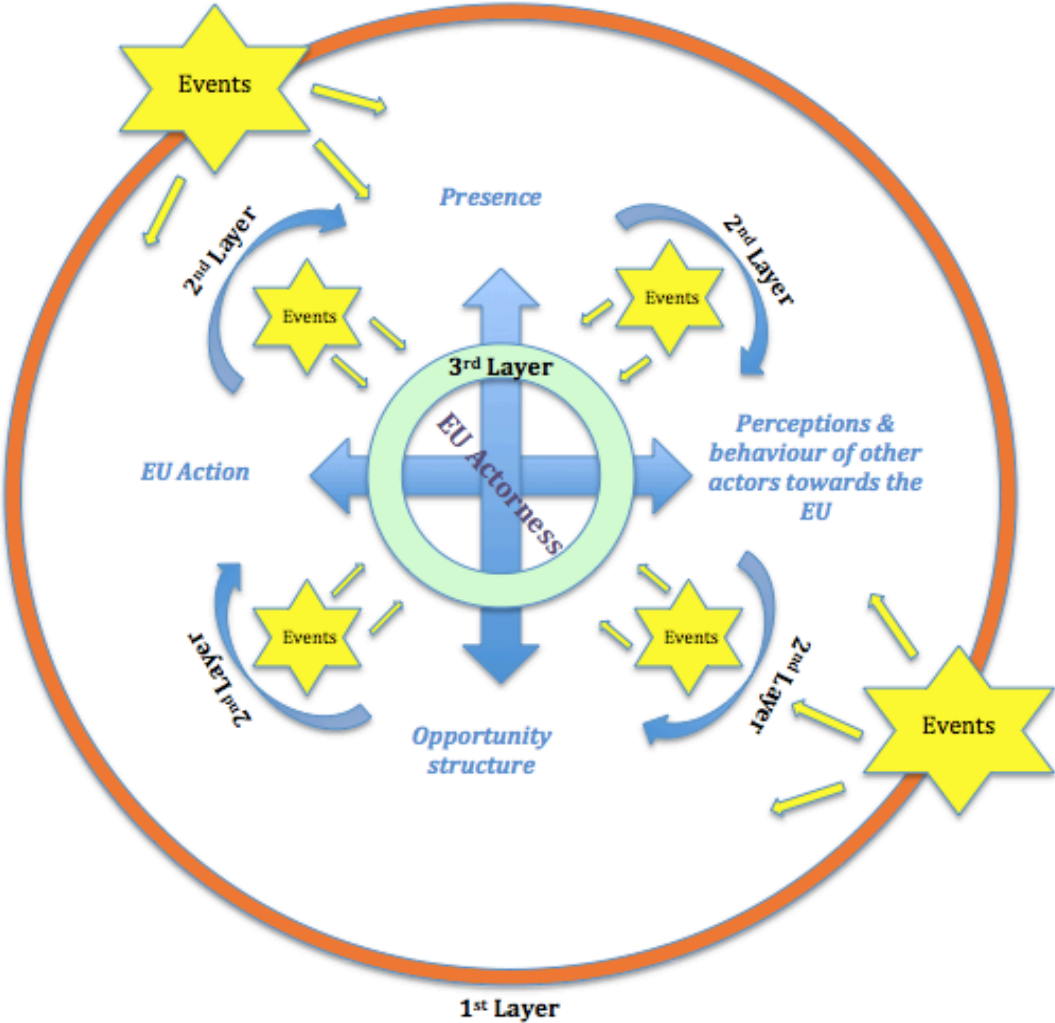
other. This means that we as researchers must engage in a reflexive process (ibid.: 370), both when addressing the concepts' relation to each other, but also how each step in this circular relation leads to a possible effect on EU actorness. Empirical examples that are utilised by the conceptual framework and used to emphasise its relation to EU actorness is likewise based on a reflexive choice by the researchers. We as socially constructed human beings cannot approach the data entirely objectively and may understand the data differently from how others may understand it, which ultimately can affect the conclusion of the research (ibid.: 370). This again entails a high level of reflexivity when approaching the data which is necessary to be viewed from different angles before concluding on its meaning (ibid.).

Structure and approach

The analysis is structured into three layers in which the conceptual framework will be utilised. The three layers each represent one of the research questions in which the analysis will be conducted to answer them. Furthermore, the findings from each of these layers will contribute to the main conclusion answering the main research question as presented in chapter 1.

1. The first layer will constitute an overview of the EU's previous actorness in relation to the settlements, which has an effect on the current possibility for actorness and which is necessary to create a comprehensive understanding of the current situation. This will work as a funnel analytically approaching the current situation leading to the second layer, which will;
2. Analyse the EU actorness during 2014 highlighting developments in relation to the settlements. The analysis will be structured similarly to layer one in order to create a meaningful transition and organisation of the analysis. Layer two will further focus on the current EU actorness which will then lead to;
3. The third layer of the analysis, which will constitute a discussion of the constraints and opportunities to EU's current actorness towards the settlements. This will be done by looking at the findings from the previous two layers discussing their outcome, interaction as well as the instruments available to the EU at present.

The following model has been made to visualise the structure and analytical framework;



Moving from the outside and inwards towards the middle in the model, the first circle represents the first layer of analysis. Previous events relevant to the current circumstances will be subject of analysis, however, the conceptual framework will be used mainly as a descriptive tool in layer one with less emphasis on the analytical angle. However, since these events have already occurred they include actions and reactions with the capabilities available at the time that together have created opportunities and constraints for the EU to act at present. The arrows moving from the first layer of analysis to the second layer illustrate the effect that these events have had.

The second circle, represents a more comprehensive layer of analysis. The current situation and events in 2014 will be dealt with in detail. The causality is very explicit and not one action or perception can be said to constitute the cause and effect for another. Following the vertical arrow from EU identity down to the opportunity shows how the overall presence of the EU has an effect on the opportunities and hindrances for its actorness. Likewise, the level of opportunity to act has an effect on the overall presence of the EU in the way these are utilised by the EU.

Following the horizontal arrow between other actors' perception and behaviours towards the EU and EU action; it shows that what the EU does affect other actors' perceptions of the EU, and how the behaviour of these actors can likewise change how the EU acts. Both ends of the horizontal arrow constitute part of presence in the way that they influence the overall presence of the EU. Other actors' perceptions and behaviours can be said to exist externally and what the EU does and how it acts externally, can be said to exist on the basis of its internal capabilities. Hence, here the policy instruments described earlier, is important.

None of the four notions in the model stand alone in constructing EU actorness, but are interrelated in various ways and together create an understanding of EU actorness.

The notions also exist in a circular relation or in a triangular relation where the opportunity structure is affected by an interaction of the other three aspects. The opportunity structure can also exist externally from presence and influence each of the two notions on the horizontal line and thereby also the overall presence of the EU.

Another example of how the notions in the model are interconnected is the triangular relation where EU action represents ways in which the EU can gain advantage from its presence and respond to an opportunity (Bretherton & Vogler 1999: 29).

The model is constructed to this specific analysis but can be altered and used answering different research questions.

Data collection

This research is based mainly on qualitative data. As a starting point snowball sampling was utilised to create an overview on existing work relating to the identified problem done by following references especially in academic reports leading to more relevant existing research (Johnson & Reynolds 2008: 242). In order to create an overview and understanding of existing data a literature review was conducted allowing for a critical selection of relevant data to be used in this particular research (Somekh & Lewin 2011: 16-7). This further identified where this research will add on new knowledge to the existing work done.

Secondary data will be the main source using running records such as the European Union External Action (EEAS) website (Johnson & Reynolds 2008: 271-3). As this research is focused on the Israeli settlements the data collection for the analysis will be quite narrow in that we will mainly look into data directly linked to this specific problematic. However, as the settlement problematic is deeply rooted in the Arab-Israeli dispute we find it necessary to look into previous action by the EU, which involves a great amount of research made over a long period of time. In order to systematically organise this data and test its relevance we have partly utilised a paper trail making a timeline both in layer one and layer two of the analysis (George & Bennett 2005).

The data that we will look into is official statements, declarations, opinions and speeches made by the EU, news articles, bilateral agreements between the EU and Israel as well as books on the conflict. Utilising running records means that the data is easily accessible through websites and it allows to go back in time, however, it is with the constraint that what is accessible online is only what e.g. the EU decides to upload and therefore carefully selected data (Johnson & Reynolds 2008: 277). This might influence the data available, and we will therefore make sure to seek information from other sources as well such as news articles to get a more nuanced perspective.

When investigating the relationship between the EU and Israel we will look into e.g. trade agreements made between the two parties. Also, public articles from Israel about

the EU and information from the EU-Israel delegation on the bilateral relationships will be looked into.

The conceptual framework and the methodological considerations guiding the analysis have now been presented. The analytical method have been visualised in a constructed model and explained together with its embedded structure and the main method of data collection has been presented. The following chapter contains the analysis, which is divided into three sections representing each layer of analysis in accordance with the above-mentioned structure and approach.

Chapter 3

We will now move on to the analysis starting with layer one looking into past events that may have an influence on EU actorness at present. Subsequently, we will move on to layer two in which will situate around events in 2014 identifying factors that have had an impact on the EU's current actorness. Finally, the third layer will both discuss the findings from the previous two layers as well as identify and discuss enabling and constraining factors to EU actorness.

Layer 1

Layer one of the analysis will mainly focus on events that have occurred in relation to the settlements, but will also discuss the EU's involvement and place in the conflict to gain an insight in both the developments in the conflict and the EU's actorness towards it relating directly to the settlements. The layer has been divided in sub-sections with the first sub-section laying out the overall context.

The context

The conflict and the MEPP have been on the EU's agenda since the 1990s (Keukeleire & MacNaughtan 2008: 282). In 1967 the Six Day War broke out and ended with an Israeli victory resulting in Israel occupying the West Bank, Gaza, the Golan Heights and the Sinai Peninsula (Encyclopædia Britannica, 05.10.15). Numerous of Israeli settlements and a constant dispute in/over the aforementioned areas are still a reality today.

The settlement expansions are highly placed on the EU's agenda, as the EU in company of other international actors perceives the construction of settlements as an opposing element to the peace negotiations (EEAS 11.01.14). The EU, then the EC, has since 1967 in accordance with UN resolution 242 demanded Israel to leave the occupied territories, and urged all states in the area to recognise the pre-1967 borders (Woolf 2005: 20). Ever since 1967 Israeli settlements have expanded, and in 1977 settlements became the official policy of the Israeli government as a mean to expand

(ibid.: 20). Israel has argued that the settlements were not in violation of UN resolution 282 in the case of neither the West Bank nor the Gaza strip as it did not belong to a state prior to the occupation (ibid.: 21). The opposing perceptions of the settlements are what especially challenge the intended EU actorness. The conflict constitutes a dynamic process and the EU constantly face an ever-changing external environment to which it has to take a stand impacting the possibility to act, and the opportunity structure continuously change as a consequence. In 2001, violent escalations in the conflict resulted in Israel constructing a security fence around the controlled areas including the settlements, which isolated them further from the Palestinians (ibid.: 50). The fence was a serious obstacle for the peace process as the Israelis from then regarded the settlements as part of Israel and the withdrawal from these was no longer looked at as an option in the peace negotiations from the side of Israel (ibid.). That Israel built this physical obstacle impacted the EU's opportunity structure in that more factors were now present which constrained the EU's opportunity to act and the EU had to take this into consideration and accord it meaning in order to act towards it in a meaningful way.

Shared understandings within the EU

The EU-Israeli relationship has since 1947 been rather close in particular due to the responsibility carried by especially Germany after World War II and the Holocaust (Seeberg 2009: 2). However, some EU member states such as France have been more pro-Arab (ibid.: 3). The capability of the EU to act towards Israel has therefore in some circumstances challenged the EU's opportunity structure due to internal disagreements resulting in the Member States not having shared understandings on how the EU should be positioned in the conflict. However, in relation to the Israeli settlements the EU has continuously underlined that these are illegal under international law, and the EU, in recent years mainly through the HR, has spoken on behalf of all its Member States condemning the settlements. The Member States were united and interpreted the EU position together reaching common ground. This was an enabling factor for EU actorness as this proved a shared understanding, which could potentially lead to action. Furthermore, it enhanced the EU's shared identity, which positively affected the EU's presence as an external actor both due to the EU's self-perception as well as how it was

perceived by other actors. The EU's internal capabilities have been strengthened since the establishment of the HR function and as a result, the EU's capacity to speak with one voice in its external action has improved both the EU presence as well as its opportunity to formulate a collective opinion on external events. This has given the opportunity for the EU to act as a unified actor internationally (Soetendorp 2002: 284). The concepts of 'presence' and 'opportunity' are strongly linked in that shared understandings creating a common identity increase both the presence and opportunity for the EU to act externally.

Criticisms of the EU position in the MEPP

The EU having a different approach to the peace negotiations than the US has created obstacles for EU involvement in the MEPP (Soetendorp 2002: 284). This was for example seen when the US kept the EU as much as possible on the sideline in the Madrid peace negotiations in 1991 (ibid.: 286). The US was concerned giving the EU too much of a say in the negotiations as the two parties at the time had different approaches. The EU had a multilateral approach focusing on an overall peace agreement involving all parties and the US focused more on "*bilateral agreements between Israel and its Arab-neighbours*" (ibid.: 284). The EU and US did not share the same understanding on how to approach the conflict, which impacted negatively on both the EU presence and opportunity. The US being the main negotiator and largest actor in the conflict decreased the EU's opportunity to act as well as its presence due the US perceiving the EU's presence as an obstacle (ibid.). The internal capabilities were also a constraining factor to EU actorness in that the EU did not have the possibility to implement their approach to the conflict due to how its presence was perceived.

Israel has criticised the EU of being too pro-Arabic, which was for example underlined in 2003 when Sharon, the then Israeli Prime Minister, expressed concern on the EU position in the peace negotiations with harsh rhetoric on the EU not being balanced favouring the Palestinians (Miller 2006: 642). The EU presence was by Israel negatively associated with, which would also have a negative impact on the opportunity for the EU

to act, if Israel e.g. put a stop to the agreements between the two parties. Israel did as the US perceive the EU negatively and did therefore not invite the EU into the negotiations, which consequently affected the EU's opportunity to become an actor in the conflict. The diplomatic instruments employed by the EU was thereby less successful and effective. Israel has further criticised the EU for being a self-serving mediator looking at economic self-gain (Soetendorp 2002: 286), which relates to the strategic culture of the EU being one of the largest economic blocs in the world seeking to increase economic involvement and gain. Being one of the largest economic blocs in the world is a direct link to the EU's presence being a factor determining how the EU is perceived by its mere virtue of existence. Israel did therefore expect the EU to act for self-gain and perceived the EU as having a negative role in relation to Israel's own interests. The EU presence and opportunity were therefore limited by the mistrust that both Israel and the US had in the EU, which limited its role in the MEPP and thereby its possibility to influence the Israeli settlement policy, significantly (Keukeleire & MacNaughtan 2008: 287).

Role and capabilities of the EU

In the Oslo peace negotiations in 1993 the role of the EU was still limited, but the EU did have suggestions for a peace settlement and suggested prior to the Oslo negotiations regional cooperation in key areas as well as the establishment of a Middle East economic area (Keukeleire & MacNaughtan 2008: 285). After the Oslo Accords the EU had the possibility to further elaborate on this by playing a role in established multilateral working groups focusing on areas such as infrastructure (ibid.). Playing a role in the working groups was an event enabling the opportunity for the EU to become more than a spectator, and to utilise its internal capabilities externalising its shared understanding on the approach to the conflict. Also, during and in the aftermath of Oslo the EU saw an opportunity to increase its role in the peace process through financial contributions, which is one of the EU's main instruments due to its economic position in the world (Soetendorp 2002: 288). This instrument proved successful and made the EU the largest donor of aid to the Palestinians contributing to the stabilisation of the West Bank and Gaza building the capacity of the Palestinians to take an active part in the peace

process (ibid.: 288). The EU acted on opportunity, and applied an economic instrument in the form of aid, which had a strong impact on the presence of the EU. The EU entered the scene and established itself as an actor. In relation to the economic involvement of the EU, Soetendorp made an interesting point looking at the *“importance of the distinction between diplomatic and external economic activities. It was because of the economic involvement of the EU, not its CFSP activities, that the EU got a say in the peace process”* (Soetendorp 2002: 295). The opportunity for the EU utilising an economic instrument increased its presence as well as its future opportunities resulting in a good position and a clear improvement in the EU actorness.

After the collapse of the Oslo Accords the EU revised its approach to the conflict and realised that it had to take an active part in the peace-making by among others diplomatic activities being more involved in the peace process employing special envoys as well as focusing on the military security dimension (Keukeleire & MacNaughtan 2008: 286). The EU acted on the opportunity to take active part in the peace negotiations and increased its capability measures accordingly by applying new instruments, being economic, diplomatic and military as mentioned above. The EU strived to obtain a more significant role and accordingly became more confident increasing its presence. The EU actorness in relation to the peace negotiations has been on the rise and the EU has continuously attempted to play a larger role (Soetendorp 2002: 289).

The EU and the international community

The US approach to EU involvement in the MEPP changed throughout the years, and the concept of ‘presence’ became especially significant when looking at the EU and its alliance with other international actors.

In 2001, the Mitchell report was made by the Sharm El-Sheikh fact finding-committee consisting of the HR of the EU, Javier Solana, and representatives from the US, Norway and Turkey (Suleyman et al. 30.04.01). The report contained recommendations on the way forward of the MEPP and among others stated that in order to rebuild confidence the *“Government of Israel should freeze all settlement activity, including the “natural*

growth” of existing settlements” (ibid.). The report was a sign of a collective wish to resolve the conflict among actors in the international community, with the EU as one of the authors. The EU and the international community started to form shared understandings on the conflict and the approach in the peace negotiations, including the EU. The increased presence of the EU alongside other international actors had a positive effect on the EU’s opportunity for involvement as well as action.

In 2002, the EU became part of the Middle East Quartet, referred to hereafter as the Quartet, consisting of the US, UN and Russia with the main objective of bringing lasting peace to the Middle East and an attempt to make a coordinated international effort (Seeberg 2009: 3). The Quartet being made up of some of the most powerful actors in the world creating a shared understanding on how to deal with the conflict collectively shaping the context of action relates directly to the concept of ‘opportunity’. They attempted with shared effort to establish themselves in unity and influence the developments in the conflict and the MEPP. Furthermore, the EU being part of the Quartet significantly influenced its presence in collective action in the international community. The capabilities of the Quartet have, however, been limited and the action made has been mainly financial aid, diplomatic meetings and the development of the “Roadmap for Peace” (FFOG 02.10.14). The Quartet’s capabilities in relation to the settlements have especially been limited due to the differences among the members of the Quartet. The roadmap stated that all Israeli settlements constructed after 2001 was to be demolished (Woolf 2005: 49), which by the EU was considered as the main point of reference in its statements. But, the US was reluctant to make an active effort to implement the plan and put pressure on Israel, which resulted in the roadmap being merely paperwork (Keukeleire & MacNaughtan 2008: 286). The reluctance of the US to put pressure on Israel was an example that might have weakened the EU’s presence as well as opportunity to act, as this has made the roadmap and the joint effort look less serious. The expectations of the accomplishment of the roadmap therefore seemed to be perceived differently by the EU and the US, and the shared understandings on how to act as a united international community did not seem shared after all. The EU and the US have become more of allies instead of being opponents in the process (ibid.: 290), which has increased the EU presence and opportunity in the conflict, however, the lack

of action from the side of the US has consequently influenced the role of the EU negatively.

The EU-Israeli relations

Israel has during the years attempted to play an active part in the peace negotiations making plans of withdrawing from parts of the occupied territories, which was for example seen in 1994 when Israel withdrew from the Gaza strip and from parts of the West Bank. The international community's involvement in the peace negotiations can thereby be argued to have impacted Israel's actions, and the EU has taken part in shaping the actions of Israel. This points in the direction of an increased presence in that the perceptions and expectations that Israel had of the international community including the EU had the power to change the behaviour of Israel. Based on among others the sharing of common interests with the EU, Israel was in 1994 granted 'special status' in the EU (EC 10.12.94). Although the peace process later halted, Israel being granted 'special status' could be a way of the EU to acknowledge the initiative taken in the first place by Israel. This can be seen as an opportunity that the EU took in order to both increase its presence in its relation to Israel and increasing its material existence applying an economic instrument by upgrading Israel-EU trade relations. Despite escalations in the conflict the EU-Israel Association Agreement entered into force in 1995 forming the legal basis of EU-Israeli cooperation and by 1996 Israel was fully associated with the EU's research programmes (Pardo 2009: 52). A similar move occurred in 2009 when the Israeli-EU cooperation deepened further after Israel agreed to a 10 month settlement freeze (Ravid 25.11.09 & BBC 29.07.13), and further deepening also happened in the area of agriculture the same year (EEAS 3 of 6). Again it seemed that the EU saw an opportunity to deepen its relations with Israel at the same time as Israel agreed to contribute to the peace process. This goes well in hand with Hollis arguing that the EU can impact Israel's settlement policy by offering Israel a special relationship (Hollis 2004: 191). The above indicated that Israel and the EU were continuously becoming closer in a variety of fields both politically and economically (EEAS 21.06.00). The EU's presence and opportunities in relation to Israel can therefore be argued to be looked at from two sides based on the above findings; how it

is looked upon by Israel in the MEPP and in their bilateral trade relations. It is also clear to see that the EU has constantly interpreted the events and accorded them meaning resulting in acting upon the opportunity there was to increase and deepen the relationship to Israel.

Even though Israel and the EU had established close ties it did not change the EU position on the settlements, which was an obstacle in the EU-Israeli relationship. The EU and Israel had two completely different approaches to this problematic. In 1998, the British Foreign Minister, then acting as the EU Council president, criticised the expansion of Israeli settlements, which provoked the Israeli Prime Minister, Netanyahu, to the extent that he cancelled a planned dinner between the two (Aoun 2003: 302). Netanyahu later stated that he wanted the EU to stop meddling in the peace process, decreasing the EU presence and opportunity in the MEPP being perceived negatively by Israel (ibid.). The relation between the two on the issue of settlements continued to decrease especially when the EU later the same year *“proposed on judicial grounds to stop applying ordinary customs advantages to Israeli exports originating from the Jewish settlements”* and as a response Netanyahu warned the EU that it would have consequences on the Israeli employment policy favouring the Palestinians (ibid.:302). The EU underlined its stand on the settlements, which in the eyes of Israel decreased the EU’s presence, however, in relation to the EU’s self-perception it strengthened its presence. This event in the form of a statement had various impacts on the EU presence and opportunity, which was a consequence of the MEPP being so closely linked to the settlements. In 2001 the Commission concluded that in the 1995 Association Agreement products originating from the Jewish settlements were not eligible for preferential treatment, and thereby concluded on legal grounds proving its stand on the issue of the settlements (Hirsch 2002: 587). This mixed the two-sided relationship between Israel and the EU blurring the lines in their relationship and the EU’s presence in the eyes of Israel. Israel using ‘consequence’ rhetoric on the EU’s statement showed that Israel was not intimidated by the EU. What was also interesting was that Israel did not threaten the EU in their trade relations, however, targeted the MEPP and one of the EU’s main priorities of building the capacity of the Palestinians.

This could indicate how important the bilateral relations are to Israel being a material consideration that could be the underlying reason for Israel not wanting to mention them too much in their counter response. The EU opportunity to act in relation to the bilateral relations can therefore be argued not to be impacted negatively as such. The EU position in relation to Israel has been rather controversial and the EU has throughout the years been severely criticised for having condemned the settlements disassociating itself from the expansions but yet still trading with Israel (Gee 2013). This criticism negatively affects the presence of the EU being perceived as self-contradictory, which consequently could lead to other international actors not having faith in the EU's role in the MEPP.

Normative values

One thing is the economic relationship with third states and another is the EU's wish to externalise its core normative values. The EU tries to promote these normative values through its agreements with third parties, which includes political aspects in the agreements. In all the agreements made between the EU and a third state there is a consideration in the preamble "*CONSIDERING the importance which the Parties attach to the principle of economic freedom and to the principles of the United Nations Charter, particularly the observance of human rights and democracy, which form the very basis of the Association*" (EEAS 21.06.00). The nature of the IPC being very violent offers a challenge to these norms, which are based on human rights as well as democratic values. In a 2012 Human Rights Watch report, Israeli human rights violations were reported, namely the 'Right to Freedom of Movement' and 'Right to Family Unity' (HRW 2012). The report was based on the occupied territories, and documented the Israeli obligations to adhere to international humanitarian law. Even though this did not document violations directly related to the EU-Israeli agreement, it testified that Israel violated human rights, which the EU should ideally pay attention to. However, the EU continuously deepened its bilateral relations with Israel even though Israel compromised with core normative values of the EU impacting the identity of the EU in the eyes of other actors resulting in a decreased presence. The opportunity for the EU could as a consequence decrease as it can be perceived as incohesive in its external action and

inconsistency seems to appear between the normative shared understandings and material considerations. The human rights clause, which has been incorporated in all EU agreements since 1995 allows the EU to denounce or suspend an agreement if the country entered into the agreement with, violates human rights or democratic principles (Smith 2008: 56). This is an enabling instrument for the EU to use in its external action, however, no agreement between Israel and the EU has so far been suspended.

New approaches and a new role

From 2005, the EU started focusing more on security and in 2006 the EU sent 7000 troops to support a UN force to oversee the fragile ceasefire (Keukeleire & MacNaughtan 2008: 287). The EU started applying more versatile instruments increasing its presence in the conflict. The internal capabilities affected the opportunity to act, which the EU took.

More events occurred in 2005 when Israel carried out a unilateral disengagement plan from the Gaza i.e. relocating settlements based in the Gaza strip (PMOCD 04.06.05), which was a plan supported by the EU as well as the international community (Miller 2006: 649). The EU put up criteria for Israel to follow and insisted on their implementation in order for the EU to support the disengagement plans (ibid.: 649). The criteria underlined the focus of the EU representing both sides as well as showing a more self-confident EU. The criteria further proved a confident EU daring to involve itself in the MEPP increasing its presence by acting on the opportunity to externalise its shared understandings utilising the internal capability in the form of a diplomatic instrument. The disengagement plan was perceived by the EU as a positive step, and the EU took the opportunity to support Israel and praise the, then Israeli leader, Sharon, making sure to make public statements to make their action visible internationally (ibid.: 650). This improved the bilateral relations between the EU and Israel, which was also enhanced as the EU subsequently started putting pressure on Abbas, the representative of the Palestinians (ibid.: 650). The presence of the EU had turned more positive in relation to Israel also on the settlements, and the EU took the opportunity to act in favour of this relation. The EU and Israel got closer in understanding each other, which enabled EU action positively affecting the EU actorness.

The EU 'on ground'

In relation to EU's physical presence in Israel and the occupied territories several reports have been made by the delegations on the condemnation of the settlements underlining the EU's use of diplomatic instruments. To mention an example, a 2011 informal report was made by the EU heads of mission in Jerusalem and Ramallah (A3. EU Heads of Mission 2012). It included opinions and recommendations on EU policy on the situation. The report expressed a degree of frustration as the delegations wished for more authority to take direct action (ibid.). In the report the Israeli settlement expansion was criticised as undermining the Palestinians whom it was argued were getting ever more detached from each other as a consequence (A3. EU Heads of Mission 2012: 224). It further stated that Israel had breached its commitment to the peace process by these actions, and that the breach could have consequences regionally and globally as the conflict could escalate again. Recommendations made in the report were among others that all EU financial measures that could relate to settlement activity should be stopped, and that the Commission should be encouraged to propose EU legislation preventing financial transactions in support of settlement activity (A3. EU Heads of Mission 2012: 231-32). The opinion of the report was clear and the missions in Ramallah and Jerusalem, respectively, agreed on the need for EU action and increased EU presence in East Jerusalem in order to deal with the settlement issues (Ellegaard 12.01.12). The capabilities of the EU delegations on ground seems rather limited; however, their presence opens up the opportunity for the EU to be well-informed and to make an informed opinion on the settlements. This, from the outset, seems to be an enabling factor for EU actorship getting first-hand information from the delegations, which should ideally substantiate EU opinions and actions. But, the report was never officially published pointing in the direction of the EU being afraid to be too strict in its statements and actions towards Israel. The shared understandings on how to act within the EU, in this context the delegations and Brussels, seemed unclear, and the EU identity fragmented. In relation to an announced settlement expansion in East Jerusalem, Ashton, the then HR/VP of the EU, issued a statement condemning this underlining the EU and Quartet position on settlements, however, no concrete actions

from the side of the EU or the findings from the internal report were mentioned (EEAS 06.04.11).

In 2013, the consuls of the EU in Jerusalem and Ramallah again issued a report, this time calling for *“imposing economic sanctions against Israeli settlements in the West Bank and East Jerusalem (...)”* (Xinhua 27.02.13). The delegations called upon the EU to act and utilise instruments that had not previously been used in the EU external action in the conflict. Even though it was unclear whether it was a direct response to the calls for action, the EU did take some action the same year by developing guidelines on *“the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards”* in order to respect EU positions (EEAS 19.07.13). This could be argued to increase the presence of the EU proving a shared identity of the EU. The EU did take external action, perhaps due to an opportunity based on information from the delegations. Israel strongly opposed the guidelines stating that the EU was trying to force their position on the settlements onto Israel in an unhealthy manner (Rottbøll 17.07.13). This was an attempt of the EU to take concrete economic instruments into use acting on its position towards the settlements not letting the settlements expand with no consequences. The cooperation between Israel and the EU had been continuing even though Israel had continuously built settlements, and it seems that the EU's patience was running out and stepped into character, which underlines the presence that the EU perceives itself to have and strives to strengthen.

EU official statements

The EU has continuously issued statements, conclusions, notices etc., on the MEPP and the settlements both on behalf of itself and as part of the Quartet (EEAS 10.12.12 and EEAS 16.04.12). Every time Israel has announced a settlement expansion, the EU has issued a statement condemning it, which has been the prompt response. From 2012-2014 numerous of statements was issued on the condemnation of the settlements from the HR/VP of the EU, which clearly underpin that the Israeli settlement policy has not halted, but rather continued to expand.

The EU position towards the building of settlements has not changed, but remained the same (EEAS 21.03.14). The guidelines formulated in 2013 were the first active move, which could result in severe consequences for Israel with the underlying implication that if adhering to them, Israel would also indirectly acknowledge that the settlements are not a legal part of Israel. This move was a sign of seriousness from the EU and the way it perceived itself taking concrete action. The EU also stepped up with regards to its presence in that it potentially would be looked upon both by Israel as well as the international community as a serious actor putting action behind its words. The impact of these actions and whether they will influence Israel's perception and expectations of the EU to the extent that the EU will change Israeli behaviour has still not proved successful. This again points in the direction that the EU presence in the eyes of Israel with regards to the settlements is rather trivial, and the EU opportunity and instruments utilised have not been successful.

The EU has not always been a meaningful actor in the peace process, but has during the years put a lot of effort into becoming more significant increasing its presence, seeking opportunity and applying new policy instruments when an opportunity occurred. There has been a number of challenges in terms of e.g. its internal capacity to act, the international community's perception of the EU and its ties to the various actors in the conflict. In 2014 a number of events occurred to which the EU had to act, which layer two will now proceed to.

Layer 2

Layer two will continue the timeframe from January 2014 onwards. With the knowledge from layer one in mind, layer two will focus on the current involvement of the EU in the conflict analysing key events that have an impact on its actorness. The conceptual framework will be utilised and the events analysed in relation to the understanding of EU's presence, opportunity and capability.

The context

The 2014 context can be partly divided into three phases. The first part of the year mostly evolved around diplomatic statements condemning the settlements, and no direct actions were made against them. Spring and summer 2014, introduced some changes in the external environment, which have influenced the opportunity structure of the EU, and consequently also the events in the last phase of 2014. The last phase of 2014 till date seems to introduce a new EU approach towards the conflict and the settlements. A new approach, which might make the EU capable of responding to its new opportunity and thereby enhance its presence. The conflict, and the settlements issue in particular, are still high on EU's foreign policy agenda, and the EU continues to try and increase its actorness in relation to both.

In April 2014, the US brokered peace negotiations between Israel and Palestine, which had previously worked as the political perspective to the conflict, broke down. It had an original deadline of April 29 where an agreement should have been reached, however due to a deadlock between the parties, the US Secretary of State, Kerry, offered Israel that if they agreed to continue the talks throughout all of 2014, Kerry would make sure Abbas made no unilateral moves via the UN in the meantime (Ravid & Khoury 31.03.14). The two parties never agreed on requirements for further negotiations, and Abbas instead unveiled the reconciliation plan for Palestine, organising different political factions of the West Bank which had prior been under the rule of Fatah represented by Abbas himself, with Hamas that ruled in Gaza (BBC 23.04.14). Previously they were divided both politically and geographically, but found a way to unite and to represent the

Palestinian people as a unity. This newly created unity of the Palestinian people made Israel reiterate from the negotiations arguing that it would be impossible for Israel to negotiate peace with a government that have signed a deal with Hamas who promoted the destruction of Israel (Lynfield 23.04.14). Netanyahu thereby used the perceived presence of Hamas as a terror organization as an opportunity for not continuing the negotiations and at the same time undermined both the capability and presence of any government linked to Hamas. Since the EU is in support of the negotiations sponsored by the US, the breakdown would at first seem like a constraint for EU's achievements being the political goal of a two-state solution that is addressing the settlement issue. Without a political framework to work within, a solution seems impossible but it doesn't necessarily constraint EU's actorness. As we learned in layer one, the strong presence of the US in the MEPP has actually limited the role and presence of the EU, and with the breakdown the EU instead had an opportunity to fully reverse its role as a bystander.

The conflict then escalated during May and June with accusations of kidnapping, rockets fired by Hamas and further settlement expansions. This resulted in an Israeli military operation launched the 7th of July lasting 7 weeks, referring to the newly escalated conflict that killed more than 2000 people, of which most were Palestinians (EEAS 03.06.14). On June 3rd, the EU made an announcement on the formation of a Palestinian Unity Government and welcomed Abbas's commitment to a two-state solution on the basis of 1967 borders and the recognition of Israel's right to exist (ibid.). Prior to this, the EU first issued several announcements urging the parties to return to the table of the current negotiations (EEAS 27.04.14), but when the presence of a Unity government was positively received by China, Russia, Turkey, United States and the UN, the EU also welcomed it (The Jerusalem Post 06.03.14). It was as an opportunity for the EU to stand stronger among some of the biggest actors in IR. The EU increased both the presence of the Unity government and the presence of the EU in the international community. A strong recognition from the international community further increased the opportunity and capability of the unity government and thereby works as a constraint against Israel.

These changed circumstances in the external environment, both on the grounds of the conflict by the escalation of violence and the “halt” in the peace negotiations, created changes to the opportunity structure of the EU, even though it was not something the EU had any influence on as such in that it was happening externally. Both the escalation of violence on ground and the peace negotiations breaking down worked as positive opportunities. The increased violence changed the priorities or focus from the international community in relation to the conflict, making a solution ever more needed. And a lack of any political perspective to the conflict i.e. that none of the parties have returned to the negotiation table opened up the opportunity for the EU to play a leading role in creating a new peace initiative themselves.

EU official statements

Over the course of the first five months of 2014 the EU issued a diplomatic statement each month expressing its concerns over the expansion of new settlements. Two rhetorical strategies seem to have come into light when analysing these official announcements meaning that the EU made use of two methods when trying to make its presence more significant. With reference to settlements being illegal under international law the EU anchors its statement in something superior, which Israel is also a subject to thereby pointing out the correctness of its statement to something that is not up for discussion and which the whole international community is founded on (EEAS 21.03.14). By mentioning how the EU has repeatedly warned against such actions before and by saying that all its constituting parts are supporting this view is an attempt to underline the importance of the EU’s capability as a big and united actor in foreign affairs, hence enhancing its presence (EEAS 24.02.14). However, the wording ‘repeatedly’ implies that the same statement has been made before and allegedly not perceived as serious from the site of Israel, which thereby undermines the presence of the EU. Another important aspect of presence is how Israel perceives the EU, and no matter if the EU has rhetorically underlined the unity of its Member States, Israel knows that the competences and capability for the EU to act within foreign policy are limited, and that any direct actions consequently are limited as well.

From July onwards, the EU continued to issue announcements condemning the settlements with different wordings, but all referring to international law. Council of Foreign Affairs, 22nd of July, issued a conclusion, which included that future developments of relations between EU as well as both Israel and Palestine, depended on their engagement to a two-state solution (EEAS 22.07.14). Same strategy as previously by using its diplomatic presence to make Israel comply with EU intentions, but this time with an included threat for their future relations, underlining its severity. Although trying to use different methods to underline the importance of its diplomatic message against the settlements, Israel does not perceive the EU statements as being of any immediate threat for future cooperation. Each statement issued in 2014 concern settlements in different areas and thus implies that new expansions still continue in 2014 regardless of EU efforts.

From November 2014 onwards, the statements slightly changed with the new HR/VP in office. The first message condemning the settlements was issued on November 5th and concerned the newly announced Israeli settlement plans regarding 500 houses in East Jerusalem (EEAS 05.11.14). To make the statement slightly stronger than previously, Mogherini mentioned that several members of the international community and all the Member States of the EU had repeatedly pleaded on this issue, but unheard. This enhanced the presence of the EU as it underlined that it is constituted by 28 Member States and that the EU was not alone but standing together with the international community. This showed that multiple actors were involved implying that even if Israel choose to ignore the plea from the EU, it would have to ignore many other important actors as well. So she enhanced the presence of the EU by focusing on its unity and size. The HR/VP thereby slightly improved the rhetorical line towards Israel compared to previously, making the presence of it more strong. But whether it will create the opportunity for change is yet to show.

Building onto the knowledge from layer one, the continuous expansion of Israeli settlements as a response to EU's statements condemning exact same settlements is not a new behaviour from the site of Israel, and the EU should realise that its strategy of

making Israel comply by using diplomatic instruments in form of statements has not moved the EU any closer to any of its foreign political goals with regards to the conflict. Neither the settlements, nor the two-state solution. This clearly downplays EU actorness as being of any importance in foreign political matters and when the EU also fails to use its economic presence to gain more political presence by applying economic instruments, it decreases the perception of the first. Meaning, that if Israel does not acknowledge the economic incentives put forward from the EU for Israel to comply with, or at least do not acknowledge the threats made against them, then Israel downplay the importance of EU's economic presence. It further constraints any future actions to be made by the EU following the same subtle strategy, and instead create an environment in which the possible use of sanctions on incentives seems more like an opportunity. Since the political instrument of diplomatic statements condemning the settlements have not previously made Israel comply, the EU could instead have chosen to make a full use of its capabilities in form of sanctions or other policy instruments in order to create an opportunity to coming closer reaching its goal of stopping the settlements.

The role of the EU and its capabilities

Leading to which actions the EU is capable of taking, we have the concept of capabilities, which refer to internal factors of the EU and also the policy instruments available for the EU to use when trying to achieve its foreign political goals. Namely political or economic instruments. The political instrument in form of a diplomatic exchange of statements, announcements, recommendations and other forms of rhetorical or written negotiations has been widely used to express the EU's official stand on the matter of settlements as in layer one, and continues to do so in 2014 as well. The understanding of capabilities is closely linked to competences within the EU, and since the EU does not enjoy exclusive competence in the area of CFSP, it is not an option for the EU to use hard power in form of military actions against the settlements. Although military action might not be the preferable solution of the EU towards the settlements, the perception of a strong and united EU that is able to utilize a common military power in foreign affairs, could according to the concept of presence change how serious Israel perceives the presence of the EU and thereby open up for an opportunity to act in non-

military matters. Hence, a lack of military power of the EU, influence its presence negatively and thereby work as a constraint for EU actorness.

Looking at the economic instruments the material existence of the EU as an economic integrating power still work as an important part of its perceived presence, although, the euro debt crisis might have decreased its economic presence to some extent. The EU is still the biggest provider of aid to the Palestinian people and one of Israel's largest trading partners, which confirm the economic presence of the EU and enables it to act to some extent, if its capabilities are utilised correctly. By using its economic presence to employ different sets of instruments such as the principles of incentives or sanctions i.e. carrots and sticks, the EU tries to increase its political presence and create an opportunity for further political action. The aim is to change the behaviour of Israel in relation to the settlements by including some of its political goals in relation to the conflict into the bilateral agreements between the two parties.

The requirements that the EU includes in the agreement create the opportunity for the EU to follow up with direct actions, if not followed by Israel.

But how has this affected the settlements? The expansion of settlements continue into 2014 and neither the political instrument of subtle diplomacy, nor the economic instrument in form of economic incentives seem to having been effective and the sanctions available could, therefore, be relevant to look into. To further support this, an evaluation report on the ENP relation between Israel and the EU in 2013, was published in 2014. The report specifically mentioned how the EU has continued to engage with Israel in order to address the critical points of the settlement problematic, and how Israel instead have moved in an opposite direction of the intended increasing the settlements with 132% compared to 2012 (EEAS 27.03.14). This form of behaviour from the site of Israel undermines the presence of the EU in every aspect and calls for stronger and more effective instruments to be applied.

Sanctions available to the EU in 2014 range from diplomatic sanctions; suspension of cooperation in various areas; trade sanctions and financial sanctions (Grieger

22.05.13). They can either be applied in a comprehensive manner meaning that it is directed at entire states, and therefore imply considerably human suffering for the population at large, or it can be targeted to impact the leadership, political elite or the section of society that is deemed responsible for the unwanted behaviour, and thereby seek to minimize human suffering (Ibid.). According to the strategy of implementation of EU sanctions the latter version of targeted sanctions is the desired option (ibid.). Suspending cooperation in various areas has been applied in the 2013 guidelines and includes a halt in the already existing association agreement between the two parties being a new approach by the EU (Ibid.). Though, the effectiveness of these guidelines have not yet been evaluated, the fact that an actual economic initiative that underlines and supports the diplomatic statements condemning the settlements has entered into force, is a sign that the EU now make use of its capabilities in the matter of sanctions instead of incentives.

This has increased the seriousness of its presence and the EU seems like a more grounded actor putting actions behind its words. This would also work as a response to the criticism put forth by Seeberg (2009) that the EU needs to utilise its economic power to support and underline its political goals and increase its political power. The strategy of the EU to preferably utilise sanctions in a targeted manner instead of in a comprehensive manner could further explain, why the option of putting a general trade embargo against Israel has not been utilised. This would have serious consequences for the Israeli population at large compared to only disregarding the settlements as eligible for preferential treatment.

The EU-Israeli relations

What has emerged in the previous layer of analysis and which continues in the 2014 timeframe is a deepening of the bilateral relations between the EU and Israel, regardless of developments related to the settlement problematic. An evaluation report on the ENP between Israel and the EU, published in March 2014, further supports this argument at the same time as it is pinpointing how recommendations in relation to the settlements from 2005, have yet to be implemented despite the deepening of cooperation between the parties (EEAS 27.03.14). This points to, that despite of the

embedded criteria that the ENP agreement include, and which must be fulfilled by signatories in the spirit of good governance, respect for international law and humanitarian law, have not been fulfilled in this case. The normative political requirements that are included in the agreements as part of EU's economic instrument have simply not been enforced. Nevertheless, Israel has experienced no consequences of this breach and the bilateral relations between the two parties continues to expand, latest in the area of transport with the comprehensive civil aviation agreement which entered into force in 2014 (Ibid). Although the EU has the capability of suspending entire agreements in disrespect of the international law, this option has not been utilised. The report instead follows same subtle strategy of trying to implement its political goals via its bilateral agreements with Israel, but without any direct consequence, if not followed.

The fact that the EU in its recommendations for future cooperation now also included the requirement of Israel to refrain from any actions that can undermine the peace process and a two-state solution, therefore seem less relevant and more like empty words.

The understanding of a strategic culture in foreign affairs that influence how the expectations from other actors change in regards to the perceived presence of the EU hold relevance in this regard. If Israel continuously experience how the diplomatic effort to make them comply is not underpinned by the EU's actual economic presence there is no reason for Israel to perceive the presence and thereby actions of the EU as being any different in the future. This perceived presence of the EU then further has the ability to change the behaviour of Israel in relation to the settlements and its partnership with the EU, meaning that it will affect the opportunity structure for EU actorness and pose as a constraint for EU action in relation to Israel.

When core aspects of the agreements are not followed and recommendations by the EU not implemented without it having any influence on the beneficial aspect of the agreement for Israel, it seems like they are able to enjoy the benefits of its relation to EU and leave the rest if not aligned with its own policies. Thereby, enjoying the EU's economic presence but ignoring its political and diplomatic presence as an actor in

foreign affairs which clearly influence the EU's opportunity to act in the desired way. From an internal perspective within the EU it decreases its own confidence in being able to assert any real influence, but also has the possibility to affect the international community and how they perceive the presence of the EU. If other big and important actors such as the US and the UN repeatedly see their companion in regards to the MEPP being neglected and ignored without taking a stand, how serious and important an ally can they perceive the EU to be? This thereby affects the opportunity for the EU to act internationally through, for example, the Quartet.

Normative values

The EU can be said to have two sets of ground values. One of them is the function of economic integration, which is the reason for its entire existence and has continued to be its method of expansion throughout (Jørgensen & Rosamond 2001). The other is the core normative value of the EU meaning the self-perception of the EU, how the EU is represented and how it wants to be perceived by others. Both aspects are deeply embedded in the concept of presence as it entails the perceived identity of the EU and expectations of it. The perception of the EU's use of economic integration as a strategy for expansion is embedded in the unintended external consequence of EU's internal actions in the form of establishing an economic union between the different Member States. The normative values on the other hand, are very well intended and pushed externally by the EU, to influence other actors' perceptions of the EU's presence. According to Manners (2002) these values will not only influence how others perceive the presence of the EU, but also influence the very action of the EU, as the extensive promotion of its normative values to some extent also create a self-expectation to act accordingly, as well as others will expect them to.

On one hand, the bilateral agreement between the EU and Israel is anchored in an economic relation and economic integration, but does at the same time include political normative goals. How far is the EU willing to compromise these two sets of values are they complementary to each other or do a fulfilment of one of them hinder success in the other? One thing is certain, the shared understanding that gives meaning to what

the EU is and what it does is heavily affected by how the EU manages to work with these two principles. Not managing to enforce and comply with its own values, the EU's self perception will change and the identity of an EU that is the upholder of international law will be contested. This could affect the opportunity structure negatively and constraint EU actorness not only in relation to the settlements.

In regards to the settlement issue, the two ground principles of economic integration and normative political values are intertwined and both are viewed as an opportunity for peace in the Middle East. A stronger economy for both Israel and Palestine via European economic integration is thought to improve the circumstances for peace between the parties (Pace 2014). Respect of international law, good governance, and democratic values are likewise viewed as an opportunity for peace if implemented, but when the method of utilising both is embedded in the same bilateral agreement, any inconsistency between the two will work as a constraint for EU actorness in all its aspects.

The EU and the international community

The role of the EU in the peace process has improved over the years, and continues to improve in small steps as the international initiative through the Quartet continues. In the Quartet, the HR/VP represents the EU internationally and thereby, influences how other important actors perceive the engagement of the EU in relation to the conflict and further uses the international coordinated interaction as an opportunity to enhance its presence. With regards to the MEPP the EU has at several occasions issued statements expressing its full support of the effort made by the US and the Israeli and Palestinian engagement in the current negotiations (EEAS 17.03.14). The EU has further expressed its support of the Arab Peace Initiative and the Roadmap for peace set forth by the Quartet, emphasising these as opportunities for action as well as making its own presence secondary to the outcome.

The violent escalation of the conflict has increased the EU's opportunity to act via the international community as it has changed how other actors perceive the urgency of the

conflict. The fact that Israel chose to use the cease fire agreement to further expand its settlements have further implicated how other actors perceive the presence of Israel and the settlement issue, resulting in a changed behaviour of some actors. This indicates that a changed perception from the international community towards the IPC and the settlements have opened up for the opportunity for further EU action as the presence of the EU is perceived stronger together with other big actors in IR. Furthermore, the presence of the US in the MEPP no longer work as a constraint for EU's actorness as they have become more of an ally to the EU and now perceives the settlement issue alike. The fact that the presence of the US no longer serves the political framework in the MEPP further enhances the opportunity for EU actorness.

Shared understandings within the EU and a new approach

A change in the internal environment of the EU in 2014 was the appointment of the new HR/VP, Frederica Mogherini, who took office on 1st November (EEAS 09.11.14). This can affect the EU's capability to act as well as its ability to respond to opportunities in the external environment as a collective voice within IR despite the lack in competences. The change in office also sends a message to the Member States that new times are ahead, and with Mogherini's clearly stated vision of bringing the Member States of the EU even closer together on foreign policy matters, it could have an influence on EU actorness in the last couple of months of 2014 (EEAS 26.11.14). Applying the concept of opportunity, diverging interests and understandings between the Member States can work as a constraint for EU actorness, whereas a set of internal and shared understandings in relation to the settlement issue will enhance the perception of unity within the EU and thereby enhance its presence.

At her first foreign affairs council meeting, she defined the Middle East conflict as a main priority and spoke about how the council will forwardly change its working methods to focus more on a united European action (EEAS 26.11.14). She expressed the urge to change the European way to a more active role, which implies that she is not satisfied with the current actorness of the EU in the IPC, and instead calls for increased action but with different methods than previously. In her speech to the parliament the next day

she again emphasised the Middle East conflict as a main priority, and how the previous strategy of European foreign affairs needed to change towards a more common approach (EEAS 27.11.14). She further referred back to her remarks to the foreign affairs council, which give some sense of unity between the council and parliament already, which is what the position of a HR/VP is responsible for, namely ensuring institutional coherence. Mogherini further acknowledged the critical point that the conflict has reached with external threats to the region that make the importance of a new political perspective ever more crucial and that the EU has an opportunity to be the first player facilitating this (ibid.). She visualised the EU being part of the new solution and urged the EU to come up with its own peace initiative. Mogherini thus seeks to use the breakdown in negotiations as an opportunity to further enhance the presence of the EU. She underlined that the European solution remains a two-state solution, but reminded of the importance in articulating what that actually means i.e. the creation of a Palestinian state, and that the time is crucial for the security of both parties (ibid.). Besides facilitating negotiations between the two parties, she therefore pleaded to the parliament for their help in establishing internal unity between the Member States towards a common approach and a common understanding on the issue. She acknowledged that neither the parliament nor her position as HR/VP have the competence to recognise other states (ibid.). In other words, she acknowledged the constraints of EU's capabilities in the area of CFSP and implied that the notion of a shared understanding of the EU from the concepts of opportunity and presence has to be utilised to deal with this constraint. Mogherini further stated that *"only a united messages sent to the region by the EU will allow the EU to play its role at the fullest"* (ibid.). Here all three concepts can be applied with equal relevance. Capability refers to how the EU is able to gather its different factions and stand united between different institutions and Member States and thereby send a signal of coherence in all its aspects. This will then increase the presence of the EU to a higher level and thereby, influence how it is able to utilise the externally created opportunity that the conflict in times lack a political perspective.

The two new approaches from the EU work together and one does not exclude the other. If the EU does not manage to fulfil the role as a facilitator of a new political

framework and thereby increase its presence in the international community, the EU is still able to assert influence if it succeeds in forging unity among its Member States. 28 Member States each with their full capability to act, might be perceived stronger than an EU speaking with one voice through the CFSP, but with no capabilities to enforce it.

The EU on Ground

In relation to diplomatic involvements there has been a strong diplomatic relation with several visits by Mogherini and Member States diplomats. These visits have been attempts to try and influence the government of Israel and Palestine to continue the peace negotiations and stop all actions hindering a two-state solution (EEAS 27.11.14). Diplomatic visits increase the physical presence of the EU as well as its opportunity to respond to circumstances on ground via its delegations.

On November 8th, the HR/VP travelled to Israel and the Palestinian territories for talks with both Netanyahu and Abbas, and she visited both the West Bank and Gaza (Lazaroff 11.07.14). In the talks with Netanyahu, Mogherini clearly stated the view of the EU; *“We need a Palestinian State (...) to support the two-state solution (...) which is in the opinion of all of Europe (...)”* (ibid.). She at the same time ensured Israel that the EU is supporting Israel’s right to existence and security, but links it to the creation of a Palestinian state, saying that such is vital for the security of Israel. In this matter there is nothing changed in the European rhetoric, but the new thing is that she expressively links the creation of a Palestinian state to the security of Israel, which is a clever move since one of Israel’s main arguments is its right to security (Lazaroff 22.09.14).

As a reply to the settlement concerns, Netanyahu stated that he *“reject the fictitious claim that the root of the continuous conflict is this or that settlement. (...) Jerusalem is our Capital and as such is not a settlement. (...) The neighborhoods where Jews live and where we are building have been in the hands of Israeli government for the last 50 years. (...) Everyone knows they will remain part of Israel in any peace arrangement.”* (Lazaroff 11.07.14). Netanyahu showed little interest or respect for the concerns of the EU in this and downplayed the presence of the EU by ignoring its pleas. In return, Mogherini answered that the settlement issue is not one for interpretation; it is illegal

under international law, an obstacle to the two-state solution, and as such is the firm position of Europe and cannot be misinterpreted. When Netanyahu downplayed the presence of the EU, she lifted it up and made it stronger by anchoring it in international law as something more superior to which Israel also has to abide. The HR/VP further stated that Israel could count on the European Union to build this new start; *“It’s also in European interest to have stability, security and peace in this part of the region, and we are convinced that the European Union can have a major role in supporting a solution”* (EEAS 07.11.14). She seeks the opportunity and invited the presence of the EU to fill the empty space after former peace negotiations broke down.

Five Member States ministers also visited Israel (Lomonaco 21.11.14). Diplomats from Germany, UK, Italy, France and Spain attended a meeting at Israel's foreign ministry and after Israel's foreign minister mentioned the terrorist attacks which they live under, the Italian diplomat assured him of his support for the rights of Israel to defend itself. Such a visit from Member States diplomats to Israel, discussing the conflict and its elements, can either work against the common European approach or it can enhance it depending on the outcome of the visits. If the five European diplomats articulated a common European initiative in the same wordings as the HR/VP, it would increase the pressure on Israel. But if the interaction between Israel and the Member States do not underline a common stand, the EU then seem fragmented and cannot be taken serious, when the HR/VP says one thing and the constituting part another.

Current events have now been analysed using our conceptual framework of opportunity, presence and capability. Together with layer one of the analysis, layer two helps to establish how previous events and actions by the EU as well as current events from 2014 have influenced its actorness in relation to the settlements. We now move onto layer three of the analysis, which will constitute as the discursive part of the analysis. Findings from layer one and two will be discussed and enabling and constraining factors to EU actorness will be identified.

Layer 3

In the third layer of the analysis we will partly draw on the findings from the previous layers identifying where the EU is heading in their policy towards the settlements. We will further identify the factors that seem to be most significant in enabling or constraining the EU actorness. Along with identifying the factors we will consecutively analyse the current state of the EU's ability to act as well as discuss what could be the way forward for EU actorness on the settlement problematic.

Bureaucratic processes

EU actorness within foreign policy has been criticised on the basis of its institutional set-up of the CFSP and bureaucratic processes within the EU. According to scholars this reflect too heavy a bureaucracy for any direct and quick actions to be taken due to the complexity of EU's multilevel and heterarchical framework (Sweeney 2013). This makes it interesting to see how well established a link there is between the EU delegations and EU action and whether the heavy bureaucracy works as a constraint for EU actorness. The lack of competences to act within the CFSP further enhances the heavy bureaucratic process due to all the work reaching a common decision is spread out at various levels ranging from working committees, national parliaments, the European foreign council affairs linking the national parliaments with the EU, and of course EU's main institutions; the Commission and the European Parliament (Ibid).

The CFSP was created in order for the EU to speak with one voice on behalf of all of the Member States in foreign affair matters. This together with the settlements being illegal under international law created an underlying assumption that the internal aspect of the EU would not influence EU actorness on the matter of the settlements. The internal aspect, or the internal affairs, of the EU was thus not a main focus point from the outset of this analysis.

However, the involvement of so many different levels and actors seem to constrain the process for action. There seems to be a need for more competences within the CFSP in order for it to be able to act, or other solutions need to be employed to ease up the constraints of its processes. A complex bureaucratic process is a constraint for EU's capability to act and also a constraint in its opportunity structure as a lack in internal

capabilities influence EU's ability to respond to opportunities present externally. A very complex bureaucratic system symbolises an incohesiveness in the EU's presence and will affect how other actors perceive the EU and consequently also how the diplomatic statements made by the EU on the settlements. If the internal capability of the EU to formulate a common policy is limited by its very own process, actors like Israel will think that the EU is equally limited putting action behind its words in its statements. The capability of EU to speak on behalf of all its Member States thus seem to decrease in relation to the concept of presence and how others perceive the presence of the EU. If the very identity of the EU is perceived by others to be too complex it thus limits and constraints its opportunity to act.

The physical presence on ground

Delegations are EU's physical presence on ground and if the EU wants to ensure that decisions in this area is based on well-informed data, it is both in the interest and responsibility of the EU to take this first hand data into account when deciding on future actions in relation to the settlements. The physical presence on ground thus increases the EU's opportunity to make well-informed decisions and thereby also its capability to respond to events, on ground.

Although, no direct link could be established in layer one of the analysis, it still implied that some actions were taken by the EU due to the information received from the delegations, namely, when Ashton condemned the settlements immediately after the first report was issued. The wordings of the first report issued by the delegations, that Israel had breached the commitment to the peace process by the expansion of settlements later started to repeat in the official EU statements condemning the settlements (A3. EU Heads of Mission 2012). The report recommended EU financial measures relating to the settlements to stop, where after, the EU in 2013 developed general guidelines that when implemented, should make sure that certain financial measures would no longer flow into the settlements, exactly, like the report recommended. The EU increased its capabilities by utilising one of its economic instruments putting a halt in cooperation in various areas. This implies that there is a link between the EU's physical presence and how the main body of the EU acts,

accordingly. Although, the working documents laying ground for the guidelines never made a reference to neither the delegations nor their reports and were neither made official. Albeit this research has not analysed the internal bureaucratic process of the EU, it is fair to argue that a response time from 2011 to 2014 is a long time for such an important issue, which stands high on the EU's foreign political agenda resulting in being a constraint for EU actorness.

The EU also has a delegation present in Tel Aviv whose Head of Mission, Lars Faaborg Andersen, function as the Ambassador of the EU to Israel (EEAS 4 of 6). Compared to the work of the delegations in Ramallah and Jerusalem, the EU ambassador has a slightly different focus, which could be embedded in the fact that his delegation is in a geographical area away from the settlement issues. In his work with the Israeli prime minister and other actors in Israel, the ambassador of the EU to Israel is never as direct in his articulation regarding the settlements as the other two delegations (Times of Israel 08.12.14 and EEAS 07.07.14). This indicates that the more authority a delegation has, the subtler is its work and support of EU's stand on the matter of settlements. This underlines that it is in the EU's interest to represent both sides of the conflict and be present in both places. In other words, the presence of the EU must be perceived positively from both Israel and the Palestinian authority for the EU to increase its opportunity to work as a mediator between the two. If either party perceives the EU's presence negatively it will likewise affect the opportunity structure negatively and decrease its ability to work with the disagreeing party.

When looking at the information available at the European Union External Action website there is a vast amount of information about the EU ambassador to Israel as well as his work within Israel. But there seems to be less information available on the other two delegations in Ramallah and Jerusalem implying that the presence of the EU in relation to Israel is more significant than the latter. Incohesiveness in the information flow from and about the various delegations to the EU could also work as a constraint for EU action as all the information ideally should be taken into account equally from all sides. It also confuses what other actors can expect from the EU. When the information

available is less concerned with the EU's official stand and more concerned with Israel's right to security, it influences the perception of what the EU is and where its focus in relation to the conflict is. It might further influence the shared understanding within the EU of its own priorities and different actors at different levels could thus act differently in relation to the settlements. Those who attend the foreign council meetings and those who work in the committees could as a consequence have different information to work from.

External and internal changes opening up new opportunities

From layer one and through layer two it was identified how the involvement from the side of the EU in the MEPP has been less active though improved over time.

Statements have been announced and some small initiatives have been agreed on, but not yet fully implemented and something needs to happen for the EU to separate itself from this ineffective process in order to get a more active role. The current breakdown of the peace negotiations and lack of a current political framework in which a solution can be reached, has changed the external environment and opened up a great opportunity for the EU to have a more significant and active role. This is a great opportunity for the EU to increase its actorness, but whether the EU is able to fulfil its aim is yet to be confirmed.

With the newly appointed HR/VP in office, layer two showed that internal changes and developments could point to the EU having in mind to utilise the opportunity opened up by the recent events in the external environment to increase its presence. But the question is whether the EU has the necessary capability to do so and whether it will succeed in reaching a shared internal understanding on how to deal with such a role. However, as discussed above, the lack of competences of the EU to act on this, work as a constraint to action as well as to EU actorness.

A new way forward

Layer two of the analysis unveiled that Mogherini in her speech to both the foreign affairs council and the parliament, expressed the desire to try out a new way forward for the EU. Not necessarily an incorporated strategy of the EU as such, but utilising its role

to its full potential and in order to do so the EU must stand united on the issue. She acknowledged the constraining factor of a lack in capability to act and lack in competences and instead pursued a way around this constraint to increase the presence of the EU by gathering Member States in a collective approach. From the beginning of Mogherini's time in office starting from November 1st 2014, she has been very that this approach should entail a European recognition of Palestine (Haaretz 05.11.14). Her approach aims at increasing EU's capability to act in relation to the settlements, but via the competence and capability of its Member States recognising conflicted areas as part of a Palestinian state. By using the capabilities of the Member States as an opportunity to increase EU actorhood, this approach if effective, also enhances the presence of the EU by limiting the internal coherence problems.

To support the argument of change within the EU towards a common approach on the settlements, the Israeli newspaper Haaretz published an article stating that they have attained a secret internal EU working document circulating among its Member States, which include inputs from the Member States on how to act against Israeli settlements. If the rumours about this document are valid, this does show some amount of support from the EU Member States (Ravid 22.10.14). The document, according to Haaretz, more or less define five red lines that if crossed by Israel, would be followed by some sort of punishment or sanctions from the EU, but at the same time urges the EU ambassador to Israel to deliver the message of a European wish for a thorough discussion on the five points and other points in relation to the occupied Palestinian territories (Ibid). This implies that the EU's demands are not final and an opening up of dialogue in terms of interpretation and negotiations making the EU's presence more weak and its opportunity to stand strong on its requirements in a negotiation less significant. The document further calls for unspecified moves against European companies operating in settlement areas. This warning seem to have reached several governments of the Member States, whereas Spain and Italy have already issued a national warning against their businesses with activities in the areas (Times of Israel Staff 27.06.14). Although we have not been able to attain this document, the ambassador of the EU to Israel explains to the newspaper Haaretz that the document is

a natural consequence of the Member States of the EU losing hope towards the two-state solution because of the continuation of settlements, and he warns that more countries will follow if the path is not changed (Times of Israel Staff 27.06.14). The Israeli foreign minister, Liebermann, also responded to the article of Haaretz by saying that *"We will not accept any restrictions on building in Jewish communities in Jerusalem (..). Those who think the government of Israel will surrender and restrict its construction in Jerusalem are wrong."* (Ravid 16.11.14). This suggests that although the working document and the internal change in strategy towards the settlements, namely a recognition of Palestine, might have increased EU's presence and its capability to act against the settlements, it might pose as a constraint for EU's wish to fulfil the role as a key mediator for a new political perspective. Based on the above quote from Lieberman, it seems like any effective approach from the EU against the settlements, or any EU actions that is perceived as too harsh from the site of Israel, will create a distance between the two parties and, thereby affect the opportunity structure negatively in regards to what kind of role Israel will allow the EU to play in any future negotiations.

The whole character of the document, namely an internal working paper between the Member States corresponds with Mogherini's speech to the Parliament saying that the EP should help creating working papers aiming at a collective understanding of the MEPP and the settlements. This indicates that some form of unity on the matter is under development standing stronger than previously opening up prospects for the EU to act. Relating to findings in layer two, the only way for the EU to utilise its role to its full potential and increase its overall actorness, is by sending a unified message to Israel. Although, the parliament chose to postpone a vote on the recognition of Palestine in July 2014, due to mainly Germany as the big opposer and the work of Israeli diplomats in Brussels, it still seems like something is stirring internally in the EU and non-binding resolutions to recognise Palestine have already been passed in the Spanish, French, Irish and Swedish governments (Keinon 25.11.14).

Revised EU approach and the settlements

If the EU succeeds in recognising Palestine it will have consequences for the settlement issue, as some parts of the newly recognised Palestine will be constituted by the settlements themselves, thereby leaving no room or right for the settlers. If Israel continues to govern the areas by military power, they are no longer occupying a territory, which did not belong to a recognised country prior to the occupation, but invading an actual sovereign state, which could be perceived differently by the international community. Nevertheless there is an expectation of strong international presence when a sovereign state is invaded. It is a long-term trial, but if the 28 Member States succeed in recognising Palestine it will enhance the presence of the EU dramatically and might pave the way for other countries to follow the same path as well. When enough countries have recognised Palestine expectations to uphold the sovereign right of a nation-state, which Palestine cannot enjoy before a recognition, will emerge.

When only looking at the external change in the form of a lack of political perspective and the internal changes within the EU to create more unity to act in response to this change definitely enables the EU to act since the perception of unity enhances the presence. But in this case, also with the risk of unity being a constraint for its opportunity. As briefly touched upon previously in this section, an increase in the EU's unity and thereby capability to act against Israel and its settlements could work as a constraint for EU's opportunity to play a key role in any new political framework and it might change the perception Israel has of the EU's presence. This could push Israel closer towards the US when seeking a partner to facilitate the working process of a solution to peace in the MEPP. If the EU manages to fulfil the empty space after the breakdown of the negotiations, and creates a new political framework based on a European perspective, the strategy of a recognition of Palestine would be at the core of such political framework. And if a recognition has not pushed Israel further towards the US, it instead increases the EU's opportunity to act both in regards to settlements but also in regards to filling a more responsible role within the international community,

which will increase its presence as well as opportunity to act in any aspect in the international community in the future.

The EU and Israel

Based on the findings from layer one and two, Israel has not paid any special attention to the numerous of announcements from the EU condemning the Israeli settlement policy and calls for them to stop. Israel seems to have turned a deaf ear to the EU on the matter limiting EU's opportunity to act. Despite of Israel's reluctance to address the concerns of the EU regarding settlements, the EU-Israeli relationship has continued to deepen and expand. Though the close relationship from the outset of the analysis was assumed to be a great opportunity for action and EU actorness, the strategy of governance through bilateral relations have proved ineffective with regards to the settlements so far, and the close relation between the parties might prove to be a constraint for EU's opportunities and its presence as a close partner. This can affect the opportunity structure negatively. The settlement policy is high on Israel's agenda, but does not seem to have the same priority on the agenda of the international community others than on paper.

That Israel is so reluctant to cooperate and compromise is a constraint to EU action in several aspects; in relation to the relationship with Israel, how the EU presence is perceived by Israel and the international community and also in relation to its role in the MEPP. The behaviour of Israel towards the EU, thus pose as a constraint or opportunity for EU's capability to act depending on the character of this behaviour, not only in relation to the settlements but on the international scene in general.

The presence of the EU in the eyes of Israel still seems to be that of a spectator, even though the EU seems to have gained more influence in relation to the MEPP and thereby increased its presence to some extent. However, the EU's opportunity to effectively act and have an impact on the settlement problematic is constrained by its close economic ties with Israel being an important trading partner for the EU (EC 06.12.14). Israel is not only important to the EU in a purely economic perspective, but

also politically underlining the importance for the EU having peace in its neighbourhood in which Israel is a significant actor. Harpaz concludes in a 2008 article that further deepening of economic relations between Israel and the EU has more potential costs than gains for Israel offering the solution to Israel expanding its external trade relations to others than the EU (Harpaz 2008: 411). Harpaz highlights the BRIC countries as potential economic partners to Israel (ibid.). The rising of new economic powers in the world economy can at present in line with Harpaz' argument be argued to constitute an alternative for Israel in the event that the EU should act upon its opportunity to utilise economic sanctions trying to influence the Israeli settlement policy. This means that the material existence of the EU, which we defined as its economic power has decreased. The presence of the EU has decreased along with the capability of utilising economic instruments in the form of sanctions, which thereby seem less effective. The possibility for Israel to initiate trade relations with others consequently diminishing the EU-Israeli trade relations can be looked at as a constraint to the EU's opportunity to act, and might be part of the explanation of the reluctance.

The EU has, as found in the former two layers, become a more significant actor in the MEPP, however, the conflict remains unresolved which points in the direction that the EU involvement has not been very effective. Israel has not been reluctant underlining that it does not see a need to link bilateral relations between the EU and Israel with the relations between Israel and the Palestinians (Ravid 16.11.14). This could imply that the effect of such implementation has severe consequences for Israel. However, Israel has continuously emphasised its own presence as dominant downplaying the presence of the EU. No one, and not even the presence or capability of the EU is able to change the behaviour of Israel. It seems that it has been in the EU's interest to deepen its relations with Israel in order to make Israel more dependent on the EU to maintain their trade relations, however, this strive has continuously constrained the EU from putting action behind their words in relation to the settlements which has worked against EU actorness.

The EU and the international community

It is not only the EU that has condemned the settlements but also among others the Quartet meaning that it is not only the EU that Israel has ignored but some of the major actors in the world. None of the initiatives taken by neither the EU nor the international community have recently influenced on the Israeli settlement policy and the settlements having been surrounded by security fences have resulted in the settlements becoming an integrated part of Israel. Leaving the settlements is therefore no longer seen as an option by Israel which has resulted in a situation where the two-state solution based on the pre-1967 borders seem rather utopian. Even perceiving the expansion of constructions in already existing Jewish neighbourhoods are disregarded as settlement activity by Israel. To reach a common conclusion on a problem where each part argue from a completely different logic seems rather impossible. However, a change in the external environment could affect the opportunity structure of the EU positively by for example an increased pressure from a lot of other actors in the international community as well as a more active role from the US against the settlements. This could potentially affect both the behaviour of Israel but also EU's opportunity to act towards it. An increased presence from the international community could thus increase the presence of the EU and its ability to act towards the settlements, but an increased role of the US could on the contrary possibly pose as a constraint for EU actorness in the MEPP in general.

Another aspect of the international community's influence on EU actorness is the impact of the negative perception of EU's presence in the eyes of Israel. The negative behaviour in the form of Israel ignoring EU's recommendations and requirements, have according to the conceptual framework, the ability to influence how other actors in the international community perceive EU's presence as an actor. And depending on the outcome being negative or positive, this will then further influence the opportunity structure and create either a constraint to EU action or an opportunity.

The insufficient role of international law

Israel seems to be ignoring the presence of international law continuing its settlement policy. The settlements have since their initiation been illegal under international law, which is what is continuously referred to by the international community. However, both the Israeli and EU behaviour points to an undermining of the importance of international law. Israel ignores resolutions and the EU continues to trade with a state that continuously violates international law. This in itself seems rather controversial when simplifying it, especially when considering that the validity of international law depends on to what extent states accept it, and follow it. It therefore depends on the states behaviour towards it whereas behaviour of one state can be influenced by other states (Joyner, 2005:8) and the EU along with the rest of the international community could therefore be argued to carry a responsibility, which they articulate, but do not do anything about. Munin stated in 2011 that Israel's constant undermining of international law principles would strain EU-Israeli relations, which to some extent carry validity in that the EU is condemning the settlements, however, on the other hand it does not seem to have actually been an important determinant in their relationship.

A modified approach

The EU seems to have changed its approach towards Israel during the years with stronger rhetoric and concrete initiatives, the latter referring to the guidelines. Especially, in 2014 with the new HR/VP more clear-cut rhetoric on both the MEPP and the settlements having been used both written and orally. During Mogherini's last visit to Israel she underlined the importance of all parties in the MEPP to really understand what a two-state solution actually meant indirectly referring to the settlements as well as the creation of a Palestinian state. The sentiment between the two parties at the end of the visit clearly showed how they have different perceptions of the settlement issue and what a two-state solution actually means, which does not seem likely to change. Although they openly disagree on the matter, they show no sign of the disagreement being a constraint in their relationship and unless the disagreement is being addressed directly, the relationship will continue to develop unaffected.

Even though the message from the EU has become clearer it has not put a halt to the furthering of cooperation between Israel and the EU latest seen in the entering of Israel into the Horizon2020, where the EU again underlined the importance of the cooperation between the two (EC 08.06.14).

Capabilities: Diplomatic instruments

The continuous statements, announcements, opinions, and reports issued from the EU have been widely used diplomatic instruments, however, the words have not carried much action. That the EU has not actively acted on these diplomatic instruments being used, has resulted in them having become a constraint in relation to especially the presence of the EU. The statements have not had any effect and have symbolised more of a formality from the side of the EU having to condemn the settlements every time a new expansion was announced. The wording has expressed a united Europe, which enhances the presence and opportunity for action, however, this has not influenced Israel's policy. The new HR/VP does, however, seem to have changed the wording of the statements slightly creating a new opportunity to increase the presence focusing on being very explicit in the interpretation of the words in the statements. Furthermore, she clearly articulates that a two-state solution equals the creation of a Palestinian state, which will result in Israel's security. She uses Israel's own argument of right to a secured presence, as the main argument for establishing a Palestinian state seeing an opportunity in the exact wording.

Capabilities: Economic instruments

Pace argues that the EU is more triggered using dialogue than making economic sanctions and that the EU does not see economic sanctions as an option (2014). This, she argues, explains the EU's large focus on trade, which is also an aspect of the economic capability of the EU. The EU has been in a difficult situation in the relation to Israel attempting to maintain and establish a deeper relation by making sure to acknowledge Israeli initiatives by deepening bilateral agreements. Trade has been seen as an opportunity both in relation to economic self-gain as well as attempting to increase the EU presence in the eyes of Israel. However, the strategy resulted in the EU

giving more carrots than sticks, which ultimately has resulted in Israel having gained self-confidence looking upon the EU presence and capability as rather superfluous in impacting its settlement policy. Hollis argued in 2004 that the EU could make a difference in the conflict by among others offering Israel a special relationship with the EU on the condition that Israel gave up its claim to the West Bank and Gaza including the Arab East Jerusalem (Hollis 2004: 191). This strategy seems to have been employed by the EU, however, it has proved rather unsuccessful. The opportunity of utilising this instrument has in fact seemed to partly decrease the EU presence.

In relation to what other economic instruments available for the EU to use, we should question what effect they would actually have. Perhaps, if the EU had used economic sanctions prior to the rise of other economic powers in the world, which represents an alternative for Israel, it could have had an actual impact in that Israel can be argued to having been more dependent economically on Europe. The material existence of EU as an economic entity would previously have enhanced EU's presence more than it does today, and thereby increased its opportunity to utilise economic instruments as an effective capability. However, there is no doubt that Israel would suffer if the EU chose to utilise economic sanctions in that alone the import of goods from Israel to the EU amounts up to €11.2 billion (EEAS 5 of 6). Furthermore, it is well documented as also mentioned in the previous layers that the EU is Israel's largest trading partner. The EU may not intimidate Israel at present, partly due to the hesitance of action from the side of the EU with regards to economic sanctions, but it could potentially be a useful instrument for the EU considering the ineffectiveness the diplomatic instruments. Adding to this is the argument previously made, that the world economy has changed and the economic presence of the EU has decreased. The opportunity of an effective implementation of economic sanctions has therefore decreased as well, although, it might prove more effective than the economic instrument of incentives or the diplomatic instrument in form of statements and announcements.

Capabilities: Coherence of the EU

Another aspect of capabilities is the understanding of coherence problems within the EU. Mogherini's new way forward of collecting the constituting parts of the EU towards a recognition of Palestine includes several aspects of coherence. First of all, the function of the HR/VP was established to ensure coordination between the different institutions of the EU in an attempt to create institutional coherence on foreign policy matters (EEAS 6 of 6). The function in itself has no real viable effect unless the person obtaining this function actually works directly towards coordination and define new methods of doing so. Mogherini's first speech to the council of foreign affairs indicated that she plans to do so. Secondly, by gathering the Member States on the issue of the IPC she attempts to create vertical coherence and make the external policies of the Member States support the official EU stand creating unity. As explained in the conceptual framework the importance of vertical coherence is determined by the level of competence, whereof the CFSP has no direct competence and its representative, Mogherini, therefore needs to establish the coherence in other ways.

The literature review identified a division between scholars and how they emphasised the importance of internal versus external factors when analysing the effectiveness of EU actorness. This analysis, on the other hand, shows that the external and internal focus cannot be separated as such and significant focus on one of them does not exclude the significant factor of the other. As an example, the external involvement from the EU in form of its relation with Israel has proved ineffective in relation to the settlements but increased its presence and engagement in the international community regarding the MEPP. On the other hand, only focusing on its external activities in relation to the settlements has made the EU lack internal capabilities to respond. The formulation of policies and the coherence of the internal policies, according to our conceptual framework, create a shared understanding within the EU in relation to the settlement issue. This then further enable the EU to respond to any externally created opportunity, which seems to be crucial at this very moment, both in relation to the critical point the conflict has reached but also for EU's actorness in general. Despite the fact that the understanding of coherence was not an immediate focus of the analysis, all three aspects of it i.e. vertical, horizontal and institutional coherence seem to be

important in relation to what enable or constraints the action of the EU. The vertical coherence and institutional coherence played by Mogherini definitely seem to enable EU actorness. In line with horizontal coherence the next section on *'the norms of the EU'* will elaborate on the incoherence that still exists in the field of different policy areas within the EU, such as economic integration in the form of trade and the more soft normative values of the EU such as human rights.

The norms of the EU

As mentioned in layer two, the EU is founded on two main principles; economic integration and its core normative values (Seeberg 2009). The EU has through its agreements combined the two trying to emphasise equal importance to them both. However, in the EU relation to Israel it seems that economic integration has been tipping the scale having a larger priority than that of core normative values - especially when observing the settlement problematic. Pace mentions the mainstream European position and argues that economic integration is a strategy on the side of Europe increasing the capacity for both the Palestinians and Israel to take an active part in the peace process (Pace 2014: 10). However, Israel does not seem to utilise this increased capacity and room for dialogue to obtain peaceful solutions, but on the contrary continues to undermine the peace process by building more settlements on land that is not rightfully theirs according to international law. The agreements in terms of the normative values constitute an economic instrument available for the EU to utilise being able to suspend the agreements on grounds of non-compliance with the basic principles in the UN Charter as for example human rights. The agreements made between Israel and the EU are extensive, and therefore seem like the immediate tool for the EU to use if wanting to assert influence on Israeli policies, but the EU does not seem to look upon this as an opportunity. The EU thereby chooses not to underpin its political agenda in its economic presence. The aspect of horizontal coherence severely harms the presence of the EU both in its self-perception as well as in the eyes of Israel when only focusing on the relations between the two, but also in the eyes of the international community. Israel is not at all intimidated by the agreements to which it is a signatory even though these normative values are clearly stated. Instead, Israel ignores them, and thereby

indirectly disrespects the EU and its actorness at large. The imbalance in the emphasis put on the two main principles indicate an incohesive external action in that one of the two main principles within the EU is not being respected, however, the economic relations continues to grow. In order for the EU to ensure compliance with basic principles in the UN Charter, and respect for international law the EU has to step much more into character looking for new instruments to utilise to increase its presence and create new opportunities exerting influence on Israel's settlement policy.

If the EU continues to downplay its core normative values, which it uses to describe itself establishing its very identity, which is how it wishes to be perceived by the international community, the EU could create future constraints for its actorness. In the long term, if its normative values are not upheld, other countries could change their perception of EU's presence to be merely an economic integrating entity and not the promoter of peace and the protector of rights and law as described in its founding treaties. In other words, the continuation of horizontal incoherence between different policy areas, is a constraint for its presence and thereby its opportunity to act. Both in this specific case but also in future relations regardless of them being economic or political. A changed perception of EU's economic presence will change the behaviour of future economic partners to the EU and a change in EU's political and more normative presence will affect what actors in the international community can expect from the EU in times of conflicts. But because of the heterarchy nature of the EU's multi-level polity complete coherence between different policy areas i.e. horizontal coherence is difficult.

In conclusion of layer three, enabling and constraining factors to EU's actorness have been identified and the findings of previous layers discussed. The close EU-Israel relation proved to have a double faceted effect on the settlement issue and EU's role in the MEPP. The bureaucratic processes of the EU have also been touched upon as a constraint to EU actorness as well as its internal problems of incoherence in all its aspects. Different policy instruments have been evaluated and discussed whereof the diplomatic instruments have proved its ineffectiveness. The economic instruments have yet to show any real effect and changes in the world economy could pose a constraint to these. Changes both in the internal and external environment of the EU have created

new opportunities for further action, namely a lack of current negotiations and the new approach forward presented by the newly appointed HR/VP. To create a full picture of the influencing factors that have been analysed, the research will now move on to the main conclusion.

Chapter 4

The aim of this chapter is to answer the research question and accordingly conclude on the findings from the research. The analysis unveiled several findings, which will now be put into the context of answering the research question as it was intended to do from the outset.

Conclusion

Looking at the effectiveness of EU's action towards the settlements we have found that a lack of direct action has influenced EU actorness in the MEPP negatively. The EU has not contributed much to the MEPP, and not at all with regards to making Israel change the path of its settlement policy. Contrary, we have seen how Israel has openly disregarded the concern of the EU on the settlements, confirming how Israel continues to defend its sovereignty.

Further, a gap was identified between how the EU intends to act towards the settlements and what it actually does, harming the EU's actorness in several aspects. Deepening the bilateral relationship with Israel as a mean of changing the behaviour of Israel at the same time as condemning its activities via diplomatic statements has proved ineffective and resulted in a lack of respect towards the EU by Israel, as they continue the settlement expansions uninterrupted. The close relation between the two parties therefore seems more of a constraint for further action than an actual opportunity.

The EU to some extent succeeded in increasing its presence in the MEPP when starting to employ economic instruments, however, with regards to the settlements the selective use of economic instruments proved rather ineffective. Though nothing wrong with the strategy of achieving political goals via trade relations the requirements embedded in such an agreement needs to be upheld, and defended in order for there to be an effect. This might have proven to be too late now as Israel, due to the changing world economy, has alternative options deepening economic ties with other strong economies, such as the BRIC countries. Assuming from the outset, that the EU's economic power could have proven to be a useful instrument in changing the behaviour

of the Israeli settlement policy, the effect of this instrument does not seem as significant as it once could have been. The strategy of having a tight relation with Israel was meant to improve the EU's actorness, and contribute to the EU's approach to the MEPP. But to a large extent this proved the contrary with Israel not seeming to care about the EU's statement on that Israel's settlement policy can have future consequences for their relationship.

We have found that the external action of EU's bilateral relations with Israel and the intended political outcome seem to be embedded in an incohesive relation between the two main principles within the EU, namely its economic integration strategy and its normative values. While the normative values laying the ground for the intended political outcome is disrespected and the economic factor continues to be nursed, we reach the conclusion that the incoherence between policy areas within the EU and how they are acted upon externally, makes the EU look like a split entity with no common direction.

The intention of moving beyond the discussion of EU's internal capabilities and solely focus on the external aspects proved difficult as the internal incohesiveness severely affected the external action. This is both due to the incoherence between policy areas within the EU as well as among the Member States, which is a huge constraint in sending a clear and strong external message on the matter of the settlements.

The overall actorness of the EU on the settlement issue can therefore be concluded to not be cohesive having identified several factors constraining this factor.

Looking ahead, the research also concludes that it seems that the EU is changing its approach moving away from making Israel comply via its bilateral relations and instead putting pressure on the issue of settlements by suggesting a recognition of Palestine. With the newly appointed HR/VP the EU further seems to be working on the coherence problems between the Member States and the EU, which seems to enable future action on the matter. If the EU succeeds in this new approach, the overall actorness of the EU on the matter of settlements could consequently be more cohesive and more in line with its official stand.

Reflections

This chapter constitutes the theoretical and conceptual reflections and perspectives of the authors on the final version of the research.

From a theoretical perspective, choosing to work with social constructivism enabled us to work with the complex interconnectedness of the different events analysed, and thereby expand our understanding of how each event have had an influence on the other. In the actual application of the conceptual framework, however, it proved rather difficult to apply the concepts separately and reflect on their meaning before analysing how they have affected each other. This approach, though complex, has proved necessary to analyse and fully understand the vast amount of information at hand and reflexivity has been a key element.

Having learned that the internal factors of the EU play an inevitable role in the external action,

This opens up for a slightly different approach to study EU actorness in relation to the settlements. Working with the concepts developed by Bretherton & Vogler, focus could have been solely on the concept of capability analysing the internal coherence between different EU institutions, Member States as well as the coherence between policy areas on everything related to this issue. This approach could be followed through with an intergovernmentalist approach to IR or institutionalism. The outcome could entail an understanding of EU's internal capability to act externally, but lack an understanding of events in the external environment. Such a research would complement the knowledge created in this project and extend the knowledge on EU's actorness.

Analysing the EU-Israel relationship has illuminated the aspect of international law and how it affects the international community and the relation between actors within it. Or rather, how the behaviour and non-compliance with international law by actors, affects the atmosphere in the international community. International law creates the system on which the entire international community is founded and when actors continue to

neglect the importance of the law questions of its validity occurs. This would deal with the ascribed values to international law and how these values affect the behaviour and identity of the international community. It would also be interesting to look into whether the neglect from one state would affect the behaviour of another state resulting in a total neglect of the respect of international law.

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