Normative Power Europe meets the Israeli-Palestinian conflict

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Abstract The article examines the European Union's (EU) normative position regarding the Israeli-Palestinian conflict to advance three interrelated claims. First, that EU member states subscribe to a unified normative position because the normative sphere is cut off from the economic sphere. Second, that this separation facilitates the uniformity of the normative position but hinders the possibility of asserting some form of conditionality which might encourage the diffusion of Ian Manners' five core norms. Finally, that normative power Europe is a practice of discursive representation deployed not so much to exert influence on the Other, but rather to help consolidate the European Union as a united actor.

Introduction

The year 2013 was a typical year for European Union (EU)-Israeli relations. On the one hand, the Union continued deepening and strengthening its relationship with the Jewish state, offering Israel a 'Special Privileged Partnership' (European Council 2014), along with upgrading its aviation agreement, ratifying the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA), and signing an agreement on Israel's full participation in Horizon 2020. On the other hand, the EU continued to show its dissatisfaction with the Israeli government for its rights-abusive practices in the Occupied Territories (OT), its discriminatory policies towards its Arab minority, as well as its legislative initiatives aimed at curtailing the freedoms of Israeli Non-Governmental Organizations (NGOs) (European Commission 2014). In 2013, the EU also published its guidelines prohibiting the allocation of funds to Israeli entities in the

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OT (European Commission 2013). Indeed, EU policies during 2013, as we show below, are consistent with the Union's actorness in the Middle East peace process and the statements it made over the past four decades, revealing that, with some minor exceptions, the member states' economic interests are almost totally divorced from the EU's normative political stance.

In the following pages, we maintain that the split in the European approach helps explain both 'Normative Power Europe's' (NPE) power and weakness (Manners 2002). Using Israel as a case study, we argue that the coherency of the EU's normative position stems from the fact that its normative stance almost always has a limited effect on the trade relations fostered by the individual member states. This, we maintain, is the reason why all of the member states are willing to subscribe to a unified normative standpoint. The separation between the economic interests of the member states and the normative position of the Union enables the latter to speak with a single voice in its foreign policy while upholding a clear message informed by principles of democracy and human rights. The dichotomy between the economic and the normative spheres also explains NPE's weakness. It enables EU members to promote and cultivate trade relations with countries that violate human rights, and while this can, of course, benefit the economies of the member states, it does little to enhance the diffusion of the five core norms underscored by Manners (2002).[1] So even as we agree with Youngs (2004) that strategic interests and norms cannot be easily distinguished, we maintain that the EU espouses many kinds of norms, some of which better coincide with the economic interests of the member states, and therefore are more readily diffused, while others are in conflict with the economic interests, and consequently their diffusion is hampered.[2]

In a different article focusing on the Union's 2013 guidelines prohibiting the allocation of funds to Israeli entities in the OT, we analyze the growing influence of the power of 'the European local' on the decision of whether or not to deploy normative power (Gordon and Pardo 2015a). In another article, we argue that through the implementation of rules of origin (ROO) on Israel, the Union has bolstered its self-identification as NPE (Gordon and Pardo 2015b). Here, we maintain that NPE's strength and weakness are outcomes of its being cut off from the bilateral trade relations of the Union's member states. This claim draws from the scholarly literature involving the nature of the EU's role in international affairs (Keukeleire and Delreux 2014: 321–333), a literature to which this special issue aims to contribute. Focusing on the construction of NPE in the Middle East/Mediterranean context, Del Sarto (2014a) argues that the EU is successfully engaged in normative policies through the transfer of rules and practices to Mediterranean countries. Examining the Israeli-Palestinian conflict, more specifically, Huber (2011) and Harpaz and Shamis (2010) point out that

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[1] These are the centrality of peace, the idea of liberty, democracy, rule of law, and respect for human rights and fundamental freedoms.

[2] Three clarifications need to be made at the outset. First, we distinguish between the suspension of trade and other forms of negative conditionality between the Union's members and the right-abusive country and therefore can be more easily deployed than economic sanctions without threatening the EU's unity. Second, while EU arms embargoes were imposed on countries that did not meet certain normative standards (Giumelli 2013), according to the database of the Stockholm International Peace Research Institute, these embargoes do not seem to have had an impact on trade. Finally, the incidents in which trade was actually affected occurred when there was a conceived military threat, as in the most recent EU sanctions imposed on Iran. The Iranian case is revealing because trade relations were not altered during the crackdown which followed the 2009 presidential elections.

there is a gap between the way Europeans see themselves and the way Israelis and Palestinians perceive Europe's normative position. Pace (2007) maintains that NPE has thus far been ineffective in the Israeli-Palestinian case, while Tocci (2005, 2009) underscores the increasing divergence between normative goals and the EU's conduct on the ground, arguing that the normative position is not much more than a rhetorical device.

Building on this impressive body of literature, in what follows, we show that the EU's normative position regarding the Israeli-Palestinian conflict has been consistent over a 40-year period yet is informed by a double gap: between the normative iterations and economic practices, and between the normative position and the actual diffusion of the five core norms. Our objective, however, is not merely to corroborate Tocci's (2005, 2009) assertions about the EU's relations with Israel/Israel-Palestine or Del Sarto's (2014b) claim that European integration can have a normative effect on border conflicts, or the claims made by Brummer (2009), Wetzel (2011), Wood (2009), and Zimmerman (2008), who have examined the relationship between the Union's norma-tive position and its economic policies in different contexts. Rather, we use the Israeli case to advance three interrelated arguments.

First, we maintain that EU member states are willing to subscribe to a unified normative position precisely because the normative sphere is cut off from their individual and dissimilar economic interests. Indeed, the fact that the economic sphere is detached from the Union's normative declarations facilitates the uniformity of the normative position. This first gap explains, in turn, the second one, namely the fissure between the normative position and the actual diffusion of the five core norms. Not surprisingly, in the Israeli case, one can find significant diffusion of economic-related norms among the government bureaucracy (Magen 2012), but evidence of diffusion of the five core norms, with some minor exceptions, can be found almost only in the non-governmental sector, and its impact is minimal.

Finally, our case study serves to show that NPE is first and foremost a practice of discursive representation (Diez 2005) deployed not so much to exert influence on the other but rather to help consolidate the EU as a united actor. By underscoring the incessant discursive reiteration of the EU's normative position regarding the Israeli-Palestinian conflict and the settlement project, we not only aim to reveal the so-called double gap, but also to accentuate the constant and persistent enunciation of the European normative position. This ongoing normative reiteration, despite the very limited diffusion in Israel, can, we maintain, be explained if NPE is conceived as an inward operating power rather than an external one.

NPE and the Israeli-Palestinian conflict

Israel's relationship with the EU stretches back to the early days of the European Economic Community (EEC). The desire on the part of the member states to carve out a distinct and an independent common stance towards the Middle East can be traced back to the beginnings of the European Political Cooperation (EPC) in the early 1970s (Bouris 2014; Pardo and Peters 2010; Pardo 2013; Persson 2015). In 1971, the community adopted the secret 'Schuman document', which proposed the establishment

of demilitarized zones, an Israeli withdrawal from the OT, and the internationalization of Jerusalem (Pardo and Peters 2012, Doc. 2/14).[3]

The first *official* European Community (EC) declaration on the conflict, which we consider to be one of the first discursive practices of NPE within the context of this conflict, was issued 2 years later in November 1973, in the aftermath of the 1973 War (Doc. 2/20). The declaration spoke of the inadmissibility of acquiring territories by force and called on Israel to end its occupation of 'Arab land'. It also determined that in order to secure a just and lasting peace to the conflict, the legitimate rights of the Palestinians needed to be taken into account. While this declaration, like many others that ensued, was ostensibly directed towards external actors, the statement was meant for European ears as well.

One month after its enunciation, in December 1973, the member states drafted a 'Declaration on European Identity', in which they noted that community policies with countries around the world are constitutive of European identity. The ministers claimed that

> [t]he European identity will evolve as a function of the dynamic construction of a United Europe. In their external relations, the Nine propose progressively to undertake the definition of their identity in relation to other countries or groups of countries. They believe that in so doing they will strengthen their own cohesion and contribute to the framing of a genuinely European foreign policy. They are convinced that building up this policy will help them to tackle with confidence and realism further stages in the construction of a United Europe thus making easier the proposed transformation of the whole complex of their relations into a European Union (Hill and Smith 2000: 96–97).

The nine were aware that as Europe united, it would take on new international obligations and define common positions towards other regions such as the Mediterranean and the Middle East, and that these positions would constitute its own identity as a distinct and unitary actor (Hill and Smith 2000: 94–95). In other words, the November Declaration on the Arab-Israeli conflict should also be conceived as a discursive representation of Europe's own identity, which is constructed through, inter alia, the promotion of peace, stability, and progress in the Middle East.

Following this declaration, one witnesses continuous reiterations undescoring Europe's view about the conflict, and more specifically about the Israeli settlements in the OT. In statements emanating from the Euro-Arab Dialogue that was launched in response to the oil crisis triggered by the 1973 War, member states called for a halt to the construction of Israeli settlements, expressed their opposition to unilateral initiatives that would change the status of Jerusalem, and appealed 'for a homeland for the Palestinian people' (Doc. 2/38).

The 1980 Venice Declaration crystallized positions that had evolved gradually over the previous decade. In addition to spelling out what was required for a viable solution to the conflict, the EC castigated Israel for its settlement policy and declared its conviction that these 'settlements constituting a serious obstacle to the peace process [they] are illegal under international law' (Doc. 3/2). The Venice Declaration paved the

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[3] All the documents appear in Pardo and Peters 2012.

way to a stream of new declarations on the conflict, which became increasingly critical of Israeli policies and more forthright in their endorsement of the Palestine Liberation Organization (PLO) and the right of the Palestinians to national self-determination. These discursive practices of representation help construct the community's identity and the identity of the non-EC 'Other' (in our case Israel) by highlighting the community's moral rectitude and underscoring the Other's normative shortcomings.

At about the same time, Regelsberger and Wessels analyzed the notion of 'Civilian Power Europe' in the Mediterranean context, showing how the community's foreign policy towards the region was intricately tied to the constitution of its own identity. They cite an internal memo of the Group of the European People's Party stating that

> Europe must play its rightful role on the international scene and particularly in the Mediterranean. To assert its presence and strengthen its identity, the Community must equip itself with the instruments of diplomacy and joint action which it still lacks at the level of policy and security (Regelsberger and Wessels 1984: 240).

The 1993 Oslo Accords between Israelis and Palestinians were initially considered a manifestation of the impact of NPE on the target country, but the EU rapidly became increasingly critical of Israeli policies during the Oslo Process, particularly the ongoing construction in the settlements and the transfer of Israel's citizenry to the OT (Gordon and Cohen 2012). At the Berlin European Council of March 1999, the EU reaffirmed 'the continuing and unqualified Palestinian right to self-determination including the option of a state' and urged Israelis and Palestinians to refrain from 'any activity contrary to international law, including all settlement activity' (Doc. 4/21). This position was reiterated at the Seville Council of Ministers meeting in June 2002 (Doc. 4/32) and at several other meetings of the Council of Ministers then after.

Two issues stand out. First, the Union's position regarding the conflict in general and the settlements in particular is both unwavering and consistent, and confirms Manners' claim (2002) about the Union's normative position being informed by international treaties and the five core norms. Second, the discursive reiterations of the EU's normative positions are multifaceted and operate simultaneously as enunciations directed towards actors that are external to Europe and as articulations of self-representation and self-identification towards the member states. In this latter sense, we maintain, following Diez (2005), that NPE contributes to the construction of a European identity.

Israeli settlements and the limited diffusion of norms

By the end of 1977, a decade after the Israeli occupation began, there were already 38 settlements in the West Bank, comprising about one third of all the settlements that exist today (Gordon 2008). By 1991, when the Madrid peace talks began and Israel ostensibly accepted the 'land for peace' formula, there were 89,000 settlers in the West Bank (excluding east Jerusalem). Interestingly, 20 years later, this number more than tripled, reaching 311,000 in 2010 (Gordon and Cohen 2012).

Israel's continued settlement project provides a clear indication that Europe's discursive reiterations about the illegality of the settlement project and its detrimental

effect on the Middle East peace process have had no tangible impact on the ground. This, we maintain, is a sign of a lack of perceptible diffusion of a series of norms informed by international humanitarian and human rights law, and raises some questions about Manners' claim concerning norm diffusion. Interestingly, the absence of significant norm diffusion pertains only to the core norms categorized by Manners (2002). As Magen (2012) and Del Sarto (2014b) have shown, there is evidence of norm diffusion from the EU to Israel at different institutional levels, but the diffused norms they identify mainly pertain—unsurprisingly, in our opinion—to the economic sphere and the regulation of trade and are not part of what has been defined as NPE.

EU trade agreements with Israel

The EU not only recognizes the economic importance and impact of the trade agreements it signs but also claims to use them in order to advance political goals. And yet, as the Israeli case and numerous other case studies suggest (Brummer 2009; Wetzel 2011; Wood 2009; Zimmerman 2008), one would be hard pressed to identify a connection between EU's normative position and its economic policies.

The first trade agreement between the EEC and Israel was signed in 1964. Precisely 3 years after the 1967 War, in 1970, a new 5-year trade agreement was signed. This agreement was part of the 'Global Mediterranean Policy' and was a preferential one. In 1975, a year and a half after the EC's November 1973 Declaration, the EC and Israel signed their first free trade area agreement (Pardo and Peters 2010). Thus, during the first decade after the 1967 War, as the community formulated its normative position vis-à-vis the Israeli-Palestinian conflict, there is no evidence that trade agreements it signed are in any way affected by the community's dissatisfaction with Israel's policies in OT.

The 1975 trade agreement held sway until Israel and the EU signed the 1995 Association Agreement (AA; Doc. 4/23). Several scholars have argued that the EC did not upgrade the 1975 agreement for two decades due to its discontent with the Middle East peace process, Israel's settlement project, and other Israeli rights-abusive policies (Bouris 2014; Dosenrode and Stubkjær 2002; Pardo and Peters 2010). The difficulty with this claim is that during this 20-year period, the EC did not sign a new trade framework with any of the other Mediterranean countries and indeed with most other countries around the world with which it had signed agreements in the 1970s (European Commission 2011). It was only after the Treaty of Maastricht entered into force and the EU was formed that negotiations for new trade agreements between the EU and its partners began. While the 'Oslo spirit' may have hovered in the background of the AA, it should be stressed that the AA was not an isolated event but rather part of the Barcelona Process, which propelled and governed the upgrade of trade agreements with all the Mediterranean partners. Hence, we maintain that the relation between political developments on the Israeli-Palestinian front and the upgrade of an EC-Israeli trade agreement is merely coincidental.

Within the political clauses of the AA, the Union insisted on the inclusion of article 2, which provides that the parties' 'relations, as well as all provisions of the agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this

Agreement' (Doc. 4/23). Interestingly, article 2, at least with respect to Israel's policies vis-à-vis the OT, has never been put into action by either the European Council or the European Commission.

To the best of our knowledge, the EU efforts to enhance norm diffusion have been limited mainly to the Israeli non-governmental sector by funding Israeli human rights NGOs, with some limited exceptions (Berkovitch and Gordon 2008). Two exceptions can be found in the implementation of ROO and the publication of the 2013 guidelines prohibiting the allocation of funds to Israeli entities in the OT. While the ROO and the guidelines did not alter Israeli government practices in any meaningful way, they have, we maintain, spurred incremental change within the corporate and financial sectors in Europe itself, and these sectors have recently begun to pressure Israel through divestment strategies (Gordon and Pardo 2015a, b). Nonetheless, there is no concrete evidence of actual human rights-related norm diffusion in Israel.

This stands in stark contrast to the diffusion of norms related to the AA's economic and educational components, whereby the Israeli government has institutionalized a series of practices to encourage the diffusion of norms.[4] In other words, trade and education agreements were accompanied by a certain level of governmental diffusion that bore fruit on the ground, while the diffusion of the five core norms was relegated mainly to NGOs whose impact on legislation and policy has been, at best, minor.

NPE as a discursive practice directed inwards

Our argument is not only that the EU's normative position is cut off from the trade relations of the member states, but also that there is no evidence that the core norms are being diffused. We also maintain that NPE can mainly be upheld by and through this separation, by refraining from producing tensions between EU's normative position and the varied economic interests of the member states.

Hence, the separation between the economic and normative is vital for understanding EU politics. It is the reason all of the EU members are willing to subscribe to the normative standpoint, and it enables the Union to speak with a single voice and uphold a clear message informed by principles of democracy and human rights. So, while it very well may be, as Manners (2002) claims, that NPE is *not* 'a contradiction in terms', it is based on a separation which serves as the condition of possibility of NPE. The normative/economic split is, in other words, the major engine that drives NPE and that which enables it to operate unabated.

Moreover, this separation raises questions about Manners' claim that 'the EU as a normative power has an ontological quality to it' (2002: 252). If it were indeed ontological, one would expect to witness its manifestation in trade relations. The fact that Europe's normative positions regarding Israel's settlement project have had almost no perceptible influence on the ground and are practically divorced from EU-Israeli trade relations, and that the EU is nonetheless insistent upon incessantly reiterating its normative standpoint about Israel's violation of international law while knowing full

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[4] Examples of diffusion of norms are to be found, for instance, in the ACAA agreement as well as in the adoption of some aspects of the Bologna Process by most Israeli higher education institutions.

well that these declarations will have little if any influence on the ground, leads us to conclude that NPE is a discursive practice whose primary role is to help construct European identity, so as to overcome the fundamental ambivalence, which Delanty (1995) has identified, in Europe's relation to the normative horizons of its own collective identity.

So while we agree with Manners that the concept of normative power denotes the EU's attempt to be constructed on a normative basis, we disagree with his claim that 'this predisposes it to act in a normative way in world politics' (Manners 2002: 252), not because norms are cut off from interests—they are not—but because the EU has diverse interests and espouses different norms, some related to Manners' five core norms and others not. The normative stance associated with NPE does not necessarily predispose the EU to *act* in a normative way because often this normative stance will conflict with other EU norms and interests, in our case economic ones.

This suggests that NPE's major function is not to shape the practices of non-EU countries (the target states) but is primarily an inward operating power deployed to consolidate the Union into one single entity. Hence, we agree with Diez's analysis that 'the self/other articulations of the "normative power Europe" concept do not come from nowhere', but rather, 'they stand in a tradition (but also transform) the notion of a peace community whose primary other is its own, war-torn past' (Diez 2005: 634).

Drawing upon the literature discussing the constitution of a European identity (Smith 1992; Delanty 1995; Neumann 1996; Stråth 2002; Manners and Whitman 1998, 2003; Diez 2005; Risse 2010), we maintain that the normative positions must be cut off from trade to sustain NPE so that it can help solidify the identity of the member states. Our claim is that the effort to create a collective identity becomes more challenging during enlargement waves when the Union becomes more heterogeneous. Within this relatively new setting, even more emphasis needs to be put on norms and values and their discursive reiteration in order to be successful in molding and sustaining a common European identity. But at the same time, the economic interests of the member states become even more varied and diverse. This, we maintain, is the reason why the EU's normative position must be center staged, reiterated, and recited while sustaining the gap between the normative stance and foreign trade.

We accordingly agree with Manners that the EU is committed to placing 'universal norms and principles at the center of its relations with its own member states' (Manners 2006: 176), but find no evidence that this attests to an ontological quality and believe that the impact of these norms within the Union needs to be further investigated. We do think that insofar as NPE is an important mechanism for building the EU's identity and for solidifying unity among its members, then there is an incentive for it to have a concrete impact when it is directed inward towards the member states and their citizens. In such cases, the EU's unity is dependent not only on the discursive citation of these norms, but also on their internalization within local EU bodies and legislation, since for it to be effective as a solidifying device the normative beliefs have to manifest themselves in actual policies and practices. This, we believe, is related to what Diez was stressing when he recently pointed out that treating NPE as constituting the identity of the EU 'overrates the stability of the discourse and underrates the contestedness of normative power as a core concept' (Diez 2014: 330). The fact that the norms are cited, but often are not internalized within legislation and practices of local EU bodies, underscores the contested nature of NPE even within the Union.

Interestingly, one could even argue that the genuine adoption of the core norms by non-EU countries may weaken the Union's identity-building process, because identity tends to be constituted through the emphasis of difference to the 'Other'. There is, accordingly, no strong incentive to follow through on the normative declarations directed towards non-EU countries, among them Israel, because, at least from a certain perspective, the EU has more to gain from the economic trade with these countries than from the actual promotion of principles based on its five core norms.

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