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A Decade of Deadlock. The EU's Shipwreck on Palestine Embodies the EU's Blockade Problem

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The weak, erratic European response to Hamas' 7 October 2023 attack on Israel and the latter's retaliation in Gaza was the natural continuation of a long-standing pathology. For a decade before Hamas' attacks, EU foreign and security policy toward the Israeli-Palestinian conflict had been at a stalemate. The Israel/Palestine file has displayed in a particularly harsh manner the impact of the EU's larger structural problems that lead to member states' niche interests and domestic dynamics holding the bloc's whole foreign policy apparatus hostage. Creatively working around such blockades must be at the centre of member states' future diplomatic efforts.

Before 7 October: Dysfunctional stalemate

Since the 1980 Venice Declaration, the EU has been formally committed to respecting Israeli security concerns and Palestinian aspirations to self-determination. Disagreements among member states, however, became acute as the window for peace started to close from the mid-1990s and the peace process initiated by the Oslo Accords deadlocked. Over time, the fronts within the EU hardened, and consensus on matters related to the peace process became elusive. Decision-making on this dossier in the EU Foreign Affairs Council was paralysed for much of the past decade. In parallel, geopolitical shifts over the past few years further decreased EU leverage over the conflict and the bloc's internal ability to agree on a common course of action.

Although the basic common denominator of EU policy toward Palestine – condemning Israeli occupation of Palestinian lands and supporting a peace process centred around a two-state solution – has remained unchanged, member states’ views on appropriate, concrete actions have differed. Despite long-standing demands for the two-state solution, the EU has been unwilling – or, more accurately, unable – to act upon them. Member states’ divergent voting in the UN has also made this trend apparent, most notably on the 2011 proposal to admit Palestine as a full UNESCO member and, a year later, UN General Assembly Resolution 67/19 to upgrade Palestine’s status to non-member observer state. Divisions were clear not only among EU member states but also among EU institutions. A notable intra-institutional spat on Palestinian textbooks in 2021-2022 blocked EU funding to the Palestinian Authority (PA) for a year.

The EU’s nominal commitment to the two-state solution, despite changing conditions on the ground, has been rooted in the lack of an alternative that is viable and acceptable to Israeli and Palestinian authorities alike. In practice, EU, Israeli, and Palestinian policy over the past decade has been to pay lip service to the two-state-solution until someone comes up with a better, more feasible idea to which all parties can agree. Prior to Hamas’ 2023 attack, some voices within the EU bureaucracy had been concerned that the rigid clinging to a long-moribund peace process would help prolong an unsustainable situation that would eventually erupt in large-scale violence. By and large, however, Europeans had become desensitised to the cycle of periodic violence flaring up in Gaza, followed by a short period of international outcry and attention, and then a quick return to the status quo ante.

Specific items on the Israel-Palestine agenda reveal the depth of EU policy discrepancies. Sweden’s 2014 decision to recognise the state of Palestine prompted a controversial debate on whether this was a sign of de-Europeanisation or an attempt to lead an effort to break the impasse and keep the vision of a two-state solution alive. Equally controversial has been the question of how to react to Israel’s settlement policy. Although the EU had repeatedly expressed its opposition to Israeli settlements in the West Bank and East Jerusalem, which are illegal under international law, and called on Israel to halt their expansion, the bloc since the mid-2010s had systematically failed to issue new joint statements on the matter.

Similarly, the EU had for years been openly divided on requesting the International Court of Justice (ICJ) to provide an advisory opinion on the legality of Israeli occupation of Palestinian territory. (Ironically, member states unwilling to resort to the ICJ had argued that a ruling would complicate the peace process and destabilise the region.)

Deteriorating conditions on the ground had arguably made the conflict intractable. In neither Israel nor Palestine were domestic politics conducive to a revamp of the peace process. A creeping shift to the right in Israeli politics culminated in the 2022 formation of the most far-right and religious-nationalist government in Israel's history, parts of which had been openly favouring annexation of all Palestinian lands in the West Bank. The Palestinian Authority under Mahmoud Abbas had long since lost its legitimacy due to corruption, collaboration with Israeli authorities, and the lack of an electoral mandate following the 2006 legislative election (after which electoral winner Hamas was blocked from forming government, with backing from the Quartet including the EU). Across the region, the competitive geopolitical environment and multiple armed conflicts following the 2011 Arab uprisings diminished attention for the Israeli-Palestinian dossier. The 2020 US-brokered Abraham Accords, which led to the normalisation of relations between Israel, the United Arab Emirates, and Bahrain, effectively sidelined the Israeli-Palestinian conflict, creating a distraction and an alternative vehicle for regional security efforts.

Under the Trump administration, the US government – the main financier of the Israeli security sector and the only player with significant leverage over Israel itself – significantly shifted long-standing positions in favour of Israel. Together, Trump's active interventions and the disengagement of US administrations before and after, including under Joe Biden, have empowered Israel, harmed Palestinian interests, and ignored the pressure that was mounting ahead of 7 October 2023. The war in Ukraine was arguably the last nail in the coffin of the Middle East Quartet, the mediation framework made up of the US, the EU, Russia, and the UN, and further reduced international attention to the plight of the Palestinian people. The EU's limited leverage over the Arab Gulf countries decreased further due to the alliance's need for energy alternatives to Russian supplies.

The combination of intractability and conflicting priorities greatly reduced EU policymakers' and bureaucrats' incentives to invest political capital in the peace process. In parallel to the challenging conditions on the ground, the evolution of domestic politics in some EU member states also accentuated intra-EU societal divisions. In the years leading up to 7 October, EU member states could be assigned roughly to three camps on Israel/Palestine: a first group stressing human rights and international law, therefore sometimes misleadingly described as pro-Palestinian (including Ireland, Belgium, Sweden, and Luxembourg); a second group stressing balance and positive relations with both parties (including Spain, Denmark, France, and Germany); and a third group tilting towards Israel (including Hungary, Czechia, and Austria). Up to the mid-2010s, differing domestic trajectories did not prevent the EU from reaching meaningful political decisions. In recent years, however, dissenting member states – namely the Visegrád states Hungary, Czechia, Poland, and Slovakia, with Hungary at the fore – succeeded in actively obstructing common decisions on this file, not only to favour one of the parties (Israel), but also to press for concessions on other dossiers or to weaken EU unity. Hungary has blocked or threatened to block EU decisions not only on Israel/Palestine but also on other files (for example, the People's Republic of China, Ukraine), a structural pattern that has become increasingly worrisome as it is imitated by others.

After 7 October: Chaos and shame

Given the EU's long-standing dysfunctional paralysis on the Israeli-Palestinian conflict prior to 7 October, Europe's fragmented, erratic European response to Hamas' attack, and its failure to duly speak up and act upon Israel's subsequent disproportionate actions in Gaza was hardly surprising.

In its immediate reactions to the Hamas attacks, the EU made headlines for its out-of-step response. Commissioner Olivér Várhelyi sparked outrage and denials when he announced on Twitter a cessation of EU aid to the PA. Commission President Ursula von der Leyen's show of siding with Israel, including photo-ops in Israel while the civilian death toll of the Israeli attack on Gaza was skyrocketing, caused much anger in some European capitals. Council President Charles Michel issued a sharp response, reminding von der Leyen that it is the European Council that "sets our common position and establishes a clear unified course of action that reflects

the complexity of the unfolding situation”¹

Over the following weeks and months, as the rapidly rising death toll among the Gazan civilian population triggered international condemnation of the disproportional Israeli response and the inertia of its Western enablers, the EU faced pressure to seek balance in words and action. In an unprecedented move, more than 1,500 EU civil servants signed a letter urging the EU to protect civilians in Gaza. Concrete policy proposals brought forward by EU member states, such as sanctions on Israeli settlers High Representative and Commission Vice-President (HRVP) Josep Borrell proposed in December, were blocked by Hungary and Czechia. Some member states, including Spain, Ireland, Belgium, and France, stood out for advocating for greater pressure on Israel;² some adopted sanctions bilaterally in the absence of EU consensus, while others hinted at the possibility of unilaterally recognising the state of Palestine. Germany, meanwhile, translated its historic responsibility toward Israel into a static blank check for the Israeli government, including continued weapons supplies.

In the absence of EU-27 statements, HRVP Borrell has been very outspoken, making sure the EU at a minimum maintains a voice and visibility. His blog posts, tweets, and press remarks are not a representation of, but merely a placeholder for a common EU voice, however. Even so, the enhanced engagement of the HRVP or the president of the Commission on a controversial dossier often sends contradictory signals, laying bare deep rifts and the lack of a common EU position. The result is diplomatic fireworks that draw a public image of the EU as a confused, dysfunctional crowd that brings its spats out into the open, and fails even to duly condemn the indiscriminate slaughter of civilians in the tens of thousands.

Overall, European discourse, actions, and omissions during Israel’s bombing campaign in Gaza, the most intensive since World War II, have not only laid bare the crippling dysfunctions of EU foreign policymaking. They have also profoundly deepened perceptions of Western double standards across the Arab world and

¹ Alexandra Brzozowski, “EU Struggles to Bridge Its Middle East Divide”, in *Euractiv*, 15 October 2023, <https://www.euractiv.com/?p=1989769>.

² Barbara Moens, “Germany on Board with EU Sanctions against Israeli Settlers, but EU Disunity Remains”, in *Politico*, 6 February 2024, <https://www.politico.eu/?p=4226973>.

beyond. Western countries' reluctance to compare Ukraine and Palestine and their unequal tolerance of occupation in either had been heavily criticised since long before 7 October, but has skyrocketed since, causing lasting reputational damage to the EU, the full dimensions of which the EU has yet to grasp.

Divide, bypass and rule

The EU's diplomatic and moral shipwreck on the Israeli-Palestinian dossier brings to light a core weakness of the union's foreign policymaking. Bound by its rigid internal rules and processes, the bloc bars itself from playing a role in high-stress conflicts in its immediate vicinity. The Israeli-Palestinian conflict has become a tragic showcase for how the effectiveness of EU foreign policy falls victim to the requirement of unity. Whatever impact potential the EU had on this dossier has been sacrificed to safeguard EU internal cohesion. As a result, the EU helped nurture and maintain a situation on the ground that was unsustainable and eventually erupted in large-scale violence.

Divisions among sovereign states are, of course, natural and inevitable, particularly on a highly controversial policy dossier such as this. While consensus is ideal, divisions are unavoidable, and much greater emphasis must be placed on systematically navigating them. On the assumption that a switch to qualified majority voting in the EU Council is not going to happen in a polarised domestic environment, an EU that wants to play a meaningful international role must make greater efforts to find creative formulae to circumvent EU-27 votes when consensus is unlikely.

Increasingly, therefore, EU institutions and member states are embracing lead groups, ad hoc coordination mechanisms, and more creative mechanisms to express positions that are not foreseen in EU treaties but also do not violate them. This development has seen a host of informal formats and channels come to new life. Like-minded and mini-lateral formulae, both within and beyond the EU institutional framework, have played a greater role in shaping policy positions and public statements. The Commission's "Team Europe" idea, an approach based on flexible resource pooling among EU agencies and EU member states, points in a similar direction. On the Israel/Palestine file, however, the existence of like-minded groups on all sides, including mixed groups designed to break the impasse, has been insufficient to break the internal deadlock. The need to work around

rigid consensus requirements and to fireproof the EU against proliferating obstructionist practices has become all the more urgent in an increasingly polarised domestic and international landscape.





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