

The Impact of Operation Cast Lead on Israel – EU Relations

Dr. Oded Eran, April 2009

A. Background

The beginning of 2009 saw the end of a 4-year period of positive growth in Israel's relations with the EU. During these years the two sides overcame the tense and chilly atmosphere that developed in the wake of the collapse of the Israeli-Palestinian negotiations and the start of the second intifada in 2000. The turn was marked by the bilateral agreement (Action Plan) reached by the two sides in late 2004 in the context of the European Neighborhood Policy (ENP). The Action Plan aimed at upgrading relations beyond the 1995 Association Agreement. This was a large step towards fulfillment of the 1994 Essen conclusions that "the European Council considers that Israel, on account of its high level of economic development, should enjoy special status in its relations with the EU on the basis of reciprocity and common interest."

The next four years – 2005-2008 – saw not only the thawing of relations, but the development of a political dialogue, the expansion of economic relations, and Israel's joining new European programs such as Galileo. The following factors can explain the profound change of direction.

In August 2005 Israel implemented its unilateral decision to withdraw completely from the Gaza Strip and dismantle the Jewish settlements there. The EU, like the rest of the international community, hailed this Israeli decision.

The complete withdrawal from the Egypt-Gaza Strip border as well required the monitoring of the Rafah Crossing. Israel agreed to the deployment of a European unit – the EU Border Assistance Mission (EUBAM).

Israel agreed to the EU providing assistance to the Palestinian Authority security forces. This has been carried out by EUPOLL COPPS, which was established at the end of 2005.

At the end of the Second Lebanon War in the summer of 2006, Israel asked for the strengthening of the UN Interim Force in Lebanon (UNIFIL) and the deployment of European naval and land forces.

While initially rejecting the Quartet (which in addition to the EU includes the United States, Russia, and the United Nations) as a political interlocutor, Israel has come to accept the Quartet's role, especially in the economic development of the West Bank and Gaza.

In May 2004, 10 new members joined the EU, 8 of which are East European countries that, once released from the Soviet Union's grip, expressed a friendly attitude towards Israel and moderated the stance held by the 15 mostly

The complete withdrawal from the Egypt-Gaza Strip border as well required the monitoring of the Rafah Crossing. Israel agreed to the deployment of a European unit – the EU Border Assistance Mission (EUBAM).



West European members.

In January 2006 Hamas won a victory in the Palestinian general elections, prompting both the EU and the Quartet to formulate conditions for accepting Hamas. These included Hamas' renunciation of violence, recognition of Israel, and acceptance of previous agreements and obligations¹. Thus the EU allayed Israel's fears that the EU would use the election results to open an unconditional dialogue with Hamas.

At the November 2007 Annapolis summit, Israel and the Palestinians agreed to enter negotiations towards "a peace treaty, resolving all outstanding issues, including all core issues."

The terror activities in Madrid (11 March 2004) and London (7 July 2005), and the Danish cartoon affair (30 September 2005) aggravated the relations between Europe and several Muslim countries, increasing, at least temporarily, the understanding of the situation in which Israel finds itself.

B. Europe's Reaction to Operation Cast Lead

Europe's reactions to Operation Cast Lead developed with time and should be read as initially dealing only with Israel's military operation, but gradually becoming heavily influenced by two major developments. The first, still connected to the operation, was the growing doubt and criticism in Israel itself; the second was the election campaign in Israel, the actual results (10 February), and the formation of the new Israeli government.

Phase I

Israel's aerial attacks on Gaza – 27 December 2008

On 4 November 2008, 6 Hamas members were killed when Israel attacked a tunnel that it alleged was to be used to cross into Israel. Hamas considered it a "major breach of the truce" and on 20 December declared that it would not extend the ceasefire. On 27 December, following several days of dozens of rockets fired daily on Israeli population centers, Israel launched aerial attacks on Gaza, and during the night of 3-4 January 2009, Israeli ground forces entered Gaza.

Europe's immediate reaction was balanced and cautious. Bernard Kouchner, France's foreign minister (France held the EU presidency until 31 December 2008) affirmed "that only a renewal of the truce broken by rocket fire from Gaza on Israeli territory can guarantee the minimum conditions acceptable to the people of Gaza."²

The foreign minister of the Czech Republic, the incoming holder of the EU presidency, also issued a statement on the same day: "I consider it unacceptable that the villages,

Europe's reactions to Operation Cast Lead developed with time and should be read as initially dealing only with Israel's military operation, but gradually becoming heavily influenced by two major developments. The first, still connected to the operation, was the growing doubt and criticism in Israel itself; the second was the election campaign in Israel, the actual results (10 February), and the formation of the new Israeli government.

The short period of a low keyed European reaction came to an end once the Israeli ground forces went into action (3 January 2009). Europe returned from the New Year's holiday, the anti-Israel lobby mobilized itself, and news about innocent Palestinian casualties began to multiply.

in which civilians live, have been shelled. Therefore, Israel has an inalienable right to defend itself against such attacks. The shelling from the Hamas's side makes it impossible to consider this organization as a partner for negotiations and to lead any political dialogue with it." The Czech foreign minister also said that there is a need to think together with Israel how to change the living conditions in Gaza.³ On 28 December 2008 German chancellor Angela Merkel said it was Israel's legitimate right to protect its people and that Hamas was responsible for the situation.

This mild and certainly uncritical attitude to Israel's Operation Cast Lead in its early phase can be explained by the following:

Operation Cast Lead began in the "slowest" week in Europe, between Christmas and New Year's.

The aerial attack could be seen by Europe as not a re-entering of Gaza by Israel.

Europe could not disregard the quantitative impact of the rocket attacks on Israeli populated areas. Some European foreign ministers were actually in Sderot, the town most shelled by Palestinians, when rockets struck it.

Europe can accept an Israeli attack on the Hamas political and military infrastructure because it views this movement as a challenge to the Palestinian Authority under Abu Mazen and Salam Fayyad.

Phase II

From 3 January 2009 to the end of the operation, 20 January 2009

The short period of a low keyed European reaction came to an end once the Israeli ground forces went into action (3 January 2009). Europe returned from the New Year's holiday, the anti-Israel lobby mobilized itself, and news about innocent Palestinian casualties began to multiply. From Athens to Madrid thousands took to the streets to demonstrate with banners equating Israel to Nazi Germany, labeling Israel's action genocide, and calling for an immediate end to the operation. In some demonstrations (Athens, for example) the police had to use force and tear gas.

The Czech presidency warned that "even the undisputable rights of the state to defend itself does not allow actions which largely affect civilians," saying later it was "profoundly disturbed" by the loss of civilian life at the school in Jabalya.⁴ This statement also reflected a growing concern with the humanitarian crisis that developed as the flow of food and medical supplies was interrupted. On 7 January 2009, the presidency issued a call to Israel to open a humanitarian corridor.⁵



Britain's secretary for foreign affairs David Miliband spoke on 7 January on both the "smuggling of illegal weapons into Gaza that are then fired into Israel" and allowing humanitarian aid, but already at that stage Miliband was referring to the disproportionate Israeli reaction, a view he attributed to his 26 colleagues as well.⁶ A similar statement was made by Sweden's foreign minister Carl Bildt the following day.

The differences between Europe's official reactions and those of the demonstrators and media were still wide and clear. The most striking evidence of this was the visit of six European leaders to Jerusalem on 18 January 2009. They included President Sarkozy and the prime ministers of Germany, Britain, Italy, Spain, and the Czech Republic. None was critical of Israel and none mentioned any violation by the IDF or the issue of disproportionate firepower. Some mentioned stopping the flow of illegal arms into Gaza and some raised the need to allow humanitarian assistance to enter Gaza.⁷

Phase III

Since the end of the military campaign in Gaza

Two major developments caused the deterioration in Europe's official attitude. On the one hand, reports were published about the use of certain controversial equipment and ammunition, allegations of excessive use of force, abuses by Israeli soldiers against innocent Palestinian civilians, and the sense of growing self-criticism in Israel. On the other hand, as the election campaign heated up in Israel, Israeli political leaders who ultimately formed the new government on 1 April 2009 distanced themselves from the vision of a two-state solution to the Israeli-Palestinian conflict.

The fact that criticism against the behavior of the IDF on the use of certain kinds of equipment and ammunition gave credence to certain allegations and accusations, and Israel's slow reaction and willingness to investigate them exacerbated the situation to the extent that in some countries, notably England, there could be indictments issued against Israeli soldiers and politicians. Certain Israeli high ranking officers are refraining from entering European Union member states for fear of being indicted.

At its first meeting after the end of the Gaza campaign, the General Affairs and External Relations Council of Ministers concluded on 26 January:⁸ "The European Union... will follow investigations into the alleged violations of international humanitarian law." It is quite possible that some EU members may have lost their determination to resist petitions for trials of some Israeli soldiers for their

The differences between Europe's official reactions and those of the demonstrators and media were still wide and clear. The most striking evidence of this was the visit of six European leaders to Jerusalem on 18 January 2009.

The EU Foreign Ministers concluded their January 2009 meeting saying that "the European Union is convinced that an end to the current crisis must be followed by renewed and urgent efforts by the Israeli and Palestinian parties as well as the international community to establish an independent, democratic, continuous and viable Palestinian State in the West Bank and Gaza."

alleged violations during the fighting in Gaza.

The strong message to Israel that what was really important to the EU was the idea of the two-state solution was made by the prime minister of Spain José Luis Zapatero already at the end of the military confrontation on 18 January during his (first) visit to Israel together with his colleagues. "Spain and the European Union," he said, "are strong advocates of a just peace process that will guarantee the safety of Israel and enable the birth of a Palestinian State."

The EU Foreign Ministers concluded their January 2009 meeting saying that "the European Union is convinced that an end to the current crisis must be followed by renewed and urgent efforts by the Israeli and Palestinian parties as well as the international community to establish an independent, democratic, continuous and viable Palestinian State in the West Bank and Gaza."

The results of the 10 February 2009 elections in Israel and the formation of the new Israeli government on 1 April 2009 could not be seen by the European Union as steps towards the implementation of the two-state solution.



C. The Impact of Operation Cast Lead on EU-Israel Relations

EU-Israel relations seem to be heading to their pre-2004 positions. The prime casualty is the upgrading of relations. The two sides were working on the 2nd generation ENP Action Plan. The Association Council, which formally governs the relations, gave the signal to start work towards upgrading. Though Israel expressed satisfaction at the time, the document that summed up the 16 June 2008 meeting includes the key sentence, "The process of developing closer EU-Israel partnership needs to be, and to be seen, in the context of the broad range of our common interests and objectives, which notably include the resolution of the Israeli-Palestinian conflict through the implementation of the two-state solution."⁹

The intention to upgrade relations was stalled even before the operation in Gaza as the European Parliament decided not to decide whether to accept the proposition. It is doubtful whether the EU Parliament will overcome the hurdle of Operation Cast Lead when a new discussion and vote come to the floor. The absence of the reference in the new Israeli government's platform to the two-state solution almost seals the fate of such a vote and it is unlikely to be taken again in the foreseeable future. Israel's ambition to be more deeply integrated into the EU programs and projects, and eventually certain institutions, will have to be shelved for now. Upgrading the bilateral relations was always conditional on progress in the process of reaching a solution to the Israeli-Palestinian conflict and it remains the EU approach. The next EU presidencies of Sweden, Spain, and Belgium are unlikely to push forward the upgrading of relations with Israel.

This conditionality would not be mitigated even under an exceptionally friendly EU presidency of the Czech Republic. The current political leadership in the Czech Republic entertained the intention to hold an EU-Israel summit during its presidency as a symbol of upgrading the relations. Summits are held between the EU and its major parties such as the US, Russia, and India. Holding one with Israel would certainly be more than just a symbolic gesture. Like the second generation of the Action Plan, the EU-Israel summit idea will be shelved indefinitely. It will be interesting to see how the new Israeli government relates to the EU and to the expected setbacks described above. Both the new Israeli prime minister and foreign minister have very little experience as far as Europe is concerned. Given that most of the EU institutional leaders – the majority of the Commission, the President, and the EU Parliament and the High Representative – will change during 2009, some cooling off period would have followed Operation Cast Lead, had the Israeli government

Israel's ambition to be more deeply integrated into the EU programs and projects, and eventually certain institutions, will have to be shelved for now. Upgrading the bilateral relations was always conditional on progress in the process of reaching a solution to the Israeli-Palestinian conflict and it remains the EU approach.

Given that most of the EU institutional leaders – the majority of the Commission, the President, and the EU Parliament and the High Representative – will change during 2009, some cooling off period would have followed Operation Cast Lead, had the Israeli government remained committed to the two-state solution.

Calls for academic and economic boycotts against Israelis and Israeli products were limited and unsuccessful before Operation Cast Lead. At this point, they have not gathered momentum, but newly heightened tensions, terror activities, and tougher Israeli reactions may result in more successful boycotts in certain countries, especially in those with significant Muslim communities.

remained committed to the two-state solution. Under these circumstances the new captains of Israeli foreign policy may resort to seeking support from potential allies such as the president of France and the prime minister of Italy.

A potential bone of contention could develop around Europe's attitude to Hamas. The EU has hitherto adhered to the Quartet's policy of not conducting a political dialogue with Hamas, making it conditional upon the organization's acceptance of Israel and the previously signed agreements between Israel and the Palestinians, and a renunciation of violence. In the wake of Operation Cast Lead and the attempts to create a Palestinian national unity government, some European foreign ministers (notably the French and Spanish) have softened the conditionality, using the Arab initiative as the test for Hamas. Since no Israeli government has ever accepted this initiative, the dilution of the conditions set for Hamas and the new, much lower threshold could add tension to EU-Israel relations.

Europe's eagerness to enhance trans-Atlantic relations following the US election of President Obama may affect Europe's attitude to Israel and its new government. However, this is not necessarily a one-way street, and the EU may also influence the US approach, especially on issues such as the settlements, the restrictions on the movement of Palestinians in the West Bank, and violations of human rights.

Calls for academic and economic boycotts against Israelis and Israeli products were limited and unsuccessful before Operation Cast Lead. At this point, they have not gathered momentum, but newly heightened tensions, terror activities, and tougher Israeli reactions may result in more successful boycotts in certain countries, especially in those with significant Muslim communities.

The already lame and almost defunct EuroMed cooperation will further suffer from a potential deterioration in EU-Israel relations. The first Netanyahu government, which began in 1996, triggered an Arab retreat from the Barcelona Process, at that time in its very early stages, having been born just a few months earlier. The Barcelona Process has not really recuperated since then and the situation became even more complicated with the addition of the French initiative of the Mediterranean Union on 13 July 2008. The growing gap between Israel under the new government and the Arab Mediterranean states will cause further paralysis in the activities of this new framework. One potential result will be the strengthening of the bypass method by which the EU and the Arab Mediterranean states move forward in regional cooperation excluding Israel.

Conclusions

Operation Cast Lead in itself would have had limited impact on EU-Israel relations, in spite of some wear and tear resulting from the allegations on the use of certain weapons, human rights abuses, and a quick sense of disproportionate force by Israel. A serious Israeli investigation into these allegations would have done much to reduce the damage. An active political campaign that would have brought, for example, senior Israeli politicians to European capitals and European media could have helped diminish the criticism leveled against Israel. But Israel plunged into the election campaign soon after Operation Cast Lead and the election results will overshadow relations in the near future.

One of the major differences in the pattern of Israel's relations with the US on the one hand and the EU on the other is the absence of any US hinging of relations to the Middle East peace process. That by no means denotes the absence of US criticism or Israel's displeasure at certain US policies or actions. It does allow, however, the US to play the major role in the process while EU punitive measures against Israel result in an Israeli reluctance to allow for a more significant EU role.

The two sides have not yet found the way to conduct a constructive dialogue, though possibly a critical one, without drastic changes in the temperatures of their relations. This can be partially explained by the EU current structure, and by the direct and indirect influence of the combination of Muslim communities and the radical left in Europe that come to the fore during military confrontations in which Israel is involved. On the Israeli side, the reluctance to admit Europe into the peace process is embedded in historical experience, old and new, and the too strong subjection of bilateral relations to the peace process. It is certainly naïve to expect an intimacy in EU-Israel relations similar to Israel's relations with the US. It is possible, however, to avoid the erosion that occurs in the relations with every confrontation in the Middle East. Given the importance of the region to Europe and Europe's importance to Israel, the onus of doing so lies on both sides.

Dr. Oded Eran - Former Ambassador of Israel to the EU and currently director of the Institute of National Security Studies at Tel Aviv University, Israel.

1. Quartet statements can be found on the US State Department website. See also Council of the European Union 5565/06 (presse 22) of 31 January 2006.
2. www.diplomatie.gouv.fr/en/article_28 December 2008.
3. http://www.mzv.cz/jnp/en/issues_and_press/events_and_issues/press_releases/index.html - 28 December 2008. Later the Czech presidency «balanced» the statement, saying the right of self-defense does not allow actions affecting civilians.
4. www.eu2009.cz/eu/news
5. www.eu2009.cz/en/news-and-documents/cfsp-statements/eu-presidency-statement-on-the-current-situation-in-gaza-4960/.
6. Sky News 7 January 2009.
7. www.regeringen.se/sb/d/7956/a/118274
8. 5to1/09 (Phase 18).
9. Document of the General Secretariat of the Council, Brussels, 16 June 2009, article 6 in the statement of the European Union.

On the Israeli side, the reluctance to admit Europe into the peace process is embedded in historical experience, old and new, and the too strong subjection of bilateral relations to the peace process. It is certainly naïve to expect an intimacy in EU-Israel relations similar to Israel's relations with the US.

**FRIEDRICH
EBERT
STIFTUNG**

Israel Office:
Tel: +972 9 9514760
Fax: +972 9 9514764
fes@fes.org.il
www.fes.org.il

**מאקרו
MACRO**
The Macro Center
for Political Economics



CICP - Center for International
Communications and Policy

der Bundeswehr
Universität **München**