

The Palestinian State: The European Union's Dangerous Muddle

The Europeans are throwing away their commitment to the Oslo process and even if they still believe in a negotiated solution, are favouring the Palestinians at the expense of Israel.

The EU's foreign policy has a prime strategic goal: to avoid dissension and present a single common front before the rest of the world, 'a European voice' with no distracting cacophony. In the case of the recognition of a Palestinian State following the unilateral declaration by the Palestinian Authority, the aim has been no different: all the divergent strands must be beaten into a single minimum common position, which all can agree on to some extent.

Faced with the unilateral declaration, the initial reaction of the EU member states took two basic forms: the Germans, from the very beginning, embraced the constitution of a Palestinian State but declared that unilateral action was not the right way forward and rejected the possibility of the Security Council granting recognition this September; at the other extreme, Spain's socialist government promoted both recognition and the acceptance of a Palestinian State as a new UN member with no further requirements. Meanwhile, other European countries, such as the UK, sat on the fence and delayed taking any decision for weeks.

After having rejected a US proposal that accepted the concept of Israel as a Jewish State, either because the Europeans thought it would be unacceptable to the Palestinians or because they simply disliked the idea, France's contribution to the struggle to find common EU ground was to come up with what was apparently a 'third way': to reject any discussion at the Security Council level but to accept a Palestinian State (without explicit recognition) as a non-member observer at the General Assembly.

Given the legal implications that even a 'virtual' state might have for other international bodies – particularly at the International Criminal Court,

where the Palestinians as a State will henceforth be able to harass Israel by legal means–, the internal discussion in the EU has focused on how to extract guarantees from the Palestinians so that they do not resort to abusing international law or engaging in a species of 'lawfare' against Israel and her officials.

So this appears to be the most likely position the EU will finally take at the UN. But it is both wrong and naive and will surely have negative consequences. First, it is based on the assumption that recognising a de facto Palestinian State will give rise to new incentives for Israel to be more flexible and thus make a new round of negotiations a more viable proposition. Needless to say, what the EU member states tend to forget is that during the past two years the Israeli government has offered many initiatives, including a 10-month freeze on construction at the settlements, that have time and time again been rejected by the Palestinians, who have declined to sit at the negotiating table. What for? Why bother if they are getting what they want unilaterally by keeping the world under their spell?

Secondly, how will the Palestinians be made accountable so that their promise today of not using 'lawfare' against Israel will be kept tomorrow? What kind of diplomatic mechanisms are needed and which are in place? As far as we know, none.

The EU, as usual, is taking a muddleheaded middle course in an attempt to avoid confrontation, but in practice it is pleasing one side and not the other. The Europeans are throwing away their commitment to the Oslo process and, in fact, even if they still believe in a negotiated solution, are favouring the Palestinians at the expense of Israel. But that's not the role of an honest broker.

Do you want to know more about us? <http://www.friendsofisraelinitiative.org>

