

Can the EU Stand Up to Trump's "Deal of the Century"?

by Michelle Pace and Haim Yacobi



Reacting to President Trump's proposed "vision" for the decades-long Israeli-Palestinian conflict, EU High Representative Josep Borrell made clear that the initiative departs from internationally agreed parameters and the EU therefore opposes "the deal".¹ The statement, however, was issued on an individual basis since EU declarations on behalf of all member states require unanimity. As expected, agreement among member states was lacking, preventing the issuance of an EU wide declaration.

EU member states are indeed divided on Trump's "deal of the century". For post-

¹ Council of the European Union, *Declaration by the High Representative Josep Borrell on behalf of the EU on the Middle East Peace Process*, 28 January 2020, <https://europa.eu/!nb89dB>.

Brexit UK, British Foreign Secretary Dominic Raab, completely disregarded the worrying legal implications of the plan, describing the initiative as a "serious proposal", and reiterated the British government's position that the plan "could prove a positive step forwards".² In a similar fashion, Hungary, ignored the EU's position and publicly supported the Trump proposal, describing it as "suitable for creating peace".³

² UK Foreign & Commonwealth Office, *Release of US Proposals for Middle East peace: Foreign Secretary's Statement*, 28 January 2020, <https://www.gov.uk/government/news/foreign-secretary-statement-on-release-of-us-proposals-for-middle-east-peace>; UK Government, *PM Call with President Trump: 28 January 2020*, <https://www.gov.uk/government/news/pm-call-with-president-trump-28-january-2020>.

³ Raphael Ahren, "Bucking EU Position, Hungary Expresses Support for Trump Peace

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On the other hand, Sweden's Foreign Minister Ann Linde reiterated the EU's traditional support for a negotiated two-state solution, firmly anchored in international law, with Jerusalem as the capital of both states. Similar reactions from France emphasised the need for the two-state formula which is "in accordance with international law and within the framework of internationally agreed parameters".⁴

Aside from statements, what has been lacking is a concrete realisation that this is actually an opportune moment for the EU to move from rhetoric to action, seeking to make a difference and one that sticks.

Taking cues from the process that led to the Iran nuclear deal, the EU should appreciate that one of its key foreign policy instruments is subtle diplomacy. No one doubts that the preliminary engagements during the 1990s and up until 2005 helped forge the Iran nuclear deal, ultimately reached in 2015.⁵

Plan", in *The Times of Israel*, 5 February 2020, <https://www.timesofisrael.com/bucking-eu-position-hungary-expresses-support-for-trump-peace-plan>.

⁴ French Ministry for Europe and Foreign Affairs, *Middle East - Q&A from the Press Briefing (31 January 2020)*, <https://www.diplomatie.gouv.fr/en/country-files/israel-palestinian-territories/peace-process/events/article/middle-east-q-a-from-the-press-briefing-31-jan-20>; "France Insists on 'Two-State' Solution to Mideast Conflict", in *Middle East Online*, 29 January 2020, <https://middle-east-online.com/en/france-insists-two-state-solution-mideast-conflict>.

⁵ Harsh V. Pant, "Iran and the Bomb. Washington, the EU and Iranian Nuclear Ambitions", in Daniel Möckli and Victor Mauer (eds), *European-American Relations and the Middle East. From Suez to Iraq*, London/New York, Routledge, 2011, p. 220-234.

On Israel/Palestine a number of global powers are included in the Middle East Quartet, established in 2002, and consisting of the UN, the EU, the US and Russia. But there has been no response from the Quartet to Trump's "plan". Instead, the separate parties issued their own respective statements.

Apart from the EU's response, Russia deemed the US proposal as not in compliance with UN Security Council (UNSC) resolutions,⁶ in effect agreeing with Josep Borrell. On 4 February, the UNSC issued a draft resolution condemning Israel's plan to annex its settlements in the West Bank and criticized Trump's pro-Israel proposal. The US administration, placed heavy pressure on UNSC states, succeeding to have the resolution withdrawn one week later.⁷

We have been in this situation many times before. Peace proposals that do not seriously engage with Israel's domination and settler colonial enterprise have been advanced on numerous occasions – but things on the ground have only gotten worse, much worse. Not only have illegal settlements increased exponentially, Palestinian homes demolished and infrastructure destroyed, but the daily violence against Palestinians and the aggressive attacks

⁶ "US 'Deal of the Century' Not Fully Compliant with UNSC Resolutions - Kremlin", in *TASS*, 2 February 2020, <https://tass.com/politics/1115473>.

⁷ Eric Cortellessa and Raphael Ahren, "US Celebrates Withdrawal of UN Security Council Resolution Against Peace Plan", in *The Times of Israel*, 11 February, 2020, <https://www.timesofisrael.com/us-celebrates-withdrawal-of-un-security-council-resolution-against-peace-plan>.

on the civilian population in Gaza have continued unabated.

What the EU neglects to mention and act upon is Israel's forms of "slow violence", defined by Rob Nixon as that which "occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all".⁸ Nixon contests conventional wisdoms regarding what counts as violence, alerting us to refocus our attention so as to make slow violence more visible.

In our current research on violence, power and health in Gaza – supported by the Wellcome Trust – we explore violence as a structural mechanism through which infrastructure, population and the environment itself are eroded and ultimately destroyed. We focus on how slow violence affects the daily life of Gazans', described somberly by one of our interviewees as the "not yet arrived death".

Our findings are confirmed by reports highlighting how basic conditions (electricity, clean water, sewage system, adequate housing etc.) are absent in the Gaza Strip. More than 96 per cent of groundwater is unfit for human consumption, and the forecast is that the damage will become irreversible soon.

Gaza's beaches are polluted by more than a hundred million litres of raw sewage flowing into the sea every day. Zeid Ra'ad al-Hussein, the UN's High

⁸ Rob Nixon, *Slow Violence and the Environmentalism of the Poor*, Cambridge/London, Harvard University Press, 2011, p. 2.

Commissioner for Human Rights, described the situation as a "toxic slum", a ghetto of 1.9 million residents (50 per cent under the age of 18) living in one of the most densely-populated places on earth.⁹ Now that the COVID-19 global crisis has reached Gaza this situation will be further aggravated.¹⁰

The EU needs to focus on these gradual forms of deadly attrition that have been destroying food sources, leading to malnutrition and the lethal zones left with toxicities after three wars (2008/9, 2012 and 2014). Not to mention the devastating effects of the siege imposed on Gazans' since 2007, leading to high levels of cancer patients, amputated bodies and still births. The World Health Organization reports underlying determinants of health, including 10.8 per cent stunting in children under 5 years.¹¹

OCHA reports significant increases in unarmed Palestinian casualties, the use of live-ammunition and the impact

⁹ Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the special session of the Human Rights Council on the Deteriorating Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem, 18 May 2018, <https://shar.es/aHqe5c>; Mark Zeitoun and Ghassan Abu Sitta, "Gaza Now Has a Toxic 'Biosphere of War' That No One Can Escape", in *The Conversation*, 27 April 2018, <http://theconversation.com/gaza-now-has-a-toxic-biosphere-of-war-that-no-one-can-escape-95397>.

¹⁰ Associated Press, "Palestinians Report First Two Cases of Coronavirus in Gaza Strip", in *Los Angeles Times*, 21 March 2020, <https://www.latimes.com/world-nation/story/2020-03-21/palestinians-report-first-coronavirus-cases-in-gaza-strip>.

¹¹ WHO Regional Office for the Eastern Mediterranean, *Right to Health 2017*, Jerusalem, WHO West Bank and Gaza, 2018, p. 11, http://www.emro.who.int/images/stories/who_right_to_health_book_for_web.pdf.

of tear gas canisters used by Israeli soldiers.¹² The excessive use of force, including the specific targeting of knees by Israeli snipers during the Great March of Return protests in Gaza,¹³ as well as the exposure of children to such levels of violence should not only raise alarm bells but lead to urgent calls for international sanctions.

Silence from the EU on the impact of slow violence and its divided and inconsequential response to Trump's "vision" are highly problematic. What the EU truly needs to draw attention to is that underlying all these actions are violations of its very own norms.

Article 2 of the EU-Israeli Association Agreement imposes binding obligations on the parties to observe human rights and democratic principles: if Israel violates international human rights law, the EU would be failing its legal obligations under this international agreement.

What has been lost in the midst of all the uproar in reactions to Trump's "deal" is the EU's disappearing integrity

¹² UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Snapshot: Casualties in the Context of Demonstrations and Hostilities in Gaza, 30 Mar 2018-31 July 2019*, 31 August 2019, <https://www.ochaopt.org/node/10408>.

¹³ Hilo Glazer, "42 Knees in One Day: Israeli Snipers Open Up About Shooting Gaza Protesters", in *Haaretz*, 6 March 2020, <https://www.haaretz.com/israel-news/.premium.MAGAZINE-42-knees-in-one-day-israeli-snipers-open-up-about-shooting-gaza-protesters-1.8632555>. The WHO estimates that at least 1,200 of those who sustained limb injuries will require specialized limb reconstruction treatment. See: OCHA, *At Least 1,200 People Injured in Gaza Demonstrations Will Require Limb Reconstruction*, 6 September 2019, <https://www.ochaopt.org/node/10419>.

when it comes to respecting its very own norms. Ironically, it is the EU's own differentiation policy that allows it to act, albeit with limitations.

So what can the EU do? In the face of US pressure and internal EU divisions, is there anything the EU can learn from Trump's withdrawal from the Iran nuclear deal?

On the latter, Europe found itself in a bind: while Iran wanted Europe to maintain the deal, the US wanted the Europeans to abandon it. European leaders ignored US pressure and pledged to uphold the pact (at least rhetorically), defining the Iran nuclear deal as instrumental to European interests and thereby worthy of protection.¹⁴ While EU efforts have been far from successful, the crisis has renewed EU efforts to prioritise strategic autonomy from the US, a dynamic that is likely to persist in the future. Palestine should figure as another area of increased EU efforts to foster an autonomous policy from the US.

The EU has shown innovative means of sustaining its commitments on Palestine in the past. In June 2006, it established the Temporary International Mechanism, to provide assistance directly to the Palestinian people, after it was pressured by the US and Israel to boycott the democratically elected Hamas-led government.¹⁵

¹⁴ Tara Kangarlou, "Can Europe Take Back Control of the Iran Nuclear Deal?", in *Al Jazeera*, 22 January 2020, <https://www.aljazeera.com/ajimpact/europe-control-iran-nuclear-deal-200120204731686.html>.

¹⁵ European Commission, *Origin of PEGASE? (MEMO/08/46)*, 28 January 2008, <https://>

The EU therefore needs to be a smart power. It has two important instruments at its disposal that it can use wisely: diplomacy and economics.

First, EU foreign policy cannot continue to be decided by unanimity. This blocks the EU from "acting" forcefully and persuasively on the global scene. The EU needs three core member states to navigate the ship through subtle diplomacy – Sweden, France and Germany preferably.

Secondly, Israel needs to hear loud and clear that, if it does not stop violating the EU's own norms, its economic agreements (an Association Agreement from 1995 and an Action Plan from 2004) with its main trading partner will be made obsolete.

Such benchmarks and parameters need to be formulated in strong and clear language in the shape of a new EU plan. This plan should specify that political, economic and cultural/social relations with the world's largest trading bloc will be severely affected if Israel does not abide by the EU's own normative commitments. Such steps will take political courage but will ultimately help consolidate EU credibility and coherence as a humanitarian power – one that respects and promotes its very own foundational norms.

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