

Forty Years of Camp David, Forty Years Without Peace

by Daniela Huber

ABSTRACT

Forty years ago, the Camp David Accords were signed, making the US the key broker in the Middle East and sidelining the United Nations and a comprehensive approach to peace-making. In the past forty years, the US approach has focused on bilateral step-by-step negotiations which were meant gradually to weave Arab states into a web of relations gravitating around US power; it never built a comprehensive regional security architecture that could survive its own power and provide a mechanism to absorb the growing power competition between Saudi Arabia and Iran. With US President Donald Trump currently tearing down the basic parameters of the US approach, the EU should throw its weight behind international law, the United Nations, and comprehensive diplomacy again.

US foreign policy | Middle East | Arab-Israeli conflict | Israeli-Palestinian conflict | Conflict mediation | European Union | International law

keywords

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Introduction

Forty years ago, on 17 September 1978, US President Jimmy Carter presided over the Camp David Accords between Egypt and Israel. From then on, the US became the key broker in the Middle East.¹ It replaced the United Nations,² which had hitherto been the instrument through which the US and the Soviet Union had managed the Arab-Israeli conflict since 1947, an approach perceived as discredited as it had failed to deliver peace. However, after 40 years of US brokerage, there is, similarly, no peace in sight – neither in Israel/Palestine, nor in the region at large. Hence, it is about time to acknowledge this failure and think about alternatives.

This paper assesses the impact of the Camp David Accords on the regional order (it does not focus on their impact on Palestinian statehood, for this see Seth Anziska³). It argues that the regional order the accords heralded – the so-called Camp David Order – was based solely on US power, with no attempt at building a comprehensive security architecture that could have survived its own power. With President Donald Trump currently tearing down the basic parameters of the US approach, this paper looks at potential alternative options to US brokerage

¹ The Camp David Accords solidified the US's hegemony over the diplomatic process. Its broker status had already emerged before, especially following the 1974 war, when the foundations of the accords were laid down under Henry Kissinger's leadership in the 1975 US-Israel Memorandum of Understanding. This included, inter alia, a step by step rather than comprehensive approach; prior consultation with Israel; no UN/Geneva involvement; direct negotiations; and no talks with the PLO.

² On a comprehensive account of the UN and the Palestine question, see Karim Makdisi and Vijay Prashad (eds.), *Land of Blue Helmets. The United Nations and the Arab World*, Oakland, University of California Press, 2017.

³ Seth Anziska, "How Israel Undermined Washington and Stalled the Dream of Palestinian Statehood", in *The New York Times*, 20 September 2018, <https://nyti.ms/2No903z>.

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which the European Union could back. Specifically, the EU should throw its weight behind the international law relevant to the conflict, make better use of existing UN instruments, and launch a diplomatic initiative addressing the humanitarian crisis in Gaza.

1. The Camp David Accords and their regional impact

In 1977, Egyptian President Anwar Sadat took the world by surprise and visited Israel, signalling Cairo's willingness to achieve a broad accommodation with Israel that would help Egypt not only to end the costly wars with Israel, but also to reorganize its economy and armed forces through a revamped relationship with the US. Sadat also aimed to regain the Sinai Peninsula, which Israel had occupied during the 1967 war, along with the West Bank (including East Jerusalem), the Gaza Strip, and the Syrian Golan Heights. In ten years, Egypt had moved from spearheading pan-Arabism to representing itself as the "vanguard" of peace.⁴ Sadat, as Raymond Hinnebusch has pointed out, aimed for "another sort of regional leadership based on mediating between the West and the Arab world",⁵ a role all Egyptian presidents have adopted ever since.

The Accords consisted of two parts – a Framework for Peace in the Middle East and a Framework for the Conclusion of a Peace Treaty between Egypt and Israel – the first of which was never implemented, while the second led to the 1979 Peace Treaty and Israel's withdrawal from the Sinai.⁶ This peace treaty was rather controversial, as it solved neither the local (Israeli-Palestinian) nor the broader regional dimension of the conflict. Instead, it was the first step toward gradually weaving Arab states into a single unit gravitating around the US-Israeli/US-Saudi alliances.

The Arab League reacted by suspending Egypt. The League, it should be noted, had already moved towards a new approach itself. In their 1967 Khartoum Resolution, the Arab states had agreed upon the "three nos": "no peace with Israel, no recognition of Israel, no negotiations with it, and insistence on the rights of the Palestinian people in their own country".⁷ While Israel perceived the resolution as hostile, it actually represented a victory of the so-called Arab moderates who advocated diplomatic rather than military means. As Avi Shlaim has pointed out, "Arab spokesmen interpreted the Khartoum declarations to mean no formal peace

⁴ See for example the speech of Boutros Boutros Ghali at the UN General Assembly 34th Session 15th Plenary Meeting, 1 October 1979 (A/34/PV.15), <http://undocs.org/A/34/PV.15>.

⁵ Raymond Hinnebusch, *The International Politics of the Middle East*, 2nd ed., Manchester, Manchester University Press, 2015, p. 153.

⁶ See the Avalon Project website: *Camp David Accords; September 17, 1978*, http://avalon.law.yale.edu/20th_century/campdav.asp.

⁷ Arab League, *The Khartoum Resolutions*, 29 August-1 September 1967, <https://ecf.org.il/issues/issue/141>.

treaty, but not a rejection of a state of peace; no *direct* negotiations, but not a refusal to talk through third parties; and no *de jure* recognition of Israel, but *de facto* acceptance of its existence as a state.”⁸ This consensus had been driven by Egypt’s President Gamal Abd el-Nasser (Sadat’s predecessor) and King Hussein of Jordan. Egypt and Jordan accepted United Nations Security Council Resolution (UNSCR) 242, which contained what amounted to a *de facto* recognition of Israel along the 1948 armistice lines despite the fact that Resolution 242 did not acknowledge Palestinian collective rights. The Algiers meeting of the Arab League in November 1973 endorsed the use of diplomacy and identified two key conditions for peace-making, namely, the “evacuation by Israel of the occupied Arab territories and first of all Jerusalem” and the “re-establishment of full national rights for the Palestinian people”.⁹

The Camp David Accords deviated substantially from the Arab League’s framework, as they did not envisage a comprehensive approach to regional peace-making that would guarantee restitution of all the territories Israel had occupied in the 1967 war. “Together – and only together – they might have reached a comprehensive Middle East peace,” Raymond Hinnebusch has pointed out, quoting Henry Kissinger’s remarks that “the Arabs could not wage war without Egypt or make peace without Syria”.¹⁰ The Begin government now further expanded its settlement activities in the occupied territories and pushed forward legislation – a basic law on “Jerusalem, Capital of Israel” in 1980 and the “Golan Heights Law” in 1981 – that made its intention to keep those territories unequivocal. In 1982, the Begin government also invaded Lebanon, involving Israel in one of its longest and internally most controversial wars.

2. The US approach to peace-making and the Camp David Order

On the global level, the US was crowned the key broker in the Middle East by Sadat, who effectively not only threw Egypt’s old “patron”, the Soviet Union, out of Egypt, but also limited its role in the Middle East at large. It was the beginning of Washington’s dominance and Moscow’s decline in the region. Before Camp David, the conflict had been managed by the two superpowers through the UN. Now the UN – and with it a comprehensive approach to peace-making – was sidelined.

⁸ Avi Shlaim, *The Iron Wall. Israel and the Arab World*, 2nd ed., London, W.W.Norton & Co., 2014, p. 259.

⁹ Arab League, *Declaration of the Arab Summit Conference at Algiers*, 28 November 1973, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/19%20declaration%20of%20the%20arab%20summit%20conference%20at%20al.aspx>.

¹⁰ Raymond Hinnebusch, *The International Politics of the Middle East*, cit., p. 152. As Henry Kissinger noted on his strategy in 1973, “First, we sought to break up the Arab united front. Also we wanted to ensure that the Europeans and Japanese did not get involved in the diplomacy; and, of course, we wanted to keep the Soviets out of the diplomatic arena. Finally, we sought a situation which would enable Israel to deal separately with each of its neighbors.” See “Memorandum of Conversation” (New York, 15 June 1975), in Adam M. Howard (ed.), *Foreign Relations of the United States, 1969-1976. Vol. XXVI, Arab-Israeli Dispute, 1974-1976*, Washington, US Government Printing Office, 2011, <https://history.state.gov/historicaldocuments/frus1969-76v26/d189>.

The Camp David Accords indeed set the framework for the US' future peace-making approach in the region. They would promote peace between Israel and its Arab counterparts on a bilateral level rather than in a multilateral UN format. This approach fostered mutual suspicion among the Arab states, as each was concerned that the others would use negotiations with Israel at its expense. The negative effect of the bilateral approach was further aggravated by the US' tendency to focus on process rather than substance by having the parties pursue step-by-step diplomacy. Eventually, this "remained a tactic for buying more time, a tactic cut off from a larger political concept of peace in the Middle East".¹¹ Step by step, the US bound individual states and actors through bilateral treaties (Egypt in 1978-79, the PLO and Jordan in the early 1990s) in its existing regional alliance system, whose main pillars were Saudi Arabia and Israel, while effectively excluding those states that did not sign a bilateral treaty, namely Syria and Lebanon. The US thus built a web of hub-and-spoke relations revolving around US power, but did not envisage and consequently foster a comprehensive security architecture that could sustain itself. The US also side-lined the UN not only as a mediating institution but also as a crucial provider of international legitimacy, monitoring and guarantees.

Jimmy Carter, it should be noted, was the president who first sought to pursue a comprehensive approach to peace-making (thus moving away from the bilateral step-by-step diplomacy initiated by Kissinger). As Avi Shlaim has pointed out, when Israeli Prime Minister Yitzhak Rabin arrived in Washington in 1977, "he discovered that the new president had firmly made up his mind in favor of three things: reconvening the [UN-led] Geneva conference; Israeli withdrawal, with only minor modifications, to the borders of 4 June 1967; and recognition of Palestinian rights".¹² The Israelis rejected these conditions, but it was the Egyptians who persuaded President Carter to give up on his first idea (re-convening Geneva). He also eventually accepted the sidelining of his second and third conditions.

In 1982, Carter's successor, Ronald Reagan – who argued that the US goal in the Middle East was to "create more Egypts"¹³ to make peace with – presented the Reagan plan¹⁴ which, however, quickly sank into irrelevance as Lebanon faltered

¹¹ William B. Quandt, *Peace Process. American Diplomacy and the Arab-Israeli Conflict since 1967*, 3rd ed., Washington, Brookings Institution Press; Berkeley, University of California Press, 2005, p. 156.

¹² Avi Shlaim, *The Iron Wall*, cit., p. 239.

¹³ Ronald Reagan, *Remarks and a Question-and-Answer Session in Los Angeles at a Meeting With Editors and Broadcasters from the Western Region of the United States*, 1 July 1982, <https://www.reaganlibrary.gov/research/speeches/70182b>.

¹⁴ The Reagan Plan rejected the idea of a formation of an independent Palestinian state and instead proposed self-government by the Palestinians in association with Jordan. As Quandt has pointed out "All administrations have opposed the creation of a fully independent Palestinian state, preferring, at least until the mid-1990s, some form of association of the West Bank and Gaza with Jordan" (William B. Quandt, *Peace Process*, cit., p. 6). The Reagan Plan was also in response to the Fahd Plan, proposed by Saudi Arabia in 1981 with the objective of preventing the fragmentation of the Arab world. It was adopted by the Arab League in a slightly modified version at the Fez Summit in 1982, including the following key principles: full Israeli withdrawal from all Arab territories occupied in

under violence, and no significant US initiative came forward until years later. In 1988, US Secretary of State George Shultz aired the idea of bringing the UN back in by convening an international conference attended by all parties to the conflict with the five veto-wielding powers of the UNSC proposing a non-binding solution before the beginning of negotiations. The Israeli government of Yitzhak Shamir, however, immediately rejected the plan,¹⁵ even if both Reagan and Schultz had refused to acknowledge the Palestinians' right to statehood (which had been formally sanctioned by the UN General Assembly's resolution 35/207 of 1980). Shultz stated that "the Palestinians, as far as we are concerned, have the right to pursue an independent state through negotiations"¹⁶ – an approach the US has pursued until today.

With the end of the Cold War and the onset of the US' unilateral moment of power, President George Bush promoted the so-called Madrid Talks in 1991, following the first US invasion of Iraq. It included multilateral working groups, but kept the UN on the margins with the key remaining bilateral negotiations. Bilateral peace-making intensified under President Bill Clinton (1993-2001), who invested heavily in diplomacy in the Levant. Jordan followed Egypt's example and made a bilateral peace treaty with Israel in 1994, while the PLO signed the Oslo Accords (1993-95).¹⁷ At the same time, there was no breakthrough on the Syrian-Israeli channel, which remained open until 2010.¹⁸ Syria was thus excluded from this emerging order and further pushed towards Iran.

At the same time, the US dropped diplomacy in the Gulf entirely and adopted a dual containment policy against Iraq and Iran, combined with a UN-mandated embargo on the former and comprehensive US unilateral sanctions on the latter. This dual approach combining diplomacy in the Levant and containment in the

1967, dismantling of the settlements, reaffirmation of Palestinian people's right to self-determination and the exercise of its imprescriptible and inalienable national rights under the leadership of the PLO, placing the West Bank and Gaza Strip under the control of the UN for a transitory period not exceeding a few months, the establishment of an independent Palestinian state with Al Quds as its capital, and empowering the Security Council as a guarantor of peace among all states of the region including the independent Palestinian state (Arab League, *Text of Final Declaration at Arab League Meeting in Fez*, 9 September 1982, <https://nyti.ms/2MYIiJF>). Borders of the Palestinian state were not explicitly named, but the Occupied Palestinian Territory was implied. While the European Community was supportive of the plan, the US and Israel rejected it curtailing the Saudi role of mediator in the region. See Jacob Abadi, "Egypt's Policy Towards Israel: The Impact of Foreign and Domestic Constraints", in *Israel Affairs*, Vol. 12, No. 1 (January 2006), p. 165, 169.

¹⁵ William B. Quandt, *Peace Process*, cit., p. 276.

¹⁶ *Ibid.*, p. 283.

¹⁷ The Oslo Accords arguably outsourced control over the Palestinian population (not the Palestinian territory) to the Palestinian Authority which "reduced the occupation's political and economic cost, while continuing to hold on to most of the territory" (Neve Gordon, *Israel's Occupation*, Berkeley, University of California Press, 2008, p. 20-21), and, as Gideon Levy has argued, helped Israel to perpetuate the occupation. See Gideon Levy, "I Believed in the Oslo Accords for Years. But It Was Merely a Deception", in *Haaretz*, 9 September 2018.

¹⁸ Amir Tibon, "Kerry Reveals Details of Assad's Secret Letter to Netanyahu in 2010", in *Haaretz*, 5 September 2018.

Gulf meant that Iraq and Iran would be frozen out of the unfolding regional order¹⁹ which was consolidating around the US hegemonic moment that followed the first Iraq war in 1991. Waleed Hazbun has pointed out that “Iran rejected US efforts to reorder the region in the 1990s and 2000s” and that its policies “can also be viewed as reactions to US-led efforts to define a US-dominated regional order that fails to accept any legitimate regional role for Iran”.²⁰

It should be noted here that in the 1990s and early 2000s Saudi Arabia tried to bring Syria back into the Arab fold. This attempt was a core objective of the 2002 Arab Peace Initiative, for example, for which Riyadh also tried to get indirect Iranian backing as its initiative was supported by the Organization of Islamic Cooperation (OIC) in 2006. The Arab Peace Initiative offered Israel formal recognition, demanding in return the full withdrawal of Israel from all the territories occupied in the 1967 war (including the Syrian Golan Heights), the establishment of a sovereign independent Palestinian state in the West Bank and Gaza with East Jerusalem as its capital, and a just solution to the refugee question based on resolution 194.²¹ The George W. Bush administration (2001-09) made sure that the Arab Peace Initiative did not go far and presented its own version of the two-state solution enshrined in three UNSC resolutions (1397, 1515, 1850) pursued by a Middle East Quartet comprising the US, the EU, the UN and Russia. The Quartet continued the US approach based on bilateral negotiations which not only took place between highly asymmetrical parties (i.e. unelected representatives of an occupied people with the government of the occupying power), but also made issues on which international law exists subject to negotiations.

Just one year later, in 2003, a US-led coalition invaded Iraq, plunging the country into chaos and greatly exacerbating tensions between regional and global powers with a stake in Iraq and the region. In 2011, after years of inconclusive and massively costly military involvement, the US withdrew from Iraq and started to recalibrate its role in the region. Never having built a comprehensive security architecture, but rather a web of hub-and-spoke relations centred on US power that excluded key players such as Iran, the readjustment of the US diplomatic and military posture meant that there was no mechanism in place that could absorb the increasing competition between Saudi Arabia and Iran. To stem the consequences of this rivalry, as Hazbun has argued, the international community now needs to “work with regional states to manage ongoing conflicts, define norms for regional power projection and establish inclusive regional negotiations”.²²

¹⁹ Anoushiravan Ehteshami, “Iran’s Regional Policies since the End of the Cold War”, in Ali Gheissari (ed.), *Contemporary Iran. Economy, Society, Politics*, Oxford, Oxford University Press, 2009, p. 324-348.

²⁰ Waleed Hazbun, “Regional Powers and the Projection of Insecurity in the Middle East”, in *MENARA Working Papers*, No. 11 (September 2018), p. 6, <http://www.menaraproject.eu/?p=1261>.

²¹ Arab League, *Arab Peace Initiative*, Beirut, 28 March 2002, <https://undocs.org/A/56/1026>.

²² Waleed Hazbun, “Regional Powers and the Projection of Insecurity in the Middle East”, cit., p. 2.

Especially since unrest in Syria turned into a civil war, the Saudi-Iranian rivalry has perhaps become the main geopolitical conflict playing out in the Middle East. In this competition, Saudi Arabia, supportive of President Trump's approach to the Israeli-Palestinian conflict, has entirely dropped the Palestinian cause in order to strengthen an unstated, ambiguous alliance with Israel against Iran. While the previous US approach side-lined the UN in terms of diplomacy (though still making use of some UN instruments deemed useful), Trump is now seeking to tear down central UN instruments and institutions, including the United Nations Relief and Works Agency (UNRWA) for which the US has stopped its funding, or the International Criminal Court (ICC) which it has threatened with sanctions. Furthermore, while the US previously made issues on which international law exists (the status of Jerusalem and the Palestinian refugees) final status issues in negotiations, the Trump administration is attempting instead to "take them off the [negotiating] table". The US has also closed the mission of the PLO to the US. This approach, is not an onslaught only on Palestinian rights; it is an "onslaught against the international community and the international system".²³

It is this onslaught which makes it imperative that Europe acts, especially on an issue which directly impacts on Europe itself. But Europe – as Stephen Walt has correctly pointed out – "has no clue how to handle an American bully". After decades of letting the US run the show and hiding behind the US, "European leaders can barely think in [their own independent] strategic terms".²⁴

3. Europe's role and its alternatives

After the Camp David Accords were signed, the Europeans were critical of the US approach which, as Avraham Sela has pointed out, sought to push "aside the EEC [European Economic Community] from the peacemaking efforts in the region, just as it did the Soviet Union, giving Washington the power of a sole broker".²⁵ In 1980, the nine EEC foreign ministers released the Venice Declaration – a European contestation of the US' exclusive role as peace-maker in the Middle East and an expression of European discontent with a treaty that did not solve the Palestine question. The nine recognized the Palestinian right to self-determination and demanded the inclusion of the PLO in the negotiations, stressing "the need for Israel to put an end to the territorial occupation which it has maintained since the conflict of 1967, as it has done for part of Sinai".²⁶ While Venice was a contestation

²³ "Hussam Zomlot Reacts to US Decision to Close PLO Office in DC" (Video), in *Al Jazeera*, 10 September 2018. <https://www.aljazeera.com/news/2018/09/hussam-zomlot-reacts-decision-close-plo-office-dc-180910193703244.html>.

²⁴ Stephen M. Walt, "Europe Has No Clue How to Handle an American Bully", in *Foreign Policy*, 2 May 2018, <http://bit.ly/2w3Rfyo>.

²⁵ Avraham Sela, *The Decline of the Arab-Israeli Conflict. Middle East Politics and the Quest for Regional Order*, Albany, State University of New York Press, 1998, p. 172.

²⁶ European Council, *Venice Declaration*, 13 June 1980, https://eeas.europa.eu/mepp/docs/venice_declaration_1980_en.pdf.

of the US approach, the EEC never spoke of a right to statehood for the Palestinians, but adopted the formula of “the right to self-determination for the Palestinians with all that this implies”.²⁷

In the 1990s the newly established EU still somewhat contested the role of the US.²⁸ As the US was mainly concerned with facilitating bilateral talks, the Union came out with the Barcelona Process (later Euro-Mediterranean Partnership, EMP), which was based on a more comprehensive approach. However, the EMP still functioned within the parameters set by the US-led Middle East Peace Process (MEPP). As Mouin Rabbani has argued, in the 1990s the EU acted “as a donor promoting development in the southern and eastern Mediterranean, and facilitator of Arab-Israeli normalization in the context of the Middle East Peace Process”.²⁹ The Barcelona Process broke down with the collapse of the Oslo Accords in the early 2000s, but the EU has nonetheless kept supporting the Palestinian Authority and providing humanitarian aid. Pursuing a policy of “normalization without peace”, or of building a Palestinian state without recognizing a Palestinian state,³⁰ the EU has been “effectively paying for Israel’s occupation”.³¹ In the early 2000s, the EU was effectively absorbed into US diplomacy in the region in the form of the Middle East Quartet, which remained dominated by the US,³² and in the context of which the EU aligned its position to the US approach, rather than vice versa.

As the MEPP is dead – not least since its leader, the US, is destroying its own approach – the EU has to think about alternatives it can pursue in the current context. The EU has only been reactive (if anything) so far, instead of proactive on an issue where it has significant influence and interests at stake. To begin with, the EU must once again throw its weight behind the UN and international law, and should make use of the existing UN instruments on the conflict. It could start with the following four measures:

²⁷ See the Foreign Ministers’ statement of 20 September 1982 and the address given on behalf of the Community and the Member States by Uffe Ellemann-Jensen, President of the Council, to the United Nations General Assembly on 28 September 1982, in *Bulletin of the European Communities*, No. 9/1982, p. 53, 74, <http://aei.pitt.edu/65366>.

²⁸ Joel Peters, “The Arab-Israeli Multilateral Peace Talks and the Barcelona Process: Competition or Convergence?”, in *The International Spectator*, Vol. 33, No. 4 (October-December 1998), p. 63-76.

²⁹ Mouin Rabbani, “Commentary on Policy Brief 1 (The EU’s Construction of the Mediterranean)”, in *MEDRESET Blog*, 26 June 2017, <http://www.medreset.org/blog/mouin-rabbani-comments-on-policy-brief-1>.

³⁰ Dimitris Bouris and Daniela Huber, “Imposing Middle East Peace: Why EU Member States Should Recognise Palestine”, in *IAI Commentaries*, No. 17|25 (November 2017), <http://www.iai.it/en/node/8492>.

³¹ Hirah Azhar and Marco Pinfari, “Israel-Palestine: The Mediterranean Paradox”, in Thomas Diez and Nathalie Tocci (eds), *The EU, Promoting Regional Integration, and Conflict Resolution*, Cham, Springer-Palgrave Macmillan, 2017, p. 71.

³² Nathalie Tocci, “The Middle East Quartet and (In)Effective Multilateralism”, in *The Middle East Journal*, Vol. 67, No. 1 (Winter 2013), p. 29-44.

1) *Acknowledge final status issues*, including the status of Jerusalem and of the Palestinian refugees, in a Council Conclusion, based on all relevant UN resolutions, as well as international human rights and humanitarian law. Make accountability a cornerstone for peace and security, as already envisaged in two conclusions of the EU's Foreign Affairs Council (July 2015 and January 2016).³³ To strengthen international law, the EU could commission an annual heads of mission report that would systematically monitor violations of international humanitarian and human rights law in the Occupied Palestinian Territory.

2) *A lead group made up of the EU member states that will be part of the UNSC in 2019-20 – France, Belgium, Germany (and potentially the UK) – should table a UNSC resolution demanding the end of the prolonged occupation of the Palestinian territory.* These group of states could also state that they might eventually consider sanctions (similar to UNSC Resolution 476, 1980)³⁴ if the occupation does not end in a specific timeframe set by the UNSC. The end of the occupation and the withdrawal from all territories occupied in 1967 in line with peremptory norms of international law (the right to self-determination and prohibition of the acquisition of territory by war) should be defined as the basic parameters for peace. Furthermore, the EU member states who are also members of the UNSC should formally ask for a report on the status of the West Bank's Area C, inquiring whether the measures taken by Israel amount to a (creeping) annexation of the territory.

3) *Shield the International Criminal Court (ICC) and its preliminary examination of the Palestine case from US threats.* While single EU member states have reacted to the US' recent attack on the ICC, they have not taken a clear position to protect the Court's preliminary examination of the Palestine case. It is in the EU's broader strategic interest to keep the rule-based international order alive at a time when the US is moving towards abandoning it. The EU should, therefore, take a united position that supports the Court and its examination of the Palestine case. The High Representative should issue a declaration in this respect.

4) *Come forward with diplomatic initiatives that relieve the humanitarian situation in Gaza immediately and aim to end Israel's blockade of it.* The EU should also continue to make clear that it sees Gaza as an integral part of the Occupied Palestinian Territories and push for US adherence to UNSC Resolution 1860 which states exactly this. Furthermore, the EU should do its part in supporting Palestinian

³³ Council of the European Union, *Council Conclusions on the Middle East Peace Process*, 20 July 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/07/20-fac-mepp-conclusions>; and *Council Conclusions on the Middle East Peace Process*, 18 January 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/01/18-fac-conclusions-mepp>.

³⁴ UNSC Resolution 476 reaffirms the "overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem" and "its determination in the event of non-compliance by Israel with the present resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of the present resolution". See UN Security Council Resolution 476 of 30 June 1980, [https://undocs.org/S/RES/476\(1980\)](https://undocs.org/S/RES/476(1980)).

reconciliation. The EU needs to push for increased representation and legitimacy of the Palestinian leadership and end its own no-contact policy with Hamas. To do so, the EU should demand a formal commitment on the part of Hamas – as well as all other parties in the conflict – to respect of international humanitarian law and international human rights law.³⁵

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³⁵ For more insight on this issue, see Andrea Dessì and Lorenzo Kamel, "The Gaza Equation: The Regional Dimension of a Local Conflict", in *MENARA Working Papers*, No. 10 (September 2018), <http://www.menaraproject.eu/?p=1245>.

References

Jacob Abadi, "Egypt's Policy Towards Israel: The Impact of Foreign and Domestic Constraints", in *Israel Affairs*, Vol. 12, No. 1 (January 2006), p. 159-176

Hirah Azhar and Marco Pinfari, "Israel-Palestine: The Mediterranean Paradox", in Thomas Diez and Nathalie Tocci (eds), *The EU, Promoting Regional Integration, and Conflict Resolution*, Cham, Springer-Palgrave Macmillan, 2017, p. 57-80

Seth Anziska, "How Israel Undermined Washington and Stalled the Dream of Palestinian Statehood", in *The New York Times*, 20 September 2018, <https://nyti.ms/2No903z>

Arab League, *Arab Peace Initiative*, Beirut, 28 March 2002, <https://undocs.org/A/56/1026>

Arab League, *Declaration of the Arab Summit Conference at Algiers*, 28 November 1973, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/19%20declaration%20of%20the%20arab%20summit%20conference%20at%20al.aspx>

Arab League, *The Khartoum Resolutions*, 29 August-1 September 1967, <https://ecf.org.il/issues/issue/141>

Arab League, *Text of Final Declaration at Arab League Meeting in Fez*, 9 September 1982, <https://nyti.ms/2MYIiJF>

Dimitris Bouris and Daniela Huber, "Imposing Middle East Peace: Why EU Member States Should Recognise Palestine", in *IAI Commentaries*, No. 17|25 (November 2017), <http://www.iai.it/en/node/8492>

Boutros Boutros Ghali, *Speech at the UN General Assembly 34th Session 15th Plenary Meeting*, 1 October 1979 (A/34/PV.15), <http://undocs.org/A/34/PV.15>

Council of the European Union, *Council Conclusions on the Middle East Peace Process*, 20 July 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/07/20-fac-mepp-conclusions>

Council of the European Union, *Council Conclusions on the Middle East Peace Process*, 18 January 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/01/18-fac-conclusions-mepp>

Council of the European Union, Statement by the Foreign Ministers on Middle East situation, 20 September 1982, in *Bulletin of the European Communities*, No. 9/1982, p. 53, <http://aei.pitt.edu/65366>

Andrea Dessì and Lorenzo Kamel, "The Gaza Equation: The Regional Dimension of a Local Conflict", in *MENARA Working Papers*, No. 10 (September 2018), <http://www.menaraproject.eu/?p=1245>

Anoushiravan Ehteshami, "Iran's Regional Policies since the End of the Cold War", in Ali Gheissari (ed.), *Contemporary Iran. Economy, Society, Politics*, Oxford, Oxford University Press, 2009, p. 324-348

Uffe Ellemann-Jensen, Extracts from the address given on behalf of the Community and the Member States to the United Nations General Assembly on 28 September 1982, in *Bulletin of the European Communities*, No. 9/1982, p. 72-78, <http://aei.pitt.edu/65366>

European Council, *Venice Declaration*, 13 June 1980, https://eeas.europa.eu/mepp/docs/venice_declaration_1980_en.pdf

Neve Gordon, *Israel's Occupation*, Berkeley, University of California Press, 2008

Waleed Hazbun, "Regional Powers and the Projection of Insecurity in the Middle East", in *MENARA Working Papers*, No. 11 (September 2018), <http://www.menaraproject.eu/?p=1261>

Raymond Hinnebusch, *The International Politics of the Middle East*, 2nd ed., Manchester, Manchester University Press, 2015

Henry Kissinger, "Memorandum of Conversation" (New York, 15 June 1975), in Adam M. Howard (ed.), *Foreign Relations of the United States, 1969-1976. Vol. XXVI, Arab-Israeli Dispute, 1974-1976*, Washington, US Government Printing Office, 2011, <https://history.state.gov/historicaldocuments/frus1969-76v26/d189>

Gideon Levy, "I Believed in the Oslo Accords for Years. But It Was Merely a Deception", in *Haaretz*, 9 September 2018

Karim Makdisi and Vijay Prashad (eds.), *Land of Blue Helmets. The United Nations and the Arab World*, Oakland, University of California Press, 2017

Joel Peters, "The Arab-Israeli Multilateral Peace Talks and the Barcelona Process: Competition or Convergence?", in *The International Spectator*, Vol. 33, No. 4 (October-December 1998), p. 63-76

William B. Quandt, *Peace Process. American Diplomacy and the Arab-Israeli Conflict since 1967*, 3rd ed., Washington, Brookings Institution Press; Berkeley, University of California Press, 2005

Mouin Rabbani, "Commentary on Policy Brief 1 (The EU's Construction of the Mediterranean)", in *MEDRESET Blog*, 26 June 2017, <http://www.medreset.org/blog/mouin-rabbani-comments-on-policy-brief-1>

Ronald Reagan, *Remarks and a Question-and-Answer Session in Los Angeles at a Meeting With Editors and Broadcasters from the Western Region of the United States*, 1 July 1982, <https://www.reaganlibrary.gov/research/speeches/70182b>

Avraham Sela, *The Decline of the Arab-Israeli Conflict. Middle East Politics and the Quest for Regional Order*, Albany, State University of New York Press, 1998

Avi Shlaim, *The Iron Wall. Israel and the Arab World*, 2nd ed., London, W.W.Norton & Co., 2014

Amir Tibon, "Kerry Reveals Details of Assad's Secret Letter to Netanyahu in 2010", in *Haaretz*, 5 September 2018

Nathalie Tocci, "The Middle East Quartet and (In)Effective Multilateralism", in *The Middle East Journal*, Vol. 67, No. 1 (Winter 2013), p. 29-44

UN Security Council Resolution 476 of 30 June 1980, [https://undocs.org/S/RES/476\(1980\)](https://undocs.org/S/RES/476(1980))

Stephen M. Walt, "Europe Has No Clue How to Handle an American Bully", in *Foreign Policy*, 2 May 2018, <http://bit.ly/2w3Rfyo>

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