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EUROPEAN UNION POLITICS
AND
INTERNATIONAL RELATIONS

THE EUROPEAN UNION POLICY
TOWARDS THE MIDDLE EAST SINCE 1980

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M.A. THESIS

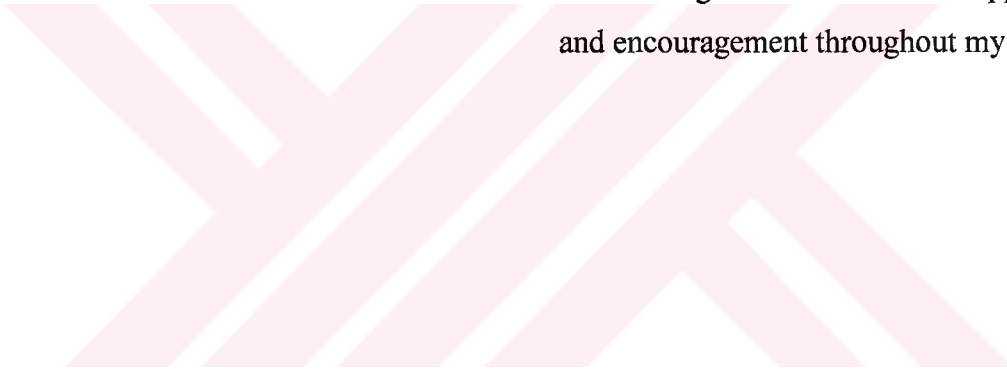
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This study is for **my outstanding family**
who have given unconditional support
and encouragement throughout my life



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ABSTRACT

The aim of this study is to examine the role of the European Union in the Middle East Peace Process within the context of the Common Foreign and Security Policy. The Middle East Peace Process was launched in Madrid in 1991 under joint co-sponsorship of the United States of America and Union of Socialist Soviet Republics on the basis of United Nations Security Council Resolutions 242 and 338 which enshrine the principle of "land for peace". The Middle East in general and the Peace Process in specific will be a common denominator to reach a common foreign and security policy for the EU. Arab-Israeli conflict lies in the hearth of the region problems that cause instability. Security and stability in the European continent are directly linked to the security and stability in the greater Middle East region. The EU therefore wants to play a significant political role within the peace process, while it is the largest financial contributor to the peace process. After the decline of the Soviet Union, especially the Arabs welcomed to the EU's involvement to the process to counterweight the USA that pursues pro-Israeli policy. On the other hand the European strategists stress that the EU's initiatives should be complementary to the initiatives of the USA. The Israelis describes the role of the EU as economic rather than political.

In 1996, the EU appointed a Special Envoy, Miguel Angel Moratinos to take active part in the process. The EU's efforts will be helpful to break diplomatic stalemate and will pave a way to the achievement of a just, lasting and comprehensive peace in the region that bring stability and create secure environment to the Europeans.

Key words: Middle East Peace Process, European Union, Common Foreign and Security Policy, Special Envoy, Arab-Israeli Conflict, the principle of the "land for peace",

ÖZ

Bu çalışma Avrupa Birliđi'nin Ortak Dış ve Güvenlik Politikası çerçevesinde 1991' de Madrid'de Amerika ve Sovyetler Birliđi'nin ortak çalışması sonucunda toplanan Uluslararası Konferansta ulaşılan Orta Dođu Barış Süreci içinde oynadıđı rolü açıklamayı amaçlamaktadır. Madrid Konferansı, Orta Dođu'da kalıcı ve adil barışın sağlanması için temel prensip olarak Birleşmiş Milletler Güvenlik Konseyi'nin 242 ve 338 No'lu kararlarında ortaya konan “**barış için toprak**” ilkesini kabul ediyordu. Arap-İsrail uyuşmazlıđı Orta Dođu'da istikrarsızlıđın temel nedenlerinden birisi ve en önemlisidir. Avrupa kıtasında güven ve istikrarın sağlanması Orta Dođu'da güven ve istikrarın sağlanması ile direkt olarak alâkalıdır. Bundan dolayı Avrupa Birliđi, barış süreci içersinde etkili bir siyasi rol üstlenmek istemektedir. Sovyetler Birliđi'nin uluslararası alanda etkisizleşmesinden sonrasında özellikle Araplar, daha çok İsrail yanlısı politikalar izleyen ABD'ye karşı, onu dengelemek ve kendi politikalarına destek bulmak için Avrupa Birliđi'nin barış sürecine katılmasını memnuniyetle karşıladılar. Diğer yandan, Avrupalı stratejistler, AB'nin girişimlerinin ABD'nin girişimlerine tamamlayıcı olması gerektiđini düşünüyorlardı. İsraililer, Avrupa Birliđi'nin barış süreci içersindeki rolünü siyasi olmaktan çok ekonomik olduđu görüşünü benimsiyorlardı. Çünkü, Avrupa Birliđi barış sürecinin en büyük mali destekçisidir.

1996'da Avrupa Birliđi barış sürecinde daha aktif siyasi bir rol almak için İspanyol diplomat Miguel Angel Moratinos'u barış sürecini izlemesi için Birliđin Özel Temsilcisi olarak atadı. Avrupa Birliđi, diplomatik çıkmazların aşılmasında ve bölgede istikrarlı ve güvenli ortamı sağlayacak kalıcı ve adil bir barışın sağlanmasında önemli bir rol üstlenmiştir.

Anahtar Kelimeler: Orta Dođu Barış Süreci, Avrupa Birliđi, Ortak Dış ve Güvenlik Politikası, Özel Temsilci, Arap-İsrail Uyuşmazlıđı, “Barış için Toprak” ilkesi.

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ABBREVIATIONS

AT/TOA	Amsterdam Treaty
CAPS	Comprehensive Agreement on Permanent Status
CFSP	Common Foreign and Security Policy
COROPER	Committee of Permanent Representatives
DDS	Discreet, Discretionary, Sovereignty
DOP	Declaration of Principles
EC	European Community
ECSC	European Coal and Steel Community
Ecu/ECU	European Currency Unit
EDC	European Defence Community
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
EIB	European Investment Bank
EMP	Euro-Mediterranean Partnership
EP	European Parliament
EPC	European Political Cooperation
EU	European Union
ERUATOM	European Atomic Energy Community
EUSE	European Union Special Envoy
EUSR	European Union Special Representative(s)
FAPS	Framework Agreement on Permanent Status
GAC	General Affairs Council
GCC	Gulf Cooperation Council
GOI	Government of Israel
IGC	Intergovernmental Conference
ME	Middle East
MEPP	Middle East Peace Process
NATO	North Atlantic Treaty Organization
QMV	Qualified Majority Voting
PA	Palestinian Authority
PC	Palestinian Charter
PHARE	Poland and Hungary: Aid for Economic Reconstruction
PLO	Palestinian Liberation Organization
PNC	Palestinian National Council
PPEWU	Policy Planning and Early Warning Unit
REDWG	Regional Economic Development Working Group
SEA	Single European Act
TEU	Treaty on European Union
UK	United Kingdom
UN	United Nations
UNEF	United Nations Emergency Forces

UNSC	United Nation Security Council
UNSCOP	United Nation Special Committee on Palestine
UNSCR/s	United Nation Security Council Resolution/s
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East
US/USA	United States of America
USSR	Union of Socialist Soviet Republics
WEU	Western European Union



INTRODUCTION

The integration process of European states began in the aftermath of the Second World War. The three catastrophic wars of Europe that Germany and France involved between 1871 and 1945 were because of to have the war-making industries. The Founding Fathers of the EC/EU prepared a plan for the administration of war-making industries of France and Germany with the participation of neighbouring states. The Schuman Plan created the European Coal and Steel Community (ECSC) in 1951 with the Treaty of Paris signed by France, the Federal Republic of Germany, Italy, the Netherlands, Belgium, and Luxembourg. The six states of European continent with the Treaty of Paris delegated of their powers and responsibilities over coal and steel to an international organization. In 1957 the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM) were established with the Treaty of Rome in 1957. The main idea is to bring peace, security and stability into the European continent due to the economic co-operation.

The end of the Cold War changed the traditional definition of power and security measures. Economic power became more important than military power. The economic blocks started to fill the power vacuum in the world politics. At the same time, it means low-profile security measures such as economic prosperity and stability, building-peace and security throughout democracy and human rights are more important than any other high-profile security measures. The introduction of the EU with the Maastricht Treaty envisages monetary union that is a cornerstone to achieve political union.

The EU was born as a result of economic integration processes that deeply have impact on its external relations. The EU has common policy in external economic relations and has a single voice. The Commission has the right to speak about the external economic relations on behalf of the Member States of the Union. On the other hand, even today, despite the fact that the Amsterdam Treaty of 1997 creates High Representatives for the Common Foreign and Security Policy of the EU

who could be called as Foreign Minister of the EU, the Member States of the EU has not reached a coherence common policy.

The Greater Middle East region is called by the Europeans as Mediterranean region. Because of its proximity to Europe the region is more important for the EU. Its problems will directly effect the security of European continent. Therefore the EU is interested in region's problems, and also it will help to Europeans to reach common foreign and security policy. The problems of the region will serve as a common denominator for the Europeans to achieve CFSP and political union.

The Middle East Peace Process (MEPP) that was launched at the 1991 Madrid Conference raised great hopes of a comprehensive, just and lasting peace between Israel and its Arab neighbours.

The Madrid Conference of 1991 on Middle East established four bilateral negotiating tracks between Israel and the PLO, Jordan, Syria and Lebanon. In parallel, it established a multilateral track with wide international participation. The structure of the multilateral track includes an overseeing Steering Group and five sectoral working groups on arms control, refugees, water, environment and regional economic development. From the beginning Syria and Lebanon deferred participation in the multilaterals in the absence of bilateral peace agreements with Israel.

Peace in the Middle East is a vital interest of the European Union. The EU is ready to play an active part in efforts to recommence the negotiations, commensurate with its interests in the region and on the basis of its major contributions to the peace process so far.

All the Conclusions of the Presidency of the European Council express the EU's willingness to find a just, lasting and comprehensive peace in the region. The EU points out " peace in the Middle East is a fundamental interest of the EU. The EU is ready to play an active part in efforts to reach a just, lasting and comprehensive peace in the Middle East, based on the principles established within the framework of Madrid, Oslo and subsequent agreements and in accordance with relevant UN

Resolutions;” and work for the strengthening of democracy and respect for human rights in the region.

The Euro-Mediterranean Partnership launched at the Barcelona Conference in November 1995 provided for the first time a clear geopolitical and economic scenario for a priority region in the Union’s foreign policy. It designed a far-reaching double structure at both multilateral and bilateral level, with the declared long-term goal of progressively establishing an area of regional security and free trade, the latter to be achieved by the target date of 2010, both North-South as well as South (Europe)-South (Mediterranean).

The USA is the dominant actor within the Arab-Israeli conflict. The US initiatives and plans for negotiations always take into account by the Arabs and the Israelis. Because the USA is a part of conflict since its beginning. The EU seeks to a greater room to play an active role. Both the Israelis and the Arabs do not trust the Europeans, because of history. The EU’s efforts in the region, therefore, seen as weak. Moreover, the EU supports the US initiatives. The EU role in the peace process is therefore secondary and complementary to the US. The EU always declared officially that its efforts are to reach a just, lasting and comprehensive peace in the Middle East.

This study covers four chapters. The first chapter of this study starts with the general information on the EU and the Middle East. In the second chapter, we try to examine the Common Foreign and Security of the European Union. The transformation of the European Political Co-operation into Common Foreign and Security Policy (CFSP) and the structure of the CFSP is explained within the framework of treaties of Maastricht (Treaty on European Union) and Amsterdam. We also try to determine the shortcomings of the CFSP and to express views on future of CFSP. The Middle East Peace Process and its historical background with the positions of the EU, Israel and the PLO are tried to express in the third chapter. The EU’s role in the Peace Process and the developments after the Cold War with the recent developments are tried to examine.

CHAPTER I
EUROPEAN UNION
AND
THE MIDDLE EAST

1.1. The European Union

The phrase “European Union” (hereafter written as EU) is being used to denote three pillars of European integration process that drawn by the Treaty on European Union (hereafter written as TEU/ Maastricht Treaty) which envisages three pillars structure for European Unity. The first pillar covers the European Communities, second is Common Foreign and Security Policy, third deals with Justice and Home Affairs.

The title ‘European Communities’ is used to refer three branches of European integration process; namely, the European Coal and Steel Community (1951, Treaty of Paris), the European Economic Community and the European Atomic Energy Community (EURATOM) which are founded with the Treaty of Rome in 1957. The European Economic Community (hereafter written as EEC) was officially renamed the ‘European Community’ and these remains a separate entity under the roof of the European Union established by the TEU.

Structure of the international system has changed after the Second World War, from Euro-centric power vacuum towards a clash between USA and USSR, which determines the acts and limits of the other powers. They are even more effective, than the European powers in order to influence the developments inside of Europe. No European State had any impact on decision making process about Europe. The European strategist and decision-makers realized that the European powers could only gain international influence by working and acting together. The first sectors chosen for integration were the coal and steel industries with their huge symbolic importance as the industries that had fuelled the war machines on both sides.

The thinking of Founding Fathers of the then European Community was motivated by the three catastrophic wars which had been fought in Europe between 1871 and 1945, all involving Germany and France fighting each other¹.

In May 1950, Robert Schuman revealed a plan for the fusion of the coal and steel (these were the war-making industries) industries of France and Germany, with an invitation to other countries to participate. In 1951 France, the fledging Federal Republic of Germany, Italy, the Netherlands, Belgium, and Luxembourg signed the Treaty of Paris, which brought into existence the European Coal and Steel Community (ECSC) at the start of 1952. The character of ECSC was very different from the traditional model of an international organization.² With the Treaty of Paris the group of six states supervise their power and responsibilities over coal and steel to an international organization.

The Treaty of Rome, which also known as EEC Treaty, set a framework not only for economic integration but also framework for political union. The Article 2 of the EEC Treaty refers to the establishment of closer relations among member states. And also as Lasok and Bridge point out, although the immediate aims of the Communities are economic, their long term aims are political since the determination of the Member States for “an ever closer union among the peoples of Europe” is clearly affirmed in the preamble of the EEC Treaty³. The EEC Treaty set up a custom union among its six member states that came to effect in 1968⁴. This illustrates the supranational character of the EC

The merger treaty of 1965 came into force in 1968 since then called as European Communities, the three communities namely European Coal and Steel Community, European Atomic Energy Community and European Economic

¹ Cameron Fraser, *The Foreign and Security Policy of The European Union Past, Present and Future*, Sheffield Academic Press, Sheffield, 1999, p. 15.

² Weatherill Stephen & Beaumont Paul, *EC LAW, The Essential Guide To The Legal Workings Of The European Community*, 2nd Ed. Penguin Books, London, 1995, p. 2.

³ Dominik Lasok and J. W. Bridge, *Law and Institutions of European Communities*, 5th Ed., Butterworths, London, 1992, p. 162.

⁴ Piening Christopher, *Global Europe The European Union in World Affairs*, Lynne Rienne Publishing, London & Boulder, 1997, p. 3.

Community were merged. With the 1965 Merger Treaty, the three Communities have shared the same institution while evading legally distinct and have always had the same membership, starting from 6 and now 15 in the Maastricht Treaty.

After the Hague Conference in 1969, the European Political Co-operation⁵ (hereafter written as EPC) was introduced, and it has become “a central instrument of the pursuit of both national interests and European integration⁶. As we know, the economic problems and political problems are closely linked. The growing role of the Community’s external relations in the management of global economic interdependence emphasised the importance and necessity of EPC. The EPC was created in order to deal with an increasingly multilateralised international diplomatic environment⁷.

The first enlargement was in 1971, the United Kingdom, Ireland and Denmark joined the Community. The second enlargement contained Greece in 1981, and the third enlargement is also called as the Mediterranean door of the Community happened in 1986 and Spain and Portugal became the member. After the end of the Cold War and the collapse of the Iron Curtain, the Democratic Republic of East Germany united with Federal Republic of West Germany under the name of Federal Republic of Germany in 1990, the boundaries of the Community enlarged without a new separate member state. The last enlargement was in 1995 and the three EFTA states, Austria, Finland and Sweden joined the Union.

⁵ The short history and transformation of EPC will be expressed in the second chapter of this study. For further reading, Simon J. Nuttall, *European Political Cooperation*, Clarendon Press, Oxford, 1992, Alfred Pijpers, Elfriede Regelsberger and Wolfgang Wessels (eds.), *European Political Cooperation in the 1980s*, Martinus Nijhoff, Dordrecht, 1988, Christopher Hill (ed.), *National Foreign Policies and European Political Cooperation*, Royal Institute of International Affairs, London, 1983, Panayiotis Ifestos, *European Political Co-operation, towards a framework of supranational diplomacy*, Avebury-Growing Publishing, Aldershot, 1987, Urwin W. Derek, *The Community of Europe: A History of European Integration Since 1945*, Longman, London and New York, 1993, *European Political Co-operation*, Press and Information Office of the Federal Government, Bonn, 5th ed., 1988, Geoffrey Edwards and Christopher Hill, *European Political Co-operation 1989-1991*, Yearbook of European Law, 4, 11, 1991, pp. 489-519.

⁶ Speech by Herr Hans-Dietrich Gensher, Federal Minister For Foreign Affairs (Germany), to the Institute of European Policy Bonn 15 November 1985 for full text of the speech, the book “*European Political Co-operation (EPC)*”, op.cit., 1988, p. 346.

⁷ Ifestos Panayiotis, *European Political Co-operation, towards a framework of supranational diplomacy*, Avebury-Growing Publishing, Aldershot, 1987, p.138.

The Single European Act⁸ (SEA) was signed in 1986 as the first major revision of the Treaty of Rome and entered into force in 1987. It was the member states' response to the demands for institutional reform that emerged in the early 1980s and to promote closer economic dependence, because of economic upturn in Europe. It settled a plan for the completion of the internal market and..., is widely considered a turning point for the integration process in Western Europe⁹.

The main changes to the Treaties introduced by the SEA, were the extension of qualified majority voting, the co-operation procedure, the assent procedure the Court of first instance, the 31 December 1992 deadline for the completion of the single market, and the new Treaty articles on cohesion, foreign policy, research and technology, and environment policy. Many of these changes have been modified superseded or supplemented by the Maastricht Treaty.

The end of the Cold War and break up of Soviet Bloc changed the strategic parameters of the European integration process. The collapse of Communism in Central and Eastern Europe in 1989 and the emergence in its place of liberal democratic states with the market based economies, produced the likelihood that the Community would increasingly be dealing not only with West Europe but with European wide issues and problems. It seemed to many that the Community should consolidate and strengthen itself so as to be better able to meet the challenges of the rapidly transforming Europe.

The unification of Germany formally in October 1990, increased the potential for German domination of the Community and led many to conclude that it was necessary to advance the integration process so as to try and ensure that the future would see a European Germany rather than a German Europe.

The break-up of the Soviet Union raised questions about the shape and direction of the international system. In this situation the already existing

⁸ For the full text of Single European Act, see, *European Political Co-operation*, op.cit., pp. 79-87.

⁹ Sjøvaag Marit, *The Single European Act*, in, Kjell A. Eliassen (ed.), *Foreign and Security Policy in the European Union*, Sage Publication, London, 1998, pp. 22-43.

pressures for a strengthening of the Community's policy and institutional capacities were inevitably strengthened.

The Cold War was over and it was time for the Community to be seeking to develop and strengthen its foreign and security policy roles and mechanism, i.e. during the Gulf Crisis (1990-1991) and war the then 12 member states, were able to act in a reasonably united way at the declaratory level, but they could not agree on all aspects of policy action, and they adopted very different positions in regard to making contribution to the "Task Force of Operation Desert Storm."

The SEA and the end of Communist threat caused the many developments that brought fundamental changes for the economic and political integration of the Europe. The Intergovernmental Conferences (IGC) on future of European integration finalised at Maastricht on 7 February 1992. The Minister of Finance and Foreign Affairs of the 12 Member States signed a treaty, known as Treaty on European Union (TEU) includes 200 articles, 17 additional protocol and 33 addition¹⁰ that the second major revision of the Treaty of Rome, and entered into force on 1 November 1993 after ratification by the all Member States.

According to the TEU, the structure of EU is based on 3-pillar.

1. The European Community
2. Common Foreign and Security Policy (hereafter written as CFSP)
3. Co-operation in the fields of Justice and Home Affairs.

In this study we concentrate on the second pillar "Common Foreign and Security Policy". The second chapter explains the structure of CFSP.

¹⁰ Karluk Rıdvan, *Avrupa Birliği ve Türkiye*, Beta, 5th ed., İstanbul, 1998, pp .50–55.

TEU based on three main principles that accelerating and strengthening social and economic development within the EU, as follows¹¹:

- i. Liberal market economy based on principle of competition,
- ii. Good management of public finance,
- iii. Principle of subsidiarity.

TEU also envisages three steps to deepen political integration.

- a. Economic and Monetary Union, envisages approximation of monetary policies of Member States, and founding European Central Bank and creating a single money (ECU) within the EU until 1999.
- b. European citizenship: This concept provides right of choice and election to European citizen for European Parliament and local election. The aim is the elimination of distinction based on nationality among the Member States, in order to achieve political integration completely.
- c. Common foreign and security policy points out the development co-operation both among the Member States and relations with third countries take joint action in justice and criminal events¹².

Amsterdam Treaty, which was the last amendment of the Treaties, was signed on 2 October 1997, after two years of intergovernmental conferences. The aim of the Treaty is to make the institutional and political reforms to enable the EU to confront the future challenges like, human rights issues, changes in international situation, international terrorism, international crime,

¹¹ Ibid.

¹² Ibid., p. 52.

problems arising from globalisation and etc... The reforms in the areas of institutional structure and decision-making procedure were needed. Democratic deficit must be abolished. After the demise of Iron Curtain and dissolution of Warsaw Pact and disintegration of Soviet Union and Yugoslavia, the Central and Eastern European countries became new candidate for the EU membership. For possible candidate countries, the Treaty envisages a strategy to prepare them to full-membership under the accession partnership agreements. Therefore, Amsterdam Treaty brought new changes on the agenda of the EU.

The treaty, in brief, to abolish democratic deficit, the power of European Parliament (hereafter written as EP) was enhanced. No progress was reached to the reforms of Commission and Council that left for future. The third pillar of the TEU namely justice and home affairs, was renamed as judicial and police co-operation in civil and criminal matters. On common foreign and security policy, Cameron written as:

*In terms of consistency, the pillar structure of the Maastricht was not affected, although a substantial part of the policies falling in the third pillar were subject to community procedures. Nevertheless, new treaty recognized an increased need for consistency in relations. Article 3 was amended to stress the duty of both the Council and the Commission to cooperate to ensure consistency. The new Article 14 para. 4 states that the Council may request the Commission to submit proposals on CFSP to ensure the implementation of action. The Declaration on the new planning unit explicitly states that appropriate cooperation with the Commission shall be established in order to ensure full coherence*¹³.

¹³ Cameron, in *The Foreign and Security...*, op.cit., p. 64.

According to Amsterdam Treaty, the new CFSP objective the safeguard of the 'integrity of the Union in conformity with the principles of the UN Charter'¹⁴. It is important to note that the Treaty creates a new actor for CFSP: the Secretary-General of the Council who is called as Mr. or Mrs. CFSP. CFSP provisions and of the Amsterdam Treaty will be discussed under second chapter.

The European Union is the result of a process of co-operation and integration to create and maintenance peace and security in Europe after the World War II. It began with six states (Belgium, France, Germany, Italy, Luxembourg, and the Netherlands), and witnessed the four wave of accession (Denmark, Ireland and the United Kingdom in 1973; Greece in 1981; Spain and Portugal in 1986; Austria, Finland, and Sweden in 1995 joined the Union) now consists of fifteen states.

1.2. The Middle East

With the collapse of Soviet Union and the disintegration of its block, the Cold War, which can be defined as the rivalry on world dominance between the USA and the USSR, came to an end. The end of the Cold War has led to new configurations of global power relations and has changed the definition and the geo-strategic parameters of the traditional Middle East¹⁵.

In a global sense, the USA became the unique superpower of the world. There is no such a global power to threat of the American dominance, however on the other hand, the gradually increasing power of the EU and the Japan would be threat to the USA. In Middle East the uncertainties of the Cold War remained but gradually changing in nature.

¹⁴ Ibid.

¹⁵ Kemp Geoffrey and Harkavy E. Robert, *Strategic Geography and the Changing Middle East*, Carnegie- Brookings Ins. Press, Washington, 1997, p. 3.

As we know, the Middle East has been always in turmoil since the collapse of Ottoman Empire. It should be noted that, from the earliest times, the stability of the region depends, in some respect, that the sea accesses of the Middle East, i.e. the access to Mediterranean, Black Sea, Persian Gulf and in some extend Red Sea, should be controlled by only one power. For instance, until today the instability and the wars happen while the region has divided among the states/empires. In history, the Akkad Empire, the Macedonian Empire of the Alexandria, the Roman Empire Abbasid Caliphate Seljuk Empire and the Ottomans had controlled overall the region and the sea accesses. This period is seen as peace and stability era for the region. After the disintegration of Ottomans, the modern Middle Eastern problems, such as Arab-Israeli Conflict, appeared on the international scene. The winners of the First World War occupied the Middle East. This occupation was lasted until 1950s. After the Second World War, the Middle Eastern countries started to become independent one by one. This decolonization brought new problems to the region. The reason of these problems was the artificial boundaries. If we look at the map of the Middle East, we can easily see that the artificial boundaries of the states which was drawn by the colonial power of Europe.

Before beginning to the study, we surely know that where the Middle East is, and which definition of the Middle East is suitable to our study. As we know, there is no simple agreed definition of the political and geographical boundaries of the Middle East.¹⁶ Geographers, historians, journalist and bureaucrats all use the term have different definition of what they mean. According to Bernard Lewis the term “Middle East” was first used by “Mahan¹⁷” to refer to the area between Arabia and

¹⁶ Ibid. p. 13.

¹⁷ Sir Alfred Thayer Mahan (1840-1914) was an admiral for US Navy, and also developed a theory that points out the importance of sea power. His first study *The Gulf and Inland Waters* (1883) deals with maritime history of American Civil War. His famous study known as “*The Influence of Sea Power upon History: 1660-1783*”, Boston, Little Brown, 1890, that points out the importance of sea power to dominate the whole world. Other studies are, namely, “*The Influence of Sea Power upon History: 1783-1812*”, Boston, Little Brown, 1892, “*The Interest of America in Sea Power: Present and Future*”, Boston Little Brown, 1898, “*The Problem of Asia and Its Effect upon International Politics*”, Boston, Little Brown, 1900, and for a further reading “*Letters and Papers of Alfred Thayer Mahan*”, Annapolis, MD: Naval Institute Press, 1975.

India.¹⁸ Historically the term “Middle East”, is developed by the colonial powers of Western Europe. Before the discovery of Indian sea-road the Europeans called the territory of Ottoman Empire as “East” later on territories of India and China called as “Far-East”, the territory of Ottomans called as “Near East”¹⁹.

According to Bourgey the term “Middle East” and “Near East” have uncertain definition. He points out until the 19th century, territories under Ottoman rule defined as “East”. After the European arrival to China at the end of 19th century, the term “Far East” used for Chinese territories. Therefore, geographically nearby place to Europe called as “Near East”.

The Europeans according to proximity of regions to the Europe created the terms ‘Middle East’, ‘Near East’, and ‘Far East’. These terms are not valid for a Chinese people or a Japan, even a Turk. As Amin Maalouf said California is the Near East for a Japan. For Turks, Middle East is indeed, Near East and America is Far West²⁰. The Europeans originated all the definitions and the conceptualisation of the geography. They drew the maps and gave the names to the regions according to its proximity to Europe.

At the beginning of 20th century, Anglo-Saxons used the term “Middle East” between the terms “Near East” and “Far East”, to refer territories from Red Sea to India. After the First World War and the dissolution of the Ottoman Empire, Anglo-Saxons used “Middle East” to denote whole Arab countries.²¹

For the French, the definition of the Middle East is different. As we know, historically, French has desire over Maghreb²² and Mashriq²³ countries. Hence,

¹⁸ Kemp and Harkavy, loc.cit.

¹⁹ Özey Ramazan, *Dünya Denkleminde Ortadoğu “Ülkeler-İnsanlar-Sorunlar”*, Öz Eğitim Yayınları, İstanbul, 1997, p.1, and also Lewis Bernard, *Ortadoğu*, Sabah Kitapları, İstanbul, 1996, p. 17-38.

²⁰ Davutoğlu Ahmet, *Stratejik Derinlik, Türkiye'nin Uluslararası Konumu*, Küre Yayınları, İstanbul, 2001, p. 121-122, and Dündar Can, *Araftakiler*, Milliyet, 20 October 2001 Saturday, p. 15.

²¹ Bourgey André, *Yakın ve Orta Doğu*, in Cordellier Serge and Lapautre Catherine, “Yaşadığımız Dünya 1992 Ekonomik ve Jeo-politik Yıllık”, çev. Gökçe, Bora and et.all., Metis, İstanbul, 1991, p. 303.

²² The term “Maghreb” (Arabic ‘Far West’) is used to refer the territories of Western Sahara, Morocco, Algeria Tunisia and Libya, some scholars also add the territories of Mauritania, Mali and Chad.

according to French, Middle East covers the area from Nile Valley to Indus Valley. North African countries are excluded²⁴.

Both the use of the term 'Middle East' and its historical references is the reflections stem from the closer relationship of its geo-cultural and geo-politic structure. Davidson defined the Middle East as the geo-politic unit merged around the Islam. Hogarth and Churchill defined the region as the territories of the Ottoman Empire that extend from Albania and the Balkans to the Gulf and Algeria to Iran. It illustrates the geo-cultural and geo-politic composition of the region. Pounds stresses two features of the Middle East, first the unity around the Islam and the second, the historic heritage of Ottoman²⁵.

The US Department of State refers to the region as the Near East and includes within that designation North Africa, the Levant and the Gulf Countries, but not Turkey since the latter is a member of NATO. In contrast, the US Central Command has responsibility for military operations in a region that includes Egypt, Sudan, Ethiopia, Djibouti, Kenya, Somalia, Jordan, Saudi Arabia, Iraq, Iran, the states of the Gulf Co-operation Council, Afghanistan, and Pakistan. Excluded are Turkey, Israel, Syria and India.²⁶

According to the greater definition, the geographic definition of the Middle East extends from Morocco in the west to India in the east; and from Turkey and Caucasus in the north to Sudan and Great Sahara Desert in the south. Along with this definition there is also narrow one; the boundaries extend from Turkey in the north to Egypt in the south, and from Egypt in the west to Iran in the east. As Blackwill and Stürmer points out, with the demise of the Soviet Union, the Muslim lands of Central Asia were added to the boundaries of "the Greater Middle East"²⁷ that extend toward

²³ The term "Mashriq" (Arabic 'East') covers the region in which today's countries of Egypt, Sudan, Palestine, Israel, Syria, Lebanon, and Iraq.

²⁴ Bourgey, loc.cit.

²⁵ Quoted from, Davutoğlu, op.cit., p. 132, see also, pp. 129-143, and 323-453.

²⁶ Kemp and Harkavy, loc.cit.

²⁷ Blackwill D. Robert and Stürmer Michael, *Introduction*, in Blackwill D. Robert and Stürmer Michael (eds.), *Allies Divided Transatlantic Policies for the Greater Middle East*, CSIA, The MIT Press, Cambridge, Massachusetts, 1997, p. 1.

China and Mongolia in the East and Siberia in the Northeast. This newly defined 'the Greater Middle East region' that covers a huge area from North Africa through Egypt, Israel and the Tigris-Euphrates valley, through the Persian Gulf region into Turkey and on to the Caspian basin²⁸ and Central Asia, includes approximately % 70 of the world energy resources.

This is the fact that the definition of the Middle East can be changed from study to study. It can be various according to subject on the agenda, internal and external influences, political social and economic system, historical process, the elements of Islam and oil, etc...

To the aim of this study, we believe; the definition of the region should cover these states, namely, Syria, Lebanon, Israel, Jordan and the Palestine Authority.

1.3. The Importance of the Middle East

Since the earliest times, the Middle East has been important for both its economic resources, and the fact that it is a strategic crossroad linking Europe, Asia, and Africa.²⁹ It is also the birthplace of three religions, Judaism, Christianity, and Islam. The city of Jerusalem is the Holy City for three religions. The region has multi-ethnic/religious/linguistic structure. These features of the region increase the importance of the region. The geo-strategic importance, the geo-economic resources and holy places of three monotheist religion put the region at the hearth of the world dominance game.

Historically the Middle East has been a crossroad linking empires, dynasties, cultures, and armies in both peace and war, and those who controlled access to its vital land water trade routes wielded great power and frequently amassed huge fortunes.³⁰ Despite the changes in both in technology and international relations, the Middle East remains a vital region of the world, because of the continuing need for

²⁸ Ibid.

²⁹ Kemp and Harkavy, loc.cit.

³⁰ Ibid.

access to its resources and as a corollary, to secure access for the deployment of military forces to protect – or threaten – those resources. The American involvement of the region problems that started after the Suez Canal Crisis, has been arising from her own national interests that directly concerning the geo-strategic fears about the control of energy supplies. Because the region has huge natural resources, ‘i.e. approximately 70 percent of the world’s proven oil reserves and over the 40 percent of its natural gas reserves lie within this area’.³¹ The 21st century will witness the conflict about the energy resources and its dominance. The competition over Persian Gulf and Caspian Basin energy resources among the great powers will rise up the importance of the region.

The growing world dependence on the Middle East energy resources gives more importance to the region, and will have a major impact political and economic relationship both inside region and outside it. In fact, the western powers have no oil and gas resources. Therefore they historically want to control the energy resources of their technologies and civilisation. According to Mackinder³²’s theory of the geo-strategy, the Middle East region takes place in the heart of the world. It can be called as ‘the core of the core,’ This means that, if you have controlled the core regions, or the core of the core regions in the world, you can easily rule / dominate the world. Therefore during the ages the Middle East has been seen as the heart of the “World Island”.

Blackwill and Stürmer points out both Europe and the US have national interest in ‘the Greater Middle East’³³, and therefore their role in the area should be complementary rather than competitive. Throughout the History of the Occident, the Greater Middle East has played significant strategic, cultural and religious roles as the gateway to trade in the East, the birthplace of Christianity and, more recently, as

³¹ Ibid.

³² Sir Halford J. Mackinder, wrote an article in 1904 titled as “*The Geographical Pivot of History*” Geographical Journal, Vol.XXIII, 1904, pp. 421-444, later he made modifications and amended and rearranged his thoughts and the definitions of geo-politic regions, wrote “*The Round World and the Winning of the Peace*”, Foreign Affairs, July-1943, 21/4, pp. 595-605.

³³ Blackwill and Stürmer, op.cit., p. 2.

a primary energy supplier to the West. There is a certain irony in the fact that Europeans claim closer, longer, and more broadly based intimacy with Middle Eastern affairs, yet it is the Americans who now wield decisive influence in the region. However, no Western power has been safe without some measure of influence or control over the southern and eastern shores of the Mediterranean³⁴.

As Satloff states ironically, Europe – both as individual states and as a collective unit-can claim a longer, closer and more organic connection with the Middle East than America. However, while it has interest in the region that are more vital, immediate, and strategic, it is the distant power from across the Atlantic that has come to wield defining political influence and military power³⁵.

The demise of the USSR has two implications for Europeans toward the regional policies of the Middle East. As just above mentioned the boundaries of the region expanded and added the Muslim republics of the former USSR. The first, during the Cold War, the Soviet Union restricted and challenged Europeans activities, therefore, the Europeans have limited influence on the region's states. With the end of Soviet Union, the Europeans wanted to fill the power-vacuum. Second, Europeans, especially states around the Mediterranean, i.e. France, Spain and Italy, turned their face to the South (the Mediterranean) and focused on problems of South as on the East (Eastern and Central Europe). The changes in security parameters with the end of the Cold War led the Europeans to focus on 'soft security issues'. For Southern Europeans, in contrast to the traditional military fear of Soviet, the main concern was basically economic and social, namely the impact of Islamic Fundamentalism on the stability of North African states, with its potential to create a massive flow of Muslim refugees to Europe.

Satloff points out the Europe and its major constituent states have a set of strategic interest in the Greater Middle East that are often complementary to U.S. interests but sometimes diverge from them. Europe's main interests in the region are

³⁴ Ibid.

³⁵ Satloff Robert, *America, Europe, and the Middle East in the 1990s: Interest and Policies*, in Blackwill and Stürmer (eds.), op.cit., p.7.

the regional stability, energy resources, and immigration³⁶. Rhein, added that ‘to help bring about lasting peace and cooperation between Israel and its Arab neighbors’³⁷ as a different concern of Europe.

The Europeans, especially southern members of the EU, fears from flow of people from the North African countries and the Middle East, because of the economic and political instability. The chief European interest in the Middle East is to promote stability and prevent the spread of Middle Eastern conflicts – both interstate and intra-state – to Europe. Satloff stressed on the possible transformation of the Middle Eastern problems into European problems and European sensitivity about these problems such as, terrorism, Islamic fundamentalism, Arab-Israeli disputes and revolutionary movements in individual countries. These problems will cause the instability in European continent. The main concern of the EU is to insulate Europe from the spread of these problems into Europe, and, therefore, the EU wants to take an active role in the Arab-Israeli peace process that lie at the hearth of the Middle Eastern problems. The other initiative to promote peace and stability in the Greater Middle East is known as Euro-Mediterranean Partnership that has started in 1973 and renewed with 1995 Barcelona Process.

Europe has a strong interest in maintaining the unhindered flow of oil and gas at reasonable prices. Because Europe has not enough energy resources, and therefore, it is much more dependent on the region for its energy. Europeans imports nearly half of its oil and gas from the region. As in coming chapters, we try to examine the European foreign and security policy and policies towards the region, the Middle East is seen as a common denominator to achieve a common foreign policy for Europeans in 1970s. The 1973 oil-shock effected European economy very badly. Rhein points out that two risks will be jeopardize Europe’s long-term energy supply;

³⁶ Ibid., p. 19.

³⁷ Rhein Eberhard, *Europe and the Greater Middle East*, in Blackwill and Stürmer (eds.), op.cit., p. 53, and see also, pp. 41-59.

one is relating to a rise in energy prices as in 1973 crisis, the other is to the interruption of energy supply by a military conflict.³⁸

The energy dependency of the European Union and the Europe's aims to stable and peaceful Europe led to the initiatives by the EU to bring the peace to the region and the maintenance it. Therefore the EU has concentrated to the Middle East Peace Process. The European initiatives gained a speed with the end of the Communist threat to the Western Europe. The nature of the security problems for the EU has changed that it shifted to the new areas, like organised crime and drug trafficking, international terrorism, migration and so on... The changing nature of security concern for EU from "High Politic" to "Low Politic" gave a new dimension to the security and defence policy of the EU.

As in many declarations and statements of the EU and its leaders point out the region is very important to European security. Both political and economic instability, have directly impact on the European security and peace. The presidency conclusions of the European Councils³⁹ always states that "Peace in the Middle East is a vital interest of the European Union".

Our aim is to explain the role of the European Community/Union within the Middle East Peace Process, which takes priority in EU relations with the region at the forth chapter. It is the main reason of the instability in the region.

³⁸ Ibid., p. 55.

³⁹ For the full text of the conclusions of the Presidency of the European Council See, http://216.33.236.250/cgi-bin/linkrd?_lang=EN&lah=396c2969f4f8d1c599401dcb4b0d95c7&lat=1000499727&hm_action=http%3a%2f%2fue%2eeu%2eint%2fpresid%2fconclusions%2ehtm, and only

CHAPTER II

COMMON FOREIGN AND SECURITY POLICY

OF THE EUROPEAN UNION

2.1. The Transformation of EPC into CFSP and Factors for the Establishment of the CFSP.

In the early 1950's the outbreak of Korean War and the fear from sweeping of Communist Ideology towards Western Europe incited the idea of security and defence for Western Europe. Therefore stability and peace had to be ordered in the West. Many politicians and strategists took the view that there was a need for greater Western European Cooperation especially in the fields of defence and security.

The Treaty of Paris establishing the ECSC defined its creation in the preamble as a contribution to the safeguarding of world peace. After the successful establishment of the ECSC, the visionaries of the early 1950s turned their attention to political and defence integration. The French proposed to establish a European army within a European Defence Community (EDC) which would come under the political authority of a European Political Community (EPC)⁴⁰. The proposal of EDC was rejected by the French Senate, because of its supranational aspects. Therefore West Germany joined NATO and became a member of Western European Union (WEU)⁴¹.

In 1970 the EC itself invented a term, "European Political Co-operation" (EPC), that for the next twenty-three years was used to describe the process of diplomatic coordination and consultation between the foreign ministries of the

to the statements on Middle East see, http://europa.eu.int/comm/external_relations/med_mideast/mideast_peace_process/decl/index.htm.

⁴⁰ Cameron, in *The Foreign and Security...*, loc.cit., for texts on EPC see, "*European Political Co-operation*" op.cit.

⁴¹ See, glossary.

member states aimed at arriving at common positions on foreign policy questions⁴². Because custom union between the Member States, was completed and the Community came to an end and as Urwin states "... a new stimuli were needed to prod the organisation (EC) into more effective activity. It was the Hague Summit meeting of December 1969⁴³ which ... not only opened the way to enlargement of the Community, it also debated and provided guidelines on the initiation and development of policies, especially on how closer political cooperation and economic union might be achieved⁴⁴. As Henig states development of a common foreign policy is inevitable, because of two main reason first, through organic growth, that is through the development of internal integration; or second, through the Community's need to respond to external events⁴⁵. However, as EPC was not incorporated into the Community, it remained an intergovernmental process between "High Contracting Parties"⁴⁶.

EPC, informal at first, the 1980s opened with the Genscher-Colombo initiative for a European Act to link EPC and the EC⁴⁷. The EPC was institutionalized by the 1986 Single European Act and finally replaced in 1993 by the Common Foreign and Security Policy (CFSP) established by the Maastricht Treaty⁴⁸. The SEA that has major impact on economic integration gave also a new impetus to European Political Co-operation (EPC). EPC received a legal basis⁴⁹ with the SEA.

⁴² Piening, op.cit., pp.9-10.

⁴³ The full text of the Hague Communiqué can be found in Bulletin- EC, No: 1, 1970, pp. 1 -18 and excerpt of it in *European Political Co-operation*, op.cit., pp. 22-23. For further information on the Hague Conference see, Christian Franck, "*New Ambitions from the Hague to Paris summits (1969-1972)*", in Roy Pryce (ed.), "*The Dynamics of European Union*", Routledge, London and Newyork, 1993, pp. 49-77.

⁴⁴ Urwin W. Derek, *The Community of Europe A History of European Integration Since 1945*, Longman, London and Newyork, 6th Impression, 1993, p. 146.

⁴⁵ Quoted from Lister Marjorie, *The European Union and The South*, London and Newyork, Routledge, 1997, p.7, For further reading see, Henig Stanley, *From External Relations to Foreign Policy*, Journal of Market Studies, 12 (1), 1973.

⁴⁶ Bretherton Charlotte and Vogler John, *The European Union as a Global Actor*, Routledge, London & New York, 1999, p. 9.

⁴⁷ Lodge Juliet, *European Political Cooperation: towards the 1990s*, in Juliet Lodge (ed.), *The European Community and the Challenging of the Future*, 1st ed., Pinter Publishers, London, 1989, p.231.

⁴⁸ Piening, loc.cit.

⁴⁹ Sjøvaag, loc.cit.

The SEA institutionalized the division between political and economic elements of external policy⁵⁰.

When the CFSP was negotiated in 1991, it was in answer to a range of internal and external challenges. France and Germany argued that the completion of the Single Market and the drive towards economic and monetary union (EMU) necessitated corresponding moves towards political union, of which the CFSP was a central element. With the end of the Cold War, Europe was expected to use its increased weight to achieve more political influence and ensure stability around its borders. The limitations of the EPC⁵¹ had been reached and it was necessary to establish stronger structures for foreign and security policy. There were thus high expectations for the CFSP that superseded the previous light framework of the EPC⁵². The shortcomings of the EPC system can be listed, referring to Ifestos, Hill and Bonvicini, as follows;

- To deal with then immediate international problems rather than to set up long-term objectives. Hill points out the Member States of the EC saw EPC could be re-established as new issues and crisis arise⁵³.
- To have decentralised and looser structure that prevent to the creation of common policies and implementation of it. It had an intergovernmental features rather than supranational.
- To have no legal binding or obligation. There were no legal instruments to enforce Member States to carry out its commitments of political co-operation.
- The main actors and decision-makers in EPC system were national officials, particularly the foreign ministers. Therefore national interests

⁵⁰ Bretherton and Vogler, loc.cit.

⁵¹ For character and shortcoming of the EPC system, see, Ifestos, op.cit., pp.220-257, European Political Co-operation, op.cit., Hill, op.cit. 1-25, Bonvicini Gianni, *Making European Foreign Policy Work*, in Martin Westlake (ed.), *The European Union Beyond Amsterdam*, London, Routledge, 1999, pp. 61-75.

⁵² Cameron, in *The Foreign and Security...*, op.cit., p.23.

⁵³ Hill, *National Foreign ...*, op.cit., p.8.

take priority rather than common European interests. And also voting procedure that unanimity had to be reached in EPC, a factor which slowed the taking of any action⁵⁴.

- Lack of necessary instruments and means for the implementation of the decisions. To use instruments and implement decisions was not easy because of the interest divergences among the Member States⁵⁵.

The shortcomings of the EPC system had stemmed from its nature related to its working methods, scope and decision-making procedure. Those shortcomings, we are listed above, limited the effectiveness and impact of EPC in the international arena. After the SEA and the fundamental changes in European continent in 1990s, Europeans wanted to have strong voice in European and world affairs that paved a way to transform of EPC system into Common Foreign and Security Policy due intergovernmental conferences. As Aybet points out, during the Cold War, an attempt to a separate European security and defence outside NATO was unthinkable⁵⁶. On the other hand, German unification⁵⁷ that changed the internal power balance of the EC, paved a way to have a meaningful and effective political union, it was necessary to have a CFSP to be embedded the new Germany. Especially after the EC's sluggish response to the Gulf Crisis in 1991, Europeans realised that the EPC was not adequate to meet the requirements of a politically strengthened EU in the 1990s. Therefore the foreign policy and security dimension within the EU had to be strengthened⁵⁸.

⁵⁴ Bonvicini, op.cir., p. 65.

⁵⁵ Ifestos, op.cit., pp. 250-257, Hill, *National Foreign....*, op.cit., pp. 1-16.

⁵⁶ Aybet Gülnur, *A European Security Architecture After The Cold War Questions of Legitimacy*, Macmillan & ST Martin's Press, London and Newyork, 2000, p. 18.

⁵⁷ For further information on the impact of German unification on the CFSP process see, Gülnur Aybet, *The Dynamics of European Security Cooperation 1945-1991*, London, Macmillan, 1997, pp. 169-174, Wolfgang Heisenberg (ed.), *European Security after German Unification*, Centre for European Studies, Brussels, Brassey's, London, 1991, Mathias Jopp, *The Strategic Implications of European Integration*, Adeiphi Paper 290, Brassy's Ltd, for the International Institute For Strategic Studies, London, July 1994.

⁵⁸ Aybet, in *A European Security....*, op.cit., p. 80.

The negotiations to establish the CFSP were not easy and reflected the fundamental differences between those who wished to move towards a more integrated EU and those who wished to slow down such moves and ensure that decision-making remained in the hands of the Member States⁵⁹. The first paper to be published calling for 'a truly common foreign policy' was that by Belgium in March 1990 in the lead-up to the Intergovernmental Conference (IGC). It argued for a stronger and more coherent EU foreign policy and was met with considerable approval in other Member States. The following month France and Germany addressed a joint message to the Irish Presidency calling for 'the definition and implementation of a common foreign and security policy'. The European Council in Dublin decided to add political union to the agenda for the IGC scheduled to start in December 1990 to consider economic and monetary union⁶⁰.

The Luxembourg Presidency, under pressure from Member States and the European institutions with radically different ideas and perceptions of CFSP, produced a 'non-paper'⁶¹ in April 1991, which was a skilful compromise of the different positions and which effectively was to become the basis of Title V of the new treaty⁶². The three-pillar structure to a European Union was proposed at the Luxembourg draft: the first Community matters, the second for the CFSP and the third for justice and home affairs. Decision-making for the CFSP would remain largely intergovernmental but security issues could be discussed and the goal of a common defence policy was mentioned⁶³.

As Cameron points out Dutch version of the draft treaty in a more community manner but found little support. The final text of the treaty represented a compromise between the advocates of a community approach (eight Member States led by Germany) and those in favour of an intergovernmental approach (four Member

⁵⁹ For a detail analysis of the CFSP negotiations see Regelsberger, Elfriede, Philippe de Schoutheete de Tervarent and Wolfgang Wessels (eds), *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, Lynne Rienner, London, 1997.

⁶⁰ Cameron, in *The Foreign and Security...*, op.cit., p. 23.

⁶¹ A 'non-paper' is a document circulated by a government or institution without official status. It is usually designed to float new ideas or propose compromise solutions.

⁶² Cameron, in *The Foreign and Security...*, op.cit., p. 24.

States led by the UK and France)⁶⁴. It should be noted that as Aybet states the European pillar of foreign policy and security emerged from the common experience and understanding of European powers' respective security interests⁶⁵. It can be called as “pluralistic security community.⁶⁶” Given the need for unanimity at the IGC, the minority in favour of an intergovernmental approach was able to carry the day. A pillar structure was thus established which Commission President Jacques Delors described as a recipe for confusion. Regrettably his forecast was to prove accurate with many disputes in the next years over competencies between the different pillars⁶⁷.

The treaty text also papered over a dispute between the so-called 'Atlanticists' and Europeans with regard to the question of common defence. The British and the Dutch in particular were adamant that there should be nothing in the new treaty which might undermine NATO or put into question the US commitment to Europe's defence⁶⁸.

The Maastricht Treaty, which was signed by Member States' Foreign and Finance Ministers on 7 February 1992 and entered into force on 1 November 1993 after ratification by the all Member States. With this Treaty, EPC was transformed into the CFSP of the EU. Treaty contains far-reaching statements of goals and intentions in respect of a common European foreign and security policy⁶⁹.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Aybet, in *A European Security...*, op.cit., p.20.

⁶⁶ The term “pluralistic security community” developed by Karl Deutsch, that there exist long-term expectations of “peaceful change” among its members. In other words, war between these states has become unthinkable. For further information see, Karl Deutsch, *Political Community and the North Atlantic Area*, Princeton, Princeton University Press, 1957.

⁶⁷ Cameron, in *The Foreign and Security...*, loc.cit.

⁶⁸ Ibid., For further reading on relations between USA, NATO and EU regard to European security and defence, see, Gülnur Aybet, *A European Security ...* op.cit, Esra Çayhan –Nurşin Ateşoğlu Güney, *Avrupa'da Yeni Güvenlik Arayışları NATO-AB-Türkiye*, TÜSES Vakfı & AFA, İstanbul, 1996, Rogers J. Philip (ed.), *The Future of European Security The Pursuit of Peace in an Era of Revolutionary Change*, St. Martin's Press, New York, 1993, especially pp. 133-168.

⁶⁹ Taylor Trevor, *West European Security and Defence Cooperation : Maastricht and Beyond* International Affairs, V. 70, No: 1, January -1994, p. 1.

2.1.1. Common Foreign and Security Policy Provisions of TEU⁷⁰

World events are constantly challenging the Union to act with the determination and cohesion expected of a world entity of its population size and economic strength⁷¹. As Piening⁷² states, that the EU is an economic giant but a political pygmy, like Japan. Therefore, the Member States took a decision to create a new foreign policy instrument named as CFSP that based on the previous EPC system with the aim of creating secure and peaceful Europe. As we know, “*the quest for peace and prosperity was the driving force of European integration*”⁷³. As Edwards points out the Treaty on European Union referred to the establishment of a ‘single institutional framework’⁷⁴ for foreign affairs and security issues. It should be noted that CFSP is different from external economic relations, which is in the first pillar, European Communities.

The provisions on CFSP in the TEU are under Title V⁷⁵. Article J.1 defines the general characteristics. The objectives of the CFSP were⁷⁶:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;

⁷⁰ In this study, Beaumont Paul and Moir Gordon, *European Communities (Amendment) Act 1993 with the Treaty of Rome (as amended)*, Sweet&Maxwell, London, 1994, pp. 32-226/32-230, *The European Union Consolidated Versions of the Treaty on European Union and the Treaty Establishing the European Community*, 1997-Istanbul, are used as sources. It is also available Europa Server of the European Union <http://www.europa.eu.int/eur-lex/en/treaties/livre106.html>.

⁷¹ European Commission, *How Does the European Union Relate to the World*, Office for Official Publications of the European Communities, Luxembourg, 1998, p. 14.

⁷² Piening, op.cit., p. 31.

⁷³ *Millennium Declaration*, Annex 1 to Helsinki European Council (10-11 December 1999), Presidency conclusions, http://europa.eu.int/council.off.conclu'dec99/dec99_en.htm.

⁷⁴ Edwards Geoffrey, *Common Foreign and Security Policy*, Yearbook of European Law, 1995, p. 498.

⁷⁵ For full texts of Title V. see, Appendix II. The full text of Title V is also available on the Europa Server of the European Union (<http://www.cc.cec>).

⁷⁶ Beaumont Paul and Moir Gordon, *European Communities (Amendment) Act 1993 with the Treaty of Rome (as amended)*, Sweet&Maxwell, London, 1994, pp. 32-226/32-230.

- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

Cameron points out that these objectives are anodyne for the Union. The Union was to pursue these objectives by establishing systematic cooperation between Member States and by gradually implementing joint actions in the areas in which the Member States have important interests in common⁷⁷(Article J.1 (3)). According to Article J.1 (4) the Member States were 'to support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.'⁷⁸

Article J.2 deals with the rights and obligations of the Member States. Article J.2 (1) is related to information, consultation and coordination of the policies on the matters of general interest in the area of CFSP with the aim of increasing their combined influence by concerted and convergent action. According to Article J.2 (2), the right of defining "common position" is given to the Council, and Member States have to conform their national policies with the CFSP. By Article J.2 (3) Member States assented to the co-ordination of their action and to uphold "common positions" in international organisations and conferences, including those in which not all Member States participate. It is closely related to the Article J.5 (4) which, deals with representation of Member States or Union in any international organisation or international conference. According to Member States represented in international

⁷⁷ Cameron, in *The Foreign and Security...*, op.cit., p.25, Beaumont and Moir, op.cit., p.32-227, and the European Union.... op.cit., pp. 15-16.

⁷⁸ Ibid.

organisations or international conferences where not all Member States participate have to inform the others on any matter of common interest. In case of the United Nations Security Council (hereafter written as UNSC), it states that the Member States, which are also members of UNSC, have to concert with each other and fully inform the others. Those Member States, which are the permanent members of the UNSC, have to 'ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the UNs Charter'.

TEU has taken EPC's role 25 years of experience further by creating 'common positions' (Article J.2.(2)) and 'joint actions'⁷⁹ (Article J.3) as new instruments of the CFSP, the traditional instruments of which were joint declarations and common approaches⁸⁰. Joint actions were not defined clearly; they were to be decided by the Council on the basis of general guidelines from the European Council⁸¹. Whenever the Council decided on the principle of joint action 'it shall lay down the specific scope, the Union's general and specific objectives in carrying out such action, if necessary its duration, and the means, procedures and conditions for its implementation'⁸² (Article J.3 (1)). There was a cumbersome provision for using augmented qualified majority voting (QMV) in the implementation of joint actions⁸³ (Article J.3 (2)).

⁷⁹ Some examples of joint actions as follows: Support for the convoying of humanitarian aid in Bosnia - Herzegovina (Decision of November 1993), Dispatch of a team observers for the parliamentary elections in the Russia Federation (Decision of 9 November 1993), Support for the transition toward a democratic and multiracial South Africa (Decision of 6 December 1993), Support of the Middle East peace process (Decision of 19 April 1994), Preparation for the 1995 conference on the non-proliferation of nuclear weapons (Decision of 25 July 1994), Support for European Union administration of the town of Mostar, Bosnia- Herzegovina (Decision of 12 December 1994), Observation of elections to the Palestinian Council and the coordination of the international operation for observing the elections (Decision of 25 September 1995), Participation of the European Union in the Korean Peninsular Energy Development Organization (KEDO) (Decision of 5 March 1996), Nomination of an EU Special Envoy for the African Great Lakes Region (Rwanda and Burundi) (Decision of 25 March 1996).

⁸⁰ European Commission, *How Does...*, op.cit., p. 16.

⁸¹ A special meeting of the European Council in October 1993 designated five areas for joint action: (1). Promotion of peace and stability in Europe, (2). Support for the Middle East Peace Process, (3). Co-operation with a democratic South Africa. (4). Settlement of the conflict in the former Yugoslavia, (5). Support for the democratic process in Russia.

⁸² Cameron, in *The Foreign and Security...*, loc.cit., Beaumont and Moir, op.cit., p. 32-227.

⁸³ Ibid.

According to Article J.3 (3), states that 'if there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the council has not acted, the joint action shall stand'.

Article J.3 (4), states the commitment of Member States to the decided joint action in adopting their position and in conduct of their activity. This means; once a joint action has been agreed, the Union's Member States are bound by it and have to ensure that their own policies accord with it⁸⁴. Article J. 3 (5), says that 'whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions'.

Article J.3 (6), deals with the urgent situation, in that time Member States have right to take the necessary measures regarding to the general objective of the joint action and shall inform the Council immediately. Article J.3 (7), deals with the any major difficulties in implementation of joint action. Member States shall refer them to the Council to discuss and seek solution which, may not clash to the objectives of joint action or impair its effectiveness.

Article J.4 focus on the concept of security. Article J.4 was a new departure for the EU. It stated that the CFSP 'shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence' (Article J.4 (1)). Under Article J.4 (2), the WEU was described as 'an integral part of the development of the Union' and could be requested 'to elaborate and implement decisions and actions of the Union which have defence implications'. There was to be no QMV (set in Article J.3), for actions having defence implications (Article J.4 (3)), and acceptance of J.4 (4), 'shall not prejudice the specific character of the security and defence policy of certain Member

⁸⁴ Piening, *op.cit.*, p. 41.

States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework⁸⁵.

Article J.4 (5), states ‘‘The provisions of this Article shall not prevent the development of closer co-operation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such co-operation does not run counter to or impede that provided for in this Title’.

The continuing articles relating to the institutional questions, working procedure of the CSFP and its budget. Hence, they are expressed under the related Title in below, Institutional Setting for CFSP. It is important to note that TEU envisages the its revision on CFSP, more explicitly of Article J.6 on defence, at the next intergovernmental conference (IGC) to be convoked in 1996 under Article N of the TEU⁸⁶.

2.2. The Structure of CFSP System

2.2.1. Institutional Setting for CFSP

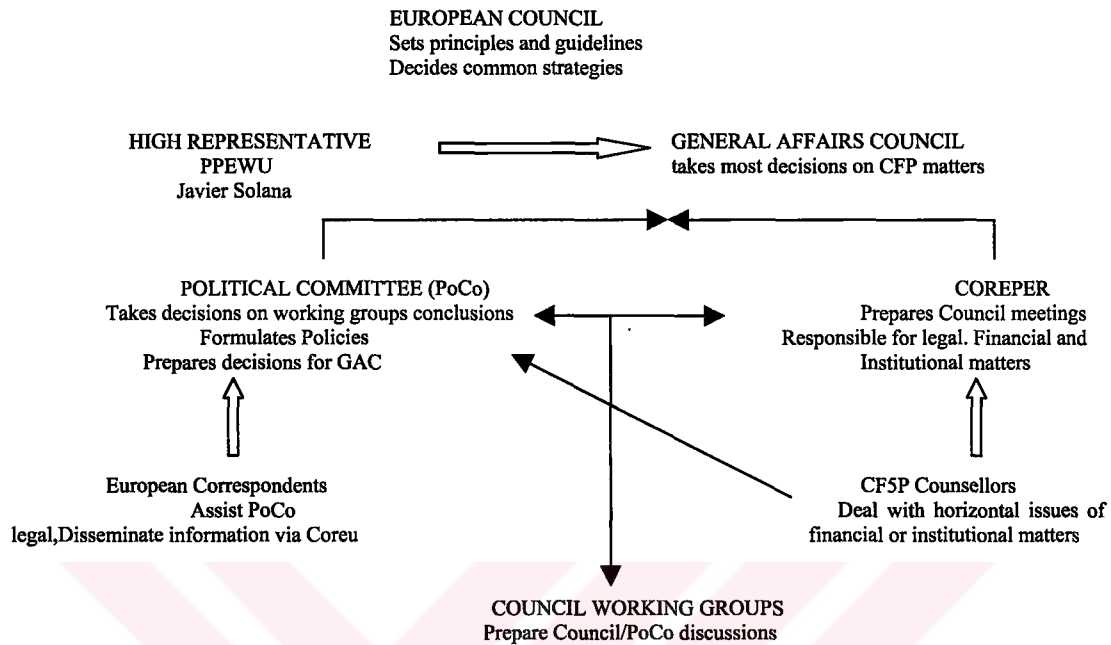
As mentioned before, the EU was built on three pillars, one of which is CFSP under a single institutional framework. It is not new and also original. It was based on the previous EPC system. The CFSP is organized in an inverted pyramid structure⁸⁷. The CFSP system includes these institutions, namely, the European Council, the European Parliament, the Commission, the COREPER, and the Council Secretariat.

⁸⁵ Cameron, in *The Foreign and Security...*, op.cit., pp. 25-26.

⁸⁶ Gourlay Catriona and Remacle Eric, *The 1996 IGC: The Actors and Their interaction*, in K. J. Eliassen (ed.), op.cit., p.59.

⁸⁷ Cameron, in *The Foreign and Security...*, loc.cit.

Figure 1.1: The CFSP institutions



Source: Fraser, op.cit., p. 33.

2.2.1.1. The European Council

The European Council consists of the head of State or government of Member States of the EU and the President of the European Commission. They may be assisted by the Ministers of Foreign Affairs of the Member States and by a member of the Commission. It is an intergovernmental institution. The Member State holding the Presidency of the Council hosts it and the European Council shall meet at least twice a year.

The principal role of the European Council is described under Article D of the common provisions of the TEU as follows: ‘The European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof.’ On the other hand, Article. L of the TEU declares that

the provisions on the European Council in Article. D of that Treaty (the TEU) is not subject to the jurisdiction of the European Court of Justice⁸⁸. It has also play important role in co-ordinating European policies such as co-ordinating foreign and security policy under CFSP and etc... On the other hand, this is the fact that, it is formally outside of the institutional structure of the EU and its decisions have no binding power and can not be subject to judicial review.

2.2.1.2. The Council of Ministers, ‘the Council’

The Council of Ministers is an intergovernmental institution that is the main legislative body of the EU. According to Article 146 of the TEU ‘The Council shall consist of a representative of each Member State at ministerial level authorized to commit the government of that Member State’⁸⁹. The general council consists of the foreign ministers of the Member States but its composition can be varies, subject-matter being discussed. The meeting of Minister for Foreign Affairs is known as General Affairs Council dealing with external relations. The various specialist Councils are attended by the national ministers dealing with the issues in hand, e.g. agriculture ministers on agriculture, finance ministers on economic and financial affairs, and transport ministers on transport⁹⁰.

Article J.8 of the TEU, concentrated on the Council. Article J.8 (1), states that ‘the principles and general guidelines for the CFSP’ given to the Council. As Cameron points out “the European Council has the responsibility for setting the guidelines for the CFSP and its decisions are important both for substance and for the catalytic effect they have on the policy process. While the European Council has the ultimate authority it rarely has the time to engage in a serious debate on foreign

⁸⁸ Weatherill and Beaumont, *op.cit.*, p. 88.

⁸⁹ Lasok Dominik and Bridge J.W., *Law and Institution of European Communities*, 6th Ed., Butterworths, London, 1995, p. 196.

⁹⁰ Cameron, in *The Foreign and Security...*, *op.cit.*, p. 69.

policy. European Council meetings have crowded agendas and can be derailed by lengthy discussion on a current media issue⁹¹.

According to Article J.8. (2), the Council may take the decisions necessary for defining and implementing the CFSP respecting to the basis of the general guidelines adopted by the European Council. It may ensure the unity, consistency and effectiveness of the action taken by the Union. The Council shall act unanimously, except for procedural questions and in the case of joint action (referred in Article J.3 (2)) which requires QMV.

Article J.8 (3) gives the Member States and the Commission to ask question and submit proposals relating to the CFSP to the Council. Article J.8 (4), states in case of urgency, the Presidency or the Commission or a Member States may call an extraordinary council meeting within 48 hours or a shorter time.

Article J.8 (5), says ‘Without prejudice to Article 151 of the Treaty establishing the European Community, a Political Committee consisting of Political Directors shall monitor the international situation in the areas covered by common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission”.

As I mentioned above, the Council which has responsible to define ‘common position’ (Article J.2 (2)) and to decide on ‘joint Action’ (Article J.3)

The Council may also responsible for administrative expenditure relating to the CFSP (Article J.11 (2)).

2.2.1.3. The Commissions

Article J.9 of the TEU concentrated on the role of the Commission on the CFSP. It provides the Commission ‘shall be fully associated with the work carried

⁹¹ Ibid.

out in the common foreign and security policy field'. As I mentioned before, Article J.8 (3) gives a right of initiative shared with any Member States of the EU, to the Commission 'to ask question and submit proposals relating to the CFSP to the Council'. Article J.8 (4), states in case of urgency, the Commission has the right to call an extraordinary council meeting within 48 hours or a shorter time.

The Commission, under Article C of the TEU, has responsible with the Council for ensuring 'consistency of its (Union) external activities as a whole in the context of external relations, security, economic and development policies'. Bretherton and Vogler point out the enhanced role of the Commission in the CFSP context. It operates as a sixteenth 'Member State', in that its representatives may make policy proposals⁹².

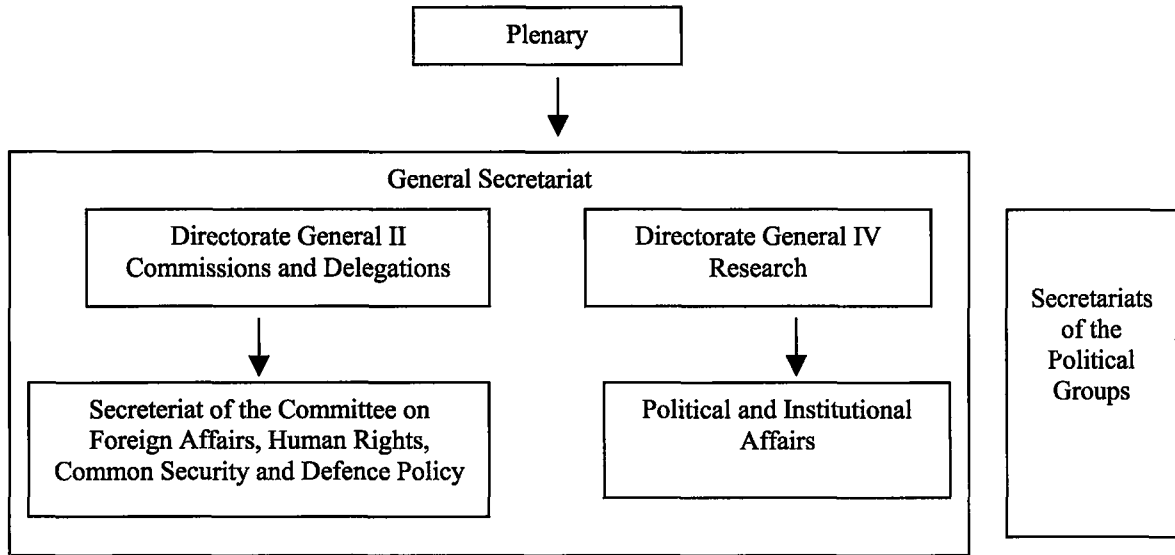
It is important to note that, according to Article J.5 (3), the Commission has the right to represent the Union in the matters of CFSP. 'If need be' it shall assist the Presidency with the previous and next Member States to hold the Presidency. It is fully associated with common measures (Article J.5 (1)) and in implementing common measures (Article J.5 (2)). The Commission is responsible for external relations that underlined first pillar, the European Community.

2.2.1.4. The European Parliament

Concerning the role of the European Parliament (EP) in relation to CFSP, Article J.7 states that it is to be consulted on the 'main aspects and the basic choices of the CFSP' and its views are 'duly taken into consideration' by the Presidency. The Presidency and the Commission must regularly inform the EP on the development of the EU's foreign and security policy. Article J.7 also gives the Parliament 'to ask questions of the Council or make recommendation to it' and it may 'hold an annual debate on progress in implementing the CFSP'.

⁹² Bretherton and Vogler, *op.cit.*, p. 179, to the evolution of the Commission role on CFSP matters, see, Simon Nuttall, *The Commission the Struggle for Legitimacy*, in Hill Christopher (ed.), *The Actors in Europe's Foreign Policy*, Routledge, London and New York, 1996, pp. 130-147.

Figure. The European Parliament and the CFSP



Source: Cameron, op.cit., p.41

The power of the EP on CFSP is limited. Because as Krauss states that ‘external relations are not typically considered to be a genuine field of parliamentary action⁹³’. Governments always claim to hold the all control on this domain. However, the control of parliament over external relations gradually is increasing. The EP has a significant power to ratify new treaties and agreements signed with third countries. All international treaties concluded by the EU are subject to the approval of the EP. The views of the Parliament have no legally binding power on the Council.

2.2.1.5. The Presidency

Article J.5 states the role and responsibilities of the Presidency in CFSP matters. Article J.5 (1), dealing with the task of representation of the Union ‘in

⁹³ Krauss Stefan, *The European Parliament in EU External Relations: The Custom Union with Turkey*, European Foreign Affairs Review, Volume 5, Issue 2, Summer 2000, Kluwer Law International, London, p.215.

matters coming within the CFSP'. According to Article J.5 (2), the Presidency is 'responsible for the implementation of common measures; and in that capacity it shall in principle express the position of the Union in international organisations and international conferences.

According to Article J.5 (3), the previous and next Member States to hold the Presidency and the Commission which is fully associated with tasks drawn in Article J.5 (1) and (2), shall assist the Presidency 'if need be'. Article J.7 set an obligation to the Presidency 'to consult the EP on the main aspects and the basic choices of the CFSP'.

2.2.1.6. The Political Committee

The Political Committee, which consists of Political Directors, was an organ of EPC system that is reserved with the TEU. According to Article J.8 (5) is responsible for monitoring 'the international situation in the areas covered by CFSP and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission'. The Political Committee meets monthly and takes decisions that do not require ministerial approval.

2.2.1.7. The Other Actors

Article J.6 gives responsibility to 'the diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences and their representation to international organisations' is to be in co-operation in the implementation of 'common positions and common measures adopted by the Council'. The co-operation covers to exchange information, to carry

out joint assessments and to contribute to the implementation of the provisions referred to in Article 8c⁹⁴ of the Treaty establishing the European Community.

The role of the WEU in the CFSP is underlined under Article J.4 (2), the Union may request the WEU to the elaboration and implementation of ‘decision and actions of the Union which have defence implications. The Council shall in agreement with the institutions of the WEU, adopt the necessary practical arrangements’. On the role of WEU, Forster and Wallace has written:

The WEU is described as ‘an integral part of the development of the Union’, but the Council is entitled only to ‘request’ (not instruct) it to carry through the defence implications of EU decisions (Article J.4.2). Complex language allows for, but does not compel, joint actions in pursuit of agreed common aims, and suggest that the member states will move on from formulation of a common security policy to ‘the eventual framing of a common defence policy, which might in time lead to a common defence’ (Articles J.3, J. 4.1). An attached declaration created a WEU military operational planning ‘cell’, and provided that its civilian secretariat would move from London to Brussels⁹⁵.

2.3. Decision Making Procedure

According to TEU, decision-making procedures are intergovernmental and, therefore, different from those that apply to external economic relations⁹⁶ that are under European Community pillar. As I mentioned above, the European Council set

⁹⁴ Article 8c protects the principle of Union citizenship to situations outwith the Community borders. The citizens of the EU are to be entitled to diplomatic protection in the territory of a third countries by another Member States’ external authorities “on the same conditions as the nationals of that state. It states that ‘Every citizens of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic consular authorities of any Member State, on the same conditions as the nationals of that State.’

⁹⁵ Forster Anthony and William Wallace, *Common Foreign and Security Policy: A New Policy or Just A New Name*, in Helen Wallace and William Wallace (Eds.), *Policy-Making in the European Union*, Oxford University Press, Oxford, 1998, p. 426.

⁹⁶ *How Does...*, loc.cit., p. 16.

the principles and general guidelines for CFSP (Article J.8) and in the Council all decisions are taken by unanimously, except for procedural questions and implementing joint actions (Article J.3 (2)). As we know that, the European Council of Heads of State and Government and the Council of Ministers has overall control on issues in dealing with CFSP. On the other hand, the Commission will participate in all decisions and can make proposal, and has a right of initiative. The EP has no direct power, but it is regularly consulted.

2.4. The Amendments in the Provisions of the Amsterdam Treaty⁹⁷

Treaty of Amsterdam (hereafter written as TOA) was born as a need for consistency in external relations of the EU and 'to turn the 15-member Union from a basically "economic club" to a "global political power"⁹⁸. It is not only a turning point for the Union as its precedents have been; but it also signifies the new Europe on the eve of 21st century. It envisages a Europe more prudent in the exercise of universal concepts like human rights and fundamental freedoms, more emphatic on the Union's view of its citizens, more effective in its external relations, more sufficient with its institutional framework and more flexible in achieving closer cooperation⁹⁹.

Gourlay and Remacle point out the two reasons for the reform of second pillar of the TEU. First, the negotiation on the creation of the Common Foreign and Security Policy (CFSP) had frustrated many governments and international events showed the obvious inefficiencies of this policy. Second, the Brussels Treaty establishing West European Union (WEU) was facing its 1998 deadline¹⁰⁰. At the same time Bretherton and Vogler states two central problems that taken into

⁹⁷ The full text of the Article V. is given in Appendix III.

⁹⁸ Çayhan Esra, *Introduction*, is written to Münevver Cebeci, Rana İzci, Yonca Kaya Özer, *The Amsterdam Treaty The European Union on the eve of 21st Century*, Avrupa Araştırmaları Dergisi (Marmara Journal of European Studies), Vol.6, No.2, İstanbul, 1998, p. 73.

⁹⁹ Explanatory Note, Avrupa Araştırmaları Dergisi (Marmara Journal of European Studies), Vol.6, No.2, İstanbul, 1998, p.i.

¹⁰⁰ Gourlay and Remacle, op.cit., p. 59.

consideration in debates of the IGC before TOA affecting the external policy of the EU.

- **The coordination problem:** affecting policy formulation and implementation within and across Pillars.
- **The visibility problem:** affecting the ability of the EU to assert its identity as an actor in global politics¹⁰¹.

As noted before, the TEU includes provision (Article J.4 (2)) that envisages IGC to revise the TEU. As Lasok points out that ‘a systematic revision was undertaken according to the agenda of the Conference submitted to the European Council in Madrid in 1995 and carried through the subsequent Council’s meeting in Turin (March 1996), Florence (June 1996) and Dublin (December 1996). The work finalized in June 1997 and resulted in the Treaty of Amsterdam¹⁰².

The IGCs was held ‘to assess the functioning of the TEU and to address the institutional changes necessary for further enlargement of the EU’¹⁰³. To add this, Murphy states that, ‘... the Amsterdam Treaty amplifies and clarifies the provisions of the TEU’¹⁰⁴.

Title V of the TEU that dealt with CFSP was eliminated and new Title V is restored. The first Article on the CFSP of the EU amended by the TOA is Article C of the TEU that is dealing with the duty of both the Council and the Commission to achieve ‘the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. Cameron stresses this amendment illustrating ‘recognized an increased need for consistency in external relations’¹⁰⁵. Along with, the new Article 14.4 states that the Council may request the Commission to submit proposals on CFSP to ensure the implementation of a joint action.

¹⁰¹ Bretherton and Vogler, op.cit., p. 188.

¹⁰² Lasok Dominik, *The Treaty of Amsterdam*, Avrupa Araştırmaları Dergisi, op.cit., p. 6.

¹⁰³ Hughes Kirsty *The 1996 Intergovernmental Conference and EU Enlargement*, International Affairs, Volume 72, No.1, 1996, p. 1.

¹⁰⁴ Murphy, op.cit., p. 873.

The objectives of the CFSP in Amsterdam Treaty are listed under Article 11¹⁰⁶, as follows:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

Article 11 brings a new CFSP objective: the safeguard of the 'integrity of the Union in conformity with the principles of UN Charter'. The significant point of the inclusion of phrase 'integrity of the Union in conformity of the UN Charter' indicates the will of the Member States for further integration and their commitment to their responsibilities within the UN framework¹⁰⁷. Article 11 also stresses the term 'Union' instead of Member States. The TEU used two different terms 'Member States' and 'Union'; on the other hand Amsterdam Treaty only emphasizes the 'Union' to show its further will. Article 11.2 brings a new obligation for Member States who 'shall work together to enhance and develop their political solidarity'.

The new treaty clarified the distinction between joint action and common positions and introduced a new instrument (common strategies¹⁰⁸) without defining it clearly¹⁰⁹. Article 12 points out the CFSP instruments as: defining the principles and

¹⁰⁵ Cameron, in *The Foreign and Security...*, op.cit., p. 64.

¹⁰⁶ The underlined passages are affixed with Amsterdam Treaty.

¹⁰⁷ Cebeci, İzci, Özer, op.cit., p. 130.

¹⁰⁸ See, glossary.

¹⁰⁹ Cameron, in *The Foreign and Security...*, loc.cit.

These weaknesses are reflected in poor visibility and failure to assert the EU's identity as an actor in world politics. However, given that a major contribution of CFSP has been assistance with election monitoring, a task in which the UN and the OSCE are also very much involved, it is not clear that there is a strong will to assert a collective identity in this way. It is tempting, in consequence, to conclude that CFSP has proved little more effective than its predecessor¹³⁵.

An effective common European foreign and security policy would mean endowing with the EU military power to back up its diplomatic and economic initiatives. It should be remembered that the military factor still remains its place at the core of any 'security' consideration¹³⁶, and the EU is still militarily dependent on NATO and the United States for all¹³⁷. Foster and Wallace says 'uncertainty over the extent of continuing US involvement in west European security and foreign policy made for greater instability'¹³⁸. Bretherton and Vogler state that only the smaller 'less powerful' Member States would support an EU military, in practice the situation is very much more complex. The division on this issue, for example between the UK and the France (or indeed between Ireland and Belgium), do not reflect the power differentials¹³⁹.

When we compare the foreign and security policy, the external economic relations are much more effective. Because in sphere of economic relations, Union, has the right to act on behalf of the Member States under first 'Communitarian' pillar.

As noted, the problem of external representation is one of the shortcomings of the CFSP, and creation of the 'High Representative' with the TOA that will be the answer to Henry Kissinger's famous question: 'Who do you call when you want to

¹³⁵ Bretherton and Vogler, op.cit., p.187.

¹³⁶ Hyde-Price G.V. Adrian, *European Security Beyond the Cold War Four Scenarios for the Year 2010*, Royal Institute of International Affairs and Sage Pub., London, 1991, p.10.

¹³⁷ Gordon, op.cit., pp. 89-96.

¹³⁸ Forster and Wallace, op.cit., p. 432.

¹³⁹ Bretherton and Vogler, op.cit., p.24-25 and Gordon, op.cit., pp. 89-100.

call Europe?’¹⁴⁰. On the other hand it should be noted that ‘a telephone number without power does not solve identity problem of CFSP as an international actor’¹⁴¹.

The lack of taking-decision on the CFSP creates problem to the EU to act rapidly and involve the crisis to solve them.

Bonvicini states that ‘neither the Treaty of Maastricht nor that of Amsterdam solved the problem of the persistent imbalance between the tools at the disposal of the EC and those in the hands of CFSP. In carrying forward common foreign policy, the Fifteen possess an impressive array of economic tools, from association agreements to sanctions, a certain number of diplomatic tools, from declarations to joint actions, and no truly military device. In this incomplete condition, it is genuinely hard for the Union to deal with the emerging policy for ‘comprehensive security’, which requires the combined use of economic, diplomatic and military means in a continuing and effective manner’¹⁴².

2.7. Views on Future of CFSP

The end of the Cold War, the unification of Germany, the changes in Central and Eastern Europe, disintegration of Warsaw Pact and the dissolution of the Soviet Union and Yugoslavia changed the parameters of the security agenda for the Europe. As noted before, Barbè stresses the renationalization of the foreign policies¹⁴³ after the changes we just above mentioned which took place. It was directly effected the developments to the achievements of the CFSP.

As noted before, to achieve a common foreign and security policy is very difficult while the Member States of the EU are very sensitive about their own national interests and claims the overall control on the high-politic issues of the foreign and security policy. This is important to note that the distinction between

¹⁴⁰ The Economist, July 18th 1998, p. 46.

¹⁴¹ Bonvicini, op.cit., p. 73.

¹⁴² Ibid.

¹⁴³ Barbè, loc.cit.

low-politics and high-politics is gradually decreasing, the growing economic interdependence since the mid-1970s has become more effective than traditional international politics of war and diplomacy. The international role of the EU is economic rather than political as seen in Yugoslavian case. Eliassen¹⁴⁴ and Krauss¹⁴⁵ stress the unwillingness of the governments of the Member States of the EU to transfer power to the well-functioning CFSP, because of their fears on national sovereignty. Sjursen also stresses on the divergent national positions and the conflicting interests of the EU states contribute to undermine efforts to develop a security dimension¹⁴⁶. Cameron also adds that the UK and France, with their global and colonial traditions, added to their nuclear status and membership of the UNSC¹⁴⁷. On the other hand, while expressing his views from functionalist perspective Gordon is optimistic about the developments that would create a United States of Europe in the future. He stresses on historical developments of the European integration process. He points out the formation of a custom union led to pressures for a completed single market; the creation of a single market resulted in increased pressure for monetary union and the other forms of integration have led to calls for further democratization of the Union; and that the common interests and perspectives resulting from all this integration increases pressure for a common foreign and security policy to represent and pursue the interest of the Union¹⁴⁸. It is possible that the increased economic and political interdependence in Europe has also affected states' view on defence and security¹⁴⁹. With the 1 January 2002 Euro is begun using by the 12 Member States as a single currency that can be seen as a step toward federal Europe. As mentioned before, the main goal of the Founding Fathers did not create a mechanism for European power projection, their aim was to prevent

¹⁴⁴ Eliassen A. Kjell, *European Foreign and Security Policy in the Future*, in Kjell A. Eliassen (ed.), op.cit., pp. 216 – 221.

¹⁴⁵ Krauss, op.cit., p. 215.

¹⁴⁶ Sjursen Helene, *Missed Opportunity or Eternal Fantasy? The Idea of a Security and Defence Policy*, in Peterson John and Sjursen Helene (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, Routledge, London and New York, 1998, p. 105.

¹⁴⁷ Cameron, in *The Foreign and Security...*, op.cit., p. 110.

¹⁴⁸ Gordon, op.cit., p. 78.

¹⁴⁹ Sjursen, loc.cit.

any catastrophic war through peaceful reconciliation based on economic recovery and progress through gradual integration¹⁵⁰. Therefore, the EU will reach a CFSP in the long-term, not within short-term.

The creation of the Mr. CFSP, which is a step to the spokesman of Europe, does not solve the representation problem. As Allen states every European government has a spokesman to represent Europe with no authority to negotiate¹⁵¹, Bonvicini added that the Mr. CFSP is established without power¹⁵². In future, the question of identity and the external representation should be resolved to become effective international actor.

As Cameron states it is unrealistic to expect a truly common foreign and security policy to emerge quickly. The CFSP may so far extend to a relatively modest number of issues and actions, but it still touches on the most sensitive areas of national sovereignty. It is important to regard the CFSP as a process in which the Member States gradually pursue their external interests together rather than separately. It may be wrong to even call what the EU has achieved thus far a 'common' foreign policy. At the same time, it indisputable that, in its external relations policy generally, Europe has never been more united than it is today¹⁵³.

¹⁵⁰ Cameron, in *The Foreign and Security...*, op.cit., p. 114.

¹⁵¹ Allen David, *'Who Speaks for Europe?' The Search for an Effective and Coherent External Policy*, in Peterson and Sjurgen (eds.), op.cit., pp. 41-42.

¹⁵² Bonvicini, loc.cit.

¹⁵³ Cameron, Fraser, *The Common Foreign and Security Policy*, in Peterson and Sjurgen (eds.), op.cit., p.76.

CHAPTER III
MIDDLE EAST PEACE PROCESS
AND
THE EUROPEAN UNION

Stability (in the Middle East) is our objective for obvious reasons: historical and geographical factors have made the Middle East one of Europe's closest neighbours. Our security interests demand that the Arab-Israeli conflict, as a threat to the stability of the entire Mediterranean region, be resolved.

M.A. Moratinos
EUSE to MEPP

3.1. Middle East Peace Process

As known, Arab-Israeli conflict is not a major cause for the region's instability, nevertheless, it does play a pivotal role in the region. Many of the region's other problems are somehow related to it. The turbulences in the Arab-Israeli conflict do not allow the relaxation of needed for the solution of some other Middle Eastern problems¹⁵⁴.

As Peters states the Middle East peace process is best known for the bilateral negotiations involving the immediate protagonists in the Arab-Israeli conflict¹⁵⁵. The Peace Process in the Middle East started in Madrid in October 1991 under the chair jointly by the USA and the EU¹⁵⁶, according to the principle of "*land for peace*", with Israel accepting to negotiate with the PLO and with the PLO recognising Israel's right to exist in peace. Israel has accepted that the (then) Community should participate in any peace conference whilst both Israel and the Arab States recognise the importance of an EC interlocutor capable of assisting the countries of the region address their basic problems¹⁵⁷. In the aftermath of the Gulf War a "Window of Opportunity" has seemed to have been opened to solve some region's problems¹⁵⁸.

¹⁵⁴ Harkabi Yehoshafat, *The Middle East after the Gulf War. Some Policy Considerations for the United States and the Europe*, in Werner Weidenheld and Josef Jannings (eds.), *Global Responsibilities: Europe in Tomorrow's World*, Bertelsmann Foundation Publishers, Gütersloh, 1991, p. 122.

¹⁵⁵ Peters Joel, *The Multilateral Dimension of the Middle East Peace Process*, in Richard Gillespie (ed.), *Europe, the Mediterranean and the Islamists*, Cassell Imprint, London, 1996, p. 26.

¹⁵⁶ Lister, op.cit., p. 87.

¹⁵⁷ Weidenheld Werner and Jannings Josef (eds.), *Global Responsibilities: Europe in Tomorrow's World*, Bertelsmann Foundation Publishers, Gütersloh, 1991, pp. 90-91.

¹⁵⁸ Harkabi op.cit., p.114.

The "New World Order" that was first introduced by Presidents Gorbachev and Bush based on two main principles:

- equal rights of all nations,
- the rejection of aggression by any country against another.

These principles should apply for all nations of the world and any case of disputes. With Israel occupying lands of three Arab countries and no measures of enforcement were taken against the Jewish State to end its occupation by the USA. After the strong action against Iraq in the Gulf Crisis, under the leadership of the US, the US wanted to show that the New World Order, which they introduced, is applicable also to the Arab-Israeli Conflict. Besides, Israel has become a heavy load on the US' shoulders both politically and economically, therefore, they decided that it is the right time to launch the peace process. (Moreover, the peace process was a good material to use inside the US for the elections.)¹⁵⁹.

The Palestinian-Jordanian, Lebanese, Syrian and Israeli Delegations, attended the Talks were divided into bilateral and multilateral rounds. At the bilateral rounds, held in the US State Department buildings in Washington, separate Israeli teams held talks with the four Arab delegations. By the end of the year no real progress had been made at any of the bilateral rounds and commentators were generally pessimistic about the future of the peace process¹⁶⁰. The Arabs, not to Israelis welcome the EU involvement of the Middle East Peace Process. Because the EU accepted and proclaimed that the "self-determination rights of the Palestinian People" with the 1980 Venice Declaration.

The multilateral talks were to run in parallel with the bilateral negotiations. They formally began in Moscow in January 1992. Five separate working groups have

¹⁵⁹ Alshanableh Tayseer, *The Middle East Peace Process*, (working paper in his conference on 'The Middle East Peace Process' to 'IR-603 International Perspectives' master course by Prof. Dr Jouni Suistola in Near East University, TRNC), Spring-1998, p. 1.

¹⁶⁰ Ibid., p.2.

since been established to address arms control and regional security; economic and regional development; refugees; water resources; and the environment¹⁶¹. The aim was to bring together Israel, its immediate neighbours and the wider circle of Arab states in the Maghreb and the Gulf to address issues of regional and mutual concern. While the bilateral talks were to concentrate on the political issues of territorial control and sovereignty, border demarcations, security arrangements, and the political rights of the Palestinians, the multilaterals would examine a range of economic, social and environmental issues which extend across national boundaries, the resolution of which is a prerequisite for long-term regional development and peace in the ME.

As known the Palestine Question that constitutes the core of the Arab-Israeli Conflict goes back to the First Zionist Congress of 1898 when the Zionist Organisation decided that the "national home" of the World Jews should be established in Palestine¹⁶². The "foundation stone" of one of the most complicated problems in this century, was laid with the Balfour Declaration of 1917, the British Government promised to the Zionist Organisation to homeland for world Jewish in Palestine. This problem came to the international platform in 1947 when it was the first time, the Government of the UK brought it before the UN to find a solution for this problem.

For about fifty-five years now, concerning on the Palestine Question in almost every regional and international platform, numerous initiatives and resolutions were introduced to solve this complicated conflict but without any real fruit. Because both sides have been reject each other's rights, i.e. the rejection of Israel supported by the US to these initiatives and to recognise the right of self-determination of the Palestinian people that deny the State of Israel.

The Declaration of Principles -Gaza-Jericho-First Agreement was signed between the Palestinian Liberation Organization (hereafter written as PLO) and

¹⁶¹ Peters, in Gillespie (ed.),..., op.cit., p. 27.

¹⁶² Alshanableh, loc.cit.

Israel in Washington DC in September 1993¹⁶³, raising hopes for a wider settlement to follow¹⁶⁴. It was that the historic handshake between the Israeli Prime Minister Yitzhak Rabin and the PLO Leader Yasser Arafat, the turning point not only the Arab-Israeli conflict, but also in the twentieth century history of the ME.

Throughout its century-long history, the conflict not only widened to include other parts of the Arab and the Muslim world, but also deepened in terms of the growing personal and collective losses, and the increased psychological barriers on both sides of the conflict¹⁶⁵. Hence any history of this conflict is subjective and includes biases.

3.2. Historical Background

Arab-Israeli conflict started to appear on the international scene after the First Zionist Congress was held in 1897 in Basel, Switzerland. In this Congress, World Zionist Organization was established, and demanded a homeland for world Jews in Palestine. Pax-Ottomanica was a relatively stable period that came to an end in the ME. On the one hand, Ottoman Empire got weaker, anti-Semitism and European Nationalism got stronger, on the other. The anti-Semitic movements especially in Europe led to the Zionism. In the Dreyfus Affair (1894-1906), a Jewish officer in the French Army was blamed treason and espionage for Germans¹⁶⁶. It led to Jews towards Zionism and to the establishment of the Zionist Organization. The aim of Zionism is to revive the Jewish homeland, to gain a majority of the population and to establish Jewish sovereignty over Palestine.

The history of Israel is the history of exile and minority from Babylon exile to the establishment of the State of Israel in 1948. The seeds of both the Semitism and anti-Semitism were sown under the decision of the 3rd Lateran Council were held

¹⁶³ Ibid.

¹⁶⁴ Lister, loc.cit.

¹⁶⁵ Sela Abraham (ed.), *Political Encyclopedia of the Middle East*, Continuum, New York, 1999, p.39.

¹⁶⁶ Tipton B. Frank and Aldrich Robert, *An Economic and Social History of Europe 1890-1939*, the John Hopkins University Press, Baltimore and China, 2nd Ed., 1989, pp. 102-105.

in 1179 declared that any Christian who lived with Jews would be excommunicated from the society¹⁶⁷. The idea of return to Palestine and colonize it to create a homeland for the world Jews, was argued since 18th century. Davutoğlu and Kayyalı point out the impact of the French Revolution on Zionist Movement. Kayyalı states that the outcome of the failure of the era of liberalism and equality which had been heralded by the French Revolution, on the one hand, the growth of nationalist and colonialist ideas and aspirations in nineteenth-century Europe, on the other¹⁶⁸. Those developments accelerated the Political Zionism¹⁶⁹.

One of the most important contributors to the Zionism was Moses Hess who wrote “Rome and Jerusalem”. He advocated establishing a free life for Jews in Palestine. The other is Theodor Herzl who was a Hungarian Jew, father of political Zionism. His book “Der Judenstaat (The Jews’ State)” published in 1896 and envisaged the creation of a Jewish State. His effort was to establish a state in Palestine for world Jews. He led the convention the First International Zionist Congress in Basel in 1897. At its conclusion, the conference adopted the following resolution.

The goal of Zionism is the establishment for the Jewish people of a home in Palestine guaranteed by public law. The Congress anticipates the following means to reach that goal:

1. *The promotion, in suitable ways, of the colonization of the Palestine by Jewish agricultural and industrial workers.*
2. *The organizing and uniting of all Jews by means of suitable institutions, local and international, in compliance with the laws of all countries.*

¹⁶⁷ Davutoğlu Ahmet, *Yahudi Meselesinin Tarihi Dönüşümü ve İsrail'in Yeni Stratejisi*, Avrasya Dosyası, 1994, Vol. 1, No. 3, p. 89.

¹⁶⁸ Kayyalı Abdul-Wahhab Said, *Palestine A Modern History*, Third World Centre, London, (no date), p. 13.

¹⁶⁹ Davutoğlu, *Yahudi Meselesinin ...*, op.cit., p. 90, Kayyalı, ibid., pp. 13-14.

3. *The strengthening and encouraging of Jewish national sentiment and awareness.*
4. *Introducing moves towards receiving governmental approval where needed for the realization of Zionism's goal¹⁷⁰.*

To realize this goal that basic principle of Zionism, he met with Abdulhamid II twice in order to establish Jewish State in Palestine compensating Ottoman debts. The Sultan rejected the offer¹⁷¹.

The Zionist ideology was widespread within the Jews minority in Russia especially after the assassination of the Tsar Alexander II that led to anti-Semitist movements and a series of pogroms against the Jews in Russia. This event brought the huge immigration of the Russian Jews to the Palestine. The important dates for Jews immigration (*aliyah*) are 1881-1891, 1904, 1919, 1924 and 1933. The population in 1890 consisted of 500 000 Palestinians and 40 000 Jews¹⁷². The population of Jews was gradually increasing. In 1905, it reached 80 000, in 1925, 110 000, in 1939, 500 000¹⁷³.

In 1917, British Government declared Balfour Declaration and promised to Jews a “national homeland in Palestine”. The British Foreign Secretary, Arthur James Balfour, wrote it and sent to Lionel Walter Rothchild, a Jews leader. It says “His Majesty’s Government view favour the establishment in Palestine of a national home for the Jewish people will use their best endeavours to facilitate the achievement of this object...”¹⁷⁴. The Mandatory over Palestine was handed over by Britain at the San Remo Conference in 1920. The Council of League of Nations gave the administration of Palestine to Britain on 24 July 1922. As Lewis states the

¹⁷⁰ Goldschmidt Jr. Arthur, *A Concise History of the Middle East*, Westview Press, 5th Ed., Colorado and Oxford, 1996, pp. 242-243.

¹⁷¹ Armaoğlu Fahir, *Filistin Meselesi ve Arap-İsrail Savaşları*, İş Bankası Kültür Yayınları, Ankara, 1991, pp. 12-14.

¹⁷² *Ibid.*, p. 21.

¹⁷³ Davutoğlu, *Yahudi Meselesinin...*, op.cit., p. 92.

¹⁷⁴ Rubinstein Z. Alvin, *The Arab-Israeli Conflict: Perspectives*, Praeger, New York, 1984, pp. 15-19.

general guidelines for the CFSP; common strategies; joint a common positions and systematic cooperation. According to Article 13 the European Council shall define principles/general guidelines of the CFSP including for matters dealing with defence implications and common strategies. Common strategies are to be adopted in areas Member States have important interests in common. It should be noted that the Council is the major body to deal with the CFSP of the EU. As stated in the TEU, the Council assigns a task to 'ensure the unity, consistency and effectiveness of action by the Union'.

Article 14 defines joint actions. It states that they shall address specific situations where operational action is needed. Article 15 describes common positions as 'defining the approach of the Union to a particular matter of a geographical or thematic nature'. The adaptation of common positions is a task given the responsibility of the Council. National policies of the Member States shall be in conformity with the common positions. Article 16 stresses the '...Union's influence... by means of concerted and convergent action' rather than '...their (Member States) combined influence...' that used in the TEU. It shows the will of Member States towards the achievement of a CFSP.

Article 17 is dealing with the security and defence policy of the EU. It was the result of conflicting views of Member States on the most difficult CFSP issue of the IGC negotiations-security and defence. The treaty improvements included:

- a change in the language with the 'eventual' framing of a common defence policy becoming a 'progressive' one (Art. 17 para. 1);
- the 'Petersberg tasks'¹¹⁰ (humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking) appearing in the Treaty (Art. 17 para. 2);

¹¹⁰ See, glossary.

- the EU 'will avail itself of the WEU to elaborate and implement decisions of the Union which have defence implications'. When the EU avails itself of the WEU on the Petersberg tasks, all contributing Member States will be able to participate fully and on an equal footing in planning and decision-taking in the WEU (Art. 17 para. 3)¹¹¹.

Article 17 defines the role of the WEU into CFSP. Article 17. 1 sees the WEU as a 'integral part of the development of the EU' and states that it provides 'the Union with access to an operational capability' for the 'Petersberg tasks'. In addition, it also 'supports the Union in framing the defence aspects of the CFSP'. Hence, the Union has willed to foster its closer institutional relations with WEU to the possibility of integration of WEU into the Union, if the European Council so decides.

Subparagraph (3) of Article 17.1 states in relation to NATO that the policy of the Union 'shall respect the obligations of certain Member States, which see their common defence realized in NATO, under the North Atlantic Treaty and to be compatible with the CFSP'. The task of cooperation in the field of armaments assigned to the Member States to support common defence policy. Article 17. 4 provides to develop closer cooperation between two or more the Member States on a bilateral level within the framework WEU and NATO, that such cooperation does not run counter or impede the requirements of the CFSP.

Article 18 is dealing with the role of the Presidency within the CFSP. It shall represent the Union in matter concerning CFSP. The tasks of both the responsibility of the implementation of the common measures and to express the position of the Union in international organisations and international conferences are assigned to the Presidency. According to Article 18.3 the Secretary-General of the Council who is charged with the exercising the function of High Representative for the CFSP, will assist the Presidency. The Commission will be fully associated in the task regarding

¹¹¹ Cameron, in *The Foreign and Security...*, op.cit., p. 66.

the Presidency. The next Member State to hold the Presidency will also assist the Presidency in its task. Article 18.5 provides the Council will appoint a special representative with a mandate in relation to particular policy issues.

Article 19.1 is the combination of the provisions in TEU Article J.2 (2 and 3) that relating to the common positions and co-ordination of their action in international organisations and international conferences, and, J.5 (4) says ‘the Member States represented in international organisations and international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest. Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter’. Cebeci, İzci and Özer states that it is another significant requirement at the achievement of common and concerted action by the Member States¹¹².

Article 20 replaces instead of Article J.6 of the TEU as a whole. Only one word is changing; instead of ‘common measures’, the term ‘joint action’ is used. It is dealing with the cooperation between the diplomatic and consular missions of the Member States and the Commissions Delegations and their representations to international organisations to ensure that the common positions and joint actions adopted by the Council are complied with and implemented. Exchanging information, carrying out joint assessments and contributing to the implementation of provisions referred to in Article 8c of the Treaty establishing European Community that deals with the Union citizenship.

According to Article 21, the Presidency is to consult the EP on the main aspects and the basic choices of the CFSP and ensure that the views of the EP are duly taken into consideration. The Presidency and the Commissions should regularly

¹¹² Cebeci, İzci and Özer, op.cit., p. 141.

inform the EP on developments in CFSP. The EP is to ask questions and make recommendations to the Council. The EP may also hold an annual debate on the progress in the implementing the CFSP. The roles of EP in the CFSP are first; consultative role with regard to the main aspects and basic choices of the CFSP and have an indirect role through the financing the CFSP expenditure (Article 28). As known the EP has the last word on the budget.

Article 22 is dealing with the role of the Commission. It is important to note that, the Amsterdam Treaty did not bring new responsibilities to the Commissions. The only exception is entitled under Article 14.4 provides that the Council may request the Commission to offer proposals relating to the CFSP to ensure the implementation of a joint action. According to Article 27 that is the same article with Article J.9 of the TEU, the Commission is to be fully associated with the work carried out in the CFSP.

In relation to the decision-making procedure, Article 23 envisages three voting procedures for the Council: unanimity, QMV and a majority of Member States. The principle of unanimity is nuanced by the possibility of constructive abstention. The Member State abstaining will not be obliged to apply the decision but shall accept that the decision commits the Union and shall refrain from any action likely to conflict with EU action. However, if the Member State abstaining constructively represent more than one-third of the votes (weighted according to the QMV rules), the decision will not be adopted. The Council will be able to act by QMV (62 votes in favour it least 10 members) when adopting decisions on the basis of a common strategy (adopted by unanimity by the European Council) or decisions implementing a joint action/common position. However Member State can oppose the adoption of a decision by QMV 'important and stated reasons of national policy'. In this case Council may, by QMV, refer the matter to the European Council who will decide by unanimity. QMV will not apply to military decisions. The Council will act by a majority of its members for procedural questions¹¹³.

¹¹³ Cameron, in *The Foreign and Security...*, op.cit., p. 66.

Article 24 says the Council, is to act unanimously in cases that when it is necessary to conclude an agreement with one or more States or international organisations in implementation of the CFSP. The Council may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. The Council acting unanimously on a recommendation from the Presidency shall conclude such agreements. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them. A Declaration specifies that this article and the agreements resulting from it shall not imply any of competence from Member States to the Union¹¹⁴. This statement shows the sovereign rights of the Member States and clearly shows that the establishment of a CFSP does not and shall not mean the transfer of their sovereign rights¹¹⁵. Cameron also points out the Article 24 could be interpreted in the future as recognizing an implicit legal personality for the EU¹¹⁶.

Article 28 says that the Inter-Institutional Agreement between the EP, the Council and the Commission regulate the financial provisions regarding the expenditure on the implementation of the CFSP¹¹⁷. Article 28.2 relating to the administrative expenditure of the CFSP is to be charged to the budget of the European Communities (EC). According to Article 28.3, expenditure arising from operations having military and defence implications and cases where the Council acting unanimously decides otherwise. If expenditure is not charged to the budget of the EC, the Council shall be charged to Member States according to GNP.

¹¹⁴ Ibid., p. 67, and Cebeci, İzci, and Özer, op.cit., p.135.

¹¹⁵ Ibid.

¹¹⁶ Cameron, in *The Foreign and Security...*, loc.cit.

¹¹⁷ Lasok, *The Amsterdam Treaty*, op.cit., p.21.

2.5. The High Representative of the CFSP (Foreign Minister of the EU)

The question ‘Who speaks for Europe?’¹¹⁸ is standing on the center of the problem of external representation of the EU. To overcome this problem the TOA created a new actor who is the Secretary-General of the Council called informally as Mr./Mrs. CFSP. Bonvicini has written:

The lack of an internal and external “reference point” for CFSP was from the very start one of the basic snags in augmenting its overall credibility. The High Secretariat of the EPC and of the Council of CFSP certainly both fell short of solving the problem. What might have been expected was a decisive upgrading of the competences of the organ (not the person) in charge of CFSP. In other words, either a Mr CFSP or a Secretary General would have been fine, as long as he/she possessed certain powers, particularly the right of the initiative, had a budget at his/her disposal and was generally accountable before the European Parliament. This would have amounted, in short, to a sort of hybrid Commission for CFSP..... A telephone number without power does not solve identity problem of CFSP as an international actor¹¹⁹.

According to Article 26, the Secretary-General of the Council assists it in matters coming within the scope of the CFSP in particular conducting political dialogue with third parties and will head the new policy planing and early warning unit¹²⁰.

¹¹⁸ To note that in external trade relations where the Commission of the EU exercises the Community competence. There is no ambivalence about who speaks for Europe. It is the Commissioner responsible for trade issues who negotiates and speaks for the EU, e.g. Sir Leon Brittan carried out this role in GATT negotiations.

¹¹⁹ Bonvicini, op.cit., p.73.

¹²⁰ The unit will consist of personnel drawn from the General Secretariat, Member States, the Commission and WEU. Its tasks shall include, among others, 'producing at the request of either the

According to Article 18.3 he will act as the High Representative for CFSP on the world stage. It means that the through creating High Representative for the CFSP, the EU will overcome the representation problem. It also shows the will of the EU towards the achievements of the political integration and the CFSP. High Representative for the CFSP is also to assist the Council in the formulation preparation and implementation of policy decisions.

Javier Solana, who was the Secretary-General of the WEU and former Spanish Foreign Minister, appointed as the first Mr. CFSP of the EU at the Cologne summit in June 1999.

2.6. Shortcomings of the CFSP

It should be noted that to achieve a common foreign and security policy is very difficult, while the national governments claims control over that domain. On the difficulties which standing in front of achieving of the CFSP, Regelsberger and Wessels points out the DDS (discreet, discretionary, sovereignty) Syndrome, is that 'coordination of foreign policy and security raises immediately, and most visibly, the issue of national sovereignty'¹²¹. To reach common decision in foreign and security policy is much more difficult and complex rather than to achieve common in any other area. Therefore CFSP can not be regarded as a common policy in a sense analogous to the Common Commercial Policy; rather it is a highly institutionalized and complex process of consultation and cooperation between the Member State governments¹²². When we compare the any other policy area, the scope of CFSP, which deals with the national interest, state security and national defence those issues of high politics, is much more complex and fragile.

Council or the Presidency or on its own initiative, argued policy options papers to be presented under the responsibility of the Presidency'. Any Member State or the Commission may make suggestions to the unit for work to be undertaken. See also glossary.

¹²¹ Regelsberger Elfriede, and Wolfgang Wessels, *The CFSP institutions and Procedures: A Third way for the Second Pillar*, European Foreign Affairs Review, 1, 1996, p. 31.

¹²² Bertherton and Vogler, op.cit., p. 169.

According to Barbê, the policy coordination mechanism within the EPC system functioned quiet well while the divergent traditions and conflicting interests in the foreign policy of the EPC countries were obvious. Since the end of the Cold War, however, cooperation has been shaky. Because the disintegration of Soviet Block and Yugoslavia led the Member States of the EU to pursue more national foreign and security policy. The renationalization of the foreign policies will lead the geography-based division of labour poses a clear danger standing in front of the coordination of foreign and security policies in Europe¹²³.

As Kermen points out the Gulf War illustrated the fact that the national interest of the Member States 'outweighed the benefits of collective action'¹²⁴. At the same time Hill states that the dramas of the Gulf, the Uruguay Round and Yugoslavia crisis illustrated the ineffectiveness of EC as an international actor, 'in terms of both of its capacity to produce collective decisions and its impact on events'¹²⁵. Bretherton and Vogler set five basic requirements for actorness in international relations, as follows.

- a. Shared commitment to a set of overarching values and principles (political will).
- b. The ability to identify policy priorities and to formulate coherent policies (common interest).
- c. The ability effectively to negotiate with other actors in the international system (external representation).

¹²³ Barbê Esther, *Balancing Europe's Eastern and Southern Dimensions*, in J. Zielonka (ed.), *Paradoxes of European Foreign Policy*, Kluwer Law Int., London, 1998, pp. 117-118, and Hill Christopher and Wallace William, *Introduction actors and actions*, in Christopher Hill (ed.), *The Actors in Europe's Foreign Policy*, Routledge, London and New York, 1996, pp. 6-16.

¹²⁴ Kermen İdil, *An Analysis of the European Community Foreign Policy in the Post-Cold War Era: The Case of Gulf War 1990-1991*, unpublished Mphil. dissertation in International Relations submitted to Cambridge University, 1992, p. 49.

¹²⁵ Hill Christopher, *The Capability -Expectations Gap, or Conceptualizing Europe's International Role*, *Journal of Common Market Studies*, Volume 31 No: 3 September 1993, Basil Blackwell Ltd, Kent, p. 306.

- d. The availability of and capacity to utilize, policy instruments (effective instruments).
- e. Domestic legitimization of decision process, and priorities, relating to external policy¹²⁶ (the roles of the institutions of the EU and rapid decision – making/taking).

According to Regelsberger and Wessels, the success of foreign policy coordination depends on the bilateral efforts to accommodate differences in historical traditions, and an awareness of public prejudices in each country¹²⁷.

As I mentioned before, the CFSP is established to take place of EPC. It should be noted that as the EPC system, the shortcoming of the CFSP is originating from its nature related to its working methods, scope, problem of representation, decision-making procedure and lack of effective instruments like military capacity. Jacques Santer, the then President of the European Commission states the shortcomings of the CFSP as follows;

“the lack of political will, the absence of a common definition of European essential joint interests, the difficulty of activating the unanimous decision-making system, the crippling budgetary procedures, the ambiguity of the roles of the Presidency and the Commission, the European Union's lack of a legal identity, and the problem of its external representation”¹²⁸.

Hill and Wallace mentioned three reasons behind the ineffectiveness of CFSP, (a) identity, (b) a self-contained decision-making system and (c) the practical capabilities to effect policy¹²⁹. According to Gordon, ‘the prospects for unified and

¹²⁶ Bretherton and Vogler, op.cit., pp. 24-25.

¹²⁷ Regelsberger and Wessels, loc.cit.

¹²⁸ Santer Jacques, *The European Union Security and Defence Policy*, NATO Review, No.6, November 1995, p. 7.

¹²⁹ Hill and Wallace, in Hill (ed.), *The Actors in Europe's...*, op.cit., p.13.

effective EU foreign and security policy are poor'¹³⁰. At the same time Taylor about the CFSP provisions of the Maastricht Treaty, points out that 'The Maastricht treaty itself is long on objectives'¹³¹ and short on methods and priorities'¹³². Taylor sees this objectives and targets as 'a series of unexceptionable', and added:

When it comes to how these objectives are to be attained, however, the treaty refers only to the establishment of cooperation and joint action among the Union members. It says nothing about which problems are seen as the most dangerous for the Union, about the overall place of military, economic and other instruments in a CFSP, about whether a CFSP envisages a global order with regional applications or a series of discrete regional orders in the world, or about the priorities of EC concern'¹³³.

According to Lister the reasons behind the ineffective common foreign and security policy the divisions within the Council of Ministers and their wish to retain national sovereignty; the separate currencies, financial institutions and policies; the cumbersome decision-making process within the Community; and the dearth of any military division'¹³⁴. At the same time, Bretherton and Vogler stresses two central weakness of CFSP:

- a. Lack of overall coherence in policy formulation, (poor policy coordination among the Pillars, Member States and the EU)
- b. Inadequate articulation between policymaking and policy implementation.

¹³⁰ Gordon H. Philip, *Europe's Uncommon Foreign Policy*, International Security, Volume 23, No: 3, Winter 1997, Massachusetts Institute of Technology, Boston, 1997, pp. 75-76.

¹³¹ The objectives of the CFSP are mentioned page 23-24 of this study.

¹³² Taylor, op.cit., p. 7.

¹³³ Ibid., p. 8.

¹³⁴ Lister, op.cit., p.18.

provisions of the Balfour -which promise the Jews to a homeland in Palestine- also took place in the British mandate system¹⁷⁵. Article 2 of the Mandate stipulates “The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home...”¹⁷⁶. This means self-determination that a government to obtain independence in the future, like other Mandates territories. These developments caused a growing source of concern among Arabs. Their argument was Britain and the world powers had no right to promise a land to the Jews. No Jews immigration or settlement was to take place without the consent of the Arabs. Therefore all promises given without consent of the Arabs were null and void. Zionist counter arguments – that the Jewish people had a historical right to land; that it could only establish its homeland in Palestine to alter an historical injustice of two thousand years and to prevent further persecution¹⁷⁷.

The mandate period always witnessed the public disorder between the Arabs and the Jews. It is important to note that al-Hajj Amin al-Husseini the Mufti of Jerusalem organized the Palestinians. The first clash happened in April 1920, during the annual popular celebrations of the pilgrimage to Nabi Mussa turned a violent eruption against Jews in Jerusalem¹⁷⁸. Between the dates 1924-1928 is known as the period of stagnation and paralysis in the history of Arab-Israeli Conflict¹⁷⁹. The lull period ended in August 1929. The Western Wall area became a major area for controversy. It is holly place for both the Muslims and the Jews. The Western Wall forms a part of the enclosure surrounding the historic Temple Mount on which stand the Dome of the Rock and al-Aqsa Mosque, pilgrimage centers only slightly less important for Muslims than Mecca and Medina. Legally, it had been a Waqf since the time of Salah ad-Din. It is also a remnant of the second Jewish Temple and an

¹⁷⁵ Lewis, op.cit., p. 272.

¹⁷⁶ Netanyahu Benjamin, *A Place Among the Nations: Israel and the World*, Bentham Books, New York, 1993, p. 409.

¹⁷⁷ Sela (ed.), op.cit., p. 42.

¹⁷⁸ Ibid.,

¹⁷⁹ Kayyalı, op.cit., p. 130.

object of veneration to most Jews. To some it symbolizes the hope that one day the Temple will be rebuilt and the ancient Jewish rituals revived¹⁸⁰. Under the Ottoman rule the Jews were prohibited from bringing chairs to the area. Under the British Mandate, the Jews were trying to change the status quo and to expand their prayer rights and to strengthen their claims to the Western Wall. The riots included indiscriminate attacks on Jewish settlements¹⁸¹. Several fights broke out between the Arabs and Jews. Arabs forced to Jews to leave¹⁸². In 1930 the Passfield White Paper¹⁸³ was presented that redefined the British policy in Palestine, i.e. Jewish immigration to Palestine restricted. On the other hand in February 1931 the pro-Zionist interpretation of the White Paper introduced at the end of Jews pressure.

In 1937, the Peel Commission prepared a plan to find a solution to the problem. The Peel Commission report had reached the conclusion that the Mandate was unworkable¹⁸⁴ and to be abandoned,¹⁸⁵ and recommended partition, the creation of Jewish State covering a small area of northern and central Palestine to the Jews to form their own state. The other parts of the Palestine were given to the Arabs and would merge with Trans-Jordan. However Britain retracted this plan because of fear on loosing Palestine. Britain adopted an appeasement policy towards Arab countries. As Koestler stated that it could be seen as the “Palestinian Munich”¹⁸⁶. As Neville Arthur Chamberlain stated that a great power like Britain could not be expected to risk war for the sake of a small country like Czechoslovakia¹⁸⁷.

The population of Palestine was approximately 1 500 000 (%63 Muslim Arabs, %28 Jews) in 1938¹⁸⁸. To seek peace formula that would satisfy all parties, Britain called a round-table conference of Jewish and Palestinian-Arab leaders

¹⁸⁰ Goldschmidt, op.cit., p. 249.

¹⁸¹ Sela (ed.), loc.cit.

¹⁸² Goldschmidt, loc.cit.

¹⁸³ Issued by Lord Passfield, blaming the Jewish Agency and Zionist land purchase from Arabs, which had rendered some peasant homeless, for the 1929 disturbances. For further information see, Kayyalı, op.cit. pp. 160-161.

¹⁸⁴ Koestler Arthur, *Promise and Fulfilment Palestine 1917-1949*, Macmillan, London, 1949, p. 46.

¹⁸⁵ Kayyalı, loc.cit.

¹⁸⁶ Koestler, op.cit., p. 47.

¹⁸⁷ Quoted from Koestler, *ibid.*, p. 51.

¹⁸⁸ Armaoğlu, op.cit., pp. 42-43.

(Egypt, Saudi Arabia, Iraq, Yemen, and Transjordan) in London in early 1939¹⁸⁹. Arabs refused to confer with the Jews. The negotiations were continued in the form of separate sessions of British officials with the Arab and Zionist delegates, with the operative emphasis on the Anglo-Arab consultation¹⁹⁰. Therefore no agreement was reached. The failure paved the way for the British to announce their own solution. The 1939 MacDonald White Paper¹⁹¹ announced that the mandate would end in ten years, whereupon Palestine would become fully independent¹⁹². It fixed Jewish immigration during the five years at 75 000 after which period no further Jewish immigration would be permitted without Arab consent. In certain areas of Palestine no transfer of Arab lands would be permitted whilst in other areas transfers would be restricted¹⁹³. At the same time, the World War II was started, Britain needed Arab support¹⁹⁴. During the World War II, most of the Arab countries remained neutral. However, the Mufti of the Jerusalem supported Nazis to free the Arab world from British imperialism and Zionism. It fixed Jewish immigration during the five years at 75 000 after which period no further Jewish immigration would be permitted without Arab consent. In certain areas of Palestine no transfer of Arab lands would be permitted whilst in other areas transfers would be restricted¹⁹⁵.

In 1942 American Zionists adopted the “Biltmore Program” that called to Britain to make Palestine a Jewish state. The World War II ended in 1945 and the United Nations (hereafter written as UN) was established and solution of the Palestine problem was transferred to it. After the War, the stability was worsened in the region. In 1946 an Anglo-American Committee of Inquiry prepared a recommendation that called the continuation of Mandate system and to admit 100 000 European Jewish refugee and to abolish all restrictions on Jewish land purchases.

¹⁸⁹ Goldschmidt, op.cit., p. 251.

¹⁹⁰ Sela (ed.), op.cit., p. 45.

¹⁹¹ For the full text of the 1939 MacDonald White Paper see, Fraser T.G., *The Middle East 1917-1979*, Edward Arnold Ltd., London, 1980, pp. 23-24.

¹⁹² Goldschmidt, loc.cit.

¹⁹³ Kayyalı, op.cit., pp. 221-222.

¹⁹⁴ Goldschmidt, loc.cit.

¹⁹⁵ Kayyalı, loc.cit.

No one satisfied and Britain went before the UN General Assembly in February 1947. It did not want to keep the mandate in Palestine. The UN General Assembly with the decision of 33:13 announced the Palestine Resolution 181¹⁹⁶ on November 29, 1947, which advocated a bi-national Palestinian state consisting of two states, Arab and Jewish state. Fraser points out the Resolution of the UN that calling for the establishment of a Jewish state in Eretz-Israel and the inhabitants of Eretz-Israel should take necessary steps to form their own state. This recognition by the UN of the Jewish will to establish their state in Palestine is irrevocable¹⁹⁷. The UN Special Committee on Palestine (UNSCOP)¹⁹⁸ proposed a partition plan (see, map.1). Arab and Islamic countries continued to assert their total rejection of the idea of partition. The UN Resolution of 29 November 1947 looked forward to a progressive transfer of power from the British mandatory authorities to a Palestinian Commission, which would establish the frontiers of the Arab and Jewish states and of the city of Jerusalem¹⁹⁹. The Jewish state covered the region from Acre to Tel Aviv, eastern part of the Galilee and the Negev Desert. The Arab state included Northern and Western Galilee, the West Bank and Gaza. The city of Jerusalem including the town of Bethlehem (the birthplace of Jesus) would be under international control as a *corpus separatum*. As noted before Arabs were against the partition. The rejection of the UN Partition Plan by the Arabs and the acceptance of it by the Jews led to further instability in the region. As Goldschmidt states that in fact Jewish did not like all aspect of this plan, but they accepted it as a step toward forming the Jewish state²⁰⁰. The Arabs strongly opposed to this plan and threatened to go to war. The Arab leaders called for volunteers to fight in Palestine, however, both sides have had no regular armies to action yet. The armies enlisted volunteers, and terrorist activities against innocent civilians. Confrontations between the Arabs and the Jews occurred,

¹⁹⁶ For the full text of the UN Resolution 181, See, <http://domino.un.org/UNISPAL.NSF/561c6ee353d740fb8525607d00581829/6232f2ac638dc241852560e5005c1f2b?OpenDocument>.

¹⁹⁷ Fraser, *op.cit.* p. 67.

¹⁹⁸ To further information on the UNSCOP's view of the Palestinian situation see, Fraser, *op.cit.*, pp. 42-47, 54-59.

¹⁹⁹ Fraser, *op.cit.*, p. 41.

²⁰⁰ Goldschmidt, *op.cit.*, p.253.

the Jews Irgun (Etzel) and Stern (Lehi) guerrillas raided Deir Yasin, an Arab village near Jerusalem, and massacred 254 civilian Arabs on 12 April 1948. In response to this, the Arabs killed 75 Jews on 14 April 1948²⁰¹. On 14 May 1948 the Jewish Agency Executive Committee met in Tel Aviv and formally proclaimed the foundation of the State of Israel under a Provisory government²⁰². Within a few hours the USA and the Soviet Union recognized it de facto. At midnight of 14-15 May, the armies of five Arab states; Egypt, Jordan, Syria, Lebanon and Iraq crossed the borders of Mandatory Palestine to prevent the emergence of an independent Jewish state. The Jews claimed and blamed the Arabs for invading an existing state, legitimized by the UN Partition Plan. The First Arab-Israeli War began as the Arabs refused to recognize the new state. It is also known to the Israelis as the War of Independence, resulted in Israeli victory. On September 1948, Count Bernadotte sent a proposal to the UN. He argued the State of Israel was to be recognized and the city of Jerusalem with the Bethlehem and Nazareth should be a separate body under the UN supervision, and a Palestinian Conciliation Council was to be formed. The UN accepted this plan. The Conciliation Council included the USA, France and Turkey. But Arabs never accepted such a partition plan which includes the establishment of Israel in Palestine. In response to this plan, the Arabs declared the Palestinian government under the presidency of Mufti al-Hajj Amin al-Husseini in Gaza.

The Israeli State won the first war, however, the confrontations were not ended. Several armistice agreements were signed. The first armistice agreement²⁰³ was signed with Egypt in Rhodes Island under the UN mediation on 24 February 1949. It stipulated that Gaza was under Egyptian control and Negev was to be under Israeli administration. It served as a model for similar agreements with other Arab states. The second armistice concluded with Lebanon on 23 March 1949 at Naqura, third with Jordan in Rhodes on 3 April 1949 and with Syria on 20 July 1949. The first war

²⁰¹ Ibid., and Sela (ed.), op.cit., p. 52.

²⁰² For the full text of the Declaration of the establishment of the State of Israel, 14 May 1948 see, Fraser, op.cit., pp. 66-68.

²⁰³ For the full text of the armistice see, Fraser, op.cit., pp. 76-78.

formally ended. On 11 May 1949 the UN accepted the State of Israel as a member state.

In 1955-1956 Israel felt increasingly threatened by a siege engendered by increasing Palestinian guerrilla called as Fedayeen attacks through its borders²⁰⁴. Violent armed clashes occurred between Israel and Egypt in the Gaza Strip. President Nasir obtained support from Soviet Block and took arms from Czechoslovakia. This was the first time for Soviet penetration into the ME. In June 1956 the Suez War broke out. The Egyptian President Gamal Abd-al Nasir nationalized the Suez Canal Company. Britain and France did not want to lose their influence on the region, and both of them were against Nasir because of his aid to Algerian revolution and efforts to unite all Arabs under one umbrella. England France and Israel acted jointly and issued an ultimatum to both parties to stop the fighting around the Suez Canal on 21 October 1956. Egypt rejected the ultimatum. The French and British forces began bombarding military bases in Egypt. On the other hand the USA and the international community put pressure on the two European powers, finally they withdrew. Israel occupied Sinai Peninsula and the Gaza Strip, however, on 8 March 1957 Israel withdrew from occupied territories as a result of security guarantees, and deployment of UNEF²⁰⁵ in Sinai²⁰⁶. Despite the fact that Nasir lost war, in the public eyes he became hero.

1967 the Six-day War was a great impact on forward developments. Israel won an overwhelming victory over Arabs. Israel occupied an enormous amount of land from the neighboring Arab countries, such as, East Jerusalem, Hebron, West Bank, Gaza Strip, Sinai Peninsula and the Golan Heights. The Six-day War of 1967 was a disaster for Arabs. They in fact also lost the 1948 War but they remained Jerusalem, Nablus, Hebron, West Bank and Gaza Strip. As Fraser points out the 1967

²⁰⁴ Sela (ed.), op.cit., p. 61.

²⁰⁵ UNEF: the United Nations Emergency Forces, deployed along the borders including the Gaza Strip and in Sharm-al-Sheikh in March 1957, to replace the withdrawing troops and to safeguard free navigation and freedom from attacks and sabotage raids across the lines.

²⁰⁶ Sander Oral, *Siyasi Tarih 1918-1994*, İmge Kitabevi, 4. Baskı, Ankara, 1994, pp. 257-260, Armaoğlu, op.cit., pp. 134-135, 141-143, 162-163, Sela (ed.), loc.cit.

War was not only tipped the balance of power in the Middle East in Israel's favour, leaving her for the next few years the decisive military factor in the region²⁰⁷. Therefore the President of the USA Lyndon Johnson in his speech of 19 June 1967²⁰⁸ envisaged the "peace settlement" for the Arab-Israeli conflict. He most importantly states that every nation in the area has a fundamental right to live and to have this right respected by its neighbors. Every nation, therefore, must accept the right of others to live. All sides should respect for political independence and territorial integrity of all the states in the area²⁰⁹. The UN renewed its effort to find a formula for peace settlement among Israel and Arabs. Arabs refused. On the other hand, Goldschmidt points out the Arabs believed that a just solution was more apt to come from the UN (as in 1956 Suez Canal Case) than from direct negotiations²¹⁰. The Soviet Union began rearming Syria and Egypt. This would lead a new war/confrontation in the region. On 22 November 1967 the UN Security Council adopted Resolution 242²¹¹ that envisages the "land for peace" formula to find solution to the Arab-Israel conflict. This resolution, became the principal document concerning the Arab-Israel conflict agreed to by the UN, the Great Powers and most of the states of the region²¹². It stressed "the admissibility of acquiring territory by war" and called for a just and lasting peace based on (1) withdrawal of Israeli armed forces from territories occupied in the recent conflict and (2) the right of every state in the area to "live in peace within secure and recognized boundaries free from threats and acts of force."²¹³ The points of freedom of navigation through international waterways and a "just settlement to the refugee problem" were also included. As Goldschmidt states some Arabs interpreted the just settlement to the refugee problem to mean Israel's readmission of all displaced Palestinians wishing to

²⁰⁷ Fraser, op.cit., p. 112.

²⁰⁸ For the full text of the speech see, Fraser, op.cit., pp. 113-115.

²⁰⁹ Ibid., pp. 113-114.

²¹⁰ Goldschmidt, op.cit., p.294.

²¹¹ For the full text of the Resolution 242 see, <http://domino.un.org/UNISPAL.NSF/561c6ee353d740fb8525607d00581829/59210ce6d04aef61852560c3005da209?OpenDocument>.

²¹² Sela (ed.), op.cit., p. 67.

²¹³ Goldschmidt, op.cit., p.296.

return²¹⁴. The Resolution 242 also requested a “special representative” designated by the UN Secretary-General. He is responsible for promoting agreement and assist peace efforts. Israel adhered to its willingness for peace and, based on Resolution 242 insisted on direct Israeli-Arab negotiations to suggest its recognition by the Arab states, in return for must occupied territories²¹⁵. The interpretation of the Resolution 242 is various. Israel accepted English version of Resolution 242 and interpreted it, on the other hand Arabs accepted the French version. The English version states withdrawal “from territories” and not from “the” or “all” territories occupied and the withdrawal was to be part of a negotiated peace settlement. According to French version, on the other hand, states “the territories” and Arabs interpreted it as the withdrawal of Israel from *all the* territories occupied, and need for prior negotiations or peace agreements²¹⁶.

After the Six-day War, confrontations were not ended. It also increased the mutual hatred and the clashes were continued at border. Low-intensified war called as War of Attrition between 1967-1970.

After the war, Israel hoped to achieve peace with Arabs. Arabs, on the other hand, refused to negotiate with Israel, to peace with Israel and to recognize Israel at the Khartoum Arab Summit held between 29 August and 3 September 1967²¹⁷. The international community except Arab countries recognized the State of Israel and accepted its right to exist in the region with pre-1967 borders. After the war, most Arab states had to accept the fact of Israel, however, their primary aim was to force Israel to evacuate the occupied territories.²¹⁸

From 1967 to 1973 Egypt strengthened its military strengths by Soviet aid. In July 1968 Palestinians adopted the Palestinian National Charter (PNC)²¹⁹. On 6 October 1973, on the Day of the Jewish Atonement Day- Yom Kippur- Egypt in

²¹⁴ Ibid.

²¹⁵ Sela (ed.), op.cit., p. 67.

²¹⁶ Ibid.

²¹⁷ For further information see, Fraser, op.cit., pp. 115-116.

²¹⁸ Ibid.

²¹⁹ The full text of the PNC see, Fraser, op.cit., pp. 120-122.

coordination with Syria attacked to Israel. The thinking of Arab was that during the holiday it is too difficult to mobilize for Israel. At the beginning of the war Arabs became successful but later on Israel attacked and go beyond the Golan Heights and came to near Cairo. On 22 October 1973, the UN Security Council declared a cease-fire and adopted a new Resolution 338²²⁰ reaffirmed Resolution 242 of 1967. The all parties accepted it. It also calls for immediate Arab-Israeli peace negotiations, under “appropriate auspices”. After the war, the USA strengthened its position and influence that undermined by the Soviet Union. It is important to note that the USA wanted to see a settlement in the Middle East because (President Richard) Nixon and (the then Secretary of State Henry) Kissinger believed the U.S. interests, such as the free flow of oil at reasonable prices, are better served at a time of peace, and that American diplomacy was superior to the Soviets’, in particular when there is no crisis²²¹. Kissinger spent great diplomatic effort to reach a peace and stability in the region. Kissinger states that to reach peace and to establish *status qua ante*, region countries should take support from the USA²²². It firstly realized by the Egyptian President Anwar Sadat, gave up pro-Soviet policies and return his face to the USA and wanted help from the USA to achieve peace step by step. Even Syrian President Hafiz al-Assad needed American diplomacy in order to take Golan Heights²²³. In 1974, disengagement agreements were concluded among Israel, Egypt and Syria. It envisaged security arrangement for Israel in response to the withdrawal of Israel from the west-bank of the Suez Canal. This led to a renewal of negotiations under American auspices, and to the signing of an Israeli-Egyptian Interim Agreement in September 1975. It provided for a further withdrawal of Israel in Sinai and a new UN buffer zone²²⁴. It should be noted that the Arab Summit Conference in Rabat on 28

²²⁰ For the full text of the UNSCR 338 See, <http://domino.un.org/UNISPAL.NSF/561c6ee353d740fb8525607d00581829/7fb7c26fcbe80a31852560c50065f878?OpenDocument>.

²²¹ Sella Amnon, *Policy and Back Channels: 1970-1973*, in Rubin Barry, Ginat Joseph, Ma'oz Moshe (eds.), *From War To Peace Arab-Israeli Relations 1973-1993*, New York University Press, New York, 1994, p. 42.

²²² Kissinger Henry, *Diplomasi*, Çev. Halil İbrahim Kurt, Türkiye İş Bankası Kültür Yayınları, İstanbul, 1998, p. 703.

²²³ Ibid., and Sela (ed.), op.cit., p.77, and Goldschmidt, op.cit., p. 313.

²²⁴ Sela (ed.), op.cit., p. 77.

October 1974 adopted a Resolution²²⁵ stressing the PLO position. It recognized the PLO as “the sole legitimate representative of the Palestinian people”. It stipulated that:

The Conference of the Arab Head of State:

Affirms the right of the Palestinian people to establish an independent national authority, under the leadership of the PLO in its capacity as the sole legitimate representative of the Palestinian people, over all liberated territory. The Arab States are pledged to uphold this authority, when it is established, in all spheres and at all levels.

The 1973 War was a turning point for the modern Middle East and in permitting the start of an Arab-Israeli peace process²²⁶. Shamir states that President Sadat announced that Egypt was ready for a peace agreement with Israel²²⁷. Sadat held an official visit to Jerusalem on 19-21 November 1977 with his Foreign Minister Boutros Ghali. He addressed the Knesset (Parliament of Israel) on 20 November 1977²²⁸. He offered peace against withdrawal of Israel from all occupied territories in 1967 and stated that the self-determination of the Palestinian people and the right of every nation in the region to live in secure borders were sine qua non for establishing peace in the Middle East²²⁹. However he failed to mention PLO²³⁰. The last step to achieve peace is the Camp David negotiations. Camp David talks continued from 5 September to 15 September 1978 between Egyptian President Anwar Sadat, Israeli Prime Minister Menachem Begin and the USA President Jimmy Carter. This talks concluded with two agreements; “A Framework for Peace in the

²²⁵ For the full text of the Resolution see, Fraser, op.cit., p.136.

²²⁶ *The Legacy of the 1973 War*, in Rubin, Ginat, Ma'oz (eds.), op.cit., p.31.

²²⁷ Shamir Shimon, *The Yom Kippur War as a Factor in the Peace Process*, in Rubin, Ginat, Ma'oz (eds.), op.cit., p. 33.

²²⁸ For the full text of Speech of President Sadat in Knesset see, Fraser, op.cit., pp. 151-163.

²²⁹ Armaoğlu, op.cit., 340-341, 366, 383-384, Sela (ed.), op.cit., p.79, Fraser, op.cit., pp. 151,163, Goldschmidt, op.cit., pp. 322-323.

²³⁰ Sela (ed.), loc.cit.

Middle East” and “Framework of the Conclusion of a Peace Between Egypt and Israel” in Camp David on 17 September 1978²³¹. These accords became the framework for the final peace treaty between Israel and Egypt signed in Camp David on 26 March 1979²³². It was ratified and came into effect on 25 April 1979. It envisaged the Israeli withdrawal from half of Sinai until December 1979. The total withdrawal should be completed in April 1982. This means, the land for peace was realized. Article I of the Peace Treaty states that “The state of war between the Parties will be terminated and peace will be established between them.” Article II says “The permanent boundary between Egypt and Israel is the recognized international boundary between Egypt and the former mandated territory of Palestine.... The parties recognize this boundary as inviolable.” Article III states “They recognize and will respect each other’s sovereignty, territorial integrity and political independence.” President Sadat was assassinated by an offshoot of the Muslim Brotherhood on 6 October 1981 that is the anniversary of the October War.

The fifth Arab-Israeli war broke out in Lebanon in 1982. Israel invaded Lebanon to uproot the PLO camps situated in the country. As known during the 1970 civil war in Jordan, the PLO tried to seize the power. The King Hussein of Jordan threw out the PLO from Jordan. They, later on, located in Southern Lebanon including cities of Tyre and Sidon. This area called as “Fatahland”. In May 1982 Israel bombed a Palestinian base near Beirut, killing twenty-five people. The Palestinians shelled Northern Israel²³³ and killed an Israeli ambassador in Paris and tried to assassinate Israel’s ambassador in London. Israel started “Operation Peace for Galilee” on 6 June 1982, and occupied territories until Beirut. As Hunter states that when Israel invaded Lebanon in June 1982, the Middle East peace process had long since come to a complete standstill. The Lebanon crisis ended this lull in Middle

²³¹ For the full texts of the two agreements see, Fraser, *op.cit.*, pp. 170- 176.

²³² For the full text of “The Treaty of Peace Between the Arab Republic of Egypt and the State of Israel” see, Fraser, *op.cit.*, pp. 178-183.

²³³ Goldschmidt, *op.cit.*, p. 348.

East diplomacy²³⁴. The aim of the operation was to destroy all PLO bases situated in Southern Lebanon. On 11 June 1982 Israel and Syria declared cease-fire, however, it did not prevent the Israel's operations the Palestinians armed units. On 14 September 1982 Israeli forces captured West Beirut, then massacred hundreds of civilian innocent Palestinian refugee in Shatila and Sabra camps. The massacre of innocent people led to the condemnation of Israel by the international community. Then Israel accepted the withdrawal from Lebanon, but a security zone has to be established in Southern Lebanon. Negotiations were ended on 17 May 1983 and an Israeli-Lebanese Treaty was signed.

In 1987 the Palestinian uprising called as "Intifadah" started to put the Palestinian Problem on the international agenda and embarrassed Israel. This soon captured international media attention and world public opinion, and led to renewed American effort to establish peace in the region²³⁵. When the Declaration of Principles signed in September 1993 by Israeli and PLO delegates in Oslo, which sets out basic principles and a timetable for negotiations and the Intifadah ceased to exist.

In 1988, Jordanian King Hussein declared, he recognized the right of Palestinians to fulfill its right to self-determination as an independent state of its own under the PLO's leadership. He also announced that he was no longer a potential negotiating partner for the future of the West Bank and the Gaza Strip²³⁶. It led to pave the way to the declaration of the Independent Palestinian State at the Algiers session of Palestinian National Council (PNC) in November 1988²³⁷. The PNC accepted the principle of partition and a two-state solution based on the all relevant UN resolutions going back to November 1947²³⁸. The PLO declared the Palestinian

²³⁴ Hunter E. Robert, *Western Europe and the Middle East Since the Lebanon War*, in Robert E. Freedman (ed.), *The Middle East After the Israeli Invasion of Lebanon*, Syracuse University Press, New York, 1986, p. 103.

²³⁵ Sela (ed.), op.cit. p. 88.

²³⁶ Hirschfeld Yair, *Dynamics of Israeli-Palestinian Negotiations*, in Hunter (ed.), op.cit., p.103

²³⁷ Sela (ed.), loc.cit.

²³⁸ Shlaim Avi, *The Significance of the Madrid Peace Conference*, in M. Jane Davis (ed.), *Politics and International Relations in the Middle East Continuity and Change*, Edward Elgar, Cornwall, 1995, p. 136.

independence and Jerusalem (Al Quds Ash Sharif) as a capital. All these developments strengthened the Palestinian cause and made the Palestinians the main interlocutor with Israel²³⁹. The PLO has long wanted a conference as a foothold for itself into the diplomacy. The United States insisted that the PLO first had to renounce terrorism, accept U.N. Security Council Resolutions 242 and 338 and the existence of Israel – the basic premises of the peace process – before any PLO role was conceivable²⁴⁰. When the PLO met these requirements in December 1988, the USA opened direct dialogue with PLO.

In 1991, Madrid Peace Conference began on 30 October 1991 and the Peace Process in the ME started and continued throughout 1992. It reflected a significant progress in the willingness of the Arabs to negotiate publicly. As noted before, the talks attended by Palestinian-Jordanian, Lebanese, Syrian and Israeli Delegations, were divided into bilateral and multilateral rounds²⁴¹.

After the end of the Second Gulf War, the USA intensified its effort by the Secretary of State of the USA James Baker, to forge an agreed upon formula for the convening of an international peace conference on the Middle East²⁴². The peace conference was co-sponsored by the USA, Soviet Union and the EC according to the principle of "*land for peace*." Arab delegations were meeting in the same room with Israeli representatives marked a step toward peace²⁴³. The historical significance of the conference was in the fact that all the parties directly involved in the Arab-Israeli conflict participated and sat at the same table, while all the other Arab states (except Iraq) were represented by observers²⁴⁴. Multilateral talks²⁴⁵ started in Moscow and covers various issues concerning the Middle East as a whole²⁴⁶ five working groups have been established to address arms control and regional security, economic and

²³⁹ Hirschfeld, loc.cit.

²⁴⁰ Rodman W. Robert, *Middle East Diplomacy after the Gulf War*, Foreign Affairs, Volume. 70, No. 2, Spring 1991, Council on Foreign Relations, New York, pp. 11-12.

²⁴¹ Alshanableh, loc.cit.

²⁴² Sela (ed.), op.cit., p. 401.

²⁴³ Goldschmidt, op.cit., p. 369.

²⁴⁴ Sela (ed.), op.cit., p. 109.

²⁴⁵ To the table of the multilateral talks see, Peters, in Gillespie, op.cit., pp. 26-41.

²⁴⁶ Goldschmidt, loc.cit.

regional development, refugees water resources, and the environment²⁴⁷. It is important to note that the Palestinians were included the negotiations in a joint Jordanian-Palestinian delegation.

The secret negotiations were concluded after 11 rounds of bilateral negotiations in Washington, and after several months of secret talks between the PLO officials and Israel, sponsored by the Norwegian government in Oslo and Tunisia²⁴⁸. The talks finally led to the signing of the Declaration of Principles (DOP) between Israel and the PLO in Washington D.C. on 13 September 1993²⁴⁹. In short, it requires mutual recognition, between Israel and the PLO, evacuation of Gaza and Jericho by Israel, and the establishment of a Palestinian authority. The Knesset ratified it on 23 September 1993.

3.3. The EU's Position

Where the EU stands in the Middle East Peace Process? As noted, the nature of threats for European security has been changed, from 'high politic' issues to 'low politic' issues after the fundamental changes in Central and Eastern Europe that brought a new security agenda for Europe. Some of the patterns in the societal insecurities between Eastern and Western Europe recur in the relationship between the European Community/Union and its southern periphery in the ME. From south to north there is a perceived risk of mass migration caused by the overpopulation, underdevelopment, political violence and/or ecological degradation²⁵⁰. During the Cold War, relations between the EC and the Middle Eastern countries have been the economic and social aspects. The Gulf War is the 'turning point' for the EC. It has led to increased EC involvement in the region both on the political and economic

²⁴⁷ Peters, in Gillespie (ed.)..., op.cit., p.27, Sela (ed.), op.cit., pp. 90-91, and 109.

²⁴⁸ Alshanableh, op.cit., p. 3.

²⁴⁹ Ibid., and Sela (ed.), p. 401.

²⁵⁰ Buzan Barry, *Introduction : The Changing Security Agenda in Europe*, in 'Waver O., Buzan B., Kelstrup M., Lemaitre P. (eds.), *Identity, Migration and the New Security Agenda in Europe*', Pinter Pub., London, 1993, p. 5.

fronts, the EC has a vital interest in securing stability in the region and uninterrupted access to oil supplies²⁵¹.

This is important to note that the first collective “European” attitude toward the Middle East began to be heard only after the 1973 crisis²⁵². The EC adopted the first resolution regarding the Arab-Israeli conflict throughout the EPC in November 1973²⁵³. It recognized the Palestinian issue as a political question. The victory of the Arab countries, using oil as a weapon, proved that European solidarity should be shaken²⁵⁴. Minerbi states to find a common denominator in a foreign policy matter and to help build their own political unity, Middle East will be very appropriate for this goal²⁵⁵. Events in the Middle East have also had an important impact on the development of a collective West European policy²⁵⁶. On the other hand, from Israeli perspective, this declaration was immediately labelled in Israel by Abba Eban as a slogan which should be called “oil for Europe” and not “peace for the Middle East²⁵⁷.” Some months later, Euro-Arab dialogue was started, however, until the Barcelona Process of 1995 the dialogue was not effectively worked. The Venice Declaration, which was the announced by the European Community in June 1980,²⁵⁸ stressing “the legitimate rights of the Palestinians,” and it can be seen as a milestone in the evolution of the EC’s stance on the Arab-Israeli conflict.²⁵⁹ This declaration was the peak of a unified European stand in relation to the Palestinian question. Notwithstanding this, the Europeans continued the support Israel’s right to exist²⁶⁰.

²⁵¹ Weidenfeld and Jannings (eds.), p. 90, (pp. 79 – 91).

²⁵² Hunter E. Robert, *Western Europe and the Middle East Since the Lebanon War*, in Robert O. Freedman (ed.), *The Middle East after the Israeli Invasion of Lebanon*, Syracuse University Press, New York, 1986, p. 93.

²⁵³ To the text of the first EC declaration see, Hunter, op.cit., p. 96.

²⁵⁴ Minerbi S. Itzhak, *The European Community and the Middle East*, in Rubin, Ginat Ma’oz (eds.), op.cit., p. 196.

²⁵⁵ Ibid., p.195.

²⁵⁶ Hunter, op.cit., p. 97.

²⁵⁷ Minerbi, op.cit., p. 196.

²⁵⁸ For the full text of the Venice Declaration of the European Council see, European Political Community, op.cit., pp. 127-131 and http://europa.eu.int/comm/external_relations/med_mideast/mideast_peace_process/decl/index.htm.

²⁵⁹ Hollis Rosemary, *Europe and the Middle East :Power by Stealth*, International Affairs, Volume.73, No.1, January 1997, p.18.

²⁶⁰ Sela, op.cit., p. 252.

After the Lebanon War nothing was fundamentally changed in European thinking. The EC expressed its views within the EPC that the peace process should be recast²⁶¹.

As Hollis states Europe qualifies for a much more significant role in the Middle East on economic and security grounds than it is currently accorded²⁶². After the Cold War, Arabs worried the decline of the Soviet Union, which counterweighted to the USA. Therefore, Arabs and Iranians, not Israelis, expected to the EU's involvement to the region problems to exercise more influence, at least as a counterweight to the USA that pursues a pro-Israeli policy. The strategic changes in European security with the end of the Cold War led to the then EC to pursue more effective policy towards the ME questions.

As known EC/EU is an economic giant and political dwarf in matters of a common foreign policy. The Europeans diplomatically supported the renewed Arab-Israeli peacemaking, which started in Madrid in 1991. They were participants in the multilateral talks mainly as "gavel-holder" for the Regional Economic Development Working Group (REDWG) and "co-organizer" for the others. Europe is the most important financial contributor to the peace process. European thinking on the economic and security dimensions of relations with the Southern Mediterranean countries have been impact on the involvement of the EU into the MEPP.

In short, in spite of the EC's careful and long-standing diplomatic and economic cultivation of the Arabs and its support for the Palestinians, Europe has also remained close to Israel²⁶³. The EU has always acted as an even-handed approach, while it stating the Jewish State in Palestine, it also recognize the right of the self-determination of the Palestinian people. Now, these are accepted by the all parties. Europeans wants to strengthen its impact on the region problems. Therefore the EU took a joint action decision under CFSP regarding first Palestinian Council election. As noted before the EU and its member states has become the major

²⁶¹ Hunter, *op.cit.*, p.103.

²⁶² Hollis, *op.cit.*, p.15.

²⁶³ Piening, *op.cit.*, p. 84.

international contributor to the peace process and Palestinian Authority. As Cameron points out the EU is the main trading partner for all countries of the region and is also a key player in the Middle East Peace Process²⁶⁴. Finally, note that despite its financial largesse the EU has been unable to play a decisive role in the MEPP, partly because the US and Israel have not wished the EU, with its more sympathetic attitude towards Palestine, to play such a role²⁶⁵.

3.4. The PLO's Position

PLO was founded in 1964 to create independent State of Palestine in Palestine where occupied by Israel. Its first leader was Ahmad Shugayri who resigned after the 1967 Yom Kippur War and a younger generation with Fatah captured the PLO and its leadership. PLO adopted the Palestinian National Charter (PNC) in July 1968, stating the territorial integrity of Palestine. Yasser Arafat became the president of the PLO in 1969. As noted before that the PLO, in first time, was recognized as “the sole legitimate representative of the Palestinian people” by the Rabat Arab Summit Conference on 28 October 1974. The 1980 Venice Declaration of the European Council recognized the PLO and stating that “.... PLO which will have to be associated with negotiations”.

As noted before the United States recognized the PLO after its acceptance of Resolution 242 and 338 of the UNSC, denying terrorism and the existence of Israel in December 1988, the USA opened direct dialogue with PLO.

As for the Palestinians, the PLO found itself isolated with no real function or effect after the Gulf War, because they gave support to Saddam Hussein. This support was too much exaggerated by the Western media, (their support was only by linking the situation of occupying Kuwait and the occupation of Israel to Arab lands). Also, about 400,000 Palestinians were forced out of the Gulf countries (after more than forty years of working and helping in the development of these countries), which brought the problem of unemployment to a maximum in both the occupied

²⁶⁴ Cameron, in *The Foreign and Security...*, op.cit., p. 90.

²⁶⁵ Ibid.

territories and in Jordan, where the majority of the Palestinians live. On the other hand, the social and economic conditions of Palestinians inside the occupied territories were getting worse. Arafat thought, under these conditions he had no choice either he will enter the peace process or the PLO will have no role to play, he decided to participate in this process as a part of the Jordanian Delegation²⁶⁶. Should not be forgetting that the PLO suffered to witness its growing irrelevance to the revived peace process. The organization was strictly excluded from Madrid peace talks, where Palestinians were represented by individuals from West Bank and Gaza with absolute clearance from PLO activities. However, on the other hand, it was no secret that the Palestinian delegations were taking orders from the PLO headquarters at Tunis. As Israeli negotiator Uri Savir pointed out the local Palestinian negotiators were simply receiving orders from the PLO, anyway; “we were actually negotiating with Yasir ‘Arafat by fax”²⁶⁷. Israel insisted that the exclusion of the PLO from the talks, later on it accepted that inclusion of Faisal Huseini, who had direct links with the PLO, in the Palestinian negotiating team at Washington D.C. The right to take final decisions on Palestinians belonged to the PLO leadership and its chairman Yasir ‘Arafat²⁶⁸.

3.5. The Israeli Position

With the creation of the State of Israel, it centered at the hearth of the conflict. Arabs always saw the Israel as the enemy of the Muslim world. Their primary aim was to destroy the State of Israel. As known all wars happened in ME was ended with the victory of Israel. It led to Arabs to recognize the fact of Israeli State and its right to live in the region. Israel, on the other hand, had always been against to direct negotiate with the PLO until 1991 Madrid. In fact, the representatives of the PLO joined the 1991 Madrid conference under Jordanian auspices with the Jordanian

²⁶⁶ Alshanbleh, loc.cit.

²⁶⁷ Telhami Shibley, *From Camp David to Wye: Changing Assumptions in Arab-Israeli Negotiations*, Middle East Journal, Volume 53, No. 3, Summer 1999, p. 391.

²⁶⁸ Ibid.

delegates. As Harkabi points out the Israeli official position rejects the principle of trading territory for peace, because it would entail withdrawal from the occupied territories. The basic claim of the Likud to these authorities is ideological and thus categorical, based on the doctrine that Israel has an “eternal right” to these territories²⁶⁹.

Changing parameters with the collapse of the Communism and the Second Gulf War in world politics also effected the ME. After the Gulf War, as noted before, the initiatives of the USA increased and tried to find a peace formula to the Arab-Israeli conflict, to end the state of war between Israel and its Arab neighbours, and with the Intifadah continuing, which represents the increasing resistance of the Palestinians against occupation. Also, the emerge of Hamas (the Palestinian Islamic Fundamentalist Movement) and Islamic Jihad groups which supported by the many Palestinians and call for holy war (Jihad) against the Jews and the destruction of their state, Israel decided to negotiate with the Palestinians and to enter the peace process.

Another factor that led to the participation of Israel in the peace process, was that on the long run they want to enter to the huge market of Arab and Moslem countries that they could not enter before to export their products and technology²⁷⁰. It is important to note that the only competitor to the PLO is Hamas²⁷¹, and if it strengthens its power and influence over Palestinians, this will lead the weakening of the PLO that took Palestinian allegiances and acting in political ground rather than terrorism. The strengthened Hamas menaces for Israeli security.

It is the important to note that Israel was under pressure by the international community; especially by its strategic ally the USA diplomatically forced it in order to sit on the negotiating table. Finally, it accepted to negotiate with Arabs. At the beginning of the bilateral talks, Israel-PLO negotiations were made, (as noted just above), through ‘fax’. Later on, Israel accepted direct negotiation with the PLO in 1992.

²⁶⁹ Harkabi, *op.cit.*, p.123.

²⁷⁰ Alshanbleh, *loc.cit.*

²⁷¹ Harkabi *loc.cit.*

CHAPTER IV
EUROPE AND THE MIDDLE EAST
IN THE POST-COLD WAR ERA

4.1. The Middle East Peace Process (MEPP) and the EU²⁷²

4.1.1. Madrid Summit²⁷³

As noted above the MEPP started in Madrid in October 1991 and continued throughout 1992. The Palestinian-Jordanian, Lebanese, Syrian and Israeli Delegations, attended the negotiations which divided into bilateral and multilateral rounds. The bilateral rounds that held in the US State Department buildings in Washington, separate Israeli teams held talks with the four Arab delegations. However, no real outcome was achieved because of the elections both in Israel and the USA. As Lister points out that the EU jointly acted with the USA²⁷⁴, This is the fact that the USA has the most effective role in the MEPP. Therefore the EU plays low profile in regard to the political dimension of the MEPP. On the other hand, Madrid is a venue for the MEPP was launched in October 1991.

Before the 1991 Madrid conference, the troika met Israel's Foreign Minister David Levy, to find a seat for the Community in Madrid on condition that Israel would be included in the European Economic Area (EEA)²⁷⁵. The EC was participated the MEPP and also chaired one of the five committees of the multilateral negotiations, the Committee on Regional Economic Cooperation. As noted above, the EC now EU is one of the major contributors to the MEPP and the Palestinians.

Minerbi talks about the Israeli approach on the involvement of the EC:

²⁷² For further information on the EU's role in the MEPP and its future assistance to the Middle East See, <http://www.mede.a.be/en/index259.htm>.

²⁷³ For further information on preparatory stage of the Madrid Conference and text of invitation on the MEPP and speeches in Madrid Conference see, <http://domino.un.org/UNISPAL.NSF/ec8db69f77e7a33e052567270057e591/f952a47244aa95da852560ef0068e15f?OpenDocument>.

²⁷⁴ Lister, loc.cit.

²⁷⁵ Minerbi, op.cit., p.198.

The Israeli approach has also changed toward Europe. Instead of saying "Hands off and please don't intervene in the Middle East, because any way you intervene, you are against us," (the then) Israeli Foreign Minister Shimon Peres has said that "the building of a Middle East of tolerance, economic cooperation and peace will have to take the form of a joint venture between the United States and the European Communities, because we need both."²⁷⁶

Israel has (now) accepted that the Community should participate in any peace conference whilst both Israel and the Arab states recognise the importance of an EC interlocutor capable of assisting the countries of the region address their basic problems. ... Tel Aviv is aware of the importance of expanding economic cooperation with the Community, ... The same point can be made for the Gulf Cooperation Council and other Arab countries²⁷⁷.

The involvement of the EC to the MEPP pushed the EC to consider the Mediterranean's southern and eastern rim as a whole²⁷⁸. When the International Peace Conference convened in Madrid in 1991 with the initiatives of the USA and the Soviet Union. Kosnikowski stresses that The EC was accorded only an observer status, which can be explained by its lack of a coherent foreign policy²⁷⁹. As stressed above peace negotiations were divided into two track, the first comprised bilateral talks which the EC had no formal role in this track, the second covers multilateral talks in which the EC fully took an active part. The multilateral negotiations were inaugurated in Moscow in 1992 and a framework for talks was adopted. The EC fully took part into two out of six working groups: the Arms Control and the Regional Security Working Group and the Regional Economic Development Working Group

²⁷⁶ Ibid., p.199, (quoted from Agence Europe, 3 September 1993).

²⁷⁷ Weidenfeld and Jannings (eds.), op.cit., p. 91.

²⁷⁸ Raya Javier Francisco, *A Review of the Barcelona Conference and a Summary of EU Policy Objectives*, in Cosgrove-Sacks Carol (ed.), *The European Union and the Developing Countries The Challenges of Globalization*, Mcmillan, London, 1999, p.199.

²⁷⁹ Kosnikowski Andrzej, *EU-Israeli Relations*, in Cosgrove-Sacks (ed.), op.cit., p. 230.

in which the Community has the chair²⁸⁰. The role of the EU in the MEPP can be analysed under same title “4.2. The Role of EU in the MEPP” below. At this point, should not be forgotten that aid coordination and management – a key channel for exerting political influence – had give rise to behind –the-scenes wrangling between the Americans and the Europeans²⁸¹.

In short, the then European Community played no role in the bilateral negotiations that followed the Madrid Conference. The EC was offered only a minor role in the proceedings. It was invited to participate only multilateral talks which were set up by the meeting in Madrid²⁸². The EC took an active role in the multilateral talks. As noted just above, the EC has the chair in two of the multilateral talks; the Arms Control and the Regional Security Working Group and the Regional Economic Development Working Group.

4.1.2. Oslo Accords²⁸³

The International Peace Conference on ME was convened in Madrid in 1991 and negotiations were continued with bilateral and multilateral talks concluded at Oslo in August 1993. A key premise of the Oslo talks was that formal peace agreements would produce greater trust and security for both sides²⁸⁴. On 13 September 1993, the agreed formula was signed by Israeli Foreign Minister Shimon Perez and PLO Executive Committee member Mahmud Abbas, in the presence of Israeli Prime Minister Rabin and PLO Chairman Arafat, the USA President Clinton and the Russian Foreign Minister. It called as the Declaration of Principles (DOP). It should be noted that on 10 September 1993 Israel and the PLO formally recognised

²⁸⁰ Ibid.

²⁸¹ Sela (ed.), op.cit., p. 253.

²⁸² Peters Joel, *Europe and the Middle East Peace Process: Emerging From the Sidelines*, in Stavridis Stelios and et.all (eds.), *The Foreign Policies of the European Union's Mediterranean States and the Applicant Countries in the 1990s*, Mcmillan, London, 1999, p. 301.

²⁸³ For the Full Text of the Oslo Accords see, Appendix IV and see, <http://www.cyberus.ca/~baker/palestine4a.ht>.

²⁸⁴ MakovskyDavid, *Middle East Peace Through Partition*, Foreign Affairs, Volume. 80, No. 2, March/April 2001, p. 28.

each other via exchanged letters between Israeli Premier Yitzhak Rabin and the PLO Chairman Yasser Arafat. The mutual recognition is one of the most important steps in the MEPP. Israeli Knesset began to discuss the DOP and eventually accepted the DOP by a majority vote of 61 to 50, with several abstentions²⁸⁵.

In the Preamble of the DOP it is stipulated both sides agreed that “...it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process.”

The first article of the DOP on Interim Self-Government Arrangements deals with the “Aim of the Negotiations” that states:

The aim of the Israeli Palestinians negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolution 242 and 338.

According to Declaration, Israel was to withdraw its forces from the Gaza Strip and West Bank town of Jericho within three months, to provide for the establishment of interim Palestinian self-government, first in the Gaza Strip and the West Bank town of Jericho and later in the rest of the West Bank (excluding Jewish settlements).

According to Article 3 Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the council under agreed supervision and international observation for an interim Palestinian council to administer limited

²⁸⁵ O’Ballance Edgar, *The Palestinian Intifada*, St. Martin Press, New York, 1998, p. 156.

Palestinian self-rule would be held in the occupied territories, including Jerusalem (the part of Jerusalem occupied in 1967), within nine months after the formal signing of the accord.

The responsibilities of the council which drawn under Article 6, would have some legislative authority, and taxation, health, education, social welfare, culture, tourism and the establishment of a police force would transfer to Palestinian control. Article 13 is concentrated on redeployment of Israeli forces. The Israeli military would retain authority for overall security, although its forces would be pulled back from Palestinian population centers, and it would supervise all border crossings²⁸⁶.

Article 5 deals with the “transitional period and permanent status negotiations”. Negotiations on remaining issues i.e. the final status of Jerusalem, the rights of Palestinian refugees, settlements security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest, would be taken up when talks convened on permanent status arrangements for the occupied Palestinian territories. These negotiations were commenced as soon as possible, but no later than two years after the signing of the self-rule accords.

It is striking that the DOP does not include the principle of self-determination, either directly or indirectly; only refer to the UNSC Resolutions 242 (1967) and 338 (1973) which does not mention the self-determination. It is important to note that the DOP also re-stated that the Israeli-Palestinian negotiations were convened to achieve "a permanent settlement based on UN Security Council Resolutions 242 (1967) and 338 (1973)" that had called for the withdrawal from occupied territories; “land for peace”. When the Oslo Accords is carefully observed it is clearly seen as it did not draw a clear picture on the future of final settlements and the self-determination of Palestinians. Both UNSC Resolutions 242 and 338 did not mention the right of the self-determination and statehood of the Palestinian peoples. They took the existing states into account and not include any words about the State of Palestine. As Alshanableh points out that this deficiency enables Israel to

²⁸⁶ Alshanableh, op.cit., p. 4.

reject any attempt to establish an independent Palestinian state²⁸⁷. As known until today the State of Palestine is not declared. When Arafat wanted to declare his state, Israel always put some obstacles and wanted from Arafat to delay the declaration of the State of Palestine.

4.1.3. Development from Oslo to the Present

As noted before, Arab-Israeli conflict and the Palestinian problem lie at the core of the regional problems and tensions in the Middle East²⁸⁸. Since its origins at the end of the 19th century, the Jewish-Arab battle for the possessions of Palestine has been accompanied by another battle, fought in the international arena – the battle for hearts and mind of people²⁸⁹.

As noted above, the International conference on the MEPP was held in Madrid in 1991 that paved a way to possible solution of the problem. This is the fact that in both sides there are radicals (fundamentalists) whose are against the peace and any initiatives that concluded with peace through political dialog that means recognition. According to them, there is only one solution that could be achieved by holly war. In early of 1992, Israel agreed to conduct separate talks with the Palestinian delegations²⁹⁰ that fully subordinated to the PLO and Israel aware of.

The most serious threat to the future of the peace process occurred when Israel ordered the mass expulsion of over 400 Palestinians in December 1992, all alleged to be sympathizers of the radical Hamas group, from the occupied territories. Israel had taken the action, in response to the killing of five security personnel by Hamas. The Israeli action provoked widespread international criticism, heightened by the Lebanese government's refusal to allow deportees to enter Lebanon proper (a

²⁸⁷ Ibid., p.7.

²⁸⁸ Davutoğlu Ahmet, *Turkish Foreign Policy and the Middle East*, KAIGAI JJJO Journal of World Affairs, Volume. 46, No. 5, May-1998, pp. 82-102.

²⁸⁹ Shlaim Avi, *The Significance of the Madrid Peace Conference*, in M. Jane Davis (ed.), *Politics and International Relations in the Middle East Continuity and Change*, Edward Elgar, Hartnolls Limited Cornwall, 1995, p. 133.

²⁹⁰ Sela (ed.), op.cit. p. 91.

position arrived at coordination with the PLO). The four Arab delegations withdrew from the Washington bilateral negotiations in protest at the deportations. However, when the negotiations started again in April the deportees were still in Lebanon²⁹¹. Norwegian-organised secret talks were started in January 1993. Negotiations were resulted in an agreement on principles in late August. On 10 September the PLO and Israel mutually recognized each other by exchanging letters between Arafat and Rabin.

Arafat, in his letter confirmed the followings;

- (i) *recognition of the right of Israel to exist in peace and security;*
- (ii) *acceptance of the UNSC Resolution 242 (1967), and 338 (1973);*
- (iii) *the resolution of issues related to “permanent status” through negotiations;*
- (iv) *renunciation of terrorism and assumption of responsibility for “all PLO elements and personal in order to assure their compliance”.*
- (v) *agreement to amend those articles of the Palestinians Covenant (the PLO founding charter) which denied Israel’s right to exist²⁹²,*

Rabin, on the other hand, emphasised that the government of Israel “decided to recognised the PLO as the representative of the Palestinian people and to begin negotiations with the Middle East peace process”²⁹³.

The formal signing of the Israeli PLO agreement known as Oslo Accords and the Declaration of Principles took place in Washington on 13 September 1993. Oslo Accords, as noted just above, set up a transitional system of self-rule in the West Bank and the Gaza Strip.

Reactions against agreement both inside (Fatah, Hamas and Islamic Jihad) and outside (Syria) had also begun before the formal signing. The Palestinian refugees lived in camps in Jordan, Lebanon and Syria protested the DOP. They hoped to statehood, but the DOP does not mention the right of self-determination of

²⁹¹ Alshanableh, op.cit. p. 3.

²⁹² Ibid., pp. 3-4.

²⁹³ Ibid.

Palestinians. The Syrian government denounced the Oslo Accords, but refrained from criticising either Arafat or the PLO²⁹⁴. Jordan welcomed and signed a peace treaty with Israel on 26 October 1994. It is important development for the MEPP and the Israeli-PLO relations that Tzachi Hanegbi, one of the most hawkish members of the Likud, admitted that peace with Jordan meant the end of the “Jordan is Palestine” line. “This line is no longer a political principle... and we have to accept it.”²⁹⁵ On 30 September 1993, the member states of the Gulf Cooperation Council (GCC) decided to abolish the indirect boycott on Israel. Morocco, Tunisia, Mauritania, Oman and Qatar decided to establish low level diplomatic relations with Israel. Egypt also welcomed the DOP. Iraq, Libya and Sudan opposed it.

As Goldschmidt says that neither Palestinians’ demands for full autonomy nor the Israelis’ security needs were fully met by the DOP²⁹⁶. However, this is the fact that, despite the obstacles in the peace process, Israeli and Palestinian officials have cooperated in certain fields, especially in security and the ‘fight against terrorism’²⁹⁷.

On 13 September 1993 two sides agreed on the withdrawal of Israeli forces from the Gaza Strip and Jericho. It was completed on 13 April 1994 and Israel transferred powers to the Palestinian Authority. The DOP was complemented by the Cairo Agreement signed in May 1994 on Interim Palestinian self-rule in the Gaza Strip and Jericho under established Palestinian Authority (hereafter written as PA). The PLO Leader Arafat returned to Gaza in order to establish PA on 12 July 1994 after 27 years in exile.

The new version of the DOP, also known as the ‘Interim Agreement’, or Oslo II, signed in September 1995. The details of agreements were confirmed at Taba,

²⁹⁴ O’Ballance, op.cit., p. 158.

²⁹⁵ Aranoff J. Myron and Aranoff S. Yael, *Domestic Determinants of Israeli Foreign Policy*, in Robert O. Freedman (ed.), *The Middle East and the Peace Process, The Impact of the Oslo Accords*, University Press of Florida, Jacksonville, 1998, p. 23.

²⁹⁶ Goldschmidt, op.cit., p. 370.

²⁹⁷ Mi’ari Mahmoud, *Attitudes of Palestinians Toward Normalization with Israel*, International Peace Research, Volume. 36, No. 3, Sage Publications, London, May-1999, p. 342.

Egypt, on 18 September 1995. The Taba Agreement²⁹⁸, signed in September 1995 between Israel (Rabin) and the PA (Arafat) stipulating a timetable for gradual redeployment of the Israeli forces in the West Bank, the first phase of which was to transfer full self-governing authority to the PA in the major urban centers of this region (Ramallah, Bethlehem, Qalkilya, Tulkarem, Jenin and Nablus) and holding general elections among all the Palestinians, including East Jerusalem²⁹⁹. According to the agreement, West Bank divided into three zones: Zone A (three percent of the West Bank territory), in which the PA enjoys full self-governing power, including domestic security; Zone B (twenty-seven percent of the West Bank), in which Israeli and Palestinian forces shared responsibility for security, and Zone C (seventy percent of the territory), which Israel continued to govern directly³⁰⁰. After the signing of the agreement, violent demonstrations occurred. The opposition movement both in Palestinian society and in Israeli society has been gaining much influence. The Israeli Premier Yitzhak Rabin was assassinated by a radical Jewish. Shimon Peres replaced Rabin as a Prime Minister, and the implementation of the Taba Agreement was continued. The Palestinian elections were held in January 1995 and Arafat was elected as the President of the PA.

On 11 April 1996, Israel bombed Lebanon to destroy Hizballah targets in the Southern Lebanon that danger for Israeli security. As known, since the end of the Gulf War and the beginning of the Madrid peace process in 1991, more Israelis have been ready to give up part of the Golan in return for real peace with Syria³⁰¹. Rabin was reluctant to reach a peace treaty with Syria on the basis of “as the depth of withdrawal from the Golan Heights as the depth of peace”³⁰². However, when he became the Israeli Prime Minister in June 1992, announced for the first time that UN Resolution 242 (calling for withdrawal from all occupied territories) was applicable

²⁹⁸ For the full text of the Taba Agreement (Oslo Interim Accords II), see, Appendix V and <http://www.bwscampus.com/School/Hist/NWWC/interim.html>.

²⁹⁹ Sela (ed.), op.cit., p. 392.

³⁰⁰ Ma'oz Moshe, *From Conflict to Peace? Israel's Relations with Syria and the Palestinians*, Middle East Journal, Volume 53, No. 3, Summer 1999, p. 414, and Sela (ed.), ibid. p. 392.

³⁰¹ Ma'oz Moshe, *Syria, Israel and the Peace Process*, in Rubin, Ginat, Ma'oz (eds.), op.cit., p. 168

³⁰² Sela (ed.), op.cit., p. 402.

to the Golan. Rabin's fresh formula regarding this issue was as follows: the extent of withdrawal in the Golan would depend on the extent of peace with Syria³⁰³. Intricate negotiations were started in August 1992. Negotiations reached no tangible solution in 1995. The renewed talks between Israel and Syria started in early 1996, under the USA auspices. However, the talks were cut off because of Hamas bombing in March 1996. The violent activities of Hamas and Hizballah intensified toward Israel. It led to Israel to bomb their camps in Southern Lebanon on 11 April 1996. This operation called as "Grapes of Wrath". Its aim was to protect Israeli citizens in northern Israel against Katyusha rocket attacks, and to curb Hezbollah's operations in the Israeli declared Security Zone in Southern Lebanon³⁰⁴. It should be noted that during the intricate negotiations from August 1992 to March 1996, significant progress was made and mutual understanding (not formal agreement) was achieved on several important issues:

- *Israel agreed to withdraw totally from the Golan on condition that full peace, normalization and proper security arrangements be implemented;*
- *Syria agreed to conclude a peace agreement with Israel which would include diplomatic relations, certain security arrangements and cooperation on several issues: tourism, communications, and trade as well as the flow of water from the Banyas River to the Jordan River;*
- *Lebanon would also sign a peace agreement with Israel, while other Arab states would be encouraged to follow suit³⁰⁵.*

Despite the Grapes of Wrath Operation, the Israeli Prime Minister Shimon Peres lost the election, which was held on 31 May 1996, and Binyamin Netanyahu became the new Prime Minister. It illustrates that the Israeli is divided into two

³⁰³ Ma'oz, *From Conflict to Peace...*, loc.cit.

³⁰⁴ O'Ballance, op.cit., p. 207 (pp. 207-221).

³⁰⁵ Ma'oz, *From Conflict to Peace...*, loc.cit.

camps, one that favour of the peace process and one that opposed to it,³⁰⁶ unfortunately, as noted before, the opposition camp gained much influence since the ratification of Oslo II. The international community was disappointed about Peres' defeat, as he was a supporter of the MEPP, and Netanyahu's victory as he is against to the MEPP. His era witnessed gradual erosion in the achievement of the previous government in the international arena. The government lost much of its credibility in the Arab world and the USA administration. He was unwilling to the MEPP, while the Arabs had chosen peace and the process of normalisation between Israel and the Arab states as a strategy.

The serious clashes between Israel and the Arabs began on 23 September 1996. It arose over the opening of an ancient underground tunnel that extended into the Arab quarter, with an exist into a rectangle on Temple Mount that was considered sacred by Jews as the site of the Temple of Solomon. However it also contained the Dome of the Rock and the Al-Aksa Mosque, third most holy Muslim site in the world after Mecca and Medina³⁰⁷.

The agreement was signed on 15 January 1997, called as "Hebron Agreement". According to Agreement, Hebron was divided into two zones: one in which the Palestinian police received powers similar to those it has in Area A, and a Jewish enclave in the old city, in which Israel would continue to maintain full authority and responsibility for internal security and public order³⁰⁸. Israel would take the strict security measures. Israeli-Palestinian talks were to continue, the next scheduled move being the withdrawal of Israeli troops from the rural parts of the West Bank in three stages,³⁰⁹ to continue to release Palestinian prisoners and to open negotiations on the permanent settlement³¹⁰. It should be noted that, on 31 March 1997, Palestinians called all Arabs in meetings for foreign ministers in Cairo, to

³⁰⁶ Beck Martin, *Can Financial Aid Promote Regional Peace Agreements? The Case of the Arab-Israeli Conflict*, Mediterranean Politics, Volume 2, No. 2, Autumn 1997, p. 58.

³⁰⁷ O'Ballance, op.cit., p. 226.

³⁰⁸ Ibid. and Sela (ed.), op.cit., p. 113.

³⁰⁹ O'Ballance, op.cit.

³¹⁰ Sela (ed.), loc.cit.

freeze all normalization steps in the relations with Israel until it agreed to abide by the principle of “land for peace”.

From 1997 to 1999, no real fruit was launched. Israeli Prime Minister Netanyahu clearly expressed that Israel is not willing to accept a fully sovereign Palestine state, let alone a Palestinian state with East Jerusalem as its capital³¹¹. Arafat therefore had to postpone the declaration of independent Palestine State.

The only fruitful development on the MEPP was the Wye River Memorandum³¹² of 1998 that paved the way to unlock the diplomatic stalemate in the peace process that has been continuing since the Hebron Protocol was signed in 1997. It included topics that further redeployment, security issues, permanent status negotiations, unilateral actions, interim committees and economic issues. It set up a timetable for further negotiations. It envisages that

“The two sides will immediately resume permanent status negotiations on an accelerated basis and will make a determined effort to achieve the mutual goal of reaching an agreement by May 4, 1999. The negotiations will be continuous and without interruption”.

In 1999, the Ehud Barak government came to power in Israel with promises of a rapid conclusion of negotiations on both tracks of the peace process³¹³. He firstly started negotiations with Syria but no agreement was reached. However Israel has decided to withdraw unilaterally from South Lebanon³¹⁴. The peace process fell in stalemate. On the other hand, negotiations with Palestinians gained speed. PA President Yasser Arafat and Israeli Prime Minister Barak signed on 5 September

³¹¹ Beck, loc.cit.

³¹² For the full text of the Wye River Memorandum see Appendix VI, and <http://www.pna.net/search/TitleDetails.asp?txtDocID=332>.

³¹³ Altunışık Benli Meliha, *The Breakdown of the Post-Gulf War Middle East Order?*, Perceptions, Volume 6, No. 2, June–August 2001, Intermedia, Ankara, p. 46.

³¹⁴ Aly Abdel Monem Said, *Hot Bargaining: The Middle East 2001*, Perceptions Volume 6, No. 2, June–August 2001, Intermedia, Ankara, p. 59.

1999 the Sharm-el-Sheikh Memorandum. In particular, the Memorandum set up a time frame for final status negotiations: a framework agreement on permanent status (FAPS) was envisaged to be reached by 13 February 2000 and a comprehensive agreement on permanent status (CAPS) by 13 September 2000. However, the parties missed the mid-February deadline for concluding the FAPS and the negotiating gaps remained large³¹⁵.

On October 17, 2000, at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, the President of the USA Clinton stated on behalf of the participants (Israel, the PA, Egypt, Jordan, and the US, the UN, and the EU):

*The United States will develop with the Israelis and Palestinians, as well as in consultation with the United States Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence*³¹⁶...

On November 7 2000, the Sharm el-Sheikh Fact-Finding Committee was established. The members of the Committee as follows: George J. Mitchell, Chairman Former member and Majority Leader of the United States Senate; Suleyman Demirel, 9th President of the Republic of Turkey; Thorbjørn Jagland, Minister of Foreign Affairs of Norway; Warren B. Rudman, Former Member of the United States Senate; Javier Solana, High European Representative for the Common Foreign and Security Policy, European Union.

The Committee visited the region, and prepared a report known as The Mitchell's Fact-Finding Committee Report on 30 April 2001. The Commission states its duty as:

How can the recurrence of violence be prevented? The relevance and impact of our work, in the end, will be measured by the recommendations we make concerning the following:

³¹⁵ See, http://europa.eu.int/comm/external_relations/gaza/intro/index.htm.

- *Ending the Violence,*
- *Rebuilding Confidence,*
- *Resuming Negotiations*³¹⁷.

The Committee made a recommendation on resuming peace negotiation that:

The GOI and the PA must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

The Report on rebuilding confidence points out “the PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures”. About resuming negotiations they believe that the “effort to stop the violence, an immediate resumption of security cooperation and an exchange of confidence building measures are all important for the resumption of negotiations”.

On 9 March 2000 the Mubarak-Barak-Arafat meeting in Sharm-el-Sheikh ended the freeze in permanent status talks and paved the way for a resumption of the implementation of the Sharm el-Sheikh Memorandum. The main points agreed were: further redeployments to be carried out, the northern safe passage route to be opened, FAPS to be completed by May 2000 (this was not realized to date) and negotiations on the CAPS to be finalised by 13 September 2000³¹⁸. However, when the two sides met in Camp David in July 1999 and negotiations ended without any agreement, soon after Al-Aqsa Intifada erupted. After the failure of the negotiations of Camp David the opposition forces wanted to derail to the peace process.

³¹⁶ See, <http://www.pna.net/search/TitleDetails.asp?txtDocID=92>.

³¹⁷ For the full text of the Mitchell Fact-Finding Committee Report see, <http://www.pna.net/search/TitleDetails.asp?txtDocID=92>.

³¹⁸ See, http://europa.eu.int/comm/external_relations/gaza/intro/index.htm.

The negotiations started in January 2001 in Taba³¹⁹, under the pressure of upcoming early Israeli elections and, despite the progress noted by participants, no agreement was reached³²⁰. Waxman states that with the attending the Camp David talks, Barak risked his life at Camp David, politically and indeed literally³²¹. Soon after Camp David, his right-wing partners in coalition deserted him alone and abdicated from government. Both two sides blamed each other and offered very different views on failed negotiations and the cause of violence. According to the Palestinians, the reason of uprising-intifada is that Ariel Sharon visited the Holy Haram al-Sherif with the escort of hundreds of soldiers and police that perceived by Palestinians as the Israelis' reluctance to the MEPP. They bale the Barak government for ignoring the right of return of the Palestinians under UN Security Council Resolution 194³²² and for failing to accept Palestinian sovereignty in East

³¹⁹ For the Joint Concluding Statements of Taba talks see, www.pna.net/peace/taaba_talks.htm.

³²⁰ Altunışık, op.cit, pp. 46-48.

³²¹ Waxman Dov, *A Tragic Hero: the Decline and Fall of Ehud Barak*, Perceptions, Volume 6, No. 2, June –August 2001, Intermedia, Ankara, pp. 78-79.

³²² For the full text of the UNSCR 194 See, http://domino.un.org/UNISPAL.NSF/561c6ee353d740fb8525607d00581829/04ab3be25dc29c3c82560e5_00669826?OpenDocument, the UNSCR 194 envisages on the status of Jerusalem that, “Resolves that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control; *Requests* the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall cooperate with the local authorities with respect to the interim administration of the Jerusalem area;

Jerusalem.... And the Israelis have showed clear disregard for Palestinian lives their excessive use of force³²³.

On the other hand, the Israelis blamed Barak government for giving more concessions to the Palestinians than any previous governments gave to them. They, even the 'Peace Camp' supporters after the failure of Camp David negotiations and the eruption of the intifada also started to argue that they have no partner to negotiate in the peace process. Another reason was that the Israelis were against to the return of the Palestinian refugees that would undermine the its identity as a Jewish state³²⁴.

With the election on 6 February 2001 Ariel Sharon, a leader of the Israeli right-wing conservative party, as elected as a prime minister. As Aly states that "all the parties to the Middle East conflict have decided to give Sharon the benefit of the doubt. The PLO and the Arab countries expressed their willingness to negotiate with him. Bush met Sharon and expressed the US's readiness "to co-operate very closely" with the government under his leadership. ... Egypt and Jordan launched a new initiative to end violence, build conference and resume negotiations"³²⁵. The Egyptian-Jordanian initiative, based on Sharm al-Sheikh Summit resolutions and the progress at the Taba negotiations, is one attempt in that direction³²⁶.

However no agreement was launched. Aly points out that the present crisis in the Middle East is a by-product of developments following the July 2000 Camp David II Summit and major deficiencies in the Oslo peace process³²⁷. He listed deficiencies that put the peace process on impasse, as follows:

1. *The philosophy of the process is based on gradualism and the mutual learning of the honest of the intentions of the Israel and Palestinian people to peacefully coexist with each other. Although*

Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine."

³²³ Altunışık, op.cit. p. 47.

³²⁴ Ibid.

³²⁵ Ally, op.cit., p. 63.

³²⁶ Ibid., p. 67.

³²⁷ Ibid., p. 64.

- this philosophy might have certain merits, it gave those who oppose the process on religious or historical grounds the opportunity to sabotage it through settlement policies or violence. This will be more the case when dates and timetables are not respected.*
- 2. The frame of reference for the entire process, which is resolution 242 and land for peace, was often ignored in the negotiations to reach agreements, the negotiations to implement agreements, and the negotiations to implement every item on the agenda on the implementation.*
 - 3. There has been a structural imbalance in the negotiations. Israel had secured itself a position of superiority in conventional and non-conventional weapons that led to a negotiation for peace in the Middle East under the threat of use of massive military power. Under such conditions, any Israeli concession is considered very generous even if it is far less than what the Palestinian side could accept.*
 - 4. The present leadership and elite of the region have an obsession with geopolitics over geoeconomics. For them, history is defined in terms of the future. The kind of leadership that can replicate the achievements of the founding fathers of the European Union in the Middle East is lacking.*
 - 5. The peace process has always been a government-to-government business while people have been completely absent. Even when normalisation was envisioned, it was in terms of economic gains that may inspire Arab and Israelis to accept each other. However, both peoples are not merely economic animals that look for gains in the open market of global capitalism. Nor are they indulgent only in the pursuit of happiness to the degree of overlooking historical and cultural complexes that control their lives.*
 - 6. The US has been the major, if not the only, player to mediate the peace process. The US, because of domestic politics, could not be the fair player as a mediator should be. The Presidential cycle also*

*adds a complicating factor to the sustainability of American efforts*³²⁸.

Lastly I want to add two deficiency that badly impact on peace process. Firstly, it was very far from to have a political-philosophical approach. Because, I believe that the conflict is based on psychological reasons rather than economic and political. To reach a final comprehensive, just and lasting solution to the conflict and to maintain peace and security in the whole region, we need a political-philosophical process to abolish the prejudices between Arabs and Israelis. Secondly, the EU has to take more active role that a vital interest in the region. Both sides, but especially the Israelis, should give a chance to the EU for greater political involvement.

4.2. The Role of EU in the MEPP³²⁹

After the Cold War, as noted before, parameters of the European security were changed as a result of developments in Eastern Europe. Security measures shifted from “high politic measures ” to “low politic measures”. The new risks for Europe are mass migration caused by the overpopulation, underdevelopment, political violence, human right abuses and/or ecological degradation. And some scholars argue the new character of the European foreign policy as “civilian power³³⁰”.

The involvement of the EC in the ME goes back until 1967 Six-Day War, at the Rome Summit the EEC failed to reach a common position. The first common declaration came with 1973 oil crisis that the Arabs used oil as a political weapon. EC involvement in the region both on the political and economic fronts is very important for securing stability in the region that directly effect on European

³²⁸ Ibid., p. 64-65.

³²⁹ See, http://europa.eu.int/comm/external_relations/med_mideast/mideast_peace_process, and see, [http:// www.medea.be/en/index259.ht](http://www.medea.be/en/index259.ht).

³³⁰ The concept “civilian power” evolved during the 1970s when economic and ideological power seemed to be becoming more important in international affairs than traditional military power.

security. The first collective European voice regarding the Arab-Israeli conflict was heard by the EPC declaration on 6 November 1973. Minerbi points out that the Declaration:

“urging the parties to “return immediately to the positions they occupied on 22 October”, which in practical terms would have meant that the Israeli forces should withdraw from Egypt immediately; the nine (EC) also thought that an eventual peace treaty between Israel and the neighbouring should be based on the principle of “the need of Israel to end the territorial occupation,” without any price in exchange for it, nothing. For the first time they spoke about the legitimate rights of the Palestinians, a phase which then became a very common feature in many international statements”³³¹.

Declaration saw the Palestinian issue as a political problem. With this declaration the Community adopted four UN principles:

- *inadmissibility of gaining territory by force;*
- *a need for Israel to end territorial disputes maintained since 1967;*
- *respect for a sovereignty, territorial integrity and independence of every state in the area; and*
- *the establishment of a lasting peace taking into account the legitimate rights of Palestinians³³².*

Israel criticised the declaration and it was for “oil for Europe” and not “peace for the Middle East.”³³³ In December 1973, Arab League members offered the

³³¹ Minerbi, op.cit., p.196.

³³² Kosnikowski, op.cit., p. 229.

³³³ Minerbi, loc.cit.

establishment of an Euro-Arab dialogue. The main aim was to promote relations in all fields. The Europeans hoped for a chance to further various economic issues (mainly the energy question) while the Arabs hoped to promote their political interests by securing European support for the Arab cause in the conflict with Israel³³⁴. After the first meeting of the General Committee of the Euro-Arab Dialogue, a Communiqué³³⁵ was issued. It emphasised that “security in Europe is linked to the security in the Mediterranean area and that of the Arab region”... “Both sides explained their views on the question of Palestine and on the Middle East crisis. They noted great interest the statements made by each side and recognized that a solution to the question of Palestine based on recognition of the legitimate rights of the Palestinian people is a crucial factor in the achievement of a just and lasting peace³³⁶.”

The Venice Declaration, which was announced by the European Community in June 1980, can be seen as a milestone in the evolution of the EC’s stance on the Arab-Israeli conflict.³³⁷ It was issued in the wake of the US-brokered Camp David Accords between Egypt and Israel. The Euro-Arab dialogue was frozen for a long period because Egypt was suspended from membership in the Arab League³³⁸. It was the peak of a unified European stand in relation to the Palestinian question. It gave notice of Europe’s aspiration for greater involvement. According to the Declaration, ‘the traditional ties and common interests which link Europe to the Middle East oblige (the EC members) to play a special role’ in the pursuit of regional peace.³³⁹ The Declaration prepared the grounds for the distinctive European approach on Palestinian rights by stating that the Palestinian problem was not simply one of refugees³⁴⁰ and that the Palestinian people must be placed in a position ‘ to exercise

³³⁴ Sela (ed.), op.cit., p. 251.

³³⁵ For the full text of the Communiqué see, European Political Cooperation, op.cit., pp. 97-101.

³³⁶ European Political..., op.cit., p. 98.

³³⁷ Hollis, op.cit., p.18.

³³⁸ Minerbi, op.cit., p.197.

³³⁹ Hollis, loc.cit.

³⁴⁰ The UN Resolutions regarding the refugees’ problem are 242 and 338.

fully their right to self-determination.³⁴¹ Furthermore it said that the Palestinian Liberation Organisation (PLO) would have to be associated with the peace negotiations – however it can not be reached until the Oslo Accords. It is important to note that after the Venice Declaration, François Mitterrand became the President in France, who dictated more balanced policy towards Israel³⁴². He challenged the Venice Declaration and insisted most strongly on differentiating her position. Declaration was considered too favourable to the Arab position, too crucial of Camp David and, in envisaging a ‘European initiative’ which had been impugned in advance by one of the parties to the conflict, too presumptuous³⁴³.

The Israeli government denounced the Declaration for suggesting that it deal with a terrorist organisation. The Declaration stated that ‘the EC would not accept any unilateral initiative designed to change the status of city of Jerusalem’ and maintained that ‘settlements as well as modifications in population and property in the occupied Arab territories, are illegal under international law.’ These statements illustrate the EC’s official stance on the Arab-Israeli conflict. The Europeans are the capable of reminding the parties to the Middle East conflict of their official stance and drawing attention to what is inadmissible to the international law³⁴⁴.

With the invasion of the Lebanon territory by the Israeli forces the attention of the Europeans shifted to this area. The invasion of Lebanon by Israeli forces in May 1982 prompted an immediate reaction by the Ten Ministers (the EC Member States) met on 9 June in special session in Bonn and vigorously condemned the invasion. They said that the Israeli action constituted a flagrant violation of international law and of the most basic humanitarian principles; furthermore, it compromised the efforts to achieve a peaceful settlement of the problems of the Middle East and created the imminent danger of a generalised conflict. They called on all parties to act in accordance with the UN Security Council resolutions 508 and

³⁴¹ Hollis, loc.cit.

³⁴² Sela (ed.), op.cit., p. 252.

³⁴³ De La Serra Françoise, *France The Impact of François Mitterrand*, in Hill (ed.), *The Actors in Europe’s Foreign Policy*, op.cit., p. 23.

³⁴⁴ Hollis, loc.cit.

509, and in particular on Israel to withdraw all its forces immediately and unconditionally from the Lebanon. The Foreign Ministers added that, should Israel continue to refuse compliance with these Resolutions, the Ten would examine the possibilities for future action.³⁴⁵ Later on, the European Commission announced a declaration, calling on Israel to withdraw unconditionally a position to which it will come to end with the election of 1998 in Israel, the then Prime Minister Ehud Barak who promised during the election campaign to withdraw from Lebanon, won the election.

Europe's line on the Palestinians has evolved incrementally after Venice towards a more forthright endorsement of the Palestinian right to self-determination and the importance of involving the PLO in peace negotiations.³⁴⁶

Several times the EC issued declarations to explain its views on Arab-Israeli conflict and ME. It states that the EC is 'in favour of international peace conference to be held under the auspices of the UN with the participation of the parties concerned and of any party able to make a direct and positive contribution to the restoration and maintenance of peace and to the region's economic and social development. They believe that this should provide a suitable framework for the necessary negotiations between the parties directly concerned.'³⁴⁷ The Community involvement to the Middle East problems remained declaratory level.

During the 1980s, Its actions were limited to supporting other initiatives; the 1981 Fahed Plan, the 1982 Reagan Plan. Kornikowski states that the first serious involvement, although indirect, was in 1988³⁴⁸. When the Palestinian uprising 'Intifada' was erupted, Israel gave forceful respond that exploded on to the world's television screen in December 1987, triggered adverse publicity and criticism for Israel in Europe³⁴⁹. In March 1988 the EP took the Palestinian issue on the agenda in

³⁴⁵ Nuttall Simon, *Interaction Between European Political Co-operation and the European Community*, Yearbook of European Law, 1987, No. 7, Oxford Calendar Press, 1988, p. 235.

³⁴⁶ Hollis, op. cit., p.19.

³⁴⁷ *Declaration by the Foreign Ministers of the Twelve on the Middle East* (Brussels, 23 February 1987), *European Political Cooperation*, op.cit., pp. 306-307.

³⁴⁸ Kornikowski, op.cit., p. 230.

³⁴⁹ Hollis, op.cit., p. 19.

the light of Intifada. The European Parliament refused at that time to give the assent required for accepting three additional protocols to the 1975 EEC-Israeli Agreement signed in 1987 and made it conditional on lifting Israel's barriers on Palestinian trade. ... Another step in the EEC policy in the area was signing the Madrid Declaration of 1989, which contains five elements worthy of mention. The twelve were then in favour of:

- *convening an international peace conference under UN auspices;*
- *the participation of the PLO in the peace process;*
- *a negotiation solution to the conflict in which the EEC pledged to cooperate, basing the final negotiation on the principle of 'land for peace';*
- *elections on the Occupied Territories*³⁵⁰.

In March 1989 the EC Twelve were glad to welcome the setting up of the Arab Co-operation Council (by Egypt, Iraq, Jordan, and the Arab Republic of Yemen) and in June the return of Egypt to the Arab League. At the same time, however, trade relations, and the meeting of the EC-Israel Co-operation Council were being complicated by the Community's political disapproval of the Israeli hard line on the treatment of young Palestinians in the West Bank and the other occupied territories.³⁵¹ The Euro-Arab Dialogue was relaunched after a joint conference in December 1990 in Paris, on the basis of a clearer separation of the political elements of the Dialogue from the economic, cultural, and technical aspects³⁵².

The Community and its Member States have been fully committed to the achievement of a just, lasting and comprehensive peace in the Middle East region, throughout the Arab-Israeli conflict. The EC supports the involvement of Egypt,

³⁵⁰ Kornikowski, loc.cit.

³⁵¹ Edwards Geoffrey and Hill Christopher, *European Political Co-operation 1989-1991*, Yearbook of European Law, 11, 1991, p. 504.

³⁵² Ibid.

Israel, Jordan, Lebanon, the Occupied Territories and Syria in a process of regional cooperation, which should consolidate the emerging peace settlement³⁵³. It is important to note that during the Cold War, both Israelis and the Arabs do not care any European initiatives and voice. They are opposed to the Europeans. Arabs were colony of the European powers from the decline of Ottoman Empire to 1950s, and the Jews suffered from anti-Semitist movements in Europe. During the Cold War, the USA supported Israel while the USSR was in Arabs side as a counterweight to the USA. After the decline of the USSR, the influence of the EC/ EU to the ME was gradually increasing to counterweight the USA. As known, the Arabs always welcomed the EC declarations that stresses recognising the legitimate rights of the Palestinians and the withdrawal of Israel from the Occupied Territories. Despite the fact that Israel was one of the first countries to recognized the European Economic Community and to establish diplomatic relations with the new entity³⁵⁴. Israel is disappointed to the involvement of the EC as a political actor to the MEPP.

During the Cold War, the EC played a secondary role, it can be explained by its weak nature to create coherent foreign policy. The Arab League wanted a political dialogue that the Europeans was reluctant. As noted before the aim was to try to influence the views of European on ME. On the other hand, the Community wanted more economy-based dialogue, leaving issues of 'high' politics to national governments³⁵⁵.

The end of the Cold War, the loss of Soviet aid and the appearance of the USA as a unique superpower to dominate the whole world effected the Arab thinking. They sought a new counterweight to stop pro-Israeli American ambitions. Saddam Hussein, in his speech to the Arab Cooperation Council summit in Amman on 24 February 1990, portrayed "the end of the Cold War as a disaster for the Arabs: Soviet Jewish immigrants were flooding Israel; the Arabs would have to do without

³⁵³ *Bilateral Relationships and Agreements Within a Mediterranean Framework*, Brussels, July 1994, p. 144.

³⁵⁴ Kosnikowski, op.cit., p. 226

³⁵⁵ Lister, loc.cit.

their traditional Soviet backing; American preeminence was a strategic windfall for Israel. A new counterweight was needed to block American ambitions, he argued. Europe and Japan would emerge as major powers in five years' time³⁵⁶". These words show the Arabs' will to involve the EC as a counterweight to hinder American influence on the region.

The end of the Cold War and the Gulf War, 'European attitudes to the Middle East shift uneasily between concern, frustration and impotence'³⁵⁷. Seward talks about the effect of the Gulf War on the MEPP. He says;

*The Gulf war has created a more favourable environment for peace process, as the 1973 war paved the way for the Camp David Accords*³⁵⁸.

The developments in the Gulf effected the relations between Europeans and Arabs. This move turned out to have been opportune when Iraq attacked Kuwait on August 1990. One month later the EC Twelve issued a statement reaffirming the historic ties of friendship which they saw as binding Europe to the Arab world, and the policy in general was rewarded by Egypt and Syria joining the anti-Iraq coalition both diplomatically and militarily.³⁵⁹

As noted before, Minerbi stresses the changes in Israeli thinking towards the involvement of the EC/EU to the MEPP³⁶⁰. After the Gulf war, Israel accepted the participation of the EC/EU to the any peace conference. Therefore the EC gave full support for the USA initiatives. Before the 1991 Madrid Conference, the troika of the EC met with Israeli Foreign Ministers David Levy to take a seat in Madrid Conference in consideration of participation of Israel to the European Economic

³⁵⁶ Rodman, op.cit., pp. 2-3.

³⁵⁷ Seward Valeria, *The Middle East After the Gulf War*, Wilton Park Papers (53), March 1992, London, p. 34.

³⁵⁸ Ibid., p. 18.

³⁵⁹ Edwards, op.cit., p. 504.

³⁶⁰ Minerbi, op.cit., p. 199.

Area (EEA). The USA and the USSR organized the international peace conference on ME, in 1991 in the capital city of Spain, Madrid between Israel on the one hand, and Syrian, Lebanon and a Jordanian-Palestinian delegation on the other hand. Negotiations divided into two rounds, as bilateral and multilateral. Bilateral talks started in Madrid based on the principle of “*land for peace*”. This is the fact that the EU has no formal role in bilateral rounds on the one hand, and it plays significant role in multilateral negotiations, on the other.

Following the election of the Labour government in Israel in June 1992, talks between Israeli and EC officials went ahead, but progress was slow until the breakthrough of the Oslo Accords changed the atmosphere.³⁶¹

The EU in multilateral talks has two chairs: The Arms Control and the Regional Security Working Group and the Regional Economic Development Working Group (REDWG). The EU plays very active role in REDWG that it acts as ‘gavel-holder’³⁶². The EU’s role is in activities of this working group that to the promoting ideas and ventures for economic cooperation between the parties of the region, and has taken the lead in encouraging them to develop a vision of potential institutional mechanisms and arrangements to foster ties and economic growth.

Following the signing of the Israel-PLO Declaration of Principles, the EU drew up the Copenhagen Action Plan and allocated Ecu 9.2 million to the preparation to the feasibility studies and the running of inter-sessional activities in ten different spheres of activity. These comprised: communications and transports (led by France); energy (EU); tourism (Japan); agriculture (Spain); financial markets (United Kingdom); trade (Germany); training (United States); networks (EU); institutions, sectors and principles (Egypt); and bibliography (Canada)³⁶³. The EU is the most contributor to the REDWG.

In 1993 the Danish Presidency suggested the one of the most important regarding European security and common interests was the Middle East Peace

³⁶¹ Hollis, op.cit., p.20.

³⁶² Peters, in Gillespie (ed.)..., op.cit., p. 29.

³⁶³ Ibid., p. 32.

Process.³⁶⁴ The European Union initiatives and the relations with the interested parties of the peace process were and still even today continuing under the framework the multilateral negotiations.

With the TEU, the EU introduces Common Foreign and Security Policy to have strong and effective voice in European and world affairs. The CFSP envisages two instruments; ‘common position’ and ‘joint action’ that are taken by the Council. The Council has adopted joint actions in support of the MEPP. Two of them are the most important than others. First, in May 1994, the Council adopted a joint action that focuses on the organisation and observation of the Palestinian elections. The second policy is, the Council appointed Ambassador Miguel Angel Moratinos as the European Special Envoy (EUSE)³⁶⁵ to witness the peace process on 21 October 1996. According to Barbè these actions deserve two comments.

First of all, it is necessary to emphasise the low profile role played by the Union in regard to the political dimension of the peace process the above-mentioned joint actions left the crux of the negotiations in the hands of the United States, even in its low profile role, the Union has been much more engaged in Central and Eastern Europe, for example in its co-ordination of the PHARE Plan. As a matter of fact, the global co-ordination of international aid for the Middle East was entrusted to an ad hoc Liaison Committee and not directly to the Union which was the first donor to the area.

Second, it is necessary to emphasise Spain’s high profile position in the EU policy making. For instance, Madrid was the venue for the October 1991 Middle East Peace Conference, and in November 1996, the Council appointed a Spanish diplomat, Miguel Angel Moratinos, as the envoy following the peace process³⁶⁶.

³⁶⁴ Edwards, op.cit., p. 505.

³⁶⁵ See, official site of the EUSE Moratinos, <http://ue.eu.int/pesc/envoye/cv/moratinos/track.htm>.

³⁶⁶ Barbè, op.cit., p. 124.

The appointment of a special envoy to the MEPP was very complex issue. Because both the USA and Israel are, even today, antipathetic for the idea of involvement of the EU into the peace process as a political actor, on the one hand, the Member States of the EU has different views, not a coherent policy on the issue, on the other. Aguirrebengoa talks about the American view on EUSE; “it could demonstrate the (apparently) inadequate capabilities of the Europeans to perform a substantive role in the short term, since the parameters of the negotiation process were already established (as in the case of Jordan³⁶⁷), to some extent well under way (Palestinians), or conceptually framed (Syria³⁶⁸). They (Americans) thought that, on the contrary, the EU’s role could be much more useful by contributing in the medium and long term to the building of the future architecture of the region.³⁶⁹ On the one hand the Americans are welcomed on the collaboration of the Europeans to reach common policy to engage in the MEPP. However, on the other hand, they are opposed any initiative or policy that clashes with the USA policy, but it is acceptable if it is complementary to the US policy. The Mediterranean members of the EU (Spain, France, Italy, Greece and in some respects Portugal) has strong influence on the EU’s policies toward greater ME. Because they are directly effected from any instability occurred in the greater ME. It should be noted that with the adaptation of new Mediterranean policy, the EU’s policy toward the MEPP informally became a sub-area of it. We can easily say that in the eyes of the Europeans, the greater Middle East is the Mediterranean region and narrower Middle East covers only the ‘Near East’, the territories from Egypt to Syria. At the same time, the EU proposed a policy to the greater Mediterranean region that covers area from Morocco to Syria. All countries around the Mediterranean Sea have a place in this policy. The negotiations and conferences started in 1970s and concluded with the Barcelona Declaration of

³⁶⁷ Jordan signed a Peace Treaty with Israel on 26 October 1994.

³⁶⁸ The parameters of the possible agreement between Israel and Syria were reached at the end of intricate negotiations from August 1992 to March 1996, for further information see, Ma’oz, in *From Conflict to Peace...*, op.cit., pp. 393-416.

³⁶⁹ Aguirrebengoa López Pedro, *Transatlantic Co-ordination and the Middle East Peace Process*, in Jôrg Monar (ed.), *The New Transatlantic Agenda and the Future of EU-US Relations*, Kluwer Law , London, 1998, p. 43.

1995 envisaged the Euro-Mediterranean Partnership (EMP) to establish a global partnership between the EU and its 12 Mediterranean associates. All the relevant parties to the MEPP (Israel, Palestinian Authority, Jordan, Syria and Lebanon) are members of the Barcelona Process. This partnership has three dimensions; (a) political and security, (b) economic and financial, (c) social, cultural and human affairs. The EMP is implemented in two separate but complementary ways; via bilateral agreements and regionally. Eldar criticised the Barcelona EMP is not sufficient as a strategic security concept. He argues the EMP based on the notion of the economic development of the region rather than the creation of political instruments and confidence-building measures as engendered by the 1975 Helsinki Act³⁷⁰. He also added that the success of the political and security dimension of the EMP in the ME remained subordinated to the progress of the MEPP.

1993 began with the condemnation of the Israeli expulsion of 400 Palestinians, Edwards interprets this as Europe is still on the sidelines³⁷¹. The EU became a member of the newly created Ad Hoc Liaison Committee aimed at coordination of international assistance to Palestine. ... Within the framework of the Ad Hoc Liaison Committee, a Coordinating Committee for International Assistance to a Palestinian Police Force was formed and the EU automatically became its member³⁷². As a matter of fact, the global co-ordination of international aid for the Middle East was entrusted to an ad hoc Liaison Committee and not directly to the Union which was the first donor to the area.³⁷³ In December 1993 the Foreign Affairs Council of the EU finally approved the Commission's draft mandate for negotiating a new trade agreement with Israel.³⁷⁴

The influence of the EU on the MEPP is gradually growing. It both politically and economically gave full support to any peace initiatives and plans. It gave its

³⁷⁰ Eldar Dan, *Western Europe, Russia and the Middle East 'Europe's Role in the Arab-Israeli Peace Process'*, in Maddy-Weitzman Bruce (ed.), *Middle East Contemporary Survey 1997*, Volume 21, The Moshe Dayan Center for Middle Eastern and African Studies, Tel Aviv University, 2000, p. 65.

³⁷¹ Edwards, op.cit., p. 505.

³⁷² Kosnikowski, loc.cit., p. 230.

³⁷³ Barbè, op.cit., p. 124.

³⁷⁴ Hollis, op.cit., p. 20.

support to the “Cairo Agreements” between Israel and PLO on Palestinian Autonomy (May 1994), to the installation of the “Palestinian Authority” (July 1994); and the signature of the Peace Treaty between Israel and Jordan (October 1994). In 1994, the EU continued to be the main economic contributor to the Palestinian Territories with US\$ 450 million³⁷⁵. In 1995, the European Investment Bank (EIB) signed an agreement with the PA that granting 250 million ECU to finance development projects in the Palestinian territories.

At that time, within the Mediterranean policy, the EU signed the Euro-Mediterranean Association Agreement with Israel on 20 November 1995. It led to the trade agreement, named as, the EC-Israel Interim Agreement on Trade and Trade-Related Matters which entered into force on 1 January 1996. It addresses political dialogue, free trade and economic cooperation. The regular political dialogue aims to enable the Parties to understand each other’s position on international issues and enhance regional security and stability³⁷⁶. At the same time, the European Council of Ministers approved 30 million ecus in aid to help cover the budgetary shortfall of the Palestinian Authority and authorized the Commission to negotiate a new trade accord with the Palestinians by the end of the year³⁷⁷.

The EC-PLO Agreement – the ‘Euro-Mediterranean Interim Association Agreement for Trade and Cooperation between the European Community and the PLO for the benefit of the Palestinian Authority of the West Bank and Gaza Strip’..., signed on 24 February 1997, and entered into force on 1 July 1997³⁷⁸. It rapidly came into force rather than the EU-Israeli Agreement and the all other agreements. Because, Israel signed the agreement with the EU, while PA signed it with the EC that not requiring ratification in the Member States. The EC-PLO Agreement does not include any provisions regarding political dialogue. The objectives of the

³⁷⁵ Aguirrebengoa, op.cit., p. 38.

³⁷⁶ Paasivirta Esa, *EU Trading with Israel and Palestine; Parallel Legal Frameworks and Triangular Issues*, European Foreign Affairs Review, Volume. 4, No. 3, Kluwer Law Int., Autumn 1999, p. 306.

³⁷⁷ Hollis, loc.cit.

³⁷⁸ Paasivirta, op.cit., p. 308.

Agreement entail a ‘comprehensive dialogue’³⁷⁹. Agreement contains only economic, cultural, scientific and educational matters. It does not consist of obligations on establishment and services. The 1997 EC – PLO Agreement provides for a gradual establishment of a free trade area, with a transitional period ending in 2001³⁸⁰. The EU agreements with Israel and the PLO demonstrate balanced cooperation.

In January 1995, Palestinian elections were held under the observation of the EU and Yasser Arafat became the President of the PA. The PNC took the decision on 24 April 1996 to amend the provision of the PC that it will no longer deny the right of the State of Israel to exist. Two days later, the Presidency on behalf of the EU issued a declaration about the decision taken by the PNC on the PC.

The European Union wishes to underline its continuing commitment to the cause of peace and democracy courageously undertaken by the Palestinian people and its leadership. The decision to amend the Charter, which constitutes a confirmation of the strong Palestinian desire to fulfil its undertakings, shows how widespread the support for peace is among the Palestinians, and how limited the following of those who are opposed to it through violent means and terrorist actions.

In this respect, the European Union is confident that the Government of Israel will respond to this gesture of the Palestinians by:

- *implementing all the agreements, including the withdrawal from Hebron,*
- *continuing the peace talks which are expected to resume on 7 May,*

³⁷⁹ Ibid., p. 310.

³⁸⁰ Ibid., p. 309.

- *ending the closure which has been imposed on the West Bank and Gaza since the beginning of March*³⁸¹.

After the Israeli decision on the opening of an ancient underground tunnel that very near to Holly Al-Aksa Mosque, on 23 September 1996 confrontations were begun between Jewish and the Arabs. The governments of Britain, France and Germany wrote a joint letter to the Israeli government calling for it to close the tunnel again. The initiatives for peace building immediately started. On October French President Jacques Chirac visited Israel and Palestine. He called for Palestinian independence, Israeli withdrawal from all the Occupied Territories and greater involvement in the quest for Arab-Israeli peace³⁸². It is important to note that he became the first foreign head of state to address the Palestinian Council in Jericho. Israel criticised Chirac and did not allow him to visit Orient House in East Jerusalem. During his visit to the Arab capitals, he tried to explain the differences of European policies on the MEPP from that of the USA. Hollis points out this difference as follows:

*While Washington claims no preference for any given solution to the long-standing conflict, so long as the parties directly involved agree among themselves, the Europeans believe they can identify the necessary prerequisites for a lasting peace and claim that anything which falls short of such a formula will come unstuck in the long run. The inference is, the more land exchanged for peace the stronger that peace*³⁸³.

Israel was deeply disappointed from the EU's efforts to the MEPP. The EU blamed Israel to break peace process with the opening of ancient tunnel in Jerusalem.

³⁸¹ For the full text of the Presidency declaration see, http://ue.eu.int/newsroom/LoadDoc_jai.cfm?MAX=1&DOC=!!!&BID=76&DID=43249&GRP.

³⁸² O'Ballance, op.cit., p. 228, and Hollis, op.cit., p. 18.

³⁸³ Hollis, op.cit., p. 16.

In its declaration the EU emphasized that the Gaza Strip, the West Bank and East Jerusalem are occupied territory under international law. The Council of Ministers announced that, as stated by them in Florence in June 1996³⁸⁴:

*'Peace in the Middle East is a vital interest of the European Union. Accordingly, the European Union is ready to play an active part in efforts to recommence the negotiations, commensurate with its interests in the region and on the basis of its major contributions to the peace process so far*³⁸⁵.

The EU foreign policy policy-makers see the any instability in the ME badly effected the EU. Therefore the EU is always ready to play an active role in promoting the peace process. This is the matter of fact that the EU is the biggest financial supporter of the peace process.

The General Affairs Council (GAC) declaration was issued to coincide with the President Clinton's summit meeting on 1-2 October 1996 held in Washington which included Binyarnin Netanyahu, Yasser Arafat, King Hussein and Husni Mubarek, but no participant from the EU, only France was disappointed. Yasser Arafat did make a visit to Luxembourg on his way to Washington, to consult with the Troika, and EU representatives talked to Israeli Foreign Minister David Levy in New York; but a trip to Israel by the Irish Foreign Minister Dick Spring (Ireland then held the EU presidency) on 6 October 1996, yielded another frosty response from Israel to EU intervention³⁸⁶.

Aguirrebengoa states that

³⁸⁴ <http://ue.eu.int/Newsroom/LoadDoc.cfm>, The European Council of Florance (21-22 June 1996), Presidency declaration on the ME had strongly stated that: "that peace in the Middle East region is a fundamental interest of the European Union. The Peace Process is the only path to security and peace for Israel, the Palestinians and the neighbouring states. The European Union remains dedicated to supporting it. Alongside the co-operation Sponsors, the European Union's aim is that Israel and its neighbours may live within secure, recognised and guaranteed borders and the legitimate rights of the Palestinians shall be respected. ..."

³⁸⁵ *General Affairs Council Declaration*, 1 October 1996, PRES/96/253 and see, <http://ue.eu.int/Newsroom/LoadDoc.cfm>.

³⁸⁶ Hollis, op.cit., p. 21.

the declaration pointed out that the EU had discussed its concerns at meeting in New York with Israeli Foreign Minister Levy and in Luxembourg with President Arafat, and that the recent incidents “were precipitated by frustration and exasperation at the absence of any real progress in the Peace Process and firmly believes that the absence of such progress is the root of the unrest.” It called on Israel to match its stated commitments to the Peace Process with concrete actions to fulfil its obligations, as well as to refrain from any action likely to create mistrust about its intentions, and on both parties, under the terms of the Declaration of Principles, “not to take any action which would prejudice the outcome of the Permanent Status Negotiations”, affirming that it “will work to ensure that this commitment is implemented by both sides”. It furthermore called for “the cessation and reversal of all acts that may affect the status of the Holy Places in Jerusalem”, reaffirming its policy on the status of Jerusalem. It also stressed “the importance of the Euro-Mediterranean Association Agreement which is based on a common commitment to the Peace Process”³⁸⁷.

With this declaration, the EU expressed its views to ensure immediate progress in some areas was decisive and significant to the Peace Process:

1. *timely implementation of the agreements reached;*
2. *positive steps to alleviate the economic problems of the Palestinians (the Council responded favourably to the request of President Arafat for an additional 20 million Ecu assistance);*
3. *resumption of full co-operation in order to ensure internal security both in Israel and in the areas under Palestinians authority;*

³⁸⁷ Aguirrebengoa, op.cit., pp. 42-43.

4. *refraining from measures that could prejudice the outcome of the final status negotiations, including annexation of land, demolition of houses, new settlement construction and expansion of settlements;*
5. *engagement of the next stage of negotiations as set down in the Declaration of Principles*³⁸⁸.

The Dublin European Council on 5 October 1996 stated the importance of the EU's role in the MEPP and sought to enhance its role with an active and concrete contribution, alongside the other partners of the region, to promote the relaunching of the Peace Process, as the regional parties had demanded, reaffirming what had been said in Florence and again in the Declaration of 1 October, that peace in the Middle East is a fundamental interest of the EU³⁸⁹.

Dutch Prime Minister Wim Kok during a new conference with Israeli Prime Minister Netanyahu in The Hague articulated a self-limiting role for the EU in the peace process. Moratinos, the EU's special envoy to the MEPP, send a letter of guarantees formulated by the EU and attached to the Hebron Agreement of 15 January 1997 as an indication of Europe's contribution to breaking the deadlocked negotiations, Moratinos, too, explicitly acknowledged that the European role in the ME had to be "complementary that of Washington"³⁹⁰. It illustrate[d] that the EU had a vital political role and not only an economic role in the MEPP. It is important to note that Moratinos always avoids pursuing an independent policy, he always stresses the all-EU consensus over his mission. After the signing of the Hebron Agreement in January 1997, European leaders stresses their concern about possible threats, acts of violence and terror, and the destabilization of the ME, which engendering the continuation of the diplomatic stalemate.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Eldar, op.cit., p. 55.

By mid-February, the Israeli government decided to start construction of a new settlement in East Jerusalem (Har Homa/Jabel Abu Ghneim). At the same time, disagreements over the extent of the first phase of further redeployment helped to deepen the crisis. Concerning the settlements issue, the Palestinian Authority maintains the view that any expansion of existing settlements and construction of new ones violates the provision of the Interim Agreement specifying that the status quo of the West Bank and Gaza Strip should remain unchanged. Israel claims that the agreement only refers to settlements to say that their fate must be determined in the permanent status negotiations. Regarding the issue of Further Re-Deployment, the Palestinian Authority argued that the understanding was that Israel would transfer control of a much larger part of the West Bank. Israel claims that the agreement specifies that it is to determine the scope of Further Re-Deployment unilaterally³⁹¹.

Israeli decision to construct new buildings to the Jewish settlements at Har Homa was strongly criticized by international community on February 1997. The EU delegation in Jerusalem submitted a formal protest to Israel. The French media strictly criticises the Israeli decision that described as “two step backward” in the peace process as compare to the “one step forward” introduced by the Hebron Agreement. In the early March 1997, four European members of the Security Council – France, Britain, Portugal and Sweden – reportedly proposed to condemn Israel for the decision, terming it “illegal” and “an obstacle to peace,” and calling on Israel to avoid changing its status qua at Har Homa. The council resolution’s final text skipped the condemnation of Israel but retained the appeal to avoid any step regarding the final status of the area³⁹². French Foreign Minister de Charette visited to Israel and the PA and blamed Israel to the decision on Har Homa that put “an obstacle to the peace process” and “contrary to the international law”. At the same time, British Prime Minister Tony Blair declared the Har Homa decision an “obstacle on the way to peace” and “illegal”³⁹³.

³⁹¹ See, <http://www.medeia.be/en/index259.htm>.

³⁹² Eldar, *op.cit.*, p. 57.

³⁹³ *Ibid.*, p. 58.

In February 1997, the EUSE Moratinos visited Washington to consult and exchanging information his American counterpart, Ambassador Dennis Ross and other State Department high officials. During 1997, Moratinos worked closely with the US envoy Dennis Ross, to bring the Israeli government and Palestinian Authority back to the negotiating table after the impasse over the new settlements in Jerusalem. In particular, Moratinos was instrumental in reassuring the Palestinian Authority that an agreement for Israeli withdrawal from Hebron would be supported by the EU, a diplomatic move that smoothed the way for the conclusion of talks about the West Bank town³⁹⁴.

Negotiations on the interim issues such as further withdrawals of Israeli forces, prisoner releases, settlement stop and economic issues remained in stalemate. On 7 April 1997, the EU proposed a 10-point "Code of Behaviour (Code of Conduct)" for the Israelis and the Palestinians as a confidence-building measure aimed at the renewal of dialogue between them. It is in order to introduce mutually acceptable guiding principles to resume and conduct the talks. This "Code" aimed to "pave the way for an approach which combines both security concerns and political, economic and cultural policies based on the pursuit of mutual prosperity and welfare". Both the EU Parliament and the Council of Ministers supported the adoption of the "Code", however, at the last minute a new crisis (Har Homa crisis) reaching both sides prevented its signing³⁹⁵. The proposal was to be presented to President Clinton as a complementary, rather than a rival step to American efforts in the ME³⁹⁶.

Israeli Prime Minister Netanyahu saw the proposal as unacceptable and described EU's role in the MEPP as "basically economic". Netanyahu was against the MEPP began at Madrid, he tried to re-determine the parameters to the process. Netanyahu rejected to acknowledge the achievements and accept the informal

³⁹⁴ Gomez Ricardo, *The EU's Mediterranean Policy Common Foreign Policy by the Back Door?*, in Peterson and Sjursen (eds.), op.cit., pp. 148-149.

³⁹⁵ See, <http://ue.eu.int/pesc/envoye/cv/moratinos/track.htm>.

³⁹⁶ Eldar, op.cit., p. 55.

understanding reached with Syria under the previous Israeli government³⁹⁷. His government refused to withdraw from the Golan, maybe it will withdraw from the part of the Golan Heights in return for full peace, normalization and security arrangements. His government's initiatives put the peace process on stalemate. EUSE Moratinos described Har Homa decision as the "most difficult moments of the peace process". It stood at the very heart of the question of Jerusalem that had international connotations. On the other hand, the EUSE Moratinos appeared to sense an imbalance in the European policy toward Israel, pointing to the interrelatedness of the political and the security aspects in the peace process³⁹⁸. He added also political pressure from outside may cause unexpected results, i.e. the Israeli public opinion would tend toward a corner and would feel itself as isolation. In June 1997 the EP issued that Europe will spend much more effort to understand position of Israel in the MEPP.

During 1997 the relations between the EU and PA were generally good with no dramatic/negative changes. The EU has to play a role in accordance with the US policies in the region. In January 1997 Arafat visited Paris and met with President Chirac in order to discuss the deadlocked peace process and requested greater European involvement to the MEPP to press Israel to bring it to the table. As noted before, the EU is the major contributor to the budget of PA and the MEPP. In July 1997, Arafat met with British Prime Minister Tony Blair in London and reiterated his proposal to join the British Commonwealth of Nations but it was rejected.

The continuing stalemate in the MEPP has caused an alarm among the international community. The diplomatic stalemate has raised instability in the region. The EU has continuously tried to contribute to international efforts to overcome this impasse. On 6 October 1997, the General Affairs Council adopted a political initiative called as the "Code of Conduct". It intends to provide ground rules for further Israeli-Palestinian negotiations. It aims at rebuilding mutual trust by

³⁹⁷ Maoz, in *From Conflict to Peace...*, op.cit., p. 415.

³⁹⁸ Eldar, op.cit., p. 59.

obtaining the commitment of both parties to refrain from unilateral acts that may endanger or prejudice the outcome of further negotiations³⁹⁹.

The Code urges the parties to continue implementation of all outstanding issues under the Interim Agreement. These include Further Re-Deployment, the establishment of a territorial connection for people and goods between the West Bank and the Gaza Strip (so-called safe passage), and building and opening the Gaza airport and harbour. In parallel, it demands that they maintain security co-operation under all circumstances and do their utmost to combat terrorism. It is currently under negotiation with both parties. On the issue of settlements, the well-established position of the Union is that they are in contravention of international law, in addition to being counterproductive to peace⁴⁰⁰.

The EU has repeatedly reaffirmed its commitment to the peace process, most recently through the conclusions of the Luxembourg European Council (December 1997)⁴⁰¹ and the declarations adopted at the European Councils of Florence (June 1996)⁴⁰², Dublin (December 1996)⁴⁰³ and the Amsterdam Council "Call for Peace" (June 1997)⁴⁰⁴; as well as at the Luxembourg General Affairs Council (October 1996)⁴⁰⁵. All the above (presidency conclusions) expressed also grave concern at the persistent stalemate and urged the parties to do their utmost to achieve early progress⁴⁰⁶.

All the Conclusions of the Presidency of the European Council⁴⁰⁷ includes chapters relating to the ME and the MEPP. They commonly express their views on

³⁹⁹ See, <http://www.medeia.be/en/index259.htm>.

⁴⁰⁰ See, <http://www.medeia.be/en/index259.htm>.

⁴⁰¹ See, http://ue.eu.int/newsroom/LoadDoc_jai.cfm?MAX=1&DOC=!!!&BID=76&DID=43659&GRP=1049&LANG=1.

⁴⁰² See, http://ue.eu.int/newsroom/LoadDoc_jai.cfm?MAX=1&DOC=!!!&BID=76&DID=43679&GRP=451&LANG=1.

⁴⁰³ See, http://ue.eu.int/newsroom/LoadDoc_jai.cfm?MAX=1&DOC=!!!&BID=76&DID=43249&GRP=676&LANG=1.

⁴⁰⁴ See, http://ue.eu.int/newsroom/LoadDoc_jai.cfm?MAX=1&DOC=!!!&BID=76&DID=43249&GRP.

⁴⁰⁵ See, <http://ue.eu.int/Newsroom/LoadDoc.cfm>.

⁴⁰⁶ See, <http://www.medeia.be/en/index259.htm>.

⁴⁰⁷ For the full text of the conclusions of the Presidency of the European Council See, http://216.33.236.250/cgi-bin/linkrd?_lang=EN&lah=396c2969f4f8d1c599401dcb4b0d95c7&lat=

the ME and the peace process as “ peace in the Middle East is a fundamental interest of the EU. The EU is ready to play an active part in efforts to reach a just, lasting and comprehensive peace in the Middle East, based on the principles established within the framework of Madrid, Oslo and subsequent agreements and in accordance with relevant UN Resolutions;” and work for the strengthening of democracy and respect for human rights in the region.

Wye River Memorandum⁴⁰⁸ of 1998 brought an end to the nineteen-month impasse in the peace process since the Hebron Protocol was signed. The EUSR actively monitored the negotiations at the Wye River Plantation.

When Ehud Barak came to power in Israel with promising to start to the negotiations on the all-tracks of the peace process. The EU and the international community welcomed. The EU supported negotiations with Palestinians that gained speed. Arafat and Barak signed the Sharm-el-Sheikh Memorandum on 5 September 1999. It set up a timetable to reach a final solution. FAPS was to be reached by 13 February 2000 and CAPS by 13 September 2000.

At the conclusion of the Sharm el-Sheikh Summit on the Middle East Peace on October 17, 2000, the participants of the Summit (Israel, the PA, Egypt, Jordan, and the US, the UN, and the EU) offered a committee to observe the region and to report ‘fact-finding on the events of the past several weeks and how to prevent their recurrence’. At the 20-23 March 2001 of Stockholm Presidency Council Conclusion⁴⁰⁹, about the participation of the EU to the Sharm el-Sheikh Fact-Finding Committee, states that the EU and the other participants, seek ‘a way forward which will see an end to the violence and the resumption of negotiations for an agreement in the framework of UNSCR 242 and 338’. The invitation of the High Representative for the CFSP Javier Solana is ‘to remain in close touch with all the parties involved

[100049_9727&hm_action=http%3a%2f%2fueu%2eint%2fpresid%2fconclusions%2ehtm](http://www.pna.net/search/TitleDetails.asp?txtDocID=100049_9727&hm_action=http%3a%2f%2fueu%2eint%2fpresid%2fconclusions%2ehtm), and only to the statements on Middle East see, http://europa.eu.int/comm/external_relations/med_mideast/mideast_peace_process/decl/index.htm.

⁴⁰⁸ For the full text of the Memorandum see, <http://www.pna.net/search/TitleDetails.asp?txtDocID=332>.

⁴⁰⁹For the full text of the Stockholm Presidency Conclusion see, <http://ue.eu.int/Newsroom/LoadDoc.cfm?MAX=1&DOC=!!!&BID=76&DID=65786&GRP=3314&LANG=1>.

and to report in full association with the Commission at the latest by the Göteborg European Council on how the European Union can play an enhanced role in promoting the resumption of the peace process’.

The Committee headed by George J. Mitchell, therefore report of 30 April 2001 called as The Mitchell's Fact-Finding Committee Report. Its recommendations on ending violence, rebuilding confidence and the resumption of negotiations are welcomed by the EU, and declared its support. Representation of the EU by Solana in the Committee is very important for the EU that shows that the EU’s efforts on the MEPP gained importance and it will pave a way for the EU’s greater political involvement.

The breakdown of Camp David negotiations convened in July 1999 paved a way derailing the process. The EUSE Moratinos closely worked with Egyptian diplomats to start negotiation. It started in January 2001 in Taba, and some progress was achieved in part because of the presence, facilitation and great efforts of the EUSE Moratinos and Egyptian diplomats. However, on the other hand, the new governments both in Israel and the USA declared it as null and void. Both have declared that a return to the negotiating table will require an end to ‘violence’. The new Israeli Prime Minister, Ariel Sharon and his Minister for Foreign Affairs, Shimon Peres, proposed that if negotiations resume, they would prefer a return to interim agreements⁴¹⁰. That means return to beginning.

4.3. The Israeli – The EU Relations during Ariel Sharon Era⁴¹¹

Ariel Sharon⁴¹² was elected as a Prime Minister in the elections held on 6 February 2001. He won the election with a landslide victory, gained 62.5 % of the votes and became Prime Minister of Israel. The EU and the world community are not

⁴¹⁰ Ally, *op.cit.*, p. 68.

⁴¹¹ The internet site of the Israeli Ministry of Foreign Affairs See, <http://www.israel-mfa.gov.il/>.

⁴¹² Political career of Ariel Sharon: 1975-77: Prime Minister Yitzhak Rabin's special security adviser, 1977-81: Minister of Agriculture 1981-83: Minister of Defence, 1984-90: Minister of Trade and Industry, 1990-92: Minister of Construction and Housing, 1996-98: Minister of National

welcomed. Because during election campaign Sharon made speeches and gave statements against the MEPP; and his visit⁴¹³ to holly Temple Mount on 28 September 2000, raised tension in the region two days later the Al Aqsa Intifada broke out. When Sharon was former Prime Minister Benjamin Netanyahu's foreign minister at the Wye River talks in the U.S. State of Maryland he refused to talk or to shake hands with Palestinian leader Yasser Arafat. After Netanyahu defeat at the elections of 1999 against Ehud Barak, he became the Chairman of the Likud Party. He has always blamed Barak to give more concession to the Palestinians. Sharon rejected the suggestion of Barak to join coalition in August 2000, and said "Given [Barak's] numerous concessions, particularly on Jerusalem, and his failures on the domestic scene, there is no place for us in the Barak government⁴¹⁴".

Sharon has proposed giving the Palestinians only half as much land as Prime Minister Ehud Barak has offered during the Camp David talks in July 1999. He says his plan would guarantee Israeli safety, a key theme of Sharon's entire career in both the Israeli military and in Israeli politics⁴¹⁵.

Infrastructure, 1998-99: Foreign Minister, 1999-2001: Chairman of Likud, 2001- today: Prime Minister.

⁴¹³ Sharon said that "Every Jew has the right to visit the Temple Mount" and visited Temple Mount in regardless of the warnings from both Europeans, Arabs and the Americans, See, <http://www2.haaretz.co.il/breaking-news/people/342249.stm>, and Sharon said he went to the site -- known as the Temple Mount by Jews and al-Haram al-Sharif (Noble Sanctuary) by Muslims -- with a message of peace. He said the violence was a premeditated campaign orchestrated by the Palestinian Authority. He also blamed PA to support the violence. Sharon said he regretted the violence but denied any blame. In a letter to U.S. Secretary of State Madeleine Albright, he wrote, "I remain fully committed to achieving peace with all our Arab neighbors, including the Palestinians." For the full text of the letter see, http://www.freeman.org/m_online/oct00/sharon.htm.

⁴¹⁴ See, http://news.bbc.co.uk/1/hi/english/world/middle_east/newsid_190000/190257.stm.

⁴¹⁵ Ariel Sharon expresses his views on the Peace Process and Israeli position in the MEPP: "I BELIEVE it is possible to reach an agreement with a united and undivided Jerusalem, but in a different way. In my view, we must concentrate all our efforts to arrive at a broad national consensus based on clear unequivocal "red lines." I propose six red lines which can serve as a basis for broad national consensus, strengthen Israel's position, and enable us to reach a better and more secure agreement:

1. Greater Jerusalem, united and undivided, must be the eternal capital of Israel and under full Israeli sovereignty. The question of Jerusalem should not remain open, as it may become the time bomb for the next conflict.
2. Israel will retain under its full control sufficiently wide security zones - in both the East and the West. The Jordan Valley, in its broadest sense, as defined by the Allon Plan, will be the eastern security zone of Israel. This includes the steep eastern slopes of the hill ridge of Judea and Samaria (west of the Allon Road) overlooking the valley. Israel will maintain contiguous presence and control of the entire valley up to the Jordan River, including the border passes. The western security zone will include the line of

These nationalist views of Sharon supported by the many Israelis and He, in the eyes of his right-wing supporters, is a war hero who will stand tough to protect Israeli interests against hostile Arab neighbours⁴¹⁶. To Palestinians and dovish Israelis, he is a bulldozer in a china shop, someone who will kill what's left of the peace process. A Palestinian Authority Minister Ziad Abu-Zayyad says about Sharon:

"He is a man of war. He is a man of expansion. He is a man of occupation," "He cannot fit in the criteria of making peace between the Palestinian people and the Israeli people."⁴¹⁷

In an interview with the CNN, Sharon views himself as a pragmatist; and added "I believe in peace, but I believe in peace that might provide Israel with real security for its existence"⁴¹⁸.

The Palestinian National Authority promised to work with the new Israeli leadership. Leader Yasser Arafat, said: "We respect the decision of the Israeli people. We hope the peace process will continue." Jordanian Foreign Minister Abdel Ilah al-Khatib said Sharon would be judged by the actions he took to achieve peace.

hills commanding the coastal plain and controlling Israel's vital underground water sources. Strategic routes will be retained under Israel's control.

3. Jewish towns, villages and communities in Judea, Samaria and Gaza, as well as access roads leading to them, including sufficient security margins along them, will remain under full Israeli control.
4. The solution to the problem of Palestinian refugees from 1948-1967 will be based on their resettlement and rehabilitation in the places where they live today (Jordan, Syria, Lebanon, etc.) Israel does not accept under any circumstances the Palestinian demand for the right of return. Israel bears no moral or economic responsibility for the refugees' predicament.
5. As a vital existential need, Israel must continue to control the underground fresh water aquifers in western Samaria, which provide a major portion of Israel's water. The Palestinians are obligated to prevent contamination of Israel's water resources.
6. Security arrangements: All the territories under control of the Palestinian Authority will be demilitarized. The Palestinians will not have an army; only a police force. Israel will maintain complete control of the whole air space over Judea, Samaria and Gaza.

I believe that any government in Israel that will adopt and implement these principles will strengthen Israel's deterrence and could reach a better, more secure peace, one that will ensure Israel's long-term national strategic interests." For the full text of the article written by Ariel Sharon, *Six Red Lines for Peace*, see, Jerusalem Post News, 21 July 2001, and see http://www.freeman.org/m_online/aug00/ariel.htm, and to see articles written by Sharon see, http://www.freeman.org/m_online/.

⁴¹⁶ See, <http://www4.cnn.com/2000/WORLD/meast/10/25/sharon.profile/>.

⁴¹⁷ See, <http://www7.cnn.com/interactive/specials/0007/mideast.who/sharon.html>.

⁴¹⁸ Ibid.

"The real challenge with which the region and its peoples will be confronted is the achievement of a just and durable peace." US President George W Bush congratulated the new Israeli leader by phone. "The president told Prime Minister-elect Sharon he looked forward to working with him, especially with regard to advancing peace and stability in the region," a White House statement said. **'Missed opportunities'**.⁴¹⁹

Europe has given a cautious reaction to Ariel Sharon's landslide victory, with many countries urging him to continue the work begun by his predecessor Ehud Barak. The European Union called on Sharon to pursue efforts for a "just and lasting peace". The Prime Minister Goran Persson of Sweden, the country which currently holds the rotating EU presidency, said he hoped for continuing co-operation with Israel. said in a statement on behalf of the EU; "It is the hope of the European Union that Ariel Sharon will keep the peace process alive and continue the dialogue according to the wishes of all the parties involved." However, Norway -- a key player in Middle East peace accords -- expressed concerns that the victory of Sharon could spark more violence across the region. Norwegian Foreign Minister Thorbjørn Jagland said, "If Sharon carries out what was said during the election, there is every reason to fear what will happen". He added, however, that Sharon should be given a chance to establish his policy before he is judged⁴²⁰.

France's response to Sharon's victory expressed by the Foreign Minister Hubert Vedrine who spoke of what he called missed opportunities under the defeated Barak. He said: "One can only have a feeling of sadness when one thinks of the missed opportunities of the past months. Proposals were made, there were breakthroughs and I hope something will remain of all of that." In September, Vedrine was scathing of Sharon's controversial visit to a Jerusalem sanctuary holy to both Muslims and Jews. Many believe that sparked the current violence that has so far claimed nearly 400 lives -- the vast majority of them Palestinian. "We will judge

⁴¹⁹ See, http://news.bbc.co.uk/1/hi/english/world/middle_east/newsid_1157000/1157177.stm.

⁴²⁰ See, <http://www6.cnn.com/2001/WORLD/europe/02/07/israel.reaction/EuropeurgesSharontoworkforpeace>.

Sharon's policy according to deeds, so one has to wait for him to form a cabinet, to see what its action will be, to see what its parliamentary support will be, to see what policies it carries out. One should never give up because we have to continue trying to attain peace." But French Foreign Minister Hubert Vedrine expressed regret at Barak's failure to achieve peace. He added that "tonight, one can only have a feeling of sadness when one thinks of the missed opportunities of the past months".

Other countries have expressed the hope that Sharon will continue efforts to find peace -- even though he has ruled out negotiations while Palestinian-Israeli violence continues. Britain's Foreign Secretary Robin Cook said he has no doubt that is what most Israelis want. "The Israeli people have made their choice and we will of course work with the person that they have chosen as prime minister, and I hope he will be willing to work with us and with the international community to take forward that peace process. There is no doubting the fact that the majority of the people of Israel would like to see a peace settlement.⁴²¹"

Germany also expressed similar sentiments. Chancellor Gerhard Schroeder congratulated Sharon and urged him to complete the peace process of his predecessor. "I hope that you and your government will manage to pursue and complete the peace process on the foundation of what has already been achieved." Schroeder sent a letter to Sharon, expressed that "the German Government would continue to work together with its European partners for a comprehensive, lasting and just peace in the region⁴²².

The first European tour of Prime Minister Ariel Sharon as Israel's Head of State started on 5 July 2001, and visited Paris and Berlin, conspicuously bypassing a third destination, Brussels because he is accused of war crimes and crimes against humanity. Sharon faces the prospect of setting an international legal precedent by becoming the first serving prime minister to stand trial for crimes against

⁴²¹ Ibid.

⁴²² Ibid.

humanity⁴²³. As Alan Baker, the legal adviser to the Foreign Ministry of Israel, points out that the growing trend of "the globalization of international humanitarian law," whereby personal responsibility is imposed on heads of state and army commanders. Baker predicted that the trend could have negative implications for Israel⁴²⁴.

On 17 June 2000, the BBC's Panorama program that aired Sharon's involvement in the 1982 massacre of Palestinians at the Sabra and Chatila refugee camps in Lebanon by Phalangists (Christian militiamen allied with Israel)⁴²⁵. After the BBC's Panorama program, 28 Palestinian survivors of the massacre of Sabra and Shatila in September 1982 sued Sharon and other Israelis and Lebanese considered responsible for the killings to the Belgian court. The plaintiffs took advantage of a 1993 Belgian law that gives local courts jurisdiction over violations of the Geneva war crimes convention, allowing claimants to seek cases against foreigners suspected of crimes against humanity, no matter where they occurred. A 1999 amendment to the law removed the immunity from prosecution usually reserved for serving heads of state. "This made it pretty clear that Sharon could not use his immunity to avoid being indicted," says Chibli Mallat, a Lebanese specialist in international criminal law and one of two lawyers to file the lawsuit⁴²⁶. The Belgian court swiftly decided that the case merited a full investigation, pending the serving of indictments. Patrick Collignon, a Belgian investigating magistrate, began hearing testimony from the

⁴²³ Benn Aluf and Alon Gideon, *Sharon to bypass Brussels on visit to Europe*, 2 July Monday 2001, Ha'aretz, see, <http://www.mallat.com/articles/bypass.htm>.

⁴²⁴ For example, in 1999, Shimon Peres, the Foreign Minister, accused of the Israel Defense Forces' shelling of the Kana village in Lebanon in 1996 (when Peres served as Prime Minister) that led to the death of some 100 civilians and issued an arrest extradition order in London See, <http://www.mallat.com/articles/bypass.htm>.

⁴²⁵ When he was Minister of Defence in 1982, Sharon orchestrated Israel's invasion of Lebanon, a military operation that killed hundreds of Lebanese civilians as Israeli forces sought to destroy PLO fighters – which had staged several attacks into Israel and were blamed for trying to assassinate Israel's ambassador to Great Britain – in the region. Sharon was also blamed for failing to prevent the massacre of as many as 2,000 Palestinians at the Sabra and Shatila refugee camps outside of Beirut, Lebanon, at the hands of Phalangists, Christian militiamen allied with Israel, Details of the Massacre in Sabra and Shatilla refugee Camps see, <http://www.hrw.org/press/2001/06/isr0622.htm>.

⁴²⁶ Blanford Nicholas, *Sharon begins to take war-crimes lawsuit seriously*, 07/30/2001, for the full text of the article see, <http://www.mallat.com/articles/blanford%20csm.htm>.

survivors of the massacre. In response, Sharon, who had originally dismissed the lawsuit, hired a Belgian lawyer in the growing realization that he could soon face indictment. If Mr. Collignon decides the case should go to trial, he has the option of issuing a secret indictment against Sharon. This means the indictment would not be made public, in the hope of catching the Israeli premier unawares as he goes about his normal diplomatic business⁴²⁷.

With the outbreak of news of massacre in the refugee camps of Sabra and Shatila, Israeli public was outraged and went on demonstration, and demanded the resignation of Ariel Sharon and an inquiry to the matter. Israeli Knesset took action and sat up a parliamentary committee to investigate Ariel Sharon's involvement in this inhumane act of atrocity. Under the findings of an official Commission of Inquiry (the Kahan Commission⁴²⁸), he was held indirectly responsible for the massacres perpetrated in the Palestinian camps of Sabra and Shatila in September 1982. The inquiry said Sharon did nothing to stop the militias from entering the camps, despite fears the militiamen might seek to avenge the killing of their leader the previous day. The inquiry found Sharon responsible for the actions of Lebanese Christian Militia, and consequently forced him to resign from his post as Defence Minister. He resigned from his post in 1983 but remained Minister without portfolio until 1984⁴²⁹. But of course, as he is an Israeli and these crimes were not committed against Israeli nationals, he was never charged and never appeared in any court of justice in Israel⁴³⁰.

Sharon's European trip puts the Belgian government in something of a bind, the Israeli sources, contend. The Belgian leadership is wary that impaired relations with Israel would damage its status as EU Council president, at a time when the EU is trying to play an active mediation role in the Israeli-Palestinian dispute. Moreover,

⁴²⁷ Ibid.

⁴²⁸ For the Findings of the Kahan Commission see, <http://www.hrw.org/press/2001/06/isr0622.htm>, The Commission Conclusions see, <http://www.hrw.org/press/2001/06/isr0622.htm>, Human Rights Watch Position: Massacre at the Sabra and Shatilla refugee Camps see, <http://www.hrw.org/press/2001/06/isr0622.htm>.

⁴²⁹ See, <http://www.medeo.be/en/index333.htm>.

⁴³⁰ See, <http://www.petitiononline.com/warcrime/petition.html>.

Belgium's Foreign Ministry is not thrilled by the fact that officials in the country's judicial system have intervened in the foreign policy arena⁴³¹.

After meetings in Paris and Berlin, Ariel Sharon realized that there have been differences of opinion over the Middle East. During his visit to Europe, Sharon understands that the EU is not biased in favour of Israel but defends a policy of diplomacy on an equal level with Israel and Palestine. Ariel Sharon came to Europe to seek a campaign to apply pressure on Yasser Arafat to reach an agreement with Israel on Tel Aviv's terms. Sharon had referred to the President of the Palestine Authority as a "murderer" and a "compulsive liar". His attempt to express Israel's reading of the situation was met with deaf ears, despite his claims that "I expressed Israel's position in the clearest way possible. It is obvious that we do not agree on all issues but there was understanding between us"⁴³². In France, Sharon criticised and also added that Israel's policy regarding the Palestinians and its diplomacy regarding Yasser Arafat will not lead to peace. Prime Minister Leonel Jospin said that the Palestinians will never adhere to Israel's demands, therefore peace will not be reached by this way and the situation will become more and more dangerous. President Chirac claimed that a weakened Arafat would be counterproductive⁴³³. In Germany, the Chancellor Gerhard Schroeder advised Israel to respect the peace plan drawn up by Senator Mitchell⁴³⁴ (the EU take an active part while the report was preparing. The CFSP High Commissioner Javier Solana is one of the member of that committee) and work towards a permanent ceasefire with the Palestinians⁴³⁵. At the same time in the region, Fatah accuses the Israeli security forces of trying to murder one of its members, Charif Kannabi, who was seriously wounded in Hebron with a bullet wound. Meanwhile there are reports of a secret document leaked from the

⁴³¹ Benn Aluf and Alon Gideon, *Sharon to bypass Brussels on visit to Europe*, 2 July Monday 2001, Ha'aretz, see, <http://www.mallat.com/articles/bypass.htm>.

⁴³² *Sharon Fails to Convince Europe*, Pravda Newspaper, 6 July 2001, quoted from internet site of Pravda in English see, <http://english.pravda.ru/world/2001/07/06/9589.html>.

⁴³³ Ibid.

⁴³⁴ For the full text of the Mitchell Fact-Finding Committee Report see, <http://www.pna.net/search/TitleDetails.asp?txtDocID=92>.

⁴³⁵ *Sharon Fails to...*, loc.cit.

Israeli Internal security services, Shin Beth, to the newspaper Ma'ariv. The document apparently describes a plan to make Arafat "disappear" because it is claimed by Tel Aviv that he would be replaced in the PLO by pragmatists and centralists, not extremists. Sharon refutes such a claim but the fact is that the Israeli Finance Minister, Sylvan Shalom, stated recently "The expulsion of Yasser Arafat from the Territories could happen in a not-too-distant future"⁴³⁶. It should be noted that according to an opinion poll published in Israel shows that 82% of the population does not believe in a lasting ceasefire with the Palestinians in the near future.

When Ariel Sharon came to power with landslide in election held on 6 February 2001, the EU, like the USA, PLO and the all Arab States that declared their willingness to begin negotiations with Sharon, showed same direction and added "The progress made on all major issues during the last negotiations should form the basis for future talks on the permanent status."⁴³⁷ Aly points out that Sharon should take the EU into consideration, if not, Arab states and the EU would isolate Sharon and work together to change the Israeli public once more in the direction of peace⁴³⁸.

The EU supported the Egyptian-Jordanian initiative that proposed after Sharon came to power. The EU took active part. The new American administration, (George Bush) does not want to more deal with world problems, it deals more with domestic politics. It will give a chance to the EU to play an important role, particularly in the next few months when the new will be in the process of formulating its strategy. It is even possible that an active European role could help to shape such a strategy⁴³⁹. Aly points out that, EU efforts should be different from the past. The EU CFSP is not sufficient to lead European efforts. CFSP is based on the lowest denominator among the Union's members. It does not even ensure that the Union's members would vote the same way in the UN when the Arab-Israeli issues are presented. Moreover the EU has been ready to ignore its moral and legal

⁴³⁶ Ibid.

⁴³⁷ Aly, loc.cit., p. 63.

⁴³⁸ Ibid.

⁴³⁹ Ibid., p. 67.

principles hoping that it could appease Israel so that it would allow the Union a room in the peace process⁴⁴⁰.

The EU always sees the peace and security in the region as the vital interest of the EU. All the declarations or initiatives reaffirms the EU's determination to make its contribution to peace, stability and future prosperity in the Middle East.

⁴⁴⁰ Ibid.

CONCLUSION

As mentioned before, the main aim of the Founding Fathers of the EU was to create a mechanism for European security and peace through peaceful reconciliation based on economic recovery and progress through gradual integration⁴⁴¹. The economic character of the European integration process greatly has an impact on the agenda of the process. Even today while a European state applies for full-membership to the Union, a good economy is one of the most important criteria that the candidate should fulfill. In the external relations, we see dual structure that one is dealing with external economic relations under the first Communitarian pillar and the other is external political relations under the second pillar; CFSP. The Commission is responsible from the external economic relations, the president of the Commission or the Director-General represent the Union in any matter as in the case of Uruguay Round GATT negotiations. The CFSP based on intergovernmental negotiations. Despite the fact that every state has independent policy on foreign affairs, it should not deeply clash with Union policy and every state has to accept the joint actions and common positions that taken by the Council of the EU.

The European powers always have divergent views on CFSP matters. Germany, the leading power of European integration and the biggest state in the Union, because of its historical experience, is still avoided playing more political role in the MEPP and abstaining from any policy condemning Israel directly. It can be seen as the one of the reasons of the EU's low profile in the MEPP. European interests in the region are not fully homogenous. They continue to be influenced by specific national preferences and shaped by geography, history, and economic links. Geographic proximity or distance certainly carries its weight within the European context; i.e. Germany is more closely with Eastern Europe while Spain, France and Italy support the Euro-Med Programme. Therefore, countries like Germany, Sweden and Finland do not feel the same as do France and Spain. The reluctance of Germany

⁴⁴¹ Cameron, in *The Foreign and Security...*, op.cit., p. 114.

to politically involve the MEPP greatly effected the EU's policies that therefore remain in economic means.

On the other hand, France always desires a greater room for both herself and the EU. As known, Lebanon and Syria were the colonies of France before gaining independence, and her influence area. Both countries have a higher priority for France than it does for any other EU country. It is important to note that France always avoids to seem as "Pro-Arab" or "Pro-Palestinian", as stated before when the Venice Declaration aired the French President Mitterand expressed the French views that, -in some respect- opposed to the Declaration. Spain also supports the greater and active role to the EU in the MEPP, and she is the champion of the Euro-Mediterranean Partnership initiative officially launched with November 1995 Barcelona Conference that aims at establishing a Euro-Mediterranean free zone and "area of peace and stability". The aim of this initiative is to balance Eastern and Southern dimensions of the European Union. As noted in previous chapter, the peace process and the Mediterranean partnership are two separate processes. But the success of the former will be all the condition for the success of the latter, which can also provide an adequate venue for the contacts between the parties to the peace process. And also the peace process is seen as a complementary process within the Euro-Med Programme.

With the end of the Cold War, parameters of security have changed from military threats and non-military threats. New issues like human rights, political and economic immigrants/refugees, ethnic conflict, international terrorism, drug smuggling, environmental pollution and fundamentalist-radical Islamist groups and etc... It is so clear that Europe is afraid that the possibility of massive socio-economic and political challenges in the Greater Middle East (Mediterranean region) may affect its own internal security through an inflow of illegal immigrants, the destabilisation of its population of Maghreb nationality, or descent, or through a further rise of illegal drug smuggling from the region, and, terrorist activities of region originated groups.

This is the matter of fact that the USA is much more effective than the European Community/Union on the Arab-Israeli conflict. Because the both the Arabs and Israelis never trust the Europeans and never listen them. Both sides do not care about what the Europeans say. The Arabs' mistrust to the Europeans arises from the historical facts that the Europeans dominated the region many years. These colonial experiences of the Arabs influence their recent policies. Another reason is that the State of Israel, among the Arabs, is always seen as a product of Europeans, because of the 1917 Balfour Declaration, which called for homeland for world Jewish people; and also from the beginning of the conflict the Americans have always become a part of problem. Therefore any political initiative developed by the Europeans did not promote the influence of the Europeans in the process. Nevertheless the Europeans always want to be a part of the process. Because the Europeans are considered that the peace in the Arab-Israeli conflict will bring stability to the region and therefore it also help to the European security and peace.

It is interesting to note that the EU's role always enhances during any election time in the USA. The USA has always priority in the eyes of the region countries. The EU's role was/is seen as economic rather than political. Both Arabs and the Israelis take the USA's initiatives into the considerations regarding peace and security. Both of them listen the voice of America.

The Madrid Conference of 1991 did not produce any immediate concrete result. However, it set in motion a series of meetings and other activities at bilateral and multilateral level. The conference paved a way to start negotiation between PLO and Israel. In fact, at the beginning, Israel rejected to negotiate directly with PLO, but they realised that they indeed "negotiate with Arafat by fax".

The bilateral track of the Peace Process was meant to lead to peace treaties between Israel and its Arab neighbours as the one with Egypt (26 March 1979). Israel has so far signed a peace treaty with Jordan (28 October 1994). The multilateral track was conceived as an instrument to increase regional integration and interdependence, in turn leading eventually to regional long-term stability and prosperity to the Middle East.

The election of a new Labour government headed by Prime Minister Rabin in the 1992 Israeli elections paved the ground for the opening of a secret negotiating channel with the PLO which produced the Declaration of Principles signed on 13 September 1993.

The Declaration of Principles established a framework for negotiations on a permanent settlement within an interim five-year period of Palestinian self-government; first in Gaza and Jericho, then in the rest of the West Bank. The rationale was that negotiations on the most complex issues (Jerusalem, refugees, water, settlements, borders...), i.e. Permanent Status Negotiations, would follow three years of confidence-building between Israel and a new Palestinian Authority to be established.

Within the Oslo framework Israel and the PLO concluded the Cairo Agreement (4 May 1994) establishing the Palestinian Authority in Gaza-Jericho. Subsequently, they signed the Interim Agreement (28 September 1995) that extended Palestinian autonomy. Israel's re-deployment from all main Palestinian West Bank cities paved the way for the first Palestinian democratic Presidential and general elections (20 January 1996) that the EU financed and observed. These positive developments made possible the parallel conclusion and signature of the Israeli-Jordanian peace agreement (October 1994). The "Oslo process" produced unprecedented tangible progress and raised widespread hopes for a comprehensive, just and lasting settlement to the Palestinian-Israeli conflict.

Both for the parties and the international community, which witnessed the signature of the Oslo agreements, they were the instruments that would produce the central peace treaty - that between Israel and the PLO. They were to lead to a solution to the most difficult questions of the Middle East conflict, including Jerusalem, refugees, settlements, security arrangements, borders, relations and co-operation with other neighbours, and other issues of common interest.

The logic of the peace process was that trade and co-operation were to underpin peace, Palestinian economic development being Israel's best long-term

security guarantee. The unprecedented progress in the peace process also generated increasing violent resistance from extremist political forces on both sides.

This assumption was the justification for the European Union's massive financial assistance to the consolidation of the peace process. The underlying logic was that this was a necessary precondition for maintaining the peace process on track. It was also the basis for healthy relations of co-operation between the Palestinians and the Israelis. The multilateral track added a forum for solving problems affecting the entire region and beyond, such as refugees or Jerusalem, and the opportunity for the international community to endorse progress towards real peace underpinned by active regional integration - the basis and the premise of the Barcelona process.

The European Union has accepted a role, which is diplomatically and politically complementary to that of the US. This is an arrangement which has worked imperfectly so far and which can be improved to boost the effect of international community efforts to put the peace process back on track.

The European Commission points out if the European Union continues to be the basic economic foundation of the peace process, then what has happened until now should be taken into account. The role that the European Union has played, should lead to the conclusion that the way in which the complementary efforts of the two allies are to be organised, should be reviewed and then put to the consideration of the US, the Palestinians, the Israelis and the international community. The present determining role of the US, rooted in the past, will continue in the future.

Therefore, while the European Union should continue to support the crucial political role of the US, the complementarity that has guided the European Union role so far should be changed in two main ways:

- The European Union has so far played a constructive role. This role would be much improved if the parties and the US acknowledged the need for the European Union, both at Ministerial level and through its

Special Envoy, to participate alongside the US in all fora set up to assist bilateral negotiations between the parties.

- The European Union has contributed by itself over half of the financial resources to the peace process. Because of this, it has more experience, wider links, and a considerable political capital. It understands that if the international assistance effort is to be renewed, it must be redefined. It is clear that the basic shareholder should be the key co-ordinator. Therefore, the international economic effort should be co-ordinated by the European Union on the basis of the Ad Hoc Liaison Committee model: Palestinians, Israelis, the Bretton Woods institutions, the United Nations and the active participation of key donors.

There is no agreement over the definition of political borders in the ME and Israel has not recognised a Palestinian state. It is inconceivable to establish an Arab-Israeli peace without accept and recognition of Palestinian State by Israel. the peace between Israel and the Palestians will bring the peace and stability in the greater Middle East region. The conflicts in the region are more or less related to the Arab-Israeli conflict.

The European Union is particularly sensitive about it because of its strong links to this region, in the political, economic and cultural fields. *From a political point of view*, the Europeans see themselves as the part of the region because of its proximity and think that their vital interests are at stake. In this regard, the role of the European Union in the peace process is part and parcel of the European policy towards the Mediterranean and the Middle East, which is based on the fundamental aim of peace and stability in this region. The EU pursues always more even-handed policy on the MEPP. The Europeans is always recognised the legitimate rights of the Palestinians, the right of self-determination and the PLO as the representative of the Palestinians. The EU is the one of the international organisation that enters into diplomatic and economic relation with the PA. The EU is the largest contributor to

the reconstruction and recovery of the territory of Palestinian Authority. The EU prefers co-operation to promote welfare and trade that will pave a way to peace and stability in the region. Normalisation of relations via co-operation among the region countries will serve to create a peaceful and secure environment that is more important to world peace.

As stated, one of the main objectives of the Euro-Med Programme is to bring stability that is the objective for obvious reasons: historical and geographical factors have made the Middle East one of Europe's closest neighbours. To create secure Europe living in peace and security interests of Europe demand that the Arab-Israeli conflict, as a threat to the stability of the entire Mediterranean region, is resolved.

When compared to political and security interests, *Europe's economic interests* may seem less substantive, for the EU is of greater economic importance to the region than the region to the EU: while Europe accounts for 40 percent of the foreign trade of Israel and its neighbours, European exports to these countries represent only one percent of the EU total exports. Still, through various channels, trade, co-operation, aid, the European Union is by far the first economic partner of the region. 'In recent years, over 50% of Israeli imports came from the EU (23% from the US), and about 30% of Israeli exports went to the EU (31% to the US)',⁴⁴². The EU insists on the political impact of this economic weight: In a region where co-operation and development are so much needed, economic action is synonymous with political support. The energy resources (petrol and natural gas) of the greater Middle East region are vital for the EU. Therefore the transportation of the petrol and natural gas to the world market and the EU market is important for the EU. After the enlargement towards Central and Eastern Europe, the EU is more dependent on the energy resources of the region. The EU pursues more balanced policy on the pipelines. It supports the multiroute to the pipelines. To note that when we compare the American and Russian policy, the EU's policy on the region is more based on firms and their strategies. It should be noted that the investment of the European

⁴⁴² Quoted from <http://ue.eu.int/pesc/envoye/cv/moratinos/980111.htm>.

firms on the region is competing with the Americans. The EU gives more importance to the economic and commercial interests rather than political, furthermore, multiroute transportation of petrol and natural gas is supported by the EU.

In the cultural field, one should not under-estimate the importance of the long established links between Europe and this region. The role of the EU can now also be to favour a real dialogue between civilizations and religions. The population of Muslim living in the Member States of the EU is growing gradually. Within the boundaries of the EU the Christians and the Muslims living together in peace and security. This illustrates the EU is the area that the different civilizations living together. Diversity on belief is inevitable, moreover, every belief has the right to exist. The peace in the Arab-Israeli conflict is essential to bring peace whole Middle East region. As Shlaim points out the Arab-Israeli conflict is ‘the battle for hearts and mind of people’⁴⁴³. The seeds of enmity in the mind and heart of the people who believe in different religions is therefore should be diminished. The EU will assist to accelerate the normalization of relations between the Palestinians and Israel. The role of the EU in the MEPP is therefore more important not only for European peace, security and stability but also world peace, security and stability. In the Middle East more than anywhere else, politics and culture are closely intertwined.

The Special Envoy to the MEPP, Maratios expresses the view of the EU as follows: “We cannot allow the Barcelona process to be contaminated by the crisis affecting the peace process. On the contrary, we could say that the Barcelona process can help to positively influence the peace process. We, Europeans, are committed to that goal. Far from Mr Huntington's fear of a ‘clash of civilizations’, that should favour a ‘dialogue between civilisations’”⁴⁴⁴. It is a pity that the small area which is home to three of the world’s main religions, all of which preach peace and friendliness.

⁴⁴³ Shlaim, op.cit., p. 133.

⁴⁴⁴ See, <http://ue.eu.int/pesc/envoye/cv/moratinos/980111.htm>.

All these aspects should take into consideration, the EU's involvement to the region problems, especially to the Arab-Israeli conflict that is at the hearth of the region problems, will provide a political, economic and cultural answer to the new reality of the Greater Middle East that the Europeans says Mediterranean area. It may also provide for Europe to acquire a comprehensive framework for relations with its Mediterranean neighbours.



APPENDIX I EPC Provisions of the SEA⁴⁴⁵

Article XXX of the Single European Act (1987) establishing European Political Co-operation

European co-operation in the sphere of Foreign Policy shall be governed by the following provisions:

1. The High Contracting Parties, being members of the European Communities, shall endeavour jointly to formulate and implement a European Foreign Policy.
2.
 - a) The High Contracting Parties undertake to inform and consult each other on any Foreign Policy Matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through co-ordination, the convergence of their positions and implementation of joint action.
 - b) Consultations shall take place before the High Contracting Parties decide on their final position.
 - c) In adopting its positions and its national measures each High Contracting Party shall take full account of the positions of the other partners and shall give due consideration to the desirability of adopting and implementing Common European Positions. In order to increase their capacity for joint action in the Foreign Policy Field, the High Contracting Parties shall ensure that common principles and objectives are gradually developed and defined. The determination of Common Positions shall constitute a point of reference for the Policies of the High Contracting parties.
 - d) The High Contracting Parties shall endeavour to avoid taking positions which impairs their effectiveness as a cohesive force in international relations or within international organisations.
3.
 - a) The Ministers for Foreign Affairs and a member of the Commission shall meet at least four times a year within the framework of European Political Co-operation. They may also discuss Foreign Policy matters within the framework of political co-operation on the occasion of meetings of the Council of the European Communities.
 - b) The Commission shall be fully associated with the proceedings of political co-operation.
 - c) In order to ensure the swift adoption of common positions and the implementation of joint action, the High Contracting Parties shall, as far as possible, refrain from impeding the formation of a consensus and the joint action, which this could produce.
4. The High Contracting Parties shall ensure that the European Parliament is closely associated with European Political co-operation. To that end the Presidency shall regularly inform the European Parliament of the Foreign policy issues which are being examined within the framework of political co-operation and shall ensure that the views of the European Parliament are duly taken into consideration.
5. The external policies of the European Community and the policies agreed in European Political Co-operation must be consistent. The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained.
- 6.

⁴⁴⁵ The full text of the Single European Act (came into force on 01.07.1987) may be found in *Treaties Establishing the European Communities*, Office of Official Publications, Luxembourg 1987, and see, <http://www.europa.eu.int/eur-lex/en/treaties/livre106.html>.

- a) The High Contracting Parties consider that closer co-operation on questions of European Security would contribute in an essential way to the development of a European identity in External Policy matters. They are ready to co-ordinate their positions more closely on the political and economic aspects of security.
 - b) The High Contracting Parties are determined to maintain the technological and industrial conditions necessary for their security. They shall work to that end both at national level and, where appropriate, within the framework of the competent institutions and bodies.
 - c) Nothing in this title shall impede closer co-operation in the field of security between certain of the High Contracting Parties within the framework of the Western European Union or the Atlantic Alliance.
- 7.
- a) In international institutions and at international conferences which they attend, the High Contracting Parties shall endeavour to adopt common positions on the subjects covered by this title.
 - b) In international institutions and at international conferences in which not all the High Contracting parties participate, those who do participate shall take full account of positions agreed in European Political Co-operation.
8. The High Contracting Parties shall organise a political dialogue with third countries and regional groupings whenever they deem it necessary.
9. The High Contracting Parties and the Commission, through mutual assistance and information, shall intensify co-operation between their Representations accredited to third countries and to International Organisations.
- 10.
- a) The Presidency of European Political Co-operation shall be held by the High Contracting Party which holds the Presidency of the Council of the European Communities.
 - b) The Presidency shall be responsible for initiating action and coordinating and representing the positions of the Member States in relations with third countries in respect of European Political Cooperation activities. It shall also be responsible for the management of political co-operation and in particular for drawing up the timetable of meetings and for convening and organising meetings.
 - c) The political directors shall meet regularly in the political committee in order to give the necessary impetus, maintain the continuity of European Political Co-operation and prepare Ministers' discussions.
 - d) The political committee or, if necessary, a ministerial meeting shall convene within 48 hours at the request of at least three Member States.
 - e) The European Correspondents' Group shall be responsible, under the direction of the political committee, for monitoring the implementation of European Political Co-operation and for studying general organisational problems.
 - f) Working Groups shall meet as directed by the Political Committee.
 - g) A secretariat based in Brussels shall assist the Presidency in preparing and implementing the activities of European Political Co-operation and in administrative matters. It shall carry out its duties under the authority of the Presidency.

APPENDIX II CFSP Provisions of the TEU⁴⁴⁶

TITLE V
Provisions on a Common Foreign
and Security Policy

Article 11 (ex Article J.1)

1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:
 - to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
 - to strengthen the security of the Union in all ways;
 - to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
 - to promote international cooperation;
 - to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.
2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.
 The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.
 The Council shall ensure that these principles are complied with.

Article 12 (ex Article J.2)

The Union shall pursue the objectives set out in Article 11 by:

- defining the principles of and general guidelines for the common foreign and security policy;
- deciding on common strategies;
- adopting joint actions;
- adopting common positions;
- strengthening systematic cooperation between Member States in the conduct of policy.

Article 13 (ex Article J.3)

1. The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.
2. The European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common.
 Common strategies shall set out their objectives, duration and the means to be made available by the Union and the Member States.
3. The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council.
 The Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions.
 The Council shall ensure the unity, consistency and effectiveness of action by the Union.

Article 14 (ex Article J.4)

⁴⁴⁶ For the full text of the Maastricht Treaty (Treaty on European Union signed on 07.02.1992 and came into force on 01.11.1993) see, <http://www.europa.eu.int/eur-lex/en/treaties/livre106.html>.

1. The Council shall adopt joint actions. Joint actions shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation.
2. If there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the Council has not acted, the joint action shall stand.
3. Joint actions shall commit the Member States in the positions they adopt and in the conduct of their activity.
4. The Council may request the Commission to submit to it any appropriate proposals relating to the common foreign and security policy to ensure the implementation of a joint action.
5. Whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
6. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the joint action. The Member State concerned shall inform the Council immediately of any such measures.
7. Should there be any major difficulties in implementing a joint action, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the joint action or impair its effectiveness.

Article 15 (ex Article J.5)

The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common positions.

Article 16 (ex Article J.6)

Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action.

Article 17 (ex Article J.7)

1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph

It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.
3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article 13 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision-taking in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.
5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48.

Article 18 (ex Article J.8)

1. The Presidency shall represent the Union in matters coming within the common foreign and security policy.
2. The Presidency shall be responsible for the implementation of decisions taken under this Title; in that capacity it shall in principle express the position of the Union in international organisations and international conferences.
3. The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy.
4. The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2. The Presidency shall be assisted in those tasks if need be by the next Member State to hold the Presidency.
5. The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.

Article 19 (ex Article J.9)

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora.
In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.
2. Without prejudice to paragraph 1 and Article 14(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.
Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

Article 20 (ex Article J.10)

The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented.

They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in Article 20 of the Treaty establishing the European Community.

Article 21 (ex Article J.11)

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.

Article 22 (ex Article J.12)

1. Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Article 23 (ex Article J.13)

1. Decisions under this Title shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions. When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent more than one third of the votes weighted in accordance with Article 205(2) of the Treaty establishing the European Community, the decision shall not be adopted.
2. By derogation from the provisions of paragraph 1, the Council shall act by qualified majority:
 - when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
 - when adopting any decision implementing a joint action or a common position.

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members.

This paragraph shall not apply to decisions having military or defence implications.

3. For procedural questions, the Council shall act by a majority of its members.

Article 24 (ex Article J.14)

When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this Title, the Council, acting unanimously, may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council acting unanimously on a recommendation from the Presidency. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them.

The provisions of this Article shall also apply to matters falling under Title VI.

Article 25 (ex Article J.15)

Without prejudice to Article 207 of the Treaty establishing the European Community, a Political Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Article 26 (ex Article J.16)

The Secretary-General of the Council, High Representative for the common foreign and security policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties.

Article 27 (ex Article J.17)

The Commission shall be fully associated with the work carried out in the common foreign and security policy field.

Article 28 (ex Article J.18)

1. Articles 189, 190, 196 to 199, 203, 204, 206 to 209, 213 to 219, 255 and 290 of the Treaty establishing the European Community shall apply to the provisions relating to the areas referred to in this Title.
2. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the budget of the European Communities.
3. Operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.
In cases where expenditure is not charged to the budget of the European Communities it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 23(1), second subparagraph, shall not be obliged to contribute to the financing thereof.
4. The budgetary procedure laid down in the Treaty establishing the European Community shall apply to the expenditure charged to the budget of the European Communities.

Title restructured by the Treaty of Amsterdam.

APPENDIX III CFSP Provisions of the Treaty of Amsterdam
Title V of the Treaty of Amsterdam⁴⁴⁷
Provisions on a common foreign and security policy

Article 11

1. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:
 - to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
 - to strengthen the security of the Union in all ways;
 - to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
 - to promote international cooperation;
 - to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.
2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.
 The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.
 The Council shall ensure that these principles are complied with.

Article 12

- The Union shall pursue the objectives set out in Article 11 by:
- defining the principles of and general guidelines for the common foreign and security policy;
 - deciding on common strategies;
 - adopting joint actions;
 - adopting common positions;
 - strengthening systematic cooperation between Member States in the conduct of policy.

Article 13

- (1) The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.
- (2) The European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common.

Common strategies shall set out their objectives, duration and the means to be made available by the Union and the Member States.

- (3) The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council.
 The Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions.

⁴⁴⁷ For the full text of the Amsterdam Treaty (signed on 2.10.1998 and came into force on 01.05.1999) see, <http://www.europa.eu.int/eur-lex/en/treaties/livre106.html>.

The Council shall ensure the unity, consistency and effectiveness of action by the Union.

Article 14

- (1) The Council shall adopt joint actions. Joint actions shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation.
- (2) If there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the Council has not acted, the joint action shall stand.
- (3) Joint actions shall commit the Member States in the positions they adopt and in the conduct of their activity.
- (4) The Council may request the Commission to submit to it any appropriate proposals relating to the common foreign and security policy to ensure the implementation of a joint action.
- (5) Whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
- (6) In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the joint action. The Member State concerned shall inform the Council immediately of any such measures.
- (7) Should there be any major difficulties in implementing a joint action, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the joint action or impair its effectiveness.

Article 15

The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common positions.

Article 16

Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action.

Article 17

- (1) The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capacity notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case

recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

- (2) Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.
- (3) The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article 13 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision-making in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

- (4) The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.
- (5) With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48.

Article 18

- (1) The Presidency shall represent the Union in matters coming within common foreign and security policy.
- (2) The Presidency shall be responsible for the implementation of decisions under this Title; in that capacity it shall in principle express the position of Union in international organisations and international conferences.
- (3) The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy.
- (4) The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2. The Presidency shall be assisted in those tasks if need be by the next Member State to hold the Presidency.
- (5) The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.

Article 19

- (1) Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora. In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.
- (2) Without prejudice to paragraph 1 and Article 14 (3), Member States represented in international organisations or international conferences where not all the Member States

participate shall keep the latter informed of any matter of common interest. Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

Article 20

The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented.

They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in Article 8c of the Treaty establishing the European Community.

Article 21

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.

Article 22

- (1) Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
- (2) In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Article 23

- (1) Decisions under this Title shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.
- (2) When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent more than one third of the votes weighted in accordance with Article 148(2) of the Treaty establishing the European Community, the decision shall not be adopted.
- (3) By derogation from the provisions of paragraph 1, the Council shall act by qualified majority:
 - when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
 - when adopting any decision implementing a joint action or a common position.

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance Article 148(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members.

This paragraph shall not apply to decisions having military or defence implications.

For procedural questions, the Council shall act by a majority of its members.

Article 24

When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this Title, the Council, acting unanimously, may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council acting unanimously on a recommendation from the Presidency. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply provisionally to them.

The provisions of this Article shall also apply to matters falling under Title VI.

Article 25

Without prejudice to Article 151 of the Treaty establishing the European Community, a Political Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Article 26

The Secretary-General of the Council, High Representative for the common foreign and security policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties.

Article 27

The Commission shall be fully associated with the work carried out in the common foreign and security policy field.

Article 28

- (1) Articles 137,138, 139 to 142,146,147, 150 to 153,157 to 163, 191a and 217 of the Treaty establishing the European Community shall apply to the provisions relating to the areas referred to in this Title.
- (2) Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the budget of the European Communities.
- (3) Operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise. In cases where expenditure is not charged to the budget of the European Communities it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 23(1), second subparagraph, shall not be obliged to contribute to the financing thereof.
- (4) The budgetary procedure laid down in the Treaty establishing the European Community shall apply to the expenditure charged to the budget of the European Communities.'

APPENDIX IV Oslo Accords I

DECLARATION OF PRINCIPLES⁴⁴⁸
ON INTERIM SELF-GOVERNMENT ARRANGEMENTS
September 13, 1993

ARTICLE I	AIM OF THE NEGOTIATIONS
ARTICLE II	FRAMEWORK FOR THE INTERIM PERIOD
ARTICLE III	ELECTIONS
ARTICLE IV	JURISDICTION
ARTICLE V	TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS
ARTICLE VI	PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES
ARTICLE VII	INTERIM AGREEMENT
ARTICLE VIII	PUBLIC ORDER AND SECURITY
ARTICLE IX	LAWS AND MILITARY ORDERS
ARTICLE X	JOINT ISRAELI-PALESTINIAN LIAISON COMMITTEE
ARTICLE XI	ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC FIELDS
ARTICLE XII	LIAISON AND COOPERATION WITH JORDAN AND EGYPT
ARTICLE XIII	REDEPLOYMENT OF ISRAELI FORCES
ARTICLE XIV	ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA
ARTICLE XV	RESOLUTION OF DISPUTES
ARTICLE XVI	ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL PROGRAMS
ARTICLE XVII	MISCELLANEOUS PROVISIONS

The Government of the State of Israel and the P.L.O. team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian Delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly, the two sides agree to the following principles:

ARTICLE I: AIM OF THE NEGOTIATIONS

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

ARTICLE II: FRAMEWORK FOR THE INTERIM PERIOD

The agreed framework for the interim period is set forth in this Declaration of Principles.

ARTICLE III: ELECTIONS

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.

⁴⁴⁸ For the full text of Oslo Accords (13.09.1993) see, <http://www.cyberus.ca/~baker/palestine4a.ht>.

3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

ARTICLE IV: JURISDICTION

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

ARTICLE V: TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

ARTICLE VI: PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorised Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of a preparatory nature until the inauguration of the Council.
2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

ARTICLE VII: INTERIM AGREEMENT

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement")
2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.
3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.
4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority, and any other Authorities agreed upon, in accordance with the Interim Agreement that will specify their powers and responsibilities.
5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

ARTICLE VIII: PUBLIC ORDER AND SECURITY

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

ARTICLE IX: LAWS AND MILITARY ORDERS

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

ARTICLE X: JOINT ISRAELI-PALESTINIAN LIAISON COMMITTEE

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest, and disputes.

ARTICLE XI: ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC FIELDS

Recognizing the mutual benefit of cooperation in promoting the development of the West Bank, the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programs identified in the protocols attached as Annex III and Annex IV.

ARTICLE XII: LIAISON AND COOPERATION WITH JORDAN AND EGYPT

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.

ARTICLE XIII: REDEPLOYMENT OF ISRAELI FORCES

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.
2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.
3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

ARTICLE XIV: ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

ARTICLE XV: RESOLUTION OF DISPUTES

1. Disputes arising out of the application or interpretation of this Declaration of Principles or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

ARTICLE XVI: ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL PROGRAMS

Both parties view the multilateral working groups as an appropriate instrument for promoting a "Marshall Plan", the regional programs and other programs, including special programs for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

ARTICLE XVII: MISCELLANEOUS PROVISIONS

1. This Declaration of Principles will enter into force one month after its signing.
2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

Done at Washington, D.C., this thirteenth day of September, 1993.

For the Government of Israel

For the P.L.O.

Witnessed By:

The United States of America

The Russian Federation

ANNEX I: PROTOCOL ON THE MODE AND CONDITIONS OF ELECTIONS

2. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.
3. In addition, the election agreement should cover, among other things, the following issues:
 - a. the system of elections;
 - b. the mode of the agreed supervision and international observation and their personal composition; and
 - c. rules and regulations regarding election campaign, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV station.
4. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

ANNEX II: PROTOCOL ON WITHDRAWAL OF ISRAELI FORCES FROM THE GAZA STRIP AND JERICHO AREA

1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.
2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.
3. The above agreement will include, among other things:
 - a. Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to the Palestinian representatives.
 - b. Structure, powers and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations, and other mutually agreed matters.
 - c. Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.
 - d. A temporary international or foreign presence, as agreed upon.
 - e. Establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes.
 - f. An economic development and stabilization program, including the establishment of an Emergency Fund, to encourage foreign investment, and financial and economic support. Both sides will coordinate and cooperate

- jointly and unilaterally with regional and international parties to support these aims.
- g. Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.
4. The above agreement will include arrangements for coordination between both parties regarding passages:
 - a. Gaza - Egypt; and
 - b. Jericho - Jordan.
 5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza Strip and in the Jericho area pending the inauguration of the Council.
 6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the West Bank and Gaza Strip, and will not be changed in the interim period.

ANNEX III: PROTOCOL ON ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC AND DEVELOPMENT PROGRAMS

The two sides agree to establish an Israeli-Palestinian continuing Committee for Economic Cooperation, focusing, among other things, on the following:

1. Cooperation in the field of water, including a Water Development Program prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.
2. Cooperation in the field of electricity, including an Electricity Development Program, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.
3. Cooperation in the field of energy, including an Energy Development Program, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This Program may also provide for the construction of a Petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.
4. Cooperation in the field of finance, including a Financial Development and Action Program for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.
5. Cooperation in the field of transport and communications, including a Program, which will define guidelines for the establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this Program will provide for carrying out the necessary construction of roads, railways, communications lines, etc.
6. Cooperation in the field of trade, including studies, and Trade Promotion Programs, which will encourage local, regional and inter-regional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones, and cooperation in other areas related to trade and commerce.
7. Cooperation in the field of industry, including Industrial Development Programs, which will provide for the establishment of joint Israeli- Palestinian Industrial Research and Development Centers, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.
8. A program for cooperation in, and regulation of, labor relations and cooperation in social welfare issues.

9. A Human Resources Development and Cooperation Plan, providing for joint Israeli-Palestinian workshops and seminars, and for the establishment of joint vocational training centers, research institutes and data banks.
10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.
11. A program for developing coordination and cooperation in the field of communication and media.
12. Any other programs of mutual interest.

ANNEX IV: PROTOCOL ON ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL DEVELOPMENT PROGRAMS

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a Development Program for the region, including the West Bank and the Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this program of other interested states, such as members of the Organisation for Economic Cooperation and Development, regional Arab states and institutions, as well as members of the private sector.
2. The Development Program will consist of two elements:
 - a. an Economic Development Program for the West Bank and the Gaza Strip.
 - b. a Regional Economic Development Program.
 - A. The Economic Development Program for the West Bank and the Gaza strip will consist of the following elements:
 1. A Social Rehabilitation Program, including a Housing and Construction Program.
 2. A Small and Medium Business Development Plan.
 3. An Infrastructure Development Program (water, electricity, transportation and communications, etc.)
 4. A Human Resources Plan.
 5. Other programs.
 - B. The Regional Economic Development Program may consist of the following elements:
 1. The establishment of a Middle East Development Fund, as a first step, and a Middle East Development Bank, as a second step.
 2. The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation of the Dead Sea area.
 3. The Mediterranean Sea (Gaza) - Dead Sea Canal.
 4. Regional Desalinization and other water development projects.
 5. A regional plan for agricultural development, including a coordinated regional effort for the prevention of desertification.
 6. Interconnection of electricity grids.
 7. Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.
 8. A Regional Tourism, Transportation and Telecommunications Development Plan.
 9. Regional cooperation in other spheres.
3. The two sides will encourage the multilateral working groups, and will coordinate towards their success. The two parties will encourage intersessional activities, as well as pre-feasibility and feasibility studies, within the various multilateral working groups.

AGREED MINUTES TO THE DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS

A. GENERAL UNDERSTANDINGS AND AGREEMENTS

Any powers and responsibilities transferred to the Palestinians pursuant to the Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Minutes below.

B. SPECIFIC UNDERSTANDINGS AND AGREEMENTS

Article IV

It is understood that:

1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis
2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

Article VI (2)

It is agreed that the transfer of authority will be as follows:

1. The Palestinian side will inform the Israeli side of the names of the authorised Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism, and any other authorities agreed upon.
2. It is understood that the rights and obligations of these offices will not be affected.
3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation office.
4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

Article VII (2)

The Interim Agreement will also include arrangements for coordination and cooperation.

Article VII (5)

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

Article VIII

It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police will be accomplished in a phased manner, as agreed in the Interim Agreement.

Article X

It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the names of the individuals designated by them as members of the Joint Israeli-Palestinian Liaison Committee.

It is further agreed that each side will have an equal number of members in the Joint Committee.

The Joint Committee will reach decisions by agreement. The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings.

Annex II

It is understood that, subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security, and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area.

APPENDIX V Oslo Accords II Interim Accord (Taba Agreement)⁴⁴⁹

WASHINGTON, SEPTEMBER 28, 1995

Below is the full text of the Israel-PLO agreement signed at the White House September 28. The accord was signed by Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat, and witnessed by President Clinton, President Mubarak, King Hussein, and other world leaders.

The Government of the State of Israel and the Palestine Liberation Organization (hereinafter "the PLO"), the representative of the Palestinian people;

Preamble

WITHIN the framework of the Middle East peace process initiated at Madrid in October 1991;
 REAFFIRMING their determination to put an end to decades of confrontation and to live in peaceful coexistence, mutual dignity and security, while recognizing their mutual legitimate and political rights;
 REAFFIRMING their desire to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process;
 RECOGNIZING that the peace process and the new era that it has created, as well as the new relationship established between the two Parties as described above, are irreversible, and the determination of the two Parties to maintain, sustain and continue the peace process;
 RECOGNIZING that the aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, i.e. the elected Council (hereinafter "the Council" or "the Palestinian Council"), and the elected Ra'ees of the Executive Authority, for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years from the date of signing the Agreement on the Gaza Strip and the Jericho Area (hereinafter "the Gaza-Jericho Agreement") on May 4, 1994, leading to a permanent settlement based on Security Council Resolutions 242 and 338;
 REAFFIRMING their understanding that the interim self-government arrangements contained in this Agreement are an integral part of the whole peace process, that the negotiations on the permanent status, that will start as soon as possible but not later than May 4, 1996, will lead to the implementation of Security Council Resolutions 242 and 338, and that the Interim Agreement shall settle all the issues of the interim period and that no such issues will be deferred to the agenda of the permanent status negotiations;
 REAFFIRMING their adherence to the mutual recognition and commitments expressed in the letters dated September 9, 1993, signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO;
 DESIROUS of putting into effect the Declaration of Principles on Interim Self-Government Arrangements signed at Washington, DC on September 13, 1993, and the Agreed Minutes thereto (hereinafter "the DOP") and in particular Article III and Annex I concerning the holding of direct, free and general political elections for the Council and the Ra'ees of the Executive Authority in order that the Palestinian people in the West Bank, Jerusalem and the Gaza Strip may democratically elect accountable representatives;
 RECOGNIZING that these elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions;
 REAFFIRMING their mutual commitment to act, in accordance with this Agreement, immediately, efficiently and effectively against acts or threats of terrorism, violence or incitement, whether committed by Palestinians or Israelis;

⁴⁴⁹ For the full text of the Oslo Accords II Interim Accord (Taba Agreement 28.09.1995) see, <http://www.bwscampus.com/School/Hist/NWWC/interim.html>.

FOLLOWING the Gaza-Jericho Agreement; the Agreement on Preparatory Transfer of Powers and Responsibilities signed at Erez on August 29, 1994 (hereinafter "the Preparatory Transfer Agreement"); and the Protocol on Further Transfer of Powers and Responsibilities signed at Cairo on August 27, 1995 (hereinafter "the Further Transfer Protocol"); which three agreements will be superseded by this Agreement;
HEREBY AGREE as follows:

Chapter 1--The Council

ARTICLE I

Transfer of Authority

Israel shall transfer powers and responsibilities as specified in this Agreement from the Israeli military government and its Civil Administration to the Council in accordance with this Agreement. Israel shall continue to exercise powers and responsibilities not so transferred.

Pending the inauguration of the Council, the powers and responsibilities transferred to the Council shall be exercised by the Palestinian Authority established in accordance with the Gaza-Jericho Agreement, which shall also have all the rights, liabilities and obligations to be assumed by the Council in this regard. Accordingly, the term "Council" throughout this Agreement shall, pending the inauguration of the Council, be construed as meaning the Palestinian Authority.

The transfer of powers and responsibilities to the police force established by the Palestinian Council in accordance with Article XIV below (hereinafter "the Palestinian Police") shall be accomplished in a phased manner, as detailed in this Agreement and in the Protocol concerning Redeployment and Security Arrangements attached as Annex I to this Agreement (hereinafter "Annex I").

As regards the transfer and assumption of authority in civil spheres, powers and responsibilities shall be transferred and assumed as set out in the Protocol Concerning Civil Affairs attached as Annex III to this Agreement (hereinafter "Annex III").

After the inauguration of the Council, the Civil Administration in the West Bank will be dissolved, and the Israeli military government shall be withdrawn. The withdrawal of the military government shall not prevent it from exercising the powers and responsibilities not transferred to the Council.

A Joint Civil Affairs Coordination and Cooperation Committee (hereinafter "the CAC"), Joint Regional Civil Affairs Subcommittees, one for the Gaza Strip and the other for the West Bank, and District Civil Liaison Offices in the West Bank shall be established in order to provide for coordination and cooperation in civil affairs between the Council and Israel, as detailed in Annex III.

The offices of the Council, and the offices of its Ra'ees and its Executive Authority and other committees, shall be located in areas under Palestinian territorial jurisdiction in the West Bank and the Gaza Strip.

ARTICLE II

Elections

In order that the Palestinian people of the West Bank and the Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council and the Ra'ees of the Executive Authority of the Council in accordance with the provisions set out in the Protocol concerning Elections attached as Annex II to this Agreement (hereinafter "Annex II").

These elections will constitute a significant interim preparatory step towards the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions.

Palestinians of Jerusalem who live there may participate in the election process in accordance with the provisions contained in this Article and in Article VI of Annex II (Election Arrangements concerning Jerusalem).

The elections shall be called by the Chairman of the Palestinian Authority immediately following the signing of this Agreement to take place at the earliest practicable date following the redeployment of

Israeli forces in accordance with Annex I, and consistent with the requirements of the election timetable as provided in Annex II, the Election Law and the Election Regulations, as defined in Article I of Annex II.

ARTICLE III

Structure of the Palestinian Council

The Palestinian Council and the Ra'ees of the Executive Authority of the Council constitute the Palestinian Interim Self-Government Authority, which will be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for the transitional period agreed in Article I of the DOP.

The Council shall possess both legislative power and executive power, in accordance with Articles VII and IX of the DOP. The Council shall carry out and be responsible for all the legislative and executive powers and responsibilities transferred to it under this Agreement. The exercise of legislative powers shall be in accordance with Article XVIII of this Agreement (Legislative Powers of the Council).

The Council and the Ra'ees of the Executive Authority of the Council shall be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip, in accordance with the provisions of this Agreement and the Election Law and Regulations, which shall not be contrary to the provisions of this Agreement.

The Council and the Ra'ees of the Executive Authority of the Council shall be elected for a transitional period not exceeding five years from the signing of the Gaza-Jericho Agreement on May 4, 1994.

Immediately upon its inauguration, the Council will elect from among its members a Speaker. The Speaker will preside over the meetings of the Council, administer the Council and its committees, decide on the agenda of each meeting, and lay before the Council proposals for voting and declare their results.

The jurisdiction of the Council shall be as determined in Article XVII of this Agreement (Jurisdiction of the Palestinian Council).

The organization, structure and functioning of the Council shall be in accordance with this Agreement and the Basic Law for the Palestinian Interim Self-Government Authority, which Law shall be adopted by the Council. The Basic Law and any regulations made under it shall not be contrary to the provisions of this Agreement.

The Council shall be responsible under its executive powers for the offices, services and departments transferred to it and may establish, within its jurisdiction, ministries and subordinate bodies, as necessary for the fulfillment of its responsibilities.

The Speaker will present for the Council's approval proposed internal procedures that will regulate, among other things, the decision-making processes of the Council.

ARTICLE IV

Size of the Council

The Palestinian Council shall be composed of 82 representatives and the Ra'ees of the Executive Authority, who will be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip.

ARTICLE V

The Executive Authority of the Council

The Council will have a committee that will exercise the executive authority of the Council, formed in accordance with paragraph 4 below (hereinafter "the Executive Authority").

The Executive Authority shall be bestowed with the executive authority of the Council and will exercise it on behalf of the Council. It shall determine its own internal procedures and decision making processes.

The Council will publish the names of the members of the Executive Authority immediately upon their initial appointment and subsequent to any changes.

- a. The Ra'ees of the Executive Authority shall be an ex officio member of the Executive Authority.
- b. All of the other members of the Executive Authority, except as provided in subparagraph c. below, shall be members of the Council, chosen and proposed to the Council by the Ra'ees of the Executive Authority and approved by the Council.
- c. The Ra'ees of the Executive Authority shall have the right to appoint some persons, in number not exceeding twenty percent of the total membership of the Executive Authority, who are not members of the Council, to exercise executive authority and participate in government tasks. Such appointed members may not vote in meetings of the Council.
- d. Non-elected members of the Executive Authority must have a valid address in an area under the jurisdiction of the Council.

ARTICLE VI

Other Committees of the Council

The Council may form small committees to simplify the proceedings of the Council and to assist in controlling the activity of its Executive Authority.

Each committee shall establish its own decision-making processes within the general framework of the organization and structure of the Council.

ARTICLE VII

Open Government

All meetings of the Council and of its committees, other than the Executive Authority, shall be open to the public, except upon a resolution of the Council or the relevant committee on the grounds of security, or commercial or personal confidentiality.

Participation in the deliberations of the Council, its committees and the Executive Authority shall be limited to their respective members only. Experts may be invited to such meetings to address specific issues on an ad hoc basis.

ARTICLE VIII

Judicial Review

Any person or organization affected by any act or decision of the Ra'ees of the Executive Authority of the Council or of any member of the Executive Authority, who believes that such act or decision exceeds the authority of the Ra'ees or of such member, or is otherwise incorrect in law or procedure, may apply to the relevant Palestinian Court of Justice for a review of such activity or decision.

ARTICLE IX

Powers and Responsibilities of the Council

Subject to the provisions of this Agreement, the Council will, within its jurisdiction, have legislative powers as set out in Article XVIII of this Agreement, as well as executive powers.

The executive power of the Palestinian Council shall extend to all matters within its jurisdiction under this Agreement or any future agreement that may be reached between the two Parties during the interim period. It shall include the power to formulate and conduct Palestinian policies and to supervise their implementation, to issue any rule or regulation under powers given in approved legislation and administrative decisions necessary for the realization of Palestinian self-government, the power to employ staff, sue and be sued and conclude contracts, and the power to keep and administer registers and records of the population, and issue certificates, licenses and documents.

The Palestinian Council's executive decisions and acts shall be consistent with the provisions of this Agreement.

The Palestinian Council may adopt all necessary measures in order to enforce the law and any of its decisions, and bring proceedings before the Palestinian courts and tribunals.

- a. In accordance with the DOP, the Council will not have powers and responsibilities in the sphere of foreign relations, which sphere includes the establishment abroad of embassies, consulates or other types of foreign missions and posts or permitting their establishment in the West Bank or the Gaza Strip, the appointment of or admission of diplomatic and consular staff, and the exercise of diplomatic functions.
 - b. Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:
 - (1) economic agreements, as specifically provided in Annex V of this Agreement;
 - (2) agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council;
 - (3) agreements for the purpose of implementing the regional development plans detailed in Annex IV of the DOP or in agreements entered into in the framework of the multilateral negotiations; and
 - (4) cultural, scientific and educational agreements.
 - c. Dealings between the Council and representatives of foreign states and international organizations, as well as the establishment in the West Bank and the Gaza Strip of representative offices other than those described in subparagraph 5.a above, for the purpose of implementing the agreements referred to in subparagraph 5.b above, shall not be considered foreign relations.
6. Subject to the provisions of this Agreement, the Council shall, within its jurisdiction, have an independent judicial system composed of independent Palestinian courts and tribunals.

CHAPTER 2-Redeployment and Security Arrangements

ARTICLE X

Redeployment of Israeli Military Forces

The first phase of the Israeli military forces redeployment will cover populated areas in the West Bank--cities, towns, villages, refugee camps and hamlets--as set out in Annex I, and will be completed prior to the eve of the Palestinian elections, i.e., 22 days before the day of the elections.

Further redeployments of Israeli military forces to specified military locations will commence after the inauguration of the Council and will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian Police, to be completed within 18 months from the date of the inauguration of the Council as detailed in Articles XI (Land) and XIII (Security), below and in Annex I.

The Palestinian Police shall be deployed and shall assume responsibility for public order and internal security for Palestinians in a phased manner in accordance with Article XIII (Security) below and Annex I.

Israel shall continue to carry the responsibility for external security, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

For the purpose of this Agreement, "Israeli military forces" includes Israel Police and other Israeli security forces.

ARTICLE XI

Land

1. The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.

2. The two sides agree that West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations, will come under the jurisdiction of the Palestinian Council, in a phased manner, to be completed within 18 months from the date of the inauguration of the Council, as specified below:
 - a. Land in populated areas (Areas A and B), including government and Al Waqf land, will come under the jurisdiction of the Council during the first phase of redeployment.
 - b. All civil powers and responsibilities, including planning and zoning, in Areas A and B, set out in Annex III, will be transferred to and assumed by the Council during the first phase of redeployment.
 - c. In Area C, during the first phase of redeployment Israel will transfer to the Council civil powers and responsibilities not relating to territory, as set out in Annex III.
 - d. The further redeployments of Israeli military forces to specified military locations will be gradually implemented in accordance with the DOP in three phases, each to take place after an interval of six months, after the inauguration of the Council, to be completed within 18 months from the date of the inauguration of the Council.
 - e. During the further redeployment phases to be completed within 18 months from the date of the inauguration of the Council, powers and responsibilities relating to territory will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.
 - f. The specified military locations referred to in Article X, paragraph 2 above will be determined in the further redeployment phases, within the specified time-frame ending not later than 18 months from the date of the inauguration of the Council, and will be negotiated in the permanent status negotiations.
3. For the purpose of this Agreement and until the completion of the first phase of the further redeployments:
 - a. "Area A" means the populated areas delineated by a red line and shaded in brown on attached map No. 1;
 - b. "Area B" means the populated areas delineated by a red line and shaded in yellow on attached map No. 1, and the built-up area of the hamlets listed in Appendix 6 to Annex I; and
 - c. "Area C" means areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this Agreement.

ARTICLE XII

Arrangements for Security and Public Order

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council shall establish a strong police force as set out in Article XIV below. Israel shall continue to carry the responsibility for defense against external threats, including the responsibility for protecting the Egyptian and Jordanian borders, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Settlements, for the purpose of safeguarding their internal security and public order, and will have all the powers to take the steps necessary to meet this responsibility.

Agreed security arrangements and coordination mechanisms are specified in Annex I.

A Joint Coordination and Cooperation Committee for Mutual Security Purposes (hereinafter "the JSC"), as well as Joint Regional Security Committees (hereinafter "RSCs") and Joint District Coordination Offices (hereinafter "DCOs"), are hereby established as provided for in Annex I.

The security arrangements provided for in this Agreement and in Annex I may be reviewed at the request of either Party and may be amended by mutual agreement of the Parties. Specific review arrangements are included in Annex I.

For the purpose of this Agreement, "the Settlements" means, in the West Bank--the settlements in Area C; and in the Gaza Strip--the Gush Katif and Erez settlement areas, as well as the other settlements in the Gaza Strip, as shown on attached map No. 2.

ARTICLE XIII

Security

The Council will, upon completion of the redeployment of Israeli military forces in each district, as set out in Appendix 1 to Annex I, assume the powers and responsibilities for internal security and public order in Area A in that district.

- a. There will be a complete redeployment of Israeli military forces from Area B. Israel will transfer to the Council and the Council will assume responsibility for public order for Palestinians. Israel shall have the overall responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism.
- b. In Area B the Palestinian Police shall assume the responsibility for public order for Palestinians and shall be deployed in order to accommodate the Palestinian needs and requirements in the following manner:
 - (1) The Palestinian Police shall establish 25 police stations and posts in towns, villages, and other places listed in Appendix 2 to Annex I and as delineated on map No. 3. The West Bank RSC may agree on the establishment of additional police stations and posts, if required.
 - (2) The Palestinian Police shall be responsible for handling public order incidents in which only Palestinians are involved.
 - (3) The Palestinian Police shall operate freely in populated places where police stations and posts are located, as set out in paragraph b(1) above.
 - (4) While the movement of uniformed Palestinian policemen in Area B outside places where there is a Palestinian police station or post will be carried out after coordination and confirmation through the relevant DCO, three months after the completion of redeployment from Area B, the DCOs may decide that movement of Palestinian policemen from the police stations in Area B to Palestinian towns and villages in Area B on roads that are used only by Palestinian traffic will take place after notifying the DCO.
 - (5) The coordination of such planned movement prior to confirmation through the relevant DCO shall include a scheduled plan, including the number of policemen, as well as the type and number of weapons and vehicles intended to take part. It shall also include details of arrangements for ensuring continued coordination through appropriate communication links, the exact schedule of movement to the area of the planned operation, including the destination and routes thereto, its proposed duration and the schedule for returning to the police station or post.
The Israeli side of the DCO will provide the Palestinian side with its response, following a request for movement of policemen in accordance with this paragraph, in normal or routine cases within one day and in emergency cases no later than 2 hours.
 - (6) The Palestinian Police and the Israeli military forces will conduct joint security activities on the main roads as set out in this Annex.
 - (7) The Palestinian Police will notify the West Bank RSC of the names of the policemen, number plates of police vehicles and serial numbers of weapons, with respect to each police station and post in Area B.
 - (8) Further redeployment is from Area C and transfer of internal security responsibility to the Palestinian Police in Areas B and C will take place after an interval of six months, to be completed 18 months after the inauguration of the

Council, except for the issues of permanent status negotiations and of Israel's overall responsibility for Israelis and borders.

- (9) The procedures detailed in this paragraph will be reviewed within six months of the completion of the first phase of redeployment.

ARTICLE XIV

The Palestinian Police

The Council shall establish a strong police force. The duties, functions, structure, deployment and composition of the Palestinian Police, together with provisions regarding its equipment and operation, as well as rules of conduct, are set out in Annex I.

The Palestinian police force established under the Gaza-Jericho Agreement will be fully integrated into the Palestinian Police and will be subject to the provisions of this Agreement.

Except for the Palestinian Police and the Israeli military forces, no other armed forces shall be established or operate in the West Bank and the Gaza Strip.

Except for the arms, ammunition and equipment of the Palestinian Police described in Annex I, and those of the Israeli military forces, no organization, group or individual in the West Bank and the Gaza Strip shall manufacture, sell, acquire, possess, import or otherwise introduce into the West Bank or the Gaza Strip any firearms, ammunition, weapons, explosives, gunpowder or any related equipment, unless otherwise provided for in Annex I.

ARTICLE XV

Prevention of Hostile Acts

Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders.

Specific provisions for the implementation of this Article are set out in Annex I.

ARTICLE XVI

Confidence Building Measures

With a view to fostering a positive and supportive public atmosphere to accompany the implementation of this Agreement, to establish a solid basis of mutual trust and good faith, and in order to facilitate the anticipated cooperation and new relations between the two peoples, both Parties agree to carry out confidence building measures as detailed herewith:

Israel will release or turn over to the Palestinian side, Palestinian detainees and prisoners, residents of the West Bank and the Gaza Strip. The first stage of release of these prisoners and detainees will take place on the signing of this Agreement and the second stage will take place prior to the date of the elections. There will be a third stage of release of detainees and prisoners. Detainees and prisoners will be released from among categories detailed in Annex VII (Release of Palestinian Prisoners and Detainees). Those released will be free to return to their homes in the West Bank and the Gaza Strip.

Palestinians who have maintained contact with the Israeli authorities will not be subjected to acts of harassment, violence, retribution or prosecution. Appropriate ongoing measures will be taken, in coordination with Israel, in order to ensure their protection.

Palestinians from abroad whose entry into the West Bank and the Gaza Strip is approved pursuant to this Agreement, and to whom the provisions of this Article are applicable, will not be prosecuted for offenses committed prior to September 13, 1993.

CHAPTER 3--Legal Affairs

ARTICLE XVII

Jurisdiction

1. In accordance with the DOP, the jurisdiction of the Council will cover West Bank and Gaza Strip territory as a single territorial unit, except for:
 - a. issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis; and
 - b. powers and responsibilities not transferred to the Council.
2. Accordingly, the authority of the Council encompasses all matters that fall within its territorial, functional and personal jurisdiction, as follows:
 - a. The territorial jurisdiction of the Council shall encompass Gaza Strip territory, except for the Settlements and the Military Installation Area shown on map No. 2, and West Bank territory, except for Area C which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council. At this time, the jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.
Territorial jurisdiction includes land, subsoil and territorial waters, in accordance with the provisions of this Agreement.
 - b. The functional jurisdiction of the Council extends to all powers and responsibilities transferred to the Council, as specified in this Agreement or in any future agreements that may be reached between the Parties during the interim period.
 - c. The territorial and functional jurisdiction of the Council will apply to all persons, except for Israelis, unless otherwise provided in this Agreement.
 - d. Notwithstanding subparagraph a. above, the Council shall have functional jurisdiction in Area C, as detailed in Article IV of Annex III.
3. The Council has, within its authority, legislative, executive and judicial powers and responsibilities, as provided for in this Agreement.
4.
 - a. Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council, powers and responsibilities not transferred to the Council and Israelis.
 - b. To this end, the Israeli military government shall retain the necessary legislative, judicial and executive powers and responsibilities, in accordance with international law. This provision shall not derogate from Israel's applicable legislation over Israelis in personam.
5. The exercise of authority with regard to the electromagnetic sphere and air space shall be in accordance with the provisions of this Agreement.
6. Without derogating from the provisions of this Article, legal arrangements detailed in the Protocol Concerning Legal Matters attached as Annex IV to this Agreement (hereinafter "Annex IV") shall be observed. Israel and the Council may negotiate further legal arrangements.
7. Israel and the Council shall cooperate on matters of legal assistance in criminal and civil matters through a legal committee (hereinafter "the Legal Committee"), hereby established.
8. The Council's jurisdiction will extend gradually to cover West Bank and Gaza Strip territory, except for the issues to be negotiated in the permanent status negotiations, through a series of redeployments of the Israeli military forces. The first phase of the redeployment of Israeli military forces will cover populated areas in the West Bank--cities, towns, refugee camps and hamlets, as set out in Annex I--and will be completed prior to the eve of the Palestinian elections, i.e. 22 days before the day of the elections. Further redeployments of Israeli military forces to specified military locations will commence immediately upon the inauguration of the Council and will be effected in three phases, each to take place after an interval of six months, to be concluded no later than eighteen months from the date of the inauguration of the Council.

ARTICLE XVIII**Legislative Powers of the Council**

For the purposes of this Article, legislation shall mean any primary and secondary legislation, including basic laws, laws, regulations and other legislative acts.

The Council has the power, within its jurisdiction as defined in Article XVII of this Agreement, to adopt legislation.

While the primary legislative power shall lie in the hands of the Council as a whole, the Ra'ees of the Executive Authority of the Council shall have the following legislative powers

- a. the power to initiate legislation or to present proposed legislation to the Council;
 - b. the power to promulgate legislation adopted by the Council; and
 - c. the power to issue secondary legislation, including regulations, relating to any matters specified and within the scope laid down in any primary legislation adopted by the Council.
- 4.
- a. Legislation, including legislation which amends or abrogates existing laws or military orders, which exceeds the jurisdiction of the Council or which is otherwise inconsistent with the provisions of the DOP, this Agreement, or of any other agreement that may be reached between the two sides during the interim period, shall have no effect and shall be void ab initio.
 - b. The Ra'ees of the Executive Authority of the Council shall not promulgate legislation adopted by the Council if such legislation falls under the provisions of this paragraph.
5. All legislation shall be communicated to the Israeli side of the Legal Committee.
6. Without derogating from the provisions of paragraph 4 above, the Israeli side of the Legal Committee may refer for the attention of the Committee any legislation regarding which Israel considers the provisions of paragraph 4 apply, in order to discuss issues arising from such legislation. The Legal Committee will consider the legislation referred to it at the earliest opportunity.

ARTICLE XIX**Human Rights and the Rule of Law**

Israel and the Council shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law.

ARTICLE XX**Rights, Liabilities and Obligations**

1.
 - a. The transfer of powers and responsibilities from the Israeli military government and its civil administration to the Council, as detailed in Annex III, includes all related rights, liabilities and obligations arising with regard to acts or omissions which occurred prior to such transfer. Israel will cease to bear any financial responsibility regarding such acts or omissions and the Council will bear all financial responsibility for these and for its own functioning.
 - b. Any financial claim made in this regard against Israel will be referred to the Council.
 - c. Israel shall provide the Council with the information it has regarding pending and anticipated claims brought before any court or tribunal against Israel in this regard.
 - d. Where legal proceedings are brought in respect of such a claim, Israel will notify the Council and enable it to participate in defending the claim and raise any arguments on its behalf.
 - e. In the event that an award is made against Israel by any court or tribunal in respect of such a claim, the Council shall immediately reimburse Israel the full amount of the award.
 - f. Without prejudice to the above, where a court or tribunal hearing such a claim finds that liability rests solely with an employee or agent who acted beyond the scope of the powers

assigned to him or her, unlawfully or with willful malfeasance, the Council shall not bear financial responsibility.

2.
 - a. Notwithstanding the provisions of paragraphs 1.d through 1.f above, each side may take the necessary measures, including promulgation of legislation, in order to ensure that such claims by Palestinians, including pending claims in which the hearing of evidence has not yet begun, are brought only before Palestinian courts or tribunals in the West Bank and the Gaza Strip, and are not brought before or heard by Israeli courts or tribunals.
 - b. Where a new claim has been brought before a Palestinian court or tribunal subsequent to the dismissal of the claim pursuant to subparagraph a. above, the Council shall defend it and, in accordance with subparagraph 1.a above, in the event that an award is made for the plaintiff, shall pay the amount of the award.
 - c. The Legal Committee shall agree on arrangements for the transfer of all materials and information needed to enable the Palestinian courts or tribunals to hear such claims as referred to in subparagraph b. above, and, when necessary, for the provision of legal assistance by Israel to the Council in defending such claims.
4. The transfer of authority in itself shall not affect rights, liabilities and obligations of any person or legal entity, in existence at the date of signing of this Agreement.
5. The Council, upon its inauguration, will assume all the rights, liabilities and obligations of the Palestinian Authority.
6. For the purpose of this Agreement, "Israelis" also includes Israeli statutory agencies and corporations registered in Israel.

ARTICLE XXI

Settlement of Differences and Disputes

Any difference relating to the application of this Agreement shall be referred to the appropriate coordination and cooperation mechanism established under this Agreement. The provisions of Article XV of the DOP shall apply to any such difference which is not settled through the appropriate coordination and cooperation mechanism, namely:

Disputes arising out of the application or interpretation of this Agreement or any related agreements pertaining to the interim period shall be settled through the Liaison Committee.

Disputes which cannot be settled by negotiations may be settled by a mechanism of conciliation to be agreed between the Parties.

The Parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both Parties, the Parties will establish an Arbitration Committee.

CHAPTER 4 –Cooperation

ARTICLE XXII

Relations between Israel and the Council

Israel and the Council shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda, against each other and, without derogating from the principle of freedom of expression, shall take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction.

Israel and the Council will ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.

Without derogating from the other provisions of this Agreement, Israel and the Council shall cooperate in combating criminal activity which may affect both sides, including offenses related to trafficking in illegal drugs and psychotropic substances, smuggling, and offenses against property, including offenses related to vehicles.

ARTICLE XXIII**Cooperation with Regard to Transfer of Powers and Responsibilities**

In order to ensure a smooth, peaceful and orderly transfer of powers and responsibilities, the two sides will cooperate with regard to the transfer of security powers and responsibilities in accordance with the provisions of Annex I, and the transfer of civil powers and responsibilities in accordance with the provisions of Annex III.

ARTICLE XXIV**Economic Relations**

The economic relations between the two sides are set out in the Protocol on Economic Relations, signed in Paris on April 29, 1994, and the Appendices thereto, and the Supplement to the Protocol on Economic Relations, all attached as Annex V, and will be governed by the relevant provisions of this Agreement and its Annexes.

ARTICLE XXV**Cooperation Programs**

The Parties agree to establish a mechanism to develop programs of cooperation between them. Details of such cooperation are set out in Annex VI.

A Standing Cooperation Committee to deal with issues arising in the context of this cooperation is hereby established as provided for in Annex VI.

ARTICLE XXVI**The Joint Israeli-Palestinian Liaison Committee**

1. The Liaison Committee established pursuant to Article X of the DOP shall ensure the smooth implementation of this Agreement. It shall deal with issues requiring coordination, other issues of common interest and disputes.
2. The Liaison Committee shall be composed of an equal number of members from each Party. It may add other technicians and experts as necessary.
3. The Liaison Committee shall adopt its rules of procedures, including the frequency and place or places of its meetings.
4. The Liaison Committee shall reach its decisions by agreement.
5. The Liaison Committee shall establish a subcommittee that will monitor and steer the implementation of this Agreement (hereinafter "the Monitoring and Steering Committee"). It will function as follows:
 - a. The Monitoring and Steering Committee will, on an ongoing basis, monitor the implementation of this Agreement, with a view to enhancing the cooperation and fostering the peaceful relations between the two sides.
 - b. The Monitoring and Steering Committee will steer the activities of the various joint committees established in this Agreement (the JSC, the CAC, the Legal Committee, the Joint Economic Committee and the Standing Cooperation Committee) concerning the ongoing implementation of the Agreement, and will report to the Liaison Committee.
 - c. The Monitoring and Steering Committee will be composed of the heads of the various committees mentioned above.
 - d. The two heads of the Monitoring and Steering Committee will establish its rules of procedures, including the frequency and places of its meetings.

ARTICLE XXVII

Liaison and Cooperation with Jordan and Egypt

1. Pursuant to Article XII of the DOP, the two Parties have invited the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. As part of these arrangements a Continuing Committee has been constituted and has commenced its deliberations.
2. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.
3. The Continuing Committee shall also deal with other matters of common concern.

ARTICLE XXVIII

Missing Persons

Israel and the Council shall cooperate by providing each other with all necessary assistance in the conduct of searches for missing persons and bodies of persons which have not been recovered, as well as by providing information about missing persons.

The PLO undertakes to cooperate with Israel and to assist it in its efforts to locate and to return to Israel Israeli soldiers who are missing in action and the bodies of soldiers which have not been recovered.

CHAPTER 5-- Miscellaneous Provisions

ARTICLE XXIX

Safe Passage between the West Bank and the Gaza Strip

Arrangements for safe passage of persons and transportation between the West Bank and the Gaza Strip are set out in Annex I.

ARTICLE XXX

Passages

Arrangements for coordination between Israel and the Council regarding passage to and from Egypt and Jordan, as well as any other agreed international crossings, are set out in Annex I.

ARTICLE XXXI

Final Clauses

1. This Agreement shall enter into force on the date of its signing.
2. The Gaza-Jericho Agreement, the Preparatory Transfer Agreement and the Further Transfer Protocol will be superseded by this Agreement.
3. The Council, upon its inauguration, shall replace the Palestinian Authority and shall assume all the undertakings and obligations of the Palestinian Authority under the Gaza-Jericho Agreement, the Preparatory Transfer Agreement, and the Further Transfer Protocol.
4. The two sides shall pass all necessary legislation to implement this Agreement.
5. Permanent status negotiations will commence as soon as possible, but not later than May 4, 1996, between the Parties. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
6. Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.

7. Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.
8. The two Parties view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.
9. The PLO undertakes that, within two months of the date of the inauguration of the Council, the Palestinian National Council will convene and formally approve the necessary changes in regard to the Palestinian Covenant, as undertaken in the letters signed by the Chairman of the PLO and addressed to the Prime Minister of Israel, dated September 9, 1993 and May 4, 1994.
10. Pursuant to Annex I, Article VII of this Agreement, Israel confirms that the permanent checkpoints on the roads leading to and from the Jericho Area (except those related to the access road leading from Mousa Alami to the Allenby Bridge) will be removed upon the completion of the first phase of redeployment.
11. Prisoners who, pursuant to the Gaza-Jericho Agreement, were turned over to the Palestinian Authority on the condition that they remain in the Jericho Area for the remainder of their sentence, will be free to return to their homes in the West Bank and the Gaza Strip upon the completion of the first phase of redeployment.
12. As regards relations between Israel and the PLO, and without derogating from the commitments contained in the letters signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO, dated September 9, 1993 and May 4, 1994, the two sides will apply between them the provisions contained in Article XXII, paragraph 1, with the necessary changes.
13.
 - a. The Preamble to this Agreement, and all Annexes, Appendices and maps attached hereto, shall constitute an integral part hereof.
 - b. The Parties agree that the maps attached to the Gaza-Jericho Agreement as:
 - a. map No. 1 (The Gaza Strip), an exact copy of which is attached to this Agreement as map No. 2 (in this Agreement "map No. 2");
 - b. map No. 3 (Deployment of Palestinian Police in the Gaza Strip), a exact copy of which is attached to this Agreement as map No. 5 (in this Agreement "map No. 5"); and
 - c. map No. 6 (Maritime Activity Zones), an exact copy of which is attached to this Agreement as map No. 8 (in this Agreement "map No. 8");
 are an integral part hereof and will remain in effect for the duration of this Agreement.
14. While their area will come under the functional and personal jurisdiction of the Council in the first phase of redeployment, the area's transfer to the territorial jurisdiction of the Council will be considered by the Israeli side in the first phase of the further redeployment phases.

Done at Washington DC, this 28th day of September, 1995

For the Government of the State of Israel

For the PLO

Witnessed by:

The United States of America

The Russian Federation

The Arab Republic of Egypt

The Hashimite Kingdom of Jordan

The Kingdom of Norway

The European Union

APPENDIX VII The Wye River Memorandum

The Wye River Memorandum⁴⁵⁰ 23. 10. 1998

The following are steps to facilitate implementation of the Interim Agreement on the West Bank and Gaza Strip of September 28, 1995 (the "Interim Agreement") and other related agreements including the Note for the Record of January 17, 1997 (hereinafter referred to as "the prior agreements") so that the Israeli and Palestinian sides can more effectively carry out their reciprocal responsibilities, including those relating to further redeployments and security respectively. These steps are to be carried out in a parallel phased approach in accordance with this Memorandum and the attached time line. They are subject to the relevant terms and conditions of the prior agreements and do not supersede their other agreements.

I. FURTHER REDEPLOYMENTS

A. Phase One and Two Further Redeployments

1. Pursuant to the Interim Agreement and subsequent agreements, the Israeli side's implementation of the first and second F.R.D. will consist of the transfer to the Palestinian side of 13% from Area C as follows:

1 % to Area (A)

12 % to Area (B)

The Palestinian side has informed that it will allocate an area/areas amounting to 3% from the above Area (B) to be designated as Green Areas and/or Nature Reserves. The Palestinian side has further informed that they will act according to the established scientific standards, and that therefore there will be no changes in the status of these areas, without prejudice to the rights of the existing inhabitants in these areas including Bedouins; while these standards do not allow new construction in these areas, existing roads and buildings may be maintained.

The Israeli side will retain in these Green Areas/Nature Reserves the overriding security responsibility for the purpose of protecting Israelis and confronting the threat of terrorism. Activities and movements of the Palestinian Police forces may be carried out after coordination and confirmation; the Israeli side will respond to such requests expeditiously.

2. As part of the foregoing implementation of the first and second F.R.D., 14.2% from Area (B) will become Area (A).

B. Third Phase of Further Redeployments

With regard to the terms of the Interim Agreement and of Secretary Christopher's letters to the two sides of January 17, 1997 relating to the further redeployment process, there will be a committee to address this question. The United States will be briefed regularly.

II. SECURITY

In the provisions on security arrangements of the Interim Agreement, the Palestinian side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Israeli side, against individuals falling under the Israeli side's authority and against their property, just as the Israeli side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Palestinian side, against individuals falling under the Palestinian side's authority and against their property. The two sides also agreed to take legal measures against offenders within their jurisdiction and to prevent incitement against each other by any organizations, groups or individuals within their jurisdiction.

Both sides recognize that it is in their vital interests to combat terrorism and fight violence in accordance with Annex I of the Interim Agreement and the Note for the Record. They also recognize that the struggle against terror and violence must be comprehensive in that it deals with terrorists, the terror support structure, and the environment conducive to the support of terror. It must be continuous and constant over a long-term, in that there can be no pauses in the work against terrorists and their

⁴⁵⁰ For the full text of Wye River Memorandum (23.10.1998) see, <http://www.pna.net/search/TitleDetails.asp?txtDocID=332>.

structure. It must be cooperative in that no effort can be fully effective without Israeli-Palestinian cooperation and the continuous exchange of information, concepts, and actions.

Pursuant to the prior agreements, the Palestinian side's implementation of its responsibilities for security, security cooperation, and other issues will be as detailed below during the time periods specified in the attached time line:

A. Security Actions

1. Outlawing and Combating Terrorist Organizations

- a. The Palestinian side will make known its policy of zero tolerance for terror and violence against both sides.
- b. A work plan developed by the Palestinian side will be shared with the U.S. and thereafter implementation will begin immediately to ensure the systematic and effective combat of terrorist organizations and their infrastructure.
- c. In addition to the bilateral Israeli-Palestinian security cooperation, a U.S.-Palestinian committee will meet biweekly to review the steps being taken to eliminate terrorist cells and the support structure that plans, finances, supplies and abets terror. In these meetings, the Palestinian side will inform the U.S. fully of the actions it has taken to outlaw all organizations (or wings of organizations, as appropriate) of a military, terrorist or violent character and their support structure and to prevent them from operating in areas under its jurisdiction.
- d. The Palestinian side will apprehend the specific individuals suspected of perpetrating acts of violence and terror for the purpose of further investigation, and prosecution and punishment of all persons involved in acts of violence and terror.
- e. A U.S.-Palestinian committee will meet to review and evaluate information pertinent to the decisions on prosecution, punishment or other legal measures which affect the status of individuals suspected of abetting or perpetrating acts of violence and terror.

2. Prohibiting Illegal Weapons

- a. The Palestinian side will ensure an effective legal framework is in place to criminalize, in conformity with the prior agreements, any importation, manufacturing or unlicensed sale, acquisition or possession of firearms, ammunition or weapons in areas under Palestinian jurisdiction.
- b. In addition, the Palestinian side will establish and vigorously and continuously implement a systematic program for the collection and appropriate handling of all such illegal items in accordance with the prior agreements. The U.S. has agreed to assist in carrying out this program.
- c. A U.S.-Palestinian-Israeli committee will be established to assist and enhance cooperation in preventing the smuggling or other unauthorized introduction of weapons or explosive materials into areas under Palestinian jurisdiction.

3. Preventing Incitement

- a. Drawing on relevant international practice and pursuant to Article XXII (1) of the Interim Agreement and the Note for the Record, the Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror, and establishing mechanisms for acting systematically against all expressions or threats of violence or terror. This decree will be comparable to the existing Israeli legislation which deals with the same subject.
- b. A U.S.- Palestinian-Israeli committee will meet on a regular basis to monitor cases of possible incitement to violence or terror and to make recommendations and reports on how to prevent such incitement. The Israeli, Palestinian and U.S. sides will each appoint a media specialist, a law enforcement representative, an educational specialist and a current or former elected official to the committee.

B. Security Cooperation

The two sides agree that their security cooperation will be based on a spirit of partnership and will include, among other things, the following steps:

1. Bilateral Cooperation

There will be full bilateral security cooperation between the two sides which will be continuous, intensive and comprehensive.

2. Forensic Cooperation

There will be an exchange of forensic expertise, training, and other assistance.

3. Trilateral Committee

In addition to the bilateral Israeli-Palestinian security cooperation, a high-ranking U.S.-Palestinian-Israeli committee will meet as required and not less than biweekly to assess current threats, deal with any impediments to effective security cooperation and coordination and address the steps being taken to combat terror and terrorist organizations. The committee will also serve as a forum to address the issue of external support for terror. In these meetings, the Palestinian side will fully inform the members of the committee of the results of its investigations concerning terrorist suspects already in custody and the participants will exchange additional relevant information. The committee will report regularly to the leaders of the two sides on the status of cooperation, the results of the meetings and its recommendations.

C. Other Issues

1. Palestinian Police Force

- a. The Palestinian side will provide a list of its policemen to the Israeli side in conformity with the prior agreements.
- b. Should the Palestinian side request technical assistance, the U.S. has indicated its willingness to help meet their needs in cooperation with other donors.
- c. The Monitoring and Steering Committee will, as part of its functions, monitor the implementation of this provision and brief the U.S.

2. PLO Charter

The Executive Committee of the Palestine Liberation Organization and the Palestinian Central Council will reaffirm the letter of 22 January 1998 from PLO Chairman Yasir Arafat to President Clinton concerning the nullification of the Palestinian National Charter provisions that are inconsistent with the letters exchanged between the PLO and the Government of Israel on 9/10 September 1993. PLO Chairman Arafat, the Speaker of the Palestine National Council, and the Speaker of the Palestinian Council will invite the members of the PNC, as well as the members of the Central Council, the Council, and the Palestinian Heads of Ministries to a meeting to be addressed by President Clinton to reaffirm their support for the peace process and the aforementioned decisions of the Executive Committee and the Central Council.

3. Legal Assistance in Criminal Matters

Among other forms of legal assistance in criminal matters, the requests for arrest and transfer of suspects and defendants pursuant to Article II (7) of Annex IV of the Interim Agreement will be submitted (or resubmitted) through the mechanism of the Joint Israeli-Palestinian Legal Committee and will be responded to in conformity with Article II (7) (f) of Annex IV of the Interim Agreement within the twelve week period. Requests submitted after the eighth week will be responded to in conformity with Article II (7) (f) within four weeks of their submission. The U.S. has been requested by the sides to report on a regular basis on the steps being taken to respond to the above requests.

4. Human Rights and the Rule of Law

Pursuant to Article XI (1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities to implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law, and will be guided by the need to protect the public, respect human dignity, and avoid harassment.

III. INTERIM COMMITTEES AND ECONOMIC ISSUES

1. The Israeli and Palestinian sides reaffirm their commitment to enhancing their relationship and agree on the need to actively promote economic development in the West Bank and Gaza. In this regard, the parties agree to continue or to reactivate all standing committees established by the Interim Agreement, including the Monitoring

- and Steering Committee, the Joint Economic Committee (JEC), the Civil Affairs Committee (CAC), the Legal Committee, and the Standing Cooperation Committee.
2. The Israeli and Palestinian sides have agreed on arrangements which will permit the timely opening of the Gaza Industrial Estate. They also have concluded a "Protocol Regarding the Establishment and Operation of the International Airport in the Gaza Strip During the Interim Period."
 3. Both sides will renew negotiations on Safe Passage immediately. As regards the southern route, the sides will make best efforts to conclude the agreement within a week of the entry into force of this Memorandum. Operation of the southern route will start as soon as possible thereafter. As regards the northern route, negotiations will continue with the goal of reaching agreement as soon as possible. Implementation will take place expeditiously thereafter.
 4. The Israeli and Palestinian sides acknowledge the great importance of the Port of Gaza for the development of the Palestinian economy, and the expansion of Palestinian trade. They commit themselves to proceeding without delay to conclude an agreement to allow the construction and operation of the port in accordance with the prior agreements. The Israeli-Palestinian Committee will reactivate its work immediately with a goal of concluding the protocol within sixty days, which will allow commencement of the construction of the port.
 5. The two sides recognize that unresolved legal issues adversely affect the relationship between the two peoples. They therefore will accelerate efforts through the Legal Committee to address outstanding legal issues and to implement solutions to these issues in the shortest possible period. The Palestinian side will provide to the Israeli side copies of all of its laws in effect.
 6. The Israeli and Palestinian sides also will launch a strategic economic dialogue to enhance their economic relationship. They will establish within the framework of the JEC an Ad Hoc Committee for this purpose. The committee will review the following four issues: (1) Israeli purchase taxes; (2) cooperation in combating vehicle theft; (3) dealing with unpaid Palestinian debts; and (4) the impact of Israeli standards as barriers to trade and the expansion of the A1 and A2 lists. The committee will submit an interim report within three weeks of the entry into force of this Memorandum, and within six weeks will submit its conclusions and recommendations to be implemented.
 7. The two sides agree on the importance of continued international donor assistance to facilitate implementation by both sides of agreements reached. They also recognize the need for enhanced donor support for economic development in the West Bank and Gaza. They agree to jointly approach the donor community to organize a Ministerial Conference before the end of 1998 to seek pledges for enhanced levels of assistance.

IV. PERMANENT STATUS NEGOTIATIONS

The two sides will immediately resume permanent status negotiations on an accelerated basis and will make a determined effort to achieve the mutual goal of reaching an agreement by May 4, 1999. The negotiations will be continuous and without interruption. The U.S. has expressed its willingness to facilitate these negotiations.

V. UNILATERAL ACTIONS

Recognizing the necessity to create a positive environment for the negotiations, neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip in accordance with the Interim Agreement.

ATTACHMENT: Time Line

This Memorandum will enter into force ten days from the date of signature.

Done at Washington, D.C. this 23d day of October 1998.

For the Government of the State of Israel: Benjamin Netanyahu

For the PLO: Yassir Arafat

Witnessed by: William J. Clinton The United States of America

TIME LINE

Note: Parenthetical references below are to paragraphs in "The Wye River Memorandum" to which this time line is an integral attachment. Topics not included in the time line follow the schedule provided for in the text of the Memorandum.

1. Upon Entry into Force of the Memorandum:

- Third further redeployment committee starts (I (B))
- Palestinian security work plan shared with the U.S. (II (A) (1) (b))
- Full bilateral security cooperation (II (B) (1))
- Trilateral security cooperation committee starts (II (B) (3))
- Interim committees resume and continue; Ad Hoc Economic Committee starts (III)
- Accelerated permanent status negotiations start (IV)

2. Entry into Force - Week 2:

- Security work plan implementation begins (II (A) (1) (b)); (II (A) (1) (c)) committee starts
- Illegal weapons framework in place (II (A) (2) (a)); Palestinian implementation report (II (A) (2) (b))
- Anti-incitement committee starts (II (A) (3) (b)); decree issued (II (A) (3) (a))
- PLO Executive Committee reaffirms Charter letter (II (C) (2))
- Stage 1 of F.R.D. implementation: 2% C to B, 7.1% B to A. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A))

3. Week 2-6:

- Palestinian Central Council reaffirms Charter letter (weeks two to four) (II (C) (2))
- PNC and other PLO organizations reaffirm Charter letter (weeks four to six) (II (C) (2))
- Establishment of weapons collection program (II (A) (2) (b)) and collection stage (II (A) (2) (c)); committee starts and reports on activities.
- Anti-incitement committee report (II (A) (3) (b))
- Ad Hoc Economic Committee: interim report at week three; final report at week six (III)
- Policemen list (II (C) (1) (a)); Monitoring and Steering Committee review starts (II (C) (1) (c))
- Stage 2 of F.R.D. implementation: 5% C to B. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

4. Week 6-12:

- Weapons collection stage II (A) (2) (b); II (A) (2) (c) committee report on its activities.
- Anti-incitement committee report (II (A) (3) (b))
- Monitoring and Steering Committee briefs U.S. on policemen list (II (C) (1) (c))
- Stage 3 of F.R.D. implementation: 5% C to B, 1% C to A, 7.1% B to A. Israeli officials acquaint Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

5. After Week 12:

Activities described in the Memorandum continue as appropriate and if necessary, including:

- Trilateral security cooperation committee (II (B)(3))
- (II (A) (1) (c)) committee
- (II (A) (1) (e)) committee
- Anti-incitement committee (II (A) (3) (b))
- Third Phase F.R.D. Committee (I (B))
- Interim Committees (III)
- Accelerated permanent status negotiations (IV)

Glossary⁴⁵¹

CFSP Counsellors, : These are officials based in the Permanent Representations of Member States in Brussels and the Commission. They examine horizontal problems concerning CFSP, in particular legal, institutional and financial aspects of CFSP actions (notably Joint Actions, Common Positions) which they finalise before approval by Coreper and the Council. Tasks include strengthening coherence between CFSP and EC external action and more specific issues (economic sanctions, financing). They assist both the Political Committee and Coreper. Meetings are convened by the Presidency as necessary (usually once a week).

Committee of Permanent Representatives ('Coreper'), Permanent Representatives of Member States to the EU and the Commission Deputy Secretary General meet once a week to prepare Council meetings and decisions, including those related to the General Affairs Council and CESP. Coreper has overall responsibility for preparing the work of the Council in all its compositions. This means that all items submitted to the Council must previously have been placed on the agenda of Coreper, which, if need arises, endeavours, at its level, to reach an agreement to be submitted for adoption by the Council (Coreper can attach comments and recommendations to opinions submitted to the Council by the Political Committee).

Common position, is designed to make cooperation more systematic and improve its coordination. The Member States are required to comply with and uphold such positions which have been adopted unanimously at Council meetings.

Common strategy, is a new instrument. The European Council will define the principles and general guidelines for the CFSP and decide on common strategies to be implemented by the Union in fields where the Member States have important interests in common.

COREU Telex Network, The COREU telex network (Correspondance européenne) is a network allowing transmission of enciphered messages used for all aspects of information exchange between capitals and with the Commission, and by the Presidency in the everyday management of CFSP. The Council may act on CFSP matters by simplified written procedure using the COREU network.

Council CFSP Working Groups, CFSP working groups (or parties) are composed of experts from EU Member States and the Commission meeting along geographical and horizontal lines to elaborate policy documents and options for the consideration of the Political Committee (list of groups in annex). Some of these groups are merged' (to cover both 'pillars' I and II) but still operate according to the presence of 'CFSP officials' from capitals (meaning that the groups only operate as real merged groups about once a month). Merged groups report both to the Political Committee and Coreper.

The tasks of the merged group meetings include elaboration of: (a) joint analysis of a third country situation or multilateral question, and the joint position which might be adopted by the European Union, (b) proposals for approval by the Political Committee as measures for implementing the CFSP (approaches, requests to be addressed to the EU representations in third countries and other preparatory measures, statements by the Presidency on behalf of the European Union and (c) recommendations for further Council initiatives in the area of CFSP (which, if decided by the Political Committee, may be presented as an opinion by that Committee to the Council) and for the political follow-up to such initiatives.

Council of Ministers, EU Foreign Ministers meet at least once a month as the General Affairs Council (GAC) in which the Commission is represented by the cosupentent Commissioner in charge of external

⁴⁵¹ Cameron, op.cit., pp. 141-145, see, <http://www.europa.eu.int/scadplus/leg/en/cig/g4000c.htm#c12>.

relations. According to the Treaty (Art. ~ 3) the Council 'shall take the decisions necessary for defining and implementing' the CFSP 'on the basis of the general guidelines defined by the European Council', it 'shall recommend Common Strategies to the European Council and implement these, in particular by adopting joint actions and common positions' and ensure the unity, consistency and effectiveness of action by the Union' in the field of CFSP. The Council is the general forum for information and consultation on CFSP matters among Member States (Art. 16 TEU). In addition to its permanent role in ensuring the smooth operation of the Community and the Union and its specific responsibility under CFSP, the GAC has overall responsibility for all preparatory work for the European Council; consequently matters to be submitted to the European Council must first be submitted to the GAC. The Council and the Commission are jointly responsible for 'the consistency of the Union's external activities as a whole in the context of its external relations, security, economic and development policies' and 'shall co-operate to this end' (Art. 3 TEU).

Declaration: This is an instrument for which there is no provision in Title V of the Treaty on European Union but which was a feature of European political cooperation (EPC). It is not a mandatory instrument and is still frequently used under the CFSP.

European Correspondents: European Correspondents of Member States and the Commission ensure coordination of the input of the Member State or of the Commission in the machinery and procedures of CFSP. They assist the Political Directors and prepare and participate in meetings within the CFSP structures, including the Political Committee and political dialogue meetings with third countries. In the Political Committee, the European Correspondents meet before the Political Directors to handle certain agenda points and examine working group reports that do not need to be discussed at the level of Political Directors. In addition European Correspondents coordinate daily CFSP communications, notably through the COREU network (see above).

European Council: The European Council is composed of Heads of State and Government and the Commission President who meet at least once every half year. It 'shall provide the Union with the necessary impetus for its development and shall define the general policy guidelines thereof' (Art. 4 TEU). In CFSP in particular, its role is to 'define the principles and general guidelines.. including for matters with defence implications' (Art. 13 TEU). Furthermore the European Council is 'to decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common'. The direct involvement of the European Council in CFSP adds political weight and commits the highest political authorities in Member States to the CFSP.

European Parliament: The European Parliament is consulted and kept informed regularly. According to the Treaty (Art. 21) 'The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy. The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.' According to the Inter-institutional Agreement between Parliament, Council and Commission on CFSP financing, the Presidency shall, on a yearly basis, consult the Parliament on a document established by the Council on the main aspects and basic choices on CFSP, including the financial implications for the Community budget. The Presidency and/or the Commission, when considered useful and necessary, attends the meetings of Parliament's Committee on Foreign Affairs and Security and participates, if need be, in Parliament's debates in plenary session. At Council meetings the Presidency informs the Council of Parliament's reactions, communications, questions, recommendations or resolutions concerning CFSP.

High Representative (Mr CFSP): The Amsterdam Treaty introduces the new office of a High Representative (HR) for CFSP. He will be the Council Secretary General. The HR 'shall assist the

Council in matters coming within the scope of the CFSP, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third countries' (Art. 26). The HR will also 'assist the Presidency' in the external representation of the EU and in the implementation of decisions in CFSP matters (Art. 18).

Joint Action refers to a legal instrument under Title V of the Treaty on European Union, means coordinated action by the Member States whereby resources of all kinds (human resources, know-how, financing, equipment and so on) are mobilized to attain specific objectives fixed by the Council on the base of general guidelines from the European Council.

Petersberg Tasks: The Petersberg Declaration of 19 June 1992 underlined the determination to develop the Western European Union (WEU) as the EU's defence component and as a means of strengthening the European pillar of the Atlantic Alliance (NATO). The three parts of the declaration define the guidelines for the future development of the WEU. WEU Member States declare their readiness to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU. The different types of military tasks which WEU might undertake were defined: apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, military units of WEU Member States could be employed for: humanitarian and rescue tasks; peace-keeping tasks; tasks of combat forces in crisis management, including peacemaking. These 'Petersberg tasks' are specifically included in a new Article of the Treaty on European Union, which replaced Article 14. The Petersberg Declaration also states that WEU is prepared to support, on a case-by-case basis and in accordance with its own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE (now OSCE) or the United Nations Security Council. At the same time, the Declaration supports a solid transatlantic partnership and stresses the importance of implementing the Declaration on WEU (No.30) annexed to the Maastricht Treaty. The third part of the Declaration relates to the enlargement of the WEU: in it the Member States define the rights and obligations of other European states belonging to the European Union and the Atlantic Alliance as future members, observers or associate members.

Policy Planning and Early Warning Unit (PPEWU): In accordance with Declaration 6 (see Appendix 4), a Policy Planning and Early Warning Unit (PPEWU) is established within the Council Secretariat and under the responsibility of the Council Secretary General (High Representative). Its mandate includes monitoring, analysis and assessment of international developments and events, including early warning on potential crises. It also includes drafting, upon Council request or on its own initiative, of policy options which may contain recommendations and strategies for presentation to the Council under the responsibility of the Presidency as a contribution to policy formulation. PPEWU staff will come from the Council Secretariat General, Member States, the Commission and the WEU.

Political Committee: The Political Committee is composed of the Political Directors of Member States and the Commission. According to the Treaty (Art. 25) their main tasks include: (a) monitoring the international situation in the areas covered by the CFSP, (b) contributing to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative, and (c) monitoring the implementation of agreed policies, 'without prejudice to the responsibility of the Presidency and the Commission'.

The Committee meets about twice a month and usually in the margins of the General Affairs Council in order to make final preparations of CFSP decisions in light of latest developments. The possibility for the Committee to meet more frequently was spelled out in a declaration on Article 25 of the Amsterdam Treaty (declaration No.5 annexed to the Final Act) which states that Member States shall

ensure that the Political Committee' is able to meet 'at any time, in the event of international crises or other urgent matters, at very short notice at Political Director or deputy level.

Presidency/Troika: The Amsterdam Treaty modifies rules on external representation and responsibility for implementation of decisions in the area of CFSP. The Presidency remains in charge and represents the Union in matters coming within CFSP, as well as being responsible for implementation of decisions. In its tasks it will be assisted from now on by the Secretary General of the Council as High Representative for CFSP and 'if need be' by the next Member State to hold the Presidency. As before, the Commission will be fully associated in these tasks.

Western European Union (WEU) is an organization which was set up in 1948 for the purposes of cooperation on defence and security. It consists of the Member States of the EU (except Austria, Denmark, Finland, Ireland and Sweden, which have observer status). Iceland, Norway and Turkey are associated States. The Treaty on European Union raised WEU to the rank of an 'integral part of the development of the Union', while preserving its institutional autonomy, and gave it the task of elaborating and implementing decisions and actions which had defence implications.

Ten Central and Eastern European countries enjoy the status of Associate Partner: Bulgaria, Hungary, Poland, the Czech Republic, Romania, the Slovak Republic, Slovenia and the three Baltic States. It allows them to attend meetings of the WEU Council, where they are kept regularly informed of the activities of the Council working groups; they may be invited to participate in these groups on an ad hoc basis. They also have a permanent liaison arrangement with the Planning Cell. Finally, they may be involved in decisions taken by the Member States on the tasks listed in the Petersberg Declaration: humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management including peacemaking.

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