

# DEALING WITH DILEMMAS OF DEMOCRACY PROMOTION UNDER OCCUPATION

The Divergent Roles Of Three European Union Actor-  
Groups Supporting “Democracy” In Palestine.



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Cover picture: A famous Palestinian cartoon Handala looks at the Arabic word for democracy that remains a thought with part of the letters being written as a plant full of thorns. Though drawn already between 1973 and 1987 by Naji al-Ali, his cartoons are still very popular among Palestinians because the themes in his drawings – democracy, occupation, corruption and resistance - remain highly relevant.

## ABSTRACT

### DEALING WITH DILEMMAS OF DEMOCRACY PROMOTION UNDER OCCUPATION – THE DIVERGENT ROLES OF THREE EUROPEAN UNION ACTOR-GROUPS SUPPORTING “DEMOCRACY” IN PALESTINE.

The European Union went through significant changes with regard to their *external image* since 2010. Quickly after their establishment the EEAS and EU delegations found themselves the task to revive the EU's democracy promotion strategy for the MENA region. While popular protests in the neighbourhood during the past three years questioned the aims of the EU in this region, Palestinians have showed their dissatisfaction with the regimes controlling their lives for decades. The wish of millions of Palestinians for equal representation and safety has not been fulfilled, leading to widespread dissatisfaction with current government structures and growing frustrations with the expanding controls of the Israeli occupation. But the list of objectives shared by the EU for Palestine makes it clear that democracy as a policy goal will have to compete with aims of security, stability and the status quo. To understand how this competition plays out the work from Grimm and Leininger (2012) is used to trace the dilemmas the EU faces in Palestine. Following a thorough investigation of local challenges and EU activities, behaviour of ignoring, sequencing and prioritizing these dilemmas can be noticed within the EU. The theory of conceptual politics as used by Kurki and Hobson shows how definitions of contested concepts matter and how the conceptualization impacts material relations. Together with an analysis of the institutional environment, these two facets are explored to understand the different types of behaviour among the main EU actors. This application offers insights in the possibilities of the EU delegation, the European Parliament and the EEAS and HR to practice their own interpretation of the general EU objective of a “democratic Palestinian state”. This study enables to capture the innovation in institutions and policies that is taking place within the EU, while at the same time structural problems are noted that continue to restrain the EU from making democracy a true objective in their policies towards Palestine.

**Keywords:** *political constructivism, conceptual politics, democracy, democracy promotion, Palestine, European Union, EEAS, European Delegation, European Parliament.*

## IN MEMORY OF LUBNA HANASH

WHO PLANNED TO COMPLETE HER FINAL YEAR POLITICAL SCIENCE AS WELL THIS SUMMER  
BUT DIED AFTER BEING SHOT IN THE HEAD BY AN ISRAELI SOLDIER AT THE ENTRANCE OF ARROUB CAMP,  
BETHLEHEM IN JANUARY 2013.

قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ

*Indeed my prayer, my sacrifices, my living and my dying are [for] God, Creator, Educator and Cherisher of the worlds.  
Surat Al 'An'am verse 162*

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## LIST OF ABBREVIATIONS

AHLC	Ad Hoc Liaison Committee (International coordination body for aid to Palestine)
CFSP	Common Foreign and Security Policy – refers to EU policy.
CSDP	Common Security and Defence Policy – refers to EU policy.
DEVCO	Directorate-General for EuropeAID, Development and Cooperation
DG	Directorate-General from the European Commission
DPLC	Delegation to the Palestinian Legislative Council (from the European Parliament)
ECHO	Directorate-General for Humanitarian Aid and Civil Protection
EEAS	European External Action Service
EIDHR	European Initiative for Democracy and Human Rights (funding mechanism DEVCO)
ELARG	DG for Enlargement
ENP	European Neighbourhood Policy
EP	European Parliament
EU	European Union
FAC	Foreign Affairs Council of the European Union (Foreign Ministers of all Member States.)
Gol	Government of Israel
HR	High Representative of the Union for Foreign Affairs and Security Policy
IDF/IOF	Israeli Defence Force / Israeli Occupation Forces
MENA	Middle East and North African region
MEPs	Members of Parliament (from the European Parliament)
MFA	Ministry of Foreign Affairs
NAD-PLO	Negotiations Department of the Palestinian Liberation Organization
NATO	North Atlantic Treaty Organization
OPT	Occupied Palestinian Territories
PIGASE	Palestinian Interim Self-Governing Authority
PLC	Palestinian Legislative Council (Palestinian Parliament)
PLO	Palestinian Liberation Organization (Palestinian body representing all Palestinians)
PNA	Palestinian National Authority (Palestinian government structure)
PSC	Political and Security Council (lower meeting level in the Foreign Affairs Council)
UN OCHA oPT	United Nations Office for the Coordination of Humanitarian Assistance, Occupied Palestinian Territories



## INTRODUCTION

The European External Action Service (EEAS) could very well be one of the most decisive steps of the European Union member states in the advancement of its foreign policy. With the upgrading of the position of the High Representative (HR), the establishment of its supportive bureaucracy and the formation of EU delegations on the ground, the door is open for a much more visible European Union *foreign image*. The countries in the Middle East and North Africa (MENA) region have a long relationship with EU member states where the geographical closeness and historical relations made it a region of importance for the EU. Palestine has a special position in these relations, in the first place because of the continuing conflict with Israel and the enduring occupation of the Palestinian Territories. But Palestine is also a particular source of contention with several member states and institutions pushing the EU's policies in the region into different directions. The EU as an institute did officially recognize the right to self-determination of the Palestinians in 1980 and continued to upgrade its relation with the Palestinian Liberation Organization (PLO) since then. It is currently committing itself to the development of a viable and democratic state in Palestine with a larger budget than any other donor<sup>1</sup>. However, besides their policy objective of a democratic Palestinian state, other complex interrelated policy goals are also pursued. In the first place the relation with the USA and Israel remains an important motivation for any activity in the region. The commitment to Israel's security is an often repeated phrase, making it seemingly a precondition for the behaviour of the EU towards other actors in the region. But also more complex processes as peace building and conflict resolution are supported, both through the Quartet for the Middle East<sup>2</sup> and through EU actions. This is a long list of policy goals that nobody denies are laudable and that have dominated the agenda of the EU towards the Middle East.

Recently however, big question marks were placed around this *shopping list*, mainly through two events. In the first place, the democratic processes in Palestine led to parliamentary elections in 2006. Unexpected by all parties, these elections gave a majority of seats in the parliament to the Justice and Reform party connected to Hamas. Israel, Europe and the USA did not accept the outcome without conditions and demanded that the new government would formally committed to three points; denounce violence, accept Israel's right to exist and commit to all previous agreements with Israel. These conditions were not sufficiently addressed by Hamas according to the Quartet and a boycott of the Palestinian state structures followed. The conflict that evolved between the two main power blocs Fatah and Hamas caused a political split between the West Bank and the Gaza Strip which continues to be a big obstacle for the development of the democratic system and for reaching national goals. It also raised questions about what was (and is) meant with supporting *democracy*, as the outcome of democratic elections was not accepted and several EU diplomats have acknowledged the lack of democratic legitimacy of the Abbas led administration. (Pace 2012:371)

Secondly, more recent developments led to a broader review of the EU's democracy support to the MENA region. When global street protests spread throughout North Africa the EU stood on the side line watching befriended regimes fall down. The disconnection of EU's policies with the popular led revolutions questioned the values and models the EU had in mind when it promoted *democracy* in the MENA region. When the protests started in

<sup>1</sup> See the website of the EU delegation to the Palestinians. (European Union, n.d. "Political and Economic Relations." [EU Assistance to the Palestinians](http://eeas.europa.eu/delegations/westbank/eu_westbank/political_relations/index_en.htm). European Union. 06 July 2013 [http://eeas.europa.eu/delegations/westbank/eu\\_westbank/political\\_relations/index\\_en.htm](http://eeas.europa.eu/delegations/westbank/eu_westbank/political_relations/index_en.htm))

<sup>2</sup> The Quartet on the Middle East consists of the United State, the European Union, Russia and the United Nations and is occupied with supporting direct negotiations where Tony Blair is currently leading these efforts as the Quartet Representative.

December 2010, the EEAS took office a month later and found itself the task to save EU's credibility in the region. Commissioners and diplomats claim to take a new approach to democracy support, aimed at reaching "deep democracy" in the region (European Commission, "Press release" 2013). But past experiences already showed, democracy support is difficult to prioritize when plenty of other policy goals are also on the list. (Grimm & Leininger 2012:392) It is therefore crucial to understand how these interrelations between democracy and other policy areas are now understood by the EU and how this is followed up with their behaviour. Particularly in Palestine where local dissatisfaction with the government is wide spread and the EU's policies reflect the divergent visions apparent in Europe. Especially in its foreign policy towards Palestine the EU cannot be seen as one closed actor, as there are several institutions that form together the outcomes of the EU external face. Some of these institutions like the Foreign Affairs Council and the High Representative are closely related to the member states, where other institutions like the EU delegations and the European Parliament have developed some form of autonomy, or even supra-national status. The EU delegations have used some of their tools to pressure the EU into a more pro-active approach towards the colonization of Palestinian land, while Members of Parliament (MEPs) have called for involvement of the Hamas led government in Gaza in relations with the EU. These are signs of different viewpoints inside the EU structure, that relate to the policy goal of democracy in Palestine. To understand more precisely these dynamics of the EU's external action, the EU cannot be treated as a black box but attention should be paid to different actor-groups, namely the EU delegations on the ground, the EEAS and the HR working together with the European Commission and the European Parliament.

Though Palestine showed a long history of popular resistance and protests it seemed to be only marginally influenced by the Arab revolts. Protests in February 2011 against the national split were silenced by the Palestinian National Authority security forces and a paper agreement between Hamas and Fatah. (Pace 2013:44) However, Palestinians continue to be under Israeli occupation and a semi-authoritarian regime while continuous efforts in society are undertaken to challenge the control of Israel over Gaza and the West Bank. The deep problems Palestinians face in their daily situation are far from sufficient reason for the EU to assume a representative and accountable government is not in the Palestinian interest. On the contrary, Palestinians continue to question the legitimacy of their current political leaders and demand more accountability. Since democracy continues to be a policy objective for the EU in Palestine, this study will unravel how the different EU actors have supported "democracy" since the boycott of the Hamas government in 2006. The main research question will therefore be the following.

*How do the EU delegation, the EEAS and the European Parliament deal with dilemmas around democracy promotion in the Palestine since 2006, what are difference between them and what can explain their mutual differences?*

## 1.1 RESEARCH QUESTIONS.

The democracy support efforts from the EU will be viewed through the framework developed by Grimm and Leininger (2012) that discusses the conflicts of objectives of actors involved in democracy support. However, to understand how different policy objectives relate to each other, first the theory of conceptual politics of democracy support will be introduced. This approach will allow for a broad reflection on the concept of democracy and will show how the definition of 'democracy' matters for the policies of actors. From this discussion, this study takes the concept of 'conceptualization' that refers to the definition and interpretation of democracy and its related concepts by an actor. Therefore this study will describe the behaviour and conceptualization of the three actor groups. Then it can be understood how the conceptualization of 'democracy', the different motivations for democracy support, the institutional environment of the actors in the EU and the events that took place since 2006 lead to differences in the policies towards Palestine. This research outline leads to the following sub-questions that will be addressed for the period from 2006 to the current year. In this way the effects of the boycott of Hamas and the Arab revolts can be taken into account.

- What is democracy and why is it important to ask this question?
- What is external democracy promotion and what are common dilemmas of external democracy promotion?
- What is the structure of the EU's external policy and how are the democracy support policies of the EU formulated?
- What are the local challenges related to democracy in Palestine?
  
- How is the conceptualization and logic towards democracy in Palestine of the three EU actor-groups?
  - How do the HR and EEAS conceptualize democracy in Palestine?
  - How does the EU delegation conceptualize democracy in Palestine?
  - How does the European Parliament conceptualize democracy in Palestine?
- With what behaviour is democracy supported in Palestinian government and society by the three EU actor-groups?
  - How do the HR and EEAS apply their tools to influence democracy in Palestine?
  - How does the EU delegation apply its tools to influence democracy in Palestine?
  - How does the European Parliament apply its tools to influence democracy in Palestine?
  
- How do these EU actors-groups deal with conflicts of objectives in democratization in Palestine?
- What are the roles of the conceptualization and institutional setting in the differences among the EU actors with relation to their way of dealing with dilemmas around democracy in Palestine?

## 1.2 RELEVANCE.

Though a comprehensive overview of the EU in Palestine will be made in this thesis, the aim is not to evaluate the effectiveness of the EU in Palestine. Rather, this study will deepen our understanding of how the EU is involved in Palestine and what choices actors in the EU make concerning the support for democracy. Knowing that the EU is not the only factor influencing the situation in Palestine nevertheless without downplaying the relevant role they do have. (Al-Fattal, 2010) With the path chosen by the EU towards a more visible and unified foreign policy, it is likely the EU will continue to play an active role Palestine. The new awareness of the power of people and the vocal commitment of the EU to now support “deep democracy” (European Commission 2013a:n.p.) places a heavy responsibility on the EU actors to make serious efforts towards democracy support in third countries. Understanding how such a contested concept is dealt with by the different EU actor-groups in the complex situation of Palestine, will show both new insights in the workings of the EU as well as broaden understanding of democracy support to a people under occupation. This study will look for the possibilities of EU actors to support something they voice to value – democracy – as well as structural problems that make a positive contribution unlikely. In this way this thesis aims to contribute to the continuing efforts at the local and international level to find a just and democratic solution for the Palestinian people.

## 1.3 HOW THIS THESIS WILL CONTINUE.

This thesis will proceed by setting out the theoretical framework that will be applied to the case. Based on the theory of political constructivism, a frame to analyse democracy promotion will be introduced. Following research from Grimm and Leininger (2012) a framework to trace dilemmas of democracy promotion will be added to this. In chapter 3, the case of Palestine will be introduced and several issues in society and politics are stressed that show the local problems surrounding democracy. It will be necessary to further elaborate on the dilemmas that are linked with democracy promotion in Palestine, and I therefore combine a literature review with contextual information in chapter 4. Following, chapter 5 will describe the European Union and its democracy promotion policies towards the Middle East to understand the context surrounding Palestine. In three subsequent chapters, all three actor-groups will be described while making use of the frameworks developed.

Chapter 9 will discuss this data, after which the conclusion will summarize the outcomes and answer the main research questions.

This broad chapter-outline already shows that a set of complementary research tools will be used to address the research questions. It acknowledges the importance of understanding local context and historical events to make a meaningful analysis. Also a broad discussion of the concepts used will contribute to the quality of the analysis. Furthermore, it will focus on three actor-groups in the EU of whom the conceptualization of democracy and the behaviour towards democracy will be analysed. For this data will be used from official EU policy documents, speeches, documented interviews and reports made by the actor-groups, as well as data from their behaviour in Palestine. This will include data concerning visits, statements, projects funded and financial assistance given to Palestinian actors. Additionally, analysis papers will be used to discuss the conceptualization of the actor-groups and to interpret their behaviour.

A thorough understanding of the local situation in Palestine is crucial in order to be able to ask the right questions to the data and notice the dilemmas in the EU's behaviour. This information will be largely based on newspaper articles from both European, Palestinian and Israeli origin, reports from local NGO's and data from international organizations working in Palestine.

## CHAPTER 2: THEORETICAL FRAMEWORK

### 2.1 BACKGROUND THEORY.

This study aims to address a topic that is contemporary, political and quickly changing. It takes place in the social world, where it interacts with both international politics and the daily lives of normal people. Based on a belief that no *natural law* can be found in the social and political world, this thesis understands that academic knowledge is not more or less than a well-based *claim* of truth. (Klotz & Lynch 2007:13) This applies as well to the study of international relations and in particular to the study of governments and democracy. Democracy is a concept that has different meanings for different people. When this contested nature is taken seriously, a study cannot arrive at one fixed definition that can be observed objectively in society (Kurki 2010:introduction). The nature of democracy as contested concept makes a post-positivist approach to research useful, as it does not take concepts as pre-given or static (Ryan 2006:17). This study will therefore be informed by a post-positivist stance that will allow the researcher to question fixed paradigms or perspectives and grasp the complex case described in this thesis. Palestine is a case that stands apart from other countries subject to democracy support, mostly because of its non-autonomous status and the establishment of the current state structures through negotiations with Israel. The constant involvement of European states and the protracted nature of the Israeli occupation make it difficult to generalize about this case. Still this case will prove to be an illustration of both EU democracy promotion policies and the theory of conceptual politics.

#### 2.1.1 POLITICAL CONSTRUCTIVISM.

The emphasis of this thesis is on *understanding* rather than on *explaining* the logic and behaviour of the EU with regard to democracy support in Palestine. Research that tries to explain causal relations has often come up with flawed concepts or a limited understanding of democracy, context and external influences. (Hobson & Kurki 2012) In this study a constructivist approach is taken that acknowledges how social facts are foremost interpretations of reality. (Klotz & Lynch 2007:15) Constructivism as used here does not attach essential meanings to social facts or concepts, but rather stresses their fluidity. (ibid:13) It acknowledges the *intersubjective understanding* or shared meaning of social facts. Not only refers constructivism to a social construction of meaning and knowledge but also to the construction of *reality*. (Guzzini, 2000:149) To be able to grasp the political processes that are related with the construction of these shared meanings and social realities, a more political constructivism is followed as introduced by Ish-Shalom. (2012) Politics here points to the social and human realm, where ideals are pursued next to interests and where intended and un-intended outcomes are produced. (Ish-Shalom 2012:39) Political constructivism informs the stance that the construction of the understanding of *democracy* matters in the real world, while it allows at the same for different intersubjective understandings of democracy to exist next to each other. Though much research in the field of democracy follows the common pattern of defining democracy at the very start leaving it unproblematic and outside the analysis later on, (Hobson & Kurki 2012; Kurki 2010:1-2) based on constructivist literature I will continue differently as will be discussed in the methodology.

### 2.1.2 THE EU AS INTERNATIONAL ACTOR.

Concerning International Relations, there are two important insights constructivists bring forward that will be used here. Kratochwil argued, the minimal core of constructivism is firstly that agency matters and secondly that the notion actors have about their actions matters as well. (Kratochwil 2008:86) Actors are not dominated by surrounding structures, whether material or ideal, but carry capacity. (ibid) When this capacity is taken into account, both interests and ideas are important while none of them is self-explanatory. (ibid:87) As opposed to traditional IR theories, constructivists argue that interests and identities are not exogenously given. (Wendt, 1994: 385) The European Union has been described by different theoretical approaches in very different ways, ranging from an intergovernmental institute to an independent global actor. The continuously changing nature of the EU makes it difficult to grasp its full workings, especially because an attempt to do so will be outdated the next year. Constructivism therefore does not offer *one* theory of the European Union. (Kurowska & Kratochwil 2012:95) Instead the foundation of post-positivism and the use of constructivism allows this study to be aware of the material and social aspects of international relations, and the importance of agency and constructed meanings. Following the arguments of Kratochwil and Wendt concerning the construction of interests and identities, this study consciously opens up the black box of the European Union. It takes a look at the actor-groups inside the EU structure that have a role in formulating and practicing the democracy promotion strategy of the EU. Besides the importance of member states, several parts of the European Union have developed into the direction of semi-independent supranational institutes, especially the EU delegation, the EEAS and the European Parliament. (Wohort 2013:17) These institutes are of particular importance in the external policies of the EU. On the whole however, the EU remains “in between” the two extremes of intergovernmentalism and supranationalism (Chebakova 2008:5) without having taken position at one of either sides. The EU continues to develop and expand and to capture the EU in this process Bretherton and Vogler (2006) look at the *opportunity*, *presence* and *capability* of the EU to be able to describe the characteristics of the EU as an international actor. An international actor is defined as “*entity capable of agency; of formulating and acting upon decision*”. (Bretherton & Vogler, 2006:35) This agency is not unlimited, but rather interacts with, is limited by and finds possibilities in the external structure, as well as in its understanding of its presence and capabilities. (ibid) Opportunity points to this external setting, both material and ideal, and explains the attention in the following chapters for the context that shapes EU action or inaction. (ibid:24) Presence points to the identity of the actor and the consequences of the interests and priorities of the actor by simply being present. (ibid:27) This is an important aspect of the EU delegation as will be shown, but also of the wider relation between the EU and the Middle East and especially Israel. Capability refers to the availability of tools and policy instruments, as well as the understanding about the actors’ ability to use these instruments.

It is not argued that the EEAS or the EU delegations should be treated as independent international actors. Rather, inside the European Union it will be useful to apply this frame of opportunity, presence and capability to the different actor-groups to see how they are working in different ways for democracy promotion in Palestine. Such an approach can accommodate change and even permits innovation, (ibid: 35) which is clearly taking place in this field of Europe’s external face.

The focus is on the exceptional situation of Palestine, meaning local information and perspectives are crucial to trace dilemmas and tensions. The Palestinian actors will however not be treated independently, due to the practical limitations of this thesis<sup>3</sup>. A description of the situation in Palestine is provided in chapter 3, while the main focus will be on the European actors, who are being introduced in chapter 5.

## 2.2 METHODOLOGY.

Two important frameworks are developed in this thesis that guide the analysis of the EU delegation, European Parliament and the level of the EEAS and High Representative in Palestine. These frameworks are deeply rooted

<sup>3</sup> This is not to deny that the agency of the Palestinian actors is not important, but this research limits its focus on the agency of the European Union. The information from chapter 3, chapter 4 and continuously used information from Palestinian actors will make this research firmly based in the local context but without fully analyzing the potential of the Palestinian actors to influence the EU behavior.



in the literature on democracy and democracy promotion, which will be elaborated on prior to the introduction of the frameworks. First the method to *ex ante* evaluate democracy support will be discussed, after which the framework to trace dilemmas of democracy promotion will be introduced.

### 2.2.1 FRAMEWORK TO TRACE CONCEPTUALIZATION OF DEMOCRACY.

In its original meaning, democracy combines the Greek words of “people” and “power or rule”, showing democracy fundamentally presents a form of rule of, by and for the people. (Schmid & Braizat 2006:8) Countries that are currently referred to as democracies however, have a political system that is a product of decades or hundreds of years of development creating specific sets of institutions mainly since the first notion of nation-states in Western Europe in the 17<sup>th</sup> century. Some academics ask themselves the question, how thinking about democratic substance and quality can avoid becoming “*paternalistic exercises in which the older democracies take themselves for granted as models*”? (Diamond & Morlino 2004:20)

From this point, scholars take two directions. McFaul argues that “*a broad agreement in the academic and policy community has emerged on both on a minimalist definition of democracy and the kinds of institutions and attributes needed to transform electoral democracies into more robust democratic systems*”. (McFaul 2010:32) He refers here to the minimalist definition developed by Diamond, where democratic governance would include recurring, free and competitive elections, supported by a universal right to vote for adults with more than one serious party competing and alternative sources of information. (Diamond & Morlino, 2004:21) Though this definition is indeed widespread, it misses out on a plurality of other forms and models of democracy<sup>4</sup> according to Kurki and Hobson (2012:6). They stress that one should not ignore the essential contested nature of democracy and the political and normative choices that are made when democracy is defined. (Hobson & Kurki, 2012:7) This is argued with reference to the statements made by Schmitter and Karl, who also stated that “*different kinds of democracy are not more or less democratic than each other, but democratic in different ways*”. (Schmitter & Karl, 1991:41) In their work, they have established certain characteristics that seemed crucial for democracy to them. These conditions included;

1. Control over government decision about policy is constitutionally vested in elected officials,
2. Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon,
3. Practically all adults have the right to vote in the elections of officials,
4. Practically all adults have the right to run for elective offices in the government,
5. Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined,
6. Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law,
7. Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups,
8. Popular elected officials must be able to exercise their constitutional powers without being subjected to overriding (albeit informal) opposition from unelected officials,
9. The polity must be self-governing; it must be able to act independently of constraints imposed by some other overarching political systems (whether colonial, democratic or military powers)”. (Schmitter & Karl, 1991:81-82)

Although many scholars tend to focus on the first seven conditions that were established by Dahl in 1982, Schmitter and Karl explicitly added the last two who were too often taken for granted. (ibid) Democracy is not only an internal system of popular sovereignty, where the ultimate source of power lies with the people, but this sovereignty should be accepted by its neighbours and at the international level as well. (Wolff, 2012:417)

<sup>4</sup> Where one can think of, but is not limited to, models of social democracy, deliberative democracy, global democracy, pluralist democracy or elitist democracy. (Hobson & Kurki, 2012:7)

These characteristics are also used by academics as Diamond, Morlino and Huntington to make a distinction between a *liberal democracy* and a *minimalist democracy*. A liberal democracy would not only have the right procedural characteristics, but also a culture where liberal values are deeply rooted. (Diamond, 2008:22) This separation between “*procedural democracy*” and “*liberal culture democracy*” is according to Kurki not sufficient to grasp the contested nature of democracy as a model. (Kurki 2010:xxx) She argues that democracy as a concept is subject to conceptual politics, where the concept is interpreted, used and fought over by diverse actors. Her approach tries to note how certain meanings given to democracy come to influence real world phenomena. (Hobson & Kurki, 2012:2) Different models of democracy continue to exist and did play a role in the development of European democracies as well. A common alternative is the social democratic model that stresses communitarian aspects more than individual freedoms and places the economy and market system under the democratic political layer. (Hobson, 2012:449) This can be in contradiction with common interpretations of the liberal democratic model, where limited or no government involvement in the market is proposed. Because of these different models, discussions of democracy should not stay at the institutional level. Rather, it should try to grasp a deeper level of ideological, normative and political dynamics associated with certain types of democracy. (Hobson & Kurki, 2012:8) This is supported by the view from Beetham, who states that defining “*democracy simply in institutional terms is to elevate means into ends, and to concentrate on forms without the substance*”. (Beetham, 1998:21)

### Democratic values.

But what is this democratic *substance* that would overcome the limited focus on *models*? Here the analysis will benefit from learning from the discussion on the universality of democracy. Continuous discussion takes place around the possible intrinsic Western nature of democracy. Though democratic models known today have most of their history in the cultural setting now known as the Western world, there is abundant reason to stress that certain democratic values are known in all societies and cultures. Diamond convincingly argues in his book, those “*notions of the inherent cultural limits to freedom do not stand up to logic or evidence.*” (Diamond, 2008:20) It is not possible to explain the current situation of government systems and political movements as one caused by inherent aspects of culture or ‘civilization’. Evidence from popular protests around the world, as well as global public opinion survey data<sup>5</sup> show that citizens all over the world want their government to be accountable for their policies.

Prominent scholars Amartya Sen and Abdul Aziz Said both bring in the important statement, that democratic values are apparent in any society, but that the model or “*form of democracy should be moulded to the culture of a people*”. (Said in Norman 2005:5) The idea that underdeveloped countries or countries with internal (ethnic) tensions are better served by an authoritarian system are dismissed by Sen, as well as the argument that democracy is a Western product. She points to the central importance of public discussion of policy issues in a democratic society and shows how this was apparent in African and Asian societies, some centuries after this was first common in Greek society. (Sen, 2003:4) Public debate asks from a society to be tolerant to different opinions and encourages public engagement and participation, which are again values that cannot be found exclusively in the Western world. (ibid:5) Said takes this argument one step further and argues for a “*more democratic theory of democracy*” that would acknowledge the dynamic nature of democratic models. Practically this would mean, that democracy should not be seen as a set of institutions that can be copied from any Western example. In addition, societies themselves should develop their own understanding of how democratic values will be translated into institutions, as only this will create more sustainable democracies. (Norman, 2005:6) The democratic values that are mentioned by these scholars are public involvement in and influence on policy issues, as well as tolerance for different opinions or the ability to “*listen to a plurality of voices*”. (Sen, 2003:5) Beetham also adds popular control and equality as core values that should be represented in a democratic system in order to mirror the core values of democracy. (Beetham, 1998:22) The substance that cannot be missed as key in any

<sup>5</sup> See data produced and collected by [http://www.democracybarometer.org/links\\_en.html](http://www.democracybarometer.org/links_en.html) and other regional Barometers on democracy.

setting of democracy therefore centres around popular sovereignty<sup>6</sup>, public participation in public issues in any form, accountability<sup>7</sup> and equality and tolerance in society. Though these values might most often come to expression in European electoral systems, these values should not be placed on equal footing with such a system. Therefore these democratic core values will be used as point of reflection in this thesis, rather than one particular model of democratic government.

### Democratization.

The process from little or no democracy to a more democratic system is called democratization. This includes both the establishment of democratic institutions, as well as the deepening of democratic values in a society and government. (Welzel 2009:75) In this shift, the starting point is often a more authoritarian regime which is characterized by no plurality and tolerance, no participation and very restricted accountability (Lauth, 2012:1) and thus in essence the opposite of the democratic values defined above.

Regardless of the model of democracy that will be developed, there can be three main categories found that contain important drivers of democratization. (Haynes 2012:3) Haynes and Diamond define these three internal drivers as civil society, social capital and a political society. (Haynes 2012:3; Diamond 2013) Social capital can be interpreted in this context as trust, both in others in society as well as their representatives and government structures. This was called "*a system of mutual security*" by Roald Dahl, who shows how this is crucial in a society who comes from a period of authoritarianism or conflict. (Diamond, 2013) Diamond has applied this convincingly to the current transition phases in North Africa, where deep mistrust runs in society and among secular and Islamic parties. (Diamond 2012:n.p.) Related to social capital is the development of a civil society that contains organizations or networks with some level of organization, independent from the government. These networks often create cross-cutting cleavages, which then again can lead to more trust in society. (Diamond 2013) However, civil society should not be treated as the magic formula in democratization, as research by Jamal has shown how civil society can also reproduce elements of the political context in which they exists and therefore lose connection with democratization. (Jamal 2007) A political society refers to the specific organization of society for political contestation to gain control over government structures, where it is crucial that actors remain committed to democratic methods as the "*only game in town*" to win control. (Tessler et al. 2013:90) This can take the form of European political parties, but as parties representing for example liberalism and socialism have a long history in European society and might be alien to others, it is not restricted to such a system. Crucial is the commitment to democratic decision making procedures.

It is clear that an external actor cannot constitute the main force that drives democratization in another society. Still Haynes convincingly argues that external actors can either hasten or retard this process (Haynes, 2012:6) Because of ever growing globalization with also increasing interactions among states, many believe that external actors can at least support democratization or form an obstacle or distraction. (ibid:7) Initial results of research by Grimm shows that the tools chosen by external actors rarely lead to consolidated democracies, though external actors might influence elites' interests and preferences. (Grimm, 2012:430) An external actor might create incentives for elites to come to a compromise in a democratic way instead of through violence. Also, external actors can have influence on the social capital, trust and civil society. However when direct involvement takes place, several authors argue to be cautious as this could quickly intervene with the principle of popular sovereignty (Burnell 2008:8; Rustow, 1970) and could even resound the dynamics of the "*civilization missions*" of the European colonial era. (Grimm 2012:433)

The stages of transition that are defined by scholars in the literature rarely show up as a linear, successive development in practice. As more countries around the world recently showed a relapse in their respect for democratic values, some even argue it has no practical relevance to speak of transition theories. (MacQueen, 2009:167) These "*hybrid systems*" that develop often combine characteristics of an authoritarian regime with

<sup>6</sup> In the definition from Schmitter and Karl as discussed above.

<sup>7</sup> Both horizontal between government structures and/or leaders and vertical between the population and the leaders/government structures

democratic discourse, institutions or aspects. (Brinkerhoff & Goldsmith 2002:6) This was and is clearly seen in regimes in North Africa, where elections were still held admits wide oppression of opposition forces. (MacQueen, 2009:171) Hobson argues that it is important to be aware of the existence of these hybrid regimes and that a broader conception of what democracy is and can be, should lead to a better understanding how democratic values can be supported from the outside. (Hobson, 2012:445)

#### **Democracy support by an external actor.**

Currently, democracy promotion is an established aspect of foreign relations because several Western countries and institutions have made it one of their foreign policy goals. Democracy promotion can take place through a wide range of actions and by different actors. These actor groups have different tools at their disposal, but what they all have in common is that they 1) are based on a certain conceptualization of democracy, pointing here to the models that are used, motivations that are playing a role and strategy that is chosen, and 2) consist of specific actions and tools that are used.

This first point of conceptualization is loosely based on what was introduced by Uggle as 'program theory' in his contribution to a large scale democracy support evaluation by Burnell, SIDA and IDEA (2007). He proposes an *ex-ante* evaluation of democracy promotion efforts that can capture the strategy and logic of an actor before the actual democracy promotion program starts. (Uggle, 2007:72) This evaluation strategy is supplemented with the understanding that the definition of democracy should be a crucial part of the analysis of any action to promote democracy. (Kurki and Hobson, 2012) First (unknowingly or knowingly) a choice is made concerning which model of democracy is promoted, or which aspects are most valued from different models. Also the external actor will lean towards a vague or a more exact definition of democracy, which will influence the type of support that will be given. Lastly there is an important difference between a process or product view. Also sometimes referred to as a developmental versus political approach (Carothers, 2009), the external actor will have a preference for either "democratic outcomes"<sup>8</sup> or is more agnostic towards the outcomes and prefers merely a democratic process. (Haynes, 2012:378) These three sides mentioned in this paragraph concerning the conceptual considerations of the actor, will influence the chosen path of action by the actor and will therefore form the starting point of the model used in this study.

What is added to this model is the point Shi-Shalom also introduced in political constructivism; the motivation or justification that is part of the conceptualization. For this, I turn to Wolff and Wurm, who have summarized several approaches that actors can take to promote democracy. Broadly a distinction can be made between two motives, either democracy holds instrumental value or democracy holds intrinsic (normative) value. (Burnell 2008:18) Following these two general categories, Wolff and Wurm (2011) distinguish several sub-categories in their study. Materialist or utilitarian theories stress the function democracy has in a material sense. In a cost-benefit analysis countries could calculate whether democracy abroad would give their country more security or could maximize economic profits. Based on this calculation, the external actor will adjust its tools to this policy aim. It will be applied only if it is assumed to serve 'real' – that is material – national interests. As the policy aims of countries are often made up of several goals, an instrumental view of democracy support will adjust its priorities on basis of the cost-benefit analysis and could therefore lower democracy to a secondary aim when it is competing with other aims. (Wolff & Wurm 2011:39-41)

A normative or constructivist motivation does not stress the instrumental value, but the value democracy has as a norm. Two distinctions can be made. First, democracy could present a *regulative* norm for an external actor, where it will constraint the actor's foreign policy as only actions are taken that fit the "*logic of appropriateness*" for the actor. (Wolff & Wurm, 2011:41) This will be reflected in the actions taken by the actor, and links with the *capabilities* mentioned by Bretherton & Vogler (2006:29) as it constraints the actions being appropriate for the actor to take. Youngs stresses the constructivist notion of this motivation, as it depends on the frame and perception of the actor if behaviour fits to norm of democracy or not. (Youngs, 2013:introduction) Again, it can

<sup>8</sup> Often meaning political actors, presidential candidates or political parties that are identified by the external actor as representing democratic values.

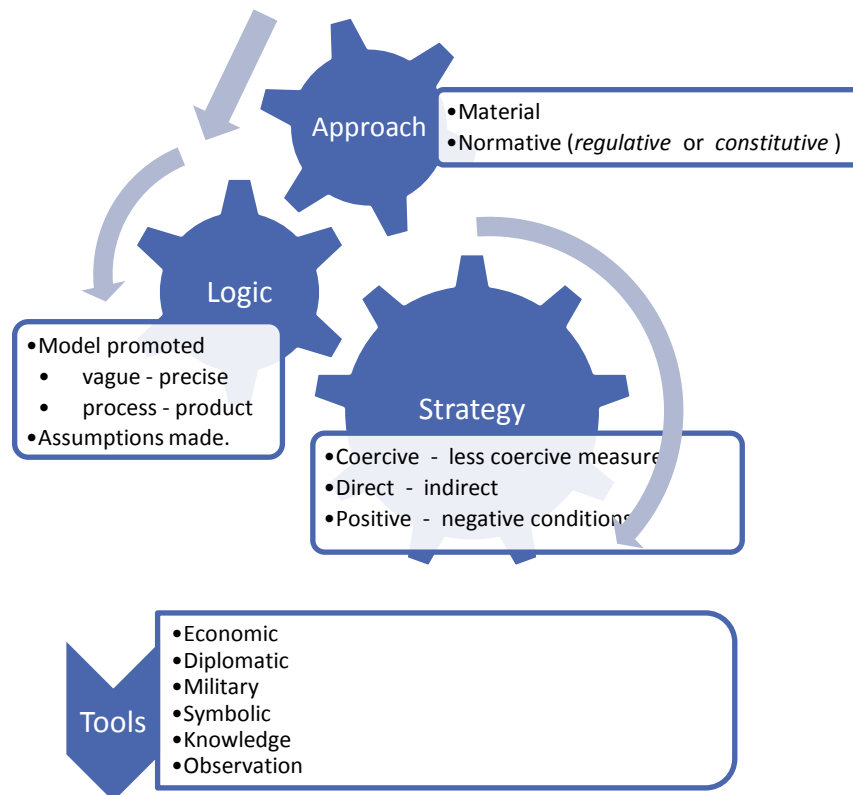
be the case that an actor is guided by a set of norms and will have to prioritize or sequence the different norms. Secondly, when democracy serves as a *constitutive* motivation, democracy as a norm shapes the identity of the actor, and influences both the preferences and strategy of the actor. This is related to *presence* as defined by Bretherton & Volger (2012:27) where the identity and interests are influenced because of the value of democracy.

These three aspects together are referred to in this thesis as the conceptualization of democracy promotion that takes the beliefs of the actors into account.

Influence on the democratic level of a government may take place through direct efforts, or indirect efforts. Depending on the motivation of an actor and the way democracy is conceptualized, a range of actions will have effect on the governance structures of another country. (Youngs 2009:898) The most direct efforts are intervention through military action, a tool which effectiveness is highly disputed. (Carothers 2009; Grimm 2012) Economic and financial tools can be used to influence the government structures or civil society. These are common tools but have the danger that donor dependency has a potential negative effect on the democratic values. (Boudreau, 2012:378) Furthermore, symbolic tools can be used and show through upgrading of status for example the symbolic support for a state. Sharing of knowledge or the sending of observation mission are also part of the options that have a less intrusive effect on the receiving country. Still for all tools researchers have warned that these policies may also have unintended consequences. (Boudreau, 2012:377)

**FIGURE 1. UNDERSTANDING DEMOCRACY PROMOTION BY AN EXTERNAL ACTOR.**

Model by author based on Hobson & Kurki 2012; Kurki, 2010; Uggle, 2007; J. Wolff & Wurm, 2011; Youngs, 2013



Thus although the literature of democratization processes shows that the establishment of a democratic regime is in the first place a domestic issue, there is still reason to believe external actors have an effect on these local processes. This can either be an enhancing and supportive role or a restricting role. (Stetter 2003:153) When countries engage, or proclaim to engage, in democracy promotion, they will inevitable come across difficulties in practice. This partly comes from the fact that democracy is not an independent aspect of a community, but has

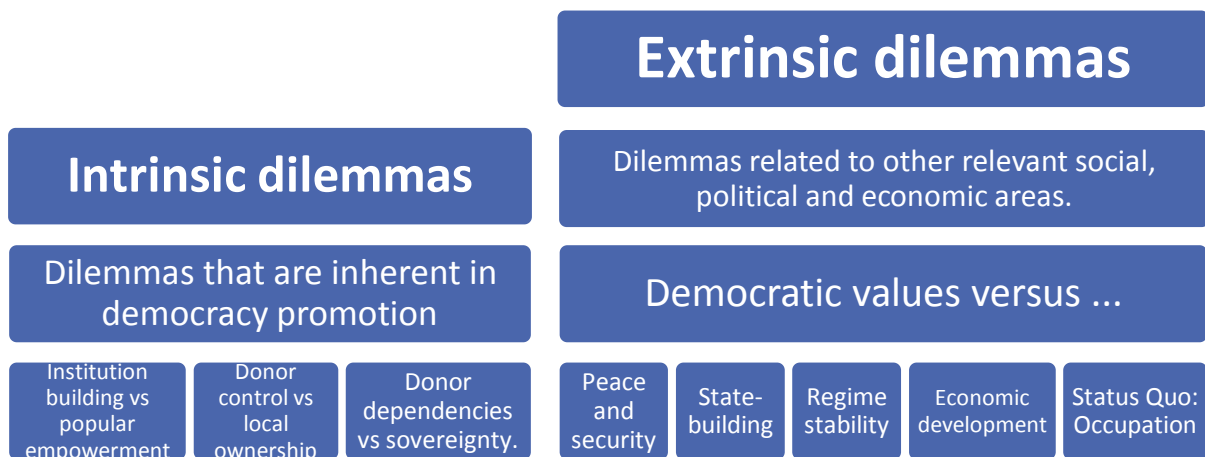
many relations with other social, economic and political spheres. Therefore, the relation of democracy with other fields should receive attention, which is done in the following section where a second framework will be introduced.

### 2.2.2 FRAMEWORK TO TRACE DILEMMAS OF DEMOCRACY SUPPORT.

A post-positivist understanding of fluid concepts and constructed realities allows for a systematic analysis of the challenges surrounding democracy promotion. Once it is acknowledged that democracy is not a fixed concept in all settings around the world, the debate opens up to a further analysis of how democracy – in all its shapes and meanings- relates to other areas. Following a positivist logic, democracy is often seen as providing the institutions to protect a country against instability (Ish-Shalom 2012:38). However, in reality a much more diverse picture can be noted about the relationship between democracy and a stable society. Similarly the modernization theory, which links economic development with consolidation of democracy, led policy makers to believe that support for a modern economy would bring about as well a democratic government system. (Pace et al. 2009:11) However currently it must be acknowledged that this relation of democracy with other “goods” in society is much more complicated. Experiences in South-East Asia or Africa show that democratic governance might not always be the best mode for economic development, or that a democratic transition can be accompanied by internal instability and violence<sup>9</sup>. External actors that are trying to promote democracy abroad, will inevitable have to face these complex interrelations as well. In addition, this will be more problematic because these external actors are likely to have preferences for certain outcomes in these interrelated processes. This is what is meant here with dilemmas around democracy promotion, pointing both the inherent dilemmas that are apparent in the promotion of democracy as well as the dilemmas external actors have to deal with specifically because they will have preferences of their own or other policy goals for the same region.

Research from Grimm and Leininger for the first time studied these dilemmas of external actors systematically. They choose to call these dilemmas “*conflicts of objectives*”. Using the word *conflicts* implies that they are conflicting, that one excludes the other (Grimm & Leininger 2012:395). However this thesis follows Pace in her study with relation to Palestine (Pace 2009; Pace 2018) and the logic of constructivism which stresses that these tensions are always interpretations or perceptions and should not be understood as fixed trade-offs. The way actors perceive these dilemmas is therefore based on how they conceptualize democracy and its relation to stability or security or economic development. The following framework shows some common dilemmas of democracy promotion that will be most relevant in our case.

**Table1 Dilemmas in democracy promotion model adjusted from Grimm and Leininger, 2012 and Wolff, 2011**



<sup>9</sup> With experiences in Singapore showing great economic growth under an authoritarian regime, while Kenya saw a lot of election-related violence during the elections of 2007-2008.



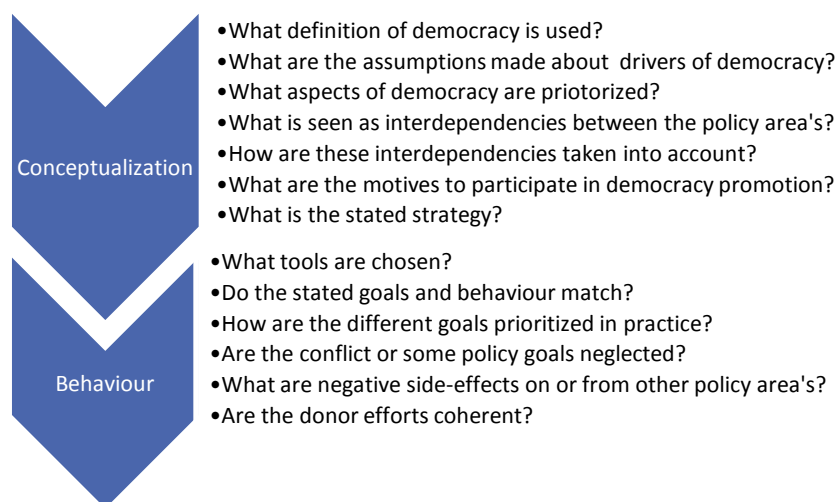
Spanger and Wolff have established that dilemmas in democracy promotion might come from an intrinsic tension of democracy promotion or from conflicts of democracy promotion with other areas; extrinsic dilemmas. (Spanger & Wolff in Grimm and Leininger, 2012)

Intrinsic dilemmas come from the idea that democracy is naturally a process of expressing the popular will, while external intervention, regardless of the intentions, seems to contradict this. (Wolff 2012:416) External action towards democracy will always have to balance between keeping control over the process and truly allowing popular expression in this process. Once financial support is in place the question will also arise if this will create donor dependency among the recipients and might cause the democratic development become less an expression of popular will. (Boudreau, 2012:378) It was argued above that democracy needs to be consolidated in institutions to protect the democratic values. In practice, this might also bring a dilemma when popular empowerment could mean weakening the created institutions when these institutions are criticized by the population. (Wolff, 2012:419)

External dilemmas concern the relation democratic values have with other social, political and economic areas. Negotiations with an enemy need one voice, one common position and might need temporary secrecy. (Erakat 2012:n.p.) In this way conflict resolution might contradict with democratic values as diversity, competition and transparency. Additionally, threat perceptions might differ among external actors and domestic actors, creating tension between what domestic actors hope to reach through democracy and what external actors perceive as “safe” outcomes of democracy. (Pogodda 2012) In another field, strengthen the institutions of a state and its administrative capacity to govern might lead to the stabilization of a political regime that has authoritarian aspects on the national level. (Grimm and Leininger, 2012:399) The link between economic development, poverty reduction and democracy can empirically not be explained in one direction and case studies have shown the tension between a wealthy elite benefiting from economic development without bringing real democracy. (Crawford & Abdulai, 2012: 355) Therefore economic development can be in a tense relationship with democracy. Finally, when looking at the specific conflict situation of Palestine democracy is at odds with occupation and limited sovereignty. As the occupation is currently the status quo the policy goals in this area of the external actor possibly conflict with the goals of democracy promotion.

### 2.2.3 QUESTIONING THE ACTOR-GROUPS.

Where and how tension arises in Palestine for external actors is further elaborated on in the following chapter. With the frameworks established until now, the direction of this thesis becomes clear. Most importantly the focus is formulated for questioning the actors involved in Palestine. From the actors described here the following information concerning their conceptualization and behaviour will be gathered.



Scheme 2: questions asked concerning dilemmas in the different phases of democracy promotion.

Behaviour in this thesis refers to the practical application of democracy promotion tools as distinguished above. The justification of why and how these tools are used will be found in the conceptualization. These can be traced back in speeches, policy documents and reports. To identify the underlying assumptions or motivations of an actor is difficult, as several EU documents are based on a consensus and other documents will set high aims in their introduction while the following action points are significantly less high (Teti, 2012:368). Additionally, the speeches given by important actors sometimes create a mixed picture of democracy, combining aspects that are not combined in the policy documents. (Wetzel & Orbie 2011:2) Some tools of democracy support exist of verbal or symbolic aspects and the use of these tools tells us at the same time about the conceptualization of the actor. A fixed distinction between conceptualization and behaviour is therefore not possible, but is also not needed as long as the interrelation between the two is acknowledged.

### 2.3 REFLECTION.

Concepts and theories are needed to describe the social and political world around us but these are not a neutral description of reality. Every choice in the application of theories and concepts reflects some of the perceptions of the researcher. (Kurowska & Kratochwil 2012:82) In the academic discussion surrounding knowledge and truth, the community of researchers plays a decisive role in determining what research holds the status of “truth” and knowledge. (ibid: 83) It is therefore the aim of this thesis to show in a convincing and academic manner how the frames of conceptual politics and dilemmas of democracy support can be applied to the case of the European Union in Palestine. At the same time, this study also acknowledges another *community of experts* that theoretically are relevant judges of the value of this knowledge. Especially in a study to the meanings of democracy, viewpoints of the people that are subject of the study matter as well. Focussing on the situation in Palestine, I aim to discuss information and deliver an analysis that reflects the very real challenges of the Palestinians in the past years and at present. The knowledge produced should not only be persuasive in an academic manner but should also reflect the severe dilemmas that are relevant to them. This study is not a distant analysis because this will not suit a topic like democracy. Knowledge can be inclusive and empowering, and this study hopes to contribute to empowering Palestinians and Europeans in their way to more democratic realizations.

The ideas for this study originated during time I spent in Palestine, which inevitably influences the path my study follows. The interpretation of concepts and information is shaped by the education of the researcher in International Development Studies and Public Policy and surely as well by the several stays in Palestine. The Palestinian community is very diverse with very divergent experiences possible under Abbas, Haniyeh and the IOF. Even the experiences between people growing up in a refugee camp like Deheishe and a city like Bethlehem can differ substantially,<sup>10</sup> which leads to different views on their government, on democracy and on what would be the best way forward. The refugees in the West Bank are generally more distant from the government structures in Ramallah and living six months among them has inevitably influenced the questions this thesis asks. Especially in the camps local resistance is alive and a feeling of distance from the *political game* in Ramallah is dominant. Interacting with some of the other actors important in this study, among them Islamic parties, liberation movements, ministries in Ramallah, Israeli soldiers and the IOF will likely reflect in this investigation as well.

Several limitations had to be put on this study and questions that are still relevant could not be addressed. There is only limited attention for the agency of Palestinian actor, while their influence on the EU’s policies could be further discussed. Furthermore, the social patchwork of Palestinian society is only limited discussed. The society differs significantly from European experiences, which could be crucial for the way democracy would work in society and in determining what relevant and efficient democracy support policies would be. One could think of

<sup>10</sup> Though situated next to each other Bethlehem and Deheishe Camp the living experiences differ significantly between them in terms of economic conditions, education possibilities, living standard and experiences with the Israeli occupation.



the clan-structure in Palestine, the position of women, the influence of international aid and the creation of local (economic) elites. Furthermore the conflict with Israel is not separately discussed since any analysis of causes and solutions to this conflict serves full attention in different studies. This thesis merely addresses one part of it, when the influence of the occupation and the conflict on Palestinian society and government structures is discussed.

Finally, I address only in the margins the normative questions surrounding these dilemmas of democracy promotion. In the following chapters tension between important goals of peace building and democracy will be found. As this thesis focusses on democracy support, giving in on democratic values will be framed as an inability to reach the goal of democracy. In reality however, these questions are much more complex as there could be several arguments in favour of 'limiting democracy'. Nonetheless this study takes the approach that democracy is relevant for all societies at any moment and it is therefore worth understanding how or when it is losing the competition with other policy goals.



## CHAPTER 3: PALESTINE

The theoretical foundations explained in the previous chapter inevitably have an effect on the substance of this section. The aim of this chapter is to briefly set out the history of the Palestinian people and present enough background information to end up with an understanding of current challenges related to democratic representation. When it is argued that social reality is in the first place a construction, this is especially true for the social reality of conflict situations and of history. Different sources and facts can be used to create a storyline that is supportive of a certain agenda or purpose. This chapter is only one construction of history and reality, though it is a reproduction that places the Palestinian people central and it aims to not follow a particular political construction of history.

When this study refers to Palestine it is not limited to the State of Palestine led by Palestinian National Authority (PNA) situated in the West Bank nor the one in Gaza, but it points to the whole society of Palestinians either living under the rule of a Palestinian government structure or not. In general it points to the Palestinians living in the territories of the West Bank, Gaza and East-Jerusalem though with the understanding that millions of more Palestinians live in current day Israel, Jordan, Lebanon, Syria and further abroad. This information is not only valuable background information but it challenges the understanding of democracy in its core. A large group of Palestinians are living outside the West Bank and Gaza, but know historic ties to the area of Palestine because the violence surrounding the establishment of Israel made them refugees. Based on their internationally recognized right of return many of them are still demanding the practical application of their rights either through return or through compensation and at least some form of involvement in the political processes surrounding their situation. This call for involvement in for example peace negotiations happens by both Palestinians currently living in Europe and the USA<sup>11</sup> as well as refugees in countries surrounding Palestine<sup>12</sup>. Though the theoretical possibility of their involvement is still possible through the existence of the Palestinian Liberation Organization (PLO) this body is not in use at the moment nor in sight of the democratization efforts from the EU. Taking this information into account the following chapter will mainly focus on the government structures of the West Bank, Gaza Strip and East-Jerusalem.

**Table 2 Estimate of Palestinians living around the world, 2012-2013**

	TOTAL	Refugee status UNRWA
Palestinians living in Gaza Strip	1,700,000	1,203,135
Palestinians living in the West Bank	2,400,000	741,409
Palestinians living in East Jerusalem	396,710	?
Palestinians living in Israel	1,650,00	
Palestinians living in Jordan	3,000,000	2,034,641
Palestinians living in Lebanon	474,053	499,189
Palestinians living in Syria	527,000 - 630,000	441,543
Palestinians living in Arab world other than neighbouring countries; Qatar, Saudi Arabia, Egypt e.g.	Around 1,000,000	
Palestinians living outside Arab world.	Around 635,000	
Sub-total: registered refugees		4,919,917
Total	11,759,053	

<sup>11</sup> See for example the initiative Al-Awda – Palestinian Right of Return Coalition, an international organization representing Palestinians abroad. (<http://www.al-awda.org/facts.html>)

<sup>12</sup> Which was clearly reflected in several initiatives, like an open letter in 2008 to President Abbas from 78 local organizations in Syria, Lebanon, Jordan, Palestine and abroad who argued their right of return is non-negotiable and should remain a major goal of the Palestinian leadership. (Open letter published online and by NGO's, e.g. by Palestina Komitee at [www.palestine-komitee.nl](http://www.palestine-komitee.nl))

Sources from UNRWA website<sup>13</sup>, PCBS website<sup>14</sup> and CBS Israel website<sup>15</sup>.

### 3.1 HISTORICAL OVERVIEW

When the Ottoman Empire gradually lost power in the Middle East, Britain and France established their control in the region. Palestine, home to 700.000 to 750.000 Muslims, Christians and Jews, came under a British mandate in 1917. (United Nations, 1921:n.p.) From that time on the Jewish settler movement grew greatly and tensions increased with civilians violently and non-violently protesting the immigration of large groups of Jewish settlers as well as the British governance that allowed the colonization of Palestinian land. This resulted in the Arab Revolt between 1936-1938 which was suppressed by British and Jewish forces and left the Palestinian community already socially, politically and economically weakened. (Pappé, 2006 and Krämer 2008:295-296) The British Mandate ended in 1947, without a proper solution and with an UNGA resolution for a two-state solution that Britain was unable to put in practice. (United Nations, 1947:n.p.) The State of Israel was established through war and the Jordanian government took civilian control of territories at the right side of the Armistice Line<sup>16</sup> established in 1948; a territory now referred to as the West Bank. (Pappé 2006:128-135) A southern piece of land, known as the Gaza Strip came under control of the Egyptian government. Local resistance was wide-spread though had an unorganized character with most significantly the pan-Arab efforts. (Bröning 2011) This changed when liberation movement Fatah was established in 1956 as a resistance under full Palestinian leadership. (ibid) Later on, the Palestinian Liberation Organization (PLO) was established by the Arab Union in 1964 to organize all Palestinian movements under one organization. (New York Times, 1964:n.p.) The Six Day war in June 1967 saw an increase in the territory under control of Israel, where the end result of the war was the occupation of the area till the Jordan River and the Gaza Strip. Though these territories were first claimed back by the Jordanian government, in 1988 Jordan denounced its administrative and legal ties to the West Bank<sup>17</sup>. In that year the PLO officially declared the State of Palestine on the land of the West Bank and the Gaza Strip with East-Jerusalem (Al Quds) as its capital. (PLO, 1988)

#### 3.1.1 BUILDING THE STATE STRUCTURES.

Arafat, as chairman of the PLO, entered into direct negotiations with the Government of Israel (GoI) in 1991. This led to the recognition by Israel and the USA of the PLO as representation of all Palestinian people, an organization which was first denounced as a terrorist organization. (Stockmarr 2013:91) Through agreements made between 1993 and 1995 now referred to as the Oslo Accords the Palestinian National Authority (PNA) was created as an interim body that should pave the way for a future Palestinian state within a five year transition period. (Alhelsi 2008:7) Due to the inability to reach a final agreement with the Israeli government, the PNA obtained only incomplete sovereignty with unknown borders, no autonomous security service and an unclear definition of the territory or population it was supposed to govern. (Alhelsi 2008:8) The leadership from the diaspora that was allowed back to Palestine after the Oslo Accords was put in power, but they experienced a distance from the local population who had led the Palestinian uprising (also known as first intifada) from 1988 on. (Brown, 2005:6) In short, the government structures from the PNA continued to struggle with their political (il)legitimacy, security situation and its state effectiveness to deliver results to the community it should represent. (Alhelsi,2008:11) The government under Arafat knew several problems, not in the least place related to corruption and democratic representation (Pace, 2013:45; Norman, 2005) Institutions like a parliament and judiciary were formed through the Oslo Accords, but functioned barely in reality. (Brown, 2005:5) This is described by Al-Fattal as a seemingly contradictory situation, where democratic values are vocally embraced<sup>18</sup> and functional democratic practices go back to the mid-1970s in local councils, universities and labour unions but where the national government

<sup>13</sup> Source: <http://www.unrwa.org/etemplate.php?id=253>, viewed 15.07.2013

<sup>14</sup> Source: <http://www.pcbs.gov.ps/site/881/default.aspx#Population> viewed 15.07.2013

<sup>15</sup> Source: <http://www1.cbs.gov.il/publications13/yarhon0313/pdf/b1.pdf>, viewed 15.07.2013

<sup>16</sup> Sometimes referred to as the Green Line.

<sup>17</sup> With exemption of to the protection of the religious holy sites in Jerusalem (Al-Quds).

<sup>18</sup> See also Brown,2005:8

structures are highly centralized and unaccountable. (Al-Fattal, 2010:29) Another uprising<sup>19</sup> developed from 2000 on in the Palestinian refugee camps and cities, which marked another violent turn in the conflict and resulted in the re-occupation of Palestinian areas and a breakdown of government structures. Under the head of Abbas a new government was formed in 2003 (Bröning 2011:70) and new agreements with Israel were signed in 2005. (Brown 2005:11)

### 3.1.2 HOLDING ELECTIONS.

A major challenge in the development of democratic institutions has been the development of political parties. Several national liberation movements were established in the Palestinian community, inside and outside Palestine, but the creation of the PNA stirred them into the direction of a state-structure with regular elections. This asked from the liberation movements to develop into a form of political party, who could compete in elections (Norman 2005:9). But at the same time on-going conflict with Israel made it difficult for movements to completely transform. This applies to several political groups originated in the first intifada among them Hamas, who always had a strong role in society since then but had to quickly develop into a functioning governing party after it decided to participate in national elections.

New Presidential elections were held in 2005 and under President Abbas the country was preparing for the parliamentary elections in January, 2006 with all national movements participating. Though unexpected by international actors and Hamas itself (Al-Fattal, 2010:51), the elections gave the political party from Hamas a majority in the legislative branch of the government. This gave Haniyeh the position of new Prime Minister who worked to establish the new coalition government of the PNA. This government however was not accepted by Israel, the USA and the EU and thus the most important international donors to the Palestinian government. Their funding to the government structures stopped immediately, as the military wing of Hamas was on the EU's list of terrorist organization. (Council of the European Union 2001) The Quartet asked from Hamas to reiterate its support on three points; the right of Israel to exist, previous peace agreements and renouncing violence. (Smith 2011) According to the USA and the EU Hamas did not respond sufficiently to these calls thus the boycott remained in place leaving the government bankrupt after 2 months. (Goerzig 2008:2) Tensions between Fatah and Hamas resulted in local fighting between the several armed groups. Though an attempt was made to form an unity government, the leadership was not able to control the violence nor to get the recognition from the USA and the EU. Finally the violence caused Fatah forces to be expelled from the Gaza Strip, leading President Abbas to dissolve the Haniyeh led government and call Fayyad to serve as Prime Minister to an emergency cabinet in June 2007. Fayyad then created a technocratic government in 2009 that started an ambitious state-building plan. (Maan News Network 2009:n.p.) In these actions neither the Palestinian Legislative Council (PLC) nor the public was consulted however, which is a reason why Hamas still claims this government is not based on a democratic mandate. As a result there is a deep lack of trust between both sides and a lack of faith that the democratic rules established on paper will be respected by the other party<sup>20</sup>. In the current year 2013 both the democratic mandates of president Abbas and the government lead by Hamas have passed, respectively in 2009 and 2010. Despite the lack of new elections the government structures have continued to develop in both Gaza and the West Bank.

## 3.2 CURRENT GOVERNMENT STRUCTURES.

Since the split of the government in Gaza and the government in the West Bank, two *de facto* government structures can be distinguished. As East-Jerusalem is practically divided from the West Bank as well, one could argue there are three governance structures. They are all closely interrelated as the main structures in Gaza and the West Bank emerged from the same structure established after Oslo Accords, but they currently work on the ground as separate government systems.

<sup>19</sup> Known as the Second Intifada, which lasted from 2000 till approximately 2005.

<sup>20</sup> Of which examples can be found in the frequent arrests of members of the political parties by the other leadership, the difficulties of holding elections and the inability of a new unity government to take shape.

The Basic Law enacted in 1995 and later amended in 2003 serves as a constitution where fundamental rights, the separation of powers and elections are guaranteed. (Palestinian Basic Law, 2003) The President should be elected in regularly elections every 4 years. The Palestinian Legislative Council (PLC), the unicameral parliament and legislator, is elected and the leader of the largest party will act as Prime Minister and form the Cabinet of ministers who exercise most executive tasks. (Brown, 2005:12) Since the evacuation of Israeli settlements from Gaza, a large part of the area of the Gaza Strip is under Palestinian control, with exception of the borders with Israel, the air and the sea (with an area of 3 or 6 nautical miles for fishing). (See also map 5 in Appendices) In the Oslo Accords the territory of the West Bank has been divided into zones, which would be ruled by different regimes. (See map 2 in Appendices) Highly populated areas in the West Bank would be brought under Palestinian civil and police control, called area A. Area B would include smaller villages, where security would be in the hands of the Israeli Occupation Forces (IOF) and Area C, presenting 62% of the West bank, would be completely out of control of the Palestinian government structures. In this division, around 94% of the West Bank Palestinians are living in Area A or B, while only 38% of the land of the West Bank falls under these areas. (NAD-PLO, n.d) In practice also the areas A and B are subject to incursions of the IOF, making the Israeli control still very visible. In addition, the borders around the West Bank are not controlled by the Palestinian government structures. (ibid)

### 3.2.1 GAZA STRIP.

It was described before how the elections for the Palestinian Legislative Council (PLC) in 2006 led finally to a separation of the government structure for Gaza and the West Bank. In the split, the PNA structures were not replaced by Hamas but continued as, in their eyes, the legitimate PNA. (Pace 2013:44) The civil servants working in the PNA structures before the split were asked to go on strike by the Ramallah branch of the PNA, whose places subsequently were filled with Hamas affiliated staff. (Bröning,2011:26) The administrative capacity of the Gaza-PNA is seen by some outsiders as professional with *"enviable levels of coordination, information sharing and mutual support"*. (Sayigh 2010:2) It is able to collect and redistribute taxes in the Gaza Strip both from real estate as well as on imports from Egypt and goods like cigarettes (Bröning 2011:22) Social services are also provided for, mainly health insurances for the poorest of Gaza, though in practice still 80% of the Gazans is depending on the assistance of the UNRWA for food aid. (UNRWA, n.d.)

The Cabinet, established in the 2006 elections, has been reshuffled frequently but continues to meet regularly. The ministers have been installed by Haniyeh who serves as Prime Minister of the Gaza-PNA, and the Gaza-PLC reports they have to have approved the new ministers.<sup>21</sup> New legislation is discussed and passed by parliament as well, though Hamas admits the problems of not being able to meet with the full PLC.<sup>22</sup> More far reaching changes have been taken place in the security branch of the Gaza-PNA, where three branches have been established; the Civil Police, the Internal Security Force and the National Security Forces of Gaza. (Bröning,2011:27) Though formally part of the PNA, these branches have been documented to restrict and harass Fatah members (Hovdenak, 2010:14) with 'moral policing' of conservative Islamic rules becoming more wide-spread though not as a general policy (Sayigh 2011a). Several incidents show the internal division in the Hamas structures, both in the structures in Gaza as in the party structure of Hamas (Sayigh 2011b)<sup>23</sup>.

Also the judiciary system has been reformed since 2006 through Islamic Conciliation Committees, who worked on basis of local religious notables. (Bröning,2011:27) They function under the auspice of the executive branch,

<sup>21</sup> Found in news articles at maannews.net and the Gaza Parliament's website plc.gov.ps (source: <http://www.maannews.net/eng/ViewDetails.aspx?ID=514753> viewed at 7<sup>th</sup> of June 2013)

<sup>22</sup> Based on the news and documents provided at their website: [www.plc.gov.ps](http://www.plc.gov.ps)

<sup>23</sup> One example from internal divisions in the Gazan government concerns the yearly returning Palestinian Literature Festival that is aimed to take place every year in all areas; Gaza, West Bank and Israel despite all the restrictions. In 2012 one of the evening meetings in the Gaza Strip was violently closed down by the Gaza Civil Police, possibly because of the speakers at the event was critical of the Hamas rule. But some hours later, another delegation of the police visited the organizing committee and apologized for the event, calling the actions earlier that night an "individual error" (see: <http://palfest.org/palfestgaza-shut-down-by-police-then-receives-official-apology/>)

and can therefore not be seen as independent. (International Crisis Group 2007:13) The Supreme Court, that functions as the Constitutional Court and was established under Abbas, is still in place. In its role to check the new legislation on compatibility with the Basic Law, the Court has been open to NGOs to request hearings on the amendments made by the Gazan Cabinet on existing legislation. (PCHR 2012:n.p.)

Concerning the international relations of the Gazan government, they are currently not recognized by Israel, the USA or the EU. (Smith 2011:introduction) Other important foreign leaders continue to support the Gaza government, with most notably the Qatari Emir, Egypt and Turkey. It is important to note that the cease-fire agreements established between Gaza and Israel, most recently in November 2012, are discussed through indirect negotiations between Hamas and Israel. (Rahma, 2013:n.p.) Thus the governments of both Israel and Gaza appear to choose the pragmatic path of indirect talks. (Brown 2012:summary) The military or political wing of Hamas has not been directly involved in any attacks on Israeli targets in the recent years, but smaller groups claim responsibility for any rockets that are shot in the direction of Israel.<sup>24</sup>

Thus, while a reasonable working governance system is still in place in Gaza, it cannot be describe as respecting democratic values.(Brown 2012:summary) This should be attributed to the lack of horizontal accountability between the different government institutions, while limitations on NGO's and media<sup>25</sup> and moreover the delay of elections contribute to little vertical accountability. There is a general lack of transparency and Hamas continues to dominate an expanding amount of aspects of social, economic and private life.<sup>26</sup>

### 3.2.2 WEST BANK.

The government in the West Bank tried to develop state institutions in 38% of the West Bank under civilian control of the PNA, (Area A and B) first through an emergency government, later through a technocratic government. Prime Minster Salam Fayyad and his government plan for 2009-2011 had an important role as he changed the focus from state-building *through* negotiation to state-building *regardless of* the conflict. (Brown, 2012) It was the first time a Palestinian government published clear goals for the years in office. Major steps were taken in building institutions and positive assessments from the Quartet, the World Bank and the IMF voiced the institutions compared very well with other established states.

These efforts of state-building were taking place without the approval of the Palestinian parliament who did not meet officially in the West Bank (Bröning 2011) while new laws are passed by presidential degree from President Abbas (Al-Ghussein 2012:n.p.) Diminishing corruption at the national level has been a major target for the government since 2009, as previous governments under Arafat were known to be highly corrupt. (Brown 2006:3) Taxes are only partly collected, while the bureaucratic structure of the PNA in the West Bank is relatively large with over 100.000 Palestinians employed. (Stockmarr 2013:87) Reform of the security force takes place with support from the USA and the EU where problems of human rights abuses, disarmament of military groups and civilian oversight need to be addressed.

Holding new elections has been problematic, both at the national and the local level. Though municipality structures were first seen *native* structures as opposed to PNA structures derived from the Oslo Accords<sup>27</sup> Stockmarr now notices a widening gap between all political structures and the public. (Stockmarr 2013:87) This is also fed by the delay of municipality elections since July 2010, though they were finally held in 2012 in the

<sup>24</sup> Among them as well the Al Aqsa Brigades, who is affiliated with Fatah, after a Fatah member died in Israeli prison in February 2013. (source Al Aqsa Brigades: <http://www.hurriyetaidailynews.com/al-aqsa-martyrs-brigades-claim-gaza-rocket-after-inmate-death-.aspx?pageID=238&nid=41892>)

<sup>25</sup> See for example the discussion of the new media law in Gaza on new site Al-Monitor, March 2013 (source: <http://www.al-monitor.com/pulse/originals/2013/03/hamas-media-law.html> , viewed 07.06.2013)

<sup>26</sup> See for example the news article from The National (UAE newspaper) May 2013, on the influence of Hamas in many field of social and economic life. (source: <http://www.thenational.ae/news/world/middle-east/hamas-denies-ownership-of-gaza-city-amusement-park#full> , viewed 07.06.2013)

<sup>27</sup> As also argued by Hamas in their early years, when they did not want to participate in PLC/presidential elections as they opposed the Oslo Accord, but they wanted to participate in municipal elections that were already in place before Oslo. (Hovendak 2009)



West Bank. The facts that these elections excluded all refugees and had the lowest turnout of any Palestinian elections are no positive signs about the democratic situation. Furthermore, respect for free media and journalists, different political parties and human rights are showing important flaws. The judiciary is not independent (enough) from the executive to address these challenges sufficiently. Current the government is under temporary guidance of Prime Minister Hamdallah<sup>28</sup> because Fayyad resigned from this position in April 2013 due to continuing tensions over the best way forward. This makes the current government under Abbas is in a weak position with a low practice of democratic values.

### 3.2.3 EAST JERUSALEM.

During the occupation of 1967 of the West Bank, the Israeli government annexed the city areas of East Jerusalem and extended its domestic legislation (UNDP 2009:4). This move was not recognized by the international community, and the official EU standpoint remains that Jerusalem should be a shared city for both Israel and Palestine. (ibid) Practically, the Palestinian government holds no power with regards to either planning, education, health services or security. (Ir Amim, n.d.) For a long time this meant a shortage in educational places and health centres for the citizens. But more recently the Government of Israel has increased its services in the areas of East Jerusalem which is again called by some analysts part of a wider policy of the “*israelization of East - Jerusalem*”.<sup>29</sup>

During the 2006 elections, 5.700 voters could vote in East Jerusalem (Coalition for Jerusalem 2006:n.p.), while some of them had to travel to the West Bank to cast their vote. (Urquhart 2006:n.p.) This largely symbolic gesture does not reflect the almost 400,000 Palestinian inhabitants of East-Jerusalem and shows how Jerusalemites are only symbolically linked with the PNA structure while in practice they are outside these government structures. The PNA is also not able to open any government buildings in East-Jerusalem or support any organization in that area, leading to the continuing closing of the Orient House<sup>30</sup> and the Palestinian Chamber of Commerce (UN-OCHA 2011). This keeps East-Jerusalem formally and according to international law, part of a Palestinian state but practically largely outside the formal government structures.

## 3.3 ROLE OF CIVIL SOCIETY IN PALESTINE.

In Palestine the presence of a strong civil society can be considered one of the most promising assets for the development of a sustainable democracy, according to Bröning (2011) and Norman (2005). Dajani notes that in Palestine before the Oslo Accords, “*in the absence of a state and central government, and without any formal, centrally organized political socialization via schools, the media, religion, friends or family, people began to organize themselves in civil groups--which subsequently became known as NGOs—and took over the role of a government.*” (Quoted in Norman, 2005:13) Ever since the increase of Jewish settler immigration in the 1920s and 1930s, popular organization committees were engaged in popular protests, marches and strikes. Their activities range from marches like the March of Arab Women on 15<sup>th</sup> of April 1933 and general strikes to civil disobedience after the occupation of the West Bank and Gaza in 1967. (Bröning 2011:135) Though these non-violent popular forms of resistance have not always been at the foreground of Palestinian society, with armed struggle having a larger role at several moments in history, popular resistance remains an active strategy in Palestinian society. Besides active resistance, the establishment of several Palestinian universities before 1990<sup>31</sup>

<sup>28</sup> Who also decided to step down shortly after his appointment over internal divisions in the Fatah leadership, but he remains in place until another solution is found.

<sup>29</sup> This points to diminishing the Palestinian character of the city and diminishing the possibility of establishing East Jerusalem as part of the Palestinian state by emphasizing only the Jewish/Israeli character of the city. This has been pointed out by several Israeli newspapers, among them Haaretz. (Source Haaretz from <http://www.haaretz.com/weekend/magazine/a-surprising-process-of-israelization-is-taking-place-among-palestinians-in-east-jerusalem>, retrieved 12<sup>th</sup> July 2013)

<sup>30</sup> Serving as the headquarters of the PLO in Jerusalem (UN-OCHA 2011)

<sup>31</sup> Among them Birzeit University, Bethlehem University, Al Aqsa University, Islamic University of Gaza, Hebron University.



is another sign of the activities from Palestinian civil society. Over 90 organizations belong to the Palestinian NGO Network (PNGO), an umbrella group that seeks to support and consolidate Palestinian civil society<sup>32</sup> while tens of other local grassroots organization exist.

However Stockmarr (2013) and Pace (2013) also point to some trends in society that put this positivity with regard to civil society in a different perspective. First of all, the limitations placed on civil society are growing from both Israeli and Palestinian authorities while also international organizations funding these organization place restrictions on the NGO's. Though the former are practically limiting the work by arrests or threats the later has stimulated a donor-driven agenda for several NGO's, which led to a distance from local needs and demands. (Pace & Cavatorta, 2012:54) Certain initiatives are consistently avoided by international funds, including religious groups, giving an incentive to NGO's to pursue an *apolitical* agenda that differs on core issues from the general public. (Hanafi & Tabar, 2004; Stockmarr, 2013:89) This de-politicization concerns both issues of internal political organization and external issues on the occupation and colonization of Palestinian land. Palestinian civil society can therefore only very limited perform its role as check on government structures. And while it maintains an important role in monitoring the occupation, advocacy activities are limited because of this.

### 3.4 PROTRACTED CHALLENGES ON THE WAY TO DEMOCRACY.

There are several characteristics of the Palestinian situation that would make it an ideal type democracy; vivid civil society, separation of powers on paper, vocal commitment to democratic values. This led Brown in 2005 to write; *"Palestine is, in short, a model liberal democracy"*, which he needed to follow with *"its most significant flaw is that it does not exist"*. (Brown 2005:3) Obvious the reality in the West Bank, Gaza Strip and East Jerusalem shows that the government structures lack meaningful public input and accountability<sup>33</sup>. This part will briefly summarize some of the most important challenges in the development of a democratic system in Palestine.

#### 3.4.1 LIMITED SOVEREIGNTY.

The immediate obvious problem for Palestinian democracy is their limited sovereignty; both concerning territory it controls, people it governs and policy area's it can influence. Territorial sovereignty has become dependent on the outcomes of negotiations. Recognized control over a fixed group of people is also problematic as some marginalized groups fall outside (or largely outside) the reach of the government, as where mentioned refugees outside and inside the Palestinian Territories. Palestinians abroad continue to call for recognition of their rights and involvement in the political processes. For this aim the Palestinian Liberation Organization (PLO) was originally established and has been called on to take a larger role in the current situation<sup>34</sup>.

#### 3.4.2 DEMOCRATIC DEFICIT AND RECONCILIATION.

The delay of elections concerns another important obstacle to democratic governance, which depends on reconciliation between the two main parties in Palestine. Since the split in 2007, several attempts took place to bring the two sides together, with the most recent one in May, 2013 that should lead to an unity government in three months. (RT 2013:n.p.) The main points concern the electoral system and path to new elections, the freedom to conduct political and social activities in both areas, PNA security services and disarming militias and the inclusion of Hamas in the PLO. (Krause, 2012) Though some external analysts stress the ideological differences between the two parties, both make statements that downplay the ideological differences between

<sup>32</sup> From their website: <http://www.pngo.net/viewdetails.aspx?id=%20151>, retrieved 12<sup>th</sup> July 2013.

<sup>33</sup> The Economist Intelligence Unit Democracy Index of 2012 ranks Palestine as a hybrid regime, with an average score of 4.80 (highest 10, lowest 0) with political participation being high (7.8) but civil liberties, political culture and functioning of government being low (2.5-4). (The Economist Intelligence Unit 2012)

<sup>34</sup> Holding new elections has been argued by some to take a big step forward with regards to representation though it is unlikely at the moment that elections will indeed take place. The deadlock in the revival of the PLO is mainly due to the discussion between Fatah and Hamas concerning the membership of the PLO. In the meantime, shadow elections were held by diaspora Palestinians in Europe during the last municipality elections, showing a glimpse of the wish of diaspora Palestinians to be involved in their political situation. (Badil 2006:n.p.)

them. Their difficulty to come to an agreement appears to be a power question rather than an ideological question. Krause analysed that it is very unlikely for real reconciliation to take place right now, as Hamas and Fatah are of comparable strength at the moment and none of them is willing to give up the power they established. (Krause, 2012:3) Also, it is unclear how the international community will react to a new government with Hamas in power as Israel continues to propagate the necessity of a boycott. (Keinon 2013:n.p.) The delay of elections resulted in an expired mandate of both leaders while the parliaments barely function. Signs of low trust among the two parties, Fatah and Hamas, are clearly visible both in society<sup>35</sup> and at the political level<sup>36</sup>. Calls from society to overcome this split are frequent though have only limited results at this moment.<sup>37</sup>

### 3.4.3 TRUST IN INSTITUTIONS AND DOMESTIC DRIVERS OF DEMOCRACY.

Key events like the chaos after the parliamentary elections in 2006 have greatly influenced the belief and trust in democratic institutions and the model of democracy supported by Western donors. Satisfaction of Palestinians with their government structures has been measured as declining over the past years, with in March 2013 hitting a low at 40% satisfaction with the government of Haniyeh in Gaza and 25% with the government of Fayyad in the West Bank (PCPSR 2013:n.p.) Though some polls show different numbers, the overall trends of dissatisfaction is clear, with more than 70% of the Palestinians in the West Bank believing that the PNA is undemocratic and illiberal. (Mertes & Knocha 2012:1) Around 40% said in March 2013 that they would support dissolving the PNA structures. (PCPSR 2013:n.p.)

The state building project from Fayyad is argued by some to have been based too little on democratic involvement plus its output did not deliver to the whole of the population, disconnecting the experience of the people from the state-building project. (Stockmarr 2013:85) Still, people continue to be very political engaged (The Economist Intelligence Unit 2012:n.p.) and turnout for elections in 2006 and before was high. The younger generation shows frustration and distance from politics (Reuters 2013:n.p.) and Pace documented a common trend among youth that they feel neither Hamas nor Fatah represents them (Pace, 2013) while other political parties have not established a meaningful presence in the political society. Polls among populations in the West Bank and Gaza show other parties than Hamas and Fatah would receive not more than 9% of the votes in parliamentary elections beginning of 2013, though still 21% of the interviewees is undecided.<sup>38</sup> Several reports have shown how social capital is declining, with trust and the social infrastructure in Palestine heavily affected by Israeli political and military measures.<sup>39</sup>

## 3.5 PROSPECTS FOR CONFLICT RESOLUTION.

Though references to "peace negotiations" are frequent again since the middle of 2013 a negotiated peace between Israel and Palestine is still far away. The main issues on the table since the start of the conflict have not moved in any favourable direction but overall only deteriorated. Among these are the situation of Jerusalem,

<sup>35</sup> Where limited contact exists between members of the two groups (to exceptions can be found as well). See for example quotes and experiences from Hamas members in the West Bank, who are subject to arrests and insults from the Fatah led PNA police. (Source: Maannews 2012

<http://www.maannews.net/eng/ViewDetails.aspx?ID=452991> and Reuters 213

<http://www.trust.org/item/20130526080046-vlxwp>, viewed 20<sup>th</sup> August 2013)

<sup>36</sup> The so-called *Palestine Papers*, a set of leaked documents by Al-Jazeera in 2011, showed the communication between the PNA and PLO-NAD and Israel, the USA, the EU between 2001 and 2010. What is especially significant in these papers is the reference to Hamas in solely negative sense and as a threat by all actors. Often is referred to them as "islamists" in a negative sense while the Hamas authority in Gaza is seen as not being desirable by all actors. This could have been a "card" played by the PLO-NAD to pressure Israel and USA to deal with them and reach far enough for a peace deal with the "moderate" PNA. But it can also point to the deep mistrust there continues to exist between both the PNA structures in the West Bank and Hamas.

<sup>37</sup> See for example this initiative, where a petition was handed in to ask for unity. <http://www.interpeace.org/2011-08-08-15-19-20/latest-news/428-petition>

<sup>38</sup> Polls from PCPSR, February 2013 viewed at 15.06.2013 (source <http://www.pcpsr.org/survey/polls/2013/p48e.html>)

<sup>39</sup> See for example the study from MAS in 2009 describing social capital in the West Bank. (MAS 2009)

which became more problematic in the past years<sup>40</sup>, the question of return or compensation for displaced people and the building of trust and understanding between the two societies<sup>41</sup>. Especially settlement building threatens the possibility of a viable state because the amount and size of Israeli-only outposts grew after Oslo<sup>42</sup> (see also map 4 in Appendices), while problems with the sovereignty of (water) resources worsened in the West Bank and Gaza<sup>43</sup>. The displacement of Palestinians in the Jordan valley<sup>44</sup> and area's B and C cause weekly tensions<sup>45</sup>, while arrests and incursions into all areas continue on a daily basis<sup>46</sup>. Among the ones affected by displacement and arrests are children as well. These actions have a particular effect on the development of children and teenagers currently growing up<sup>47</sup> who will have to be the generation supporting a negotiated peace in case a deal is made. Motivated by these developments and the death of 19 Palestinians in 2013 alone by violence from the IOF<sup>48</sup> it is not very surprising that there is little popular support in society for negotiations with or without preconditions met<sup>49</sup>.

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<sup>40</sup> With demolitions and the spread of Israeli-only constructing taking place in Palestinian neighborhoods in East Jerusalem (See e.g. the reports from the Israeli Committee Against House Demolitions in East Jerusalem that aims to document the on-going practices in the Palestinian neighborhoods: <http://www.icahd.org/node/500>) Next to this tension remains surrounding the Old City of Jerusalem, where the three main religions share many holy places or places of historical significance.

<sup>41</sup> Still a very high percentage in society thinks that the long-term goals of Israel are to take over full control of the Palestinian Territories. 57% Of Palestinians think that Israel's goals in the long run are to extend its borders to cover all the area between the Jordan River and the Mediterranean Sea and expel its Arab citizens while 25% think the goals are to annex the West Bank while denying political rights to the Palestinians. (Survey June 2013, PSR retrieved from <http://www.pcpsr.org/survey/polls/2013/p48ejoint.html>, viewed 20.07.2013)

<sup>42</sup> See map 5 in appendices for an overview of the settlements in the West Bank.

<sup>43</sup> See e.g. the March 2012 UN report "How dispossession happens" which explains how the structural efforts of the Israeli army and settler movement take away vital resources from several Palestinian community, including water wells. (UN-OCHA OPT 2012) This is besides the control of Israel over the large aquifers under the West Bank, which would be the main source of water for Palestine.

<sup>44</sup> Between 200,000 and 320,000 Palestinians used to live in the Jordan Valley before Israel occupied it in 1967. But now there are fewer than 60,000. 1,200 Jews lived in the region before the war. But 310,000 live there today. (Save the Children UK 2009)

<sup>45</sup> With already 1014 children and adults affected in 2013, see the UNRWA website for regular updates source (<http://www.unrwa.org/etemplate.php?id=1629>)

<sup>46</sup> In the past 8 months, the average incursions per month of the Israeli army into Palestinian camps, villages and cities was 496, while a total of 2768 Palestinians have been arrested since December, 2012 (data from the PLO Negotiations Department who monitors the situations in the West Bank, East Jerusalem and Gaza on a daily basis, website: [nda-plo.org](http://nda-plo.org))

<sup>47</sup> With several organizations documenting the effects that arrests and demolitions have on the development of children. In the last twenty years every child had at least one family member arrested, and over 8,000 minors have been arrested since 2000 often charged with "throwing stones". (DCI-Palestine 2013:n.p.) The psychological problems that arrive from their treatment in prison, as well as the humiliation that is often done to their parents previous, during or after their arrests will be clearly visible in the up growing generation. Also the United Nations Committee on Children's Rights has published a report in June 2013 documenting the children's rights violations taking place.

<sup>48</sup> Of whom several were university students and three children below the year of 18. ([nad-plo.org](http://nad-plo.org), reports from January 2013, February, 2013, March 2013, April, 2013 and June 2013)

<sup>49</sup> According to polls by KAS 58% of the Palestinians does not support a return to negotiations without the Palestinian pre-conditions fulfilled and 69% of Palestinians thinks that a viable Palestinian state will not be reached through negotiations in the next five years. (source: PSR Poll No. 46 - Joint Palestinian - Israeli survey in June 2013, viewed 19.07.2013 at <http://www.pcpsr.org/survey/polls/2013/p48ejoint.html>)



## CHAPTER 4: DILEMMAS OF DEMOCRACY PROMOTION IN PALESTINE

After the short introduction to the challenges surrounding democracy promotion further discussion is needed to see how those fields interrelate and in which ways it can lead to a dilemma for an external actor. And especially these dilemmas need to be applied to the case of Palestine. This is however a complex task. Boudreau suggests (2012:368) that the relationship of democracy with the fields of security and economy might be so politicized, that they could be analytical unreliable. This relationship can therefore not be addressed by pre-given concepts, but will be discussed both at the conceptual level and through empirical data. The aim is to discuss some of the complex ways in which democracy relates to economic development, security, stability and occupation, in the knowledge that the practical challenges are not limited to the ones mentioned here. Reference to democratic values, as established in the theoretical framework, are made and where necessary a distinction will be made between the different models of democracy as well.

### 4.1 DEMOCRACY AND ECONOMIC DEVELOPMENT.

#### 4.1.1 CONCEPTUAL RELATION BETWEEN DEMOCRACY AND ECONOMIC DEVELOPMENT.

Publications from international actors like the EU often assume a positive relation between economic development and democracy. Additionally, it is theoretically expected that a society with a democratic government would have more egalitarian economic policies. (A. K. Sen 1999, Crawford and Abdulia, 2012:355) Empirical evidence on this linkages is less straightforward though, because some studies found correlation between poverty reduction and democratization (Navia & Zweifel and Albertus in Crawford & Abdulia, 2012:356) while others dispute this (Ross 2006). Ross points out some important methodological flaws of studies relating democracy to economic growth, among them data quality and selection bias because when well-doing, wealthy authoritarian states were left out. (Ross, 2006:860) It is therefore safe to conclude that the relationship between economic development and democratization is weak in empirical terms. For this several reasons are found in the literature.

In their research to democratic institutions and economic inequality, Luckham, Goetz and Kaldor note that there is often an inherent bias towards the needs of elite groups, because the poor part of society misses the political power to engage in the democratic processes. (Luckham et al. 2003) Empirical research in both authoritarian and democratic regimes has shown that public spending is often skewed in favour of rich people in crucial areas like health and education (UNDP 2002:59), breaking the link between democracy and equality. Some have argued however that these problems should be attributed to a democratic deficit rather than an inherent problem in democracy (Diamond & Morlino 2004:9) Also Luckham et al point into this direction when they argue that the spread of democratic institutions does not guarantee the spread of democratic *politics*.<sup>50</sup> (Luckham et al, 2003) An important explanation for these trends is the ability of elites to manipulate democratic institutions in their own interest and hence undermine any attempt for more democratic accountability. (Robinson 2004:442) Not only does this take place by local elites through the use of money and the media, but also through transnational elites through the indirect ideological hegemony of neoliberalism or by direct collaboration with the World Bank or IMF. (Haynes, 2012:365)

<sup>50</sup> Where democratic *politics* as opposed to democratic *institutions* points to decision making procedures that demonstrate the values of equality, accountability and popular influence.

Crawford and Abdulia add a second explanation which refers to the type or degree of democracy. (2012:267) In a previous section it was already touched upon that there are many forms of hybrid systems that can combine authoritarian and democratic aspects. When a system knows a high level of authoritarian characteristics, it remains unlikely that economic and social policies will favour the poor majority. (Crawford and Abdulia, 2012:267) It is therefore possible that further consolidation of democracy is needed before a positive effect on economic equality can be noted. This argument is complemented by the acknowledgement of different democratic models that deal differently with the economic or market sphere of a country. These different types of democracy have a different relation with and support a different level of intervention in the market of a country. This again can lead to different economic policies and redistribution efforts.

Several case studies have shown that economic development can also gain momentum under authoritarian rule<sup>51</sup>. Some analysts even argue that technocratic governments currently installed to lead economic reform in Southern European states are a new form of autocracy. (Petras 2011:n.p.) When accountability and participation are limited in favour of economic reforms, this clearly represents a challenge for democracy. Technocratic governance can therefore have a questionable relation with democracy, as efficiency is preferred over participation and accountability. A last relation between economy and democracy is noticed when trade as economic activity is an incentive to delay democratization or when it is used as a tool to support democracy. (Burnell, 2011:4)

#### 4.1.2 DEMOCRACY AND ECONOMIC DEVELOPMENT IN PALESTINE.

The growth of the Palestinian economy has often been limited and even declined in decades of conflict and occupation. It is characterized by a high dependency on foreign support, as well as it is closely linked with the war and occupation. (Turner 2012; Brown 2010) In the past ten years, the World Bank noticed fluctuation in the growth of the GDP with the years before 2006 showed decline but since then a growth between 6% and 12% per year in GDP<sup>52</sup>. The World Bank stated that these growth rates do not reflect a sustainable growth in Palestine but rather donor-driven growth while long term improvement cannot be built on these growth numbers. The World Bank report from 2013 states: *“Palestinian institutions have the required capacity to exercise state functions, but Israeli-imposed economic restrictions continue to constrain sustainable economic growth. This situation is unlikely to change as long as political progress remains absent. This latest report, however [shows] the long-term damage to the competitiveness of the Palestinian economy wrought by the worsening fiscal situation and the absence of political progress.”* (World Bank 2013: n.p.) Sectors that are currently important for the Palestinian economy are services, construction, retail and stone mining. Afterwards follow the public sector and agriculture in their share of the 2012 GDP. (PIPA 2013:n.p.) The World Bank states:

*“it shows that the structure of the economy has deteriorated since the late 90’s as the value-added of the tradable sectors has declined, illustrated by the productivity of the agriculture sector having roughly halved and the manufacturing sector having largely stagnated. The share of exports in the Palestinian economy has also been in steady decline since 1994, dropping to 7 percent in 2011, one of the lowest in the world. Moreover, Palestinian exports are concentrated in low value-added goods and services, the majority of which is exported to Israel. Of equal importance to the long-term viability of the economy, the quality of infrastructure in key sectors like water and transport is deteriorating and damaging economic productivity. This negative impact is most severe in Gaza where significant resources are required to bring the level of infrastructure performance to a desirable level.”* (World Bank 2013:n.p.)

Both the World Bank and the IMF point out “restrictions”, “the barrier” and the “virtual closure” of Gaza as having a determining effect on the Palestinian economy. (World Bank 2011a: 9) The recommendations of the

<sup>51</sup> See research Ross 2006, where examples can be found of Singapore and the development of the oil states in the Gulf.

<sup>52</sup> From Trading Economics 2013: <http://www.tradingeconomics.com/palestine/gdp-growth-annual> viewed 12 June, 2013

World Bank and IMF range from creating a more export-orientated economy to curbing spending on wages and pensions tax incentives. (IMF 2013:1) Though there is no official loan or funding from the IMF and the World Bank, these institutes are involved in the work of the Ad Hoc Liaisons Committee (AHLC), a body serving the organize all funding to the PNA in Ramallah. Through the AHLC they are able to inform the economic policies that are pursued by the Ramallah based government and the largest international donors.

Unemployment is high and still growing, currently the Palestinian territories have an unemployment rate of 23% with many workers either depending for their salaries on the UNRWA or government institutions. (PIPA, 2013:n.p.) In Gaza the blockade has pushed a flourishing tunnel economy in the past decade, though measurements are currently taken to open the Rafah border with Gaza and close all tunnels. The Rafah border remains subject to frequent closures in June, July and August 2013 which continue to hinder a normal movement of people and goods between the two countries<sup>53</sup>. Over the past decade, there are many signs that inequalities in society have risen sharply. (Hamdan 2012:3) Measurements taken by the Fayyad government with regard to taxation, water and electricity provision have mostly affected the poor parts of society, Hamdan argues (ibid). Additionally, differences between the population in refugee camp, in the cities and in villages are still growing. Though it is an important question whether economically marginalized groups have less access to the government system, in Palestine currently all Palestinians have little access to the decision making process. However, some marginalized groups like refugees have even more limited possibilities to participate in elections as the refugees living in Palestine can only vote in national elections while refugees abroad are excluded from all. These widening inequalities and unsustainable development do have a relation with the democratic governance of the territories. Some argue that the neo-liberal policies developed by the technocratic Fayyad government led to more inequalities and unviable development (Hamdan, 2012) Others point to the absence of political improvements that constrains the economic situation, which makes them supportive of an economic peace plan that would tackle both the political conflict and give an economic boost. This is also suggested by Kerry and Blair for try to start direct negotiations with on the agenda as well an “economic peace plan” to revive the Palestinian economy<sup>54</sup>. Critics to this plan express a fear of ignoring the deep institutionalization of occupation and inequalities at the moment, where an economic peace plan would keep Palestine still dependent on Israel. (Azem 2013:n.p.) Some analysts are especially concerned about the effects of such a plan on self-determination and accountability. (Bond 2011:n.p.)

## 4.2 DEMOCRACY AND STABILITY.

### 4.2.1 CONCEPTUAL RELATION OF DEMOCRACY PROMOTION AND STABILITY.

In this section the tensions between state-building, regime stability and democracy will be discussed. The first part deals with the challenges of democratizing an authoritarian regime, while the second part deals with the difficulties of establishing or building a state after violent conflict. Those two are closely related, both in their most common traps –building *hollow* institutions and *fake* civil society – as well as the way they create tension with a common cited policy goal of external actors, namely regional stability. It is clear that violent conflict threatens stability, though purely aiming at stability can also threaten democracy is argued here. State institutions that diminish dissident voices in society might guarantee stability, but they will jeopardize the democratic values of freedom and participation. Also, while friendly relations with authoritarian regimes might provide stable and predictable outcomes for the external actor, they will compromise the democratic wishes of the population under that regime. Based on a realist calculation, states will prefer predictable and stable regimes over unknown outcomes of democratic regimes. Especially towards the Arab region, stability has long been the main motivator of Western external policies. (Pace 2009:49-50; MacQueen 2009:177) But despite this tension between unpredictable democratic outcomes and the wish for stability, many authoritarian regimes in the world

<sup>53</sup> Recent developments during the month of Ramadan e.g. saw the Rafah border largely closed, see MaanNews 2013, <http://maannews.net/eng/ViewDetails.aspx?ID=622127> viewed 13 August 2013.

<sup>54</sup> This would include high investments in Palestinian economy, see e.g. the Guardian 2013, viewed 13 August 2013 <http://www.theguardian.com/world/2013/may/26/john-kerry-plan-palestinian-economy>



have received democracy support throughout the past two decades. MacQueen argues that the external relations of Western countries with Arab states were merely an incentive for the authoritarian regimes to “upgrade” their authoritarian system but never fundamentally allow democracy to run its course. (MacQueen, 2009:167) This resilience of authoritarianism showed itself in three distinct ways, namely controlled elite changes in the regime, co-option of opposition and civil society and imitative institution building. (ibid:165) The co-option of opposition and civil society creates a controlled opposition, without allowing it to really challenge the position of the government. The presence of ‘civil society’ in authoritarian regimes, led Jamal to argue that civil society has the tendency to reproduce the prevailing conditions in society. (Jamal, 2007) The recent changes in the Arab region show these arguments in new light, because it became clear that the actors leading the revolutions towards regime change were not in sight of Western democratization efforts. (Hassan, Khouri, and Saif 2013:n.p.) Thus, democratization efforts in authoritarian states should be aware of the coping mechanisms these regimes can apply in order to remain in power and not trust on the appearance of civil society or institutions solely. (Goldsmith, 2008:126)

Democracy building after conflict knows its particular challenges. When non-democratic tools have been used to address grievances and obtain personal gains a big shift has to take place towards democratic methods. Even in the case political elites commit to the rules of the democratic game there are many more areas that need to be transformed; for example the economy that often became depended on war and the society where trust and cooperation need to be rebuilt. Often social capital and mutual security are low and are therefore key items to be supported for democratic consolidation. New state structure have an important tasks to cultivate legitimacy, which can be won both through legitimate input structures (Francois & Sud 2006:149) as well as outputs that satisfy local grievances and needs.

There is a general trend in peace building literature that leaves out democracy from the transition period<sup>55</sup>. Not because it is viewed negative but because it is thought of as not feasible to deal with a delicate balance of peace in post-conflict transitions. (Francois & Sud 2006:148) Though this argument might be understandable in a war-torn country that has never known a democratic tradition before it is questionable if the same approach should be applied to Palestine.

#### 4.2.2 DEMOCRACY AND STABILITY IN PALESTINE.

As was shown in previous chapters the PNA developed characteristics of authoritarianism with a strong president, high personification of powerful positions, postponed elections and limited freedoms in society. This has been the case under Arafat, but in the recent years the separation of power has declined substantially again (Pogodda, 2012:538) Though Abbas is addressing some of these issues, it can hardly be accepted as a real game-changer for the overall government performance. (Youngs & Michou, 2011:4) The PNA in the West Bank can be seen as an authoritarian regime that shows resilience through fake institution building and suppressing to some extent a civil society. (Stockmarr, 2013:85-86) Also in Gaza the government does only allow limited accountability and is documented to suppress human rights in some cases. (Sayigh 2011b:19) Applying the theory of authoritarian resilience to Palestine, Pace adds the observations that recent attempts to create national unity could be seen as a coping strategy as well. (2013:54-55) Reconciliation efforts between the two blocs have been used to suppress critical voices and allow them to stay in power without any real changes in the past 4 years. (Pace 2013:54-55)

The relation between negotiations and democracy sits uneasy in Palestine already since the rule of Arafat. The Oslo Accords were not discussed in full parliament of the PLO, causing some to argue that they missed a clear democratic mandate. Currently there is no open discussion at the political level in Palestine or with the donors on the troubled relationship between negotiations and democracy. This appears however to be highly relevant

<sup>55</sup> For example; peace building leans more towards mechanisms of power sharing, instead of genuine elections (Grimm, 2012:433)



to receive popular support for a new process of negotiations though positive preliminary results might also create output legitimacy for the whole process.

It was already mentioned that state building efforts in the West Bank under Fayyad knew limited accountability or public involvement. The improvements in the public sector made some Palestinians positive on the changes and some steps could count on popular support. The involvement of the IMF, World Bank and Quartet in approving and suggesting state building efforts and the abovementioned development of an economic “peace plan” with the involvement of Kerry and Israel do raise questions on local ownership, accountability and public participation.

### 4.3 DEMOCRACY AND SECURITY.

#### 4.3.1 CONCEPTUAL RELATION DEMOCRACY AND SECURITY.

Violence, conflicts and security relate in several ways to democratic values and government structures. This sections aims to address them in two ways; firstly domestic insecurities and secondly violent external conflict.

##### Domestic conflict.

An important aspect of the establishment of a democratic system is the commitment of elites and population to pursue their interests and objectives through democratic means instead of through other possible violent means. Through established procedures that provide transparency, conflicts can be mediated in a way that is known by everybody because it is bound to clear rules. At the minimum it is guaranteed that voices are heard when civil rights and mechanisms for a peaceful conflict resolution are in place. (Diamond, 2013) Still, there continue to be security challenges in societies that have committed themselves to the democratic game. Magnusson introduces a way to understand how these security challenges could arise in society or the democratic institutions, while they could influence the institutions as well as society. (Magnusson 2001)

Table 3 Examples of domestic security challenges, based on Magnusson, 2001

Problem played out in → Problem originated in ↓	The institutional framework	Society
The institutional framework	Coup d'état	Spill over from electoral fraud leading to violent protests.
Society	Revolution	Inter communal conflict

Several scholars have tried to address the question if and how democracy could limit these domestic conflicts. Some point to the wide range of electoral systems that could be applied to divided societies to democratically mitigate conflict (Diamond, 2013) while Tilly points to a more general mechanism: protected consultation. This refers to the capacity of the democratic system to consult with and act upon the needs and desires of the public. (Tilly, 2000) More protected consultation will diminish the support for alternatives to the democratic system. (Boudreau, 2012:373; Tilly, 2000) This will increase trust in the institutions created in the name of democracy, which is crucial for the consolidation of democracy. (Diamond, 2013) Besides this, democracy will have to balance the level of freedom and the level of control in society. While authoritarian regimes are known for their high control in society (Lauth 2012) democracies allow greater freedom. But as Boudreau notes; “*democracy works two general influences over domestic security threats: it provides greater freedom for those who wish to adopt violence, but it also works generally to narrow the social support for violent or radical challenges. The balance between operational freedom and social support tends, other things equal, to move in an inverse relationship to one another: a state that grows more repressive (non-democratic) may narrow a movement’s space to act freely, but draw new support to movements looking to challenge the system*”. (Boudreau, 2012:373)

Empirical data shows that systems in transition are most prone to violence and instability. (Boudreau, 2012:374) Both democratic societies and authoritarian systems have a low security threat, but intermediate systems, or *hybrid* systems show strong security problems as transition gives rise to uncertainties and insecurity. This trend

has been popularized by Bremmer who showed the relation between openness and stability of society in his book *The J-curve*. (Bremmer 2006) By others this has been described as an inverted U-curve, which leads to the realization that violence and insecurity are not absent from democratization processes. (Boudreau, 2012:374)

#### External security.

Through a reintroduction of Kant's principle of perpetual peace, Doyle popularized the statement in 1983 that is now widely known as the democratic peace theory. (Doyle 2005) Though criticized by scholars like Mansfield and Snyder (1995) and Bueger and Vennesson (2009) the idea that democratic countries will be peaceful countries is still deeply entrenched in the work of many policy makers. Since new examples of democratic transitions played out in the past decades, new information was added to this theory which still leaves two main points of differences among scholars. Disagreement between scholars supportive of the democratic peace theory is driven on the one hand by methodological concerns and on the other hand on the subject of causal mechanisms. (Boudreau, 2012:370) On the methodological side, scholars differ whether the empirical relation between democracy and peace is monadic (relating to every relation that involves one democratic state) or dyadic (relations between two democratic states). Furthermore they argue about the causes of this relation, with some pointing to the norms and values that promote mutual understand and pacific conflict resolution, while others point to the constraints an electorate puts on its democratic government and will therefore minimize the possibility of engaging in war. (Boudreau, 2012:370) Both seem to be limiting the possibility of engaging in violent conflict, but are highly contested. When domestic actors commit to democratic means of problem solving for domestic issues, this does not necessarily commit them at the same time to pacific means for external politics. And while an electorate might on the first thought seem to disapprove of the idea of war, economic concerns and threat perceptions can be easily adjusted in favour of the use of violence and even war.<sup>56</sup> The proposition that a democratic society will per definition not be a threat to its neighbours cannot be taken for granted. Other guarantees are needed, where other states or communities should not be seen as a threat to its existence and a clear commitment to non-violent problem solving in the international community should be made.

#### 4.3.2 DEMOCRACY AND SECURITY IN PALESTINE.

The Palestinian community has known and continues to know violence and insecurity both internally between political factions as well as external with Israel. The external conflict with Israel influences the internal situation heavily through its occupation with 2/3 of the Palestinians view the IOF as a threat to their lives. (Pogodda 2012:538) So though a clear enemy picture still exists in Palestinian society, there is a general commitment to solving the conflict through democratic means. The specific effects of the occupation will be discussed in the following section.

The tensions at the national level have led to insecurity both in society and in the institutional framework. Both Hamas and Fatah have used "democratic institutions" as political tools for their own goals of power consolidation.<sup>57</sup> In society, mistrust among members of different political groups continues to exist. The conceptual discussion gives some ways to overcome these tensions. Stimulating trust in democratic institutions among elites and in society should contribute to democratic consolidation, as well as guaranteeing protected consultation to address local grievances. Also, a discussion of different democratic models and institutional systems is relevant, as a divided society could benefit from certain institutional or electoral mechanism<sup>58</sup>.

<sup>56</sup> Of which examples can be found in the violence that used internationally by states regarded as democracies.

<sup>57</sup> For example changes in the constitutional court just that President Abbas made just before the 2006 elections and the continuing discussion concerning the rules and regulations of national elections that made Hamas boycott the municipality elections in 2012.

<sup>58</sup> This is illustrated by the fact that the 2006 parliamentary elections were held with a two-tier system, with seats allocation both through lists and districts. Because of this, Hamas was able to receive 70% of the seats in parliament with only 42% of the votes. After the government under Fayyad took office, President Abbas used his powers to change this system to an one-tier system. (This is difference between percentage and seats is a regular happening phenomenon, that serves to create a more majoritarian system and did e.g. in the UK also often lead to a less representative division of the seats. (Diamond, 2013)

States need to find a balance between freedoms and control in society to keep the societal support for the democratic institutions. In Palestine, the threat is still very real that armed methods could be used sooner or later to solve internal or external grievances. The control measures that are placed on some members of political parties have a contradictory effect though. The West Bank government is known to attack Hamas members on a frequent basis, while in Gaza this takes place against Fatah members or other political groups. Too much control could feed the wish to take up non-democratic means to solve disputes<sup>59</sup> and the governments need to therefore try to protect a delicate balance. Youngs and Michou have noted that the PNA in the West Bank has not been successful in this as a “*police state*” is being developed there. (Youngs & Michou 2011:4)

#### 4.4 DEMOCRACY AND OCCUPATION

In the case of Palestine it is not correct to speak of state building after conflict but state building during conflict, more precisely state building under an occupation. This last paragraph will therefore deal with the specific contradictions and dilemmas that are apparent in promoting democracy under occupation.

At the most basic theoretical level the terms democracy and occupation contradict each other as democracy concerns an entity unrestrained by outside factors that limit its self-determination. (Wolff, 2012) On a deeper level democratic practices and values are limited to thrive in society when local governing structures cannot practice their tasks. Moreover, accountability of the government of the occupier might be difficult and access to the judicial system of the occupier problematic. Though international law established ground rules for parties involved in an occupation and demands the application of the core of human rights (Norman, 2005:5) the establishment of a new legal system by the occupying power produces in practice many problems for a secure rule of law<sup>60</sup>. Though Tansey argued that sovereignty is not a pre-condition for democracy to prevail<sup>61</sup> the development of a democratic government can be negatively impacted by the active interference of external actors. (Tansey 2010) When occupation becomes a long-term fact on the ground, this will influence society and the potential for a consolidated democracy at a deeper level. It was noted previously that the development of social capital, civil society and a political society are important drivers for further democratization. All three are directly influenced by a prolonged occupation, as interpersonal trust diminishes in conflict situations (Stockmarr 2013:), and the development of political parties is problematic<sup>62</sup>. When local government structures are limited in their possibilities to deliver services and security to its citizens, the trust in these institutions is likely to decline. (ibid:84) Stockmarr did note in the case of Palestine that the population perceives to have little support from their own representatives, security forces, courts or from international law or human rights law or from third countries and international organizations. This impacts their belief in democratic institutions being able to protect and empower them. (Stockmarr 2013:89) It can also stimulate corruption and internal division, as argued by Norman (2005) and Tuastad (Tuastad 2010).

For an external actor involved in democracy promotion in an entity under occupation, this creates specific challenges. Supporting democratic development would also include supporting the end of the occupation and reducing asymmetries by contributing to political empowerment. (Wolff 2012:418) But here also other

<sup>59</sup> Examples of this are violent groups still active in the Gaza Strip who incidentally clash with Hamas as well because they view Hamas limits their possibilities to resist Israel. But also other resistance groups are established challenging the established government of Hamas without aiming to resort to violence. E.g. a new youth movement in Gaza that claims it will overthrow the Hamas regime but not through a violent struggle as they denounce the use of violence against their own people. (Source: <http://maannews.net/eng/ViewDetails.aspx?ID=622334>)

<sup>60</sup> Several organizations are able to document the difficulties Israel has to respect its own domestic law and international law when it comes to the treatment of Palestinian adults and children, as well as the protection of Palestinian land. (For example DCI-Palestine when it comes to the treatment of children, Addameer with regard to the treatment of prisoners, Badil when it comes to land rights, ownership rights and refugees and the UN and EU documenting the breach of international law.) Besides this, Palestinians have limited access to Israeli courts.

<sup>61</sup> Based on the example of Somaliland, which developed a very democratic governance structure without being independent from Somalia. (Tansey 2010)

<sup>62</sup> Either because of the illegality of political parties, the arrests of members of political parties or because of the limited ability for people to move in the area freely to meet and congregate.

preferences for the external actors might be relevant, as they might prefer the status quo over lifting the occupation. Neglecting the occupation will thus limit the impact of democracy support by an external actor and when an occupation becomes long-term, it will disturb a society. In the case of Palestine, this tension has led to some specific critique to the external actors involved where the EU is often viewed as not doing enough to challenge the practices of occupation. The combination of support for the Government of Israel and the aid to the Palestinian Authority matches the practice of colonialism according to Turner, who pointed to how colonialism combines exploitation and domination with development and modernization. (Turner 2012:2)

#### 4.5 CONCLUDING REMARKS

This chapter gave both a conceptual discussion of the dilemmas of democracy promotion and an application of the theory to the case of Palestine. In this setting, the European actors have to situate their democracy promotion policies. As summary, the following scheme shows the most important dilemmas that will continue to be a guideline for the analysis in the next chapters.

**Table 4 Summary of dilemmas in democracy promotion**

Tension area	Why does it present a dilemma?	What is at stake for the external actor?	Dangers
Economy	Economic development Economic inequalities	Economy aim, instead of democracy. Demand authoritarian system for economic reforms.	Economic reform might not allow for accountability and participation. Marginalized groups less access to political process. Elite control of institute for own benefit.
Security	Domestic conflict External conflict Threat perceptions	How threat perceptions created Democracy versus peace.	Excluding “threats” Limiting participation Misbalance between control & freedom in society. Negotiations without democratic basis.
Stability	Authoritarianism State-building Negotiations - Transitions	Benefits from stability and predictability. Negotiated outcome preferred over democracy.	Shallow institutions Shallow civil society Hybrid systems “Coping authoritarianism” No protected consultation: no addressing grievances population.
Occupation	Self-determination Limits all other democratic values Threatens belief in democracy and its institutions.	Preference for status quo	Part of colonial practice trough support rather than oppose occupation. Limiting all democratic values. Diminishing long-term faith in democracy and democratic institutions.

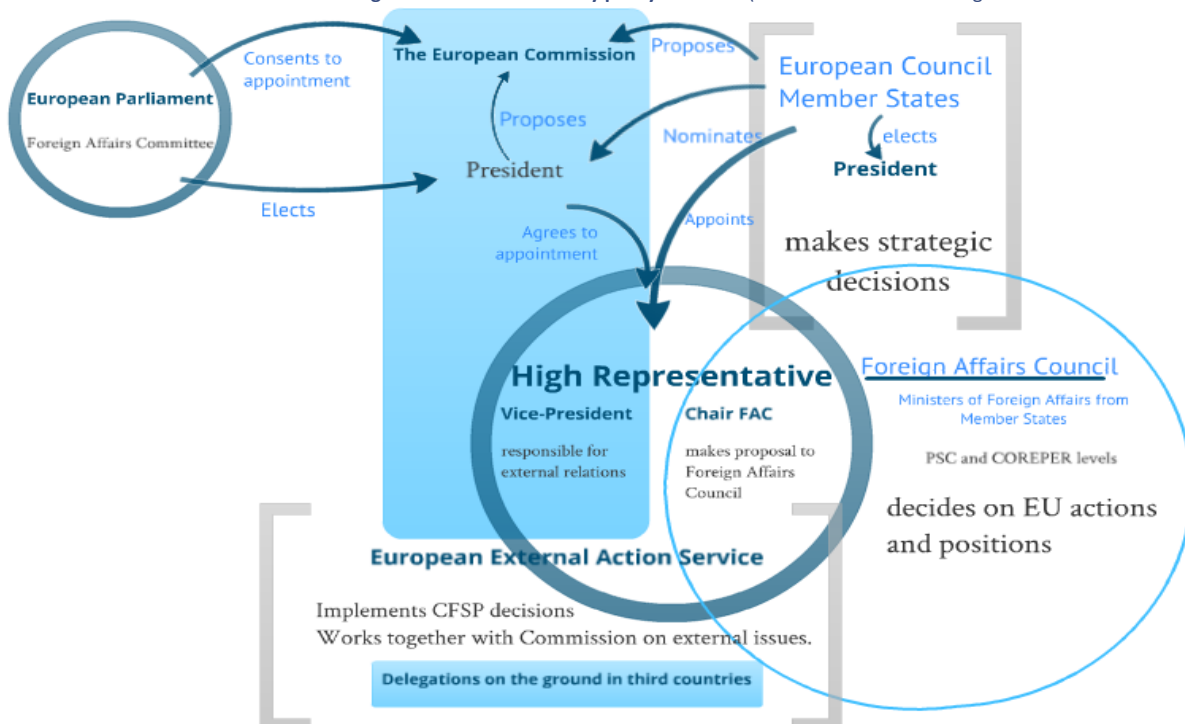
## CHAPTER 5: THE EUROPEAN UNION AS DEMOCRACY PROMOTER

Currently the European Union is a clearly visible international actor. It is also an actor who continues to develop its institutions vastly from year to year. A common foreign policy is one of the fields where major change has taken place and where new institutions have been created recently. This chapter will explore the institutional framework of the EU's external action and in particular its democracy support. Following, the relations with the Middle East will be discussed with special attention for the approach the EU is taking to democracy support in the neighbourhood region. This sets the general line of democracy promotion of the EU, after which the specific aspects of this relation between the EU actor-groups and Palestine will be discussed in the chapters following.

### 5.1 FOREIGN POLICY OF THE EUROPEAN UNION.

The main motivation to upgrade the foreign policy of the EU, as expressed in the European Security Strategy made in 2002, was the wish more visible and unified Europe with a foreign minister that would overcome the gap between the Council and the Commission and deliver a united and clear foreign strategy. (Balfour & Raik, 2013:11) With the signing of the Treaty of Lisbon, the creation of the European External Action Service (EEAS) presented the most significant change in the institutions of the European Union (Helwig, Ivan, & Kostanyan 2013:11). In addition, the role for the High Representative of the Union for Foreign Affairs and Security Policy (HR) was made significantly more important. Under the Lisbon Treaty, the common foreign policy of EU follows the organizational structure as displayed in table 1, where the arrows represent the lines of influence concerning the appointment of that position. The actors in this framework will be discussed briefly in the following paragraphs.

Scheme 7 Institutional structure delivering CFSP after Lisbon Treaty partly based on (House of Commons Foreign Affairs Committee 2008)



### 5.1.1 THE EUROPEAN DELEGATION.

At the lowest level in this framework, the EU formed a diplomatic service on the ground since January 2011. This replaced the European Commission delegations and brought together diplomatic staff directly from the Member States (around 1/3) and from the Commission (around 2/3 of all staff). (Helwig et al. 2013:62) In most countries, the EU delegations have a coordinating function for the overall EU representation and the national embassies of member states. The added value of these delegations is to bring networks and information together for the national embassies, and they also support any EU projects that take place locally which also happens through the mission of DG Humanitarian Aid and Civil Protection (ECHO) in Palestine. After the first two years they are by some criticized for representing the Union too much while lacking a clear mandate to do so, and by others for not being active enough (Balfour & Raik, 2013:48). Heads of delegation receive direct instructions from the HR/VP. But in the areas where the Commission also exercises powers they might also receive instructions directly from a DG or Commissioner (European Peacebuilding Liasons Office 2013). It was voiced by MFAs that this sometimes can lead to loyalty questions, and the official layers of the HR/VP are surpassed to give information or instructions directly to a delegation (Vogel 2012:n.p.).

### 5.1.2 THE EUROPEAN EXTERNAL ACTION SERVICE, HIGH REPRESENTATIVE AND FOREIGN AFFAIRS COUNCIL.

Above the level of local delegations, the EEAS was established by a Council decision in July, 2010 and came into full force in January 2011<sup>63</sup>. Though it operates independently from other institutions, the EEAS is not a purely supranational institution operating above national institutions and cannot be placed on equal footing with the European Commission or European Parliament (Helwig et al., 2013:11). Member States have been hesitant to establish one common external diplomatic service, but with the EEAS this is a potential in the future. (Howorth 2013:16) The EEAS is the bureaucratic supportive structure under the High Representative (HR), who is both President of the Foreign Affairs Council and Vice-President of the Commission. Currently this spot is fulfilled by Catherine Ashton. Her responsibility as both head of the Council of Europe in the setting of Foreign Ministers of each Member State (FAC) and the Vice-President of the Commission is intended to bring about a closer collaboration between the Commission and Council. This with the aim to deliver a more unified and consistent foreign policy on both the political, institutional and operational level (Howorth 2013:14). The EEAS carries an impressive mandate which is to both coordinate the policies, institutions, member states and financial resources, as well as provide leadership and new ideas and policies in the EU's external policies. But at the same time she is not supposed to step on the toes of national diplomatic services or challenge national policies and priorities. (B. R. Balfour 2013:15)

To ensure a close link with the national interests, the Foreign Affairs Council (FAC) is taking the political decisions about new policies, statements and actions. The Foreign Affairs Council, preceded by the General Affairs Council until the Lisbon Treaty, meets monthly and comprises the EU's 27 foreign ministers. It is in practice the main decision-making body for the bulk of foreign and security policy (Howorth 2013:7) Decision-making procedures in the Foreign Affairs Council are not transparent on all levels, as many decisions are taken at the level of the working group, and these meetings and minutes are not public. (European Peacebuilding Liasons Office 2013:n.p.) Here the Member States are clearly represented, as the Foreign Ministers and their lower level officials carry a clear mandate from their national governments.

In the policy-fields of enlargement and neighbourhood, development cooperation and humanitarian relief, the EEAS needs to work closely together with the Commission, who still has a lot of know-how and management power. This sharing of tasks between the European Commission and the EEAS has led to tensions, noticed by

<sup>63</sup> See website European External Action Service (European Union. "European External Action Service." *European External Action Service*. N.p., n.d. Web. 06 July 2013. [http://eeas.europa.eu/background/organisation/index\\_en.htm](http://eeas.europa.eu/background/organisation/index_en.htm))



some foreign ministers and EU delegations.<sup>64</sup> Of the 33 departments (DGs) there are five who are directly involved in external affairs; Enlargement (ELARG), EuropeAID - Development & Cooperation (DEVCO), Humanitarian Aid and Civil Protection (ECHO), Trade (TRADE) and Service for Foreign Policy Instruments (FPI). The division of the exact powers among the DGs and the EEAS are different for every DG and were subject to discussion in the past two years. Most policy instruments are managed by the EEAS, with the DGs involved in the planning and organization. This is true for the European Neighbourhood Policy as well where strategic planning is in hands of the EEAS since 2011. This is different for the European Instrument for Democracy and Human Rights (EIDHR), where the leading role is taken up by the DG DEVCO. (Vanhoonacker & Pomorska 2012:14)

### 5.1.3 THE EUROPEAN PARLIAMENT.

The European Parliament (EP) is the only EU body directly elected by the population from the member states, but with the least direct influence on the foreign policies of the EU (European Peacebuilding Liaisons Office 2013). However, the limited formal power of the EP did not hold the EP back to support the creation of the EEAS and HR as they saw chances to increase their informal or indirect power on the EU's foreign policy (Troszczynska-Van Genderen, 2013). Though the EP has not many tools to influence the policy outcomes of the Commission and the EEAS, the tools that it does have are used frequently and can still have some impact. (B. R. Balfour 2013:3) The EP has the right to be informed and consulted about the CFSP/CSDP and has several opportunities to publish opinions as well to discuss issues directly with the HR, Heads of Missions, Heads of Delegations and other high EU officials (ibid). Through the Foreign Affairs Committee and the Development Committee of the EP, the workings of the EEAS and the EU foreign policy are followed closely. Besides several budgets need to be approved by the EP which gives it an opportunity to critique and scrutinize the EU policies, while they can also be involved in shaping concrete financial instruments like the European Instrument for Democracy and Human Rights (EIDHR). (Kostanyan 2013:6) The parliament also established direct relations with parliaments in the neighbourhood countries, including the Palestinian Legislative Council<sup>65</sup>, creating the Delegation to the Palestinian Legislative Council (DPLC).

When it comes to the workings of the EEAS, the EP has recently voiced some heavy critique. The EP's Foreign Affairs Committee published a report in April, 2013 describing the EEAS as a slow body, unresponsive to new political priorities, where HR *"Ashton allows EU member states to dictate her staffing policy"*. (Schult 2013:n.p.) The EP had most likely hoped the HR to take forward more issues, where the member states are slow to react on, but in practice Ashton stresses the EEAS *"is not a European Foreign Ministry designed to replace Member States' foreign ministries"*. (ibid)

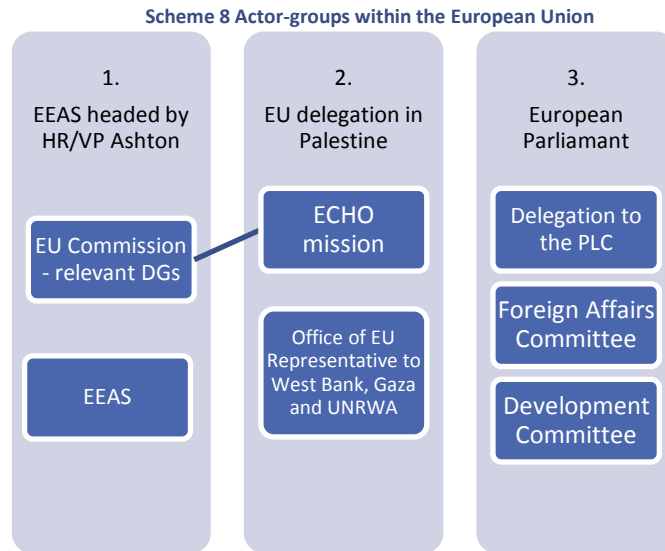
### 5.1.4 THE EUROPEAN COUNCIL.

The member states still make the strategic decisions when it comes to the foreign policies of the European Union. Since the Treaty of Lisbon the President of the Council is meant to facilitate cohesion between the member states and represent the EU externally on issues of foreign and security policy. This gives him potentially a very powerful position but after the four years von Rompuy held this position the general view is that he did not emphasize the latter part of his mandate. (Howorth, 2013) Besides the decisions taken in the European Council, member states still directly influence the decisions taken in the PSC and FAC. Also they continue to have their national diplomatic service, their own development aid budgets and own foreign relations, which means the individual states are still important actors who did not give up their national control. Though these actions influence the way the EU institutions are dealing with dilemmas of democracy promotion, due to limitations on time and space available in this thesis they cannot be fully analysed and will not be further taken into account.

<sup>64</sup> This was expressed by 12 foreign ministers in a letter to Ashton in 2012 (see Vogel, 2012) and this is being mentioned as well by an analysis from EUobserver that discusses the inter-service agreement between the two institutions. (see Rettman, 2012)

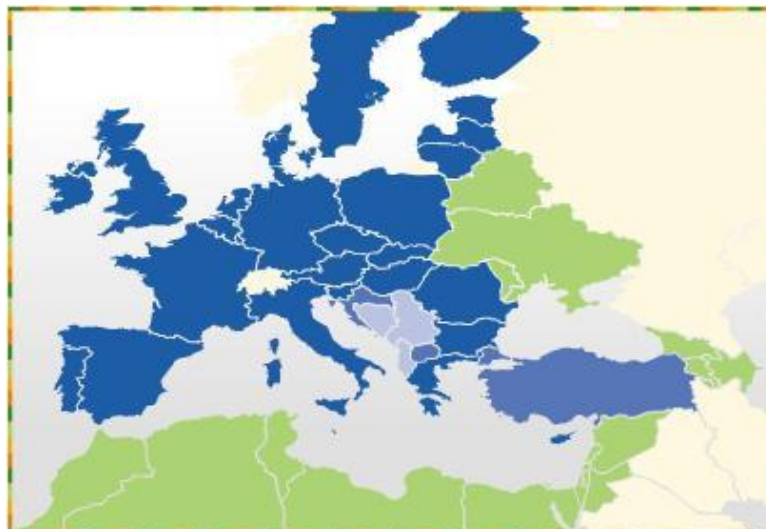
<sup>65</sup> See for example the website of the Delegation to the PLC (Delegation to the PLC, n.d., <http://www.europarl.europa.eu/delegations/en/dplc/home.html>, retrieved at 06 July, 2013)

Thus, the next three chapters will focus on the three actor-groups defined here which will give a partial but important insight in the construction and content of EU's democracy support for Palestine.



## 5.2 THE EUROPEAN UNION IN THE MIDDLE EAST.

The MENA region and the EU mutually influence each other through political relations, trade and immigration. Since the 90s immigration became framed negatively in the EU, which was an important reason why the EU pursued agreements with countries in North Africa. (Santini 2013:126) Additionally there are fears for tribal or religious violence. In 2003 the European Neighbourhood Policy (ENP) was established serving as an additional instrument to develop country specific action plans besides existing policies. On paper the ENP stressed the closer integration was based on shared norms and objectives, while it offered economic benefits for all involved actors as well. (Schmid & Braizat 2006:10)



Map 1 European Union (dark blue) and neighbourhood countries (green)

Source <http://enpi-info.eu/>

The establishment of the EEAS in 2011 occurred together with a broader reflection by the EU of its external relations and its democratization strategy. When the Arab revolutions surprised everybody in Brussels, this gave



even more urgency to a review of the EU's policy towards the MENA region. Several new policy documents were published. First the Commission's document "Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" was published in February 2011 (European Commission 2011) followed by the "Strategic Framework and Action Plan on Human Rights and Democracy" in June 2012 from the Council (Council of the European Union 2012). This latter document will be implemented by the Commission and the EEAS. These policy initiatives take shape in the ENP, while also the European Initiative for Democracy and Human Rights (EIDHR) is applied as a tool to support democracy, as well as other projects organized by the Commission and the EU delegation. Whether these Council documents present a change from the previous approach will be discussed in section 5.3 while first the formal relations with Israel and Palestine are discussed.

### 5.2.1 RELATIONS WITH ISRAEL AND PALESTINE.

Amidst the efforts to create a safer and more stable neighbourhood, Israel and Palestine have taken a special position. The involvement of the European countries goes back to the creation of the conflict in the 30s where it later became an important trigger to create a common EU external stance. The Six Day War in 1967 saw mixed reaction from the European countries, with some member states backing Israel immediately, while others showed more sympathy to the Palestinians and Arab neighbours. According to Pijpers this must have triggered the debate on a more common position on external affairs. (Pijpers 2007:1) However, not only around 1967 was the EU divided on the conflict there continue to be differences among the EU member states and their relations with Israel and Palestine. Others also point to the effect this unresolved conflict has on the efforts and image of the EU in the wider region, where the credibility of the EU can sink low when Israel continues to be supported, regardless of its actions. (Aymat 2010:92) Palestinians and Arab states have argued that double standards are being applied, both in the "peace process" as in the dealing with Arab states vis-à-vis Israel. Therefore is it understandable that Pace argues a solution to the Israeli occupation would strengthen EU's efforts as Israel cannot be used as an excuse for Arab countries to not move forward with democratic changes. (Pace in Aymat, 2010:93)

The EU formally acknowledged the right of self-determination of the Palestinians in the Venice Declaration of 1980, and remains committed to a two state solution. With this aim they have sent an EU Special Representative to the Middle East Peace Process since 2003, a function held by Marc Otte from till 2011. He had regular contact with both parties and the USA, but could not do much more then listening to the position and frustrations of the Palestinian Negotiations Team<sup>66</sup>. When Otte quit his job in February 2011 it was not until February 2012 that the position was filled by Andreas Reinicke<sup>67</sup>. When Reinicke described his role in March 2013 he noted that *"there is no EU plan ... the plan is to support the Americans and be ready to be helpful"*. (Rettman 2013:n.p.) The negotiation efforts run mainly through the Quartet on the Middle East where generally the USA is dominating and the EU is not seen as a leading figure in the diplomatic process. (Hollis in Aymat, 2010:24)

#### Relations with Israel.

The EU and Israel maintain a strong relationship in terms of trade and market integration as well as general political support. (Tocci 2009:389) The European Union is an important trade partner for Israel, both for import and exports. (DG TRADE 2012) But also the other way around Israel represents one of the EU's major trade partners. (Lazarou et al. 2013:185)

Though great difference exists between Member States and their positions collaboration between the EU and Israel takes place on a high level with close ties on all points. The EU has voiced critique as well towards Israel for the continuing expansion of settlements and the detention of children but its practice often falls short of its rhetoric. (Tocci 2009:395) This shows mainly in the fact that documented breaches of previous peace accords,

<sup>66</sup> . Internal documents from the Aljazeera leaked Palestine Papers show that regularly contact did exist between the PNA and PLO-NAD, but that Otte had no leading role and was only trying to support the process led by the USA

<sup>67</sup> See COUNCIL DECISION 2012/33/CFSP

Association Agreements with the EU and international law had no significant impact on the formal relations between the EU and Israel. This led Ostrovsky to argue that Israel has been able to keep the conflict and occupation out of the relation with the EU. (Ostrovsky 2012:n.p.). Analysts noted as well that the European Union has kept international law out of its relation with Israel while it could indeed be beneficial to apply. (Aymat 2010:27) The relationship is dynamic and some recent changes<sup>68</sup> show a greater willingness within the EU to apply the written agreements, though the current basis remains a strong and economic beneficial relation between the EU and Israel.

#### Relations with Palestine.

Based on the earlier mentioned Venice Declaration, the EU established formal contact with the Palestinian Liberation Organization (PLO), which was in 1986 extended to a regulation that allowed import from products produced in the Palestinian Territories with the label "Occupied Territories". (Aymat, 2010:43) During progress made with the Oslo Accords in 1993, the EU upgraded its relations with the PLO and gave financial support to the newly created Palestinian National Authority (PNA). (Le More, 2005:998) This was followed by an Association Agreement on Trade and Cooperation that had as primary object *"to establish the conditions for increased liberalisation of trade and to provide an appropriate framework for a comprehensive dialogue between the EU and the PA"*. (ENP 2004:3) During these contacts the support was never conditioned and no reference was made to democracy or human rights. (Al-Fattal, 2010:42) Le More also notes that the EU was mostly focussed on *"being part of the process"* and raising the capacity of the newly created structures in Gaza and the West Bank. (Le More 2008:88) During the second intifada in the early 2000s, the EU also recognized the need to address the authoritarian shape of the PNA under the leadership of Arafat. The Commission therefore invited the PNA as partner in the European Neighbourhood Policy on equal footing as other third countries. The first EU-PNA Action Plan entered into force in May 2005. (Schmid & Braizat 2006:13)

The EU-PNA relations quickly changed with the election of the Reform and Justice Party in the 2006 Parliamentary elections. Though the Hamas party already participated in municipal elections in 2004/2005 and informal contact, the standpoint of the EU and the USA was the political party of Hamas was affiliated with an military organization that was labelled a terrorist organization.<sup>69</sup> (Hovdenak 2009) Thus the EU decided, together with the USA to stop all funding to the PNA<sup>70</sup> and channel a small amount of funds in different ways. (Schmidt, 2006:15) A substantial aspect of the boycott was the way government institutions were used to influence the situation. The aid from the EU and USA was previously directly at the government of the PNA, but was now (similar to the days of Arafat) transferred to the President's Office. Also the security forces that were being trained and restructured with funds from the USA and EU were placed back under the President's Office. (Hovdenak, 2009:69) This change clearly had a determining effect on the security situation as Fatah loyal forces and Hamas loyal forces started to clash. Thus not only was the PNA government financially broken, the developed institutions were heavily affected as well. Through ending all funding and official contact with Hamas the EU lost all influence on Hamas and the government structures controlled by them because its principal influence came

<sup>68</sup> That are briefly discussed in chapter 7.2

<sup>69</sup> See statements by Middle East Quartet, January 2006, UN Secretary General / 2104 <http://unispal.un.org/UNISPAL.NSF/0/354568CCE5E38E5585257106007A0834>)

<sup>70</sup> The validity of these conditions is obviously highly controversial, with some pointing to the involvement of Hamas in violent attacks during the Second Intifada, but other argue differently. In the words of Hovdenak: *"The apparent conformity in opinion between Hamas and Likud [party of then Prime-Minister Sharon] in rejecting the validity of the Oslo Agreement displayed one of many unbalanced positions of the EU and the Quartet. While the Sharon government acted decisively on its anti-Oslo stance by violating or ignoring past Israeli-Palestinian agreements without attracting more than rather mild criticism from Europe, the Hamas government was put under sanctions to alter its view on the same agreements."* (Hovdenak, 2009:68) . It is important to note that several academics have argued that these Quartet principles should be seen in the light of a security narrative hold up by Israel, the USA and therefore also the EU and that it is not sufficient to view these conditions purely on their merits. (Pogodda, 2012:542) As these same conditions have never applied to any Israeli government in power, it is hard to state that the Quartet is normatively or legally bound by these rules. It was more likely a political choice to apply these standards at that time, and one that does not show pragmatism or awareness of the local dynamics. (Pogodda, 2012, Bröning, 2011)

from financial instruments. (Al-Fattal, 2010:63 It is remarkable that the first time in the ENP funds were firmly conditioned took place after democratic elections that were marked as relatively free and fair. (National Democratic Institute 2006:3)

The funding from the EU was first restored through a Temporary Instrument to the President's Office, and later through the establishment of the financial instrument PEGASE (Al-Fattal, 2010) focussing first its attention to humanitarian support. (European Commission 2006) Through PEGASE, direct aid to the PNA was resumed again after Fayyad took office and created a new government. A new Action Plan in the framework of the ENP was discussed in late 2007. Through these instruments the EU is the largest donor to the Palestinians. The amounts over the past five years are shown in figure 5. Though the boycott of the 2006 elections damaged the image of the EU among Palestinians and in the Middle East in 2013 still 50% of the Palestinians view the role of the EU as positive<sup>71</sup>.

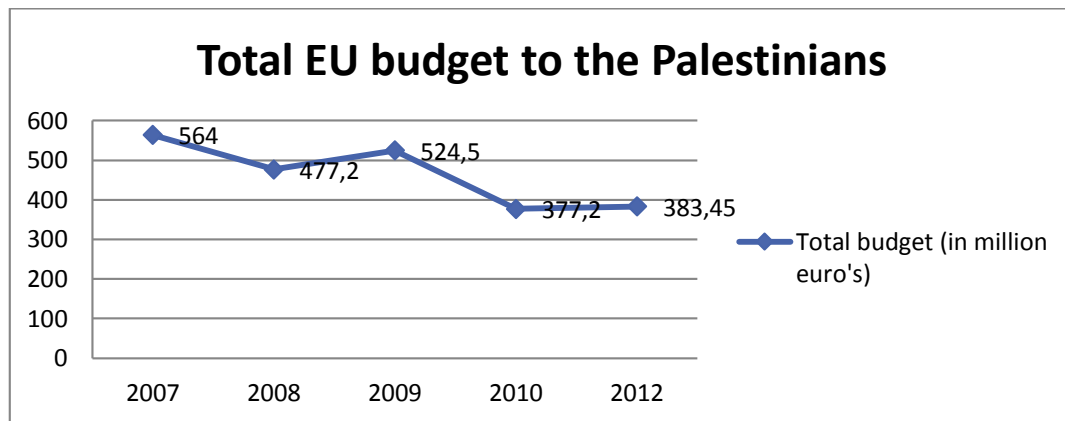


Table 5 Total EU budget to the Palestinians, based on documents European Parliament<sup>72</sup>

### 5.3 UNDERSTANDING THE EUROPEAN UNION'S DEMOCRATIZATION EFFORTS.

Using the framework discussed in chapter 2.2, this section will describe the democracy support policies of the EU towards the Middle East. Here the more general approach set out by the EU towards the MENA region is discussed, after which the following chapters focus on specific actions by the EEAS, delegation and parliament towards Palestine.

#### 5.3.1 MODEL AND LOGIC.

The most notable part of the EU's democracy promotion is the "fuzziness" of the use of different concepts and models. (Kurki 2012:1) From the moment democracy was on the agenda as policy aim, it has been used as a replacement for human rights as well as good governance. (Santini, 2013) Though the EU has taken some distance from the "hyper-liberal" democracy that is generally argued to be promoted by the USA, the model of liberal democracy remains the EU's reference point. (Kurki 2012:3). The EU's understanding of democracy is clearly influenced by modernization theories, that argue economic development will precede democratization, and by the democratic peace theory. (Pace 2009; Schmid & Braizat 2006) But the ambiguous relations between economic growth, peace and security that were pointed out in Chapter 4 go unnoticed in the general EU

<sup>71</sup> Compared with 42% in the whole MENA region. See all results of the polls initiated by the European Union on [http://euneighbourhood.eu/wp-content/uploads/2013/03/FactsheetENPI\\_wave2-PS-EN1.pdf](http://euneighbourhood.eu/wp-content/uploads/2013/03/FactsheetENPI_wave2-PS-EN1.pdf)

<sup>72</sup> European Parliament, 2011, *EU Financial Assistance to the occupied Palestinian territory*, Brussels, Belgium [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/budg/dv/2010\\_fayyad\\_eu\\_financial\\_assistance\\_/2010\\_fayyad\\_eu\\_financial\\_assistance\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/budg/dv/2010_fayyad_eu_financial_assistance_/2010_fayyad_eu_financial_assistance_en.pdf) and questions asked in Parliament to the Commission (European Parliament, April 2013, Reply to a written question, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2013-001719&language=EN>, 06 July, 2013)

approach. (Pace 2009:49) Santini also notices an under-conceptualization of the relationship between security and democracy promotion, though the policies were clearly established in the context of reaching both. (Santini, 2013:124) Rather, she argues the policy documents “*create shopping lists of laudable but hardly reachable policy goals ... [where] in most of these instances democracy and security promotion are seemingly juxtaposed, as they could be thought of as two parallel tracks*”. (Santini 2013:124) In the ENP stability was also often placed in one sentence with human rights and democracy, watering down the content of the democracy promotion policies as well as practically legitimizing the existing regimes irrespective of their democratic credentials (ibid:126)

The Arab revolutions starting at the beginning of 2011 did in some way embarrass the EU as it exposed the close relations of some member states with autocratic regimes and made the EU’s earlier mentions of democracy and human rights look very bleak. Obviously it cannot be argued that the EU should have expected these changes or that they should have been at the forefront of these revolts. But its slow reaction and clear disconnection from these broad popular movements exposed how far removed the EU’s policies were from the central target of democracy, namely the people. The Commissioner of Neighbourhood policies Stephan Füle was not too shy to recognize these problems and even called the previous approach “*at best short-termism —and the kind of short-termism that makes the long term ever more difficult to build*” (Füle February 2011:n.p.). Based on “*shared values*” he introduced what the EU called a “*new approach*” to the MENA region and its people. (ibid) The introduction of the new term “*deep democracy*” might have signalled a new understanding of the concept of democracy and its interrelations. Indeed more aspects of democracy are mentioned in the policies published after its introduction especially compared to the attention there was for democracy ten years ago. The core of “*deep democracy*” is stated as being: “*particular free and fair elections, freedom of expression, of assembly and of association, judicial independence, fight against corruption and democratic control over the armed forces*”. (European Neighbourhood Policy 2013)

The introduction of this new term did not lead to a changed interpretation and conceptualization of what actually is being promoted. (Huber 2013:9) When elaborated further on, the concept of deep democracy was given vague and multiple meanings. References to gender or freedom of religion are sometimes mentioned in the same sentence, and noticeable difference exists about whether the right to form political parties or labour unions should be specifically mentioned. (Wetzel & Orbie 2012:1-3) This leads to a lack of clarity concerning which model of democracy is actually promoted. In a social model of democracy it would be stressed that economy and the market are under democratic control as well, and in that case, labour unions would be naturally more promoted. (Hobson, 2012:449) As a complex institute with different member states that need to approve of these formulations, it is not surprising that many EU resolutions end up with concepts that can be explained in different ways. This conceptual vagueness is also a conscious part of the EU’s approach because it enables them to stress that local views should be taken into account, and that democracy can lead to different structures in different countries. (European Commission 2011) This could lead to an open and flexible idea of what should be promoted in a third country and the formulation of policy goals on basis of dialogue with local partners. But in practise many observers notice a more problematic execution of this approach. Kurki argues that through the vagueness created around the assumptions of democracy, the EU masks that the main logic behind their policies is still derived from a liberal democracy connected to a small *effective* state and free market system (2012:5-8). She suggests that making ideas more explicit and openly addressing the ideological questions asked in the current economic and political crisis would avoid contradictory policy and could strengthen democracy policies. (Kurki, 2012:12) Teti has shown that while the EU recognises socio-economic issues are linked to the uprisings, it seeks to address these “*through an acceleration of existing policies which focus on markets access and liberalization*”. (Hubler 2013:10)

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### 5.3.2 COMMON APPROACH AND TOOLS.

Youngs argues that the EU has limited bargaining power towards the neighbourhood countries and shows in practice EU policies depend heavily on linkages and a network approach. (Youngs, 2009:898) On paper however, the EU claims to be using a mix of both hierarchical and network methods. Socialization through dialogue groups

as well as hard conditions on trade and financial support would stimulate democracy top down, while contacts in society would support democracy bottom up. (Huber, 2013:7) Association agreements contained the essential element clause, which made respect for democratic principles and human rights an “*essential element*” of the agreement. (ibid) This could on paper be used to apply a more direct incentive for democracy to third countries. In practice however, this essential element clause was never applied nor any other form of conditionality in the Association agreements. (Santini 2013) The dominant method used in practice, was the partnership-approach where values could be shared and supported through interaction. (Aymat, 2010:90) This approach however, leaves little flexibility to make strategic adjustments when faced with deteriorating respect for human rights and democratic principles.

The EU responded to the critique on its approach in the revision of the ENP in 2011. Besides the introduction of the “*deep democracy*” term, it also stressed the “*more-for-more*” principle, a form of positive conditionality where “*markets, money and mobility*” are used as incentives. (Huber 2013: 11) In this way countries that made more progress on democratic reforms would be rewarded with more of the things EU had to offer in return. It will prove in the coming years if this approach will substantially change the EU’s strategy. One objection that is being raised concerning this new approach is that the question of “political will” that blocked previous use of the conditionality method is not being addressed. Lack of political will prohibited the previous attempts in the EU to support democracy in a consistent manner (Santini 2013:125) and this might not be different now. The final decision will still be made by the top-layers of the EU, and this could make it again difficult to decide on which countries should not receive more. (Kurki 2012:10)

By avoiding direct *high political* tools of democracy promotion<sup>73</sup> the EU rests more on technocratic democracy support. (Kurki, 2012:6) Kurki states that technocratic and apolitical support is still based on a preferred model of democracy which implies political choices without making them manifest. (ibid:4) However, she also notes that support for institutions in a technical manner has encouraged institutional, economic, legal and governance reforms in many countries. (ibid) With the fears that were voiced by Pace (2009,2013) and Jamal (2007) concerning fake-institution building, the question still remains what these technocratic changes can bring for improved respect for democratic values.

### 5.3.3 MOTIVATIONS AND JUSTIFICATION.

At the one hand the EU has important security interests in the region, not in the least place a peaceful settlement of the Israeli occupation. In this context is democracy promoted as it is believed to have a strong positive relation with stability and security. (Pace 2009) In this utilitarian view of democracy the actor is likely to make a rational analysis of whether democracy is still a materially beneficially concept to promote. (J. Wolff & Wurm 2011:88) On the other hand, the EU continues to stress its normative belief in the values of democracy and human rights. (Burnell, 2008:636) In the new strategies since 2011, this is also being made more explicit<sup>74</sup>. Commissioner Füle stated in front of the Parliament the following; “*the EU has always been active in promoting human rights and democracy in our neighbourhood. But it has often focused too much on stability at the expense of other objectives and, more problematic, at the expense of our values. Now is the time to bring our interests in line with our values. Recent events in the South have proved that there can be no real stability without real democracy*”. (Füle June 2011:n.d.) He stresses that democracy has always been a value of the EU and now the EU will act more on these values (Lazarou et al. 2013b:174) making them a regulative norm for the EU’s behaviour.

These two motivations to promote democracy create a mixed picture in practice. The utilitarian motivation remains important in the behaviour of the EU, making the EU hesitant in their approach towards for example

<sup>73</sup> E.g. interventions or strict negative conditionality.

<sup>74</sup> See e.g. Füle in 2011: “*The very regimes that have just fallen used to counter us in our attempts to promote democracy by telling us we were trying to impose Western views and approaches. The demonstrators on the streets of Tunis, Cairo and elsewhere have clearly expressed that human dignity and the universal values attached to it belong to nobody. This is why I am deeply attached to referring to them as shared values between the European Union and its neighbours — and this is much more than a semantic difference.*”  
[http://europa.eu/rapid/press-release\\_SPEECH-11-179\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-11-179_en.htm)

Islamic political parties. The impact of policies led by this motivation is questioned by many. (Burnell 2011, Pace 2009 and Aymat 2010) The reaction of the EU so far has not proven that the term “deep democracy” was also accompanied with a deep revision of its policy aims and the interrelations between them. However, the vocal recommitment to the values of democracy after the Arab revolts makes this revision a pressing case for the EU. Only by reviewing the content and impact of their foreign policies would the EU be able to bring its interests in line with its values as suggested by Füle. (June 2011:n.p.)



## CHAPTER 6: THE EUROPEAN EXTERNAL ACTION SERVICE AND HIGH REPRESENTATIVE

In the previous chapter a broad outline of the institutional structure and the democracy promotion strategies of the European Union were given. This chapter will zoom in on the specific policies that have been formulated by the High Representative (HR), the European External Action Service (EEAS) and the relevant Director-Generals (DG) from the Commission. Evidence with regard to their conceptualization of democratization, opinion on democracy in Palestine and their behaviour will enable the analysis of the role of this first actor-group in Palestine after which the EU Delegation and EP will be discussed in following chapters.

### 6.1 THE HIGH REPRESENTATIVE.

One of the three top EU diplomats is the position of High Representative/Vice-President of the Commission (HR) who carries an influential but also a heavy task. Since the upgrading of this position in the Lisbon Treaty, Ashton did lead a revolutionary reform in the institutional structure, which introduced a new bureaucracy, the EEAS, as well transformed the Delegations. In November 2009 she was officially presented as new HR, and the EEAS was established in July 2010. Ashton took over the position from former HR, Javier Solana who was the first HR. She needs to represent a coherent EU external policy but also carries the mandate to initiate external action and new standpoints. Therefore she needs to take into account the restrictions given by the different positions of the member states as discussed in 5.1.2, while she also has the room to show own initiative and take the lead on pressing issues. (Helwig et al. 2013:13) When it comes to democratization, she often repeats the general approach that has been set out in the Council statements, though her statements sometimes added to a more imprecise picture. In her speeches she does not hesitate to mention other terms in relation with democracy support, like gender equality or private investment (Wetzel and Orbie 2012:2) while these issues are not directly mentioned in the Council's definitions.

She made her first visit abroad in her new role as HR to Israel and Palestine in March 2010, where she also visited Gaza for some hours. During this short visit she stressed the need to lift the blockade on Gaza and called for unity agreements to take place between Fatah and Hamas soon. (EU Foreign Policy.. 2010:n.p.) These direct actions gave expectations of a more prominent role for the HR in conflict resolution, especially since a second visit to Palestine and Israel followed soon in June 2010. These visits did not lead to any changes in the EU's policy towards Hamas however, as any contact is still not allowed. The HR continued to vocally support the developments of the PNA, especially the installed Prime Minister Fayyad since 2007<sup>75</sup>. After meetings in April, 2011 with the Ad Hoc Liaison Committee (AHLC) Ashton praised the developments made by Fayyad and stated boldly: *"today Palestinian institutions compare favourably with those in established states"*. (Bouris 2013:n.p.) Without the materialization of these efforts into an effective state, she had to state again at a following AHLC meeting in March, 2013; *"only a political solution to the Israeli-Palestinian conflict can bring lasting security, peace and*

<sup>75</sup> See for example the meetings of the AHLC in Brussels, March 2013 (Opening address at the meeting of the AHLC, March 2013, published at UNISPAL, <http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/e0dd3c4a71b3d83185257b3400502484> 06 July, 2013)

*prosperity to the region ... This meeting of the AHLC has a key role to play in strengthening the commitment to achieve this goal by sustaining the Palestinian Authority.*" (ibid) The role of the PNA is again stressed as being a necessity for the political solution to the conflict, which leaves limited space to address issues of democracy of this same institution. At the same time she also was not able to open the door to upgrade the recognition of Palestine in the EU. A common position on the statehood bid of Abbas at the UN General Assembly in November 2012 was not found and the HR confirms since then that only a political solution through direct negotiations can bring change. In this context she also stressed that the EU has called on the PNA to use Palestine's new status at the UN responsibly and not to undertake steps which would deepen the lack of trust and lead further away from a negotiated solution. (Ashton 2013:n.p.) Without clear reference she does most likely aim at any steps towards the International Criminal Court to address violations of the Geneva Accords by Israel. This shows a more conservative stance on the PNA that is a contrast with her swift actions at the beginning of her term. Even more clearly it stands in contrast with efforts from the previous HR Javier Solana who was pressing the UN to set a deadline to recognize a Palestinian State if negotiations were continuously being delayed in 2009 (Reuters 2009:n.p.). Solana was also quoted saying that *"whether we like it or not, Hamas has to be part of the solution"* (Bouris 2010:383). This is a position not so clearly repeated by Ashton. Instead the HR gives mixed signals on the reconciliation process and the possible acceptance of a Hamas-led government. Previous statements always stressed that national reconciliation was urgently needed *behind* President Abbas. Now that his democratic mandate did also expire it is very likely he will need to make place for a new president in any new elections. Although national reconciliation agreements are supported by Ashton, she also stressed in a recent publication that the EU expects the new government to abide by the Quartet principles (Ashton 2013b:n.p.). Recent public opinion polls among Palestinians showed that still 57% thought that an international boycott would return again if a national unity government is formed under the head of Abbas (PSR - Survey Research Unit. 2012:n.p.).

The relationship between the FAC and Ashton has been dynamic up to now where Ashton often downplays her role as initiator of external EU policies. (Schult 2013:n.p.) Concerning the policies to Palestine and Israel there is division among the member states on the best way forward. The common denominator of the "two-state-solution" is therefore the fixed item Ashton can support but on other issues she has been called back by member states. The statehood bid at the UN and the labelling of products from the illegal settlement of Israel have been two of those issues that showed the HR is not in the position to act independently. Ashton did address the labelling of the settlement products in an internal memo to all Foreign Ministers stressing all member states to comply with earlier agreed upon commitments namely the illegal nature of the Israeli settlements and the formal decision that preferential trade-agreements do not apply to products produced there. (Rettman 2013:n.p.) Until August 2013 however there has been no common action or official FAC decision on this issue. Her space to take initiative on political sensitive issues has therefore been limited during the past four years. A difference to this represents the guidelines on EU funding for Israeli research and academic institutions, which will be briefly discussed in chapter 7.2.

## 6.2 THE EUROPEAN EXTERNAL ACTION SERVICE.

The EEAS is not only the bureaucratic system under HR Ashton but since its establishment it also manages the European Neighbourhood Policy (ENP). The European Commission has no special DG for the neighbourhood anymore. Instead the Commissioner responsible for the neighbourhood and his cabinet are the only Commission members that deal specifically with the ENP. Most of the former DG staff that worked on the ENP was transferred to the EEAS on 1 January 2011. (Helwig, Ivan, & Kostanyan, 2013:45) Benita Ferrero-Waldner was responsible for the ENP in the previous Commission.

Most interesting in the EEAS' reaction to the Arab revolts is perhaps the absence of Palestine in any statements and speeches. In speeches to Parliament and press-releases where the developments in Arab countries are discussed, the Arab revolts are not linked with Palestine. Also an EEAS report released in February, 2013 where general developments after the Arab revolts are discussed and an overview per country is given shows the absence of Palestine. (EEAS 2013b) This effort to keep Palestine out of the frame of the Arab revolts cannot be only based



on the small amount of protests that took place in Palestine. March 2012 saw several protests that were quickly silenced by the PNA and furthermore countries like Jordan and Morocco are mentioned in these reports, but did also see only limited protests<sup>76</sup>. It is more likely a step to keep the situation of the Palestinians outside the discourse of these revolutions in order to avoid the question if tougher reforms should be requested from Abbas as well. Thus in redefining the support for “deep democracy” in the region, the PNA has been mostly placed outside this new discourse by the EEAS. This is not to say that democracy is not on the agenda when the EEAS deals with the PNA, as it is a point of discussion in all Action Plans. Based on the liberal democratic model the EU tried to establish a comprehensive approach to the PNA with most attention for judiciary and security service reforms and socio-economic development. Local capacity building of the judiciary have been approached in a technocratic manner and led to successes in the sense that more judges have been installed, code of conducts have been developed and more cases could be processed.<sup>77</sup> Problematic questions of reform of laws, the independence of the higher courts and the following up of decisions from the higher court by political leaders have not been able to be addressed in these Action Plans. The capacity-building approach delivered on several indicators<sup>78</sup> but often still missed its consequences in practice when it mattered on the ground for its citizens and towards other government bodies.<sup>79</sup> This technocratic approach leaves more political issues aside.

The passing of deadline after deadline for the “real” establishment of the Palestinian state did not lead to a revision of the EU’s approach in the Action Plans. The institution-building approach of Fayyad was strongly supported by first the Commission and then the EEAS, which seemed to be promising to Palestinians and the EU. However, its failure to deliver in the recent years did not trigger any deviations from the approach of the EEAS. Capacity building and working to establish “facts on the ground”<sup>80</sup> has continued to be the strategy. This was shown by a widening of the policy issues addressed by the EEAS and the PNA in their dialogues and Action Plans. Consequently more trivial issues like *sustainable waste water management* were on the government’s agenda at a time when *state-building* was at a high but the possibility of the PNA to *represent* and *protect* its citizens against violence at a low.<sup>81</sup>

Both the Israeli occupation as well as the internal division continue to be addressed as biggest obstacles for more democratic government. There are positive words for the development of democratic processes in the progress report of 2006 after elections were free and fair but reports from 2007 on continue to state concerns for actions by President Abbas.<sup>82</sup> When the main problems of the PNA in the past two years are addressed, they are often connected with the words “financial crisis” and the occupation. It is a fact that the income of the PNA has been largely depending on the aid of donors, besides the taxes collected by Israel on behalf of the PNA and the PNA has problems covering its expenditures since 2011. (EEAS 2012b) Still this “fiscal crisis” is never related to a problem with the Oslo Accords<sup>83</sup> but lifting of the restrictions on movement and economic development are seen

<sup>76</sup> See for example Speech Füle to Parliament in January, 2012 (Füle, 2012) and European Commission report from March 2012 (European Commission, 2012)

<sup>77</sup> For example through the EC “Seyada” project – “Empowering the Palestinian Judicial System” – who aimed to improve the delivery of justice in Palestine by funding a €3.75m programme from December 2005 to May 2009, with good results in increase of productivity and capacity. This project was followed by Seyada II which aimed with another 4,4 million till 2012 to build the judiciary system. (see also Bouris, 2010:386)

<sup>78</sup> As with the judiciary reform and local governments, where buildings, materials and training was delivered.

<sup>79</sup> With regards to holding the executive accountable, and the security forces to respect human rights, as well as the ability of the PNA to protect its citizens against poverty, internal abuse of power and violence of the occupation.

<sup>80</sup> The term “facts on the ground” popularized because of its use in Israeli public debate, where it often referred to the settlements that were established as unchangeable blocs on the land of the West Bank. This was coined in EU documents referring to Palestinian roads, wells and other physical and political structures that would function as firm facts as well in these areas.

<sup>81</sup> See the Progress Reports, made by the EEAS on the PNA, from 2010, 2011 and 2012. (EEAS 2012; EEAS 2013a; EEAS 2011)

<sup>82</sup> For example the change of electoral laws in 2007 and in the Central Elections Commission, without consulting the Parliament and containing questionable movements towards more power for the President and the sitting Party (Fatah). (EEAS 2009)

<sup>83</sup> In opposition to several Palestinian organizations, who point to the inherent inequality in the Oslo Accords which limits the possibility of a sovereign and economic and financially sustainable state in the future.

as major cures. (EEAS 2013a; EEAS 2012) In line with their capacity-building approach, the government structures are often judged in their *effectiveness* in progress reports. (ibid) It is clear the execution of the vision established by the Council statements take a gradual approach to democracy, where transfer of knowledge, raising effectiveness and performance are central. Rule of law and security are important topics, as well as the continuation of the payments of salaries for all the PNA employees. This technocratic approach has shown no deviation from the liberal democratic model.

When we take a look at the justification of the ENP Action Plans by the two subsequent Commissioners, Ferrero-Waldner and Füle an interesting difference can be noted. Before the Arab movements, the Commission was keen to stress the instrumental value of democracy in the MENA region. Ferrero-Waldner is quoted as stating: *“The EU does not believe in imposing reform, but we do want to do all we can to support the region’s own reform quite simply because we believe that democracy, good governance, rule of law, and gender equality are essential for stability and prosperity.”* (Ferrero-Waldner 2007:n.p.) The stress on democracy as an important aspect of stability and economic development points to a more instrumental belief in democracy, one that has been greatly challenged by the movements sweeping through the region. It is therefore not surprisingly that Commissioner Füle puts more emphasis on the normative belief in democracy<sup>84</sup>. But until so far this recommitment to normative goals did not lead to a change in policies towards Palestine from the EEAS’ office. (Teti 2012:279; Biscop et al. 2012)

### 6.3 HUMANITARIAN AID THROUGH ECHO.

Humanitarian aid is provided to support the most marginalized Palestinians through DG Humanitarian Aid and Civil Protection (ECHO). In 2012 the group ECHO is trying to support was defined as the inhabitants of the Gaza Strip, Palestinians living in Area C of the West Bank, the Palestinians living in the Seam Zones of the West Bank<sup>85</sup> and Palestinians living in East Jerusalem. (ECHO, 2012a). ECHO has been involved in Palestine since 1992. Under the mandate of ECHO both complex disasters as well as natural disasters are addressed, with the mission in Palestine being classified as a man-made disaster (ECHO n.d.).

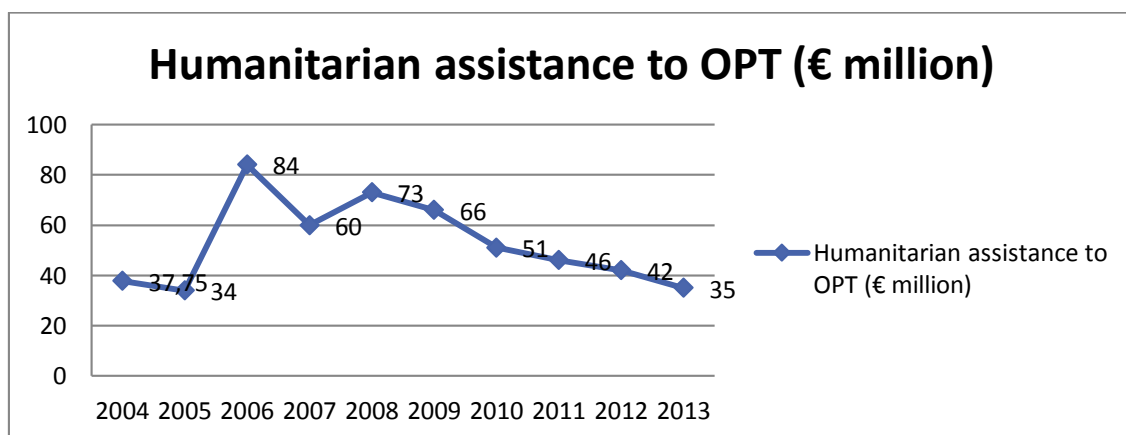


Table 1 Humanitarian Aid from ECHO to OPT, based on  
[http://ec.europa.eu/echo/files/funding/figures/budget\\_implementation/AnnexIII.pdf](http://ec.europa.eu/echo/files/funding/figures/budget_implementation/AnnexIII.pdf)

The strategy of ECHO does not make mention of democracy, governance or state-building. Still it is part of the European strategy in Palestine and influences the other policies of democracy support. The approach of ECHO implies that as soon as possible a middle-term vision will be adopted, and the focus should move away from solely short term aid. (ECHO 2012a) The Humanitarian Implementation Plans (HIP) for Palestine show however

<sup>84</sup> Throughout the speeches given directly after the first Revolts in January 2011, and throughout 2012. (Füle, 2011, 2012 and European Commission, 2012)

<sup>85</sup> See figure 10 for the location of these Seam Zones at the east side of the Separation Barrier in the West Bank.

that this process is difficult to implement in the Gaza Strip and in the West Bank and longer term development is barely addressed. (ECHO, 2012b:2) It is their strategy for the coming year however to address this problem as they note: *“relief assistance alone is insufficient to protect communities from IHL violations. Therefore in 2013, the Commission will prioritise sectorial humanitarian operations that streamline protection and advocacy.”* (ECHO, 2012b:1) With this aim they work closely together with the EU delegation and the PNA as well. As the PNA has no direct control over Area C and the Seam Zones, through planning the programs together with the ECHO delegation they are able to influence the situation in some way. This could be described as state-building and an attempt to reach all the “citizens” of the state.

The ECHO is not shy in their wording to mention the dynamics they notice on the ground. In their reports, reference is being made to the *“de-development”* of certain parts of Palestine, the *“violations of International Humanitarian Law by Israel”* and *“a lack of respect for Human Rights law”*. (see ECHO, 2011, 2012b:1) These observations stand in contrast with the recent statement from HR Ashton, who issued that *“The HR/VP believes that Israel respects Article 2 of the EU-Israel Association Agreement”* (Ashton 2013a) referring to the article that mentions respect for human rights and democracy is the basis of the agreement (EURO-MEDITERRANEAN AGREEMENT 2000:n.p.). The fact that these two statements can stand together tells us something about the institutional constraints on ECHO to move local information to higher decision-making layers. ECHO has also voiced its difficulty to fulfil its mandate under the restriction of the no-contact policy with Hamas and they state it affects and restricts on-going operations. (ECHO 2011b) Hamas requested the ECHO office several times to register its workers and activities, but due to the no-contact policy, ECHO could not comply. (ibid)

#### 6.4 DEALING WITH DILEMMAS.

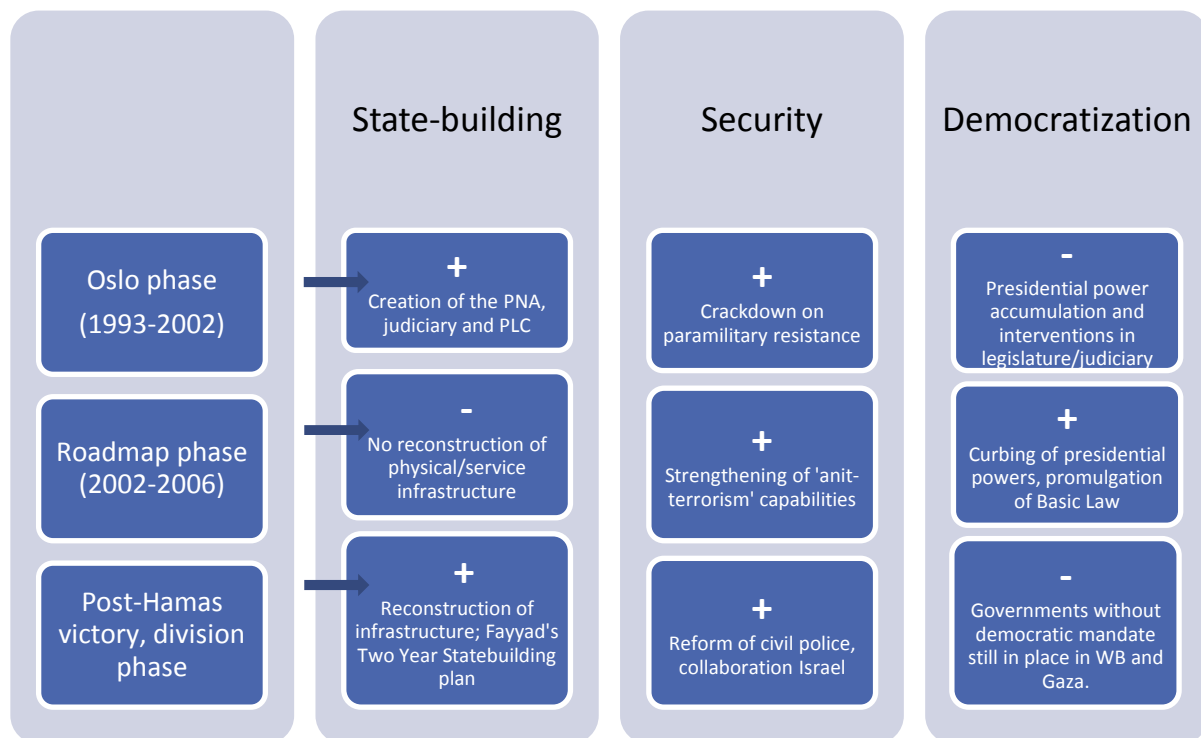
In her discussion of EU policies till 2010 in Palestine, Pogodda defines three policy goals: state-building (capacity-building), democratization (protection of civil liberties and separation of powers) and security (more control and less violence). (Pogodda, 2012:539) By defining these goals separately, a clear shift of focus can be noticed in the policies made by the Commission and EEAS through the ENP in the past twenty years. In the first decade of the PNA the emphasis of external donors was placed on state-building efforts and guaranteeing security while democratization was not established on the ground. The second intifada and reoccupation of Palestinians cities saw a breakdown of the state while democratization and security where trying to be supported through structural reforms in the PNA. State-building became a point of attention again when the donors started to fund the proposals from Fayyad. She notes that democratization has lost significance in the latter. (Pogodda, 2012) This last shift can also be noted in the data represented here. The statements of Ashton have shown a preference of stable partners in the negotiation process over including Hamas. The “peace process” is a major aim in her policy towards Palestine and in this light her preferences are framed. In the logic presented by her, direct negotiations should lead to the establishment of a viable and democratic Palestinian state but it remains unaddressed by her what the role of democracy is right now. This is again confirmed by her reaction to the appointment of the new Prime Minister Hamdallah, in June 2013. From her office came the message:

*“...Mr Hamdallah has been appointed Prime Minister at a time when there is a real opportunity for a renewed peace process, but also at a time of difficult choices and challenges for Palestine. I look forward to working closely with Dr. Hamdallah and to supporting the continuing work to build the institutions of a future sovereign and independent Palestinian state based on respect for democracy and human rights and living in peace and security with its neighbours.”*<sup>86</sup>

The meaning of *“respect for democracy”* is unclear, as no reference is made to the situation surrounding Hamdallah’s appointment which was not on a democratic basis and by a President who has stayed in his position

84 Statement Aston from 04.07.2013 retrieved at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/137378.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137378.pdf)

without a mandate. Hamdallah did present a safe and predictable partner however, as he was known to the EU for his work in the Central Election Commission.



Scheme 9 Implementation of objectives by EU in Palestine, based on Pogodda, 2012

The EEAS stressed that democratization is part of its agenda since the first Action Plans developed in dialogue with the PNA. Through its technocratic approach it avoided a pure focus on elections while it contributed to reforms in judiciary, security and local governments. Question of legitimacy and popular participation were however not addressed while also the renewed focus on the people that came with the Arab revolts is generally not applied in Palestine. Such a technocratic approach has led to a “governance state”, as argued by Turner, where sovereignty of a population is left out of the equation and where the focus is on co-opting and controlling the local elites. (Turner 2012:6) Kurki has argued that the attitude of the EEAS and HR is apolitical, where revolts are called “unrests”<sup>87</sup> and the PNA is in a “financial crisis” rather than a legitimacy or political crisis. (Kurki 2012:12) This approach would stress effectiveness over political rights. The delay of elections concerns the HR and EEAS and human rights abuses by the PNA are strongly rejected. But any other tools than these speeches and policy documents are not used, as they clearly believe that conditioning aid on the Abbas-led PNA is not a good option.

The aid of ECHO does not address democracy directly but worked to ease some of the hardships and by planning this partly together with the PNA, the trust that people have in institutions could increase. But as the main part of aid is delivered by the EU, the more other institutions need to take care of basic health, education and protection services the less trust people will have in their governments. (Kurki 2012:11)

When the different approaches of the HR, EEAS and ECHO are compared with each other, it is clear they address the people and the government structures in different ways. The EEAS takes a technocratic approach, while ECHO takes a humanitarian approach. The conceptual discussion in chapter 4 showed that state-building is necessary as it builds the necessary structures for a government to exercise its tasks and create a system that really can represent the people. However democracy is not solely a technocratic activity because it needs to deal with questions of representation, accountability and inclusion in the process and outcomes. These questions are not directly addressed by the EEAS though dialogue groups and progress reports make notice of these developments.

<sup>87</sup> Meaning an apolitical word to describe political protests.

The work of ECHO indirectly raises the question if democracy can or should be applied in a situation that still requires basic humanitarian aid. Though ECHO states it is working to formulate a long-term strategy it should be very important for them to discuss the influence of their humanitarian assistance on democratic processes and how these processes could be supported by their work.



## 7. THE EU DELEGATION

EU delegations are a relatively new phenomenon in the institutional framework of the EU but in Palestine a mission exists since 1992. The delegation in Palestine started as an coordination office for the humanitarian aid to the Palestinian people and is now officially the EU Delegation to the West Bank, Gaza and UNRWA with its office in Jerusalem (East) and Gaza City.<sup>88</sup> The office brings together delegates from Commission DGs ECHO (Humanitarian Aid), DECVO (EuropeAID, Development and Cooperation) and the EEAS. The majority of their work consists of managing and monitoring the EU assistance programs to the Palestinians and representing the EU locally. This chapter will explore in what ways specifically this team of delegates in Palestine is contributing to democratic development by looking at their conceptualization, behaviour and institutional environment.

### 7.1 INSTITUTIONAL SETTING OF THE DELEGATION.

The official main office is in Gaza though their current temporary residence is in Jerusalem. The head of delegation is Mr John Gatt-Rutter, who is leading the delegation since December 2011 and who already worked for the previous HR Javier Solana previously.<sup>89</sup> None of the current staff members did work in this local office before 2010, pointing to a quick overturn of staff as well.<sup>90</sup> The ECHO mission has a slightly separate position, with a more direct link to the Commission DG ECHO.

### 7.2 ACTIVITIES OF THE DELEGATION.

Bicchi notes a continuing development of slowly delegating more and more tasks to the EU delegation, both in management of projects and selection of grant-recipients. (Bicchi 2010:978) Funding instruments like the EIDHR all projects used to be selected in Brussels but now the delegation is more actively involved in selecting the local partners. Currently, the EU delegation manages 90% of the projects funded through the EIDHR.<sup>91</sup> Because of the large flows of assistance and aid to the Palestinians this EU delegation continues to be mainly focussed on running the management of EU-funded programs, as well as providing input for the ENP dialogue groups with the PNA. The dialogues committees with the PNA serve as input for the discussion taking place between Brussels EEAS staff and PNA staff to establish the ENP Action Plans. (EEAS 2013c) Final decisions on the ENP Action Plans are made by the senior EEAS staff in Brussels however. (Helwig et al. 2013:31) Besides these dialogues the EU Delegation is engaged in providing local information to the higher decision making levels in Brussels through internal reports, and they present the EU in Palestine through local statements, visits and promotion activities.

#### 7.2.1 LOCAL STATEMENTS.

The increase in importance of the delegation was accompanied by an increase in local statements given by the delegation. EU diplomats in Jerusalem clearly want to increase their visibility, in the first place towards the Palestinians as well as to Brussels. With this reason did the delegation publish “local EU statements” commenting

<sup>88</sup> See the website of the Delegations: (“The Role of...”, n.d.)

<sup>89</sup> As found in his biography from the UN Seminar on Aid to the Palestinian People, February 2013. (source: <http://www.un.org/depts/dpa/qpal/docs/2013Rome/FINAL%20ISSUED%20bionote%20EN.pdf>)

<sup>90</sup> Based on information from UNISPAL published donor guide 2009

([http://unispal.un.org/pdfs/EUpegase\\_DonorGuide.pdf](http://unispal.un.org/pdfs/EUpegase_DonorGuide.pdf)), and European Commission reports 2006, 2008, 2010

<sup>91</sup> See information sheet published by the EIDHR in 2012. (Huyghebaert 2012)

on local events and reiterating the official EU position.<sup>92</sup> An overview of the statement published so far can be found in the appendices. Both the breach of human rights by the Israeli occupation as well as by Palestinian actors are addressed by the delegation, though 14 times the former and in total 6 times the later. The statements concerning Palestinian human rights abuses are all but one directed at the practice of the death penalty. Only in May 2013 Palestinian human rights abuses were addressed through the enforcement of a report by the International Council on Human Rights. It should be noticed that the statements related to the death penalty concern the government in Gaza while no other official contact exists between the Gaza government and the EU. It is striking that these statements are the only official messages from the EU to the Gaza government because no other attempts to influence the democratic practices in Gaza are being made. The content of all EU statements normally reflects the official standpoint of the EU and call on all parties to abide by the agreements with the EU.

### 7.2.2 INTERNAL REPORTS.

A second tool of the EU missions is the provision of information to the Council, FAC, Commission and Parliament through internal reports or so-called “Heads of Missions” reports. These reports contain information on pressing issues that could possibly be addressed by the Council or FAC and are normally only circulated internally. (Rettman 2010:n.p.) However in the case of the EU missions in Palestine these reports are regularly leaked to NGO’s and the press. The following gives an overview of the leaked reports.

Table 9 Heads of Missions reports leaked since 2009<sup>93</sup>

Released	Topic
December 2012	Jerusalem, settlements around in and East-Jerusalem.
February 2012	Settlements and settler violence in the West Bank
July 2011	Area C in the West Bank
April 2011	Settlements and settler violence in the West Bank.
December 2010	Settlements in the West Bank.
March 2009	Jerusalem and the behaviour of Israel towards the Palestinians in the city.

In general it is not common in the EU that internal reports from the delegations are leaked, but it happened regularly with the EU delegation in Jerusalem. It is unclear who is responsible for the leaks but whether the EU delegation is actively or passively engaged in it the leaks prove an urge to voice local dynamics clearly to at least the ears of the diplomats in Brussels. It is noteworthy that these reports address the pressing issues of the occupation, while no internal issues or problems of the PNA are mentioned. Not all internal reports are public and therefore no conclusions can be based on this, only the observation can be made that the delegation is keen to bring the deterring effects of the Israeli occupation into the attention of European diplomats<sup>94</sup>.

The situation in Area C and the growing presence of Jewish-only settlements in this area is the main topic of the internal reports leaked to the press. More than 100 informal outposts that are illegal under Israeli law as well and additional 124 formal settlements that regarded as illegal by the EU are built in this area. (EU Mission 2011) Though the international community and in particular the European Union have always deplored any construction of Jewish-only outposts in the area behind the 1967-lines the tools used to address this issue have

<sup>92</sup> This has not always been without controversy. In 2009, the Head of Operations, Dickinson, released a statement as head of Operations at the then European Commission's office in east Jerusalem stating that the Commission believed Israel's settlement policy is strangling the Palestinian economy and makes the Palestinian government more dependent on foreign aid. This had to be retracted by the External Relations Commissioner Benita Ferrero-Waldner and she stressed it was released without her consent and the Israeli Ambassador to the EU received apologies from her (see as well: <http://www.ynetnews.com/articles/0,7340,L-3743705,00.html>)

<sup>93</sup> Reported on EUobserver.com and Haaretz.com

<sup>94</sup> In April 2011, the Netherlands did not agree with the information provided in the statement and asked the Delegation to add at the front page the report did not reflect to position of the Dutch delegation (source: <http://www.dci-palestine.org/documents/leaked-eu-report-settler-violence>). This shows that the internal reports are also passed to delegations of member states before published, but it is unclear if they contribute actively to the reports as well.



changed in the recent past. Fed by a growing awareness under the European population and more urgent reports from the EU delegation a more explicit Council Conclusion was reached in May, 2012. (AIDA, 2013:1) More detailed recommendations than before were given in the May 2012 conclusions, which expressed the same language and addressed the same concerns as the Heads of Missions internal report from July 2011. Though the statements were reproduced from the delegation no concrete follow up was done by the EU.<sup>95</sup> However in December 2012 another set of Council Conclusions was adopted particularly opposing the developments in Area C of the West Bank and commending a consistent application of the official EU standpoint in all EU policies. This demand has been made repeatedly in the internal reports from the delegation. Most recently this call was followed up with changed guidelines on EU funding for some Israeli projects under the Horizon 2020 framework<sup>96</sup> where a more strict division is made between recognized Israeli sovereignty within the 1967 borders and the Israeli occupation of Palestinian and Syrian areas. It is currently unclear what the effect will be of this document because Israel and the EU are still discussing the implementation. The process so far shows the dynamics between the EU delegation and the political decisions in the FAC where repeated information from the delegation finds its way to Brussels

Another example of this relation is the policy subject of a visa ban on certain Israeli settlers when they wish to travel to Europe. The EU missions have suggested this tool since December 2010 and it was subsequently opened up as a possibility for EU countries in the PSC and FAC in November 2012.

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### 7.2.3 PARTNERSHIP FOR PEACE.

The Partnership for Peace (PfP) fund has been created especially for Israel, Palestine and Jordan and aims to support non-violent conflict resolution and mutual trust. (EU Delegation 2013b) The 'call for proposals' are formulated by the local delegations who select recipients of funds as well. These two are important tasks because although the general project objectives are formulated at the headquarters in Brussels these objectives can be specified by the local delegations. (Bicchi 2010:982) Over the past few years, there is a development noticeable in the guidelines for PfP in Palestine that shows the flexibility EU delegations can apply to the formulation of project goals. Previously, critique came from Palestinian organizations who claimed this funding program forced them into "normal" relations with Israeli organizations without addressing the unequal footing they have in practice.<sup>97</sup> In an attempt to involve the critics, projects that are funded under these guidelines are allowed since 2010 to focus on building trust between Fatah and Hamas members (EU Delegation 2013b) and in the 2013 call for socio-economic cooperation eligible projects should focus on Area C, the seam zones or East-Jerusalem to increase the viability of the two-state solution. While these requirements are not a general project objective formulated in Brussels the local delegations used their possibilities to narrow down the type of projects that are eligible for receiving funds. This change in project guidelines addressed indirectly some of the Palestinian concerns, as the EU now forces the projects to be specifically aimed at increasing the changes of the Palestinian Territories to become a coherent state. The projects support the internal drivers of democracy, trust and cooperation, though no direct references are made by the delegation to democracy. The logic behind these new funding guidelines appears to acknowledge the importance of democratic values in society, but in practise only limited projects have been funded under the adjusted guidelines so far.

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### 7.2.4 EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS.

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<sup>95</sup>Also with reference to the destruction of property constructed with EU funds in the direct months after the statement. See for example the report by INGO Oxfam Novib that showed what events took place on the ground in Area C after the EU published their statement in May, 2012.

<sup>96</sup> An EU funding instrument mainly focussed at academic and research institutes.

<sup>97</sup> Which points to the belief of some Palestinian groups that certain projects/actions are aimed at ignoring current injustices for the aim of creating stable relations. Their argument is that acknowledging the ongoing injustice is more beneficial for a stable solution than ignoring them. This is e.g. clearly expressed by Palestinian public figure Ray Hanania at <http://www.creators.com/opinion/ray-hanania/the-abnormality-of-normalization.html> (viewed 12 July 2012)

Besides the Action Plans in the ENP the European Initiative for Democracy and Human Rights (EIDHR) is the most direct tool of the EU to address democratization in third countries. It was established in 1994 upon initiative of the European Parliament and aims directly at non-governmental organizations and delivers without the consent of the host country. (EU Delegation 2013a) In Palestine, the budget is €0,9 million every year between 2007 and 2010 (European Commission 2010) and €1,5 million in 2011 and in 2012<sup>98</sup>. Though situated as a Commission fund currently around 90% of the projects funded through the EIDHR are managed by the EU delegations.<sup>99</sup> The EIDHR differs greatly in its support for democracy from the approach taken in the ENP. Because they directly deal with human rights and democracy, their projects are focussed on the protection of civil rights, with specific attention for media, women and protection of human right defenders. The interrelations between democracy and human rights is not clearly addressed and in their main funding the emphasis seems to be on human rights. In Palestine, the EIDHR indeed works on issues related to democracy; the occupation, human rights violations and socio-economic development. (EIDHR 2013) Based on a liberal democracy concept, the EIDHR is reluctant to develop a thought-through approach towards Islamic civil society and also possible more critical (towards Europe) civil society. (Kurki, 2012:18) Palestinian social groups that question the model of democracy used by the EU are not involved in the programs. For example, Al-Fattal noted that in Palestine religious leaders and civil society groups with a religious stance have been consistently ignored in the democracy support of the EIDHR and by the EU at large. (Al-Fattal, 2010) Their roles in society cannot be ignored, however the EU instruments appear to prefer secular and *EU-friendly* civil society in their funding. Still, there are still voices within the EU that argue the EIDHR is funding initiatives that are too political or even “*not matching EU goals*”, as a small group of MEP’s argued. (NGO Monitor 2013:n.p.) Among these initiatives is the Palestinian Popular Struggle Coordination Committee, who is known for its weekly marches against the separation barrier all over Palestine and represents according to some MEPs not the values of the EU.

Different from general EEAS documents the EIDHR does include Palestine in its review of the fund’s response to the Arab revolutions, which was published half of 2012. (EIDHR 2012) Its main challenges are the support for elections, national parliaments, independent media and political parties. (EIDHR 2013) These are all pressing, concrete issue in the situation of Palestine as well and are only very limited addressed in projects so far. Though no specific application to Palestine has been made yet, it appears in their general review from 2012 that the EIDHR is trying to shift the balance in its funding and will move away from their heavy focus on human rights. Criticism about the role of civil society in the democratization of a country has been voiced by many scholars, because *fake* or *shallow* civil society developed under EU funding in the MENA region. (see for example Hinnebusch, 2006; MacQueen, 2009) Pace (2010) makes similar observations for the programs supported in Palestine. She believes the EIDHR had a selective focus and the funds distributed had no noticeable effect on political reforms on the ground what leads her to claim that “*there is nothing inherent in civil society that attaches it to a democratising project*”. (Pace in Aymat 2010:94) This is observed as well in the list of projects funded over the past years in Palestine. In 2010 and 2012, in total 8 projects were funded with 5 of them aimed at protecting children and advancing the rights of disabled people (EIDHR 2013). Though indeed related to a general acceptance of human rights, it is difficult to relate these projects directly to democratization. The impact of the EIDHR on democracy is therefore unclear in Palestine, which partly relates to the limited conceptualization of the relation between democracy, human rights and other areas of society.

### 7.3 CONCEPTUALIZATION OF DEMOCRACY SUPPORT.

The EU delegation has grown in importance by presenting the EU on the ground but also by bringing more information up to the higher decision-making levels of Brussels. The quick turnover of staff in the delegations implies that EU staff is moving swift between countries and will lack a lengthy experience with local dynamics, but residence in the third country and the relative distance from Brussels makes them relatively autonomous to

<sup>98</sup> See website EIDHR: <http://www.eidhr.eu/library>, retrieved 17.07.2013

<sup>99</sup> As also discussed in the presentation from EIDHR in 2012 (Huyghebaert 2012)

gather important information. The EU delegation is however restricted by the no-contact policy with Hamas as well, and therefore needs to focus all its attention on the PNA structures in Ramallah. References to the values of democracy are not abundant in the statements, speeches or activities of the EU delegation. When democracy is mentioned, the line set out by the EEAS is followed that underlines the support for state-building, democracy, human rights and a peaceful settlement of the conflict often in the same sentence. The focus of the EU delegation is again on capacity building of the Abbas-led PNA, while the delegation made an effort to stress the limitation the occupation places on the state-building project. One example of this can be found in their local statement from 30th January, 2013 where the missions

*“express their concern at the continuing incursions by Israeli forces into Area A. Incursions by Israeli forces into Palestinian cities where the Palestinian Authority, under the Oslo Accords, assumes the powers and responsibilities for internal security and public order put in jeopardy the internationally recognized success of Palestinian institution building efforts.”* (EU Delegation 2013c:1)

The adjusted guidelines for EU funding to Israeli academic and research institutes is an example of how internal reports have found their way to the FAC level in Brussels. Though the change in policy cannot be attributed solely to the EU delegation, their information and continuing pressure on Brussels to take action on sensitive issues has a substantial role. Their information made it possible the EU focussed its policies more on Area C than earlier years. Though the EU delegation is aware of the urgency of current developments with regard to Israeli settlements and escalations of assaults, the absence of questions or references to democratic values remains remarkable. This either points to the sensitivity of the issue or the latter position the objective of democracy takes in the work of the EU delegation preceded by addressing the viability of a two-state solution and challenging the occupation.

Local projects try to stimulate social capital and trust among Palestinians while this is also not directly linked with supporting democracy. Awareness of the local situation clearly influenced the way projects are funded through the Partnership for Peace, though its practical application has been lacking. The fund is merely trying to keep the two-state solution alive and promote democratic values in society as it acknowledges a peaceful settlement in a two-state solution is needed to restore the full practice of democratic values in both countries.

The EIDHR appears to water down significantly its original aims in Palestine, as its limited budget focused on supporting children's rights while it seemingly missed a vision for democracy in Palestine. The limited contribution to democracy can be connected as well to the professionalization of the NGO's in Palestine that was already mentioned in chapter 2 and the apolitical approach of the EIDHR. The new initiatives created on paper reveal recognition of these difficulties and show a growing *political* interpretation of *democracy*, meaning more attention for processes of public participation and political parties. The general intention is to support political parties and national parliaments, but it remains so far unclear how they envision this type of support in Palestine where several political parties are viewed as extreme organizations in Europe. Until now the EIDHR has ignored certain social groups, among them religious groups, who continue to be a significant part of Palestinian society.



## 8. THE EUROPEAN PARLIAMENT

The European Parliament proves to be an actor within the EU framework that is supportive of the EU to do more in the neighbourhood as well as in Palestine. (Kostanyan 2013:6) In their voting of the budget, there have been little critical voices of the expending budget for the ENP and EEAS, and many MEPs are supportive of more funds. (Kostanyan 2013:6) In this way, they support the EEAS vis-à-vis several member states who are in generally not in favour of growing budgets. In public debates it can build consensus among Members of Parliament (MEPs) (ibid:7) and invited EU institutions while through interaction with the Commissioners and EEAS staff issues of interest for the EP can be highlighted.

### 8.1 CONCEPTUALIZATION OF DEMOCRATIZATION.

Like all actor-groups, the Parliament stresses that human rights and democracy are founding values of the EU and especially of the Parliament, and serve therefore as principles and objectives of the Union's external action. (European Parliament June 2011:n.p) It is also stressed that democracy is the best safeguard for human rights, but that democratic systems may *"vary in form and shape"*. (ibid:n.p.) At the same time however, it argues that a consistence application of democratic standards is needed in the EU's external actions, not differentiating between *"minimum standards for the most difficult countries and more ambitious standards for the most advanced countries"* (ibid:n.p.) During debates, the policy of the EU is both applauded for its efforts to promote human rights and democracy, as well as called *hypocritical* and unable to practice the norms it preaches in many occasions.<sup>100</sup>

Youngs noted in 2006 that the Parliament is still at a very preliminary stage in strategic thinking concerning democracy promotion policies, and that few resources are put to this task. (Youngs 2006) Currently it is clear that the EP has placed more efforts on democracy support, by adopting several resolutions on democracy promotion in the EU's external relations that were proposed by a sub-committee from the Foreign Affairs Committee, headed by Véronique De Keyser. (European Parliament 2009, 2011) In general, it calls for more direct democracy support and more use of conditionality on existing agreements. (European Parliament 2009:n.p.) They stress the importance of partnerships and dialogues, but call for greater and more consistence use of them and consider that EU's soft power can only be really useful if human rights constitute a *'real priority'* in its policy towards third countries. (European Parliament 2011:n.p.) When discussing the interrelations of democracy with the other policy goals of the EU, they note in a Resolution from July 2011:

*"the events unfolding in North Africa and the Middle East have demonstrated the limitations of a focus on security – notably the fight against irregular migration – and stability, which has failed to reduce poverty and social injustice; stresses that 'security versus democracy' is a false dilemma since there can be no human security in a society without a democratic and accountable government; believes that, although there has been economic growth, its benefits have not been distributed fairly; considers therefore that the question of social justice and the fight against inequalities has to become an essential objective of the Union's external policy, as it is an*

<sup>100</sup> See for example the transcript of debates in the EP in December 2012: source <http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20121212&secondRef=ITEM-011&language=EN&ring=A7-2012-0378> (viewed 15.06.2013)

*indispensable factor in the building of a peaceful, prosperous and democratic society*" (European Parliament 2011:n.p.)

This analysis clearly addressed the problems with interrelations of several policy goals in the MENA region. The EP places *human security* central, as opposed to a conflicting "security versus democracy" standpoint that shows a more people-centred approach. It does not elaborate on how human security relates to state security, or the possible contradiction between human security of citizens of Europe and the citizens of the MENA region. But the intention is expressed by the EP to reassess the fixed dilemmas in the EU's approach. The EP suggests following both a development and a political approach, which would promote both inclusive *pro-poor* development and *political pluralism, pluralist capacity-building*. (European Parliament 2011)

This political approach finds its reflection in the European Endowment for Democracy (EED) and the EIDHR, who have their origins in proposals from the EP. Currently their tasks are executed by different EU (related) bodies though their original aims reflect some of the beliefs of the EP. The EIDHR works in general towards developing and consolidating democracy and in particular focusses at helping civil society. The EED takes a much more direct approach, as specific proponents of democracy are directly supported in a third country, who often are seen as political dissidents in the third country. (Knodt & Jünemann 2007:283) Thus more direct support for democracy is promoted by the EP, both through relations with political leaders and in civil society.

### 8.1.1 VIEWS ON DEMOCRACY IN PALESTINE.

Like all EU actor-groups the EP stresses that solving the Israeli-Palestinian conflict is in the fundamental interest of the EU. (European Parliament 2012:n.p.) Their published statements and reports show they connect the occupation with negative effects on the democratic level of the government structures, and call for more pressure to address the occupation. (European Parliament 2012,n.p.) They carry in general the belief that the EU has more leverage with both parties to address the conflict and push for a resolution. One way they tried to put this statement into practice was through their dealing with Trade Agreements that were being discussed with Israel and Palestine. The EP did several times delay the acceptance of Trade Agreements with Israel, in protests over upgrading the EU's relation with the country while it engaged in clear human rights violations. Most recently the Association agreement with Israel on Conformity Assessment and Acceptance of Industrial Products (CAA) was delayed between 2008 and 2012, passing finally with a small majority. (Andrikiene 2011:n.p.) The upgrade of trade agreements with the PNA is seen as symbolic and political as well, as it is now on equal footing with other recognized states in the Middle East<sup>101</sup>. The discussion of the draft year budgets saw a widespread support for the continuing funding of the PNA, with several political groups (S&D) and the Committee on Foreign Affairs placing Palestine as a top three priority for the EU<sup>102</sup>.

## 8.2 ACTIONS TAKEN.

Characteristic for the EP is the fact it needs a majority to accept resolutions and statements in full congregation. Only these common resolutions and decisions show the vision of the full parliament. Committees and sub-committees however prepare reports on topics that are afterwards voted on in parliament. Individual Members of Parliament (MEPs) can issue questions and motion, as well as participate in the regular debates.

### 8.2.1 ARRIVING AT COMMON STANDPOINTS.

Despite and because of the efforts of several MEPs and lobby-groups the resolutions of the EP show the difficulty to come to a common position on crucial topics. When the PNA requested recognition of its statehood in the UN

<sup>101</sup> Debate EP, September 2011, views expressed by Milana (S&D), Andrikiene (PPE) and Fjellner (PPE)

<sup>102</sup> See Debate December 2012 (source:

<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20121212&secondRef=ITEM-011&language=EN&ring=A7-2012-0378> (viewed 15.06.2013)

Security Council in September, 2011 and at the UN General Assembly in 2012, the EP produced resolutions calling for the EU to take one common position. The wording of the resolution urged the member states to be united in addressing the *“legitimate demand of the Palestinians to be represented as a state at the United Nations”* but also stressed that direct negotiations should lead to a two-state solution and no action should be taken that undermine the prospects of an negotiated agreement. (EP, September 2011:n.p.) It shows the support for a two-state solution while at the same time it places the Palestinian state in the context of negotiations. It was argued by some MEPs that this is a compromise, because several MEPs had hoped for a stronger and more direct call on the member states to accept the UN-state hood bid. (Hakala 2012)

### 8.2.2 QUESTIONING HR AND EEAS.

The questions asked to the HR, Commission and Council are an important tool for the EP to bring issues to the attention of the ones who will formulate policy. Issues concerning the human rights violations of Israel are regularly brought up, as well as the recognition of the Palestinian State and details of the funding of the PNA. In this last category questions are often directed at the monthly salaries paid by the PNA to prisoners and the accusation of hate speech occurring in book, TV shows and cultural activities linked with the PNA.<sup>103</sup> Also, there are critical questions raised about the support of the PNA, while there are human rights violations. Both these questions however tend to come from organization like European Friends of Israel and the European Coalition for Israel and MEPs affiliated with these groups.<sup>104</sup> They urge the EP to be more critical towards the democratic level of the PNA. (European Coalition or Israel 2012:n.p.) It is surprising however that groups like the DPLC, who are in general more supportive of the Palestinian calls for self-determination, tend to keep silent about the democratic level of the PNA and the effect EU's support without conditions on democracy might have on the PNA.<sup>105</sup>

### 8.2.3 WORK OF THE DELEGATION TO THE PALESTINIAN LEGISLATIVE COUNCIL.

The DPLC tries to meet every month for about an hour and tries to bring two delegation visits as well every year.<sup>106</sup> The members of this delegation are also responsible for several motions and questions concerning Palestine, thus for bringing several issues of Palestine to the attention of the HR and the full parliament.<sup>107</sup> Besides this, they try to develop relations with members of the PLC, the PLO and Palestinian NGOs.

The visits to the West Bank and Gaza are an important part of the work of the delegation, as they see it as their right to meet with the Palestinian counter parts in Gaza and Ramallah. In this function they have visited the Gaza Strip and the West Bank at least once every year, though they have been denied entry to Gaza several times<sup>108</sup>. The delegation also met with members of the PLC that are affiliated with Hamas, for the last time in 2011<sup>109</sup>. The

<sup>103</sup> These questions can be found in the database of the European Parliament. (EP May 2012, February 2013, April 2013)

<sup>104</sup> See for example MEP Fiorello Provera who addressed the issue of to the funding of the PNA in relation with the detention of a Palestinian journalist, he also showed support for and made visits to illegal settlements in the West Bank (e.g. Lag B'Omer) (source of recent visit to Israeli settlements in Palestine [http://www.israelnationalnews.com/News/News.aspx/167543#Udbin\\_k3BqU](http://www.israelnationalnews.com/News/News.aspx/167543#Udbin_k3BqU))

<sup>105</sup> See e.g. statements made during visit its visit in May 2010 to Palestine, where they stress aid to the PNA should not be cut back. (DPLC 2010:1)

<sup>106</sup> See their calendar at their website:

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/dplc/dv/dplccalendar2013](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/dplccalendar2013)

<sup>107</sup> This does not mean however that the full DPLC is supportive of the Palestinian Authority in all cases, or that all members have a so-called “pro-Palestinian” standpoint. For example, DPLC member Auke Zijlstra who is a member of the Dutch political party PVV is known to share the PVV’ so-called “pro-Israel” standpoint. See: [http://www.europarl.europa.eu/meps/en/103246/AUKE\\_ZIJLSTRA\\_activities.html](http://www.europarl.europa.eu/meps/en/103246/AUKE_ZIJLSTRA_activities.html)

<sup>108</sup> See Thein 2009 for the report from their denial in 2009 and De Keyser 2010 for their denial of entry by Israel in 2010.

<sup>109</sup> Based on minutes from November 2011, taken from

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/dplc/dv/201/201110/20111030-final\\_programme.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/201/201110/20111030-final_programme.pdf)



DPLC has shown support for engaging with Hamas and former head of the DPLC De Rossa stated; *“we must respect the outcome of the elections, otherwise we will have no credibility in the area.”* (Delegations 2011:n.p.) After the boycott of the Hamas led PNA in 2006, the DPLC called on the EU to continue to support the PNA with the unity government formed in May 2007. They met with President Abbas and Prime Minister Haniyeh and called on the EU to return to full engagement. (DPLC 2007) After meetings with the full government, they argued that the National Unity Government Programme reflects the three requirements laid down by the Quartet. (ibid:18) Also other voices in the European Parliament have in general been more progressive towards engaging Hamas. The head of the EP Committee for Foreign Affairs stated in 2009 that *“the EU owes it to its citizens and the Middle East to accept the results of elections they helped support, once they have been deemed democratic”*. (quoted in Al-Fattal, 2010:62-63)

### 8.3 DEALING WITH DILEMMAS.

After the introduction of the ‘more-for-more’ principle and more positive conditionality by the HR in 2011, the EP seems determined to keep the EU to this principle. In the case of Egypt, the EP did accept a resolution in March 2013 which asked the EU to hold back direct financial support to the Egyptian government if the country would not make considerable progress in the fields of human right, democracy and the rule of law. (European Parliament, March 2013:n.p.) This shows the EP is more determined than other EU actors to use the conditionality clause in all EU’s agreements.<sup>110</sup> Towards the Palestinian National Authority this call has not yet been made by the full congregation. Economic relations with the PNA are believed to help the local population and carry symbolic value, due to the fact the PNA reaches a similar level of cooperation with the EU as other Arab neighbourhood countries in this way. The EU-Palestine Interim Association Trade Agreements are therefore widely supported in the EP, which will make certain (processed) goods as export to Europe duty free for Palestinians producers. In Parliament there are no questions asked about the practical problems with this agreement or how this trade agreement relates to the volume of what Palestine actually *can* export. It is assumed that further removing duty tax on exports from Palestine to Europe will help the economy and the Palestinian society in general<sup>111</sup>. The EP appears to be less focussed than the EEAS on the stability of the government of Abbas as peace partner, because they question the support for his government at some instances and some MEPs express also their desire to include Hamas in the dialogue.

<sup>110</sup> Since the new funding to Egypt was transferred anyway in May 2013, it resembles a situation of January 2008 where new funding to Egypt was transferred through the ENP mechanism only a few weeks after the EP issued a critical resolution on the situation of human rights. (Pace 2009:16)

<sup>111</sup> Quote from debate September 2011: George Sabin Cutas on behalf of S&D Group: *Economic and political aspects are interdependent in the relations between the European Union and the Palestinian Authority. A fragile economy, extreme poverty and huge unemployment are factors which fuel the potential for conflict in the region. Encouraging trade means that we are not only helping to reduce poverty, but also to strengthen political institutions.* (source European Parliament 2011  
<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20110926&secondRef=ITEM-017&language=EN&ring=A7-2011-0300>)



## CHAPTER 9: DISCUSSION OF FINDINGS

Democracy promotion in the case of Palestine is exceptional for several reasons. First and foremost it concerns the Palestinians who did not establish a sovereign state yet while the West Bank, Gaza and East-Jerusalem continue to be under the occupation of Israel. Secondly, the current government structures of the Palestinian National Authority have their origin in negotiations that should have served as a transition period. As this transition period is never fully completed, the process towards independence only partially completed while the semi-government structure continues to exist. Part of the community is abroad as refugees and unable to formally influence these government structures, while also the refugees inside the West Bank and Gaza as well as people in East-Jerusalem are marginalized and excluded from some political and representative processes. Next to this, any EU external interaction with the region is bound by the different positions of the member states, the relation with Israel and USA and the long “wish list” that is represented for the region. This chapter will first summarize how the EU actor-groups are dealing with the dilemmas of democracy promotion in Palestine and then discuss the role of different conceptualizations of democracy and the institutional environment.

### 9.1 FACING THE DILEMMAS.

For long EU actor-groups admitted only indirectly that they are facing dilemmas with democracy promotion in Palestine. Füle’s speeches after the Arab revolts signalled a change in this trend, when he acknowledged security and stability interests limit the impact of democracy support in the MENA region. It became clear that this applies to the EU’s behaviour in Palestine as well and the dilemmas will be summarized following the four topical tension areas defined in chapter 4.

#### 9.1.1 ECONOMY AND DEMOCRACY.

The Palestinian economy knows long-term substantial economic problems, which also impact the viability of government income and expenditures. A conceptual discussion of both economic development and democracy showed that tension can build between democracy and economic development, especially when marginalized groups have limited access to democratic processes or elites dominate the political structures. In Palestine, the economy is for a large part depending on Israel and growth in the past years has been marked by the World Bank as *donor driven* and *not sustainable*. To address this, the European Union follows a discourse of “*economic peace*”, which purpose is to combine a political settlement of the conflict with economic incentives. (Stockmarr 2013: 86) This approach is seen as well in the economic policies suggested by the World Bank and IMF through the AHLC and the “*economic peace plan*” suggested by the peace initiatives from the Quartet led by Kerry and Blair. The European Union is generally supportive of this approach, while a recognition of the inherent dilemmas in this approach is absent. The only critical voices towards this approach come from the EP where reports from the subcommittee on democracy support and incidental questions to the HR address the combination of economic incentives and democracy.

On a smaller scale, socio-economic development is being pursued regardless of the conflict, with an example in the trade-agreements between the PNA and the EU. Both approaches can be questioned on their impact and chances of success, but it is significant that questioning the effects of these approaches on democracy is absent from all EU actor-groups. The *financial crisis* of the Abbas led PNA is stressed, while the *legitimacy crisis* of the PNA is ignored. By focussing on the financial viability of the PNA, the EU has given no consequences to the lack

of representation and accountability of the PNA. This points to a de-politicization of the problems faced in Palestine, as economic incentives are never conditioned for more public or horizontal accountability by the EU.

### 9.1.2 STABILITY AND DEMOCRACY.

In the whole approach of the EU, capacity building and effectiveness are clearly important goals for the government institutions and to a lesser extent for civil society. The conceptual discussion in chapter 4 raised some important questions however concerning the possibilities of (semi-)authoritarian systems to use these types of 'democracy' support for consolidation of their own regime. Goldsmith, MacQueen and Jamal showed the limits of institution building in the face of authoritarianism. The EU appears to not be aware of these traps as continuing support is given to the leading political figure in office and his party. Clearly this is linked with another important process in the region, namely the "peace process" where Abbas and Fatah are key partners. Or more likely, they appear to be viewed as the *only* party for the negotiations with Israel. This view invites authoritarianism. This approach does follow a familiar line in conflict resolution literature where democracy is seen as the odd one out; though "a good thing" it remains very unlikely to fit in the process of peacemaking. (Francois & Sud 2006:148) A comparison with the years under the rule of Arafat falls short at many points but the danger remains the same; unconditional support for a political leader with the aim of keeping the peace process alive will have unintended effects on the democratic substance of a political system. Currently, actions from Abbas are vocally supported by the HR while at those moments no reference to democracy is made<sup>112</sup>. Also the calls for negotiations with Israel are made regardless of the national reconciliation process between Hamas and Fatah. The disregard for the undemocratic basis of the current leadership in connection with the negotiations or "peace process" appears to point to the conviction within the EU that only one leader from the Palestinians could make peace and that it is Abbas and his establishment. Only some members of the EP question this preference for stability, both through the reports from the DPLC and the questions asked in sessions with the HR or EEAS representatives.

A similar approach is taken with regard to state-building, where the EU supports a growing state apparatus without conditions on democratic values. Wolff already proposed in his study that the way an external actor is dealing with a government can legitimize that regime (2012:431) which can be noticed in Palestine as the bulk of policies are directed at creating capacity for the state structures led by Abbas. This presents a challenge for the call for more democracy which is reserved for dialogue groups and the yearly ENP report. Besides the ignorance of internal democratic problems this has also led to a high level of state-building under Israeli occupation, creating a situation that borders on comical in some instances. A policy on Disaster Risk Reduction and climate adaptation are created by the PNA (European Commission 2012:n.p.), while man-made disasters through incursions and demolitions by the Israeli Occupation Forces continue to threaten the most basic needs of security, housing and water of its citizens. This state-building regardless of the occupation and regardless of democracy is supported by all EU actors and only occasionally questioned by MEPs.

### 9.1.3 SECURITY AND DEMOCRACY.

The European Union has made some decisive choices in the relation with Palestine that continue to be difficult to deviate from. In 2006 the decision was made to follow the USA in its boycott of the Hamas led government in Palestine and a no-contact policy continues to be in place. This happened not in the first place because Hamas would be a direct threat for the EU<sup>113</sup> but because it is seen as a threat to Israel and Hamas' military wing is placed on the EU list of terrorist organizations. (Council of the European Union 2001) This choice continues to characterize the actions of the EU, especially when it comes to dealing with the dilemma of security and democracy. Because of the no contact policy the EU is not able to have influence on any developments in Hamas.

<sup>112</sup> E.g. Abbas' instalment of new Prime Minister Hamdallah after Fayyad left office in April, 2013 mentioned in chapter 6.

<sup>113</sup> As Hamas never was linked to any violence on European ground – different than some other Palestinian liberation organizations that responsible for kidnappings or attacks on European soil.

In the conceptual discussion of security and democracy, a division was made between internal security and external conflict and security. To diminish the chances of internal violence, grievances should be addressed and protected consultation should be supported in order to raise trust in democratic institutions. The decision of the EU not to deal with the Hamas led government in 2006 did not stimulate trust in Palestinian democratic institutions, and this continues to be a major challenge. (Michelon 2013:2) Additional policies with regard to the use of institutions in favour of Fatah's position were also mentioned in chapter 5. These subtle changes of institutions for a political agenda diminish the neutral and trustworthy character of the Palestinian institutions for the population and therefore it is crucial for the EU to take this trust in 'democracy' serious in supporting actors in Palestine.

With regard to the external conflict the EU works in two ways through this dilemma, where they generally see democracy and security as going together though they acknowledge the need to support two additional factors to realize this. On the one hand, it is required from any outcome of Palestinian elections or internal negotiations that previous agreements with Israel are accepted<sup>114</sup> and a firm commitment is made to the "peace process". The challenge this position creates for public participation and representation is not addressed, while deviant voices in the EP support inclusion of all public representatives. On the other hand, projects managed by the EU delegation try to address feelings of mistrust and enmity between Palestinians and Israelis. As long as these projects are not able to address the fears in society for Israeli actors, be they soldiers or settlers, this remains a difficult task. Democracy and peace building are seen as closely related by all EU actors, but at the moment none of them is reached in the current strategy.

#### 9.1.4 OCCUPATION AND DEMOCRACY.

All European Union actors recognize the limitation of the occupation on Palestinian society and government structures. There is a difference among the actors in the tools they use to address this issue and how directly these tools are applied. The EEAS policies show a persistence of working *around* the occupation, or working for Palestinian democracy *despite* the Israeli occupation. In comparison, the EU delegation shows to be more confrontational when it tries to work *against* the occupation by naming the enormous effects of the occupation and by suggesting policies that confront the colonization of Palestinian land. The European Parliament is divided on this issue, but has held off new trade agreements with Israel several times while citing the human rights abuses under the occupation as the reason. New steps taken at the level of the FAC to address the occupation were informed by the EU delegations report and could show in the future a more confrontational approach towards the continuing Israeli occupation.

## 9.2 ROLE OF INSTITUTIONAL ENVIRONMENT.

It became clear while describing the three actor-groups, that all know a very different institutional setting with different responsibilities, tasks and tools. In the theoretical chapter it was argued following Bretherton and Vogler (2006:24) that an international actor can be analysed according to its opportunities, presences and capabilities. Those three points will be briefly summarized for our three actor groups.

### 9.2.1 OPPORTUNITIES.

The opportunities of an international actor point to the structural environment surrounding this actor, both with regard to the material and ideal setting as well as events that enable or constrain the actor. (Bretherton & Vogler 2006:25) The relation with Palestine was placed in the light of the wider relation with the Middle East and

<sup>114</sup> This requirement remains a repeated theme, likely because they secure collaboration between the PNA policy and the Israeli army. The Oslo Accords arranged that the PNA police would never be used against any Israeli actor, army or settler. During incursions in area A or B, the PNA security service will never be able to stop the IOF, nor will they protect protesters from the Israeli army nor will they protect villages under assaults from settlers. The contract also includes collaboration on arrests of political prisoners and sharing of information. When Hamas did not confirm they would keep this contract, this had a role in pushing the EU boycott to the election outcomes.

especially with Israel in chapter 5. It was argued that because of the proximity of this *neighbourhood* the EU is urged to take the developments in this region serious. Relations with the PLO started in 1980 which was an important step in recognizing the self-determination rights of the Palestinian people. Contact remained limited to economic relations and being “*part of the process*” (Le More 2008:8) till mid-2005 when Palestine became part of the ENP and yearly Action Plans were developed with more areas of attention. The continuous support for Israel greatly marks all other relations. Though the EU is currently not directly influenced by any insecurity in Israel or Palestine the concern for Israel’s security places a heavy weight on the relations. It was after the attacks in the USA in September 2001 and the following “war on terror” that violence by Palestinians became framed in the light of Islamic radicalism.<sup>115</sup> The attacks on 11<sup>th</sup> of September 2001 in the USA can be seen as a key event shaping the intersubjective understanding of actors, which was reflected in material relations. (Bretherton & Vogler, 2006:24) The idea of radical Islamic violence still impacts the discourse and the actions of the EU towards Hamas and other Islamic groups in society, serving clearly as another reason to favour Abbas and Fatah.

A second ideal structure, namely the “peace process”, is a continual idea since the early 90s dividing the Palestinian actors from the EU’s point of view in the ones supportive of this process and the ones against it. The importance of this commitment to the “peace process” continues to be a key influence in the approach of the EU towards Palestine. This process is mainly led by the USA, under the Quartet formation, where the EU is taking only a supportive role. Though actions from individual member states do exist, the dominant thought is that a common standpoint is needed on this issue. The “peace process” is based on a conceptions of a “two-state solution”, leaving aside other designs of a “one-state solution”.

Actor-groups in the EU deal with a specific institutional structure that constrains their actions but also gives them the possibilities to act. The EEAS is a new organization that had relatively much *space* to define its new democracy promotion strategy. Still, the EEAS is described by most as being not a fully supranational organization because it has much closer links to the member states than for example the European Commission. The EEAS needs to work closely together with Commission and the collaboration with the Commissioner for Neighbourhood policies Füle appears to be successful and compatible. (Helwig et al 201:46) On other topics, like development aid, humanitarian assistance and the specific funding of the EIDHR, collaboration continues to be a little more tense and incoherent. The HR position grew in importance but with that it remained an actor close to the member states through the decision-making capacity of the FAC. The HR is elected by the member states and acts upon decisions taken by the member states in the Council, PSC and FAC. This dynamic between the HR, the EEAS and the member states is one worth of much more study, but this study pointed into the direction that the HR did not move issues beyond the member states wishes when it comes to the relationship with Palestine. This is most clear in the policy towards the Hamas government in Gaza and the sensitive issue of Jewish-only settlements in Palestine that moves very slowly. In May and December 2012 however more specific wording was used in Council conclusions that resulted in adjusted guidelines for funding to Israel, excluding Israeli actors that are active in the occupied territories from EU funding. This displays the interaction between the EU delegation and the decision making levels in Brussels and the increase of importance of the delegations. The EU Delegation in Palestine also received more tasks in managing projects and maintain dialogue with relevant Palestinian actors. This allowed the EU delegation to interact more directly with Palestinian society, become more aware of the local needs and interests while also be better able to use this information as input in new policies.

The European Parliament is stage of a constant battle over discourses concerning Israel and Palestine, with the diverse political groups representing the diverse discourses that can exist on statehood, self-determination and security. These ideas influence the discussion and resolutions, but due to the institutional structure of sub-committees reports on democracy support do not have a strong link with Palestine.

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<sup>115</sup> Violence related to the Israeli-Palestinian conflict did occur in EU member states, until 1986 several shootings around Synagogues and airplanes from El-Al took place, as well as the hijacking of several planes with European passengers. This violence never had an Islamic identity but always a secular, nationalistic character. Three groups related to the violence, and convicted on some occasions where from secular revolutionary movements PLFP, PFL and Abu Nibal. (These attacks where sometimes given names by the attackers, e.g. in the case of the Munich kidnappings of the Israeli Olympic team the attack was called Iqrit and Birem, two well-known Christian villages destroyed in the 1948 war in Northern Palestine.)

### 9.2.2. PRESENCE.

The presence of European Union has long attracted neighbourhood countries with its economic benefits. This influence has lost some of its magic in the past years though the EU continues to use its markets as a positive conditionality tool. Other wealthy states in the Middle East have become powerful regional players over the past decades, causing the European Union to be not the only actor that uses financial benefits to have influence.

The EU reflects on itself as a promoter of good values in the world; human rights, democracy and good governance. The Arab revolts placed a mirror before the EU, where the EEAS has been most vocal in its reflections on the identity of the EU. This appears to be possible because of the new establishment of this actor where it had relatively more distance to the actions taken before by other actors within the EU framework. In the EU the discussion continues concerning the role of democratic values and human rights and whether they carry regulative, normative value as opposed to merely instrumental value. It is also obscure in some cases what definitions these values carry for the EEAS, EU delegation and the EP. Between projects run by the Commission and the EEAS some differences can be noticed in emphasis on development, security and democracy. Internal disagreement on these issues has an impact on the effectiveness and external face of the European Union.

The European Parliament as typical democratic institution emphasizes the constitutive value of democracy for its identity. In the past years the EP has put more resources in developing a distinct vision on the democracy support policies of the European Union. They serve as a check on EU actions in general, which makes them naturally critical of actions taken by other EU actors.

The literal presence of the EU delegation on the ground in Palestine is a shaping aspect of its possibilities and character. It remains in contact with local actors and notices the trends on the ground. This gives important information that serves as input for new funding strategies, though there are limits to the level this information can be brought to higher levels of decision-making in the EU. It furthermore tries to influence the image of the EU in Palestine by promoting positive aspects of the relationship for example through events, contests and even TV shows.

### 9.2.3 CAPABILITIES.

For its foreign policy the EU has a wide range of tools at its disposal, though not all are regarded as suitable in the situation of Palestine. The EU chooses to not pressure Abbas with direct tools on democratic values while also Israel is only limited put under pressure. It might be seen as a missed opportunity, as some<sup>116</sup> argue the EU has more possibilities to influence the Palestinian government since it is its main donor. But the high dependency of the Abbas government on donations from the EU has not led to a stricter democracy promotion policy of the EU. The EU therefore does not materialize the theoretical opportunity of more influence on democratic level in Palestine.

The upgrading of the HR position meant at the same time that member states are highly involved in the steps taken in the CFSP through the PSC and FAC. The HR has several tools at her disposal, which she uses to remain a large budget for the PNA and keep regular dialogue with the political leaders of the PNA. Her possibilities to address all sensitive areas that are connected with democracy have been limited however, though some movement was noticed on putting the official EU standpoint on Israeli authority of the West Bank into practice through new funding guidelines in June 2013.

The EU delegation has only limited tools to express distinct behaviour towards the dilemmas of democracy promotion, but it does show some different emphasises. As they became more important in the past three years, there is a noticeable change in the formulation of project goals at the delegation level and in reports published. They are closer to local information and local experiences but are not independent and thus need to use the limited tools within their reach. Leaking of internal reports became a more frequent appearance, while also local

<sup>116</sup> E.g. members from the European Parliament.

statements were used to address issues of importance. Their internal reports have informed new Council conclusions and FAC decisions, though the process clearly takes time and additional pressure.

The European Parliament has given more attention to developing a distinct vision on democracy support for the EU, which has resulted in several reports that mention different aspects and terms than the Council documents. This general approach is however not directly applied to Palestine, as the DPLC did not take on this task. The DPLC has used its meetings and visits to get accustomed to a broad range of Palestinian actors and democratic representatives of Palestinian society. These specific tools enable them to send their message out to the Palestinians, to the public and to the full EP as well while the resolutions in full parliament reflect the diverse opinions that exist in parliament. The EP can only accept a resolution when it is supported by a majority and even then the effect on the overall policy of the EU remains limited because they do not hold any decision-making power in the EU foreign policy. The resolutions carry a more symbolic, informative, supportive or warning character towards the other EU actors.

### 9.3 ROLE OF CONCEPTUALIZATION.

In the European Union, the concept of democracy means in the first place free and fair elections combined with a set of political and civil rights, an independent judiciary and the fight against corruption. (European Commission, 2011) In this definition, issues like sovereignty, popular participation and (horizontal or vertical) accountability<sup>117</sup> are not directly linked with democracy but rather taken for granted or rephrased to more limited goals. The main recipient of the EU's democracy support is the government structure of the Abbas-led PNA in the West Bank, with additional attention for civil society. This means certain groups are not part of this democracy-discourse, primarily the Hamas led government in Gaza, other political parties, the institute of the PLO, refugees inside the West Bank and Gaza Strip and the Palestinian diaspora abroad.

In the EEAS and the EU delegation a gradual approach is taken towards democracy where dialogue with the political leadership and capacity building should lead to improvements. On paper a combination of both direct and indirect tools is designed though in reality direct measures are never taken to impose top down democratic reforms (Santini 2013:127). In practice it is noticed that *outcomes* are more valued than *processes*, as outcomes of elections and internal negotiations continue to be conditioned. These conditions are based on a commitment to the "peace process" and earlier agreements with Israel, while the financial assistance to the Abbas-led structures is not conditioned on democratic values.

The European Parliament shows interest in a more direct approach towards democracy, where stricter conditions on democratic values should be used and democratic forces in society directly supported. More acceptance and support for the democratic process is demanded and voices in Parliament are raised to accept any outcome of elections in Palestine. These MEPs disregard the "need" to stick with one particular "democratic" outcome while they critically question the preferred "democratic" outcome of the EU, namely the Abbas-led PNA in Ramallah. Some MEPs express more interest in stricter conditions for the Ramallah government on respect for human rights and democracy, something that is unlikely to be seen as possible by other EU actors but also by a large part of the EP. Others call for the Hamas government to be engaged.

All EU actor-groups stress the normative value democracy has for the EU and with that how its behaviour would be constraint by democracy. But the EEAS and HR have also underlined how democracy has an instrumental value in reaching other goals of prosperity, stability and security. Commissioner Füle and other EU actors expressed their belief that the values of the European Union can be in line with the interests of the European Union. The EEAS and HR continue to point to the *instrumental value* of the PNA, namely to achieve peaceful settlement of the conflict. This is in line with the fact that the PNA was established through the Oslo Accords as

<sup>117</sup> This is not limited to the fight to corruption but includes a wider range of checks and balances on the government as discussed in chapter 2. Thus it is noteworthy that vertical and horizontal accountability is mainly translated as *fight against corruption* in many EU documents, which misses out on a broader meaning of institutional checks and balances as well as general public accountability

a transitional government but it also fundamentally questions the possibility of the PNA to be a democratic government as its primary function would not be to represent its citizens.

Largely omitting the democratic decay and fundamental problems of the occupation can take place through the technocratic approach of the EU. Because it is ignoring the more *political* issues and focuses on capacity building this can be called an *apolitical* approach. (Stockmarr 2013:94) Brown already argued in 2010 that “*technocratic management can probably keep Palestinian institutions afloat and even improve their functioning in some limited ways. But it does not even pretend to offer a solution for the deeper problems afflicting Palestinian politics - division, repression, occupation, alienation, and wide-reaching institutional decay.*” (Brown 2010:1) The rephrasing of democracy to mainly gradual institution building has brought some gains on a small scale. However the EU’s policy remains far removed from supporting democratic values in practice. This method enabled the EU to work around some dilemmas they face, as a technocratic approach ignores the tensions existing between democracy, stability and conflict. The vague model of democracy used by the EU allows for a more flexible application in practice, but in Palestine this has led to a loss of priority for several key aspects of democracy.



## CONCLUSION

This study aimed to understand how the European Union formulates its democracy support policies towards Palestine after the contact with Hamas collapsed in 2006. In particular it addressed how the EU deals with the multiple dilemmas it finds on its way. The practice of democratic values is currently far removed from ideal at the national level in Palestine though there are clear historical and current indicators in Palestinian society that make a continuing push for the restoration of democratic practices pertinent. The EU has however not been able to make democracy a priority in its policy towards Palestine because it comes into conflict with other objectives. In general, the EU has prioritized stability and security over democracy in its general approach towards Palestine. The main dilemmas for the EU occur when democracy conflicts with the *wish* or *need* to support the state structures under Abbas and the protection of the relation with Israel. The dominant ideas of the “peace process”, “security” for Israel and “Palestinian unity under Abbas” have challenged the position of democracy as a priority. It is expected that a real push for democracy would put the relation with Israel in danger as it would imply a different approach to the limits Israel places on Palestinian sovereignty. It would also put the “peace process” at danger as a new representation of the Palestinian people might make different decisions towards negotiations with Israel. These consequences prevent the EU from fully making democratic values a priority for its policy towards Palestine.

On a smaller scale, projects of the EU contributed to improvements in capacity of the Abbas led government structures while the practical viability of the Palestinian state is supported with renewed efforts in the Seam Zones and Area C. Unfortunately these small efforts stand pale in comparison with the gross effects of the Israeli occupation and the physical and political separation of populations from the West Bank, East Jerusalem and Gaza on democratic institutional structures. Additionally these effects are also noticeable on democratic values in society and on important domestic drivers of democracy; social capital, civil society and a healthy political society. The European Union uses little of its tools to challenge either the occupation or the internal political mistrust, while their conditional financial incentives for the Fatah leadership rather stimulate the internal division. The conditions are not based on respect for human rights or democratic values but rather on a commitment to Israeli security and the “peace process”.

A closer look at the diverse actions of EU actors provided a more nuanced picture of the behaviour of the EU as different actor-groups could be identified. The EEAS as a new institution tried to set up a new approach to democracy in the MENA region while the EU delegation received more responsibilities in the past years. Through the latter’s opportunities in dialogue groups and internal reporting the EU projects started to address the occupation more directly. Also did their internal reports serve as information for recently accepted Council conclusions and FAC decisions. The EP did show dissident voices on the actions of the EU in Palestine as it serves as a critical check on EU behaviour. The information in previous chapters distinguishes three types of behaviour in the EU towards dilemmas; namely ignoring the dilemmas, sequencing the objectives after one another and prioritizing one objective over the other. All EU actors *ignore* in some instances the dilemmas on the way to more democracy. In those cases for example the relation between the “peace process”, a “two-state solution” and democracy is not addressed, or it is not recognized that an application of the new “people power” discourse from the EEAS to the situation of Palestine would conflict with current funding strategies. Moreover it is seen that the EU delegation and EEAS try to *sequence* democracy after other objectives. The EU delegation has moved forward on addressing the challenges of the Israeli occupation while it appears to delay addressing challenges of authoritarianism. It thus placed democracy as a second goal in its policies towards Palestine that follows other objectives. In general, the EU approach formulated by the FAC and executed by the EEAS places the relation with Israel and the USA as a higher priority when it conflicts with democracy in Palestine. Lastly, the EP tries to

*prioritize* democracy over stability and security, where calls for direct and strict democracy support are made regularly. This behaviour of ignoring, sequencing and prioritizing democracy became better understood when the institutional environment and conceptualization of the actors are taken into account.

The conceptualization of democracy support is based on three points, developed in chapter 2 of this thesis. Following this framework it was observed that the EU has made choices in its definition of democracy, but that there are also among the EU actor-groups differences in the aspects stressed. In general, the EU stresses elections, capacity building of the executive and judiciary and effective governance, while less attention is given to wider values of popular sovereignty, participation and accountability. In the EEAS it was noticed that technocratic assistance is used to increase the capacity of the state structures under Abbas. The EIDHR and P4P projects from the EU delegation focus on fostering respect for human rights in society. The work of ECHO focuses on providing humanitarian aid to the communities most in need of assistance in Gaza, Jerusalem and the Seam Zones in the West Bank. Though technocratic assistance, human rights and humanitarian aid are all related to stimulating democracy, it does not deliver on this aim mainly because it ignores the political aspects of democracy. This has been described as an *apolitical* approach towards democracy that often does not reflect the values of democracy namely popular sovereignty and participation.

With regard to their conceptualization of democracy, the gradual strategy that was taken, based on a relative vague or open model and a preference for democratic outcomes, has enabled the EEAS's state building approach and financial support for the government structures under Abbas' leadership. But it also led to ignoring several conflicts, as well as to a delay of the application of the new 'deep democracy' policy formulated by the EEAS after the Arab revolts. This was also reflected in the work of the EU delegation. The EP showed a preference for democratic processes and combined with a more direct strategy this led to a prioritization of democracy in Palestine. These demands diverged however in two directions because this conceptualization was the basis for calls for involvement of Hamas as well as for more direct conditions on Abbas to respect human rights and democratic values.

The interpretation of the EU's policies as *apolitical* democracy support showed an interesting picture of changing items on the EU's policy agenda that were addressed. It was only in the past few years that the EU started to support state-building in Area C and the Seam Zones in the West Bank. However at this moment it still remains too sensitive, meaning too political, to address the destruction of property built with EU funds by the Israeli army in these same zones. Likewise with regard to Palestinian politics. Addressing the use of death penalty by the Gaza authorities through local statements is not too political for the EU, while dealing with the Hamas government on other issues of political inclusion and accountability is still not an option. The establishment of new positions and capabilities has clearly influenced the way these dilemmas are addressed and how democracy is supported.

Evidently the creation of the EEAS and the EU delegations have made European policies more aware of the local situations and created a more visible EU on the ground in Palestine. In the overall EU policies the member-states, FAC and HR are the dominant decision-makers in the political strategy, though with their relatively large budget the EEAS and EU delegation have several options to slightly stir directions. Still the HR, EU delegations and the EP are all limited in their tools and capacity and all seem to have only limited power to challenge the line that is set out by their respective higher officials. Structural ideas surrounding the relation between Palestine and the EU have a role in deciding what is appropriate where the boycott of Hamas is still unquestionable and the "peace process" and a "two-state solution" major goals. The EU delegation and the EP did contribute to a wider consciousness in the EU institutions that common phrases like the two-state solution are less becoming meaningful in practice but so far this did not lead to a thorough review of these beliefs.

The innovation taking place within the EU institutions and the small changes in the policies towards Palestine invite the awareness that change is possible in the EU and that likewise change might be possible in the policies towards Palestine. Largely ignoring democratic values to support other policies goals is however the current strategy towards Palestine. If the EU continues to stress democracy as a value they support in Palestine it is essential they acknowledge the challenges this presents, before they will be able to fully act on their vocal commitments.

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## APPENDICES

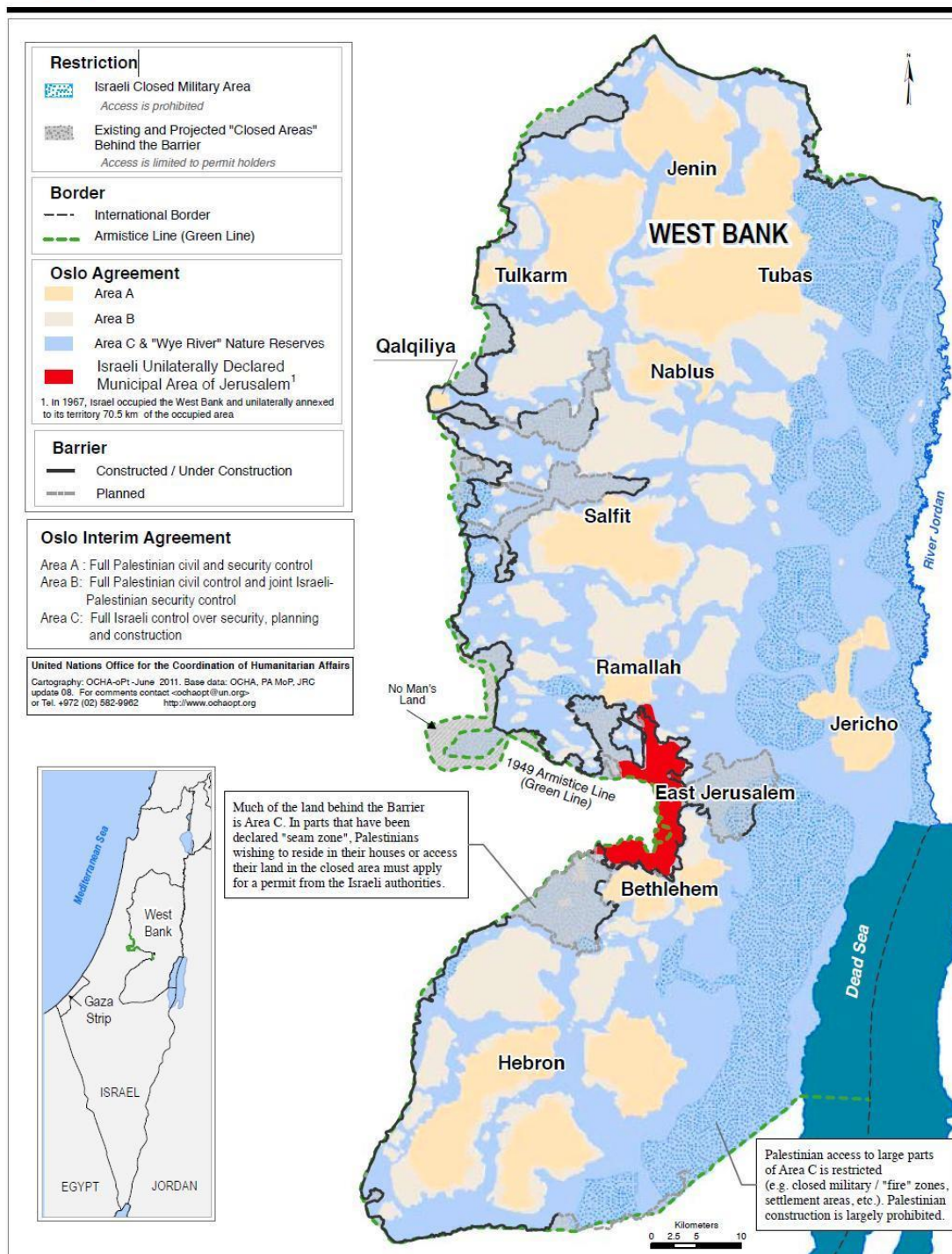


UNITED NATIONS

Office for the Coordination of Humanitarian Affairs, occupied Palestinian territory

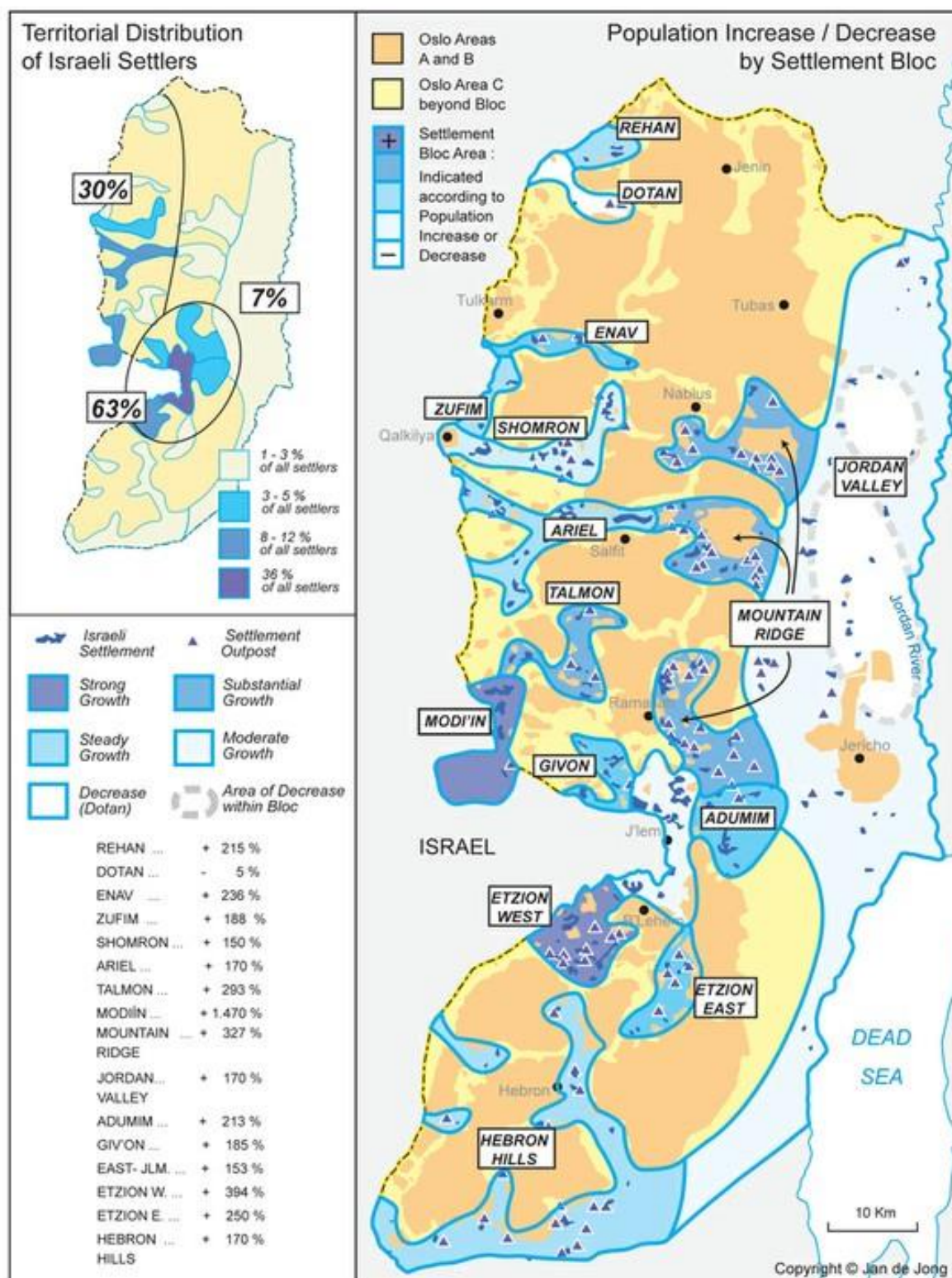
## Restrictions on Palestinian Access in the West Bank

July 2011

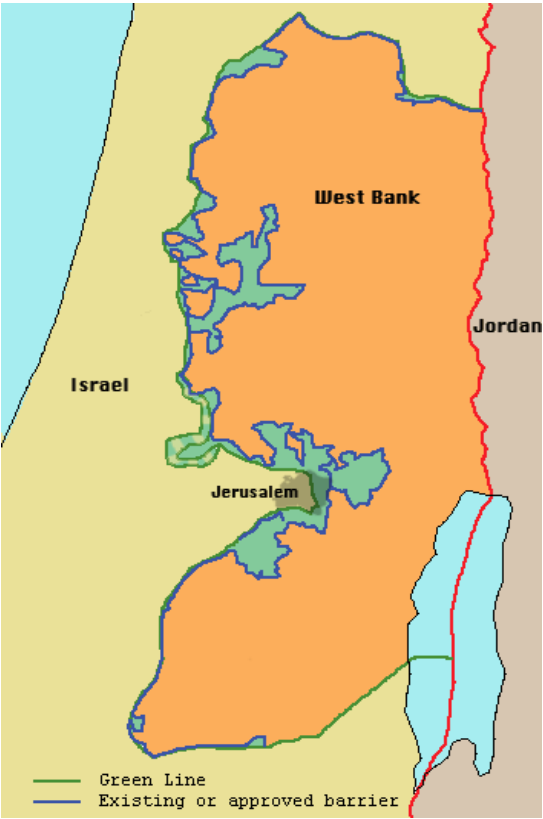




## Israeli Settlements: Population Growth and Concentration - 1995 -2011



Map 3 Settlement growth in the West Bank 1995-2011, source Foundation for Middle East Peace ([www.fmep.org](http://www.fmep.org))



Map 4 Seam Zones (green) and the West Bank (orange)

Map 5 Gaza Strip

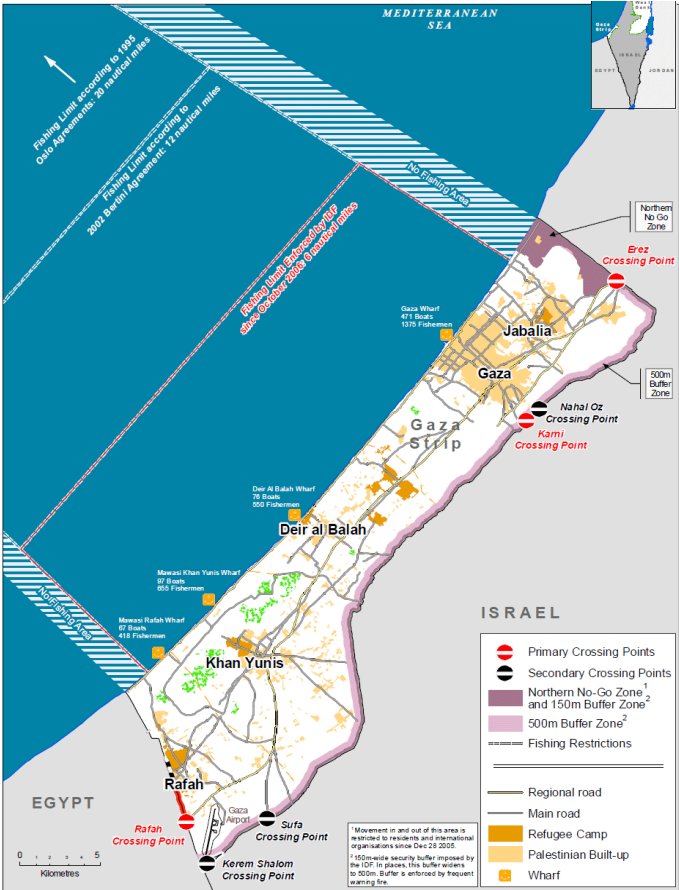


Table 8 Local statements given by the EU delegation.

Date	Title	Topic
21.05.2013	On ICHR report 2012	Human rights
26.04.2013	On demolitions	Occupation – human rights
30.01.2013	On Palestinian civilians killed in the oPT	Occupation – human rights
18.12.2012	On NGO offices raided by Israeli security forces	Occupation – human rights
05.11.2012	Khan-Al-Ahmar community in Area C	Occupation – human rights
24.10.2012	Support local elections	Elections
02.10.2012	Condemn death sentences issued in Gaza on 12.09.2012	Human Rights
05.09.2012	On increasing number and severity of settler attacks	Occupation – human rights
08.08.2012	On communities facing threat of demolition and displacement	Occupation – human rights
03.08.2012	On the continued closure of East Jerusalem institutions	Occupation
20.07.2012	On announcement of local elections – deplores suspension of CEC in Gaza.	Elections
19.07.2012	On Gaza executions	Human Rights
08.05.2012	On Palestinians prisoners on hunger strike	Occupation - human rights
21.04.2012	On the eviction of the An-Natsha family in Beit Hanina	Occupation – human rights
10.04.2012	On Gaza executions	Human rights
28.01.2012	On Recent arrests of Palestinian lawmakers	Occupation – human rights
19.01.2012	On Death sentence in Gaza	Human rights
02.09.2011	On the planned route of the separation barrier in the village of Al-Walaja (Bethlehem)	Occupation – human rights
17.08.2011	On the closure extension of the Orient House and the Chamber of Commerce of East Jerusalem	Occupation – human rights
27.07.2011	On Gaza executions	Human rights
13.10.2011	On demolition of a Palestinian mosque in Area C	Occupation – human rights
28.01.2011	On Hate speech by Jerusalem Mufti	Incitement
20.10.2010	On the sentence of Abdallah Abu Rahma	Occupation – human rights