The Limits of Norm Promotion: The EU in Egypt and Israel/Palestine

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ABSTRACT *Policy implications aside, assessing the EU's involvement in the Mediterranean region necessitates a reconsideration of the impact and limits of the so-called 'normative power' upon which its approach has been based, implicitly or explicitly. This paper does so by examining the EU's engagement with Egypt and the Israel-Palestine conflict; it sets out to challenge the notion that EU-style normative power alone is well-suited to promote democracy and regional cooperation, particularly in regions with diverging dynamics where the promotion of EU-associated norms may stumble upon European trade- and diplomacy-related interests. In this sense, it aims to enrich and inform the debates on 'normative power Europe' and Euro-Mediterranean relations.*

The European Union's [EU] response to the events of the 'Arab Spring' has raised numerous concerns regarding the effectiveness and legitimacy of the policies it has launched aiming to advance prosperity, stability, security, and, perhaps most importantly, stronger economic ties with the Middle East and North Africa region [MENA]. Soon after the outbreak of the 2011 Tunisian and Egyptian revolts, political analysts and scholars alike proclaimed the EU's Mediterranean policies unsuccessful and inadequate,[1] while the Commission itself assessed that the time was ripe for a renewed approach to the region. The latter has since materialized into the 2011 Joint Communication entitled 'A partnership for Democracy and Shared Prosperity with the Southern Mediterranean.'[2]

Policy implications aside, assessing the EU's less-than-successful involvement in the region necessitates a reconsideration of the impact and limits of the so-called 'normative power' upon which its approach has been based, implicitly or explicitly. This paper aims to do so by examining the EU's engagement with Egypt and the Israel-Palestine conflict to assess these limits; it also wishes to

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challenge the notion that EU-style normative power alone is well-suited to promote democracy and regional cooperation, particularly in regions with diverging dynamics where the promotion of EU-associated norms may stumble upon European trade- and diplomacy-related interests. In this sense, the paper aims to enrich and inform the debates on 'normative power Europe' and Euro-Mediterranean relations.

On 'Normative Power Europe'

With the end of the Cold War, the debate on the nature of power in the international environment assumed new dimensions. While the centrality of power in relations among states and international actors remained unquestioned, the concept's definition underwent significant reconsiderations. Emerging typologies of power began to include dimensions other than material capabilities as factors in the ability to persuade or shift another actor towards a desired outcome. In his seminal books *Bound to Lead and Soft Power: The Means to Success in World Politics*, Joseph Nye coined the term 'soft power,' involving ideational rather than material elements, as 'the ability to achieve goals through attraction rather than coercion. It works by convincing others to follow or getting them to agree to norms and institutions that produce the desired behavior'.[3] While Nye's work focused on United States' foreign policy, scholars of European integration, particularly those engaged with the EU's foreign policy and its identity as an international actor,[4] introduced various new terms in order to explain the non-material power of the EU such as 'civilian power', 'ethical power,' 'post-modern power,' 'quiet superpower,' and, most prominently, 'normative power Europe.' The latter, according to Ian Manners, referred to a power that acts through ideas and values. Thus, he argued that:

> 'the EU as a normative power has an ontological quality to it – that the EU can be conceptualized as a changer of norms in the international system; a positivist quality to it – that the EU acts to change norms in the international system; and a normative quality to it – that the EU should act to extend its norms into the international system'.[5]

The ideas of 'soft' and 'normative' power have been employed with particular intensity in the quest to explicate EU's identity as a global actor. In this context, the EU is viewed as exercising influence in the international system via the use

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of policy instruments and means that provide an alternative to traditional hard power, which is perceived as a less-than-positive force. As Smith observes,[6] the EU's foreign policy objectives operate mostly on the basis of milieu goals[7] using means that aim to shape the environment in which it operates. Combined with Manners' definition of 'normative power,' this suggests that, in managing its external relations, the EU actively pursues the formation of environments – or structures – which are receptive to EU-derived norms, and which might eventually absorb them.

It has also been argued that EU's foreign policy is unique because it derives directly from the very nature of the Union itself which, thus far, has yet to be emulated. Accordingly, the way in which the EU formulates and implements its foreign policy is 'reflected in the content of the policy produced,'[8] as in the legacy and achievements of the EU itself. This suggests that the norms, or values, that characterize the EU are promoted and diffused through its agreements and relations with third states or groupings of states; thus, EU foreign policy becomes associated with a 'distinctive set of principles.'[9] Such norms and principles encompass the rule of law, democracy, cooperative institutional structures, diplomacy, mediation, human rights promotion, and – in the spirit of the EU itself – regional cooperation on the basis of a 'neofunctionalist model.' As stated in the Lisbon Treaty, the EU should, in international affairs, seek to promote the same values by which it is guided.[10]

Democracy promotion and the encouragement of regional processes are two of the principle areas on which research on the EU's normative power has traditionally focused. Both are related to the deeply-set fundamental aims of the Common Foreign and Security Policy (CFSP), as articulated initially in the 1993 Maastricht Treaty on European Union, namely (1) to promote international cooperation, and (2) to develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms.[11] The 'normative power' approach, in this context, proposes that these goals are best attained through the establishment of relations between the EU and third parties which should be governed by conditions and norms conducive to their accomplishment.

With regards to regional cooperation, the EU's normative power manifests itself through its ability to influence the political, economic, and social institutions that form the basis of other regional initiatives and processes by means of persuasion and attraction, rather than coercion.[12] To a large extent, the source of this persuasion and attraction is the appeal of the EU model itself: it constitutes an example of successful regional integration,[13] which has transformed relations between formerly warring parties into a cooperative structure where divergent interests converge through negotiation.[14] The EU's unprecedented supranational formation leading its member-states towards cooperation, policy coordination, normative alignment, and collective institution building[15] is

thus perceived as the cornerstone in its efforts to promote intra-state coopera-tion, and to end conflict in its periphery. On this basis, the EU's strategy within its wider neighborhood and beyond has focused largely on promoting regional integration based on the 'EU model'[16] through the 'export,' or 'diffusion,' of norms.[17]

The encouragement of regional integration initiatives constitutes one of EU foreign policy's explicit objectives.[18] Both the 2003 European Security Strategy (ESS) and the 2008 report on its implementation emphasized the necessity to promote regional organizations as a pillar of a more orderly world, char-acterized by coherent policies, and as a means towards the strengthening of global governance.[19] The ESS included 'building relations with the Mediter-ranean and East European states' as an example of enhancing security in the EU neighborhood, while the 2008 report made particular mention of the need for regional integration building.[20] The document specifically referred to the Mediterranean basin within this context.

As far as democracy promotion is concerned, the normative power approach has maintained that it is an entity built upon a set of values of which pluralism – together with peace – are central. Researchers have consistently argued that, through its presence and conduct, the EU has aimed to promote democracy. The most successful example of this facet of EU power has been the Union's enlargement towards Central and Eastern Europe. It has been successful in 'engineering permanent changes in the logic of behavior of domestic actors and institutions driven by EU norms' through what has also been referred to as its 'transformative power'.[21]

While research relating EU's capacity to promote democracy has mainly fo-cused on the transformations resulting from EU-imposed conditionality as that relates to enlargement,[22] most of the EU's international relations - beyond the candidate countries – do not seem to follow this pattern. The objective of democracy promotion, in particular, is also consistent with the idea of a 'model power Europe' whereby the Union's international activity is guided by the very principles, which inspired its creation,[23] its enlargement and, arguably, its own decision-making process. Thus, democracy has been perceived as a core constituent norm in the EU's process of normative diffusion,[24] particu-larly in its relations with its former Eastern neighbors during the process of their accession.[25] However, the EU's rhetoric of democracy promotion through normative power alone has increasingly been criticized as a discourse-based 'moral crusade'[26] facing serious constraints in its practical implementation.[27] If anything, the 'Arab Spring' itself bears evidence to the latter.

Critics of the 'normative power Europe' concept target its incompleteness, or even hypocrisy, rather than its irrelevance. The argument brought forth is that

the assessment of EU norm promotion should take into consideration the Union's own interests and objectives, as well as the means through which it is carried out. Often, these lead to more postcolonial and quasi-hegemonic interpretations of the EU's power.[28] They also urge for the need to examine external perceptions of the EU as a power rather than always deducing its nature

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from 'intention documents' and policies formulated by EU institutions. The Mediterranean region, with its complex mix of historical and contemporary ties with the EU and its individual member-state, offers itself as a set of cases in which the nature of the EU's interaction and power relations can be evaluated both in terms of the promotion of democracy and of stronger regional cooperation. The case of Egypt stands out as a case in point for the study of the promotion of democracy, while the case of Palestine allows for thought-provoking conclusions regarding the actual emphasis on promoting rapprochement within a regional cooperation context.

EU Normative Power and the Mediterranean

Before going into the aforementioned cases, this section briefly overviews the main landmarks in the EU's policy formulation towards the Mediterranean. In its effort to attain the objectives of stability, democracy, and development, EU policy towards the region has oscillated between promoting schemas of regional integration among the Mediterranean states themselves and creating a wider space of regional integration.

The European Communities have been active in the Mediterranean region since the 1970s. But, it was in the mid-1990s that the EU elaborated a more holistic approach towards the MENA region. In 1995, the Barcelona Declaration inaugurated the Euro-Mediterranean Partnership (EMP). The EMP's fundamental aim was to build and sustain a multilateral framework for fruitful dialogue and effective cooperation between the EU and its Mediterranean partners. This comprehensive partnership had a broad objective of 'turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity' (EMP). The partnership would be built on the promotion of democracy and the respect for human rights across the region.

The failure of the Middle East Peace Process brought about the failure of the EMP's various aspects, particularly its aim to consolidate the security practices

A handout picture shows Egyptian President Mohamed Morsi (R) meeting with EU foreign policy chief Catherine Ashton at the presidential palace in Cairo.

AFP / Egyptian Presidency

of its signatory states. As a result, the EU decided to encompass the Mediterranean region within the wider framework of the European Neighborhood Policy (ENP) along with the Eastern neighbors. As a result of this shift, the new goal became the promotion of polices aiming to transform the region[29] yet fell short of aiming to unite it through a distinct process of regional integration. Some viewed the ENP as a regression from the EMP because 'while the EMP was about community and others learning from the EU's own experiences in terms of seeking security, the ENP is about closing the door not in terms of membership alone, but also in terms of the potential for a security community'.[30] With the inclusion of Mediterranean countries in the ENP mechanism the grand rhetoric and aspiration of a "Mediterranean Project" disappeared.[31]

Interpretations and evaluations of the EMP and ENP in terms of the 'what type of power?' debate diverge. While, on the one hand, they can be viewed as instances of the EU 'casting itself as a normative power,' by including the promotion of democracy, human rights, and peace in the strategies and agreements governing its relations with the region,[32] they have also been described as instances where the EU actively and consciously assumed the 'paternalistic' role of norm promoter in the region[33] in the name of responsibility.

The distinct promotion of regional integration 'à la EU,' on the basis of the export of the European model was also discernible in the controversial 2008 Barcelona Process: Union for the Mediterranean (UfM) initiative.[34] Among other things, the UfM set out to institutionally upgrade Euro-Mediterranean

relations and to enhance the principle of co-ownership, whereby EU and non-EU states of the Mediterranean would participate equally in the new institutional design. At the same time, it proposed a number of key functional projects through which the states of the Southern Mediterranean would pursue regional cooperation in the first steps of the project, including environment, infrastructure, education, energy and business. This arguably neo-functionalist approach, reminiscent of the EU's inception and evolution, earned the UfM the title 'A Union of Projects.'

On the level of rhetoric, the EU's commitment to the normative aspect of the UfM was manifested in the Paris Summit Draft Declaration, where it was decided that the UfM would embrace multilateralism and inter-regional cooperation as a means towards regional stability. The summit highlighted the EU and Mediterranean partners' commitment to the goals of the 1995 Barcelona Declaration, namely the creation of an area of peace, stability, security and shared prosperity, respect of democratic principles, human rights, fundamental freedoms and the promotion of understanding between cultures and civilizations in the Euro-Mediterranean region.

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In terms of its institutional structures, policy content, underlying values and practical aims, the UfM, similarly to the EMP before it, is rich in normative conditions that derive from the EU model itself. A strong parliamentary dimension along with intergovernmental institutions, an enhanced regional dimension, the neofunctionalist spirit (towards a Free Trade Area and an area of peace and conflict transformation), the emphasis on civil society empowerment, the promotion of mobility and transactionalism, together with the commitment to democracy and political pluralism, are stipulations of the draft that point to the EU's strong attempt to promote ideas and behaviors through its engagement in the region. And yet, numerous factors, not least the critical evaluation of developments in the region, led to a necessary challenging of the EU's normative pretensions in the region.[35] The nature of interstate relations in the region, the socioeconomic and cultural differences that characterize it, and the heavy weight of its history of rivalries and colonizers, create an environment in which norm diffusion will only permeate under certain circumstances. Moreover, EU derived models and top-down identities and practices run severe risks of being rejected as hegemonic, patronizing and, ultimately, naïve initiatives.

Thus, while the concept of 'normative power' has figured prominently in the literature on Euro-Mediterranean relations,[36] on the basis of the EU's commit-

ment to the promotion of dialogue and the exportation of democratic norms,[37] it has also been argued that the power of the Union's attractiveness is gradually declining.[38] The inconsistency of EU policies, along with its erroneous "our size fits all" approach[39] would seem to explain, to an extent, its failure to emerge as a significant actor both in the run-up to the Arab Spring and in the resolution of the longstanding conflict between Israel and Palestine. The lines of this argument are tested in the following sections, which explore the practical dimensions of the EU's normative power – based policies.

EU-Egypt Relations at a Crossroads

Recent events in Egypt constitute a unique case study for evaluating the EU's role as an international actor. As the February 2011 ousting of Hosni Mubarak and the beginning of a long transitional period for Egypt sent shockwaves across the world, policy-makers and academics struggled to comprehend the magnitude of the events in Egypt;[40] political leaders are attempting to assess the innumerable repercussions such uprisings entail within their respective countries,[41] as disenfranchised citizens across the Muslim world are, now, eager to debunk the widely-held perception of authoritarian durability across the Middle East.[42] In such monumental times, the EU, a key actor in the international system, appears almost reticent to grasp the regime transitions that are occurring in these Middle Eastern states. Despite almost two decades of a continually evolving formal multilateral framework that has aimed, inter alia, at the diffusion of liberal norms across the Mediterranean, recent events proved beyond doubt that the christening of Europe as a 'soft power' can be questioned on both positivist and normative grounds.

In fact, what recent events in Egypt show is that EU foreign policy in the region is arguably shaped by 'hard' economic interests, despite the veiling of such interests in a cloak of norm promotion. This approach helps explain why, even if one was to set aside both the jarring intergovernmental undertones that traditionally disrupt the cohesion of EU foreign-policy making and the ongoing financial crisis, which have shaken the very foundations of the European experiment, Brussels reacted to the overthrow of one of the Middle East's longest standing authoritarian regimes in a self-effacing manner at best. No one even hinted that the EU's 'neo-functionalist' approach towards the Mediterranean, in place since 1995, should be congratulated for having aided in Egypt's democratization. In contrast, High Representative Catherine Ashton suggested that the time has come yet again for a re-evaluation of EU policy, less than three years following its latest incarnation under the auspices of the Union for the Mediterranean. While the effect that such an inward turn will have on Middle Eastern states struggling with the pains of democratization cannot yet be evaluated, an analysis of the EU-Egypt relations thus far could enrich

the ongoing debates on EU's identity as an international actor and assess the somewhat weak normative underpinnings frequently ascribed to it by pointing to the Union's deep underlying emphasis on 'hard interests' being secured through the prism of 'norm promotion.'

Any discussion of the EU as an international actor would be incomplete without a reference to EU-MENA relations and EU-Egypt relations in particular. 'Egypt is the most important country in the world,' Napoleon Bonaparte has been quoted as grandiosely declaring,[43] and few would dispute the country's centrality in the Arab world. Currently at 82 million inhabitants and enjoying a 2% annual population growth rate, Egypt constitutes the most populous country in the Middle East, while accounting for roughly one quarter of the Arab world's population. Beyond demographics, Egypt's importance is underscored by the fact that it has traditionally featured at the origins of social, intellectual and political movements in the Arab world. The Muslim Brotherhood, the pan-Arabism movement and the Arab League trace their roots to Egypt, as do notable theoreticians of political Islam, from Hassan al-Banna and Sayyid Qutb to Muhammad al-Ghazzali and Yusuf al-Qaradawi. Egypt has historically set the example for neighboring Arab states, leading the way in both war (with Israel, in 1948, 1956, 1967 and 1973) and in peace, as the first Arab state to sign a peace treaty with Israel. Egypt's cultural prevalence has also rendered the Egyptian dialect the most familiar and recognizable of Arab vernaculars, essentially becoming the lingua franca of the Arab world.[44] Preceding the 2011 events, US President Barack Obama's decision to deliver his 2009 address to the Muslim world from Cairo was due to the fact that Egypt 'represents the heart of the Arab world'.[45] Last, but certainly not least, the departure of Hosni Mubarak after 18 days of protests in February 2011, an event unparalleled in the nation's history, essentially guaranteed that the 'Egyptian case' will not cease to preoccupy researchers for years to come.

> **Experience has shown that pre-2011 EU policy in the Mediterranean is shaped by an underlying fear of Islamist empowerment at the expense of 'normative' priorities such as political reform or democratization**

Egypt's uniquely central position in the Arab world renders it an ideal case study of EU foreign policy towards its 'southern neighborhood.' At the same time, Egyptian policy-makers' own perception of their country has also affected their stance towards Europe. Egypt has often attempted to claim a leading role in negotiations between the EU and the southern Mediterranean block of countries. In fact, Egypt has 'always claimed for itself the role of the EU's main southern Mediterranean partner'.[46] To an extent this has resulted in lengthy negotiations

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and late adoption of agreements. The initiation of the EU-Egypt Action Plan (March 6, 2007), taking place significantly later than that of other Mediterranean countries, is not the exception to the rule: Del Sarto points out that the Euro-Mediterranean Association Agreement negotiations between the EU and Egypt lasted for 5 years (1994-1999), took another 20 months for Egypt to initial the agreement (January 2001), and another four months for Cairo to sign it.[47]

While Brussels claims that 'human rights, democracy and the rule of law are core values of the European Union,' promoting and defending them 'both within its borders and when engaging in relations with non-EU countries'[48] the Egyptian case suggests that the EU does not hesitate to maintain the negotiation process even at a time of a country's serious internal political de-liberalization. The adoption of the EU-Egypt Action Plan coincided with the introduction of the 2007 constitutional amendments, which were heavily criticized for strengthening authoritarian rule through the adoption of a repressive anti-terrorism law and effectively abolishing judicial supervision of elections.[49] It was in this time of the Mubarak regime offering 'some of the forms of liberalizing reform, but virtually none of the substance'[50] that the EU-Egypt Action Plan was adopted, seriously undermining the proposed EU emphasis on exporting its values in the 'Neighborhood.'

If one is to look further into the past of the EU-Egypt relations, the dichotomy between the Union's normative claims to human rights protection and the policies it pursued become all the more clear. In 2003, Europe's normative priorities were, again, disputed as the European Commission granted the request of the Mubarak regime and suspended funding it had already approved for a number of civil society projects which, according to Egyptian authorities included persons linked to Islamic fundamentalists.[51] Along similar lines, EU officials signed a Memorandum of Understanding agreement with Egypt in early 2008, a few weeks before the European Parliament published a condemning report on the state of human rights protection in Egypt in early 2008.[52] Yielding to pressure by the Egyptian government, which criticized the European Parliament for interfering in domestic Egyptian affairs, the EU concluded a three-year, 558 million package deal that, ultimately, put the emphasis on matters of security (be it economic or political) rather than democratization. In fact, the European Commission delegation in Cairo went as far as to question the Parliament's critique of political developments in Egypt.[53]

The disparity between 'soft power' and 'hard interests' is also evident in the EU's reaction to the de-liberalization process that took place in Egypt in the

2004-2008 period. In the wake of protests instigated, inter alia, by the introduction of Gamal Mubarak as a potential successor to his father, the 2004 Kifaya [Enough] movement, together with the Muslim Brotherhood and other discontented forces of Egyptian society pushed for political reform. As a result, the first multi-party Presidential elections in Egyptian history took place in 2005. The process, however, was far from democratic: organized under the tight constraints of the Emergency Law, it was fraught with fraudulent practices, ranging from vote rigging and discrimination techniques (such as preventing veiled women from casting their ballot) to pure intimidation and the arbitrary choice of candidates - by the ruling National Democratic Party (El Din 2006). In the aftermath of the elections which gave President Mubarak a fifth six-year term in office and, while Secretary of State Condoleezza Rice cancelled a visit to Egypt in protest of the subsequent jailing of prominent opposition figure Ayman Nour,[54] the EU concluded the discussions of the Action Plan. With the notable exception of Denmark which, citing a lack of political reform gradually reduced its aid to Egypt, both the EU and prominent member-states continued to provide aid allocations offering, at the same time, a separate energy accord.

Therefore, it should come as no surprise that European reactions to the Egyptian uprisings were tepid, with the UK Prime Minister, the German Chancellor, and the French President praising Mubarak for 'his moderating role over the years' a few days before the latter was forced to resign his post.[55] Experience has shown that pre-2011 EU policy in the Mediterranean is shaped by an underlying fear of Islamist empowerment and presumed subsequent political upheaval, oftentimes leading to the adoption of policies at the expense of 'normative' priorities such as political reform or democratization.[56] In North Africa, examples range from Algeria in the early 1990s, when the Islamic Salvation Front was about to win in the country's first multi-party elections,[57] to Tunisia's 'Jasmine Revolution' where, according to Swedish foreign minister and ex-prime minister Carl Bildt, 'it is quite obvious that [EU strategy] has failed'.[58] Similar security concerns were also evident in the Egyptian case, where any desire to pressure for political reform was sidelined by a fear that anything but the most cautious of regime changes could destabilize the country and, domino-effect-style, the region.[59]

Grounded on this fear of instability, EU strategy in Egypt was to not engage in talks with any of the local opposition actors. According to this trend, characteristic not only of European but American approaches to 'democracy promotion,' negotiations tend to take place predominantly with the ruling elite and policy-makers, rather than with other forces.[60] In the European case, the adopted Action Plan had not been discussed with any non-governmental political actors or civil society organizations; rather, it was the result of negotiations with government officials, who resisted any change to the political status

quo and whose impact is evident in the final version of the document.[61] It is in light of this strategy that the EU's awkward reaction to the Egyptian uprising can be best understood, given that it has found itself at a loss over new, credible political partners in post-revolutionary Egypt.

Some have argued that, in human rights matters, the EU appears to be more critical with European countries (such as Moldova or Ukraine) that may join the Union in the future, rather than with the Mediterranean countries.[62] But, as Laïdi argues, in the case of Egypt, even the limited critiques directed at the government eventually disappeared from the official Action Plan document, which was prepared in tandem with local authorities.[63] The maintenance, however, of vague normative overtones could create serious legitimacy problems for the perception of the EU in the Middle East. If the EU wants to preserve an aura of credibility and respectability, the discrepancy between 'soft power' and 'hard interests' cannot be sustained for long. Differently put, the statement that the two parties vow to 'strengthen the culture of respect for human rights and fundamental freedoms in Egypt and the EU,' vague though it may be, could do more harm than good: Egyptians might actually believe it.

The EU and the Israel-Palestinian conflict

Similar limits to the EU's normative pretensions are evidenced in Europe's long-standing involvement in the Israeli-Palestinian dispute. EU action towards the

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conflict is based on the same founding principles and values that contributed to the European project's rise and evolution: respect for democracy, human rights and the rule of law. In many ways, there too, the EU rhetorically seeks to promote its model. Europe's interest *vis-à-vis* the conflicting parties stems from the desire for a stable and secure neighbourhood, an ambition incorporated in the 2003 ESS document. At the same time, both its political declarations concerning the conflict and its contractual bilateral relations with the Israelis and the Palestinians illustrate the EU's commitment to the promotion of dialogue and the exportation of democratic norms.

Since the first major European Political Cooperation (EPC) common position towards the conflict, in November 1973, EU member states have been developing a *sui generis* European approach. This forms the basis of today's shared understanding – within the EU - of the basic principles that should guide the problem's resolution. This European *acquis* is based, *inter alia*, on the two-state solution, one Israeli and one Palestinian, living side by side in secure and recognized borders; on the status of Jerusalem as the future capital of two states; on the non-recognition of any changes to the pre-1967 borders other than those agreed by the parties; on a realistic solution to the refugee question; on the illegal nature of Israeli settlements; on the rejection of unilateral actions and terrorist activity; on the respect and promotion of democracy and human rights.[64] At the same time, Europe not only advocates but also expects the conflicting parties to abide by its founding principles and values in their contractual relations with the EU. Both the EU-Israel Association Agreement[65] and the EC-PLO Interim Agreement[66] are founded on the respect for human rights and democratic principles.[67] Within the ENP framework, the EU-Israel Action Plan[68] establishes political dialogue and cooperation on the basis of the shared values of democracy, human rights and fundamental freedoms. Accordingly, the EU-Palestinian Authority Action Plan[69] gives particular attention to political dialogue and institution building promoting democracy, rule of law and the respect of human rights and fundamental freedoms.

Needless to say, the EU's desire to establish contractual relations with the Israelis and the Palestinians reflects its willingness to satisfy a set of multiple and complex interests. Europe's initial involvement in the Israeli-Palestinian

conflict was a response to a financial crisis originated by the disruption of oil provisions back in the 1970s. Today, Israel represents one of the EU's major trading partners with total trade amounting, in 2011, to approximately €29.4 billion.[70] Yet, alongside important economic interests, the EU aspires to a sound and just solution to the conflict. It believes that through norm promotion, societies can embrace democratic values and political behaviour can be transformed. In theory, democratic norm diffusion should prevail over hostilities, transforming the conflict.

Practice has demonstrated that although the EU's verbal commitment in advancing common values and principles with its neighbouring partners is undisputable, there is a notable gap between theory and practice in the enactment of these declaratory aspirations. The EU has not only been criticised of failing to convince its partners to conform to its normative requisites, but also of implementing double-standards when dealing with Israelis and Palestinians.[71] In the regional public and political sphere, this ambivalent political practice often spoils Europe's image and undermines its legitimacy as a normative power. Differential treatment towards its partners is also a strong criticism of the EU. As Panebianco argues, 'the enlarged EU is opting for a more pragmatic 'Med policy' that is less shaped by ideas, values, and principles, and more fact-oriented. … This reflects more generally a realist turn in European foreign policy'.[72]

> **While the EU has repeatedly denounced Israeli practices in the Palestinian territories, it has never exhausted the Association Agreement's provisions**

At the same time, its normative aspirations are challenged when the EU chooses to use (or not) civilian instruments which, as Sjursen argues, 'are not necessarily benign and neither are they necessarily non-coercive'.[73] The example of the use of restrictive measures towards the conflicting parties is representative of this quagmire. In order to face the eventuality of non-compliance to the principles and values it promotes, i.e. international law, respect for human rights, democracy and the rule of law, the EU may opt to use restrictive measures of diplomatic or economic nature, which can be imposed either unilaterally, or through resolutions of the UN Security Council.[74] But in the case of the Israeli-Palestinian conflict the EU's position follows a pattern based on either inaction or selected action.

When, in January 2006, Hamas won the democratically organised elections in the occupied Palestinian territories, the EU was faced with the dilemma whether or not to continue pouring considerable amounts of funds into a region ruled by an organisation belonging to the EU black list.[75] It thus urged

Hamas to disarm and renounce violence, to recognize Israel's right to exist in safe borders and to accept all previously concluded agreements.[76] Hamas' unwillingness to abide by the Quartet's demands resulted to the freeze of direct aid to the Palestinian government.[77] This decision could represent the Old Continent's commitment to democratic principles and international law, where coherent European action precipitates the use of economic pressure as a response to political failure. But it raises the question of selectivity: if the EU is capable of imposing restrictive measures as a means for the upholding of democratic norms beyond its territory, does it do so in all cases or not? And if not, what does this mean for the perception of the EU as a normative power and a source of diffusion of peace, rule of law, and democracy?

The contrast between the EU's treatment of Palestine and Israel has led to a pronounced inquiry into these questions. In fact, on the level of rhetoric, the EU has repeatedly criticised Israel for its policies towards the Palestinians and has not hesitated to characterize them as inconsistent with international law. One example is the EU's attitude towards the construction of the Israeli separation barrier inside the occupied Palestinian territory;[78] in the same spirit, the EU has repeatedly urged Israel to open the crossings in Gaza for the flow of humanitarian aid, commercial goods, and persons. But, besides frequent ardent declarations, few other means have been used to uphold the norm of international legitimacy in the EU's relation with Israel raising doubts about its capacity for norm diffusion.

The example of Israeli settlements is indicative of the reasons for these doubts. At the end of 2009, there were 124 Israeli settlements in the West Bank plus 12 large Israeli neighbourhoods - considered as settlements by international law - in East Jerusalem, with another 100 or so, commonly known as 'outposts' throughout the West Bank. Currently, approximately 480 000 settlers live in the Palestinian occupied territories.[79]

Settlement activity has been the cause of frustration between Israelis and Europeans during the past years. It has, in particular, been at the bottom of the famous commercial dispute between the two partners, which regarded products exported to the EU under the label 'made in Israel,' but which were actually produced either in settlements or in the West Bank and Gaza. By engaging in this activity, Israel was violating both the 'territorial scope of the bilateral agreement'[80] and the clause governing the 'rules of origin.'[81] For the EU, the geographical limits of the state of Israel do not go beyond the 1967 green line and therefore exclude settlements in the occupied Palestinian territory.[82] For Israel, on the other hand, East Jerusalem, the Golan Heights, and the West Bank and Gaza are under Israeli jurisdiction.[83] Because of these diverging interpretations and the refusal of Israel to distinguish between products originating in Israel and products originating in the settlements, the burden falls

on EU customs authorities, which must demand certificates of origin from Israeli authorities in order to rule whether the products can obtain preferential treatment or not.

Of course, these constitute *ad hoc* measures which rely on the member states' customs officials. The EU has not yet made the political step of declaring goods from Israeli settlements as ineligible for entry into European markets, nor has it chosen to impose restrictive measures and to boycott such goods.[84] Even though some European voices have raised the issue of state-level boycotts, divestment, and sanctions against Israel's illegal infrastructure and even though the EU officially considers that 'settlement activities in the West Bank, including East Jerusalem, are illegal under international law, undermine trust between the parties and constitute an obstacle to peace.'[85]

On the regional level, the EU seems to be sending mixed messages, which raise questions regarding its normative model towards the greater Mediterranean and doubts about its consistency. Although in June 2009 the EU decided to freeze the Action Plan with Israel due to its operation 'Cast Lead' (December 2008) and the infringement of democratic principles, in February 2011 – while the Arab world experienced severe political turmoil - it decided to explore cooperation opportunities with the state of Israel within the ENP framework. But, while upgrading its relations with Israel, the EU criticized its government for passing at the Knesset 'potentially discriminatory or even anti-democratic bills.'[86]

The 'essential element' clause of the EC-Israel Association agreement states that the parties' agreement is based on the respect of human rights and democratic principles.[87] While the EU has repeatedly denounced Israeli practices in the Palestinian territories, it has never exhausted the Association Agreement's provisions demanding its suspension as a means of exercising pressure on Israel concerning its shadowy record of human rights violations.[88] Consequently, it can be argued that the EU has at its disposal the legal instruments to ensure Israel's abidance by the norms and rules that guide bilateral relations between the two but perhaps lacks the – unanimous - political will. It is notable that, within the Union, a number of voices have demanded stronger action. In 2002, for example, the Spanish Foreign Minister, Josep Pique, declared that sanctions against Israel were a possible scenario echoing a European Parliament resolution calling for the suspension of trade relations with Israel as a reaction to its military offensive against the Palestinians.[89] Again, in December 2010, a group of former EU leaders urged Catherine Ashton to impose sanctions on Israel for continuing to build settlements on occupied Palestinian land, a plea left unanswered.[90] Along the same lines, a recent report sent to the EU by its member countries' top diplomats in Jerusalem and Ramallah proposed blocking finance for Israeli settlements.[91]

But these verbal reactions are unlikely to be transformed into concrete actions. First of all, EU restrictive measures are adopted unanimously. It is improbable, due to diverging historical and economic ties that all 27 EU member states will agree on a tougher common position towards Israel. At the same time, the EU's normative approach generally leans towards using incentives rather than coercion measures.[92] This is particularly evident in the Mediterranean, where relations are based on co-operation. Consequently, imposing hard economic measures on partners would not only be relatively counter-productive, but also endanger the EU's soft power pretensions.[93] Yet, the case of Israel brings to the forefront key preoccupations regarding the attractiveness of the normative model the EU aspires to, and poses questions regarding its limits.

There is little doubt that the EU faces important challenges in its ambition to be a global actor and a normative power

Thus, sanctions towards partners are likely to be avoided: as Brummer notes, 'where security and welfare interests are at stake, the EU refrains from adopting sanctions'.[94] The EU has important trade ties with Israel and any agreement to boycott Israeli exports, might cause harmful retaliation by Israel,[95] which would jeopardise the EU's position as a mediator in the Middle East. Already, the EU is not considered an unbiased player by Israel and restrictive measures would only cause greater loss of EU legitimacy.

What is striking, however, is that the case suggests that the EU is driven by a realist agenda, which, currently, promotes closer cooperation and coordination with Israel.[96] In turn, the latter is left insensitive to the norm promoting provisos of its contractual relations with the EU – namely the promotion of democracy and regional cooperation.

Conclusions

There is little doubt that the EU faces important challenges in its ambition to be a global actor and a normative power. Nowhere does this become more evident, than in its relations with the Mediterranean. The *Mare Nostrum* constitutes an interdependent environment, which directly affects the EU; political stability and regional cooperation in the 'Med region' is a key EU interest. Trade relations, oil and gas supplies, migratory pressures, security concerns, all areas in which the EU is linked to its Neighbourhood, are directly dependent on the upholding of these values and norms. Nevertheless, as this article has shown, there are theoretical and empirical grounds to argue that so far the EU's Mediterranean policies – bilateral and regional – have left a lot to be

desired. It is also evidenced that – willingly or unwillingly – the EU is much less 'normative' than it appears, as both cases examined in the paper have illustrated.

Should one truly shrug off the EU's Mediterranean external policy, clad in broader themes of 'exportation of values' and 'diffusion of norms,' as inefficient at promoting change and reform, or is the answer more complex? Rather than a failed case of 'norm diffusion,' both cases show that 'hard' interests do dominate in the EU foreign policy agenda, irrespective of the fact that these are dressed in normative rhetoric. In detailing the evolution of EU policy vis-à-vis two different cases in the region, this article demonstrates that at times the Union is willing to shed its neo-functionalist overtures for the sake of its own stability and trade interests.

Nevertheless, if the EU is to uphold its value-based approach and rhetoric, both internally and in its global aspirations on the values, it should be able to equitably safeguard these same values in its relations with third countries. To this end – and as is increasingly becoming the trend, not least through the External Action Service – EU policy-makers should encourage external input into the Union's policies towards other regions. Civil society actors in the countries in question should be consulted and a careful weighing of long-term implications should be taken into consideration before action (or inaction) is chosen.

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