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EU as a Peacebuilder

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EU PEACE INITIATIVES IN THE PALESTINIAN-ISRAELI CONFLICT: PRINCIPLES AND ACTIONS

Anastasiia Gerasymchuk
UA: Ukraine Analytica

Threats to the EU from the conflicts in its southern neighbourhood do not let it keep aloof. EU peace efforts in the Palestinian-Israeli conflict are one of the key instances of the European peacekeeping activities in the Middle East. The article aims at analysing actions the EU has taken on political (negotiation process and mediation) and practical (Palestinian state-building measures and humanitarian assistance) levels as a main proponent of the two-state solution. The author argues that the EU's attempts have not led to tangible results because it appeared to be incapable of using full potential of leverage it has over the conflicting parties to underpin the principles it declared.

Introduction

The Middle East and North Africa (MENA) is a region of high potential for conflict. Pervasive social unrests, civil wars, interstate conflicts, terrorism, rivalry for regional dominance between regional powers and projecting interests of world powers have created a breeding ground for violence and instability. Located in the European southern neighbourhood and having an important geopolitical position in respect of trade routes and energy supplies, MENA's security is closely intertwined with that of the European Union (EU). Direct threats to the EU deriving from a number of regional conflicts (e.g. Syrian, Libyan crises, disturbances in Lebanon and Iraq, etc.) put stability in the region at the core of European interests. Moreover, perception of the EU as a normative power¹ declaring its global stance in terms of using soft power tools

such as advocating for good governance, human rights, democracy, and liberal values does not let it stand aloof from the MENA turmoil.

For the EU, the Palestinian-Israeli conflict stands apart from others. Being the most protracted in the region, it has involved European efforts in seeking peace since the inception of the EU's Common Foreign and Security Policy (CFSP). Against the backdrop of its foreign policy evolution, the EU has participated in a wide range of activities regarding the Palestinian-Israeli conflict, from mediation to practical assistance. Unlike other MENA conflicts, the Palestinian-Israeli one is not intrastate. Both conflicting parties are partners of the EU in the region. The legal status of the Palestinian Authority (PA) is disputed. Although the EU has not officially recognised it as a state, the PA alongside with Israel is a part of such

1 I. Manners, *Normative Power Europe: A Contradiction in Terms?* "Journal of Common Market Studies", June 2002, p. 241.

projects as the European Neighbourhood Policy and Union for the Mediterranean.

Europe has reiterated unchanged position on the conflict for decades. However, can this position be called coherent in view of legal and conceptual framework of its external actions? Have the EU's peace attempts been effective in relation to this case and is there a gap between the stated position and its implementation?



Against the backdrop of its foreign policy evolution, the EU has participated in a wide range of activities regarding the Palestinian-Israeli conflict, from mediation to practical assistance

The EU as a Global Actor

In every instance of acting as a global power, the EU is guided by its general strategies and visions. United Europe enshrined an intention to act as a single voice in global affairs in 1993 (Maastricht Treaty) by introducing the CFSP, which was further promoted and underpinned in 2009 (Lisbon Treaty) with the European External Action Service established and the Common Security and Defence Policy (CSDP) solidified. After that, with peacekeeping tasks introduced, the EU acquired tools for this type of international activity. The current document that defines the international stance of the EU and projects its global ambitions is the

Global Strategy of 2016. According to it, the EU acknowledges close interrelation between internal and external security and underlines the importance of unity, as “only the combined weight of a true union has the potential to deliver security, prosperity and democracy to its citizens and make a positive difference in the world”².

The concept of “principled pragmatism”³ introduced in the Global Strategy has become a guideline for European external actions. It constitutes a combination of idealism and realism through the achievement of European ideals in a realistic way. It means the rejection of liberal utopianism but not of liberal ideas. In this context, five priorities were singled out: 1) the security of the EU itself, 2) the neighbourhood, 3) how to deal with war and crisis, 4) stable regional orders across the globe, and 5) effective global governance⁴. The order of the priorities is telling in understanding the primacy of achieving realistic goals in conducting European foreign policy.

Considering conflicts and crisis management conceptual framework, an “integrated approach” was established. The EU stated its intention to engage in surrounding regions to the east and to the south for peacebuilding in a practical and principled way with the accent on the capability-building measures and boosting resilience of societies⁵.

The Global Strategy contains a separate section devoted to the MENA (“Prosperous Mediterranean and MENA”). Fostering dialogue and negotiation over regional

2 *Shared Vision, Common Action: A Stronger Europe*, “A Global Strategy for the European Union’s Foreign and Security Policy”, June 2016, p.8.

3 *Ibid.*

4 S. Biscop, *Analysing the EU Global Strategy on Foreign and Security Policy*, [in:] J. Rehr (ed.), *Handbook on CSDP. The Common Security and Defence Policy of the European Union*, Directorate for Security Policy of the Federal Ministry of Defence and Sports of the Republic of Austria: Vienna, p. 31.

5 *Shared Vision, Common Action: A Stronger Europe*, “A Global Strategy for the European Union’s Foreign and Security Policy”, June 2016, p. 28.

conflicts, support for cooperation in border security, energy security, counter-terrorism actions, etc. are defined as the main tasks there. Taking into account the abovementioned strategies, concepts, and principles, the EU's attention to the Palestinian-Israeli conflict is justified and falls within its priority interests in its peace-building endeavour.

The Palestinian-Israeli State of Play

In conducting its efforts, the EU has had to face deep-rooted aspects that hinder fostering peace resolution. The first aspect concerns Israeli policy. Although the Palestinian-Israeli conflict traces back to 1948, its modern stage has begun in the 1990s with the launch of the Middle East Peace Process. The Oslo Accords^{6,7} under which the PA was established in 1994, were intended to lead to a final settlement between the conflicting parties. Under the terms of the Accords, the Gaza Strip and West Bank would have come under the jurisdiction of the PA with certain reservations. The West Bank was to be divided into three areas with different level of control by the PA for a provisional period of five years, after which the final status had to be settled. Thus, the PA has operated as a transitional authority with limited jurisdiction with full civil and security authority in area A, which is only 18% of the West Bank (shared security control in area B and full civilian and security control by Israel in area C).

In 25 years after the Oslo Accords, the final status is not reached, with Israel violating the terms of the Accords as well as of other documents constituting the international legal framework for the

conflict resolution. It has been pursuing settlements-building activity in area C, de facto occupying Palestinian territory. The Gaza Strip blockade, imposing control on people and goods movement and revenues, is another display of the Israeli position. Such conditions pose the primary obstacle to development of Palestinian economy and cause the aggravation of the humanitarian crisis in Gaza.

The second aspect refers to the Palestinians. The last general elections held in 2006 led to the intra-Palestinian split between Fatah and Hamas. After a confrontation between them in summer 2007, Palestinian territories have become two isolated enclaves – the West Bank represented by the PA with Fatah rule and the Gaza Strip seized by Hamas, towards which the majority of the international community, including the EU, have adopted a no-contact policy. Absence of a single Palestinian political authority inhibits the two-state solution prospect. It undermines the efforts to build effective institutions and improve security. The tense socio-economic situation in the Gaza Strip and exploitation of anti-Israel rhetoric by Hamas lead to social radicalisation, which results in waves of violence between Israel and Gaza and poses constant terrorist threat to Israel.

Middle East Peace Process: Place for the EU

The EU peace efforts in the Palestinian-Israeli conflict lie within two dimensions – political and practical. In promoting political dialogue, Europe sticks to the two-state solution as the only one to bring peace. Former High Representative of the Union for

6 *Declaration of Principles on Interim Self-Government Arrangements (Oslo I)*, 13 September 1993 [http://www.acpr.org.il/publications/books/43-Zero-oslo-accord.pdf access: 21 December 2019].

7 *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II)*, 28 September 1995 [http://www.acpr.org.il/publications/books/44-Zero-isr-pal-interim-agreement.pdf access: 21 December 2019].

Foreign Affairs and Security Policy (HP/VP) F. Mogherini stated: “The two-state solution remains ... the best and the only realistic chance for peace and also for security in the Holy Places. This is at the same time a principled and pragmatic position. Nobody has presented a credible alternative to two States so far. ... Our support to the two States is a matter of international law, a matter of justice and democracy and also a matter of realism”⁸ This formula means co-existence of Israel and an independent, democratic, contiguous, sovereign, and viable State of Palestine in peace, security, and mutual recognition.



The key endeavour in political process roots back to 2002 when the EU alongside with the UN, the USA, and Russia established the Middle East Quartet

The EU elaborated a set of parameters for the peace process⁹ based on:

- 1) An agreement on the borders of the two states, based on the 4 June 1967 lines with equivalent land swaps as may be agreed between the parties. The EU will recognise changes to the pre-1967 borders, including with regard to Jerusalem, only when agreed with the parties.
- 2) Security arrangements that, for Palestinians, respect their sovereignty and show that the occupation is over; and, for Israelis, protect their security, prevent the

resurgence of terrorism and deal effectively with security threats, including with new and vital threats in the region.

3) A just, fair, agreed, and realistic solution to the refugee question.

4) Fulfilment of the aspirations of both parties for Jerusalem. A way must be found through negotiations to resolve the status of Jerusalem as the future capital of both states.

In articulating its stance, the EU is guided by the international legal framework based on the United Nations Security Council resolutions (242, 338, 1397, 1402, and 1515) and the Oslo Accords. It acts in compliance with the “Roadmap for Peace”, to which the EU is a co-sponsor.

In this dimension, Europe seeks to act as a mediator and peace broker trying to foster negotiations and promoting its position on various international platforms. The EU has declared its vision since the 1990s by making political statements (e.g. Berlin Declaration of 1999 where the right of the Palestinians was acknowledged).

The key endeavour in political process roots back to 2002 when the EU alongside with the UN, the USA, and Russia established the Middle East Quartet under the auspices of which the “Roadmap for Peace” was worked out in 2003. It remains one of the key documents in the peace process. HR/VP represented the EU at Quartet meetings and conducted dialogue with third countries on the Middle East Peace Process. However, the last conference of all four representatives took place back in 2016. Alongside regular consultations with partners in the region, including the Arab League,

8 *Speech by High Representative/Vice-President Federica Mogherini at the European Parliament plenary debate on the situation in Israel and Palestine, including the settlements*, “European Union External Action”, 27 November 2019 [https://eeas.europa.eu/headquarters/headquarters-homepage/71134/speech-federica-mogherini-european-parliament-plenary-debate-situation-israel-and-palestine_sv access: 24 December 2019].

9 *Council Conclusions on the Middle East Peace Process*, “Foreign Affairs Council Meeting Conclusions”, 22 July 2014, p. 2.

the EU foreign ministers and the European Council issue regular policy statements as part of a coordinated EU policy.¹⁰ The EU also has a special representative for the Middle East Peace Process, who maintains contacts with all parties to the peace process including political actors, countries, and international organisations in order to coordinate peace attempts.

Considering the Israeli undermining actions, the EU regularly calls on the state to cease such practices. Europe not only articulates this position in public statements, but also lays it out in its documents. Thus, in the Council Conclusions on the Middle East Peace Process (18 January 2018) the EU underlines the illegal nature of Israel's settlement policy, expressing its strong opposition. It calls on the urgent change in the political, security, and economic situation in the Gaza Strip, including full opening of the crossing points, whilst also addressing Israel's legitimate security concerns. The risk of further deterioration of livelihoods and social cohesion in the Gaza Strip is marked as critical. It also calls the Palestinians to reconciliation. As former HR/VP F. Mogherini stated: "...it is also clear that Gaza is part of the future State of Palestine and that Palestinians themselves must find unity beyond their divisions".¹¹

Despite the abundance of declared principles and participation in talks, the EU's role as a mediator in the conflict proved to be ineffective. Calls on Israel to stop its policy have not been backed by meaningful actions.

The EU seems to be incapable of putting pressure. The EU conducts "differentiation" policy¹² towards Israel, which means it separates its relations with Israel from relations with occupied territories. It has the form of excluding settlement entities from the EU funding and labelling goods produced in the settlements. However, this policy is not sufficient. The EU has not imposed any sanctions on Israel for violation of international law.



***practical – dimension of
the EU activity amounts to
Palestinian state-building
efforts and economic recovery***

There are two possible explanations. Firstly, the EU does not want to put at risk the benefits of economic and political relations with Israel. Secondly, the lack of unity among member states does not let the EU elaborate a cohesive approach. Thus, Visegrad countries (the Czech Republic, Hungary, Poland, and Slovakia) are against condemnation policy and tend to cooperate with Israel more closely. Moreover, Hungary has recently opened a trade office in Jerusalem, and the Romanian government has announced that it wants to move its embassy to Jerusalem, although the country's president opposes it. Not even all the member states support the differentiation policy.

10 *Middle East Peace Process*, "European External Action Service", 15 June 2016 [https://eeas.europa.eu/diplomatic-network/middle-east-peace-process/337/middle-east-peace-process_en access: 23 December 2019].

11 *Speech by High Representative/Vice-President Federica Mogherini at the European Parliament plenary debate on the situation in Israel and Palestine, including the settlements*, "European Union External Action", 27 November 2019 [https://eeas.europa.eu/headquarters/headquarters-homepage/71134/speech-federica-mogherini-european-parliament-plenary-debate-situation-israel-and-palestine_sv access: 24 December 2019].

12 B. Oppenheim, L. Scazzieri, *The EU, the US and the Middle East Peace Process: Two-state solution – or dissolution?* "Centre for European Reform Insight", July 2019, p. 2.

The EU deference to the US leadership is an additional factor that explains European impotence in the political dimension. It has always supported American initiatives without moving forward their own. All attempts to resume the peace process have failed (the last one being the Kerry initiative from August 2013 to April 2014), and no process is currently underway.

Acting on Practical Level

The second – practical – dimension of the EU activity amounts to Palestinian state-building efforts and economic recovery. The aim is to enhance the viability of the future Palestinian state as a crucial step towards reaching the two-state solution. The EU here acts independently and within multilateral formats. The main parameters of practical support were set out in the EU Action Strategy for Peace in the Middle East of November 2007. The recent strategy guiding European policy towards Palestinian state-building actions is the European Joint Strategy in Support of Palestine 2017-2020¹³. According to it, there are five pillars on which European practical assistance to the PA is based:

- 1) governance reform, fiscal consolidation and policy;
- 2) rule of law, justice, citizen safety, and human rights;
- 3) sustainable service delivery;
- 4) access to self-sufficient water and energy services;
- 5) sustainable economic development.

The European Commission's Directorate-General for ENP and Enlargement Negotiations (NEAR) manages the

development assistance. Humanitarian assistance is supervised by the Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO). The Office of the EU Representative for the West Bank and Gaza Strip in East Jerusalem manages assistance on the ground. The EU is also a part of Ad Hoc Liaison Committee (AHLC), serving as the principal policy-level coordination mechanism for development assistance, where it has taken a leading role.¹⁴

To fulfil its responsibility as a peace-building actor, the EU uses various financial tools, which makes it the main donor for the PA. Recently, the combined contribution of the EU as a single entity and its member states separately has reached 1 billion euro per year. The ENP programmes are being implemented through the European Neighbourhood Instrument. A major tool is PEGASE mechanism, by means of which the EU has provided support to the development plans of the PA starting from the Palestinian Reform and Development Plan of 2007 and subsequent National Development Plans. The EU has become one of the key donors to the United Nations Relief and Works Agency for Palestine Refugees, especially after the US decision to decrease the funding of this body.¹⁵

Alongside with planning and financing reforms and institution-building programmes, the EU is engaged in sectorial capacity-building efforts by means of working on and financing infrastructural projects (water and energy supplies) as well as on improving public services (education, health, and social sectors). It also grants

13 *Towards a Democratic and Accountable Palestinian State*, "European Joint Strategy in Support of Palestine 2017-2020", April 2017, p. 11.

14 *Middle East Peace Process*, "European External Action Service", 15 June 2016 [https://eeas.europa.eu/diplomatic-network/middle-east-peace-process/337/middle-east-peace-process_en access: 28 December 2019].

15 *Ibid.*

humanitarian and financial aid to distressed Palestinian families. The EU assists in projects on social cohesion, such as the EU's "Partnership for Peace" programme that offers support for local and international civil society initiatives that promote peace, tolerance, and non-violence.

The EU pays attention to internal security and viable institutions strengthening rule of law, which are key to effective state building. It has used two civilian CSDP missions as the main tool the European Border Assistance Mission at the Rafah Crossing Point (EUBAM Rafah) and the EU Police and Rule of Law Mission for the Palestinian Territory – Coordinating Office for Palestinian Police Support (EUPOL COPPS). Both missions are operating under the recently established "integrated approach". Introduction of the Civilian CSDP Compact in 2018¹⁶ brings synergy of tools used under various missions. Mandates of EUBAM Rafah and EUPOL COPPS were extended until 30 June 2020.

EUBAM Rafah was launched in 2005 after Israeli disengagement from Gaza. As Israel signed the Agreement on Movement and Access with the PA, the mandate was to provide a third-party presence at the Rafah Crossing Point (RCP) between the Gaza Strip and Egypt, liaising among the Palestinian, Israeli, and Egyptian authorities in all aspects regarding the management of crossing and to contribute to building up the Palestinian capacity. Even though the operations at the crossing point were suspended after Hamas seized power in the Gaza Strip, the mission has continued operating in other forms. In 2014, it started the implementation of

the Preparedness Project, demonstrating its readiness to return to the RCP when appropriate. In implementing its mandate, the mission undertakes a number of actions including training sessions, workshops, and study visits. The focus is on such topics as border management, fighting against smuggling and cross border crimes, cooperation between customs and judicial authorities, etc.¹⁷



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The mission has assisted in elaborating a number of important documents and strategies (such as the Joint Road Map for cooperation with Palestinian counterparts, Integrated Border Management Strategy of 2016, Comprehensive Technical Assessment of the RCP). It assisted in creating the instructions on gathering and sharing information and the instructions on cooperation between the General Administration of Borders and Crossings (GABC) and the judicial authorities as

16 *EU Civilian Crisis Management: Member States Review Progress in Strengthening Civilian CSDP*, "European External Action Service Press-Release", 14 November 2019 [https://eeas.europa.eu/headquarters/headquarters-homepage/70461/eu-civilian-crisis-management-member-states-review-progress-strengthening-civilian-csdp_en access: 30 December 2019].

17 *EUBAM Rafah: The European Union Border Assistance Mission for the Rafah Crossing*, "EUBAM RAFAH Factsheet 2018", October 2018, p. 1.

well as two GABC action plans: the action plan on transparency, communication, and public relations, and the action plan on the creation of an inter-agency tasking and coordination group.¹⁸

EUPOL COPPS, established in 2006, has aimed at improving the safety and security of the Palestinians and strengthening the rule of law. The mission has been mandated to assist the PA in building institutions in security and justice sectors. It has been operating through a range of actions:

- 1) coordination and facilitation of external donor assistance to the Palestinian Civil Police (PCP) and support for its reform;
- 2) facilitation of inter-institutional cooperation between security and justice sectors;
- 3) strengthening the criminal justice system.



***EU policy towards the
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There are two operational pillars through which the mission is being implemented: the Police Advisory and the Rule of Law Sections, comprising police officers, judges, lawyers, and other experts, from both the EU member states and the currently contributing states – Canada, Norway, and Turkey.¹⁹

Contrary to the political process, the EU has primacy in the practical dimension. Being the world leader in applying soft tools, it has high competence in capacity building and humanitarian support. Reforms

programmes and technical assistance have become a valuable asset without which Palestinian conditions would be even worse. However, state-building efforts have also appeared to be a failure on the way to the two-state solution. Firstly, without a united Palestinian leadership there cannot be feasible state building. Intra-Palestinian split not only inhibits implementation of capacity-building measures but also does not allow effective distribution of assistance. Absence of a single Palestinian authority diminishes the chances of stopping Israeli blockade of the Gaza Strip. Yet, the EU does not make practical steps to push the Palestinian sides to reconcile.

Secondly, in the past decade, the PA has opposed political process that may lead to altering the Fatah rule. It is reflected in measures that have undermined good governance in four areas: the independence of the judiciary, the separation of power, the independence and pluralism of civil society, and the media and freedom of expression. Moreover, the PA cuts salaries of civil servants it still employs in Gaza. These cuts could lead to a complete collapse of Gaza's public services. At this juncture, the EU shows inability to exert influence on the PA, despite the availability of leverage over it (through conditionality of assistance).

Conclusions

EU policy towards the Palestinian-Israeli conflict is multidimensional with various tools applied, but it has not brought about tangible results. Being based on an international legal framework on peaceful resolution and compliant to strategies underlying the European foreign policy stance, the EU's peace efforts have looked solid and promising. However, the analysis

¹⁸ European Union Common Security and Defence Policy Operations, "Annual Report 2018", April 2019, p. 20.

¹⁹ European Union Police Mission for the Palestinian Territories, "EUPOL COPSS Factsheet 2019", July 2019, p. 1.

shows the EU's inability or unwillingness to put enough pressure on those who violate international law and the principles it has reiterated in terms of the two-state solution. The Israeli settlement policy, blockade of Gaza, intra-Palestinian split, terrorist threat Israel faces due to the existing situation in Gaza, and current US policy (as an additional factor) lead to a stalemate in attempts to reach the final status. The situation on the ground is an alarm trigger for the EU.

Absence of a united position among the EU member states as well as primacy of pragmatic economic and political interests do not let the EU be effective in making efforts within both dimensions. EU actions proved to be guided by interests but not by a normative power status in certain instances. Resolution of the Palestinian-Israeli conflict falls into pragmatic principles of Europe.

Humanitarian assistance and state-building measures the EU has provided are of high importance to Palestinians. European programmes and the CSDP missions create the necessary background for the future Palestinian state. However, for this end to be reached, the primary issues need to be addressed, which necessitates European coherent and decisive actions.

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