

ILAN GREILSAMMER
JOSEPH WEILER

EUROPE'S MIDDLE EAST DILEMMA

THE QUEST FOR A
UNIFIED STANCE



Studies in International Politics,
The Leonard Davis Institute for International Relations,
The Hebrew University of Jerusalem

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*Europe's Middle
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The Quest for
a Unified Stance*

Ilan Greilsammer
and Joseph Weiler

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About the Book and Authors

Soon after the European Summit in 1969, when the member states of the European Economic Community first met to achieve "European political cooperation," the Middle East conflict was adopted as the first foreign policy issue around which to form a consensus. In this book, Drs. Greilsammer and Weiler analyze the principal landmarks in the evolution of a unified European stance toward the Middle East conflict, placing events in the context of the contemporary political and economic circumstances. Among the events they review are: the November 1973 declaration recognizing, for the first time, "the legitimate rights of the Palestinians"; the London declaration of June 1977 establishing the Palestinians' right to a homeland; and the Venice declaration of 1980 affirming the Palestinians' right to self-determination and the necessity of PLO participation in the peace process. Finally, the authors offer a theoretical scheme for the study of European political cooperation and consider the implications of a European foreign policy toward the Middle East independent of that of the United States.

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Preface

European involvement in the struggle between Palestinian and Jew over and in Israel is as old as the Arab-Israeli conflict itself. Long before the First World War, when the early Zionist activists and pioneers were making their way to Palestine, European states intervened, on occasion with considerable vigor, with the Ottoman authorities to remove restrictions on this immigration. To some extent there was a measure of European sympathy even in those days for the Zionist ideal. But neither this sympathy nor any humanitarian concern was the principal motivation for the action. As always in affairs of state—especially the old European states—self-interest was at the root of European involvement. Ottoman restrictions on the entry of European citizens into Palestine were a contravention of the capitulation system of privileges which the European states had secured for themselves, and this could not be tolerated.

The First World War and its aftermath are well-known chapters in the history of the region. The Sykes-Picot Agreement, the MacMahon Correspondence, the Balfour Declaration and the subsequent League of Nations Mandate—in all of which European states played a major part—were not of course the root causes of the conflict but they certainly had a cardinal role in conditioning its special character. In more recent times the European role has been no less pronounced. A prime example is the 1956 Suez Crisis, the last major event in which European powers assumed an important role. Indeed, 1956 is a turning point after which one can speak of a pronounced European withdrawal—perhaps even abdication—from the region.

A new direct European involvement emerged in the early 1970s, first timidly and then with some fanfare. The hallmarks of the new involvement were twofold. In content there was a move to what Europeans have called a more “balanced” approach to the region and the conflict; Israelis have characterized this more directly as a pro-Arab shift. In form and procedure the new policy was novel: the member states of the European Economic Community attempted, particularly in the context of the Arab-Israeli conflict, to promote and execute a *common* foreign policy, often encapsulated in the slogan “Europe speaking with one voice.”

In our study we focus on this last episode in the European involvement in the region. On the one hand, ours is a traditional diplomatic history,

telling the story of, and analyzing the forces which shaped, this new "common" policy. On the other hand, it is not only the external substantive dimension which is of interest to us. We are equally interested in the European experiment of evolving, or at least aspiring towards, a common foreign policy in the context of the ongoing process of European integration. Clearly, the institutional and procedural context in which the policy has been established has influenced its content and effect.

In other words, the Arab-Israeli conflict provides us with a concrete setting in which to assess the relative advantages and disadvantages, successes and failures, of a Europe speaking, and occasionally stammering, with one voice.

The organization of the study is a simple one. In the first chapter we analyze the evolution of the foreign relations apparatus of the European communities, emphasizing the emergence of the Framework for Political Cooperation, the instrument through which Europe has made its first attempts to create a "common" foreign policy. We juxtapose the European Framework with that of full-fledged federal states in order to supply a frame of reference for analysis and as a means for pinpointing the unique characteristics of the Community in this field. We try to highlight the complex, and at times conflicting, aims and objectives of the Community and to provide a conceptual basis for both understanding and evaluating the output of the Framework.

In the second and third chapters of the study—the heart of our work—we trace step-by-step the evolution of the European policy, through the Framework for Political Cooperation towards the Arab-Israeli conflict in general and the Palestinian dimension in particular. The Venice Declaration of 1980 provides an historical and, as we shall see, also a conceptual turning point in the European approach. Chapter Two deals with events leading up to the declaration from the inception of the Framework for Political Cooperation, and Chapter Three examines the aftermath up to and including the war in Lebanon.

In the fourth and final chapter we try to combine the two principal themes of the study. Our overall conclusions regarding both the substantive external objectives of the European policy and its internal integrative effect are rather negative. We suggest that in relation to both dimensions the European success is rather modest. Although we offer some tentative explanations, one will need more historical distance for a definitive evaluation.

The Framework for Political Cooperation and its operation in the context of the Arab-Israeli conflict have not yet been the subject of extensive study. This has to a certain extent conditioned our mode of presentation. Our political-historical analysis is a relatively detailed one, reporting media and political reaction as well as the events themselves

and our interpretation of them. Moreover, we reproduce throughout the study the verbatim texts of the principal pronouncements of the protagonists. This is important in itself since, as we shall see, much of the European "policy" has consisted of statements, and its evolution can be traced through the nuanced shifts in these statements. We hope that the reader may profit from having the original texts, which are not always readily available.

We have not of course eschewed the theoretical dimension of the subject. We try to give the reader some tools with which to understand and evaluate the new European policy. We have put our heads squarely on the chopping block by rejecting both descriptively and prescriptively the classical "One Voice" model or ideal-type against which to evaluate the Framework for Political Cooperation. In proposing in its stead a more complex pluralistic model we are confident that there will be no shortage of executioners. If nothing else, our analysis may inspire some reassessment of the European venture in this field.

Prof. Ilan Greilsammer wishes to express his deepest gratitude to the Avigdor Baor Fund (Bar-Ilan University) and the Avigdor Baor family, for the generous support extended to him in connection with his research in 1982-1985.

This work began with a joint paper on the subject at the Amsterdam colloquium on "European Foreign Policy-Making and the Arab-Israeli Conflict" (February 1983). This study is a much expanded version of that paper, which has been published in a book edited by David Allen and Alfred Peijpers (The Hague: Martinus Nijhoff Publishers, 1984). We are of course indebted to the organizers and editors of that earlier venture for the inspiration which we drew from that stimulating occasion. We would like to thank Mr. Martin Westlake, who did extremely useful press archive work. Institutional thanks must go to the Department of Political Studies of Bar-Ilan University, the European University Institute, and the Jerusalem Center for Public Affairs, which provided the necessary research facilities.

Abstract

In this book the authors analyze the attempts by the member states of the European community to coordinate their foreign policies and formulate a unified stance with regard to the Arab-Israeli conflict.

In December 1969 at the European Summit at The Hague, marked by President Pompidou's and Chancellor Brandt's expressed wish to "relaunch" the process of European integration in the political sphere, the member states of the EEC decided to try to bring their foreign orientations closer to each other and achieve "European political coop-

eration." Starting in 1970 with the Davignon Report, that movement towards political cooperation gained momentum.

Later, when the Europeans decided to adopt the Middle East question as the first possible field for a common foreign policy, it was partly because the oil problem pressured them to satisfy the political demands of the Arab world, and partly because the Europeans' attitudes on the Israeli-Arab conflict had converged over the years. France's position, expressed at the time of the Six Day War by President de Gaulle, was now understood and even accepted by most European countries. Moreover, the Palestinian question became the focus of the world's interest.

The principal landmarks in the evolution of a European stance towards the Middle East were:

- The November 1973 declaration recognizing, for the first time, "the legitimate rights of the Palestinians";
- The London declaration of June 1977 recognizing that the Palestinians have "the right to a homeland"; and
- The Venice Declaration of 1980 affirming the Palestinians' right to self-determination, and the necessity of PLO participation in the peace process.

This book analyzes the circumstances in which those decisions were made as well as the content of these documents. It offers a theoretical scheme for the study of the process of European political cooperation and considers the conditions of the European community's formulating a foreign policy independent of the United States.

*Ilan Greilsammer
Joseph Weiler*

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ONE

The Historical, Conceptual and Comparative Framework

The European Community is not a federal state nor does it aspire to become one. Like federal states, however, it is a *non-unitary* political and legal system. There is a constant tension between the central (general) power and the constituent units; a continuous interaction between centrifugal and centripetal forces. In order to understand better the European process it may be useful to contrast it to other non-unitary actors and in particular the federal state. Many of the problems which Europe faces in constructing mechanisms for a common foreign posture derive from her non-unitary character rather than simply from disagreement among the partners about the possible content of a foreign policy. And since in this chapter we are concerned with mechanisms and institutions rather than substance, it is useful to concentrate on this essential structural characteristic of the Community. Through the differences (and occasional similarities) with these other non-unitary actors we may gain insight into the very special and unprecedented nature of the European Community's foreign-policy apparatus.

Typically, in the history of most federal states, the international environment provided one of the cardinal incentives for initial unification, or for the movement from confederal arrangements to some form of federation.¹ And although constitutions of federal states, normally based on a doctrine of division of powers between central government and the constituent units, describe with greater or lesser detail the respective competences allocated to each level of government, "... it is usually assumed that the foreign relations of a federation will be controlled predominantly, if not exclusively, by the general government of the whole territory."² (This, as we shall see, contrasts sharply with the European Community where foreign policy was precisely that area which the

integrating member states sought most jealously to exclude from the competences of the central Community organs.)

A useful prism through which to illustrate the point is provided by the manner in which states contract international treaties. The treaty-making experience is important since treaties are the principal means through which the EC conducts its external relations.

Let us examine first the collective experience of federal states which in fact demonstrates strong converging trends. The first issue concerns the question of international personality and capacity of member units of a federation. Can the member states of a federal state conduct an independent foreign policy? In many federations this power is denied constitutionally. Historically, even in federations such as the Federal Republic of Germany, Switzerland and to a certain measure the USA, where there is some constitutional provision for member-state international capacity, the actual exercise of this power is rare. In recent times member states have seldom concluded independent treaties and have preferred to rely on the federal government with, as in the FRG, certain constitutional guarantees.

For its part, public international law takes little cognizance of the internal structure of federations. Federal clauses (whereby other states recognize the internal federal character of a state) were always an inconvenient disturbance, at best tolerated and for the most part resisted, and both international capacity and international responsibility (the hallmarks of statehood and sovereignty) were accorded only grudgingly and to a progressively limited extent accorded to constituent units of federations. From the legal point of view the world order is composed of unitary actors.

Not surprisingly, the internal treaty-making power of the central government has been interpreted in most federal states in very broad terms. With a few theoretical exceptions the general trend is to recognize plenary treaty-making power limited by substantive constitutional provisions but not by allocational ones. In other words, in all federal states treaty-making power has not been limited to those areas over which the central government enjoys internal competences. And with the well-known exception of Canada and to a extent the Federal Republic of Germany, federal (central) governments have been allowed by constitutional courts to implement treaties even if the implementing legislation crosses the internal demarcation of competences. Court after court has ruled that the exigencies of the external environment may override the internal federal demarcation.

We see then, from the experience of federal states, that the conduct of foreign policy does not easily lend itself to non-unitary structures and that in this field the tendency—both in internal political terms and

in the external international environment—is to opt for single actors. But how does this tendency square with the rationale behind federal arrangements—decentralization of power, participation, rational division of governmental powers among the participating units? Are foreign affairs to be excluded from this rationale and, if not, how does one explain the unitary tendency in federal states?

Even if federations have a unitary external posture, it is arguable that the federal principle may vindicate itself in the internal process of foreign policy-making. To be sure, the role of parliamentary organs at the central level in the foreign policy process, especially in the US (but not in the European Community) has increased dramatically in recent years by imposing a measure of democratic control on the foreign policy field, historically regarded as a *domaine reserve* of the executive. But it could be argued that federal legislative organs, even if designed to represent state interests have lost some of their mediatory function and have become part of the central authority—displaying less sensitivity and responsibility towards their original constituencies. Indeed, the process of foreign-policy making is for the most part not conceived as being a legitimate interest of the constituent units *qua* units of the federation.

We should note however that this unitarist image must be qualified, at least partially, by political fact. Across the board we find that even where federal governments have the authority to encroach upon member-state competences through the exercise of treaty-making power, they have been very reluctant to conclude treaties which would have that effect. Moreover, there is a growing trend to evolve structures of cooperative federalism in order to overcome some of the problems posed by the unitary system. It remains true, however, that in the strict constitutional/international legal sense, federal states face the world as unitary actors and their internal policy process is essentially centralized.

We have still been unable to explain why, in the federal state which is based on a concept of division of competences, such exclusive power is allowed to rest in the hands of central government. The answer, we believe, must be found in the origins of the federal state.

Historically, the rationale behind this exclusive concentration of foreign affairs powers in the hands of the central government rested on three premises.

The first premise was that in matters of external relations a united posture would maximize the power of the individual units. This was especially the case in the areas of defense and security. One can go even further. The unified foreign posture and international personality emerged as probably the most important factors in giving federations in their formative years the quality of statehood, in contrast to other federal arrangements, such as confederations. This was certainly true in the

formal relations among actors in the world order and was recognized in public international law.³ But a unified foreign and defense posture did not have only an external and formal significance. The federation's flag, the federal army, the national anthem and other such paraphernalia—were all, at least in part, expressions of the unified posture towards “outsiders”—imbued the formal distinction with internal social meaning. Thus even at the social and human level, while citizens of a federation in internal matters could regard themselves as Texans or Tasmanians, vis-à-vis the outside world they would normally view themselves as Americans or Australians. *To be a federal state was to have a unified foreign posture.*

But this premise alone would not explain the willingness of the member states of federations—especially in formative periods in which there was traditionally much stronger insistence than today on preserving the rights and autonomy of the constituent units—to vest the execution of virtually all foreign power in the hands of the central government.

It is here that the second premise comes into play. For there was a widespread belief that matters of foreign policy and contacts with foreign states would, *ipso facto*, interest the general government and would be less relevant to the constituent states and the domestic powers usually vested in them.⁴ It seemed therefore that one could benefit from a unified foreign posture without encroaching upon the internal division of powers between the two levels of government regarding domestic policy.

It is this premise which explains why, until the advent of the European Community, there was, with few exceptions, no such thing as a genuine “federal foreign policy.”⁵ Federal states distinguished themselves by their unified, *non-federal*, external relations.

Finally, perhaps there was the belief, characteristic of early federal theory, that the representation of state interests within federal government would sufficiently protect those interests—if indeed they existed.

Let us now critically examine these premises and their ramifications. The first premise which states that a united posture is more effective than individual foreign policies has retained much of its force until this day and constitutes the principal impetus for those who advocate further integration in the external posture of the EEC. By contrast, it is doubtful if the second premise was ever wholly correct.⁶ And in today's interdependent world it is clear that there are few areas of so-called domestic jurisdiction which do not have some international dimension, and equally few areas of international activity which do not have internal ramifications.⁷

We are now in a position to understand the evolutionary dialectics and conceptual framework of the foreign relations apparatus of the EEC. The emergence of European institutions and mechanisms for the for-

mulation and conduct of a common external posture was not a result of a preconceived and rational design. It was instead the outcome of a process conditioned by conflicting interests and forces.

On the one hand, the belief in the alleged benefits of having a unified foreign posture, of "speaking with one voice," at least in some contexts, provided the member states with integrative impetus. Moreover, the fact that internal matters tend to have an international dimension meant that even in areas where the Community was not vested with explicit external competence, there was pressure to create such competence so as to enable the EEC to pursue in an adequate manner its internal policies.⁸

On the other hand, it is easy to understand the source of member state ambivalence and resistance to a unified foreign policy. The very fact that a unitary external posture and single international personality emerged historically as the hallmarks of the federal state—distinguishing it from other non-unitary entities—was and remains a potent potion, perhaps even poison, for the member states. Even those who were most integration-minded did not call for the creation of a European "super-state," under whatever federal nomenclature. The area of foreign relations thus acquired a sensitivity unparalleled in any other field.

Furthermore, the patent falsity of the second premise, that one can delimit the interaction of internal and external powers, means that were the member states to vest the *exclusive* conduct of foreign policy in Community institutions they would not only lose their much cherished international personality, but would also be unable to autonomously conduct national policy in areas which at first might appear to be wholly within domestic jurisdiction. The history of all federal states has demonstrated clearly that implementation by federal government of federal foreign policy involves inevitable encroachment upon the areas reserved for states.⁹

Given then these conflicting interests we should not be surprised to find that all activities of the Community in the international environment are imbued with a strong ambivalence on the part of the member states. The potential external utility of the joint posture is always weighed against the alleged individual state's loss of power. The member states often want the substantive "benefits" but don't wish to pay the structural "costs."

We shall analyze first the initial pattern and evolution of the Community posture in the field of external economic relations, and then develop more fully the structure and purpose of its political foreign posture through the Framework for Political Cooperation. Finally, in this chapter we shall indicate the breakdown between the two external activity areas and reflect on a conceptual and evaluative framework into which the external posture may be fitted. We shall then be able to approach the

central theme of this volume—European policy towards the Arab-Israeli conflict.

The Treaty Framework— The External Relations of the EEC

The Starting Point

The EEC was created in 1958 against the backdrop of the more ambitious proposals in the mid-fifties for European political and defense communities. European integration was to evolve principally on the economic plane. The reluctance of the member states to extend their joint venture to defense (outside the NATO framework) and to foreign policy was reflected in two ways in the Treaty of Rome, which established the Community.

First, an “iron curtain” was drawn between what later became known as “high” and “low” politics. The Community was to have international competence only in respect to *external (economic) relations* (low politics). The member states would retain in their individual capacity exclusive competence over *foreign affairs* (high politics). There thus were a series of European commercial and trade agreements with many countries, including Israel, commencing already in the early sixties.¹⁰ However, there could not be—until the creation of the Framework for Political Cooperation in the late sixties—even the semblance of a joint European policy towards the political issues besetting the region. Here one would have to have a French policy, a Dutch policy and so forth.

Anticipating a theme to which we may return later, this very example illustrates the untenability of a conceptual and operational distinction between high and low politics—between external relations and political cooperation. For one has to be singularly blind and dogmatic to believe that external economic relations operate in a political vacuum and that one can pursue a vigorous foreign policy without recourse to economic instruments.¹¹ The member states were to learn that lesson slowly and reluctantly. The theoretical division, so neatly drawn in the treaties which established the Community, was to become slowly unworkable, despite its ideological attraction.

Second, even in the realm of external relations the international capacity of the Community, expressed in particular through its treaty-making power, was explicitly granted only in relation to the international trade policy of the Community. Thus the treaty provides:

The common commercial policy shall be based on uniform principles, particularly in regard to changes in tariff rates, the conclusion of tariff and trade agreements. . . .¹²