

GLOBAL AND REGIONAL ORDER

ISRAEL-PALESTINE AND THE DEAL OF THE CENTURY

U.S. Foreign Policy Under
President Donald J. Trump 2017–2019

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September 2019



With Trump's entry into the White House and the assembly of his peace team, a strong pro-Israel foreign policy in the decade-long Israeli-Palestinian conflict emerged and countered prior U.S. Mideast policy.



The policy implications of this peace team and the recent publication of a U.S. peace plan preclude the implementation of a viable socio-political and economic framework aimed at coexistence in Israel-Palestine.



The EU needs to take action and needs to reevaluate their traditional role in the conflict's mediation and seek to become a »player« rather than a »payer« by reinforcing its role in the peacemaking through a progressive international working group.

Contents

Report Summary	3
Setting the Stage: Obama's Legacy on Israel-Palestine	3
The Transition Period: The Trump Campaign and Israel.....	4
Trump Takes Office: A Departure in US Foreign Policy	5
The Trump Administration's Peace Plan.....	7
The European Union's Role in the Israeli-Palestinian Conflict	9
References.....	12

REPORT SUMMARY

Upon his entry into the White House, President Donald Trump vowed to put an end to the decade-long Israeli-Palestinian conflict by assembling a peace team made up of personal confidantes. The appointment of his son-in-law, Jared Kushner, as chief peace point man, in addition to Ambassador David Friedman and Special Envoy Jason Greenblatt, was indicative of both the preternatural pro-Israel stances within the Trump team and the intricate personal ties that existed between the administration and the Israeli establishment. The policy implications of this close convergence led to the implementation of far-reaching, pro-Israel decisions on the ground that countered prior U.S. Mideast policy, alienated the Palestinian Authority, and further challenged the ability of the U.S. to act as an impartial mediator. The recently-published economic portion of the U.S. peace plan, titled »Peace to Prosperity,« is unlikely to herald the beginning of effective negotiations between the involved parties. The report's failure to acknowledge the complex political realities that have led to the current economic context thus precludes the implementation of a viable socio-political and economic framework aimed at coexistence in Israel-Palestine.

Faced with an unilaterally-bent, pro-Israel U.S. foreign policy, the European Union and its member states will need to reevaluate their traditional role in the conflict's mediation and seek to become a »player« rather than a »payer.« Despite existing internal legislative challenges and political and ideological fragmentation, European Union member states are able to leverage existing practices to enforce policies that comply both with international laws and pre-formulated UN regulations. As this report notes, German guidelines put in place in 2014 can form a model to prohibit public funds going to Israeli settlements while at the same time hampering settlement production activities through labeling guidelines and public awareness campaigns. Meaningful cooperation, moreover, extends beyond the EU and alliances between willing member states. Under the guidance of the nominated EU foreign policy chief, Josep Borrell, a progressive international working group should be reconfigured in the style of the now defunct UN Quartet to reinforce the international community's role in peacemaking.

SETTING THE STAGE: OBAMA'S LEGACY ON ISRAEL-PALESTINE

When President Donald J. Trump entered office in January 2017, he, like many of his predecessors, vowed to end the intractable crisis between the Israelis and the Palestinians.¹ In his first interview with *The Wall Street Journal* after being elected president, Trump said that he wanted to help resolve the Israeli-Palestinian conflict »for humanity's sake« (Langley/Barker 2016). These words echo those of his direct fore-

runner at the beginning of his first term. On only his second full day in office, President Barack Obama announced to a roomful of State Department employees that with the appointment of former Senate Majority Leader George Mitchell as his special envoy for Middle East peace he would make it »the policy of my administration to actively and aggressively seek a lasting peace between Israel and the Palestinians, as well as Israel and its Arab neighbors« (Ruebner 2013: 1). Unlike Presidents George W. Bush and Bill Clinton, Obama promised to tackle the »habit of American presidents« who »in their last year [...] finally decide, we're going to broker a peace deal.«²

Despite his criticism of past administration's policies on Israel-Palestine, President Obama and his administration failed in their attempts to make any progress towards achieving an Israeli-Palestinian peace settlement. In 2013, Obama's secretary of state already recognized the dire consequences of this would-be failure. Testifying before congress, John Kerry noted that, faced with an accelerated pace of settlement expansion in the West Bank, if a two-state solution were not to be reached within Obama's final term, the prospect for the creation of a Palestinian state would be negligible (Sherwood 2013). The »framework agreement« that Kerry was in the midst of promoting would eventually fall apart, and at the end of Obama's second term the prospects of another U.S. president overseeing the possibility of a negotiated two-state resolution appeared dim (Entous 2018a).

While President Obama's legacy »could well be the death of the two-state solution itself« (ibid.), early on in his term Obama established himself as perhaps the most rhetorically supportive U.S. president of Palestinian rights and the most energetic in his pursuit of Palestinian statehood.³ Nevertheless, Obama was unable to translate these sentiments into coherent policy changes as a result of his inability to challenge the Israel lobby in the United States and his refusal to openly confront Israel in international fora (Ruebner 2016: 52). Moreover, despite Republican⁴ and Israeli criticism of Obama's Middle East approach, a close observation of Obama's policy on Israel-Palestine reveals that the 44th American president largely solidified the United States' role as mediator on

¹ Every president since Harry Truman has tried, to a greater or lesser extent, to resolve the Arab-Israeli conflict in general, and the Israeli-Palestinian conflict in particular, and failed (Ruebner 2013: 3).

² This swipe at former presidents referred to the failed attempts of President Bill Clinton in 2000 at Camp David and President George W. Bush in 2007 at Annapolis to initiate negotiations under U.S. auspices to resolve those final status issues that were deliberately shelved during the Oslo peace process (Ruebner 2013: 1, 2).

³ As Obama said during his 2009 speech in Cairo: It is »undeniable that the Palestinian people – Muslims and Christians – have suffered in pursuit of a homeland. For more than sixty years they've endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza, and neighboring lands for a life of peace and security that they have never been able to lead.« This, Obama declared, was an »intolerable« situation for the Palestinians and he vowed that »America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own« (Abraham 2014: 153–154).

⁴ In the words of 2012 Republican presidential candidate Mitt Romney, Obama »threw Israel under the bus.« When asked how he would conduct policy on Israel and the Palestinians, Romney stated: »You could just look at the things the president has done and do the opposite« (Ruebner 2016: 53).

behalf of Israel, particularly in the realms of military aid⁵ and international diplomacy (Pressman 2016). Observing these bilateral ties, in July 2010, then Assistant Secretary of State for Political-Military Affairs Andrew Shapiro even argued that the administration should be considered the most pro-Israel in its history, as Obama's »enduring commitment to Israel's security« meant that the relationship with Israel was »broader, deeper, and more intense than ever before« (Ruebner 2016: 59).

Notwithstanding the dysfunctional personal relations between President Obama and Israeli Prime Minister Benjamin Netanyahu, the period between 2008–2016 witnessed active U.S. support for Israel in international fora. A study by Lara Friedman, formerly of the non-profit Americans for Peace Now, found that the Obama administration, in contrast to its predecessors, completely shielded Israel from international scrutiny by applying veto power, even if it – at times – wildly contradicted the administration's policy record (Friedman 2016). One such instance included the administration's efforts to scotch a United Nations (UN) Security Council resolution condemning Israel's settlements in 2011⁶ despite the fact that a key element of U.S. Mideast policy in early 2009 had been producing a complete settlement freeze in the West Bank.⁷

According to Matt Duss, foreign policy advisor to presidential candidate Bernie Sanders, overt policy departures were part of a pattern that Obama followed: »Whether it had to do with closing Guantanamo or the Israeli-Palestinian conflict. He would put issues out there, and allies would decide that they were going to follow the president, and then he would do the political calculation and make an abrupt decision to change course.«⁸ While the upcoming re-election campaign likely provided the calculus behind the 2011 veto,⁹ the Obama administration also actively thwarted Palestinian initiatives in international forums that reflected its own policy visions. In 2012, for instance, the U.S., actively engaged in »very broad and very vigorous demarche [in] virtually every capital in the world« (Rogin 2011) in order to ensure that on-

ly »direct negotiations [lead to] peace« (MacAskill/McGreal 2013). According to Obama's nominee for undersecretary of state for political affairs, Wendy Sherman, these efforts sought to quash the Palestine Liberation Organization's (PLO) bid for statehood recognition and full membership in the UN in November 2012 (ibid.).

In 2005, U.S. peace process negotiator Aaron David Miller confessed that »for far too long, many American officials involved in Arab-Israeli peacemaking, myself included, have acted as Israel's attorney, catering and coordinating with the Israelis at the expense of successful peace negotiations« (Miller 2005). An analysis of the peace efforts led by Secretary of State Kerry reveal that similar mistakes were made during the Obama era. The Kerry proposal sought to lay out parameters (Podeh 2015: 370) for final status issues, like Jerusalem and settlements, following a failure to create an agreement on these core issues. At Netanyahu's behest, one of these parameters included that Palestinians recognize Israel as the »nation-state of the Jewish people,« a deal-breaker demand that Kerry later conceded was a »mistake« (Ruebner 2016: 55). Indeed, Abbas' wariness of the administration's ability to »deliver the Israelis« increased; in return, the Obama administration was frustrated with the Palestinian leader's inability to »see the big picture« while »squabbling over this or that detail« (Tibon 2017). This frustration was indicative of Obama's stance towards the Israeli-Palestinian conflict, which he had come to view as a lost cause during his final years in office.¹⁰ While guided by the ever-rightward drifting Israeli government, it is this legacy of ineffectiveness that has enabled the Trump administration to put forward policies that have negated, if not extinguished, the principles that were put forward in the Oslo and guided successful U.S. administrations towards the creation of a final, two-state solution.

THE TRANSITION PERIOD: THE TRUMP CAMPAIGN AND ISRAEL

Prior to the launch of the Trump presidential campaign in June 2015, important ties between the Trump family and the Israeli government had already been forged. In January 2013, when Israel was in the midst of elections, Trump offered his video-recorded endorsement for Netanyahu from Trump Tower in New York, stating: »And you truly have a great prime minister in Benjamin Netanyahu. There's nobody like him. He's a winner. He's highly respected. He's highly thought of by all. And people really do have great, great respect for what's happened in Israel. So vote for Benjamin. Terrific guy. Terrific leader. Great for Israel« (Gray 2017). Beyond endorsements, Netanyahu could count on a personal relationship with the Trump family through his long-standing friendship with Charles Kushner, the father of Ivanka Trump's husband, Jared Kushner (Entous 2018b). The Kushner family were deeply involved in Israel. Similarly to other key members of Trump's would-be administration, they had offered finan-

⁵ In September 2016, the U.S. and Israel signed a new ten-year memorandum of understanding, which saw the U.S. boosting military aid to Israel from \$2.55 to \$3.8 billion per year. At the same time, congress – at the request of the administration – appropriated increasing levels of money for joint research and anti-missile programs, like the Iron Dome system, which amounted to more than one billion dollars during Obama's first term (Ruebner 2013: 11).

⁶ The U.S. vetoed the resolution, because, as U.S. Ambassador to the UN Susan Rice argued, even though »we reject in the strongest terms the legitimacy of continued Israeli settlement activity, [the resolution] risks hardening the positions of both sides« (Friedman 2016: 56).

⁷ As Secretary of State Hilary Clinton said in 2009, the president »wants to see a stop to settlements – not some settlements, not outposts, not natural growth exceptions.« By the end of 2010, however, when the administration was not able to garner an extension to an initial settlement freeze, the U.S. government abandoned the demand (Pressman 2016; Landler/Kershner 2009).

⁸ Personal interview conducted with Matt Duss on June 4, 2019.

⁹ In 2016, Obama abstained on a UN Security Council resolution condemning the settlements, clearing the way for its passage. It would be Obama's final act of defiance against Netanyahu before Donald Trump took office and put in place policies that were far more accepting of the settlers (Beaumont 2016).

¹⁰ Personal interview conducted with Matt Duss on June 4, 2019.

cial support for Israeli settlement activities; between 2011 and 2013 they donated almost \$60,000¹¹ to West Bank settlements.¹² Ron Dermer, Israel's current ambassador to the United States, also enjoyed close ties with Trump prior to his election and actively supported Trump's Jewish outreach during the campaign based on his belief that a Trump presidency would promise a »markedly more compliant policy where Israel was concerned« (Entous 2018b).

While Trump's foreign policy on Israel-Palestine remained ambiguous during his campaign, high-profile individuals sought to make a definitive mark on future initiatives as the Republican field whittled down. One of these individuals was the pro-Likud billionaire Sheldon Adelson, who endorsed Trump in May 2016. Adelson's endorsement, however, came with strings attached. Adelson thus demanded that Trump commit to moving the U.S. embassy from Tel Aviv to Jerusalem (Gray 2017). Trump's first policy move, which came prior to his inauguration and thereby defied the principle known as »one president at a time,« equally reflected outside priorities. In December 2016, President Obama was gearing up to veto a UN resolution condemning Israel settlements, a highly symbolic move which effectively ensured the resolution's passage. Aware of Obama's efforts at the UN, Dermer called on Trump's transition team to help squash the Egyptian-proposed resolution (Entous 2018b). Under pressure from Netanyahu and Trump, who had made the impending UN vote his »No. 1 priority« (ibid.), Egypt withdrew its sponsorship of the resolution.¹³ Israel, as one former U.S. official put it, had become confident that »they would be able to advance their priorities« (Gray 2017).

TRUMP TAKES OFFICE: A DEPARTURE IN US FOREIGN POLICY

Trump's picks for his foreign policy team further confirmed the Israeli conviction that, in Dermer's words, »the light at the end of the tunnel« (Entous 2018b), had arrived. On the eve of his inauguration, Trump informed the attendees of a

dinner that despite repeated failed attempts to secure Middle East Peace, he had found the one person who would be able to do just that: his son-in-law, Jared Kushner.¹⁴ According to Trump, if Kushner »can't produce peace in the Middle East, nobody can. [All] my life, I've been hearing that's the toughest deal to make, but I have a feeling Jared is going to do a great job« (Levin 2019). With Kushner attending to a long list of responsibilities ranging from peace in the Middle East to the immigration crisis, Jason Greenblatt, a graduate of Yeshiva University and an Orthodox Jewish attorney who worked for the Trump Organization, was appointed to lead the American negotiating team. While perceived as the less dogmatic and hardline than his colleagues (Maltz 2016), Greenblatt has – similar to his colleagues – provided tacit endorsements of Israeli settlement activities. A former student of a religious Jewish seminary in the West Bank, Greenblatt has argued that settlements do not constitute a core issue.¹⁵ Upon his appointment as envoy, Greenblatt would face another obstacle in his role as objective mediator: a lack of Palestinian contacts.¹⁶

David Friedman, Trump's choice for U.S. ambassador to Israel, completed the »peace team«. In the wake of his nomination, five previous U.S. ambassadors to Israel signed a letter saying that Friedman was unqualified for the position, including due to his »extreme, radical positions« (Anonymous 2017). These problematic positions include Friedman's support for Israeli control over Palestinian Territories and deriding the two-state solution as an »illusory« fix for a non-existent problem, namely the »alleged occupation« (Beaumont 2017a). In May 2016, one year before he was appointed ambassador, Friedman even suggested that »US Jews who opposed the Israeli occupation of the West Bank were worse than kapos« (Beaumont 2017b). After assuming his role, Friedman asked – and the State Department complied in the Spring of 2018 (Wermenbol 2018; U.S. Department of State 2018a) – to stop referring to the Occupied Territories as »occupied.«¹⁷

In the wake of Obama's departure from the White House, Trump immediately began transforming the direction of Middle East politics. Initial meetings with both Prime Minister Netanyahu and Palestinian President Mahmoud Abbas in early 2017 saw Trump reinforce his desire for a peace deal, albeit one which could involve either a one- or two-state solution, as he said in February 2017: »I'm very happy with the one that both parties like. I can live with either one. I thought for a while the two-state looked like it may be the easier of the two, but honestly if Bibi and if the Palestinians – if Israel

11 The leading beneficiary that received funding from the Kushner family is American Friends of Beit El Yeshiva, the American fundraising chapter of the settlement of Beit El previously headed by David Friedman, which received almost \$40,000 between 2011 and 2013 (Morello 2016).

12 Prior to his arrival in Israel, while president of the American Friends of Bet El Institutions, Friedman was responsible for funding several projects in the illegal West Bank settlement of Beit El. Among the beneficiaries of the approximately \$2 million in donations raised each year in the United States is the Bet El Yeshiva, headed by Rabbi Zalman Melamed. Melamed, a founder of the far-right political party Tkuma, was among a group of rabbis who urged Israeli soldiers to disobey orders to evacuate the Gush Katif settlements in the Gaza Strip in 2005. Previous reports on the American Friends of Bet El Institution's donors and key attendees of gala dinner reveal deep ties between the current administration and Bet El. In 2013, the organization received a donation worth \$28,000 from Jared Kushner's family. President Trump also made a \$10,000 donation to Beit El in Friedman's honor in 2016. John Bolton, Trump's National Security Advisor, was the keynote speaker for the organization's annual gala dinner in December 2017 (Wermenbol 2018).

13 With the support of four other UN Security Council members, the vote did eventually pass.

14 In his assignment, Kushner would come to rely on the assistance of his aide Avi Berkowitz, who is the cousin of the first Orthodox president of the American Israel Public Affairs Committee, Howard Friedman (Anonymous 2019a).

15 More recently, he – similarly to Friedman – has backed Israel's right to retain part of the West Bank (Anonymous 2019b).

16 Personal interview conducted with Josh Ruebner on June 13, 2019 (Heilman 2016).

17 In a June 2019 interview with *The New York Times*, Friedman argued that Israel has »a right« to annex some of the West Bank (Halbfinger 2019a).

and the Palestinians are happy, I'm happy with the one they like the best» (Conway 2017). Trump's statements constituted a significant divergence of pre-existing, bipartisan U.S. policy, which had called for the creation of an independent Palestinian state, living side by side with Israel in peace and security since the early 1990s.

During an AIPAC speech in 2016, Trump claimed that upon becoming president »the days of treating Israel like a second-class citizen will end on day one« (Schaefer 2016). Indeed, despite the initial conciliatory rhetoric, the Trump administration wasted little time in advancing an unbalanced, pro-Israeli agenda. In another overt departure from U.S. foreign policy, President Trump formally recognized Jerusalem as Israel's capital on December 6, 2017 and, with that, directed the move of the U.S. embassy from Tel Aviv to Jerusalem (Begley 2016). It is worth noting that in fulfilling his campaign promise, Trump did what prior U.S. presidents had pledged; Presidents Clinton, George W. Bush, and Obama all vowed to formally recognize Jerusalem as Israel's capital, but ultimately did not fulfill the promise, citing national security concerns. Moreover, under the 1995 Jerusalem Embassy Act, the president was required »to move the U.S. embassy from Tel Aviv to Jerusalem or sign a waiver [every six months] to avoid doing so« (Landler/Hirschfeld Davis 2017). By not signing the presidential waiver, as he had previously done in June 2017 (Vitali 2017), Trump, in his own words, took »a long-overdue step to advance the peace process and to work towards a lasting agreement. Israel is a sovereign nation with the right like every other sovereign nation to determine its own capital. Acknowledging this as a fact is a necessary condition for achieving peace« (The White House 2017a).

Although it is not evident whether Trump's decision sought to predetermine the final status of Jerusalem,¹⁸ the move does challenge UN Resolution 478, which in 1980 banned diplomatic missions from the city.¹⁹ Accordingly, in the immediate aftermath of the decision, U.S. Ambassador to the UN Nikki Haley vetoed a United Nations Security Council resolution tabled by Egypt which stated »[t]hat any decisions and actions which purport to have altered [...] the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council« (UN 2017). The embassy move to West Jerusalem's Arnona neighborhood, which took place on May 14, 2018 to coincide with the 70th anniversary of the establishment of Israel, was heralded by Israel's prime minister, who called it »an important step toward peace« (Halbfinger/Landler/Kershner 2017). Adelson, who had offered to help pay for the embassy (AP 2018a), was in attendance. He was joined by a few dozen evangelical leaders, who with their presence testified to the

evangelical spirit (Landau 2019a) that had backed the move (US Government 1995).

Trump's announcement, however, had the opposite international response to what Netanyahu desired. »To advance peace,« Netanyahu offered countries that would follow the U.S. in relocating their embassies »preferential treatment« (Landau 2019a). Yet, the only embassy that permanently followed the U.S. was Guatemala, which under the influence of its growing evangelical community (Shellnutt 2018) and its desired alliance with the Trump administration (Anonymous 2018), moved its embassy to Jerusalem's Malkha neighborhood on May 16, 2018.²⁰ The United Nations and the European Union, conversely, rejected the unilateral step. According to a joint statement by the ambassadors of Britain, France, Sweden, Germany, and Italy, Trump's action was »not in line with Security Council resolutions and was unhelpful in terms of prospects for peace in the region.«²¹

The move was also rejected by the Arab world. Despite the increased normalization of ties between Israel and the Gulf and the corresponding withering of the Palestinian cause, Saudi King Salman bin Abdulaziz al-Saud put the issue of Palestine at the top of the Arab League conference in April 2018, declared that it would be called the »Jerusalem summit,« and issued a strong statement condemning Washington's planned embassy move (Underwood 2018). The Palestinian leadership was equally dismissive of Trump's decision. Prior to the announcement, veteran PLO negotiator Saeb Erekat had already warned Kushner that if the U.S. were to move ahead with the move it would »disqualify them] from playing any role in the peace process« (Gray 2017). As a result, the Palestinian Authority (PA) broke off diplomatic contact with the administration (Zanotti 2018; George 2018). On the ground, the move was met with violence. Palestinian demonstrators, who already were in the midst of protesting the humanitarian crisis in Gaza, clashed with the Israeli army; the inauguration ceremony coincided with the usage of live ammunition on protesters on the Gaza border, resulting in the death of six Palestinians and more than 2,700 injured (Morris/Eglash 2018).

Trump's unilateral decision to recognize the contested city of Jerusalem as Israel's capital was by no means the only move that marginalized the Palestinian leadership. In January 2018, the State Department announced that it would freeze \$65 million of its planned \$125 million in funding for the United Nations Relief and Works Agency (UNRWA). UNRWA, which was established in 1949 to offer healthcare and education services for the Palestinians displaced during the 1948 War, provides aid and services to approximately five million Palestinian refugees across the Middle East. In order to fund these

¹⁸ The administration argues it is simply recognizing the obvious in accepting Jerusalem as Israel's capital and that the city's final boundaries can still be determined in negotiations. But confusingly, Trump has also said he has taken the issue »off the table.« Moreover, he has failed to say anything about Palestinian claims to East Jerusalem (Plett Usher 2018).

¹⁹ Since then, no country has opened an embassy in the city, opting instead for consulates and attachés.

²⁰ Paraguay, which relocated its embassy to Jerusalem in May 2018, decided to return its embassy to Tel Aviv a few months later, in September 2018. Other countries, such as Brazil, Honduras, and Hungary, have flirted with moving their embassies, but have settled on opening trade or cultural missions as the preferred compromise.

²¹ According to reports, Germany urged Romania to keep its embassy in Tel Aviv (Weinthal 2018).

basic services, UNRWA relies on financing from UN member states and some private donations; the U.S. had been the largest donor to UNRWA prior to 2018, giving more than \$360m in 2017.²² According to the State Department's spokeswoman, Heather Nauert, the reduction in funding was intended to increase other countries' contribution to the organization: »The United States Government and the Trump administration believe that there should be more so-called burden sharing to go around« (U.S. Department of State 2018b).

Nauert's comments echo concerns over America's disproportionately large contribution to multilateral bodies and initiatives, such as NATO and UN peacekeeping operations, as repeatedly expressed by the Trump administration (Marteu 2018). Nevertheless, statements by Kushner indicate that the decision to defund UNRWA also had a specific political dimension. In September 2018, when the U.S. cut all aid to the UN agency, an email was leaked (Lynch/Gramer 2018) in which Kushner told officials that »it is important to have an honest and sincere effort to disrupt UNRWA [as] this [agency] perpetuates a status quo, is corrupt, inefficient and doesn't help peace« (Marteu 2018). Kushner's views of the agency are shared by the Israeli prime minister, who welcomed the U.S. decision to stop funding the U.N. agency for Palestinian refugees. Netanyahu, who rejects any large-scale return of Palestinian refugees to lost homes in what is now Israel, has accused the agency of »perpetuating a crisis that lies at the heart of the Israeli-Palestinian conflict« (AP 2018b).

In 2018 and early 2019, the Trump Administration undertook several additional steps to reduce U.S. funding for programs benefitting Palestinians. These moves were intended to press Palestinian officials to restart peace talks and force them to re-engage with the White House (Zanotti 2018). Based on a strategy suggested by Netanyahu and Dermer, the goal was to convey to the Palestinians that »their stock value was declining« and ensure that the leadership would consider »realistic« proposals (Gray 2017). In order to pursue this objective, in 2018, the U.S. administration cut more than half a billion dollars (Estrin 2019; Knell 2019) in development aid to the Palestinians, which included funding for humanitarian projects, such as food aid and infrastructure programs in the West Bank and Gaza, and hospitals in East Jerusalem.²³ In addition, in February 2019, despite internal resistance from USAID officials, the U.S. announced a complete cease of US-AID assistance in the West Bank and Gaza. This latter decision was linked to a deadline set by new U.S. legislation – the Anti-Terrorism Clarification Act (ATCA) – under which foreign aid recipients could be exposed to anti-terrorism lawsuits.²⁴

Although President Trump claimed that the USAID cuts were aimed at pressuring the Palestinians to return to peace talks, subsequent moves by the administration appeared to close the very channels of diplomacy that would enable this engagement. On September 10, 2018, the U.S. administration announced that it would close the office of the General Delegation of the Palestine Liberation Organization (PLO) in Washington, D.C., which had been established as part of the 1993–1995 Oslo Accords (Marteu 2018). Nauert cited the Palestinians' refusal to engage in peace talks as grounds for the decision, claiming that »The PLO has not taken steps to advance the start of direct and meaningful negotiations with Israel. To the contrary, PLO leadership has condemned a U.S. peace plan they have not yet seen and refused to engage with the U.S. government with respect to peace efforts and otherwise« (U.S. Department of State 2018c). For the Palestinian leadership, however, the closure of the mission formed, in the words of Erekat, »another affirmation of the Trump Administration's policy to collectively punish the Palestinian people. [...] This dangerous escalation shows that the U.S. is willing to disband the international system in order to protect Israeli crimes and attacks against the land and people of Palestine as well as against peace and security in the rest of our region« (State of Palestine 2018). Six months later, the United States undertook another major downgrade of the Trump administration's relations with the Palestinians when it closed the Consulate General in Jerusalem (Estrin 2019). Since the mid-1990s, the diplomatic mission had served as the U.S. diplomatic mission dealing directly with the Palestinian leadership in an effort to provide diplomatic symmetry amid Israeli-Palestinian peace efforts (ibid.).

THE TRUMP ADMINISTRATION'S PEACE PLAN

»Should the U.S. desire in the future to put forward proposals of its own,« U.S. President Gerald Ford wrote to Israeli Prime Minister Yitzhak Rabin in 1975, »it will make every effort to coordinate with Israel its proposals with a view to refraining from putting forth proposals that Israel would consider unsatisfactory« (Ruebner 2016: 54). This pledge not only epitomized the biased role that the United States has historically played in its role as a broker between Israelis and Palestinians, but, in the view of Palestinian officials, provides the very framework in which to conceptualize the upcoming peace plan. Kushner, alongside his other peace point men, has spent the past two years developing a peace proposal – dubbed »the Deal of the Century« (Mitnick 2019) – despite the lack of participation from the Palestinians. If the Kushner proposal were to be endorsed by the Trump administration, it would be the first time since the Reagan Plan of 1982 that the United States issued its own plan unconnected to ongoing peace talks between the two key actors (Sattloff 2019).

In order to provide the framework for the initial portion of its peace plan, the Trump administration announced that it would co-host a conference in Manama, Bahrain, in June

²² UNRWA was able to narrow the funding gap with aid pledges from other countries (Knell 2019).

²³ USAID has provided more than \$5.5 billion to the Palestinians since 1994 for infrastructure, health, education, governance and humanitarian aid programs, all intended to underpin the eventual creation of an independent state (AP 2019).

²⁴ A waiver provision introduced by congress could have likely saved the funding (Anderson 2018).

2019 to encourage investment in the Palestinian Territories. The conference, according to the White House, was designed to highlight the economic benefits that could be reaped if the Israeli-Palestinian conflict is resolved through touting public and private sector investment opportunities across the Middle East and particularly for the Palestinians (Anonymous 2019c). It is worth noting that economic development as a precursor to political change is not a new invention. In 1993, the late Israeli politician Shimon Peres outlined a peace plan in his book *The New Middle East* based on market liberalization and regional cooperation (Peres/Noar 1993). In this and other contexts, however, »an economic peace,« as Israel's Finance Minister Moshe Kahlon termed it in 2008, coincided with a clear political process.²⁵ Moreover, peace treaties, as those signed between Israel and Egypt and Jordan in prior decades have shown, do not necessarily follow – or, more fundamentally, yield – an upsurge in trade relations.

Indeed, it was evident from the Palestinian reaction to the conference that any substantive peace plan will have to go beyond generous checks and investment pledges. According to the recently-appointed Palestinian Prime Minister Mohammed Shtayyeh, any American peace plan »that ignores the Palestinian people's aspirations for an independent state is doomed to fail« (Landau/AP 2019). Based on this understanding of the summit, the PA announced that it would boycott the economic conference, with its »information minister« Nabil Abu Rudeineh saying that »the conference would be a meaningless meeting that was part of a meaningless plan« (Benari 2019a). The Palestinian private sector, which the conference aimed to attract, appeared equally dismissive of the peace conference. One of the lone Palestinian businessmen who attended the conference in spite of the announced boycott was Hebron businessmen Ashraf Jabari. Jabari who is known for his close ties to the Trump administration and Israeli settlers, is regarded by many as far outside the Palestinian mainstream, not in the least due to his backing of an Israeli annexation of the West Bank (Magid 2019).

Just days prior to the Manama summit, the White House published the economic part of its peace plan. The 38-page plan (The White House 2019), which was presented during the meeting in Manama, calls for 50 billion dollars to be invested in Egypt, Lebanon and Jordan, with more than half of the amount going to boosting the Palestinian economy in the West Bank and Gaza. Despite the detailed breakdown of funds needed for the envisioned plans, »Peace to Prosperity« fundamentally constitutes a vision for economic prosperity and regional investment initiatives rather than a formative structure for implementation of the proposed projects. Moreover, in the absence of any Israeli and Palestinian officials to allow for meaningful discussion and the failure to garner any financial pledges, the conference has rightly been castigated as »a photo-op that failed to gain traction« (Nakhleh 2019).

The conference also failed to garner meaningful buoyance for the U.S.-presented peace plan. The Palestinians, in particular, were highly critical of the plan. In the words of Palestinian envoy Nabil Shaath, the plan was »intended to dangle \$50 billion in economic support in front of the financially strapped PA as a bribe to accept the peace plan and give up its goal of creating a Palestinian state in the Israeli-occupied West Bank and Gaza Strip« (Abu Amer 2010). Indeed, the plan's curious neglect of the socio-political context framing the Israeli-Palestinian conflict and – with that – the current economic climate mean that *Peace to Prosperity* is both uncontextualized and underdeveloped. The political framework that would enable the implementation of many of the ideas discussed is thus neither addressed nor a likely reality in the near future. One such initiative, which has been previously proposed by think tanks (Suisman et al. 2005) and scholars like Eyal Weizman (Weizman 2012), concerns the notion of a connecting corridor between the Gaza Strip and the West Bank. The ongoing divide between Fatah and Hamas, in addition to Israeli security concerns expressed in response (Parker 2019) to this proposal mean that this initiative is – at least at present – wholly unrealistic. Israeli security concerns and ongoing security control in Area B and C of the West Bank equally challenge the logistical and transportation linkages envisioned in the West Bank (The White House 2019).

At the same time, it is evident that inter-Palestinian political divisions and ongoing corruption within the PA have hampered the Palestinian people in enjoying rights and opportunities. Nevertheless, the report fails to account for the financial and socio-economic losses that have specifically resulted from ongoing Israeli control over Area C and restrictions on movement within the West Bank. Thus, while certainly not the only way to boost the Palestinian economy, UN reports have found that the Palestinian economy is impeded by »restrictions on the movement of people and goods; systematic erosion and destruction of the productive base; losses of land, water and other natural resources« (UN 2016: 9). Moreover, a World Bank report from 2014 found that these same restrictions in Area C lead to approximately \$800 million in lost government revenue for the PA each year (Niksic/Eddin/Cali 2014: 5).

Despite the ongoing secrecy surrounding the political nature of the peace plan, Kushner's own statements, in addition to the administration's policies on the ground, offer premonition into the frameworks guiding the second portion of the peace plan.²⁶ In the aftermath of Netanyahu's last-minute election pledge (Halbfinger 2019b) to annex the West Bank, Kushner called for both Israelis and Palestinians to wait before making any unilateral moves (Anonymous 2019d). Nevertheless, this request does reflect a penchant for a two-state solution. Speaking at the Washington Institute for Near East Policy, a think tank, in May 2019, Kushner indicated that he preferred eschewing the term »state« altogether for a

²⁵ Kahlon stated: »Economic development does not solve problems, it mitigates them and makes them more accessible for solutions.« (Landau 2019b).

²⁶ The second part of the peace plan is anticipated for November, following the formation of a new Israeli government (Atwood 2019).

Palestinian entity-to-be, since, in his words »if you say ›two-states‹ it means one thing to the Israelis, it means one thing to the Palestinians, and we said, let's just not say it« (Satloff 2019).

Israeli settlements have also only received mild criticism from this administration. Under international law, settlements in the West Bank and East Jerusalem, are considered illegal (UNSC 2016). The ongoing creation of these so-called »facts on the ground« (Myre/Kaplow 2016) constitutes a formidable obstacle towards the implementation of a viable Palestinian state and a peaceful solution to the conflict. A recent decision by the Israeli government to approve of an additional 2,304 housing units in the West Bank and regularize three outpost was therefore criticized by the pressure group Peace Now as an attempt »to prevent the possibility of peace and a two-state solution, and to annex part or all of the West Bank« (Peace Now 2019). This announcement forms the latest surge in settlement approvals since Trump took office. In the weeks prior to his first visit to the Trump White House, Netanyahu's government announced the creation of some 5,500 additional housing units within existing Israeli settlements, as well as the creation of a new settlement (Gearan/Eglash 2017). In response, the White House offered a tepid statement, claiming that »While we don't believe the existence of settlements is an impediment to peace, the construction of new settlements or the expansion of existing settlements beyond their current borders may not be helpful in achieving that goal« (The White House 2017b). Simultaneously, some critics view Trump's unilateral recognition of Israeli sovereignty over the Golan Heights²⁷ during the Israeli elections in March 2019 as a potential endorsement of an Israeli-led annexation of West Bank territories (Tibon 2019). Indeed, recent comments made by Friedman and Greenblatt offered support for a partial Israeli annexation of the West Bank (Halbfinger 2019a; Anonymous 2019b).

THE EUROPEAN UNION'S ROLE IN THE ISRAELI-PALESTINIAN CONFLICT

Over the past four decades, Europe has been seeking ways to advance the Israeli-Palestinian peace process. American dominance as a third-party mediator and negative Israeli attitudes towards the Brussels²⁸ have complicated European involvement in peace negotiations despite its continued monetary support for the PA and its Special Privileged Partnership (Ahren 2013) with Israel. With the slated appointment of the

Spanish socialist Josep Borrell as EU foreign policy chief, Israel's perception of the EU is unlikely to change. Israel, according to media reports, was disappointed with Borrell's nomination in light of his past criticism of Israel and his support for the unilateral recognition of the Palestinian state in 2018 (Anonymous 2019e).

Emblematic of Israel's ongoing reproval of European foreign policy heads (Keinon 2019), the European Union (EU) has typically been referred as a »payer« but not a »player« in the aftermath of the 1993 Oslo Accords (Asseburg 2019: 37; Persson 2018: 317–320). Despite its hitherto subsidiary role, the EU continues to place significant emphasis on the Israeli-Palestinian conflict; in the EU's 2017 Global Strategy, the EU argued for a close cooperation »with the Quartet, the Arab League and all key stakeholders to preserve the prospect of a viable two-state solution based on 1967 lines with equivalent land swaps, and to recreate the conditions for meaningful negotiations. The EU will also promote full compliance with European and international law in deepening cooperation with Israel and the Palestinian Authority« (EU 2016: 34–35). At the same time, the EU has repeatedly expressed concern over the ongoing situation in the Middle East. Thus, in the aftermath of the Israel's adoption of the controversial Nation-State Bill in July 2018, which seeks to define Israel as the nation-state of the Jewish people, the EU foreign affairs chief, Federica Mogherini, condemned the bill and reiterated EU support for the two-state solution (Beaumont 2018).

Faced with the demise of the viability of the two-state solution, the EU will be forced to re-examine its own role in the Israeli-Palestinian conflict and its ability – and willingness – to leverage the tools at its disposal. In order to move towards a more active contribution to the realization of a two-state solution, the EU will need to challenge – and overcome – several internal obstacles. These obstacles involve legislative, intra-institutional impediments, ideological differences among current member states, continuous fragmentation within the EU as a result of the ongoing Brexit process, and a (far) rightward political wave. The first-mentioned obstacle lies with the nature of EU foreign policy-making in which each decision (with few exceptions) requires unanimity and, thereby, affording every member state a veto.²⁹ Moreover, it is important to highlight that for most member states, the EU is not the most important forum for foreign policy; rather, most EU countries play key roles through direct relationships with third countries (Asseburg/Goren 2019a: 6).

Ideological variations and differing political agendas principally affect the effectiveness of institutional decision-making and are driven by – and in turn influence – the fragmentation faced by the EU. EU member states, particularly the Visegrád group, have repeatedly blocked European Council conclu-

²⁷ The UN Security Council strongly condemned the U.S. for this move. Moreover, the European members of the council – France, Britain, Germany, Belgium and Poland – raised concerns about »broader consequences of recognizing illegal annexation and also about the broader regional consequences« (Nichols 2019).

²⁸ This stance is reflected in various surveys, i.e. in the 2018 Israeli Foreign Policy Index of the Mitvim Institute, 55 % of the Israeli participants said that the EU is currently more of a foe, compared to 18 % who saw it as a friend. An EU poll asked Israelis to describe their country's relations with the EU, and only 45 % responded they were good. Also, a majority of Israelis think Brussels is not a neutral actor and the EU is not a strong defender of Israel's right to exist (Ronan/Goren 2019: 22).

²⁹ Although there are currently initiatives both by the German government and the EU Commission to move in selected areas of Common Foreign and Security Policy from unanimity to qualified majority voting, which is feasible without treaty change, these also require unanimous approval by all EU member states, which is not in sight (Bendiek/Kempin/von Ondarza 2018: 1–8).

sions or other joint statements critical of Israel. Concurrently, the ascendancy of extreme right-wing parties in EU member states and their participation in governing coalitions has led to a closer alignment of these governments' positions with those of the government of Israel. European right-wing leaders like Hungary's Prime Minister Viktor Orbán thus tend to share with Netanyahu and his ilk illiberal attitudes, anti-Muslim sentiments, and leadership style. Furthermore, although EU member states have been apprehensive of U.S. foreign policy towards the Middle East under President Trump, they are wary of openly confronting the U.S. administration, particularly given the existing discord over other important issues, such as the Iran Nuclear Deal, climate change³⁰, trade goods deficits (McBride/Chatzky 2019), and NATO defense spending (Hirschfeld Davis 2018). The ongoing fragmentation within the EU and its consequential internal concentration affects the EU's foreign policy towards Israel-Palestine. Indeed, with the focus on the existent Brexit negotiation and a more inward-looking EU focused on internal cooperation, the issue is unlikely to become a foreign policy priority for the EU in the near future.

Israeli lobbying efforts, at times, have sought to exploit existing divergence within the EU to modify the EU's perceived unsupportive stance towards Israel. Beyond the members of the above-mentioned Visegrád group, Israel is strengthening and cementing its relations with the Baltics, Balkan and Hellenic countries, in addition to central European countries like Italy and Austria, to pursue particular policy objectives and mutual interests (Ronen/Goren 2019: 26). Principally this rapprochement is geared towards changing voting patterns, including at the UN, in accordance with Israeli preferences. The realization of this effort is by no means an open secret. Prior to his visit to the Baltic states in the summer of 2018, Netanyahu declared his interest in »Balancing the relations between the EU and Israel, to receive a more honest and credible treatment [...] I am accomplishing such a goal through making contacts with blocs of countries within the EU, Eastern European countries, and now with the Baltic states and, of course, with other countries as well« (Landau 2018). Similarly, during Prime Minister Viorica Dancila's visit to Israel in January 2019, Netanyahu expressed his hope that Romania: »[...] will act to stop the bad resolutions against Israel in the EU, and also of course to move your embassy and other embassies to Jerusalem. We wait for you in Jerusalem« (Benari 2019b). Israeli endeavors are bearing fruit. In May 2018, for instance, Hungary, the Czech Republic, and Romania, in coordination with Israel, successfully blocked a joint EU statement condemning the relocation of the U.S. Embassy to Jerusalem (Ravid 2018).

In securing an increased political alliance, Israel has leveraged geopolitical developments within the EU to define mutual interests. These events include the revival of nationalism, the

European debt crisis, increasing Eurosceptic trends as demonstrated in the Brexit vote, the success of far-right populist parties, and mounting challenges to progressive liberal values (Ronen/Goren 2019: 26). Netanyahu has also been able to employ the struggle against anti-Semitism among right-wing parties in Europe who are seeking to distance themselves from such affiliations through gaining legitimacy from Israel (ibid.). In 2018, for example, Israel partnered with Austria to expand the EU's definition of anti-Semitism to include anti-Zionism and criticism against the State of Israel.³¹ Israel, at times, has also used its lobbying efforts to boycott movements in support of its own agenda. In June 2019, Israel thus successfully lobbied the German parliament to enforce a motion defining the boycott, divestment and sanctions (BDS) movement as anti-Semitic in the face of wide-spread criticism over the motion's potential impact on freedom of speech (Landau 2019c).

Despite the aforementioned internal and external challenges, the EU will need to increase its engagement in the Israeli-Palestinian sphere and work within its confines to actively endorse its long-standing commitment to the two-state solution. Such an engagement equally means a rejection of ongoing measures implemented – or endorsed – by the Trump administration that challenge such a resolution. Beyond a commitment to international law and resolutions, there are clear reasons for a heightened involvement on the part of the EU as a collective and individual member states. Certain critics, such as Daniela Huber, argue that the EU's maintenance of a privileged partnership with Israel and its continued financial backing of the PA have aided Israel to uphold its illegal occupation rather than help the Palestinians achieve sovereignty (Huber 2018: 351–364; Tartir 2018: 365–381). In line with this criticism, European taxpayers' money is not geared towards peacemaking or the realization of an independent and viable Palestinian state; rather, it is utilized to sustain the status quo in the Palestinian Territories. Moreover, while these funds attempt to alleviate the entrenchment of the Israeli-led occupation, they also enable the PA to continue to uphold the intra-Palestinian division and isolation of Gaza while affording Hamas the means to shun responsibility for its citizens' social welfare (Asseburg 2019: 51).

This is not the time for the EU to initiate a new round of final status negotiations. The rightward surge in Israeli politics, itself a reflection of wider societal trends, and the political division framing Palestinian internal politics mean that any effort to reach a compromise in the near future is likely futile. Moreover, Europeans would not be able to replace the U.S. as the main facilitator. As highlighted above, progressive action is unlikely to come from the EU as a collective. Indeed, the lack of consensus on foreign policy matters came to the fore recently when Hungary opened a trade office in Jerusalem despite the publication of an internal EU memo, which called on member states to »continue to respect the international consensus on Jerusalem« (Ahren 2019). Nevertheless, Euro-

³⁰ The third block of states, i.e. those most aligned with Israeli policies, comprises mostly states from »new Europe« – but also Greece and Cyprus. In this block, the Visegrád states – Poland, Hungary, Czech Republic and Slovakia – have positioned themselves most outspokenly on the side of Israel (Asseburg 2019: 45–50).

³¹ Eventually, the EU adopted a new declaration regarding its fight against anti-Semitism, however, with a softened version compared to the controversial one proposed by Austria (Ronen/Goren 2019: 30).

pean nations will need to adopt a more stringent position towards the Trump administration and the risks associated with the Deal of the Century based on internationally-agreed parameters. At the same time, Europeans should prepare the building blocks for a future effort of collaborative peacemaking with a new U.S. administration that would help Israeli and Palestinian leaderships move forward (Asseburg/Goren 2019a: 7). Such a collaboration can form the basis of a new working group made up of international partners, including the Arab League and Arab countries, to explore a reconfiguration of the now defunct UN Quartet³² as an umbrella for the international community's role in peacemaking and conflict resolution (Asseburg/Goren 2019b: 56).

European nations will also need to invest in building ties with Israeli politicians to ensure a future role for the EU in negotiations while at the same time criticizing international law violations. In order to establish itself as an effective mediator, the EU and its individual member states should not shy away from addressing governance deficiencies by the PA and reform needs within the Palestinian Territories and demanding performance criteria in return for ongoing funding. Israeli settlement expansion in East Jerusalem and the West Bank also deserve scrutiny and, given the internal division within the EU, will likely need to be driven by France and Germany with the help from the post-Brexit United Kingdom – as part of the historical informal alliance known as E3. One such measure, already identified by the EU,³³ involves obtaining compensation from Israel for its demolitions and confiscation of EU-funded humanitarian projects in Area C of the West Bank.³⁴

Using the example of the EU's forceful reaction to Russia's annexation of Crimea and Sevastopol in March 2014, national guidelines could also be implemented to prohibit the import of Israeli products originating from settlements, as well European investments in settlements, modelled on German practices put in place in 2014.³⁵ These practices can also be adopted to create national guidelines prohibiting the disbursement of public funds to Israeli settlement-linked entities or activities and to prevent the provision of tourism services in settlements by EU-based companies (Dajani/Lovatt 2017: 9, 13). The most recent EU Heads of Mission report further recommends ensuring that products manufactured in East Jerusalem and West Bank settlements do not benefit from preferential treatment under the EU-Israel Association Agreement while also raising public awareness about settlement products, for instance by providing guidance on origin labeling for settlement products to major EU retailers (EU Heads of Mis-

sion 2012: 231–232). Finally, facing the slow demise of a viable Palestinian state to-be, EU member states could consider recognizing the State of Palestine, which is currently recognized by some 136 states, including EU member Sweden. Such a move need not prejudge the outcome of final status negotiations in the future, but would provide critical support for the end goal envisioned and repeated in countless EU statements and reports (Dajani/Lovatt 2017: 12).

³² The Quartet, comprised of the European Union, Russia, United Nations, and United States, was established in 2002 to facilitate Middle East peace negotiations.

³³ This non-binding recommendation was adopted by the EU's Maghreb-Mashreq Working Group in 2016 (Ravid 2016).

³⁴ For a recent example of Israeli destruction of EU-funded structures, see Holmes (2019).

³⁵ In 2014, the German government conditioned high-tech and science grants on the inclusion of a territorial clause stating that Israeli entities located in West Bank settlements or East Jerusalem will not be eligible for funding (Ravid 2014).

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ISRAEL-PALESTINE AND THE DEAL OF THE CENTURY

U.S. Foreign Policy Under President Donald J. Trump 2017–2019



Upon his entry into the White House, President Donald Trump vowed to put an end to the decade-long Israeli-Palestinian conflict by assembling a peace team made up of personal confidantes. The appointment of his son-in-law, Jared Kushner, as chief peace point man, in addition to Ambassador David Friedman and Special Envoy Jason Greenblatt, was indicative of both the preternatural pro-Israel stances within the Trump team and the intricate personal ties that existed between the administration and the Israeli establishment. The policy implications of this close convergence led to the implementation of far-reaching, pro-Israel decisions on the ground that countered prior U.S. Mideast policy, alienated the Palestinian Authority, and further challenged the ability of the U.S. to act as an impartial mediator.



The recently-published economic portion of the U.S. peace plan, titled »Peace to Prosperity,« is unlikely to herald the beginning of effective negotiations between the involved parties. The report's failure to acknowledge the complex political realities that have led to the current economic context thus precludes the implementation of a viable socio-political and economic framework aimed at coexistence in Israel-Palestine.

Faced with an unilaterally-bent, pro-Israel U.S. foreign policy, the European Union and its member states will need to reevaluate their traditional role in the conflict's mediation and seek to become a »player« rather than a »payer.« Despite existing internal legislative challenges and political and ideological fragmentation, European Union member states are able to leverage existing practices to enforce policies that comply both with international laws and pre-formulated UN regulations.



As this report notes, German guidelines put in place in 2014 can form a model to prohibit public funds going to Israeli settlements while at the same time hampering settlement production activities through labeling guidelines and public awareness campaigns. Meaningful cooperation, moreover, extends beyond the EU and alliances between willing member states. Under the guidance of the nominated EU foreign policy chief, Josep Borrell, a progressive international working group should be reconfigured in the style of the now defunct UN Quartet to reinforce the international community's role in peacemaking.

Further information on the topic can be found here:
www.fes.de/international/wil