



Annual Conference

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&

The Delegation of the European Union in Israel

Marking the

**60 Years to the Rome Treaty– the State of the
European Union**

**25th Anniversary of the Israeli Association for
the Study of European Integration**

Conference Program - Abstracts



התכנית ללימודי האחד האירופי,
ביה"ס למדע המדינה, ממשל
ויחסים בינלאומיים





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“An Ever Closer Union of the Peoples of Europe” – Progress and Disillusion

Prof. Chava Landau, Formerly Webster University

The Preamble of the Treaty of Rome, 1957 states that the aim of the European Economic Community was to lay the foundations for an ever closer union of the peoples of Europe, to create a federation of the peoples of Europe rather than a confederation of European States. It was likened to the Swiss Federation. (de Rougemont, Pescatore). In the nineteen fifties it was still politically correct to speak of a supra-national entity, like the Coal and Steel Community.(1951) The idea of transfer of sovereignty from the nation state to an international entity was acceptable and desirable.

The sixties saw the establishment of the four institutions of the European Community as efficient organs of government. Especially the Court of Justice served as a unifying factor. The famous leading case of *Costa v. ENEL*, 1964, enshrined the norm of the supremacy of EC Laws over national laws, similar to the supremacy of federal laws over state laws. The Court enhanced the international legal personality of the EEC and its treaty making power (The ERTA Decision, 1971). The membership of six founding countries arose to 27, including 8 East European countries (2004). The enlargement diluted the intensity of integration and slowed the process of an ever- closer union. However, the customs union, the common market, a Charter of Fundamental Rights, a single currency (for a majority of EU states), had been successfully achieved. Only the project of a EU Constitution, 2004, failed because of referendums. The subsequent rising of nationalism, racism and Euroscepticisms now endangers the promotion of an ever-closer union.

Brexit, legitimized by Art. 50 (1) of the Lisbon Treaty, 2009, and by a referendum is likely to take place soon. The vision of Jean Monnet’s “policy of petits pas” has not been followed. The initial integration has thus suffered i.a., by the undue increase of membership, and the hasty introduction of a single currency. However, it is the rise of nationalism that jeopardizes most the realization of the dreams of the founding fathers.





Emerging Public Discourse on EU Funding to NGOs and Implications for EU-Israel Relations

Tamar Kogman, Institute for NGO Research; Prof. Gerald Steinberg, Bar Ilan University; Becca Wertman, Institute for NGO Research

Until recently, European Union (EU) funding to nongovernmental organizations (NGOs) did not feature prominently in EU public discourse. This largely reflects the fact that over 90% of EU funding to NGOs is designated for development and humanitarian aid beyond EU borders (Ackerman et al 2017), and therefore of limited immediate significance for EU constituencies.

However, in the context of an ongoing refugee crisis, geopolitical shifts, and emerging global threats, the central role of NGO funding is increasingly being reassessed within the EU. A study focused on EU funding to NGOs was commissioned by the European Parliament's Committee for Budgetary Control, followed by a draft report calling for stricter regulations and increased oversight (European Parliament 2017). In addition, and although not directly related to NGO funding, Frontex, the European Border and Coast Guard Agency, has called for a code of conduct for NGOs involved in rescue operations in the Mediterranean (Zeit 2017).

As identified by a major EU-funded research project on EU human rights policy (Timmer et al 2014), EU aid – heavily involving NGOs - increasingly takes place within the framework of a “rights-based approach” marked by a “thick” understanding of human rights. Such an approach lends itself to fragmentation and politicization (Rhodes 2017), as manifest in friction over NGO funding between the EU and third countries, including Israel.

This paper will map the discourse on EU funding to NGOs, suggesting avenues for further research, and the potential to bridge conceptual and political differences between the EU and Israel on these issues.





Normative Power Europe and Perceptions and Narratives as Cultural Filters: Israeli Civic Studies as a Case-Study

Prof. Sharon Pardo, Ben-Gurion University of the Negev

As defined by Ian Manners in his seminal work on ‘Normative Power Europe’ (NPE), ‘cultural filters’ refer to “the interplay between the construction of knowledge and the creation of social and political identity by the subjects of norm diffusion” (Manners, 2002: 245). Manners’ work was informed by an earlier study by Catarina Kinnvall who argued that a “cultural filter” affects the impact of international norms and political learning in third states and organizations leading to learning, adaptation or rejection of norms (Kinnvall, 1995: 61–71). The notion of ‘cultural filters’ has been particularly challenging for scholars of international relations since it defies a deeply-rooted conception of foreign policy in academic circles. The proposed paper discusses the role of ‘cultural filters’ in the conceptualization of NPE mechanisms. The paper seeks to explain the significance of cultural filters in the study of perceptions and examines the effect of such a filter on perceptions and images of the European Union (EU) in the main Israeli civic studies textbook between the years 2002-2016. Analyzing the frames of NPE in Israeli civic education, the paper argues that foreign policy researchers, EU Studies, Israel Studies in International Relations scholars should not underestimate the role of local cultural and ideological forces in the daily conduct of international affairs. Indeed, cultural filters must occupy a prominent place in the NPE’s diffusion model.





Britain's Quiet Mediation – James Callaghan, the EEC and the Camp David Accords

Dr. Azriel Bermant, Tel Aviv University

On 29-30 June 1977, the European Council issued its support “for a homeland for the Palestinian people.” This statement paved the way for the landmark EEC Venice Declaration of June 1980 in which Europe recognized the right of Palestinians to self-determination and a role for the Palestinian Liberation Organization in peace negotiations. While Britain supported the European Council communiqué of 1977, over the next two years, it would become one of the few European powers to support the Camp David process. Indeed, a review of papers at the British and Israeli archives suggest that Britain's prime minister James Callaghan actually played a key supporting role in strengthening the process of negotiations between Israel's prime minister Menachem Begin and Egypt's president Anwar Sadat. There were rising concerns in Britain's Foreign Office that Callaghan's understandings with Begin were harming British interests and that London had tied itself too closely to the United States in promoting the Begin-Sadat initiative. British officials argued that London should avoid encouraging Arab suspicions that Britain was Israel's leading advocate within the European Community. These suspicions had been roused by positive statements that Begin had made following his visit to London. Only the Danes and the Dutch had supported Britain's role of support for the Camp David process within the EEC while the French and Germans were hostile.





The European External Action Service, agent capacities and the 2013 Guidelines for agreements with Israel

Dr. Maya Sion – Tzidkiyahu and Miriam Rest-Bashan, the European Forum at the Hebrew University of Jerusalem

Who is pulling the European Union's foreign policy strings following the Lisbon Treaty? The 2009 Treaty of Lisbon introduced new players into the implementation of the EU's foreign policy: a High Representative for Common Foreign and Security Policy who is also a Vice President in the Commission, and a foreign service – the European External Action Service (EEAS). New players and institutional innovations make way for potential changes in decision making and power distribution. This paper employs the Principal-Agent model to examine the role of the EEAS in formulating and shaping the EU's foreign policy. It does so through a test case: the issuing of compelling guidelines for agreements between the European Union and Israel in July 2013. The guidelines aroused an uproar in Israel. Israeli foreign ministry officials claim the guidelines were shaped by persons within the EEAS which led to harsher tones than intended by the Council's original decision upon which the guidelines were based. Such policy promotion by the EEAS entails a delicate shift in the Union's conduct of foreign policy and decision making. Interviews with EU and Israeli officials were conducted in order to learn more about the process that led to the adoption of these guidelines and which strings can the EEAS pull in the EU's foreign policy.





International Law? Double Standards?

The Front Polisario Verdict and Narrowing the Gap between the EU's Trade Treatment of Western Sahara and its treatment of the West Bank.

Prof. Guy Harpaz, the Law Faculty, The Hebrew University of Jerusalem

Morocco's control over Western Sahara and Israel's control of the West Bank bear similar features in terms of public international law, in general, and the laws of belligerent occupation and the principle of self-determination, in particular. Yet despite these comparable attributes, when it comes to the application of its Common Commercial Policy ("CCP") the EU has been treating the two cases differently. With respect to Israel, the EU determined that the 1995 EU-Israel Association Agreement is not applicable to the West Bank and Gaza Strip (the "Occupied Palestinian Territories"), as well as to the occupied Golan Heights, thereby denying Israel any trade benefits with respect to the Territories, whereas for many years it insisted that its 1996 Association Agreement with Morocco is applicable to occupied Western Sahara, thereby enabling Morocco and Moroccan corporations to enjoy trade benefits with respect to Western Sahara. The willingness of the EU to pursue its CCP vis-à-vis Morocco and Western Sahara (application with no recognition) in a manner inconsistent with, if not contradictory to its practice towards Israel and the OPT (no application and no recognition), raised much criticism. It has been argued that this practice is not in line with the EU's commitment to strict observance of international law, that it erodes the credibility and legitimacy of the EU and that the EU would find it very difficult to obtain the international legitimacy required for the purpose of serving as a normative power if it construes and applies international law and pursues its CCP in an instrumental, inconsistent and politically-motivated manner. Moreover, some scholars argued that such inconsistency might have placed the EU in breach of its WTO obligations, in general, and of the Most Favoured Nation obligation, in particular. In December 2016 the European Court of Justice adopted a verdict that denies the applicability of the EU-Morocco Association Agreement to Western Sahara, thereby dismissing the EU's application with no recognition policy (The Front Polisario Verdict). This Paper is aimed at (i) analysing the gap between EU's practice in these two cases and the legal and other implications thereof, and (ii) addressing the question whether the verdict in Front Polisario eliminates this gap.





Europe and Israel: A Strategic Opportunity?

**Dr. Toby Greene, Leonard Davis Institute for International Relations, Hebrew University
and Prof. Jonathan Rynhold, Political Science Department, Bar Ilan University**

What is the future of European policies towards Israel? The question demands a fresh look due to changes in both strategic and cultural contexts. On the one hand, confidence in the two state solution – a keystone of EU common foreign policy – is declining, and Israeli politics shifting rightward, causing frustrations in many capitals. This growing tension is exacerbated by attitudinal and demographic trends: younger people in Western Europe are more concerned about transnational human rights and cooler towards Israel, whilst growing Muslim minorities identify with the Palestinians. On the other hand, Israel is a rising economic and strategic power on Europe's periphery, and a potential gas exporter; and is an increasingly important strategic partner to Western-aligned Arab states. This is of increased significance since the collapse of several Arab states has triggered security and migration spill-overs into Europe, contributing to Europe's unprecedented economic, political and security crises, which are focussing EU priorities on its own citizens' welfare. Europe's challenges also fuel right-wing populism which embraces national sovereignty and identifies with Israel in the face of Islamist extremism; and a shift in discourse about Islamist violence to focus on its anti-Western ideology, rather than its claimed grievances. This paper examines the impact of these factors on European approaches towards Israel, drawing on interviews in Brussels, London and Jerusalem. It concludes that geopolitical trends have opened an unprecedented opportunity to deepen Israel's cooperation with Europe, which Israel may squander if it fails to preserve the two state solution and its own democracy.



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EUROPEAN FORUM AT THE HEBREW UNIVERSITY





“The Judicialization of Politics and the CJEU”

Dr. Rachel Frid de Vries, Carmel Academic Center

The reliance on courts and judicial means for addressing core moral predicaments, public policy questions, and foreign relations issues is arguably one of the most significant phenomena of late twentieth and early twenty-first century government. The judicialization of ‘high politics’ issues is arguably problematic from a constitutional theory standpoint since they reflect primarily moral and political dilemmas, not judicial ones. As such, they ought to be contemplated and decided by the citizens, through their elected and accountable representatives. The idea that certain issues are “non-justiciable” as a result of their political nature was particularly established in the case law of the United States, commonly called the Political Question Doctrine (PQD). The express exclusion of Common Foreign and Security Policy from the jurisdiction of the Court of Justice of the EU (CJEU), after the Treaty of Lisbon, has led some to suggest that a PQD exists in EU. However, EU Courts’ practice demonstrates a growing number of instances where the CJEU adjudicates disputes concerning EU trade agreements with third States (Non-EU Members) also where it involves significant elements of high politics. The analysis focuses on the measure and ways in which the PQD is applied by Courts in the USA, in Israel and to some extent in the EU. As currently there is no express or explicit doctrine of justiciability or PQD in EU law, it is asserted that EU Courts would be well advised to expound formal principles of self-restraint in appropriate cases.



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BREXIT and the Future of the European Union

Prof. David Newman, Department of Politics and Government, Ben-Gurion University

The decision by the British electorate to leave the EU has far reaching implications, not only within Britain, but for the unclear future of the entire union. Other countries will be closely watching the British negotiations aimed at finally leaving the EU in 2019, with a view to challenging the existing terms of reference as a condition for remaining within the Union.

Within Britain it remains unclear whether there will be a "soft" or "hard" Brexit, while the failure of the Theresa May government to increase her majority in the Parliament has made it even more difficult to negotiate a successful exit. A game of geopolitical one upmanship between the British government and the EU as to "who needs whom more" in the long term and the extent to which Britain will be able to negotiate separate trade agreements with other countries, not least the USA, prior to their exit, is still up for the grabs. There are also moves within Britain for another referendum, arguing that the full implications of exiting the EU have only come to light in the year since the referendum, raising issues which, it is argued, were not clarified and were not clear to the electorate at the time of the referendum itself.

The subsequent elections in France could have potentially proved to be a death notice for the Union had the far right of Le Penn been victorious. But the pendulum has swung back in the opposite direction following the victory of Emanuel Macron, and closely followed by the unsuccessful election campaign of the Conservative Party in Britain. But the anti-immigration voices and the growing rise of nationalist sectionalism throughout Europe means that other parties in some countries will argue for an exit from the Union, regardless of the economic implications for their constituent populations. In a Europe tired of the debate around the EU, it will be the more committed political factions, those in favor of exit, which are likely to gain a disproportionate amount of the votes cast, even if the total number is much less than a plurality.

Britain continues to stumble towards BREXIT without any clear indication of what agreement, if at all, will be reached. Dissenting voices are heard even within the new Conservative government although the likelihood of another referendum taking place are, at this moment, low. While the debate surrounding BREXIT has concentrated on the economic gains and losses for different sectors of the population, and the desire to close the gates to free movement, the political dimension concerning the initial raison d'etre of the EU has been missing altogether. Whether this is relevant to a younger, post WWII generation, for whom the EU is a given fact and for whom economic and quality of life issues are their main concerns, raises interesting questions concerning the future of the EU and its next generation of leaders.





"Three Socio-Psychological Reactions in the EU to Arab Spring's Refugee Crisis: From Regaining Ontological Security to De-Securitization"

Dr. Tal Dingott Alkopher, The Hebrew University of Jerusalem

This paper analyses three different socio-psychological reactions in the EU to the 2015 refugee crisis. The first reaction of EU member states to immigration-related uncertainty, ascribed especially to "the Visegrad Four," is to "securitize-the-self" in the face of social sense of anxiety and an ontological insecurity either through the reaffirmation of national biographical narratives as well as national immigration policies at the expense of supranational European policies. The second reaction, illustrated by the European Commission's response to the crisis, is that of "managing securitization." Accordingly, the European Commission also experiences a declining in ontological security resulting from the challenge posed by illegal immigration to the EU's image of semi-sovereign entity (i.e., to its role as the gatekeeper of the Schengen zone/borders, to its collective identity of an "order provider") as well as to its trust structures of multilateralism and solidarity. The European Commission reacts, though, by reaffirming its semi-sovereign identity (i.e., collective border control competencies) on the one hand, yet, preserving global discourse of human rights and refugees-related inclusive norms, on the other hand. The Third reaction corresponds to the logic of "empathy" and "de-securitization," and is best illustrated by Germany's early crisis "open door" policy that was enabled by a psychological situation of a lack of perceived threat vis-à-vis the "immigrant-other," as well as a "civilian power" collective identity.





Quo Vadis, Europa?

From the Treaty of Rome to a common EU migration policy

Katharina Konarek, PhD Candidate, Bundeswehr University of Munich/Haifa Center for German and European Studies (HCGES), University of Haifa

In 1957 the European Economic Community signed the Treaty of Rome allowing European citizens the freedom of movement. It was a means to promote labor mobility within Europe and became the base for the establishment of a European migration policy, followed by the Maastricht Treaty (1992), the Schengen Agreements, the Dublin Convention (1994) and the Treaty of Amsterdam (1997).

Today - 60 years after Rome - Europe faces major migration policy challenges. In many regions of the world, the pressure to emigrate is increasing, and more people than ever are attempting to escape political violence, oppression, lack of economic prospects and environmental changes and seeking a better future for themselves and their families in the EU member states. At the same time, due to aging and shrinking European populations, the need for immigration is growing. To date, however, there is no societal or political consensus on the management of this migration and the growing ethnic and cultural diversity. Uncertainty prevails in regard to the number of immigrants that are needed or wanted, the tools to be used to guide this migration, and the ways in which immigrants should be integrated.

In principle, it must now be understood that there is no alternative to more intensive European cooperation. A problem-oriented, realistic European migration policy must anticipate the economic and demographic need for immigration, frame socially acceptable immigration policies, consider obligations to international humanitarian law and the European states' integration into world politics, and offer a contribution to the fight against the causes of forced migration.

The conference paper will a) analyze the historical treaties, agreements and convention and b) draft and discuss possible principles for a future migration policy.

