

Año 5 | n° 11

Enero-abril 2018

ISSN 2386-5776

# Comillas Journal of International Relations



## Temas de actualidad en el Mediterráneo Current issues in the Mediterranean

Anas Audeh, Fulvio Attinà, Raquel Alemañ Navalón, Stelios Stavridis,  
Charalambos Tsardanidis, Clara della Valle

# SUMARIO

Año 5 | nº 11

Enero-abril 2018



## ARTÍCULOS | ARTICLES

### **On Women's Agency and Western Representations: EU Approach to Women's Rights in Tunisia..... 1**

Del protagonismo de las mujeres y las representaciones occidentales: El enfoque de la UE en los derechos de las mujeres en Túnez

Clara della Valle

### **Trade between the EU and Israeli Settlements: How Technical Arrangements add to Structural Injustice in the Supply Chain ..... 16**

El comercio entre la UE y los asentamientos israelíes: cómo los acuerdos técnicos suman injusticia estructural en la cadena de suministro

Anas Audeh

### **Forced, irregular migrants and the EU performance in trans boundary crisis management..... 37**

Migrantes forzosos e irregulares y la actuación de la UE en la gestión de la crisis transfronteriza

Fulvio Attinà

### **El derecho a la autodeterminación de los pueblos en la protodiplomacia parlamentaria catalana: los casos palestino y saharauí ..... 51**

The right to self-determination of the peoples in the Catalan parliamentary protodiplomacy: the Palestinian and Saharai cases

Raquel Alemañ Navalón y Stelios Stavridis

### **The period after 2002: the tightening of relations between Iran and Turkey and the future prospects ..... 71**

La fase después de 2002: el fortalecimiento de las relaciones Irán-Turquía y las perspectivas de futuro

Charalambos Tsardanidis

## RECENSIONES | BOOK REVIEWS

### **Rebel Power: Why National Movements Compete, Fight, and Win | Peter Krause .....82**

Por Hutan Hejazi

### **Prisoners of Geography: Ten Maps that tell you everything you need to know about Global Politics | Tim Marshall.....84**

Por Carolina Rengifo

### **Impeachment: A Citizen's Guide | Cass R. Sunstein .....86**

Por Pedro Rodríguez

Director de la Revista | Journal Editor ..... 89

Consejo de Redacción | Editorial Board..... 89

Consejo Asesor | Advisory Board..... 89

Directrices para Autores | Author Guidelines..... 90



# ON WOMEN'S AGENCY AND WESTERN REPRESENTATIONS: EU APPROACH TO WOMEN'S RIGHTS IN TUNISIA

## Del protagonismo de las mujeres y las representaciones occidentales: el enfoque de la UE en los derechos de las mujeres en Túnez

**Clara della Valle**

Ph.D. Candidate in 'Politics, Human Rights and Sustainability'  
Scuola Superiore Sant'Anna, Pisa, Italy

Ph.D. Research Fellow at Institut de Recherche sur le Maghreb Contemporain, Tunis, Tunisia

E-mail: [clara.dellavalle@santannapisa.it](mailto:clara.dellavalle@santannapisa.it)



Autor

Starting from a historical overview of women's activism in Tunisia, this paper focuses on the agency played by female associations during and after the 2011 uprising. This agency contributed to making Tunisia the only "promising" democratic transition among the so-called "Arab Springs". At the same time –through document analysis and interviews in the field–, it investigates EU support to these associations, with a double objective. On the one hand, it aims to deconstruct Western stereotyped narrative (Mohanty, 1999) on Tunisian women. On the other hand, it seeks to investigate how such a kind of narrative influences EU support for women's associations in loco and, consequently, for the more general Tunisian democratic transition. Therefore, it is aimed at questioning the European approach to the southern neighbourhood and the "meta-narrative" (Cebeci, 2012) that has been built upon it over the years.



Abstract

Tunisia; women; agency; EU; Arab Spring.  
Túnez; mujeres; agencia; UE; Primavera Árabe.



Key words

*Empezando desde una perspectiva histórica sobre el activismo de las mujeres en Túnez, este artículo analiza la agencia de las asociaciones femeninas durante y después de los levantamientos de 2011. Esta contribuyó a que Túnez fuera considerada la única transición democrática "prometedora" entre las llamadas Primaveras Árabes. A través de un análisis de documentos y entrevistas, se investiga el apoyo de la UE a estas asociaciones, con un doble objetivo. Primero, deconstruir la narrativa estereotipada occidental (Mohanty, 1999) acerca de las mujeres tunecinas. En segundo lugar, investigar cómo esta narrativa influencia el apoyo de la UE a las asociaciones de mujeres en Túnez, y en consecuencia, a su transición democrática en general. Por lo tanto, el objetivo es cuestionar el enfoque europeo de la vecindad sur y la "metanarrativa" (Cebeci, 2012) que se ha construido sobre ello a lo largo de los años.*



Resumen

Recibido: 13-11-2017. Aceptado: 23-03-2018.



Fechas

## 1. Introduction

On 17 December 2010 in Sidi Bouzid (Tunisia), a 26-year-old street vendor, Mohamed Bouazizi, set himself on fire after a municipal officer seized the cart on which he was carrying his wares. This gesture of desperate protest triggered a series of popular uprisings which eventually led the Head of State, Zine El-Abidine Ben Ali, to step down after 23 years in power. Thanks to social networks, the news of Tunisian civil society protesting for “travail, liberté et dignité” spread throughout North Africa.

The gesture of Mohamed Bouazizi, symbol of what has been labelled as the “Arab Spring”, however, has deeper roots in time. Indeed, the “Arab Spring” was preceded by several social struggles, to which women greatly contributed. It was 5 January 2008, when Tunisian women came down the streets of Redeyef, one of the cities around the Gafsa mining area (southwest of Tunisia), shouting “le travail est un droit, bande de voleurs!”, a slogan that would be then used during the Tunisian “Spring”. The Gafsa’s region economy was based solely on phosphate production and every other productive activity –in particular agriculture– had been swept away and the environment completely contaminated. Thirteen women camped for months on Redeyef’s ferry routes, generating a protest movement that would soon extend to the whole region, embracing issues such as unemployment, insecurity, poverty, corruption and pollution, and questioning the very same socio-political choices of Ben Ali and his entourage (ATFD, forthcoming).

Already active in the period prior to the so-called “Jasmine Revolution” between December 2010 and January 2011, Tunisian women have surely been one of the main souls of the revolution as well as a reference point for other civil society components.

Protagonists in the demonstration at Avenue Bourghiba (Tunis), which on 14 January 2011 forced Ben Ali to flee, Tunisian women were also a driving force during the transitional period that followed. Extremely active within the “Haute Instance pour la réalisation des objectifs de la révolution”, guarantors on the grounds of female participation in the electoral process, Tunisian women have been committed to the elimination of the reservations to the Convention for the Elimination of All Forms of Violence Against Women (CEDAW) and to the inclusion of their rights within the Constitution. The charter adopted in January 2014 owes a lot to them in terms of equality and respect for human rights in general.

This paper draws inspiration precisely from Tunisian women’s experiences. It starts from an historical overview of female activism in the country (first section) and then moves on to focus on the role played by women’s associations during the 2011 uprising and the following transitional period (second section), by highlighting both women’s achievements and challenges. The analysis of the period 2011-now reveals the presence of a strong agency by Tunisian women. This agency contributed greatly to making Tunisia the only “promising” democratic transition among the so-called “Arab Springs”. The third section of the paper is based on the recognition of this agency, with the aim, on the one hand, to questioning the Western stereotyped narrative regarding non-Western women that has been largely criticised by post-colonial and Afro-American feminist scholars. Indeed, as suggested by Mohanty (1998), “under western eyes” there is the tendency to underestimate women’s agency when it comes to social, cultural, and religious contexts different from Western ones. On the other hand, this section seeks to investigate how this kind of narrative influences the approach of the EU –both politically and in terms of funding within specific European policies, such as the “European Neighbourhood Policy” (ENP)– to women’s rights

*The “Arab Spring” was preceded by several social struggles, to which women greatly contributed*

promotion in Tunisia. Therefore, it is aimed at questioning the European approach to human rights' promotion in the southern neighbourhood, and the "meta-narrative" that has been built upon it during the years, in particular through the epistemological practices of the "EU-as-a-model" discourse and the "Normative Power Europe" discourse (Cebeci, 2012). In other words, this section engages in a critical reflection that lies at the intersection of post-colonial/Afro-American feminist studies and EU studies on the international identity of the Union. The fourth section presents the results of a fieldwork conducted in Tunisia between March and July 2017 as a part of a larger research on the change in EU approach to human rights in the Southern Mediterranean neighbours after the 2011 uprisings and the following ENP revisions. The fieldwork combined document analysis related to EU policies and projects for women in Tunisia with 35 semi-structured interviews to all the actors involved in EU gender-founded projects (i.e. EU delegates in Tunis, local institutions, international organizations, local associations, female activists and experts). The aim of the fieldwork was to understand the local perception about EU approach to women's rights promotion. Finally, the conclusions analyse the results emerged from the fieldwork in the light of the previous theoretical reflections.

*Tunisian society, as well as most of the Mediterranean area, is distinguished by a long-standing "transculturality"*

## 2. Feminine activism in Tunisia: a historical overview

Tunisian society, as well as most of the Mediterranean area, is distinguished by a long-standing "transculturality". As Leila El Houssi (2013) explains, the mixture of Mediterranean people –Phoenicians, Berbers, Arabs, Italians, Maltese and French– who have inhabited these lands leaves an important legacy in terms of cultural dynamism, religious coexistence and habit to comparison. From this legacy there derives the absence of a unique model of feminist discourse within the Arab world, which is rather characterized by diversified reflections, which have been related from time to time with colonial powers, nationalist movements, authoritarian regimes, ideologies, and political organizations of Marxist and Islamist matrix.

In Tunisia, women's demands are undoubtedly functional to the process of independence and play a key role in the post-colonial reconstruction process. It is already around the middle of the twentieth century, namely in 1936, that the Union Musulmane de Femmes en Tunisie (UMFT) was born on the initiative of Bchira Ben Mrad, following the readings of the Egyptian Hud Sha'rāwi, who in 1923 founded the Union of Egyptian Feminists (UFE). But in the aftermath of independence from France in 1956, women's claims become instrumental to the process of state modernization initiated by the first Tunisian President, Habib Bourghiba and his party Néo-Dustūr. It is at this time that the expression "State Feminism"<sup>1</sup> came about: Bourghiba dissolved pre-existing feminist associations and created a single large association, the Union National de la Femme Tunisienne (UNFT), which was functional in the process promoted by the Néo-Dustūr. Thus, in 1956, Tunisia was given a Code of Personal Status that appears to have no equivalent compared to other Muslim majority countries: it includes the abolition of polygamy, the suppression of the practice of repudiation, the minimum age for marriage fixed at age 18 and the introduction of free consent between the parties.

Despite the unquestionable freedom granted to women by the Code, however, we should bear in mind the instrumental function that the Code has in Bourghiba's strategy. The "women's rights' card" is played by the President to legitimize what is de facto an authoritarian government in the

1 See on this point: S. Bessis (1999), A. Mhadahbi (2012), E. C. Murphy (2003).

eyes of Western countries. The same card would also be played by Ben Ali, as several scholars of Euro-Mediterranean relations would later denounce, starting with Jean-Pierre Cassarino (2012).

In the framework of “State Feminism”, therefore, Tunisian women, although they may enjoy greater equality between men and women in legal terms, find themselves struggling against a dictatorship that suffocates any form of freedom. Only towards the end of the last century, in 1980, did an autonomous feminist movement reappear with the creation of the “Tahar Haddad Club”<sup>2</sup>.

Thanks to this space of ideas, Tunisian women are able to push aside the concept of “State Feminism” and denounce the “liberator’s (as Bourghiba was termed) apology”. They undertake a difficult battle on the grounds of fundamental rights, radically departing from official discourses on women’s legal acquisitions, and denouncing the patriarchal domination mechanism and discrimination contained in the Personal Statute on issues such as the lack of equality in the inheritance and male privilege of the granting of marital domicile in the event of divorce (Daniele, 2014). It is at this time that the two main Tunisian feminist associations are born: Association Tunisienne de Femmes Démocrates (ATFD) in 1982; and Association des Femmes Tunisiennes pour la Recherche et le Développement (AFTURD) in 1986, even if both of them would be formally institutionalized only after the end of Bourghiba’s government.

With the advent of Ben Ali in 1987, “State Feminism” seems to find new spaces. The female question is again instrumental in the government’s program: the president becomes the symbol of the building of a democratic and secular Tunisia, and the woman is functional to that construction. In fact, despite the apparent push for modernization and openness, the oppression of the regime continues to be felt even in the female sphere: veiled women are persecuted and often banned from practicing their profession because of clothing. The issue therefore is whether the secularization from above in the era of Ben Ali’s regime (1987-2011) coincided with the transformation from below; whether the misuse of power and force has neutralized the democratic potential of women (and more generally human) rights; and whether the acquisition of rights has been made in respect of women’s rights or has been instrumental in starting a country’s development policy (El Houssi, 2013).

Paralyzed in the grip of Bourghiba before and Ben Ali after, it is only after the 2011 uprising that Tunisian female associations find full (and more or less) free expression, and there is a multiplication of small and medium-sized, secular and religious realities alongside the historical ATFD and AFTURD. Even with different ideals and perspectives, these various women’s realities direct their battle to the dual task of combating all forms of man-woman discrimination and to remove exploitation, oppression and domination caused by the strong asymmetries existing in individual, religious, gender and social class relationships (Daniele, 2014).

### 3. Feminine activism in the post-Ben Ali era: divergences, achievements, challenges

On 23 October 2011, day of the first free and democratic elections in Tunisia for the Constituent Assembly, the Islamic Party of “Ennahda” obtained 47% of the vote (90 seats out of 217): a deep shock in a country where Islam had always been committed to *laïcité*.

*With the advent of Ben Ali in 1987, “State Feminism” seems to find new spaces. The female question is again instrumental in the government’s program*

<sup>2</sup> Tahar Haddad (1899-1935) was one of the main theorists of the Islamic reformism. Author of the book *Notre femme Tunisienne entre la législation islamique et la société*, Imprimerie Technique rue de l’Eglise, Tunis, 1930.

The party's orientation seems to be that of reaffirming the existence of a necessary link between religion and identity, where Islam would play a key role. The gender's issue would then become functional to politics, and the Tunisian woman could find herself in the process of building, reconstructing, defining and redefining her identity.

Within this process, the possibility of re-occupying its own religious and cultural identity after a long period of authoritarianism leads to a process of "re-islamization" by many women and the creation of Islamic feminist associations, such as the Tunisian Women Association, founded in April 2011.

Thus, there begins to appear a divergence of visions between such associations, accusing the secular ones of speaking only to an elite of the population, and the latter, worried about the re-emergence of an Islamic discourse that it is not associated completely with the feminist-liberal goals they pursue. In fact, this kind of divergence, although leading to various ideological clashes in the post-revolutionary period, did not prevent the formation of a common ground of dialogue to improve the legal and social status of women. As suggested by Badran (2011), the forces that eventually collided on Tunisian arena were not so much secular and religious ones, but rather those supporting a patriarchal model of society and those in defence of a status of equality, which ultimately brings together more consent to both religious and secular feminists.

According to the report of the ATFD *De 2008-2011 à 2015: Révolution et Transition Démocratique* (forthcoming), women have been extremely active since the beginning of the transitional period within the "Haute Instance pour la réalisation des objectifs de la révolution", where they fight different battles, such as that for the election of a woman to the vice-presidency; that for the so-called "Republican Pact"; the vote for parity in the electoral lists and the struggle for the participation to the electoral process.

Among the most challenging battles there is certainly that for the inclusion of "equality" rather than man-woman "complementarity" (supported by Islamist parties) within Art.21 of the Constitution, and that for the elimination of all the reservations to the CEDAW, which were both won. Article 21, in fact, states: "Les citoyens et les citoyennes sont égaux en droits et en devoirs. Ils sont égaux devant la loi sans discrimination. L'État garantit aux citoyens et aux citoyennes les libertés et les droits individuels et collectifs. Il leur assure les conditions d'une vie digne". The reservations to the CEDAW were withdrawn in July 2011, with the only exception to the General Statement submitted by Tunisia at the moment of ratification. Consequently, equality before the law of citizens, without any discrimination, became part of the new Charter approved on 27 January 2014 in Art.21, and was also reinforced by Art.46, which states: "L'État s'engage à protéger les droits acquis de la femme, les soutient et ouvre à l'améliorations", continuing: "L'État prend les mesures nécessaires afin d'éradiquer la violence contre les femmes". With regard to the CEDAW, although the rule on the interpretation of fundamental rights and freedoms in accordance with international conventions is not included in the new charter, Art.49 (which is given a constitutional status and therefore cannot be reviewed by referendum) establishes the limit of interpretation in line with the principles of necessity and proportionality. This can be considered –together with the elimination of reservations to the CEDAW– a big step forward for the safeguarding of women's rights.

To these achievements it is important to add the most recent adoption (26 July 2017) of the *Loi intégrale sur la lutte contre la violence faite aux femmes*, which took several years of advocacy efforts led by Tunisian civil society and national institutions in collaboration with international

*Among the most challenging battles there is certainly that for the inclusion of "equality" rather than man-woman "complementarity"*

organizations. The new law adopts a broad definition of violence by recognizing, in addition to the physical one, economic, sexual, political and psychological forms of violence. It also provides for new mechanisms of protection (i.e. access to necessary services and legal and psychological assistance) for victims of violence. This therefore reinforces the content of Art.46 of the Constitution. Moreover, the law eliminates impunity for perpetrators of violence, by amending Art.227 bis of the Penal Code, which pardoned a perpetrator of a sexual act with a minor when he married his victim. According to the new Art.227 bis, the perpetrator of a sexual act with a consenting 16-year-old woman is condemned to 6 years' imprisonment (5 years if the consenting woman is between 16 and 18-year-old). The punishment is doubled if the perpetrator belongs to the family circle of the victim or he exercises influence over her. Another important measure introduced by the law is the ban on the employment of minors as domestic helpers, which will henceforth be sanctioned from 3 to 6 months' imprisonment (Bellamine, 2017). Finally, on 14 September 2017 the 1973 administrative circular was abolished. This prevented a Tunisian woman from marrying a non-Muslim man and constituted gross discrimination since the same ban was not foreseen for a Tunisian man willing to marry a non-Muslim woman (Bobin, 2017).

In conclusion, without satisfying all women's claims, the Constitution and the consequent legislation certainly play an important part. According to feminist associations, the strongest resistance is related to full equality and the inclusion of non-discrimination within the private and familiar sphere. The imprecision of Art.46 on the *acquis* of women and the absence of an express reference to the Personal Statute (except for submitting all the revisions to a referendum, Art.82), will undoubtedly prompt future battlefields. In particular, the various associations are mobilizing on the issue of women/men parity with regard to the right to inheritance. In a country that, according to one of the latest researches published by the Centre de Recherches, Études, Documentation and Information sur la Femme (CREDIF, 2016), is still in 127<sup>th</sup> place of the Gender Gap out of 145 countries, it remains fundamental to maintain a focus on two processes. The first, at a legal level, is to harmonize the laws of the country with the rules contained in the new Constitution: a Criminal Code founded on the principle of equality and not on a moralistic view of relations between individuals; a Code of Statutory Staff without discriminatory articles; a non-sexist Work Code that respects the rights and dignity of women. In other words, a process of vigilance is needed on the implementation of what is contained in the Constitution. The second, equally important, is at a cultural-social level: here a great effort is still needed in spreading the culture of equality and democracy, by mobilizing against all taboos regarding a woman's body and sexual freedom, as well as against clichés, stereotypes and messages spread by some media.

#### **4. Tunisian women's agency and Western representations**

The historical overview on women's activism in Tunisia, and in particular their contribution to the 2011 uprisings and the following transitional period, clearly reveals an extraordinary form of agency. Indeed, as Anna Loretoni (2013) suggests:

Understanding what emerged in the 'Arab Spring' in relation to a gender perspective promptly reveals the inadequacy of that representation that the West has always

*The historical overview on women's activism in Tunisia clearly reveals an extraordinary form of agency*



supported on the basis of a substantial essentialism: the stereotype of a Muslim woman dominated and passive, incapable of any agency<sup>3</sup>. (p. 12)

Tunisian experience deconstructs, in fact, such a kind of stereotype, and prompts a new type of analysis able to overcome the traditional Western victim-oriented approach. This kind of analysis has been made, among others, by Chandra Talpade Mohanty in his famous “Under Western Eyes: Feminist Scholarship and Colonial Discourse” (1999), with the primary purpose of deconstructing Robin Morgan’s concept of “universal sisterhood” (1984). According to Mohanty, this concept risks to represent women –regardless of the cultural, social, religious context, and the specific historical moment– as a homogeneous group, characterized by the same experiences, the same needs and, consequently, the same interests and objectives. This type of representation leads to ascribe to the varied female universe the same form of oppression and, therefore, of political resistance and commitment, which is likely to underestimate/fail to see forms and expressions different from Western ones, as in the case of the so-called “black feminism” or that of the Arab-Muslim contexts.

Mohanty reproaches Western narrative for:

Having colonized the material and historical heterogeneities of the lives of women in the third world, thereby producing/representing a composite, singular ‘third-world woman’ –an image which appears arbitrarily constructed but nevertheless carries with it the authorizing signature of western humanist discourse–. (Mohanty, 1999, p. 63)

Among the various discursive constructions on the female universe to which Mohanty refers, the most useful for this study are, on the one hand, that of women and the family system; and on the other, that of women and religious ideologies. The first departs from the assumption of a single patriarchal system oppressing women common to all Arab-Muslim societies. Patriarchal systems are different in over twenty Arab-Muslim countries, and thus levels of oppression, and consequently battles that women have to fight differ from country to country. While in some countries these battles are almost impossible, in others –as shown here with the Tunisian case– they are conceivable and, above all, put into practice.

The second interesting discursive construction for the purpose of this analysis is that of women subjected to religious ideology, therefore devoid of their very identity: as women are subjected to a religion presented in fundamental terms, it is as if they were blocked in a “historical time”, in which they have no way of moving out of. This also cannot be said in the case of Tunisia, where women –not only those secular but also those with religious beliefs– have been able to cope with their oppression and find a common ground of dialogue to pursue common battles, without renouncing –in the case of religious ones– their Islamic belief.

The deprivation of agency that derives from this still colonialist and ethnocentric representation of non-Western women risks having consequences not only in terms of discourse construction, but also with regard to the approach that Western (in the case of this paper, European) countries adopt when it comes to supporting/promoting women’s rights in a non-Western country. Indeed,

*In Tunisia there is the tendency to impose the “European way of doing things” rather than empowering the specific agency of Tunisian women and female associations*

3 Author’s translation of the original text: “Comprendere quanto è emerso nella ‘Primavera Araba’ in relazione ad un punto di vista di genere fa immediatamente emergere l’inadeguatezza di quella rappresentazione che l’Occidente ha da sempre sostenuto sulla base di un sostanziale essenzialismo: lo stereotipo di una donna musulmana succube e passiva, incapace di qualsiasi agency”.

in Tunisia there is the tendency to impose the “European way of doing things” rather than empowering the specific agency of Tunisian women and female associations.

This tendency could be linked to what Kmar Bendana, Professor of History at the University La Manouba in Tunis, calls the “story of European universalism”. Quoting her words:

The EU has always related to Tunisia –and, in general, to southern Mediterranean countries– convinced of the story of its universalism. This story, however, is an illusion, stemming from the fact that Europe has dominated the world for a long time, by consequently developing the idea of being universal. I would call this idea ‘collective unconsciousness’. The universal is not global: it is a European (philosophical and political) invention, dated at a precise historical moment. (Kmar Bendana, personal communication, 8 November 2016)

Combined with Mohanty’s critique to the concept of “universal sisterhood”, the “story of European universalism” referred to by Professor Bendana suggests having a look at some critiques within EU studies regarding the construction of an “Ideal Power Europe” through meta-narrative. In particular, Munevver Cebeci (2012) states that this meta-narrative is built through the use of three epistemological practices: 1) the discourse on post-sovereign and postmodern EU; 2) the EU as a model discourse; 3) and the “Normative Power Europe” (NPE) discourse.

The second and the third seem particularly relevant to this analysis. Indeed, Cebeci talks about an asymmetrical approach towards some third countries (especially those which request full membership, association agreements or trade benefits). According to her:

By imposing their own model without considering the specific cultural, economic and social characteristics of certain regions and countries, the Europeans encourage mimicry and, in a sense, add to the colonial tradition rather than engaging the people of those regions and meeting their local needs. (Cebeci, 2012, p. 572)

This asymmetrical approach is related also to the third epistemological practice: the NPE discourse, initiated by Ian Manners in 2002. According to this discourse, the Union poses at the basis of its foreign policy a set of norms, values and procedures that all serves a similar scope: compliance with what the EU sets as “normal” (Manners, 2002). From this derives the asymmetrical relationship that the Union establishes with others: a relation based on what is called the principle of “conditionality” (i.e. the EU establishes the rules and the content of the agreement and the others have to follow suit).

On the basis of these epistemological practices, the “Ideal Power Europe” meta-narrative has also a legitimating function: “It is rather a European Idea(l) on track and yet to be realised as a *project* –‘a future to be brought about’– that gives the EU its legitimacy” (Cebeci, 2012, p. 580). Indeed, all the studies on NPE emphasize the universality of norms and values that the Union feels it has to spread throughout the world, by thus nourishing a “liberal tendency towards claims of the universal, timeless, hegemonic fixity of a dominant western, customary praxis” (Cebeci, 2012, p. 580), which indirectly presupposes the superiority of such western practices and risks legitimating subtle forms of colonialism.

If we look, for example, into the practice of EU gender mainstreaming, we can see that, even if the 2011 uprisings have prompted the EU to refocus on women, gender mainstreaming has remained a unidirectional policy. As Serena Giusti (2017) suggests –on the basis of a

*If we look, into the practice of EU, we can see that gender mainstreaming has remained a unidirectional policy*

parallel analysis of the New Framework for Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations (2016-2020) and the last ENP revision (2015)—:

Gender mainstreaming has been pursued through the usual practice, largely used in recent enlargements: norm diffusion. This method does not allow for a reconceptualization of the policies issued: partners only have the possibility of deciding the pace of implementation of a set of goals selected among those recommended by the EU. (p. 1)

Indeed, as also Maryam Khalid (2015) noticed, EU policies in the MENA region have used normatively loaded gender policies to delimit boundaries between the “civilized West” and the backward “Arab world”, thus Western discourse towards the region has focused on the victimization of marginalized gender groups, so denying their agency. As a consequence, EU gender strategy has mainly focused on the external aspects of women/men inequalities, but it has underestimated cultural, domestic and familial obstacles and neglected national debates or the contributions of local feminists, thereby failing to face the real causes of inequalities.

These reflections seem to be completely in line with both Kmar Bendana's perception about the EU approach to Tunisia and Mohanty's reflections on the Western representation of women's agency in different contexts. At the same time, they seem to prompt a new kind of narrative about the EU, the Mediterranean and EU relations with the Mediterranean. A good example of this new narrative is the one proposed by the MEDRESET Project. Indeed, the project considers the Mediterranean region as including but not being limited to the EU's definition:

The Mediterranean is not a pre-given geographical fact, but the result of interests, identity, narratives, practices, and interactions. The Mediterranean exists through the various imaginations of its stakeholders. Thus, the region may include other geographies and geopolitical dynamics which are currently excluded from the EU's construction, but are of key importance for the future effectiveness and potential of EU policies in the region. (Huber and Paciello, 2016, p. 6)

*Tunisia is among the major beneficiaries of the “more for more” approach, introduced with the revision of the European Neighbourhood Policy (ENP)*

## 5. EU approach to women's rights in Tunisia: voices from the field

As is well known, Tunisia is among the major beneficiaries of the “more for more” approach<sup>4</sup>, introduced with the revision of the European Neighbourhood Policy (ENP) in March 2011. Only for this year, the Union doubled the funds allocated to the country (from 80 to 160 million euros), following its good performance in terms of democratic reforms and human rights protection.

According to the EU Delegation in Tunis, especially since 2013, funding for projects aimed at improving women's conditions and rights has been substantial (EU Delegation in Tunis, Personal Communication, 13 April 2017). As set out in the latest report by the Delegation (2017), following the EU-Tunisian bilateral agreement signed on 30 April 2015, the majority

4 The “more for more” approach is based on greater economic support from the EU to those countries that better perform in terms of democratic and human rights' reforms. From: European Commission and High Representative, *Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A partnership for Democracy and Shared Prosperity with the South Mediterranean*, COM (2011) 200 final, Bruxelles, 8 March 2011.

of EU funding in 2016 (i.e. 7 million euro), was destined to the program “*Promotion de l'égalité femmes-hommes en Tunisie*”, under the direction of the Tunisian Ministry of Women, Family and Child Care (MFFE). The funding destined to projects (mainly implemented by international organizations in partnership with local associations) was divided as follows: 550,000 euros for the “*Aide et Accueil des femmes victimes de violence au Kef, à Beja, et Jendouba*” (2013-2016); 240,000 for the “*Promotion de l'égalité professionnel femmes-hommes en Tunisie*” (2014-2017); 211,000 for “*Karama-Dignité à Gafsa, Kairouan, Sousse, Sfax et Ariana*” (2014-2016); 229,000 for the “*Prévention de la violence sexuelle à l'égard des enfants et notamment des petites filles*” (2014-2016); 300,000 for the “*Sensibilisation des étudiant(e)s tunisiens à la préservation des droits de la femme et à une meilleure compréhension du modèle patriarcal*” (2014-2016); 600,000 for “*Pour un meilleure application des droits des enfants sans soutien familial en Tunisie*” (2016-2019).

Moreover, the country is included in several regional programmes, namely: “*Spring Forward – un bond en avant pour les femmes*” (2012-2016), 7 million euro out of which 600.000 for Tunisia; “*Appui à l'émancipation socio-économique des femmes rurales en Tunisie et au Maroc à travers leur inclusion dans les réseaux de l'économie sociale*” (2012-2016), 940.000 euros; “*Pour une meilleure insertion sociale et professionnelle des mères célibataires au Maghreb*” (2013-2016), 845.000 euros; “*Women's response to the Arab Spring*” (2013-2015), 588.000 euros; “*Renforcer les capacités dans le sud de la méditerranée afin d'ouvrir le dialogue et le suivi des politiques pour les femmes dans la société*” (2015-2017), 969.000 euros.

Taking into account the different actors involved in this panorama, a total of 35 semi-structured interviews were conducted in Tunisia in the period going from March to July 2017. More precisely, international organizations (14 interviews) and local associations (12 interviews) beneficiaries of EU funding composed the main unit of the interviews (in both cases, persons in charge of the EU-funded projects). In order to ensure data triangulation and to have a more detailed and balanced picture of the phenomenon investigated, 2 interviews were conducted with EU delegates in Tunis, 2 with representatives of national institutions working on women's rights, 2 with feminist activists and other 2 with local experts in women's rights and EU-Tunisian cooperation<sup>5</sup>. The interviews lasted from 45 to 90 minutes and were mainly aimed at investigating the main issues related to the EU approach to women's rights promotion in the field from a local perspective. For this reason, the qualitative analysis of the interviews that has been made for this paper mainly concerns the local actors' points of view. According to this analysis, four macro-areas have been identified that seem to be relevant to the scope of this work.

Firstly, according to both local associations and international organizations, the fact that the majority of EU funding is destined to the bilateral program with the Tunisian government reveals that the Union has not changed its approach following the 2011 uprisings. Indeed, even if after that moment the Union recognised the important role played by civil society and has re-focused its action on the support to civil society, it has changed neither its main actors of reference nor its methods. In the words of one of the interviewees: “the Union continues to choose the same actors as privileged local interlocutors, namely those that are closer to the values of the Union, but which are not necessarily representative of the country's reality” (International organization, personal communication, April 14, 2017).

*The fact that the majority of EU funding is destined to the bilateral program with the Tunisian government reveals that the Union has not changed its approach following the 2011 uprisings*

<sup>5</sup> For the list of the interviews see annex 2.

Secondly, both local association and feminist activists complained about the lack of open political and economic support to civil society's advocacy campaigns regarding the improvement of women's condition and rights in legal texts. This view is also supported by a large number of international organizations. In particular, in the case of the advocacy campaign for the *Loi intégrale sur la lutte contre la violence faite aux femmes*, a coalition of 60 associations from civil society was put in place, but it was not able to access EU funding. This was because the total EU budget destined to the "*Loi intégrale*" was already assigned to the third axis –"*Lutte contre toutes les discriminations et violences fondées sur le genre*"– of the bilateral program between the Union and the Tunisian Government. Since civil society's associations were in disagreement with the Government regarding many relevant points of the law, they felt the lack of support from the Union.

Thirdly, local associations, international organizations and national institutions stressed the difficulties as to the possibility of accessing EU funding for local associations. Indeed, not only is it difficult to respond to EU calls for proposals since their guidelines are rather complicated, but also the European financial and technical requirements to implement the project are too demanding for local associations –which in the majority of the cases were instituted after 2011–, thereby not possessing a solid administrative, technical, and financial structure. Indeed, according to EU procedures, the Union usually finances the 80% of the project, the other 20% being found by the association that wins the call for proposal. Furthermore, the association has to find in advance the last financial part of the project (which will be reimbursed by the EU only when the project has been concluded). Finally, the Union usually funds projects starting from a budget of 200.000 euros, which is a huge amount for a small and young association. "To satisfy such requirements", quoting one of the interviewees, "an association should have an annual budget of around 1.2 million euros, and no Tunisian association has it, except for the historical ones" (Local association, personal communication, 9 June 2017). In summary, both the guidelines of the calls for proposals and the technical-financial requirements do not fit the capacities of Tunisian associations, and the consequence is that they are always obliged to apply to a call for proposal in partnership with international organizations. In fact, out of the gender-related projects funded in 2016 by the EU, only two are implemented by Tunisian associations –*Images et Paroles des Femmes*, *Femmes et Leadership* and *ATUDE*– alone and in complete autonomy. In the face of such difficulties, according to the majority of the interviewees, the EU does not provide adequate training on capacity building, which could help local associations in applying to a call for proposals.

Finally, both local associations and international organizations complained about the lack of continuity in EU funding. Normally, EU-funded projects last from 3 to 5 years, but they cannot get more funding after that period. Indeed, the EU adopts a results-driven approach that does not work in the case of projects oriented to generating long-term social change, which normally needs more than 3 or 5 years. "This", according to one of the interviewees, "is especially true in the case of gender-related projects where the change has to deal with patriarchal praxis which are well-rooted in the society" (Local association, personal communication, 3 July 2017).

*Local associations, international organizations and national institutions stressed the difficulties as to the possibility of accessing EU funding for local associations*

## 6. Conclusions

This paper attempted to combine a critical theoretical approach lying at the intersection of gender and European studies with insights coming directly from the field. Even if it represents

work-in-progress research, it nevertheless offers some relevant points of reflection. Indeed, the four macro-areas emerging from the analysis of the interviews underline issues that can be linked to the theoretical reflections previously discussed. First of all, the fact that the EU continues to favour government actors as privileged local interlocutors reveals a lack of trust in female associations. EU institutions, therefore, undervalue these associations' agency, notwithstanding the important role they played both in the 2011 uprising and the following transitional period, as the first two sections of this paper emphasized. This leads to a lack of political and economic support to these associations from the Union, as in the case of the advocacy campaign for the "Loi Intégrale". Secondly, the fact that EU guidelines and technical-financial requirements for accessing funding are so demanding for Tunisian associations means, on the one hand, that they are based on purely European standards, thereby not fitting the reality of local civil society. On the other hand, these associations have to resort to international NGOs, which prevent them from developing and fostering their own specific form of agency. Finally, the lack of continuity in EU funding reveals how the EU is detached from local social, cultural, and religious specificities, not being therefore capable of supporting long-term change in the society. All of this fits with the criticism directed at the EU as-a-model discourse and the NPE discourse, by prompting a new way of conceiving, and thereby narrating, the EU approach to women's rights promotion in a context different from the European one.

## Reference List

- ATFD. (2017). *De 2008-2011 à 2015: Révolution et Transition Démocratique. L'ATFD au coeur des luttes pour l'égalité et la démocratie*, forthcoming.
- Badran, M. (2011). From Islamic Feminism to a Muslim Holistic Feminism. *IDS Bulletin*, 42, 78-87.
- Bellamine, Y. (2017, July 26). La loi intégrale sur la lutte contre la violence faite aux femmes adoptée à l'Assemblée. *Huff Post Maghreb*. Retrieved from [http://www.huffpostmaghreb.com/2017/07/26/loi-violences-femmes-tuni\\_n\\_17592836.html](http://www.huffpostmaghreb.com/2017/07/26/loi-violences-femmes-tuni_n_17592836.html)
- Bobin, F. (2017, September 15). Les Tunisiennes musulmanes pourront dorénavant se marier avec un des non-musulmans. *Le Monde Afrique*. Retrieved from [http://www.lemonde.fr/afrique/article/2017/09/15/la-tunisie-met-fin-a-l-interdiction-du-mariage-avec-des-non-musulmans\\_5185969\\_3212.html](http://www.lemonde.fr/afrique/article/2017/09/15/la-tunisie-met-fin-a-l-interdiction-du-mariage-avec-des-non-musulmans_5185969_3212.html)
- Cassarino, J. P. (2012). Reversing the Hierarchy of Priorities in EU-Mediterranean Relations. In J. Peters (ed.), *The European Union and the Arab Spring: Promoting Democracy and Human Rights in the Middle East* (pp. 1-17). Lanham: Lexington Books.
- Cebeci, M. (2012). European Foreign Policy Research Reconsidered: Constructing an 'Ideal Power Europe' through theory? *Millennium: Journal of International Studies*, 40(3), 564-583.
- CREDIF. (2016). *Inégalité et Discrimination à l'encontre des Femmes et des Filles dans la Législation Tunisienne*. Tunis: Ministère de la Femme, de la Famille et de l'Enfance, ONU Femmes.
- Daniele, G. (2014). Tunisian Women's Activism after the January 14 Revolution: Looking within and towards the Other Side of the Mediterranean. *Journal of International Women's Studies*, 15(2), 16-32.

- El Houssi, L. (2013). *Il Risveglio della Democrazia. La Tunisia dall'indipendenza alla transizione*. Carrocci, Roma: Carrocci Editore.
- European Commission and High Representative. (2011, March 8). *Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A partnership for Democracy and Shared Prosperity with the South Mediterranean*, COM (2011) 200 final, Bruxelles. Retrieved from: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0200&from=EN>
- EU Delegation in Tunis. (2017). *Rapport d'activité*. Retrieved from: [https://eeas.europa.eu/sites/eeas/files/rapport\\_activite\\_due\\_2017\\_fr\\_20062017.pdf](https://eeas.europa.eu/sites/eeas/files/rapport_activite_due_2017_fr_20062017.pdf)
- Giusti, S. (2017). Gender Mainstreaming towards the Mediterranean. The case of the ENP. *Journal of Balkan and Near Eastern Studies*, 19(5), 1-17.
- Haddad, T. (1930). *Notre femme Tunisienne entre la législation islamique et la société*. Tunis: Imprimerie Technique rue de l'Eglise.
- Huber, D., & Paciello, M. D. (2016). MEDRESET: A Comprehensive, Integrated, and Bottom-Up Approach'. *IAI Methodology and Concept Papers*, 1, 1-22.
- Journal Official de la République Tunisienne. (2015, April 20). *Constitution de la République Tunisienne*. Retrieved from: <http://www.legislation.tn/sites/default/files/news/constitution-b-a-t.pdf>
- Khalid, M. (2015). The Peripheries of Gender and Sexuality in the Arab Spring. *Mediterranean Politics*, 20(2), 161-177.
- Loretoni, A. (2013). Le difficili vie della democrazia nell'altra sponda del Mediterraneo. In A. Loretoni & F. M. Orsini (eds.), *Il Mediterraneo dopo le Primavere Arabe. Alcune riflessioni sulle trasformazioni sociali, politiche, istituzionali, Diritti e culture dall'Europa all'Oriente Islamico* (p. 3). Pisa: Edizioni ETS.
- Manners, I. (2002). Normative Power Europe: A Contradictions in Terms. *Journal of Common Market Studies*, 40(2), 235-258.
- Ministère de la Justice Tunisie (1956, August 13). *Code du Statut Personnel*. Retrieved from [http://www.e-justice.tn/fileadmin/fichiers\\_site\\_francais/codes\\_juridiques/Statut\\_personel\\_Fr.pdf](http://www.e-justice.tn/fileadmin/fichiers_site_francais/codes_juridiques/Statut_personel_Fr.pdf)
- Mohanty, C. T. (1998). Under Western Eyes: Feminist Scholarship and Colonial Discourse. *Feminist Review*, 30, 61-88.
- Morgan, R. (1984). *Sisterhood is Global. The International Women's Movement Anthology*. New York: Doubleday.

## Appendix I: EU gender-funded projects in 2016



Source: EU Delegation in Tunis, *Rapport d'activité. Edition 2017*, p. 108.



## Appendix II: List of Interviews

- » EU Delegation, Tunis
- » ONFP (Office National de la Femme et de la Population), Tunis
- » Ministère des Affaires de la Femme et de la Famille, Tunis
- » CREDIF (Centre de Recherches, Études, Documentation and Information sur la Femme), Tunis
- » CAWTAR (Centre de la Femme Arabe pour la Formation et la Recherche), Tunis
- » COSPE (Italian NGO), Tunis
- » CIDEAL (Spanish NGO), Tunis
- » CEFA (Italian NGO), Tunis
- » Santé Sud (French NGO), Tunis
- » Soyons Actif/Actives (French international Program), Tunis
- » UN WOMEN, Tunis
- » UNFPA, Tunis
- » OXFAM Novib, Tunis
- » EuroMed Droits, Tunis
- » Conseil de l'Europe, Tunis
- » ATFD (Association Tunisienne des Femmes Démocrates), Tunis
- » ATFD (Association Tunisienne des Femmes Démocrates), Sfax
- » AFTURD (Association des Femmes Tunisiennes pour la Recherche et le Développement), Tunis
- » ATUDE, Tunis
- » Association Femme et Citoyanneté, El Kef
- » Association Rayhana, Jendouba
- » Association La Victoire de la Femme Rurale, Sidi Bouzid
- » Association Images et Parole de Femme, Tunis
- » Association TAMSS, Tunis
- » Association Réseau Amen Enfance, Tunis
- » IRMC (Institut de Recherche sur le Maghreb Contemporain), Tunis
- » Université La Manouba, Tunis
- » Université Tunis ElManar, Tunis



# TRADE BETWEEN THE EU AND ISRAELI SETTLEMENTS: HOW TECHNICAL ARRANGEMENTS ADD TO STRUCTURAL INJUSTICE IN THE SUPPLY CHAIN

## El comercio entre la UE y los asentamientos israelíes: cómo los acuerdos técnicos suman injusticia estructural en la cadena de suministro

**Anas Audeh**

PhD candidate in international relations International. Relations Multidisciplinary Doctoral School  
Corvinus University of Budapest  
E-mail: [anasaudeh@gmail.com](mailto:anasaudeh@gmail.com)



Autor

More than two decades ago, the EU upgraded its preferential trade with Israel. Many EU member states and European multinational companies violate the European Commission's mandatory directives on excluding the Israeli settlements' economy from the preferential treatment of free customs duties.

This article argues that the settlements' economy is correlated to a structural injustice in the supply chain, through the imposition of a coercive environment in the Occupied Palestinian Territories. Many European multinational companies trade in Israeli settlements and partially contribute to the structural injustice. The European Commission tackles the structural injustice by a framework of technical arrangements, but such a framework is unsuccessful due to the thoughtlessness and bad faith expressed by those actors linked to enterprises in the settlements, and due to the lack of normative standards and an operational framework of responsibility. This article challenges the longstanding argument in literature that the problem in the EU-Israeli settlements trade is not only a mere territorial and border dispute, using a mixed method of quantitative datasets and discourse analysis.



Abstract

EU-Israel preferential trade; European Commission; settlements' economy; Occupied Palestinian Territory; territorial disputes; rules of origin.

*UE-Israel comercio preferencial; Comisión Europea; economía de los asentamientos; territorio palestino ocupado; disputas territoriales; normas de origen.*



Key words

Recibido: 13-11-2017. Aceptado: 04-04-2018.



Fechas

*Hace ya más de dos décadas, la UE actualizó su comercio preferencial con Israel. Muchos Estados miembros de la UE y multinacionales europeas violan las directivas de obligado cumplimiento de la Comisión Europea que excluyen a Israel del trato preferencial libre de aranceles aduaneros. Este artículo defiende que, a través de la imposición de un entorno coercitivo en los territorios ocupados palestinos, la economía de los asentamientos está relacionada con la injusticia estructural de la cadena de suministros. Muchas multinacionales europeas comercian en asentamientos israelíes y contribuyen de manera parcial a la injusticia estructural. La Comisión Europea aborda la injusticia estructural en el marco de acuerdos técnicos, sin embargo, este marco es inútil debido a la desconsideración y la mala fe expresada por aquellos actores relacionados con las empresas presentes en los asentamientos y a la falta de normativas estandarizadas en un marco operacional y responsable. Este artículo desafía un argumento muy arraigado en los estudios publicados, aquel que defiende que el problema en el comercio entre la UE y los asentamientos israelíes no es tan solo una disputa territorial y fronteriza, para ello utiliza un método combinado de bases de datos y análisis discursivo.*



## 1. Research background

Preferential agreements are intended to allow trade concessions only to the contracting parties while maintaining existing barriers towards non-contracting parties. In order to facilitate reciprocal arrangements in such agreements, a rule of origin system is designated to identify the states involved in trading products (Hirsch, 2002). The general principle of international trade law stipulates that the originating state is the one that carries out the last substantial process or sufficient working or processing of the product (Hirsch, 2002).

In 1964, Israel was one of the first countries to sign a preferential trade agreement with the European Economic Community (EEC), suspending tariff duties on approximately 20 industrial and commercial products. In 1975, the EEC and Israel signed their first limited free trade agreement, which was upgraded in 1995 to an Association Agreement that entered into force on 1<sup>st</sup> June 2000. The EU-Israel Association Agreement opened the door to cooperation in research and development, financial flow, FDI, and it decreased Israel's negative trade balance with the EU, particularly in agriculture (Pardo & Peters, 2010). Yet the two contracting parties have separate normative understandings because of territorial disputes caused by Israel's continued occupation of the Palestinian Territories and Syrian Golan Heights since 1967.

The territorial disputes demonstrating the issue of sovereignty over particular territory or the issue of recognition of a certain government are highly relevant to the rules of origin because international trade law defines the origin of goods on a territorial basis. Hirsch (2002) presented two approaches adopted by the EU in an answer to the rule of origins in territorial disputes. These included practical-trade that resolves the issue from a commercial perspective; such an approach was adopted by the EU in the cases of Taiwan and the Western Sahara. The other approach is political-sovereignty that resolves the issue from an international political and legal perspective based on sovereignty and recognition, and it was adopted by the EU with respect to the Occupied Northern part of Cyprus, the Occupied Palestinian Territories and the Occupied Golan Heights.

*Preferential agreements are intended to allow trade concessions only to the contracting parties while maintaining existing barriers towards non-contracting parties*

Hirsch (2002) concludes that the EU policy is not uniform. Pardo and Peters (2010), and Reich (2014) agree that the EU is heavily influenced by politics that undermine legal certainty, and the nature of the EU-Israeli dispute on the settlements' economy is a high profile political one. Plessix (2015) argues that EU member states such as Germany, France, and Britain hold resistance attitudes in the enforcement of EU policy towards the Israeli settlements due to conflicting objectives related to avoiding social sanctions and willing to transfer the issue to EU institutions, hypermarkets chains, and consumers. This is so despite the fact that when looking back at the longstanding (for almost two decades) debate within the EU on how to deal with the settlements' economy, it becomes evident that the EU normative debate can be seen as deeply embedded in a human rights discourse and shaped in line with international humanitarian law and the international consensus on the invalidity of the settlements' legal status. The EU normative debate brings about the question of whether the settlements' economy can be conceptualized as a structural injustice within the supply chain, and what kind of model the European Commission adopts to address the structural injustice stemming from the settlements' economy.

This article traces the transactions from the imposed coercive environment in the Occupied Palestinian Territories to the Israeli settlements' economy, hence to the EU preferential market and vice versa. This is done by utilizing quantitative datasets extracted from human rights documents, European Commission regulations, notices and directives, and news media investigations. The analysis thus examines the discourse of European Commission official documents on the operational framework of technical arrangements with Israel, and it also examines the discourse of the actors linked to the Israeli settlements enterprise such as the Israeli subsequent governments' officials, the Israeli association of banks, and some Israeli and multinational companies that invest in the settlements. The analysis puts a new perspective on the problem in the EU-Israeli settlements preferential trade, arguing that it is not a mere territorial and border dispute rather it is a dispute on the structural injustice in the supply chain.

The first section that follows unravels the conceptual framework of the structural injustice in the supply chain and demonstrates the available models to tackle it. The second section presents the operating economy of Israeli settlements and the benefits of the coercive measures imposed in the Occupied Palestinian Territories. The third section demonstrates the highly active foreign trade between Israeli settlements and the European multinational companies in terms of trading goods, FDI, financial flows, and EU research and development funds, all of which are operating under the EU-Israel Association Agreement. The fourth section presents the European Commission directives on excluding settlements from preferential tariff treatment by ensuring the EU-Israeli technical arrangements are operating. The fifth section describes why the European Commission technical arrangements model has minimal success, by analyzing the discourse of Israeli officials and the actors linked to the businesses in settlements who express either bad faith or thoughtlessness to the harm they do in the occupied territories.

*Israel was one of the first countries to sign a preferential trade agreement with the European Economic Community (EEC)*

## **2. Settlements economy as a case of structural injustice**

When assessing the European Neighborhood Policy (ENP) and its impacts on deepening the economic integration between Israel and the EU, Reich (2014) argues that the political disagreement between the two parties on how to treat the settlements has a mere territorial dimension. Plessix (2015) adds that the diverse objectives of the EU member states on how to

deal with the settlements' exported goods are highly embedded in the CFSP norms regarding the future borders of the state of Israel and those of the new state of Palestine. Yet very little has been said about the problem in the EU-Israel preferential trade which lies in the ongoing structural injustice in the supply chain between the European multinational companies and the settlements' enterprise.

Young (2006) demonstrates that social structure is a dynamic process of action and interaction of people. People are interlinked across national boundaries, because the contributions by and to institutions effect distant others, as these contributions affect us, generating as such the obligations to justice.

When structural injustice happens, large categories of persons undergo a systematic threat of domination or deprivation of the means to develop and exercise their capacities. At the same time, the social processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities (Young, 2006). Structural injustice is a wrongful act of an individual agent or the willfully repressive policies of a state (Young, 2006).

The classical model signing responsibility to injustice is commonly derived from a legal perspective based on criminal law. Such model is known as a liability model, where a certain agent is blamed for the harmful outcomes, if the actions were voluntary and were undertaken knowingly; while if the agent could not control the situation in which was placed then the blame would not be placed, and the responsibility is usually mitigated if not dissolved (Fletcher, 1998; Honore, 1999).

Young (2006) presents a different model called as a social connection model of responsibility. This model implies bearing responsibility to individuals in cases where social and economic processes are interlinked across national boundaries and in the cases where it is not possible to trace what specific actions of which specific agents cause which specific parts of the structural processes or their outcomes.

By setting up the social connection model of responsibility, Young (2006) proposes enforcing a forward-looking approach where many people are directed to take part in achieving reform, even though they are not to blame for the past problems. Young also proposes a shared responsibility approach, where each individual is personally responsible for outcomes in a partial way since he or she alone does not produce the outcomes. Furthermore, the social connection model implies political awareness; where a public communicative engagement is presented with others for the sake of organizing our relationships and coordinating our actions most justly.

In this scholarly debate the social connection model of responsibility faces several criticisms on how far it has the capacity to reduce or reverse the structural injustice in the supply chain. Schiff (2008) argues that institutional arrangements are able to insulate the involved individuals from the harm to which they contribute by demonstrating thoughtlessness, which implies objective attitude of the involved agents in structural injustice by using strict language rules in order to conceal the harm they do. Thus, thoughtlessness is able to severely hinder our capacity to confront our implication in, and therefore our responsibility to structural injustice. Schiff also questions the ability of the social connection model to address bad faith, which is a form of lying to oneself and entails concealing from ourselves the ways in which our everyday consumption patterns.

Neuhauser (2014) criticizes the social connection model for its lack of normative standard and operational framework because the model says a little about how the shared responsibility is

*When structural injustice happens, large categories of persons undergo a systematic threat of domination or deprivation*

distributed between different agents, and what constitutes the criteria for eligibility. Neuhauser (2014, p. 243) concludes that “the distribution of forward looking responsibility depends on who bears how much blame for an injustice and therefore must contribute accordingly to the elimination and possible compensation of the wrongdoing”.

The social connection model best explains the EU policy towards the settlements’ economy. The EU does not support imposing sanctions on actors linked to enterprises in the settlements, rather the European Commission introduced a framework known as technical arrangements, seeking to correct the EU-Israel preferential trade within a technical process that has similar tools as the ones adopted by the social connection model.

The EU prefers a constructive engagement with Israel rather than a negative conditionality (Tocci, 2009). A constructive engagement resembles the forward-looking approach. The former EU Representative to the West Bank and Gaza Strip John Gatt-Rutter said “We’re not very good with sticks... Our strength lies in soft power... We don’t do boycotts. We don’t do those kinds of things. We raise our concerns, in public and in private; we try and engage” (Palestine Economic Policy Research Institute, 2012, p. 5). The EU does not seek to sanction products originating in the occupied territories, it only seeks to exclude them from preferential treatment and allows these products to enter the EU market with customs duties. For example, in the case of German Brita Water Filters Company, the Court of Justice of the European Union (2010) interpreted the EU-Israel Association Agreement as not applying to the territorial scope of the West Bank, requesting an imposition of customs duties on imported goods supplied by Soda-Club into Germany.

Both political awareness and shared responsibility can be also seen in the European Commission framework of technical arrangements. The issue of labeling products originating from Israeli settlements (see section 5), enables consumers to be in clarity and gives them the freedom of choice to buy settlement goods or not (Walsh, 2012), thus bearing the consumers the responsibility to the partial contribution of the outcomes. The issue of labeling also aims to raise awareness of the EU based companies on legal, financial and reputational risks of doing businesses with Israeli settlements (Lovatt, 2016).

Before analyzing the minimal success of the European Commission framework of technical arrangements and analyzing the relevance of the aforementioned criticisms on the social connection model of responsibility to such minimal success, it is important to understand the economy of Israeli settlements, and how such economy benefits from the coercive measures imposed in the Occupied Palestinian Territories.

### **3. Settlements economy and the coercive environment in the Occupied Territories**

According to the independent international fact-finding mission to investigate in 2013 the implications of the Israeli settlements on Palestinian human rights, the business enterprises in the settlements have directly and indirectly enabled, facilitated and profited from the settlements’ expansion (Human Rights Council, 2013).

The Israeli settlements’ economy includes extensive industrial zones and agricultural lands. There are many Israeli and international companies actively operating from settlements and

*The implications of the Israeli settlements on Palestinian human rights, the business enterprises in the settlements have directly and indirectly enabled, facilitated and profited from the settlements’ expansion*

openly accessing the world market. Such companies operate at the expense of the Palestinian people living in Area C<sup>1</sup>.

Area C covers about 330 thousand hectares and 60% of the West Bank, which is under full Israeli control (Kadman, 2013). In both Area C and East Jerusalem, the settler population reached to over 594 thousand including an estimated 208 thousand in East Jerusalem by the end of 2015, living in some 130 settlements and 100 outposts that cover approximately 70% of Area C land and keeps the land off-limits to Palestinian construction and development (Human Rights Council, 2017).

Settlements do not only include housing units, they also encompass farmlands, industrial zones, parks, access roads, and security perimeters and buffer zones (Yesh Din, 2016). By early 2016, the Israeli residential area covered 6 thousand hectares, which is around half of the space, the other half includes 20 Israeli administered industrial zones in the West Bank that cover approximately 1,365 hectares and the settlers' cultivated agricultural land that covers around 9,300 hectares (Human Rights Watch, 2016).

With regards to the settlers' cultivated agricultural land one-third of based in the Jordan Valley, with 90% of it is under settlements' municipal area (Hareuveni, 2011). Half of the settlers' agricultural land in the Jordan Valley is used for various kinds of date trees, and every year 100 new hectares are planted with more date trees (Hareuveni, 2011). It is important to note that agricultural production by settlers in the Jordan Valley values about €115 million on an annual basis (WHO Profits, 2014), and the largest Israel date growers' cooperative is Hadiklam Company (Walsh, 2012). The other one-third of the settlers' cultivated agricultural land is based in the Golan Heights and the Jerusalem mountains, covering vineyards for 6 large wineries with the majority of them invested by 5 largest wine producers (WHO Profits, 2011). The settlements' agricultural land is famous in the production of mangos, pomegranates, kiwis, figs, herbs, avocados, flowers, grapefruits, melons, citrus fruits, tomatoes, cherries, aubergines, cucumbers, peppers, and potatoes (WHO Profits, 2011, 2014). The Largest Israeli agricultural exporters are Mehadrin Company with €160 million of annual sales, and Arava Company with 60 million of annual sales (WHO Profits, 2014).

As for the industrial zones in settlements, they totaled 17 in 2003, while in 2009 the figure increased to 20 industrial zones (Kanafani & Ghaith, 2012). These zones host around 1000 Israeli factories and factories run by multinational companies (Bahl, Chemlali, & Marsley, 2017). They produce such products as plastic, metal, textiles, carpets, cosmetics, food and wine. Some major manufacturers in the settlements' industrial zones include SodaStream Club with approximately €280 million of annual revenue, Ofertex manufactures, Ahava cosmetics, and Keter Plastics with approximately €930 million of annual sales operating in 90 countries (Walsh, 2012). The industrial zones include more than 980 facilities, whereby some largest

*Settlements do not only include housing units, they also encompass farmlands, industrial zones, parks, access roads, and security perimeters and buffer zones*

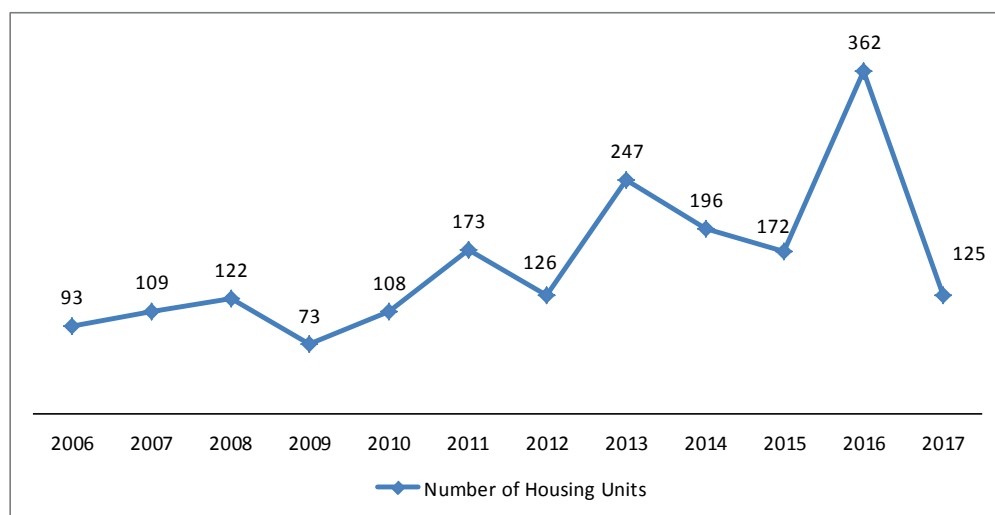
1 The Area C is defined in Article XI of the Israeli-Palestinian Interim Agreement (Oslo Accord II) on land transfer as a part of the framework of the Middle East Peace Process initiated in Oct, 1991. The Oslo Accord II was signed between the government of the state of Israel and the Palestine Liberation Organization on Sept, 1995 in the aim to end the decades of longstanding conflict. The terms Area A, B, and C were supposed to be a part of an interim self-government arrangements for five years long. Area C is the areas of the West Bank outside Areas A and B. Area C was to be gradually transferred from Israeli military forces to the Palestinian Jurisdiction. The redeployment was to be implemented within 18 months of the inauguration of the agreement and the implementation was to be completed in three phases. The division of Palestinian Territories into areas was not designed to address the needs of long-term governance, though the interim arrangements remain in force for more than 22 years now. Israel retains control of security and land-management in Area C and views the area as there to serve its own needs, such as military training, economic interests and settlement development (BTselem).

industrial zones are located around Jerusalem, particularly Ma'ale Adumim and Atarot (Kanafani & Ghaith, 2012).

In the meantime, the settlements' expansion policy continues imposing a coercive environment on the Occupied Palestinian Territories. Such an environment implies demolition of private property, land confiscation and exploitation of natural resources, deprivation of source of livelihood, and exploitation of low wage labor force. According to OCHA (2016), the Israeli settlements are a key driver of humanitarian vulnerability in the Occupied Palestinian Territories.

As shown in chart 1, Israel demolished in the last decade 1,870 Palestinian houses and structures in the West Bank and East Jerusalem. Such policy has increased dramatically in the last five years reaching its highest point in 2016 with 362 demolished Palestinian houses. The official Israeli explanation goes to the lack of building permits by Israeli authorities. Yet according to the Israeli civil administration data, between 2000 and 2012, Palestinians submitted 3,750 applications for building permits and only 211 were approved (Kadman, 2013). In practice, the Israeli authorities allow the Palestinian construction only within the boundaries of its approved plan and this covers less than 1% of Area C, which is already built up (EU Heads of Mission, 2011). The demolition policy has a long-term impact on the demographic changes by shrinking the areas that Palestinians are allowed to build in, while expanding settlements municipal areas especially since most of the demolition occurs in areas allocated to settlements (Walsh, 2012).

**Chart 1. Demolition of Houses in West Bank and East Jerusalem**



Source: "Statistics on Demolition of Houses Built Without Permits in the West Bank," by B'Tselem, retrieved from [http://www.btselem.org/planning\\_and\\_building/statistics](http://www.btselem.org/planning_and_building/statistics); "Statistics on Demolition of Houses Built Without Permits in East Jerusalem," by B'Tselem, retrieved from [http://www.btselem.org/planning\\_and\\_building/east\\_jerusalem\\_statistics](http://www.btselem.org/planning_and_building/east_jerusalem_statistics)

The underground water source in West Bank is largely exploited by Israel, where 80% is used by Israel from three aquifers (Kanafani & Ghaith, 2012). In the Jordan Valley, the 9,500 settlers use around 44.8 million cubic meters a year, an amount equal to one-third of the total amount used by the West Bank's 2.6 million Palestinians (Human Rights Watch, 2016). Moreover, 97.5% of settlers' consumed water is used for agricultural land (Hareuveni, 2011). The water



supply to settlers comes from Israel's national water company Mekorot, which pumps from 42 water drilling locations in the West Bank. 69% of pumped water comes from the Jordan Valley water reserve (Hareuveni, 2011).

Palestinian labor force working in settlements reached about 21 thousand in 2016 declining from 31 thousand workers in 2009 (Palestinian Central Bureau of Statistics, 2017). 63.8% of the total number of workers work in the construction sector, the rest of the labor force work in mining, quarrying, and manufacturing (Kanafani & Ghaith, 2012). Out of the total number of Palestinian labor force, 5 thousand Palestinians work in the settlers' agricultural land in Jordan Valley, reaching to 20 thousand during harvest period (Hareuveni, 2011). According to 2009 Israeli government reports, more than half of those who were formally employed in the settlements' industrial zones are Palestinians (Human Rights Watch, 2016). Thus, it is estimated that the percentage of the Palestinian workforce in comparison to the total workforce in settlements is higher than 50% because many Palestinian workers do not have working permits and therefore they are not included in the official Israeli or Palestinian statistics. The reason behind employing Palestinian workforce lies in the availability of low-cost labor with a capacity to work in coercive conditions in settlements (Human Rights Watch, 2016).

Palestinian workers earn one-third less than Israeli workers and the minimum wage in the settlements' agricultural sector (Human Rights Watch, 2016). In the settlements' industrial zones, Palestinians earn a little bit more than two thirds of the minimum wage (Kanafani & Ghaith, 2012), working for €2-€3.5 per hour, while the minimum hourly wage in Israel is €5.50, in addition to no vacation, sick days cover, nor other social benefits (Human Rights Watch, 2016). In all cases, there are clear signs of exploitation of low wage Palestinian labor force working in coercive conditions in the settlements' economy<sup>2</sup>.

There is a clear correlation between the coercive measures imposed in the Occupied Palestinian Territories and the operating economy in the Israeli settlements. If such coercive measures are to be removed then the injustice will be mitigated, but the settlements' economy will slow down. In order to trace the chain of the settlements' economic activity the upcoming section analyzes the foreign trade between the Israeli settlements and the European multinational companies.

#### 4. EU-Israeli settlements preferential trade

The EU is Israel's main trading partner with foreign trade amounting \$40 billion in 2016, witnessing an increase from \$36 billion in 2013. The increase is in favor of the EU, whereby the trade deficit doubled from \$6 to \$12 billion between 2013 and 2016 (Central Bureau of Statistics, 2016).

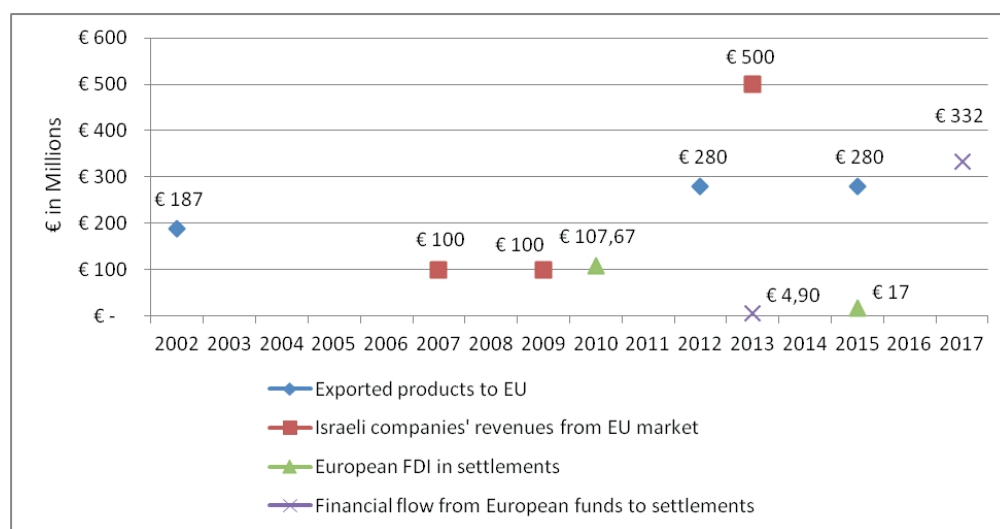
Israeli settlements' major benefits of the EU-Israeli preferential trade are in industrial and agricultural products, the European foreign direct investment in the settlements, financial flows by European funds, and the participation of certain companies in the settlements in research and development programs funded by the EU. Although the European Commission tries to encourage European multinational companies to reduce their investments in the settlements, as well as it pushes Israel to commit to settlements labeling regulations, the trade operations

*Palestinian labor force working in settlements reached about 21 thousand in 2016 declining from 31 thousand workers in 2009*

<sup>2</sup> For instance, see the case of synagogue furniture factory in Mishor Edomim, Heruti-Sover (2017).

remain highly active with the existence of wide cooperation between the EU and Israel under the Association Agreement (see chart 2).

**Chart 2. EU-Israeli settlements preferential trade**



Source: Compiled by the author

Chart 2 does not present the settlements' annual market share of the EU-Israeli preferential trade on aggregate because no such data is made available by Israeli customs office or the Israeli central bureau of statistics. Therefore, the chart presents increasingly accessible data released in recent years in reports published by solidarity groups, human rights organizations and news networks about European multinational corporations operating in settlements with regards to trading goods, financial flows, and foreign direct investments.

The Israeli government reportedly estimated the value of the industrial and agricultural products exported from Israeli settlements to the EU market amounts around 187 million in 2002 (Kanafani & Ghaith, 2012). In 2012, the Israeli government reported to the World Bank that the value of the settlements' exports to the EU market increased to 280 million (Human Rights Watch, 2016). The same value has been reportedly estimated by the Israeli government in 2015 (Human Rights Council, 2017). Yet according to Beste and Schult (2009), the value of goods both fully and partially made in the settlements and exported to the EU market are estimated to reach up to €5.6 billion.

Looking closely at the Israeli companies operating from the settlements and enjoying free access to EU-Israeli preferential trade, many reports have recently revealed such companies as Ahava, SodaStream (Soda Club), and Eden Springs.

Founded in 1988, Ahava is the largest Israeli cosmetics company. It is owned by the Mitzpe Shalem and Qalya settlements on the northern and central shore of the Dead Sea and by the Israeli firms controlled by Goan Holdings (Hareuveni, 2011). Ahava exports its products to 16 EU Member States with an estimated value of 100 million a year (WHO Profits, 2012). The supply chain of industrial ingredients used by Ahava have been traced to such corporates as Lonza Switzerland, Zschimmer and Schwarz Italiana, Eigenmann and Veronelli company, and

Lanxess Distribution Germany, all of which are European multinational corporations (WHO Profits, 2012). In early 2016, news reports released a new Ahava project to be located inside the pre-1967 lines on the Dead Sea shore, speculating that it may move its factory out of the West Bank, yet the company did not explicitly confirm such intentions (Middle East Monitor, 2016).

SodaStream is a manufacturer of home carbonating devices founded in 1991. The main factory of Soda Club is in Mishor Edomim industrial zone in the West Bank established in 1996. 65% of Soda Club's production is exported to 39 countries including 21 EU countries. The value of exports to the EU market is estimated at €100 million a year (WHO Profits, 2011). In 2014, SodaStream announced plans to move its factory to Negev inside the pre-1967 lines (Bahl et al., 2017).

Eden Springs Company extracts and distributes mineral water, markets coffee and espresso machines, home and office water devices. Its main plant is located in Golan Heights, and its global presence is in 11 EU countries exclusively supplied by a Dutch subsidiary named the Eden Springs Europe. The annual revenue of Eden Springs Company values up to €500 million (WHO Profits, 2013).

With regards to the European foreign direct investment in settlements, the international diversified building materials group CRH plc headquartered in Dublin purchased 25% of the Israeli Company Mashav Initiative and Development Ltd from Clal industries in 2001. Mashav wholly owns Nesher Israel Cement Enterprises Ltd supplying 75-90% of all cement sold in Israel and the occupied territories. In 2010, CRH received €107.67 million from Nesher (Dorman & Hayes, 2011). In 2015, CRH sold out its 25% stake in Nesher, no longer having any interests in Israel (CRH plc, 2016). In 2016 it was one of 40 Israeli connected groups and businesses to be dragged into a \$34 billion US lawsuit launched by Palestinian activists for profiteering from illegal settlements in the West Bank (Paul, 2016).

Another FDI coming from EU to settlements is operated by Heidelberg Cement a multinational corporation headquartered in Heidelberg, Germany. Heidelberg Cement is one of the world's largest producers and suppliers of cement with subsidiaries in 40 countries. In 2007 it acquired the British company Hanson plc that wholly owns subsidiary Hanson Israel. Hanson Israel operates 4 plants in settlements in the West Bank including an asphalt plant and a quarry in Elkana near Nahal Raba, concrete plants in Modi'in Illit, and a plant in Atarot, with an income reached to €17 million in 2015 (WHO Profits, 2016).

In addition to that, G4S a British-Danish security corporation that operates in more than 120 countries and employs nearly 625 thousand workers, bought a 50% stake in Hashmira the Israeli largest security provider in 2002, and rose its stake to 91% by 2007. G4S also purchased in 2010 Aminut Moked Artzi an Israeli private security firm (Addameer, 2015). Hashmira and Aminut Moked provide armed guards to settlements, construction and maintenance to apartheid wall, surveillance at security checkpoints in the West Bank, and security systems to the Israeli Prison Authority (WHO Profits, 2011). There has been no precise data on G4S annual income from both Hashmira and Aminut Moked.

European public and private funds have been also involved in financial flow to the Israeli settlements. Some of these funds include Norwegian Government Pension Fund that invested in 2008 €800 thousand of tax money in the Africa-Israel Investment Company linked to the settlements' construction (Ma'an News Agency, 2009). Such funds also include the Israeli

*European public and private funds have been also involved in financial flow to the Israeli settlements*

subsidiary of Belgian bank Dexia that provided loans totaling more than 4.5 million to Israeli settlements in 2013<sup>3</sup>.

In early 2017, Danwatch media and research center revealed a thorough investigation on the five largest European Pension Funds from Norway, Netherlands, Denmark and Sweden. These pension funds invested €7.5 billion in some 36 companies that have businesses linked to Israeli settlements including €332 million investments in five Israeli banks; Bank Hapoalim, Bank Leumi, First International Bank of Israel, Israel Discount Bank, and Mizrahi Tefahot Bank, all of which have activities in the occupied territories (Bahl et al., 2017).

Under the EU multi-annual program on research and development, many Israeli companies involved in the settlements' economy and policy, took part in previous framework programs and are entitled to receive EU funding for Horizon 2020 the new EU research and innovation program (see chart 3).

Ahava Company previously participated in the Fifth Framework Program (FP5) in CELLAGE –a €3.5 million project–. Later on it participated in the same project under the Sixth Framework Program (FP6) with €1 million (WHO Profits, 2012).

Under the Seventh Framework Program (FP7), Ahava took part in multiple projects including Skin Treat a €5.4 million project, NanoTox a €5.19 million project, and NanoTher a €11.68 million project. Under the FP7, Elbit Systems –the Israeli leading military technology and weapons company– took part in 4 projects receiving €3.27 million. Also, the Israel Aerospace Industries –a major manufacturer of drones– received €3.74 million. Motorola Solutions that provides fences and radar system to settlements took part in 2 projects with unknown precise funding. Technion –the Israeli Institute of Technology that aids Israeli army in demolishing Palestinian houses– received €70.31 million. Finally, Mekorot –Israel's national water company supplying settlers– received €0.5 million<sup>4</sup>.

Under Horizon 2020, the same companies are entitled to receive EU funding. This includes Elbit Systems €0.4 million, Israel Aerospace Industries €2 million, Motorola Solutions €0.9 million, Technion €17 million, and Mekorot is validated to receive funding with unknown precise funding<sup>5</sup>.

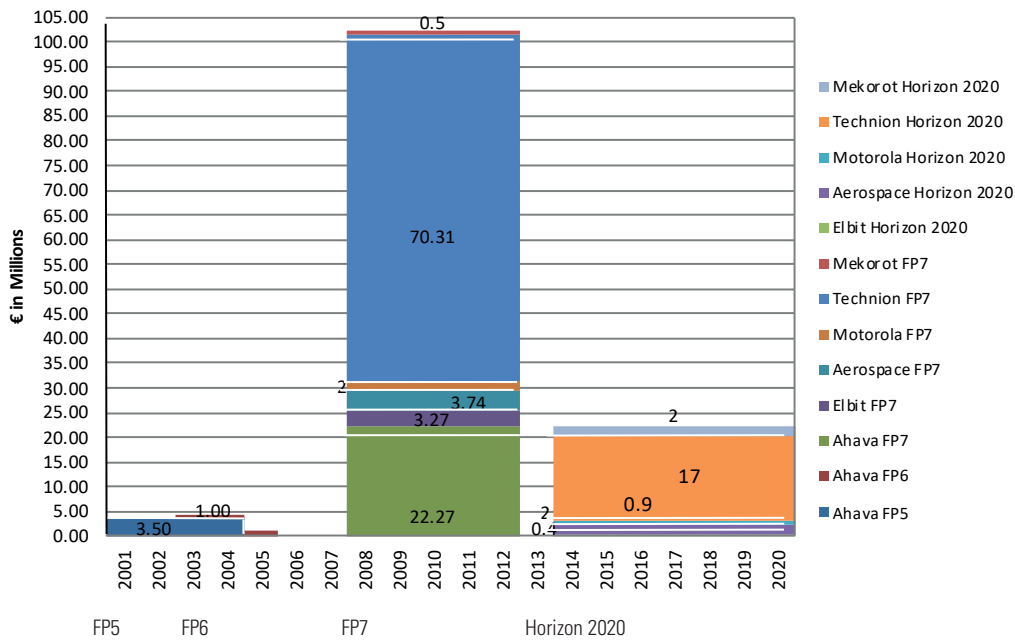
*The active foreign trade operates under the EU-Israel Association Agreement and enjoys a preferential treatment of free customs duties*

3 See European Coordination of Committees and Associations for Palestine (2013).

4 See European Coordination of Committees and Associations for Palestine (2016).

5 See European Coordination of Committees and Associations for Palestine (2016).

**Chart 3. EU Research and Development Funds to Israeli Companies in Settlements**



Source: Compiled by the author

The demonstrated quantitative datasets, and the demonstrated cases of the European multinational companies and the Israeli companies operating in the settlements show that the cooperation in trading goods, FDI, financial flows, and the EU research and development funds are highly active. Some aspects of the foreign trade have even increased in the last two decades, and certainly the cooperation never stopped or declined. The profiteering utilizes the coercive measures imposed in the Occupied Palestinian Territories and contributes to sustaining such measures for the sake of an active and profitable supply chain between the European multinational companies and the Israeli companies.

The active foreign trade operates under the EU-Israel Association Agreement and enjoys a preferential treatment of free customs duties. Despite the illegality of settlements under the international law and according to the EU, and despite that the European Commission has been issuing notices and directives in the last two decades to exclude settlements from the preferential treatment and to discourage European multinational companies from investing and trading in the settlements.

### 5. European Commission directives on trade with settlements

The EU reiterates the illegality of Israeli settlements under International Law (European Commission, 1998; Council of the European Union, 2006, 2012) with references to the Hague Regulations in its articles 46, 52, 55 (Ginbar, 1997; Hareuveni, 2011), the Fourth Geneva Convention’s articles 1 and 49 (Ginbar, 1997; Human Rights Council, 2017), article 17 of the Universal Declaration of Human Rights (Lein, 2002), and a 2004 International Court of Justice’s advisory opinion (ICJ, 2004).

The EU reiteration is also aligned with the consensus reached by the UN Security Council (2016) with 14 votes and one abstention by the US, on the illegality of Israel's established settlements in the Palestinian territory occupied since 1967.

The European Commission as a guardian of EU treaties with third countries raised its concern for the first time in 1998 a memorandum on the importance of completing technical arrangements with Israel. In order to grant diagonal cumulation of origin before Association Agreement enters into force, calling goods manufactured elsewhere (in settlements) would violate the Protocol on rules of Origin annexed to the EU-Israel Interim Agreement (European Commission, 1998). The European Commission in the 1998 memorandum referred to two main outstanding obstacles remaining in the way to correctly implement the EU-Israel Interim Agreement including Israeli settlements, East Jerusalem and the Golan Heights, and the West Bank and Gaza Strip (European Commission, 1998).

However, the Association Agreement entered into force in 2000, without reaching a proper technical arrangement with Israel because of the lack of common normative understanding to the issue. The obligation to construct preferential trade and cooperation between the EU and Israel, in consistency with international humanitarian law was incorporated in the Association Agreement, but with the least clarity. Article 2 of the Euro-Mediterranean Agreement (2000) stipulates that free trade shall be based on respect for human rights and democratic principles, in Article 83, the agreement calls the free trade to apply to the territory of the State of Israel, without providing a statement that it applies only to the internationally recognized territory of the State of Israel within the 1967 borders.

In 2001, the European Commission issued its first notice to importers on products coming from territories under the Israeli administration since 1967, as not entitled to benefit from preferential treatment, calling Community operators to take necessary precautions for putting products coming from Israeli settlements in the West Bank, Gaza Strip, East Jerusalem, and Golan Heights on customs debt.

In 2005, the European Commission issued a new notice to importers, declaring that the EU and Israel had arrived on a technical arrangement for the implementation of Protocol 4 to the Association Agreement, by which Israel will bear the responsibility to demonstrate the city, village or industrial zone of the origin of the product, and those cities, villages or industrial zones which are in occupied territories are excluded from preferential treatment.

In 2012, the European Commission issued another notice to importers urging the operators to regularly consult a list of an up to date non-eligible locations on the Commission's thematic website indicated with their postal codes.

Yet after ten years of EU Israel agreed to implement technical arrangements, Israel has been using certification for the place of origin in accordance with its national law, which is contradictory to the EU normative understanding of the occupied territories. Therefore, the technical arrangements were all along procedures to mislead the EU consumers rather than to publicly make them aware of the exact origin of products because the EU did not make Israel liable to the international law.

The continued lack of common understanding on the issue, and the continued breach of Protocol 4 of the Agreement by not only misleading the consumers, but also by increasing the EU-Israeli settlements preferential trade, an increase in legal and political debate arose within

*The European Commission as a guardian of EU treaties with third countries raised its concern for the first time in 1998 a memorandum on the importance of completing technical arrangements with Israel*

the EU. Other than the ECJ case on German Brita Company, on political level the former EU Foreign Policy Chief, Catherine Ashton, sent a letter in 2013 to her colleagues asking them to enforce EU Israel technical arrangements, and during a meeting of foreign ministers in the same year, 13 Member States expressed their support for labeling products imported from settlements (WHO Profits, 2014).

Ultimately in 2015, the European Commission issued a new notice to importers on using expressions such as product from the Golan Heights (Israeli settlement) or product for the West Bank (Israeli settlement) as a mandatory indication of origin for ensuring that EU citizens will not be further misled.

## 6. Liability, thoughtlessness and bad faith pertaining settlements businesses

In 2016, after a year of the mandatory directive published by the European Commission, news reports revealed a non-existent impact and a minimal economic effect on EU-Israeli settlements trade. There is very little follow up on the guidelines, and out of 28 Member States, only France published its own guidelines for retailers and importers (Wilson, 2016). The reason why the implementation of EU-Israeli technical arrangements go through bumpy road with minimal success for almost two decades, lies in the lack of normative standard of responsibility, in addition to the thoughtlessness and bad faith expressed by different actors supporting and benefiting from settlements' economy.

The European Commission focuses on technical arrangements as a model, by which different actors linked to the EU-Israeli settlements trade shall use in good faith and share their responsibility for the sake of organizing the EU-Israeli relations most justly. Yet the European Commission directives say very little on how shared responsibility is to be distributed giving the fact that there is already a big harm being caused to Palestinians living in the occupied territories. In all its directives, a blind eye has been turned by the European Commission to the most liable agent of Israeli government, which explicitly and actively encourages commercial development by Israeli and international businesses in and around settlements (Human Rights Council, 2017). The Israeli government aims to alleviate housing shortages, encourage positive migration, encourage development and improve economic resilience of settlers, according to the Ministry of Construction (Human Rights Watch, 2016).

The aims of the Israeli government are pursued through designating 75% of settlements in the occupied territories including 90 settlements as National Priority Areas (NPAs) (Kanafani & Ghaith, 2012). Almost all the 20 settlements' industrial zones are NPAs. Also, 23 settlements in the Jordan Valley and the Dead Sea –where most settlers' agricultural land is located– are NPAs (Human Rights Watch, 2016). NPAs enjoy low price of land, grants for the development of infrastructure, and tax breaks for individuals and businesses. For instance, in 2012, in the Barkan industrial zone in the occupied territories the cost of rent was between 24 and 27 shekels per m<sup>2</sup>, compared to 43 shekels per m<sup>2</sup> in industrial zones inside Israel. Annual taxes in Barkan are 47 shekels per m<sup>2</sup>, compared to 100 shekels inside Israel. In the Atarot industrial zone in East Jerusalem rent is 23 shekels and taxes are 74 to 85 shekels per m<sup>2</sup>, compared to taxes of 92 to 140 shekels in other areas in Jerusalem (Human Rights Watch, 2016). Those incentives made the Israeli government succeed in bringing 300 factories to seven newly established settlements' industrial zones (Human Rights Watch, 2016).

*The reason why the implementation of EU-Israeli technical arrangements go through bumpy road for almost two decades lies in the lack of normative standard of responsibility*

The Israeli government also supports raising the standard of living for settlers. For every 50-100 settlers, there is one medical facility, which is above the proportion for those living inside Israel. The settlement councils are highly supported by the Israeli government, where 35% of their budgets in 2006 were financed by the government (Kanafani & Ghaith, 2012). It is important to note that the government's financial incentives to the settlements go through the same five Israeli banks that receive investments by the largest five European pension funds in 2016-2017.

Due to the government's financial incentives, the income level for a family in the settlements is 10% higher than the national average, and the unemployment rate in the settlements is below the national average (6.5% in settlements, compared to 7.3% inside Israel) (Kanafani & Ghaith, 2012). Bahl et al. (2017) mentioned a comment of an ultra-orthodox Jewish settler living in Beitar Illit settlement nearby East Jerusalem that he chose to live in a settlement because it's so inexpensive, and it provides a high quality of life with lots of jobs.

The other reason why the model of technical arrangements is unsuccessful lies in the objective attitudes expressed by relevant actors, in order to conceal the harm they do and as an implication to their incapacity to confront their involvement in the ongoing structural injustice. Other relevant actors imply bad faith by scapegoating globalization and suggesting they do what they can within the permitted structures.

In their discourse, the Israeli government officials focus on border issues and political disputes, distancing themselves from the core issue of liability to injustice. Following the 1998 memorandum of the European Commission, the director general of Israel Ministry of Agriculture denounced the EC move as defining the borders of the State of Israel (Pardo & Peters, 2010). After the 2001 notice, the Israeli Minister of Trade and Industry Dalia Itzik said that the European decision was an incorrect step and was politically biased to pro-Arab positions (Shuman, 2002). In 2013, the Israeli Prime Minister Benjamin Netanyahu said "Building in Judea and Samaria will continue. It is continuing even today, but we have to understand what is happening around us. We have to be smart, not only right" (Siryoti, Cesana, & Forsher, 2013).

The Israeli officials also deny the difference between inside pre-1967 Israeli territory and settlements in the occupied territories, considering the EU measures towards the Israeli settlements as against the State of Israel as a whole. In 2013, the Israeli Minister of Finance called the EU position as a de-facto boycott of Israel since there is no difference between products produced over the Green Line and those produced within the Green Line (Human Rights Watch, 2016). The Israeli Deputy Foreign Minister Tzipi Hotovely also said after the European Commission issued its notice in 2015, "We see it as a boycott of Israel for all intents and purposes. We view it as a slippery slope. It's simply a sweeping disqualification of Israel" (Lynfeild, 2015). In addition, some Israeli officials present the technical measures as discriminatory against Jews, such as the Israeli Energy Minister Yuval Steinitz describing the 2015 notice as disguised anti-Semitism (Younes, 2015).

Some companies try to deny operating from settlements for reputational reasons, for example the CEO of Ahava claims that the mud and minerals used in Ahava's cosmetic products are not excavated in the occupied area rather in the Israeli part of the Dead Sea, despite the fact that Ahava has a license from the Israeli Civil Administration in the West Bank to operate in the occupied area (WHO Profits, 2012).

Other actors linked to businesses in settlements hold bad faith by bearing the responsibility to the system. For instance, the Association of Banks in Israel conceives no difference between

*In their discourse, the Israeli government officials focus on border issues and political disputes, distancing themselves from the core issue of liability to injustice*



national and international law, because there is no binding international or national court criminalizing economic activity by Israeli and other companies in settlements (Bahl et al., 2017). According to the Mexican Cement Company Cemex –that operates three factories through its Israeli subsidiary Readymix in the settlements’ industrial zones– it does not supply building materials to illegal settlements, because illegal settlements are only the settlements which are not approved by the Israeli government (Bahl et al., 2017).

The minimal success of the European Commission framework of technical arrangements goes back to the expressed attitudes of thoughtlessness and bad faith by the Israeli governments’ officials, the Israeli companies and the multinational companies operating in the settlements. Without a common normative understanding and without a clear operational framework on distribution of responsibility, where the actors linked to the settlements’ economy are blamed and sanctioned for their deeds, the structural injustice in the supply chain will stay out of reach.

## 7. Conclusion

The structural injustice in the supply chain stemming from illegal settlements’ economy implies the imposition of a coercive environment in the occupied territories, including an increase in the demolition of the Palestinians private property, the maximum exploitation of the natural resources particularly the underground water, and the exploitation of low wage Palestinian labor force working in coercive conditions.

The active business enterprises in the industrial zones and the agricultural lands in the settlements, have directly and indirectly enabled, contributed and profited from the coercive environment in the occupied territories.

The EU normative understanding is consistent with international humanitarian law and the international political consensus demonstrates opposition to the structural injustice in the supply chain stemming from the settlements’ economy. Thus, the European Commission enforces a framework of technical arrangements, which resembles the social connection model of responsibility. The European Commission supports excluding settlements from the preferential tariff treatment but does not support sanctioning the actors linked to the businesses in the settlements. The European Commission also supports raising awareness of consumers by correct labeling that gives consumers the freedom of choice to buy settlement goods or not. Furthermore, the European Commission prefers to engage in constructive technical cooperation with Israel rather than enforcing negative conditionality.

The European Commission technical arrangements signal longstanding failure because the EU-Israeli settlements trade did not slow down in the previous two decades. The settlements’ industrial zones and agricultural production is active due to the partial facilitation coming from the EU-Israel Association Agreement. Based on accessible data, such facilitation implies the EU-Israeli settlements growing trade in industrial and agricultural products sufficiently or substantially processed in settlements, the continued European foreign direct investments in settlements, and the growing financial flows by European funds into Israeli banks that finance settlements, as well as the participation of settlement’ linked companies in the EU research and development funds, which decreased in comparison between Horizon 2020 and the Seventh Framework Program. However, the same companies involved in the illegal settlements’ economy are still receiving EU funds.

*The minimal success of the European Commission framework of technical arrangements goes back to the expressed attitudes of thoughtlessness by the Israeli governments’ officials*

The reason why the European Commission technical arrangements framework is failing the EU normative understanding lies in the lack of normative standard of responsibility that does not look backward on the liability of the Israeli government, banks, and European multinational companies, which should bear the main responsibility of the structural injustice stemming from the settlements. The European Commission is also unable to receive constructive engagement from the Israeli government, the Israeli companies and banks, and the multinational corporations, in technical cooperation, because all these actors hold on thoughtlessness and bad faith by distancing themselves from the harm they do in the occupied territories.

## Reference List

- Addameer. (2015, august). *G4s complicity in human rights violations*. Addameer Prisoner Support and Human Rights Association. Retrieved from [http://www.addameer.org/sites/default/files/update\\_on\\_g4s\\_complicity\\_in\\_human\\_rights\\_violations\\_edited\\_pdf.pdf](http://www.addameer.org/sites/default/files/update_on_g4s_complicity_in_human_rights_violations_edited_pdf.pdf)
- Bahl, M., Chemlali, H., & Marslev, K. (2017, January 31). Business on Occupied Territory. *Danwatch*. Retrieved from <https://www.danwatch.dk/en/undersogelse/businessonoccupiedterritory/>
- Beste, R., & Schult, C. (2009, July 14). Will EU Penalize Exports from Israeli Settlements? *Spiegel Online*. Retrieved from <http://www.spiegel.de/international/world/more-than-a-customs-dispute-will-eu-penalize-exports-from-israeli-settlements-a-636019.html>
- B'Tselem. Area C. Retrieved from [http://www.btselem.org/topic/area\\_c](http://www.btselem.org/topic/area_c)
- Central Bureau of Statistics. (2016). *Foreign Trade Goods – 2016*. Retrieved from [http://www.cbs.gov.il/www/presentations/16\\_17\\_010mazusd.pdf](http://www.cbs.gov.il/www/presentations/16_17_010mazusd.pdf)
- Commission of the European Communities. (1998). *Implementation of the Interim Agreement on Trade and Trade-Related Matters Between the European Community and Israel* [Report No. SEC (1998) (695)]. University of Pittsburgh, Archive of European Integration. Retrieved from <http://aei.pitt.edu/3345/1/3345.pdf>
- Council of the European Union. (2006). *Presidency Conclusions (Publication No. 15914/1/05)*. Retrieved from: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/87642.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/87642.pdf)
- Council of the European Union. (2012). *Council Conclusions on the Middle East Peace Process*. Retrieved from [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/130195.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/130195.pdf)
- Court of Justice of the European Union. (2010). *Judgment in Case C-386/08 Brita GmbH v Hauptzollamt Hamburg-Hafen* (CURIA Report No. 14/10). Retrieved from: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-02/cp100014en.pdf>
- CRH plc. (2016, January 8). Development Strategy Update. *CRH global*. Retrieved from [http://crh.com/docs/press-releases-2016/dev-strat-update-07012016\\_2.pdf?sfvrsn=2](http://crh.com/docs/press-releases-2016/dev-strat-update-07012016_2.pdf?sfvrsn=2)
- Dorman, J., & Hayes, D. (2011). Ireland-Palestine Solidarity Campaign Raises a Complaint Against CRH plc (IPSC Publication). *Russell Tribunal on Palestine*. Retrieved from <http://www.russelltribunalonpalestine.com/en/wp-content/uploads/2011/05/IPSC-complaint-to-the-OECD-against-CRHplc-3.5.11.pdf>

- European Commission. (1998). *EU-Israel: Implementation of the Interim Agreement in the Framework of a Strengthened Regional Cooperation* (Publication No. IP/98/426). Retrieved from [http://europa.eu/rapid/press-release\\_IP-98-426\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-98-426_en.htm?locale=en)
- European Commission. (2001, November 23). Notice to Importers: Imports from Israel into the Community (Notice No. C 328/04). *European Union Law, Official Journal of the European Union*. Retrieved from [http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52001XC1123\(02\)&from=EN](http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52001XC1123(02)&from=EN)
- European Commission. (2005, January 25). Notice to Importers: Imports from Israel into the Community (Notice No. C 20/02). *European Union Law, Official Journal of the European Union*. Retrieved from [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005XC0125\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005XC0125(01)&from=EN)
- European Commission. (2012, August 03). Notice to Importers: Imports from Israel into the EU (Notice No. C 232/03). *European Union Law, Official Journal of the European Union*. Retrieved from [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012XC0803\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012XC0803(02)&from=EN)
- European Commission. (2015, November 11). Interpretive Notice on Indication of Origin of Goods from the Territories Occupied by Israel Since June 1967 (Publication No. C (2015) 7834). *European Union External Action*. Retrieved from [http://eeas.europa.eu/archives/delegations/israel/documents/news/20151111\\_interpretative\\_notice\\_indication\\_of\\_origin\\_of\\_goods\\_en.pdf](http://eeas.europa.eu/archives/delegations/israel/documents/news/20151111_interpretative_notice_indication_of_origin_of_goods_en.pdf)
- European Coordination of Committees and Associations for Palestine. (2013, March 5). *European Trade and Financial Transactions in Support of Israel's Illegal Settlements*. Retrieved from <http://www.eccpalestine.org/european-trade-and-financial-transactions-in-support-of-israels-illegal-settlements/>
- European Coordination of Committees and Associations for Palestine. (2016, March 03). *Israel's Participation in Horizon 2020: Aiding and Assisting Israeli Violations of International Law*. Retrieved from <http://www.eccpalestine.org/israels-participation-in-horizon-2020-aiding-and-assisting-israeli-violations-of-international-law/>
- EU Heads of Mission. (2011). *Area C and Palestinian State Building*. Retrieved from <http://www.ipk-bonn.de/downloads/EU-Report-Area-C.pdf>
- Euro-Mediterranean Agreement: Establishing an Association between the European Communities and their Member States, of the One Part, and the State of Israel, of the other Part. (2000). *Official Journal of the European Communities*. Retrieved from [http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc\\_146089.pdf](http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc_146089.pdf)
- Fletcher, G. (1998). *Basic Concepts of Criminal Law*. Oxford: Oxford University Press.
- Ginbar, Y. (1997). Israeli Settlements in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects (*B'Tselem Report No. 14*). *Israeli Information Center for Human Rights in the Occupied Territories*. Retrieved from [http://www.btselem.org/sites/default/files2/israeli\\_settlement\\_in\\_the\\_occupied\\_territories\\_as\\_a\\_violation\\_of\\_human\\_rights\\_legal\\_and\\_conseptual\\_aspects.pdf](http://www.btselem.org/sites/default/files2/israeli_settlement_in_the_occupied_territories_as_a_violation_of_human_rights_legal_and_conseptual_aspects.pdf)
- Hareuveni, E. (2011). Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea (*B'Tselem Report*). *Israeli Information Center for*

- Human Rights in the Occupied Territories*. Retrieved from [https://www.btselem.org/download/201105\\_dispossession\\_and\\_exploitation\\_eng.pdf](https://www.btselem.org/download/201105_dispossession_and_exploitation_eng.pdf)
- Hirsch, M. (2002). Rules of Origin as Trade or Foreign Policy Instruments? The European Union Policy on Products Manufactured in the Settlements in the West Bank and the Gaza Strip. *Fordham International Law Journal*, 26(3), 572-594.
- Human Rights Council. (2013). Report of the Independent International Fact-Finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People throughout the Occupied Palestinian Territory, Including East Jerusalem (HRC Report No. A/HRC/22/63). *United Nations Human Rights Office of the High Commissioner*. Retrieved from [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf)
- Human Rights Council. (2017). Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan (HRC Report No. A/HRC/34/39). *United Nations Human Rights Office of the High Commissioner*. Retrieved from <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/ListReports.aspx>
- Human Rights Watch. (2016). *Occupation, Inc. How Settlement Business Contribute to Israel's Violation of Palestinian Rights*. Retrieved from <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>
- Honore, T. (1999). *Responsibility and Fault*. Oxford: Oxford University Press.
- Heruti-Sover, Tali. (2017, July 26). *This Synagogue Furniture Factory Is Actually a Sweatshop that Tramples Palestinians' Rights*. *Haaretz*. Retrieved from <http://www.haaretz.com/israel-news/.premium-1.803547>
- International Court of Justice. (2004). *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (ICJ Report 131)*. Retrieved from <http://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>
- Kadman, N. (2013). Acting the Landlord: Israel's Policy in Area C, the West Bank (B'Tselem Report). *Israeli Information Center for Human Rights in the Occupied Territories*. Retrieved from [http://www.btselem.org/download/201306\\_area\\_c\\_report\\_eng.pdf](http://www.btselem.org/download/201306_area_c_report_eng.pdf)
- Kanafani, N., & Ghaiith, Z. (2012). The Economic Base of Israel's Colonial Settlements in the West Bank (MAS Report). *Palestine Economic Policy Research Institute*. Retrieved from <http://www.mas.ps/files/server/20141911101502-1.pdf>
- Lynfeild, B. (2015, November 10). EU to Ban West Bank Companies Labeling their Products Made in Israel. *Independent*. Retrieved from <http://www.independent.co.uk/news/world/middle-east/eu-to-ban-west-bank-companies-labelling-their-products-made-in-israel-a6729356.html>
- Lovatt, H. (2016, December 28). After the UN, the EU Must Lead the Way on Israeli Settlements. *+972 Blog*. Retrieved from <https://972mag.com/after-the-un-the-eu-must-lead-the-way-on-israeli-settlements/123995/>
- Lein, Y. (2002). Land Grab Israel's Settlement Policy in the West Bank (B'Tselem Report). *Israeli Information Center for Human Rights in the Occupied Territories*. Retrieved from [https://www.btselem.org/download/200205\\_land\\_grab\\_eng.pdf](https://www.btselem.org/download/200205_land_grab_eng.pdf)

- Middle East Monitor. (2016, March 11). *Israeli Cosmetics Company Ahava to Leave the West Bank Following BDS Campaign*. Retrieved from <https://www.middleeastmonitor.com/20160311-israeli-cosmetics-company-ahava-to-leave-the-west-bank-following-bds-campaign/>
- Ma'an News Agency. (2009, March 27). *Norway Invests in Illegal Israeli Settlements in the West Bank*. Retrieved from <http://www.maannews.com/Content.aspx?id=209464>
- Neuhauser, C. (2014). Structural Injustice and the Distribution of Forward Looking Responsibility. *Midwest Studies in Philosophy*, 38, 232-251.
- OCHA. (2016, December 13). *The Humanitarian Impact of de facto Settlement Expansion: The Case of Asfar*. *United Nations Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory*. Retrieved from [https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar#\\_ftn11](https://www.ochaopt.org/content/humanitarian-impact-de-facto-settlement-expansion-case-asfar#_ftn11)
- Plessix, C. (2015) EU3 Resistance to Norms in External Action: The Case of the Future Borders of Israel and Palestine. *European Foreign Affairs Review*, 20, 103-121.
- Paul, M. (2016, March 31). *CRH Named in \$34 Billion Anti-Israel Lawsuit*. *The Irish Times*. Retrieved from <http://www.irishtimes.com/business/manufacturing/crh-named-in-34-billion-anti-israel-lawsuit-1.2592799>
- Pardo, S., & Peters, J. (2010). *Uneasy Neighbors: Israel and the European Union*. Lanham, MD: Lexington Books.
- Palestine Economic Policy Research Institute. (2012). *Round Table Discussion: The EU-Israel Association Agreement and Trade Abuses in Regards to Settlements Products*. Retrieved from <http://mas.ps/files/server/20141911185327-1.pdf>
- Palestinian Central Bureau of Statistics. (2017, February 16). *The Results of The Labor Force Survey in Palestine, 2016*. Retrieved from <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=1854>
- Reich, A. (2014). *The European Neighborhood Policy and Israel: Achievements and Disappointments*. SSRN. Retrieved from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2529456](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2529456)
- Siryoti, D., Cesana, S., & Forsher, E. (2013, June 14). *Abbas Aide: Quiet Settlement Freeze will Pave the Way for Talks*. *Israel Hayom*. Retrieved from [http://www.israelhayom.com/site/newsletter\\_article.php?id=10005](http://www.israelhayom.com/site/newsletter_article.php?id=10005)
- Shuman, E. (2002, April 11). *Europe Moves for Trade Sanctions Against Israel*. *Israelinsider*. Retrieved from [http://www.mefacts.com/cached.asp?x\\_id=11848](http://www.mefacts.com/cached.asp?x_id=11848)
- Schiff, J. (2008). *Confronting Responsibility: The Problem of Acknowledgment*. *Hypatia*, 23(3), 99-117.
- Tocci, N. (2009). *Firm in Rhetoric, Compromising in Reality: The EU in the Israeli-Palestinian Conflict*. *Ethnopolitics*, 08(3), 387-401.
- The Israeli-Palestinian Interim Agreement (Oslo II). (1995). *Israel Ministry of Foreign Affairs*. Retrieved from <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement.aspx>

- UN Security Council. (2016). *The Situation in the Middle East, Including Palestinian Question (UNSC Resolution 2334)*. United Nations. Retrieved from <https://www.un.org/press/en/2016/sc12657.doc.htm>
- Walsh, G. (2012). *Sustaining Injustice: EU Trade with Israeli Settlements in the Occupied Palestinian Territories (Research Report)*. Trocaire. Retrieved from <https://www.trocaire.org/sites/default/files/resources/policy/sustaining-injustice-eu-trade-with-israeli-settlements-in-the-opt.pdf>
- WHO Profits. (2011). *The Case of G4S Private Security Companies and the Israeli Occupation*. Retrieved from <https://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf>
- WHO Profits. (2011). *Forbidden Fruit: the Israeli Wine Industry and the Occupation*. Retrieved from: <https://www.whoprofits.org/sites/default/files/WhoProfits-IsraeliWines.pdf>
- WHO Profits. (2011). *SodaStream: A Case Study for Corporate Activity in Illegal Israeli Settlements*. Retrieved from <https://whoprofits.org/sites/default/files/WhoProfits-ProductioninSettlements-SodaStream.pdf>
- WHO Profits. (2012). *Ahava: Tracking the Trade Trail of Settlement Products*. Retrieved from [https://whoprofits.org/sites/default/files/ahava\\_report\\_final.pdf](https://whoprofits.org/sites/default/files/ahava_report_final.pdf)
- WHO Profits. (2013, December 30). *Eden Springs*. Retrieved from <https://whoprofits.org/company/eden-springs>
- WHO Profits. (2014). *Made in Israel: Agricultural Exports from Occupied Territories*. Retrieved from [https://www.whoprofits.org/sites/default/files/made\\_in\\_israel\\_web\\_final.pdf](https://www.whoprofits.org/sites/default/files/made_in_israel_web_final.pdf)
- WHO Profits. (2016, November). *The Israeli Exploitation of Palestinian Natural Resources: Heidelberg Cement*. Retrieved from <https://whoprofits.org/content/israeli-exploitation-palestinian-natural-resources-part-ii-heidelberg-cement>
- Wilson, N. (2016, December 12). *Israel: EU Labeling Rules Have Non-Existent Impact*. Aljazeera. Retrieved from <http://www.aljazeera.com/news/2016/12/israel-eu-labelling-rules-existent-impact-161204140008993.html>
- Younes, A. (2015, November 12). *Israeli Anger as EU Agrees to Label Settlement Products*. Aljazeera. Retrieved from <http://www.aljazeera.com/news/2015/09/israeli-anger-eu-agrees-label-settlement-products-150920100028754.html>
- Young, I. (2006). *Responsibility and Global Justice: A Social Connection Model*. *Social Philosophy & Policy Foundation*, 102-130.
- Yesh Din. (2016). *Land Takeover Practices Employed By Israel in the West Bank*. Retrieved from <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/%D7%A4%D7%A8%D7%A7%D7%98%D7%99%D7%A7%D7%95%D7%AA+/Land+Takeover+Practices++English.pdf>



# FORCED, IRREGULAR MIGRANTS AND THE EU PERFORMANCE IN TRANS BOUNDARY CRISIS MANAGEMENT

## Migrantes forzosos e irregulares y la actuación de la UE en la gestión de la crisis transfronteriza

**Fulvio Attinà**

Professor. Department of Political and Social Sciences. University of Catania

E-mail: [attinaf@unict.it](mailto:attinaf@unict.it)



Autor

The article presents the findings of a research on the EU response to the crisis caused by the growth of the inflow of irregular migrants in Europe in 2011 and the following years. The first section examines the causes of the current migration flows in general terms and explains why many European citizens and political leaders are hostile to the arrival of migrants most of whom are forced to leave their home. In the second section, the management of the migration crisis by the EU leaders is analysed with the concepts and tools of the TransCrises project, an H2020 research about managing trans-boundary risks and crises. In particular, this section reviews how the EU leaders have operated the seven management tasks that experts deem as important to bring a crisis to not harmful consequences. In the concluding section, the EU management of the migration crisis is assessed and advices are given for upgrading the management.



Abstract

Migration; irregular migrant; forced migration; European Union; crisis management.  
*Inmigración; inmigrante irregular; inmigración forzada; Unión Europea; gestión de crisis.*



Key words

Recibido: 13-11-2017. Aceptado: 05-03-2018.



Fechas

*El artículo presenta los resultados de una investigación sobre la respuesta de la UE a la crisis provocada por el crecimiento de la afluencia de inmigrantes irregulares llegados a Europa en 2011 y en los años posteriores. La primera sección examina las causas de los flujos migratorios actuales en términos generales y explica por qué muchos ciudadanos europeos y líderes políticos se muestran hostiles a la llegada de los inmigrantes, cuando la mayoría de ellos se han visto obligados a abandonar sus hogares. En la segunda sección, se analiza la gestión de la crisis migratoria por parte de los líderes de la UE a través de los conceptos y herramientas del proyecto TransCrises, una investigación Horizonte2020 sobre la gestión de riesgos y crisis transfronterizas. En concreto, esta sección analiza cómo los líderes de la UE han llevado a cabo las siete tareas de gestión que los expertos consideran importantes para que una crisis no produzca consecuencias dañinas. En la sección final, se evalúa la gestión de la crisis migratoria en la UE y se brindan consejos para mejorar su gestión.*



The arrival of unwanted migrants to Europe, North America and Australia has triggered political and social crises in the countries of entry. The governments face hard problems in responding to the phenomenon and developing efficient and legitimate management actions. The flows of irregular migrants are the effect of human behaviours like war, violent repression, maladministration and corruption that causes suffering and distress. These problems affect countries in areas of the world that are already in difficult conditions because of the structural trends of the global system. The local causes of migration outflows are amplified by worldwide conditions that push people to migrate like the widening gap of the population growth and employment opportunities that divides the developed and developing countries, the programs of human rights institutions, and the technology of fast transportation and communication (Attinà, 2016).

The people who are forced to leave cannot provide for their own basic needs and are perceived by the population of the destination countries as dangerous persons that threaten endurance of security, wealth and culture. In Europe, the massive inflow of migrants that claim to be the victims of disaster conditions and have no permit of entry in a European country has caused the negative reaction of the citizens. The member state (MS) governments went to the European Union (EU) and asked to develop the common management of the crisis. Especially the countries of the Schengen system were unanimous in considering irregular immigration as a transboundary issue and asked for the joint management and coordination of the national responses to the problem. Since immigration by third country nationals is not in the powers of the EU but the MS institutions, the common management of the crisis has been difficult to achieve. The actions that have been decided by the European Council and the Commission have been poorly put in place. The efficiency and legitimacy of the EU's management of the crisis have been frustrated by the customization of the EU co-decisions by the *customized* implementation of the management operated by all the MS governments. Also, today, this *customization* ranges from the covert downsizing of the common actions to the overt refusal of implementing altogether the common programmes and actions.



This article presents in a condensed manner the findings of a study on the management of the migration crisis by the EU leaders<sup>1</sup>. The article is organised as follows. The first section deals with the reasons of the crisis in general terms and explains why the European citizens and political leaders have been hostile to the massive arrival of migrants most of which are forced to leave their home and have no permit of entry in a European country. The second section assesses the European management of the migration crisis in light of the conceptual framework of the analysis of trans-boundary crises that has been created by a group of researchers of the TransCrisis project. The concluding section highlights the main results of, and the lessons learned from, the analysis of the EU migration crisis management.

## 1. Forced migration, labour market, culture, and populism. The management of the migration crisis by the EU leaders

The most used categories of migrant are the refugee and asylum seeker category, and the economic migrant category. The former is an international law category, which is accepted by the governments of many states. The definition of refugee was stated by the 1951 Refugee Convention<sup>2</sup> that functions as a yardstick to all the state policies dealing with this migrant category. The economic migrant category, instead, is the object of the agreements about migration matters that are negotiated and signed by states and international organisations. This category includes the persons that move from the home country to a country with a job contract<sup>3</sup>.

Distinguishing different categories of migrants is important for knowledge and policy purposes. It is correct also to group by the “forced migrant” category all the persons that migrate for escaping persecution, starvation, deprivation and the risk of death. It is hard to know how many persons who attempt to cross the borders of Europe lacking the visa of a European state are forced to migrate from their country for saving their lives and living in dignity and decency. However, it is not surprising that they cross international borders unlawfully and, consequently, are labelled as irregular. The person that is forced to migrate for escaping serious insecurity and extreme poverty is hardly in the condition of abiding by the laws of the regular crossing of international borders. Nonetheless, the distress of any forced and irregular migrant calls on the potential state of destination to abide by the legal and humanitarian principles of the rescue and protection of the persons in distress. Reception and status regularization should be given to such persons to end the human rights restrictions they are experiencing because they are the victims of unsustainable conditions.

François Crépeau, Special Rapporteur of the United Nations on the Human Rights of Migrants 2011-17, remarks that in 2012, the year that followed the big growth of the number of the

*Distinguishing different categories of migrants is important for knowledge and policy purposes*

1 The study is part of the Horizon 2020 TransCrisis research project, funded by the European Union under grant number 649484. See <http://www.transcrisis.eu>

2 In the Convention, the term refugee applies to any person who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.

3 In the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was approved by the United Nations General Assembly in December 1990, the term “migrant worker” rather than “economic migrant” refers to a person “who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.

irregular migrants crossing the Mediterranean seaways, the EU experienced a 12% decrease of regular migration of non-EU nationals. The decrease was the effect of the tightening of the number of immigration visas that was developed by the European MS border agencies (Crépeau & Purkey, 2016, p. 3). Unsurprisingly, in that year and the following ones, the number of irregular migrants in Europe grew enormously. The migrants pay a high sum of money to smugglers, navigate on unsafe vessels and risk their lives in the seaways because the European governments refuse to give them the chance of entering in Europe to earn their life from the job opportunities that exist in Europe.

Research institutions and experts maintain that the European economies need foreign workers and that their inclusion in the labour market will bring beneficial effects to the economic growth (see, for example, Bertelsman Stiftung, 2016). The sectors that have low profit margins and cannot be delocalised to countries where cheap labour conditions exist and, therefore, are in need of foreign workers to survive in the world economy, are especially the agriculture and fishery sector, the constructions and extraction sector, and the care, cleaning, and catering sector. The companies of these sectors are disposed to employ foreign workers who are ready to do the low-paid jobs the European citizens disdain to do. Furthermore, these companies profit from the underground labour market that develops since the governments do not give migrants the necessary regularization permit for stay and work (Crépeau & Purkey, 2016; İçduygu, 2007).

Populism and xenophobia are at the origin of the decision of the European governments to disguise the need for foreign labour and restrict the regular entry of migrants. Generally speaking, many citizens oppose immigration for two reasons: the economic and cultural one. The sudden inflow of a large number of immigrants is a big financial burden to the state. The costs of reception, which were not counted in the state budget, look unaffordable to the taxpayers and voters. The immigrants are perceived as a big overload to the national welfare and the education system, and as the cause of security problems like the growth of street crime and occasionally the infiltration of criminal networks and terrorist groups. Hosting a large number of immigrants requires the change of public expenditure programmes. However, since Europe has jobs for migrants, it is right arguing that approving appropriate laws and regularising the status of the immigrants in due time to give them the right to enter in the regular job market would contribute to the state budget and revenue, and offset the reception costs.

The cultural argument against immigration consists in considering the sharing of life with the “other” and the “diverse” as an intolerable condition. Such a belief is rooted in the social norms and the popular culture of a society. Generally, the perception of irreconcilable differences with respect to religion plays a fundamental role in this belief. Therefore, the characteristics of the “other” are stereotyped and sometimes demonized. In the 1960s and 1970s, the North European states were very much exposed to this problem. They were either former colonial powers like the United Kingdom, Belgium, France and the Netherlands that had to manage the large number of people coming from the former colonies or rising industrial powers like West Germany and Sweden that had to manage a large number of foreign workers. These countries responded with programs aimed at promoting multiculturalism and the respect of the “others”. The ineffective results of those programs raised much confrontation about trusting multiculturalism as the solution to the problem of integrating foreign people in the national, monoculture society (Vertovec & Wessendorf, 2010). However, some societies are less resistant to the penetration of external cultures and more inclined to cultural mixture, while others straight

*Research institutions and experts maintain that the European economies need foreign workers and that their inclusion in the labour market will bring beneficial effects*

oppose any cultural contact and contagion. It is also known that social norms and culture are in continuous change and adapt to the pressure of domestic and external trends.

Today, the mainstream political parties of the centre, left and right wing of the political spectrum of the European states repeat the economic and cultural arguments that the anti-immigration groups have diffused in Europe in the past twenty years. All the political parties emphasize the security threat and fuel the anti-migration mobilization that was expressed by the extremist and protest parties. This phenomenon is part of the growth of populism in Europe. The right-wing populist parties diffuse xenophobia and anti-immigration messages in addition to the populist typical themes like anti-elitism and nationalism. For electoral reasons, the parties in power and all the mainstream parties do not hesitate to chase the rightist, populist parties on immigration issues. An expert study asserts that:

Today, some mainstream parties –whether in an attempt to compete with the populists, to follow public opinion, or because of ideological shifts– have endorsed a populist rhetoric. These narratives, until recently taboo, have become part of everyday public debate in Europe, with potential consequences for civil liberties and domestic peace. (Balfour, 2016)

Members of the populist parties that are in charge in several EU states sit in the Council of the Union and the European Council. In the 2014 European elections, the number of seats of populist parties in the European Parliament grew to an average of 12.5% of the vote (Grabbe, 2015).

The 2008 economic and financial crisis gave a boost to populism in Europe. The populist messages of all the parties blamed the “others” and the wrong policy of the world financial institutions for the economic burden borne by the people. Free circulation was accused of weakening the protection of the national market against the damages of the financial crisis. These messages hit also the popular attitude towards Europe and the integration process.

While the Europeans have been complaining about the impact of “too many immigrants” on their welfare, and the xenophobic groups have been speaking out against the “invasion” that breaks down the European integrity and security, the mainstream governments and political leaders have restrained themselves from debating the nature of the current migration phenomenon and explaining the case of adopting measures to cope with forced migration. Furthermore, the governments and mainstream parties did not oppose the arguments of the anti-immigration groups even though, in the last twenty years, they approved amnesty laws to change the irregular status of immigrants since they knew that the cheap labour of the foreign workers was good to the national economy. Additionally, the leaders, the mainstream political parties and the EU institutions straight disregarded the opinions of the citizens favourable to receiving and integrating the migrants and give to them the chance of living safely in Europe.

In conclusion, while the political leaders neither tried to start a debate nor shared the demand of the Europeans asking for returning the third country nationals lacking the permit of entry, the argument of the unsustainable costs of immigration and of the defence of the European cultural integrity shaped the European perception of immigration and constructed the political demand of protection against the immigration threat. This demand was initially fed by, and brought advantage to, the populist movements and parties. As the populist messages were received by a growing number of citizens that were hit by the economic crisis, the mainstream

*The mainstream political parties repeat the economic and cultural arguments that the anti-immigration groups have diffused in Europe in the past twenty years*

political parties of all the countries of the European Union shared the anti-immigration attitude. Last, the response strategy the political leaders have developed never took into consideration the reasons why so many persons left their home and accepted to risk life for the sake of reaching Europe (Vollmer, 2017).

## 2. The management of the migration crisis by the EU leaders

Managing a trans-boundary crisis is accomplishing a set of tasks to address the goal of reducing perceived threats and uncertainties and re-establish normal life conditions in the countries whose values and life-sustaining systems are affected by the crisis. The tasks to accomplish are in the power and responsibility of the political leaders of the affected countries. They have to coordinate the response to the crisis of the individual countries and decide common management actions. The right development of the management tasks by the policy-makers will minimize the effects of the perceived threat on the values and life of all the affected states.

This definition of trans-boundary crisis management has been proposed by the TransCrisis scientists who outlined also seven tasks the leaders are expected to do (see Boin, Ekengren, & Rhinard, 2013; Boin, Cadar, & Donnelley, 2016). The seven tasks are the following ones: detection, i.e.: recognizing the emerging threat in due time; sense-making, i.e.: collecting, analysing and sharing information to generate a shared picture of the situation; decision-making, i.e.: selecting strategic decisions in a joint decision-making process, and formulating an effective strategy to implement the key decisions; coordination, i.e.: identifying key partners and facilitating collaboration between these partners; meaning-making, i.e.: formulating a key message that offers an explanation of the threat and a sense that leaders are in control of the situation; communication, i.e.: delivering the core messages to selected audiences like the victims, citizens, stakeholders, voters, and media representatives; and accountability, i.e.: giving to the parliaments and public fora the explanation of the relevant decisions and strategies before, during and after the crisis.

This section of the article briefly recounts the analysis of the management of the crisis by the European Union leaders and how they fulfilled the management tasks in the four scenarios of the crisis that have been highlighted in another research work (Attinà, 2016). The four scenarios are shortly described as it follows.

2011 - 2013: Conventional response scenario. At the time the migration crisis came to light with the growth of the number of irregular migrants in association with the Arab Spring revolt, the EU leaders did not recognize the forced migration phenomenon and opted for responding by the existing border control means, i.e.: identification and return of the irregular migrants.

October 2013 - October 2014: Mare Nostrum scenario. The Italian government chose to prioritize the humanitarian dimension and respond to the tragedies of the migrant sinking boats with the SAR (Search and Rescue) operation *Mare Nostrum*. The EU governments and institutions disapproved the operation straight away and blamed the Italian government for missing to identify the rescued migrants and seriously endangering the Schengen system.

November 2014 - September 2015: EU-Turn scenario. A year after *Mare Nostrum* started to work, the European governments and the Commission chose to turn towards a comprehensive approach policy and respond to the humanitarian emergency by the SAR operation *Triton*, the

*Managing a trans-boundary crisis is accomplishing a set of tasks to address the goal of reducing perceived threats and uncertainties and re-establish normal life conditions*

relocation to all the EU countries of the migrants hosted in Greece and Italy, and the EUNav-For-Med anti-smuggling operation. The British and Visegrad governments overtly contended the new approach while the other EU governments elusively accepted it.

October 2015 - on: Fencing-the-EU scenario. The relentless arrival of migrants through the Balkan route, pushed the EU governments towards a new management deal in order to get Europe rid of the irregular migrants. The EU called on the transit countries to keep migrants in their own territories, and the origin countries to block the exit of potential migrants. It promised to both of them financial and technical assistance. An accord was signed with the Turkish government consisting in returning to Turkey the migrants that were hosted in Greece in exchange of economic and political concessions. The Council President, Donald Tusk, repeatedly invited the migrants not to “dream” about Europe. Last, in October 2016, the EU institutions approved the regulation of the European Border and Coast Guard service as key tool for fencing the EU, and in November they signed the first migration compact with the Lebanon government, followed in two-month time by the compact with Jordan.

### 3. The late detection of the crisis

In the last decades, migration studies and the statistics of international organizations have documented the flows of regular and irregular migrants from Africa, the Middle East and Central Asia. Until the Seventies, the migrants were softly integrated in the European countries since these enjoyed high economic growth. In the 1990s, irregular immigration in an economic down-turning Europe became a political issue. The arrival of numbers of citizens of former-Communist countries that peaked with the multitude of Albanians landing in Italy, fed the protest of the political groups that exploited the rising anti-immigration sentiment of some social sectors. Also, the EU enlargement to the central and eastern European countries carried the fears of the citizens for the arrival of foreign workers and people of alien cultures and pushed up the anti-migration theme in the programmes of the extremist political parties. But the consequences on the labour market of the member countries were small, in some sectors non-existent at all. The accusation that migrants steal jobs from the Europeans was made again and again in connection with the 2008 economic-financial crisis. The media reported side by side the news about public spending cuts, welfare services reduction, and rising unemployment, and the news about the huge increase of the number of migrants from Africa that entered Italy, Spain and Greece unopposed by the border guards. The anti-migration parties faulted the state for cutting the welfare of the citizens and serving the irregular stay of the immigrants, and asked to deploy military means to stop the migrants out of the national borders and protect the life of the citizens, the cultural integrity of the local communities, and the way of living of all the Europeans.

The EU institutions and the governments preferred to respond to the preoccupation of the people by a low-profile approach towards irregular migration. The Commission, in agreement with the national diplomacies, worked at the external migration policy, namely at reducing irregular migration in collaboration with the countries of origin and transit of the migrants.

Irregular migration went on top the agenda of the European Union on Autumn 2013, the time the Italian government decided to launch SAR actions to respond to the humanitarian emergency of the migrants in distress in the Mediterranean waters aboard the unsafe vessels provided by the smugglers. The rescue of people in distress in navigation is an obligation of the coastal states in

*In the last decades, migration studies and the statistics of international organizations have documented the flows of regular and irregular migrants from Africa, the Middle East and Central Asia*

respect of the international law of the sea. The Italian government chose to abide by the international law but the European political leaders' perception of irregular migrants as threatening European values remained unaffected by the Italian decision. The leaders joined the anti-migration protest of the populist parties and repeated that only the migrants coming from countries at war like Somalia, Eritrea, Ethiopia, Syria and Afghanistan, could ask for the asylum seeker status while the coastal state had the obligation to stop all the migrants at the border, identify each one of them, and check their qualification to asylum. Should the governments of the countries on the border of the Union fail to do it, the suspension of the free circulation of the persons would be the legitimate measure of any government of the Schengen system.

A year after the start of the Italian operation, in November 2014, the pressure of the Italian government and of the humanitarian international organisations and NGOs convinced the Commission and the European Council to recognize migration as a humanitarian emergency but did not change the EU position about the irregular migrants as a threat to the wealth and security of the European countries and a menace to the free circulation of the persons in the Schengen area. Only the migrants in Greece and Italy who qualify for international protection were admitted to the two relocation plans the Commission, in agreement with the European Council, approved in May and September 2015. The plans were for 160,000 migrants but only few of them have been relocated from the two frontline states to another EU state<sup>4</sup>.

In conclusion, up to the last quarter of 2014, the EU governments and institutions did not detect irregular migration as a forced phenomenon and continued to perceive it as a voluntary violation of immigration laws by persons to block at the frontiers by using the existing means of border control. Only in Autumn 2014, the European leaders recognized that the flows through the Mediterranean Sea was a humanitarian emergency, and that the conventional response to irregular migration was to be replaced by a proper management response that they agreed to name as a comprehensive approach. But this recognition of the nature of the phenomenon was far from a true turning point of the management of the crisis.

*Only in Autumn 2014, the European leaders recognized that the flows through the Mediterranean Sea was a humanitarian emergency*

#### 4. The inappropriate sense-making of the phenomenon

The delayed detection of the crisis is explained by the conception of irregular migration the EU leaders agreed on in the past and have kept as good since the time of the growth of the migrant inflow against the informed opinion of the experts about unemployment, overpopulation, and violence as the conditions that push a large number of people to overlook the rules of regular border crossing. To the EU leaders, the migrants cross the seawaters in unsafe vessels for the sake of improving their economic conditions and do not care about complying with the law of border crossing, in particular with the rule of the entry permit that is awarded to those who have a job contract. Accordingly, no EU country should let them cross the border without prior identification, visa check, and consequent expulsion in case they are unable to demonstrate they are qualified to international protection.

In the EU law, border control and immigration rules are in the power of the state but the European Council, the Commission and the Parliament produce important documents and rules on

<sup>4</sup> The EU official data are as follows: as of 13 March 2017, of the 160,000, only 4,174 have been relocated from Italy, and 9,953 from Greece ([https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_relocation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf)).

this object. The aim is to push the MSs towards harmonizing the main aspects of the relevant legislation and policies because the immigration policy of a member state has important consequences on the affairs and policies of the other states, especially since the free circulation of the persons has been agreed by the Schengen convention signatory states.

To understand why the leaders made sense of the Mediterranean migration flows as unauthorised movement of economic migrants, the most significant EU document is the Communication of the Commission to the other EU institutions titled *Global Approach to Migration and Mobility*, also known as GAMM. It was delivered to the Council and the Parliament in November 2011 and approved by the Council six months later, i.e. at the time the Mediterranean migration movement was skyrocketing. This Communication updated the 2005 Communication named *Global Approach to Migration*. As it is explained later in this article, the extension to mobility is a meaningful speech-act made by the EU institutions. Another important document, the *European Agenda for Migration*, was released by the Commission and approved by the Council in 2015, the time the European Council and the Commission recognized the humanitarian emergency and obligation of the EU to respond to it with a comprehensive approach. Accordingly, the *Agenda* outlined the actions the EU institutions and the member governments have to adopt for managing the crisis. But the *Agenda* restated the *Global Approach* interpretation of migration and reaffirmed that, in addition to the border control measures the member governments should strictly apply, the EU's external migration policy is the primary response tool for managing the Mediterranean migration crisis.

The *Global Approach* states that ruling migration in the current chaotic growth of the migratory movement means developing worldwide actions and mechanisms for letting workers go into the countries that have a flourishing economy and dynamic labour market. In such case, migration is advantageous to both the destination countries that solve labour shortage problems, and the departure countries that receive capitals through remittances and the know-how the migrants bring back to the home country when the work period in the receiving country expires. On such premise, the *Global Approach* defines mobility as the condition of the migrant that, at the time employment term expires, goes back to the country of origin or moves to another country that offers him a new employment.

Such EU-shared sense of migration as a way to provide a commodity to the European economies is the ground for entrusting the Commission to coordinate the actions of the member governments towards regular economic immigration and against irregular migration. In particular, by approving the *Global Approach*, the Council assigned to the Commission the task of driving the external migration policy. In the EU terminology, this is the set of negotiations, actions and programs for building regional and bilateral cooperation deals with the governments of the origin and transit countries. Thanks to such cooperation deals, only the migrants who have job contracts in a European country will travel to Europe and as well the home country will reclaim them as the job term in Europe expires.

In agreement with the *Global Approach*, the EU leaders did not claim any change in dealing with irregular migration in spite of the remarkable growth of the number of forced migrants. In October 2013, the Italian government refused to submit to the GAMM-driven response to the Mediterranean migration and started the Operation *Mare Nostrum*, and in November 2014 the European leaders changed their mind and claimed to respond to the humanitarian emergency of the migrant movement. But this short-lived change caused many controversies. In September 2015, the governments reversed the management approach and put it again in line with the usual sense of the

*The Global Approach states that ruling migration in the current chaotic growth of the migratory movement means developing worldwide actions*

Mediterranean migration as irregular economic migration. They definitely opted for keeping out of Europe all migrants to prevent the risk of breaking normalcy and order. They agreed also on the following common positions that further enlighten their sense-making of the crisis.

- » The strict compliance with the international and EU laws about the control of the persons that have no permit of entry in the territory of a member state is essential for keeping intact the Schengen system of the free circulation of the persons. This position implies the conservation of the Dublin Convention on the concession of asylum to the third state citizens who claim international protection, even though some government repeatedly requested to change the Convention.
- » The fight against the smugglers must be increased to reinforce the external migration policy. The leaders maintain that smuggling incites persons to migrate –a controversial argument since the forced migrant first escapes and later trusts any person who can take him/her to a safe place– and frustrates the agreements of the Union with the governments of the countries of transit and origin of the migrants.
- » The official documents of the EU institutions mention the existence of the root causes of migration in the contemporary world, i.e. civil and international wars, structural unemployment, bad governance, corruption, and climate change. But they refrain from offering other solutions than the awarding of financial and technical aid to groups of countries, especially in Africa, even though the aid development that has been given in the last sixty years has produced very scarce results and has not reduced the gap between rich and poor countries.

*The leaders of all the states affected by a trans-boundary crisis have to participate in the decision process of the management strategy to make it effective and legitimate*

## 5. The shared decision-making

The leaders of all the states affected by a trans-boundary crisis have to participate in the decision process of the management strategy to make it effective and legitimate. This has been the case with the decision-making process of the Union for responding to the migration crisis. The EU top decision and policy-making institution, the European Council, has addressed to the Council and the Commission the guidelines for the management while the Commission and the national administrations prepared and supervised the management actions. However, before the European Council meetings, the heads of government of the states less inclined to the common management of the crisis used to tell the media that they wanted the EU to respond to the crisis by a different approach than that on the table of the meeting. Following important decisions like those on the relocation plans, the governments overlooked totally or partially the Conclusions of the European Council even though during the meeting they did not oppose to the measures on agenda. In short, the same leaders who decide the crisis management frustrate its very objectives by tailoring the implementation of the decisions to the interests and preferences of their citizens.

## 6. The ambitious coordination plan

Collaboration with partners is the very much-sought objective of the EU management. The MS governments look for collaboration with the local authorities of the regions that are affected by the inflows and also with the civil society organizations for working out the problems of the reception of the migrants. The Council and the Commission work mainly to build a wide



network of non-EU partners for the sake of sharing with them the management burden. In particular, the EU institutions want the governments of the third countries on the Southern border of the Union to bear the task of blocking the migrants before these enter in the EU.

The network of partners comprises (a) the governments of the Non-EU Balkan countries, who are requested not to drop the migrants on the neighbours and the EU countries, and to seal the border to the migrants in order to complement the deal with the Turkey government; (b) the governments of Africa, the area of origin and transit of the largest number of irregular migrants, who are requested to build up the capabilities of curbing irregular migration; (c) the Turkish government to keep the Syrian refugees in Turkey and accept the readmission in Turkey, as the last transit country, of all the migrants currently in Greece; and (d) the governments of Lebanon and Jordan to support their capacity to manage the refugee camps, which are populated mainly by Syrian refugees.

Coordination with the external partners, a long-time effort of the Commission that has been improved since the European External Action Service has been created, is claimed by many leaders as key to achieve the effective management of the crisis. Generally speaking, it is not the only key instrument for blocking migrants, but it is important to cast to the European citizens the message that the leaders are acting to send irregular, forced migrants to the country of origin. But the effectiveness of the coordination strategy depends on the true sharing of the goals by the third country governments, and their capability of accomplishing the coordination agreement. These conditions are difficult to achieve because of the low efficiency of the public administration of the origin and transit countries.

The Commission and the Council consider also regional partnerships very useful to build coordination. Since the conditions that drive migration are common to the countries of a geographic area, multilateral collaboration schemes that engage all the governments of a geographic area have the advantage of creating synergies and reducing costs. But the existing multilateral schemes the EU has put in action like the Rabat Process, which is now 10 years old, and the two-year old Karthoum Process have not yet produced notable results.

Last, the network of the partners covers also international organizations like the UNHCR (Office of the United Nations High Commissioner for Refugees), the IOM (International Organization for Migration), and humanitarian non-governmental organisations (see Irrera, 2016).

## 7. The confusing messages of meaning-making

The effectiveness of the management decisions of the leaders depends on the favourable response of the citizens. Generally, the citizens will support the trans-boundary crisis management if the messages of the leaders convince them about the leaders' abilities to bring the crisis to an end. The number of the EU institutions that participate in the management has a weakening effect on the efficacy of the messages that explain to the citizens how the European leaders expect to deal with the crisis. This occurs because the member governments and the European Council as well as the Commission are responsible of the management decisions but each one of them releases its own messages to make sense of what the threat is and what the common management aims to achieve.

Normally, the messages of the individual government to the national audience have been different from those of the Commission and the European Council. On occasions, the Commission has reproached the member governments for not complying with the common management

*Collaboration with partners is the very much-sought objective of the EU management*

decisions but the Commission's powers and means to change the governments' preferences in the area of migration are small. In conclusion, the contrasting messages of the leaders have made the citizens aware of the lack of a common vision about the migratory phenomenon and the nature of the threat. This has frustrated the citizens' trust on the leaders' ability to control the threat and manage the crisis.

## 8. The multiple and contrasting communication

The national leaders have made use of all the mass media and social networks to inform the citizens about their concern and the actions for managing the crisis at the European and national level. The media have informed the citizens about the different views of the governments and the problems of coordinating the priorities of the member states in making out the management of the crisis.

The President of the Commission and the President of the European Council acted as the main EU sources of the communication about the migration crisis. They send the same messages to the mass media. The President of the European Council, more than the President of the Commission, has sent messages also to the migrants inviting them not to travel to Europe because Europe has not the opportunities they are looking for and the European countries do not accept the violation of the norms about border crossing. On occasion, the President of the Commission has addressed the MS governments to express disappointment for the missing compliance with many decisions of the Council by the states that frustrate the objectives of the EU crisis management.

*The effectiveness of the management decisions of the leaders depends on the favourable response of the citizens*

## 9. The soft accountability

Irregular migration has been far from turning on conflict in the parliamentary arena of the European Union and the member countries. In general, the members of the European Parliament trust the approach of the governments. In the migration crisis, they have been lenient to the management decisions of the European Council and the Commission. The deputies have approved at large majority the projects and programmes on the migration issue. Also, in the national parliaments, the debates ever caused problems to the government and, as well, no government chose to challenge the parliament on the migration issue.

Outside the parliament, the mainstream political parties do not exhibit any view of the migration phenomenon different from that of the anti-immigration movements, do not back the views of the groups that are favourable to humanitarian aid and to the integration of the migrants in the country, and do not show concern with the issue of the forced migration. Despite the messages against policies for migrant reception, however, the political parties in power have been punished by the voters at the elections that have been run during the crisis because they have been accused of not blocking the entry of irregular migrants.

## 10. Conclusions

Since the causes of the current migration flows are both the processes of the global system and the local conditions of areas outside Europe, and since these flows are perceived by the European citizens as a threat to their normal life conditions, the European leaders should strike a composite management strategy to achieve the goal of reducing the impact of irregular, forced

migration on the European states and societies. The options of such a composite strategy are summarized as it follows:

1. Launch long-term action plans in partnership with international actors to contain the impact of the global and local causes of the current migration flows, and work for drying up these causes.
2. Tighten border control and develop cooperation with the countries of transit and origin to reduce the magnitude of the inflows of migrants in Europe.
3. Increase domestic capabilities to receive and integrate migrants in order to facilitate the citizen resilience to the crisis and restore normal life conditions.
4. Adjust the approach of the citizens towards the migrant threats by communicating clear messages about the importance of developing open, inclusive societies to meet the challenges of the contemporary world, especially the challenge of increased people movement and soft borders.

The present analysis demonstrates that the EU leaders' choice is mostly the second one. Three remarks stand in opposition to such choice and the elusion of the remaining options.

First, the choice of quasi-zero immigration will not achieve the expected results because the global and local causes of the migration flows are not going to weaken in the short-medium term. Additionally, cooperation with the governments of the origin and transit countries faces hard conditions like the inefficiency and corruption of the administration of those countries and the gain the governments have from letting the unemployed persons and political opponents leave the country.

Second, restricting immigration is inconsistent with the long-time invoked principle of well-managed immigration as it is at odds with the labour market of the European economies. Important industrial and economic sectors like agriculture, constructions, and the cleaning and catering sector are in need of the labour intensive and low paid jobs that the Europeans disdain to do.

Third, this migration management is in conflict with the open society principles of the European states and the political culture of the inclusive democracy that should stand firm in Europe. This may have a negative effect on the civic values of the European societies and certainly puts these societies off the trends of the global society. Additionally, this strategy damages the reputation of the EU and the MSs as advocates and defenders of humanitarian values, human rights, and international law.

There are no simple choices to make and easy steps to go to take Europe out of the crisis it has fallen in since the EU leaders developed such a management of the inflow of forced, irregular migrants. Opting for the simple solution of blocking the access to EU to people bearing on themselves the hard conditions that force them to move has not yet solved the problem and will not do it in the time ahead. EU and the European leaders have to turn towards a composite strategy made of the four above-mentioned options. They have to develop also domestic actions and policies to respond to the migration flows. The composite strategy comes with gaining the adhesion of the citizens to meet the current global change and, accordingly, with improving the social resilience of the domestic society to the effects and costs of migrant reception. After all, increased human mobility and migration create a 'new normal' since they are not the outcome

*There are no simple choices to make and easy steps to go to take Europe out of the crisis it has fallen in since the EU leaders developed such a management of the inflow of forced, irregular migrants*

of natural disasters, infrastructure breakdowns, and collective wrongdoing nor, of course, the mistaken choice of people that criminal groups exploit and amplify. They are the outcome of a social process that impacts on the state and put on the leaders the responsibility of responding by producing policies up to the process.

## Reference List

- Attinà, F. (2016). Migration drivers, the EU external migration policy and crisis management. *Romanian Journal of European Affairs*, 16(4) 15-31.
- Balfour, R. Rappoteur. (2016). *Europe's troublemakers. The populist challenge to foreign policy*. Bruxelles: European Policy Center.
- Bertelsmann Stiftung. (2016). *From Refugees to Workers Mapping Labour-Market Integration Support Measures for Asylum Seekers and Refugees in EU Member States*. Florence: Migration Policy Centre (MPC), Robert Schuman Centre for Advanced Studies of the European University Institute in Florence (EUI).
- Boin, A., Ekengren, M., & Rhinard, M. (2013). *The European Union as crisis manager: Patterns and prospects*. Cambridge: Cambridge University Press.
- Boin, A., Cadar, L., & Donnelley, M. (2016). *Final codebook*. Retrieved from <http://www.transcrisis.eu/wp-content/uploads/2016/05/D2.2-Final-codebook-v1.0.pdf>
- Crépeau, F., & Purkey, A. (2016). *Facilitating Mobility and Fostering Diversity. Getting EU Migration Governance to Respect the Human Rights of Migrants*. Brussels: CEPS Paper in Liberty and Security in Europe No. 92.
- Grabbe, H. (2015). Feeding on discontent. *Berlin Policy Journal*, 27 April. Retrieved from [www.berlinpolicyjournal.com/feeding-on-discontent/](http://www.berlinpolicyjournal.com/feeding-on-discontent/)
- İçduygu, A. (2007). The Politics of Irregular Migratory Flows in the Mediterranean Basin: Economy, Mobility and 'Illegality'. *Mediterranean Politics*, 12(2), 141-161.
- Irrera, D. (2016). Migrants, the EU and NGOs: The 'Practice' of Non-Governmental SAR Operations. *Romanian Journal of European Affairs*, 16(3), 20-35.
- Vertovec, S., & Wessendorf, S. (eds.). (2010). *The multiculturalism backlash: European discourses, policies and practices*. London: Routledge.
- Vollmer, B. A. (2017). The Continuing Shame of Europe: Discourses on migration policy in Germany and the UK. *Migration Studies*, 5(1), 49-64.



# EL DERECHO A LA AUTODETERMINACIÓN DE LOS PUEBLOS EN LA PROTODIPLOMACIA PARLAMENTARIA CATALANA: LOS CASOS PALESTINO Y SAHARAUI

The right to self-determination of the peoples in the Catalan parliamentary protodiplomacy: the Palestinian and Saharawi cases

**Raquel Alemañ Navalón**

Analista. EuropaNova

E-mail: [raquelalemanybiar@gmail.com](mailto:raquelalemanybiar@gmail.com)



**Autores**

**Stelios Stavridis**

Investigador Senior. Araid. Universidad de Zaragoza

E-mail: [dr.stelios.stavridis@gmail.com](mailto:dr.stelios.stavridis@gmail.com)

Este estudio aborda la paradiplomacia parlamentaria catalana a través del concepto del derecho de autodeterminación. Sin embargo, no se trata de la autodeterminación de Cataluña o incluso de los reclamos de independencia. Se trata de cómo se discute este concepto en el Parlament (parlamento regional) en relación con otros reclamos de ese tipo, a saber, aquellos en el Sáhara Occidental y en Palestina. Por lo tanto, el documento comienza con una discusión sobre conceptos y definiciones. A continuación, se analizará la paradiplomacia catalana en general y, en particular, su protodiplomacia parlamentaria a nivel de la Generalitat (gobierno regional) y también en su Parlament. La siguiente parte evalúa en detalle cómo se han discutido las cuestiones del Sáhara Occidental y de Palestina en el Parlament dentro del contexto más amplio de esta protodiplomacia. El estudio muestra que existen discrepancias entre los partidos políticos a nivel catalán sobre cómo y si instrumentalizan la noción, el concepto y el derecho a la autodeterminación en otros movimientos de independencia frente al propio debate de Cataluña sobre su futuro. Y hay una conclusión.



**Resumen**

Paradiplomacia parlamentaria; protodiplomacia; autodeterminación de los pueblos; Parlament de Catalunya; partidos políticos; Palestina; Sáhara Occidental.

*Parliamentary paradiplomacy; protodiplomacy; self-determination of the peoples; Parliament of Catalonia; political parties; Palestine; Western Sahara.*



**Key words**

Recibido: 13-11-2017. Aceptado: 25-01-2018.



**Fechas**

*This study addresses the Catalan parliamentary paradiplomacy through the concept of the right to self-determination. However, it is not about the self-determination of Catalonia nor the claims of independence. This is about how this concept is discussed in the Parlament (regional parliament) in relation to other claims of that kind, namely, those in Western Sahara and in Palestine. Therefore, the document begins with a discussion about concepts and definitions. Next, we will analyse the Catalan paradiplomacy in general and, in particular, its parliamentary protodiplomacy at the level of the Generalitat (regional government) and also in its Parlament. The following part evaluates in detail how the issues of Western Sahara and of Palestine have been discussed in the Parlament within the broader context of this proto-diplomacy. The study shows that there are discrepancies among the political parties at the Catalan level on how and if they instrumentalize the notion, the concept and the right to self-determination in other independence movements along Catalonia's own debate about its future. And there is a conclusion.*



## 1. Introducción: ¿por qué es un tema importante?

Aunque este trabajo aborda el derecho a la autodeterminación y la paradiplomacia catalana, no se tratará la actual crisis de independencia que tanto Cataluña como España están experimentando hoy en día. Además, hemos decidido finalizar el periodo de estudio en 2015-2016, evitando así la “contaminación” de la situación actual. Esto también se hace con la idea de que los desarrollos posteriores a las elecciones del 21 de diciembre de 2017 en Cataluña no afecten fundamentalmente este análisis. Sin embargo, otros sucesos recientes también afectan este estudio, como por ejemplo: el 25 de septiembre de 2017, el Kurdistán iraquí celebró un referéndum por su independencia y desde entonces el proceso está paralizado. Mientras que la opción de referéndum está estancada por el momento en el caso saharauí. Y en el caso palestino, varios representantes internacionales como la Alto Representante de la PESC, la señora Mogherini, en el año 2014, o el presidente estadounidense Donald Trump, en 2017, han pedido una solución a la cuestión palestina.

En este contexto, el *paper* se plantea cuestiones de investigación específicas: ¿utiliza, y de qué manera, el Parlament otras reclamaciones a la autodeterminación para promover aspiraciones a la independencia de Cataluña? ¿Hay diferencias entre partidos políticos sobre este tema? ¿Hay diferencias entre el Sáhara Occidental y Palestina? ¿Qué tipo de protodiplomacia parlamentaria podemos encontrar en Cataluña?

Este estudio se estructura en seis partes. Empieza con una discusión sobre conceptos y definiciones (Parte 2). A continuación, se analiza la paradiplomacia catalana en general y, en particular, su protodiplomacia parlamentaria a nivel de la Generalitat (gobierno regional) y también en su Parlament (Parte 3). La siguiente parte evalúa en detalle cómo se han discutido las cuestiones del Sáhara Occidental y de Palestina en el Parlament dentro del contexto más amplio de esta protodiplomacia (Parte 4). El estudio muestra que existen discrepancias entre los partidos políticos a nivel catalán sobre cómo y si instrumentalizan la noción, el concepto y el reclamo de la autodeterminación en otros movimientos de independencia frente al propio debate de Cataluña sobre su futuro (Parte 5). Las conclusiones resumen los resultados de este trabajo y apuntan a áreas de posible futura investigación (Parte 6).

## 2. Conceptos, contextos y definiciones

### 2.1. El derecho a la autodeterminación

Desde el punto de vista de la Carta de las Naciones Unidas tan solo se reconoce el derecho a la autodeterminación en el caso en el que haya habido una descolonización. Hoy en día, existen otros diversos casos de autodeterminación, como podría ser Kosovo (2008) o Sudán del Sur (2011). Desde 1990, tras la disolución de la URSS, en particular, cerca de 15 nuevos estados han sido creados.

Más recientemente desde principio de los años 1990, a partir del desbloqueo de la Unión Soviética y de Yugoslavia, una plétora de nuevos estados ha aparecido en la escena internacional, empezando por los Estados Bálticos en 1991, los estados de la ex-Yugoslavia, como Eslovenia, Croacia, Bosnia-Herzegovina, Montenegro, FYROM y especialmente la región autónoma de Kosovo. En el caso de Kosovo, solo 5 de los 28 Estados miembros no reconocen su independencia, incluyendo España donde, por el contrario, los partidos independientes piden su reconocimiento. Por otro lado, el último Estado “recién llegado”, tiene su origen en África, siendo la República de Sudán del Sur que obtuvo su independencia de Sudán en 2011, lo que demuestra que dicho desarrollo no se limita a Europa.

El derecho internacional reconoce el derecho de los pueblos a decidir o derecho a la libre determinación. Los artículos 1 §2 y 55 de la Carta de las Naciones Unidas, establecen dicha regla con el objetivo de “fomentar entre las relaciones de amistad basadas en el respeto al principio de la igualdad de derechos y al de la libre determinación de los pueblos [...]”. Del mismo modo, el 14 de diciembre de 1960, la Resolución 1514 (XV)<sup>1</sup> de la Asamblea General sobre la concesión de la independencia de los países y pueblos coloniales, señaló que “todos los pueblos tienen un derecho inalienable a la plena libertad, al ejercicio de su soberanía y a la integridad de su territorio nacional”, así como que “todos los pueblos tienen el derecho de libre determinación; en virtud de este derecho, determinan libremente su condición política y persiguen libremente su desarrollo, económico, social y cultural [...] todo intento encaminado a quebrantar total o parcialmente la unidad nacional y la integridad territorial de un país es incompatible con los propósitos y principios de la Carta de las Naciones Unidas”. Y, complementándose con la Resolución 2625 (XXV)<sup>2</sup> del 24 de octubre de 1970, confirmará el “principio de la igualdad de derechos y de la libre determinación de los pueblos”.

Hoy en día, tanto el territorio del Sáhara Occidental como Palestina, continúan los procesos políticos por obtener su autodeterminación. En el caso del Sáhara, según la Resolución 1452 (XV) de la Asamblea General de la ONU del 15 de diciembre de 1960, sería inscrito sobre la lista de Territorios No Autónomos/TNA<sup>3</sup> y por consecuencia, en la lista de espera para ser descolonizado. A partir de 1964, la Asamblea General va a llamar a la organización de un referéndum con el fin de obtener el derecho a la libre autodeterminación. Sin embargo, hoy en día, la cuestión del Sáhara Occidental continúa en la agenda de la IV Comisión de la Descolonización de los años 1970.

*Desde el punto de vista de la Carta de las Naciones Unidas tan solo se reconoce el derecho a la autodeterminación en el caso en el que haya habido una descolonización*

1 Resolución 1514 (XV), de la Asamblea General sobre la concesión de la independencia de los países y pueblos coloniales, del 14 de diciembre de 1960 <http://www.un.org/es/decolonization/declaration.shtml>

2 Declaración sobre los principios de Derecho Internacional referente a las relaciones de amistad y a la cooperación entre los Estados de conformidad con la Carta de las Naciones Unidas, Resolución 2625 de la ONU, 24 de octubre de 1970, [http://www.un.org/es/comun/docs/?symbol=A/RES/2625\(XXV\)&Lang=S&Area=RESOLUTION](http://www.un.org/es/comun/docs/?symbol=A/RES/2625(XXV)&Lang=S&Area=RESOLUTION)

3 Territorios no Autónomos (TNA) de la ONU, <http://www.un.org/es/decolonization/nonselvgovterritories.shtml>

Por otro lado, Palestina ha alcanzado el reconocimiento de su derecho a la libre determinación. Diversas resoluciones de la Asamblea General, del Consejo de Seguridad de las Naciones Unidas, así como otras organizaciones internacionales reconocen el derecho a la libre determinación del pueblo palestino, apoyando incluso la formación y el reconocimiento de un Estado palestino independiente<sup>4</sup>. En 2011, Palestina se convierte en miembro pleno de la UNESCO y obtiene en 2012 la condición de Estado observador no miembro de la Asamblea General de las Naciones Unidas. Recientemente, en septiembre de 2017 se ha incorporado a la Interpol como país miembro.

Varios parlamentos europeos, incluso el Parlamento Europeo, pero también el del único estado miembro de la UE que ha reconocido Palestina hasta la fecha –Suecia (Oliveira Martins, 2015)–, han aprobado resoluciones o declaraciones pidiendo a sus gobiernos el pronto reconocimiento de Palestina como estado independiente (Stavridis, Gianniu, & Cofelice, 2016).

## 2.2. Diplomacia, paradiplomacia, protodiplomacia y diplomacia parlamentaria

El concepto y la práctica de la diplomacia (Watson, 1982) ha evolucionado mucho en los últimos años: al papel tradicional de un diplomático (comunicación, reportaje, análisis de políticas, negociación y representación), ahora hay nuevas tareas más complejas (por ejemplo, gobernanza, cambio climático o terrorismo).

Además, han aparecido nuevos actores internacionales no estatales (Reinalda, 2011; Hocking, 2011). Como resultado, han surgido nuevos tipos de diplomacia: diplomacia económica (Bayne & Woolcock, 2011), diplomacia cultural (Kitsou, 2013), diplomacia pública (Melissen, 2005), paradiplomacia (ver abajo), diplomacia de las celebridades (Huliaras & Tzifakis, 2010), diplomacia deportiva (*The Hague Journal of Diplomacy*, 2013) y diplomacia parlamentaria (Stavridis & Jancic, 2017).

También existe una amplia literatura sobre paradiplomacia en general (Aldecoa Luzárraga & Keating, 1999; Wolff, 2007; Cornago, 2010; Pasquier, 2012; Skoutaris, 2012; Palermo & Kössler, 2017) y sobre estudios de casos específicos (sobre todo, sobre las relaciones exteriores de Quebec, Escocia, Flandes y Cataluña: ver, *inter alia*, Noferini, 2016; McHugh, 2015; Crikemans, 2010; Paquin, 2004). Igualmente, existe una clara distinción entre la paradiplomacia en general y la “protodiplomacia” en particular. Esta última se relaciona con la búsqueda de conseguir un estado independiente por parte de un pueblo o de un ente subestatal (McHugh, 2015).

Sin embargo, hay pocos estudios académicos sobre el papel internacional de los parlamentos regionales (subestatales) –conocido como paradiplomacia parlamentaria–. Pero sí que hay alguna literatura sobre sus relaciones con la Unión Europea (Palomares Amat, 2011; Bursens & Högenauer, 2017).

La diplomacia parlamentaria se ha definido en una literatura emergente como:

La gama completa de actividades internacionales emprendidas por los parlamentarios para aumentar el entendimiento mutuo entre los países, ayudarse mutuamente en mejorar el

*El concepto y la práctica de la diplomacia ha evolucionado mucho en los últimos años*

4 Serbeto, E. (2014). El Parlamento Europeo apoya el reconocimiento del Estado Palestino. *ABC Internacional* [en línea]. Disponible en <http://www.abc.es/internacional/20141217/abci-estado-palestino-201412171056.html> [Consultado el 20/06/2017].



control de los gobiernos y la representación de los ciudadanos y aumentar la legitimidad democrática de las instituciones intergubernamentales. (Weisglas & de Boer, 2007)

La totalidad de las actividades que lleva a cabo cada parlamento nacional, tanto como entidad colectiva como iniciativas de parlamentarios individuales, en sus propias relaciones con otros parlamentos nacionales o con los llamados “parlamentos internacionales. (Piazzzi, 2015)

O, más sencillamente, como: “Cualquier actividad o acto de carácter diplomático que implica al menos un actor parlamentario (persona o entidad)” (Stavridis, 2016).

Además, debido a la emergencia de nuevas formas de (inter)regionalismo y gobernanza global (Warleigh-Lack, Robinson, & Rosamond, 2011; Telò, Fawcett, & Ponjaert, 2015), ahora mismo existen esfuerzos de intento de legitimización y democratización (Sabic, 2008): esto ha llevado a una proliferación de instituciones parlamentarias internacionales (IPI) en todo el mundo (Costa, Dri, & Stavridis, 2013; Kissling, 2011; De Puig, 2008 –ver también Cofelice, 2012–). Esta dimensión no se desarrollará aquí, pero sigue siendo importante de todos modos debido a la existencia en la actualidad de un sistema parlamentario multinivel en muchas macro regiones del mundo, especialmente en Europa (Bursens & Högenauer, 2017; Jancic, 2015; Crum & Fossum, 2013). En el caso de Cataluña, es interesante su participación en la AP de la Francofonía (Palomares Amat, 2016).

El Mediterráneo no es una excepción ya que hoy en día existe una escena compleja que trae junto a ella entes subestatales, estados, cuerpos e instituciones parlamentarias regionales, interregionales y globales (Cofelice & Stavridis, 2017). Así, confirmando no solo, tal como ha sido ya mencionado, la existencia del campo parlamentario multinivel, pero también la plétora de las prácticas actuales de la diplomacia parlamentaria en el *Mare Nostrum* (Stavridis & Gianniou, 2016), que incluyen los de los órganos parlamentarios subestatales, es decir, la paradiplomacia parlamentaria como se señaló anteriormente.

### 3. El caso de la Generalitat: de paradiplomacia a protodiplomacia

La literatura sobre la paradiplomacia de las comunidades autónomas es muy amplia, en particular desde las reformas de 2006 (García Pérez, 2009). Se ha prestado especial atención a las denominadas “regiones históricas” de España; algunas de ellas con fuertes movimientos independentistas, en particular el País Vasco (de Castro Ruano y Ugalde Zubiri, 2004; 2011) y Cataluña. Este estudio no se focaliza en los pros y contras de la independencia catalana, tampoco en sus relaciones generales con y en el interior de la UE (Noferini, 2016), ni sobre qué objetivos han sido promovidos en el actual gobierno catalán y partidos políticos afines a este objetivo en España, en Europa y más allá. Este trabajo se centrará en Cataluña, pero primero algunos puntos generales introductorios sobre la paradiplomacia catalana y la protodiplomacia.

La identidad, la cultura y la lengua catalana, así como su fuerte influencia económica dentro de España, son factores que han favorecido un acercamiento por parte del gobierno catalán hacia Europa, sobre todo en cuanto a la cuestión regional y a otras estructuras tales como la Asamblea de las Regiones Europeas o el Comité de las Regiones. No obstante, esta política marcada por el afán de desarrollar relaciones con sus vecinos más próximos para hacerse hueco en la esfera euromediterránea, ha condicionado la agenda de la política exterior de España.

*La literatura sobre la paradiplomacia de las comunidades autónomas es muy amplia, en particular desde las reformas de 2006*

Un reciente artículo de Laura Feliu y Francesc Serra sobre la diplomacia parlamentaria catalana en el Mediterráneo, confirma que “la región que más interés desata a los diputados catalanes es, sin duda, el Medio Oriente y el Norte de África” (Feliu y Serra, 2016, p. 130). También, sostienen que inicialmente se hizo hincapié en las cuestiones locales, aunque lentamente hubo más de una “acción externa” (este es el término exacto utilizado en la Constitución Española de 1978 para las relaciones exteriores del CC. AA.).

El mismo estudio apunta también a un papel externo más activo durante el Gobierno tripartito (ver abajo), pero se produjo un cambio sustancial y cualitativo con el lanzamiento de la campaña proindependencia en 2003. En el periodo que condujo entre 2006-2010, se observan “muchos más viajes parlamentarios al exterior para discutir la ‘necesidad de independencia’”, aunque este no sea un tema que vayamos a analizar aquí, sino que, como ya se ha dicho con anterioridad, se centra más en cómo se discute en el Parlamento de Cataluña otros movimientos de “independencia” (*ceteris paribus*) en el mundo.

Las varias presidencias de la Generalitat han sido las siguientes: Pujol (1980-2003), Maragall (2003-2006), Montilla (2006-2010), Mas/Puigdemont (2010-2016/2017).

La proyección exterior de Cataluña con anterioridad a la Guerra Fría era todavía horizontal hasta la llegada de la presidencia de CiU con Jordi Pujol a la cabeza (1980-2003), quien a partir de sus ambiciones conduciría la política catalana hacia la institucionalización y el aumento del volumen de las actividades exteriores. Cataluña se reorganizará a partir del decreto 141/2003 del 10 de junio 2003 bajo tres ejes: “las relaciones territoriales, la coordinación exterior y la cooperación para el desarrollo” (Bizoux, 2006, p. 7).

Entre 2003 y 2006, con Pasqual Maragall (PSC) a la cabeza, la proyección exterior se orientaría más a una estructura vertical (Criekemans, 2010, p. 44). Posteriormente, entre 2006 y 2010, con José Montilla (PSC), dirigiría el control sobre la delegación catalana ante la UE, con sede en Bruselas, mientras que Josep Lluís Carod-Rovira, desde la vicepresidencia, dirigiría la promoción y la cooperación exterior de la Generalitat. No obstante, será junto a Artur Mas (CiU), entre 2010 y 2016, cuando la ampliación de la administración de Cataluña vendrá con más fuerza, en medio de un contexto marcado por un fuerte movimiento independentista que impulsará la proyección exterior de Cataluña hasta la actualidad junto a Carles Puigdemont.

De hecho, existen diversos tipos de “diplomacia”, aunque en este análisis tan solo abordaremos la diplomacia internacional relacionada con el derecho a la autodeterminación de Cataluña con el fin de comprender las acciones llevadas por el Parlamento Catalán. La participación internacional de Cataluña se extiende a lo largo de acuerdos específicos con otras entidades y organizaciones, como por ejemplo, California, la provincia coreana de Kyonggi, Escocia, la Asamblea Nacional de Quebec o el Centro Nacional para la Investigación Científica (Wolff, 2007).

La crisis económica también perjudicaría el presupuesto catalán provocando reducciones presupuestarias que afectarían a la ampliación externa de la política catalana. En diciembre de 2011, durante el mandato de Artur Mas, la delegación en Buenos Aires (Argentina) sería cerrada. Dicha oficina, formaría parte de la red de “embajadas”, conocidas así las oficinas del Govern en el extranjero, las cuales tendrían un coste muy elevado<sup>5</sup>. De este modo, continuaría

*La proyección exterior de Cataluña con anterioridad a la Guerra Fría era todavía horizontal hasta la llegada de la presidencia de CiU con Jordi Pujol a la cabeza*

5 DOGC, No. 5984, Año 35, 2º época, de 14 de octubre de 2011.

contando con cinco oficinas: París (Francia), Berlín (Alemania), Nueva York (Estados Unidos), Bruselas (Bélgica) y Londres (Reino Unido).

#### 4. Estudios empíricos del caso del Parlament

A partir del artículo escrito por Feliu y Serra, encontramos una descripción de la estructura del Parlamento catalán en cuanto a sus relaciones internacionales, al igual que aporta los instrumentos que fueron aprobados por el Parlament, el Consejo de Portavoces y la Oficina del Presidente de la Cámara y que han sido utilizados desde el año 2000 en términos de resoluciones, declaraciones institucionales de contenido internacional (más de cuarenta) y mociones para hacer frente a dichas cuestiones. Entre las declaraciones, aparece una gran concentración en las mismas áreas geográficas y materias, seis declaraciones referentes al terrorismo islámico, cinco al conflicto palestino, cuatro al Sáhara, dos a las revueltas árabes, dos para el conflicto sirio, dos a las crisis de los refugiados, entre otras (Feliu y Serra, 2016, p. 131)<sup>6</sup>.

En líneas generales, el actual Estatuto de Autonomía de Cataluña refleja a través de su preámbulo su compromiso con todos los pueblos en la construcción de “un orden mundial pacífico y justo”<sup>7</sup>.

Nuestro análisis empieza en el año 2003, tras el cambio de gobierno con la entrada de Pasqual Maragall. El nuevo gobierno de izquierdas impulsará políticas con un aire más progresista. Además, analizando los debates parlamentarios catalanes, se puede observar como entre los años 2003 y 2006, empiezan a surgir preocupaciones parlamentarias sobre el conflicto del Sáhara Occidental y Palestina, habiendo pasado por un vacío sin indicios de actividad. A partir de este momento se observa un mayor interés en ciertos grupos que conforman el Parlament, de una manera indirecta, de promover el apoyo constante a favor del derecho a la autodeterminación, discurso utilizado a lo largo de estos años por los independentistas. Por esta razón nos centramos en el periodo posterior a 2003.

En 2003, el Parlament se pronunciará sobre la guerra en Iraq y la situación en el Próximo Oriente, en el cual nombrará el conflicto Israel-Palestina<sup>8</sup>. En cuanto al Sáhara Occidental, no hay datos hasta el momento<sup>9</sup>. Será a partir de 2004, cuando diversos diputados expondrán preguntas directas acerca de diferentes movimientos llevados a cabo en ambos territorios. Durante la legislatura VI, la Comisión de Organización y Administración de la Generalitat y Gobierno Local, adoptaría la Resolución 1699/VI del Parlament de Cataluña, sobre el Plan director de

*El actual Estatuto de Autonomía de Cataluña refleja a través de su preámbulo su compromiso con todos los pueblos en la construcción de “un orden mundial pacífico y justo”*

6 Feliu y Serra (2016) aportan más detalles: a lo largo de estos años se crearán diversos comités legislativos permanentes junto al Comité de Acción Exterior, Unión Europea y Cooperación, conocido actualmente como el Comité de Acción Exterior y Cooperación, Relaciones Institucionales y Transparencia. Otros comités son el Comité de Justicia y Derechos Humanos o la Comisión de Economía, Finanzas y Presupuestos. Otra de las actividades exteriores sería la creación de Grupos Interparlamentarios como el Grupo Interparlamentario para la Paz y la Libertad en el Sáhara en 2006 y, el Grupo Interparlamentario por Palestina más recientemente en 2016. En el caso del grupo creado para el Sáhara, también participarán la delegación en Cataluña del Frente Polisario, la Coordinadora Catalana de Solidaridad por los Consejos Locales con el pueblo saharauí y la Asociación Catalana de Amigos del Pueblo Saharauí, entre otros, junto a los que se han promovido resoluciones parlamentarias y declaraciones. Cataluña también ha realizado intercambios de visitas, aunque en este caso la mayor parte han sido realizados con el Reino de Marruecos.

7 Estatut d'autonomia de Catalunya, p. 20. Edició 2016. Disponible en <http://www.parlament.cat/document/catleg/48089.pdf> [Consultado el 14/06/2017].

8 En 2001, ya existe la Resolución 696/VI del Parlament de Catalunya, sobre la fi de la violencia a l'Orient Mitjà entre Israel i el poble palestí.

9 Butlletí Oficial del Parlament de Catalunya, Legislatura VI, N° 392, 17 febrer 2003.

cooperación al desarrollo, propuesta por el Govern así como por el PP, CiU, ERC i ICV. Uno de los pilares de la construcción nacional catalana sería, y es, la cooperación internacional.

El Plan parte de la consideración de la cooperación al desarrollo como una dimensión necesaria de la internacionalización de Cataluña. Como dice la exposición de motivos de la Ley 26/2001, de cooperación al desarrollo, “hoy no se puede construir un proyecto nacional creíble ni una sociedad democrática avanzada sin participar activamente i decididamente en la construcción de un orden internacional más justo y solidario”<sup>10</sup>.

Ya, en dicho *pla*, la concepción de la cooperación es y será uno de los valores que integran la identidad catalana es “el derecho de los pueblos a la defensa y la promoción de la cultura, la lengua y la identidad propias”<sup>11</sup>.

Dicha cooperación desde 2003 hasta 2006, está dirigida a países que consideran desde la Generalitat prioritarios, siendo para ellos, sobre todo, los países y los pueblos del área geográfica del Mediterráneo, especialmente los del Magreb. No obstante, ni en la Resolución 1699/VI ni en la 351/VII se nombra en ningún momento el territorio del Sáhara Occidental ni de Palestina<sup>12</sup>. El Sáhara, finalmente será incluido como país prioritario argumentando su pasado histórico con el Estado español y a consecuencia de la incorporación de un gobierno más progresista a través de la Resolución 219/VII sobre la declaración del Sáhara occidental como zona prioritaria de inversión en el Plan director de cooperación al desarrollo 2003-2006<sup>13</sup>. A partir de esta, se añadiría también Palestina<sup>14</sup>. A lo largo de 2004, ambos territorios recibirán ayudas según su estatuto de países prioritarios, por lo tanto, en el caso del Sáhara recibirá 108.889,51 euros en 2004, y 252.968,52 euros en 2005, y en el caso de Palestina, 242.000,00 euros en 2004 y 892.784, 27 euros en 2005<sup>15</sup>, y así hasta día de hoy.

El cambio de posición que se empezaría a gestar en 2004, en el Parlament hacia una vertiente más próxima al derecho de los pueblos a decidir, dará lugar a nuevas decisiones y debates con respecto al Sáhara Occidental y Palestina.

En este mismo año, el Parlament aprobaría la Resolución 99/VII del Parlament català sobre el apoyo al pueblo saharauí y a las resoluciones y el plan de paz del Consejo de Seguridad de las

*El cambio de posición que se empezaría a gestar en 2004, hacia una vertiente más próxima al derecho de los pueblos a decidir, dará lugar a nuevas decisiones y debates con respecto al Sáhara Occidental y Palestina*

10 Res 1699/VI del Parlament de Catalunya, sobre el Pla director de cooperació al desenvolupament, Tram. 259-00001/06, Sessió num. 31, 19.02.2003, DSPC-C 428, BOPC 401.

11 Res 1699/VI *Op.cit.*, Res 66/VIII, Res 754/VIII.

12 Aunque durante este periodo no se proponga como países prioritarios a Palestina y el Sáhara Occidental, sí que se observa la preocupación de diversos diputados de diversos partidos a través de las preguntas realizadas en los debates del Parlamento y que constan en los Boletines Oficiales, como José M. Pelegri i Aixut (CiU), Elena Ribera i Garijo (CiU), Felip Puig i Godes (CiU), Marta Llorens i García (CiU), Rafael López i Rueda (PP), Daniel Sirera i Bellés (PP), Consol Prados Martínez (Socialistes-Ciutadans pel Canvi), Josefina Cambra i Giné (CiU).

13 Butlletí Oficial del Parlament, Legislatura VII, N°143, 7 de febrero de 2005; N°175, 25 d'abril de 2005. La última revisión dio lugar a la Resolució 351/VII del Parlament de Catalunya, sobre la revisió del Pla director de cooperació al desenvolupament 2003-2006, de l'1 de febrero de 2006; Res 219/VII del Parlament de Catalunya, sobre la declaració del Sáhara Occidental com a zona prioritaria d'actuació en el Pla director de cooperació 2003-2006, Tram 250-00316/07, Sessió núm. 11.23.04.3005, DSPC-C 174, BOPC 175.

14 Butlletí Oficial del Parlament, Legislatura VII, N° 241, 14 de noviembre de 2005.

15 Butlletí Oficial del Parlament, Legislatura VIII, N° 68, 10 de maig de 2007.

Naciones Unidas<sup>16</sup>, propuesta por el grupo parlamentario del Partit Popular de Catalunya<sup>17</sup>. Además, con la adopción de la Resolución 102/VII del Parlament de Catalunya, sobre la orientación política general del Consejo Ejecutivo, el Parlament pedirá apoyo para “la liberación o el reconocimiento de los pueblos como el amazic y el saharauí” y “el pleno desarrollo de las libertades nacionales del pueblo palestino”<sup>18</sup>.

Siguiendo por la línea de la proclamación de las naciones sin Estado, remontándonos a la celebración de la Cumbre por la Declaración de Barcelona firmada en 1995, Cataluña promoverá en 2006 la sensibilización “a los Países Catalans sobre la realidad de las naciones sin Estado de todo el Mediterráneo”. No obstante, a la hora de nombrar a los países receptores de financiación, nombran la Cabília junto a Argelia entre paréntesis y del mismo modo pasa con el Sáhara Occidental, junto a Marruecos. Por el contrario, Palestina aparece individualmente y, además, señalan Marruecos<sup>19</sup> y Palestina como países prioritarios de la cooperación catalana<sup>20</sup>. Esto quiere decir que, se considera por una parte Palestina como país, mientras que el Sáhara todavía no se le da este estatuto. El mismo caso ocurre cuando observamos que en los Procesos de Barcelona, Palestina participa como país mientras que no hay datos sobre el Sáhara, al igual que en la realización de la Asamblea de la Red Euromediterránea por los Derechos Humanos.

A partir del año 2007 con la Resolución 66/VIII<sup>21</sup> y posteriormente en la Resolución 754/VIII<sup>22</sup> (2010), el Sáhara aparecerá en las prioridades geográficas en el Plan Director de Cooperación al Desarrollo. No obstante, en la resolución de 2010, en cuanto a los valores referentes a los derechos de los pueblos, se expone que “algunos de los socios de la cooperación al desarrollo de la Generalidad son pueblos sin Estado. Este es el caso de pueblos como los amazics o los kurdos de la región mediterránea o los pueblos aimara y quitxua de la región andina, o los diversos pueblos de la región mesoamericana y la región de África occidental, entre otros”; sin nombrar en ningún caso el territorio saharauí ocupado por Marruecos. Posteriormente, Palestina será expuesto como país prioritario mientras que, el Sáhara Occidental será señalado como país o territorio preferente<sup>23</sup>. Este cambio de identificación de zona prioritaria a territorio preferente sería cuestionada por Rafael López i Rueda, del Grup Parlamentari del PPC, quién preguntaría: “¿Cuál es, según el Govern de la Generalitat, la causa de la exclusión del Sáhara Occidental como ‘zona prioritaria de actuación’ del Plan Director de Cooperación al Desarrollo

*Cataluña  
promoverá  
en 2006 la  
sensibilización “a  
los Países Catalans  
sobre la realidad de  
las naciones sin  
Estado de todo el  
Mediterráneo”*

16 Butlletí Oficial del Parlament de Catalunya, Legislatura VII, N°86, 19 de juliol de 2004; Resolució 99/VII del Parlament de Catalunya, sobre el suport al poble sahrauí i a les resolucions i el pla de pau del Consell de Seguretat de les Nacions Unides, 1 de juliol de 2004.

17 Butlletí Oficial, Lg. VII, N°55, 17 de maig de 2004; Butlletí Oficial, Lg. VII, N°59, 24 de maig de 2004; Butlletí Oficial, Lg. VII, N°66, 7 de juny de 2004; Butlletí Oficial, Lg. VII, N°68, 11 de juny de 2004; Butlletí Oficial, Lg. VII, N°86, 19 juliol de 2004. Tambien, Res 99/VII del Parlament Catala sobre el suport al poble sahrauí i a les resolucions i el pla de pau del Consell de Seguretat de les Nacions Unides.

18 Res102/VII del Parlament de Catalunya, sobre l'orientació política general del Consell Executiu. Tram 250-00284/08, Sessió núm. 12.13.12.2007, DSPC-C 218, BOPC 188.

19 Butlletí Oficial del Parlament de Catalunya, Legislatura VII, N°281, 25 de gener de 2006.

20 Butlletí Oficial del Parlament de Catalunya, Legislatura VII, N°281, 25 de gener de 2006.

21 Res 66/VIII del Parlament de Catalunya, sobre el Plan director de cooperació al desenvolupament 2007-2010, Núm. exp. 259-00001/08.

22 Res 754/VIII del Parlament de Catalunya, per la qual s'aprova el Pla director de cooperació al desenvolupament 2011-2014, Núm. exp.: 259-00003/08, 22 de juliol de 2010.

23 Butlletí Oficial del Parlament, Legislatura VIII, N° 78, 5 d e juny de 2007; Legislatura Ven el III, N° 112, 17 de juliol de 2007.

2007-2010?”<sup>24</sup>. Finalmente, el Sáhara sería establecido como país y territorio prioritario<sup>25</sup>, junto a Palestina. Este giro, podría ser consecuencia de la firma de un programa sobre emigración sin presencia de la embajada de España, conocido como Programa Catalunya-Magrib<sup>26</sup>. También, se abrió la Oficina de la Agencia Catalana de Cooperación al Desarrollo en Marruecos, y Cataluña participaría en Nador, en un encuentro internacional sobre Federalismos y autonomías dentro del Mundo y en Marruecos<sup>27</sup>.

En 2015, Palestina y el Sáhara volverían a aparecer en la Resolución 1030/X como territorio prioritario, como consecuencia de los procesos independentistas que se han acontecido en esta región a lo largo de estos años. A partir de esta resolución afirmarían que Cataluña vela por “el respeto al derecho de los pueblos a decidir su futuro libremente” y “al derecho de los pueblos a decidir democráticamente el propio futuro por medio de la participación”.

Finalmente, hay que tener en cuenta que desde 2005 hasta hoy en día, ha habido nueve resoluciones directamente tratando del Sáhara occidental y desde 2011, cuatro directamente de Palestina.

#### 4.1. Ejemplos específicos de decisiones y acciones del Parlament (I): Sahara Occidental, un primer caso de apoyo a la protodiplomacia de la Generalitat a través del caso saharauí

Como ya se ha nombrado anteriormente, en el año 2003, el Sáhara sería introducido como país prioritario en el Plan Director de Cooperación. En 2004, tras una entrevista realizada con el representante del Frente Polisario, Emborik Ahmed, el Govern se pronunciarían acerca del derecho de autodeterminación saharauí en el Parlament, contribuyendo en este caso al incremento de las ayudas para los campamentos saharauis<sup>28</sup>:

Como ya se ha puesto de manifiesto, el Govern tiene interés en conocer de primera mano la situación del proceso de paz para el Sáhara Occidental que impulsa la ONU y en la cual el Frente Polisario es parte implicada, y apoya la búsqueda de soluciones negociadas que, en el marco de esta organización internacional y en cumplimiento de las resoluciones adoptadas en su sí, garantizan el derecho a la autodeterminación del pueblo saharauí [...] así como considera que se debe realizar todos los esfuerzos que sean necesarios para alcanzar esta finalidad<sup>29</sup>.

Como consecuencia de los hechos acontecidos en los territorios ocupados del Sáhara Occidental en 2005 (represión de manifestaciones pacíficas y violaciones de los derechos humanos en

*El Govern tiene interés en conocer de primera mano la situación del proceso de paz para el Sáhara Occidental que impulsa la ONU y en la cual el Frente Polisario es parte implicada*

24 Butlletí Oficial del Parlament, Legislatura VIII, N°84, 12 de juny de 2007. (Pregunta retirada posteriormente en: Butlletí Oficial, Legislatura VIII, N°124, 12 de septembre de 2007 o en Diari de Sessions del Parlament de Catalunya, Legislatura VII, Série C-N°145, 26 de juliol de 2007).

25 Butlletí Oficial del Parlament, Legislatura VIII, N° 115, 23 de juliol de 2007.

26 “Signat un conveni que promourà la integració dels menors marroquins en tots els àmbits”, Generalitat de Catalunya [en línea], Juny de 2007. Disponible en: <http://www.gencat.cat/acordsdegovern/20070605/02.htm> [Consultado el 28/06/2017].

27 Butlletí Oficial del Parlament, Legislatura VIII, N° 331, 14 d'octubre de 2008.

28 Adjudicación de 950.000 euros “en cultura de la pau i països en conflicte i post-conflicte com Palestina, el Sàhara Occidental, Colòmbia i Bòsnia-Herzegovina”. Butlletí Oficial del Parlament, Legislatura VII, N°128, 20 de desembre de 2004.

29 Butlletí Oficial del Parlament de Catalunya, Legislatura VII, N°41, 6 d'abril de 2004, p. 9.

Gdeim Izik), el Parlament de Catalunya declar : “reitera las diversas declaraciones que se han hecho los  ltimos a os en pro del derecho a la autodeterminaci n del pueblo saharau  [...] de la celebraci n del refer ndum que prevé el Plan Baker y de la suficiencia de la ayuda humanitaria para los campamentos [...]”<sup>30</sup>.

Por otro lado, en 2007, con motivo del A o Internacional de Solidaridad con el pueblo Saharaui, el Parlament de Catalunya realizar  una declaraci n en la que volver  a pedir la libre determinaci n del pueblo del S hara Occidental, as  como la realizaci n de un refer ndum y soluciones para su situaci n<sup>31</sup>.

A partir de 2008, desde la Generalitat, se incrementar  la financiaci n de proyectos destinados a incrementar las actividades relativas a la educaci n y sensibilizaci n de la sociedad catalana ante la cooperaci n y la solidaridad internacional. En este caso, una de las entidades financiadas ser  Diomira Barcelona junto a su campa a de sensibilizaci n de la poblaci n catalana sobre la necesidad de ayudar al pueblo saharau . Tambi n, se proporcionar  ayuda a la Associaci  Fam lies Solid ries Nens Saharauis de Hospitalet de Llobregat, con la donaci n de v h culos para el transporte urgente entre wilayas y la mejora de las condiciones; para la Fundaci  Lleida Solid ria con la mejora de las condiciones e infraestructuras de los campos de refugiados.

Entre 2008 y 2010, se observan nuevas cuestiones planteadas por parte de los parlamentarios referentes a visitas de personalidades saharauis y marroqu es para que expliquen la situaci n del Sahara. Debemos remarcar el convenio de colaboraci n<sup>32</sup> firmado entre Catalunya y el Frente Polisario con el objetivo de atender las necesidades de la poblaci n saharau  con proyectos de cooperaci n, de asistencia humanitaria y de sensibilizaci n<sup>33</sup>. En 2009, adem s, durante la huelga de hambre de la activista saharau  Aminatu Haidar, el Parlament redactar  una declaraci n sobre su situaci n, denunciando la violaci n de los derechos humanos e instando al Gobierno del Estado espa ol a tomar medidas frente a dicha cuesti n<sup>34</sup>. Los derechos humanos junto a este caso dar an lugar a una propuesta directa por parte del Intergrup de la Pau i la Llibertat al S hara de una resoluci n sobre la violaci n de los derechos humanos del pueblo saharau , que se cristalizar  con la Resoluci n 724/VIII del Parlament de Catalunya, sobre el respeto de los derechos humanos y las libertades de la poblaci n del S hara Occidental<sup>35</sup>.

Entre 2011 y 2012, surgir n diversas propuestas de resoluci n con referencia a los derechos humanos, as  como al derecho de la autodeterminaci n. Finalmente, se aprobar n la Resoluci n 60/IX sobre la situaci n del S hara en la que “reitera [...] el derecho a la autodeterminaci n del pueblo saharau , y tambi n del cumplimiento de la legalidad internacional y de las

*A partir de 2008, desde la Generalitat, se incrementar  la financiaci n de proyectos destinados a incrementar las actividades relativas a la educaci n y sensibilizaci n de la sociedad catalana ante la cooperaci n y la solidaridad internacional*

30 Declaraci n institucional del Parlament de Catalunya amb motiu dels darrers esdeveniments al S hara Occidental, Palau del Parlament de Catalunya, 30 de juny de 2005.

31 Butllet  oficial del Parlament, Legislatura VIII, N 174, 3 de desembre de 2007.

32 Existe otro convenio firmado el 21 de abril de 2005, con el objetivo de apoyar las iniciativas a favor de la paz y en busca de una soluci n justa para la poblaci n refugiada.

33 “La Generalitat refor a la seva col·laboraci  amb el Front Polisario per atendre les necessitats de la poblaci  saharau ”, Sala de premsa Generalitat de Catalunya [en l nea], 2009. Disponible en [http://premsa.gencat.cat/pres\\_fsvp/AppJava/notapremsavw/94402/ca/generalitat-reforca-collaboracio-front-polisario-atendre-necessitats-poblacio-sahraui.do](http://premsa.gencat.cat/pres_fsvp/AppJava/notapremsavw/94402/ca/generalitat-reforca-collaboracio-front-polisario-atendre-necessitats-poblacio-sahraui.do) [Consultado el 28/06/2017].

34 Declaraci n de la Junta de Portaveus del Parlament de Catalunya sobre la situaci n de l'activista saharau  Aminatu Haidar, Tram. 401-00044/08,9 de desembre de 2009. In Butllet  Oficial del Parlament, Legislatura VIII, N 593, 9 de desembre de 2009.

35 Res 724/VIII, del Parlament de Catalunya, sobre el respecte dels drets humans i les llibertats de la poblaci n del S hara Occidental, Tram. 250-02777/08, Sess n n m 27.03.06.2010, DSPC-C 860, BOPC 743.

resoluciones de las Naciones Unidas, incluida la relativa a la celebración del referéndum de autodeterminación<sup>36</sup>, y la Resolución 91/X sobre el respecto de los Derechos Humanos i las libertades de la población del Sáhara Occidental, en la que “ratifica la disposición abierta a colaborar para encontrar una solución justa y definitiva [...], que respete el derecho del pueblo saharauí de poder elegir su futuro a través de un referéndum”<sup>37</sup>. Además, sería aprobada la Resolución 162/IX<sup>38</sup> sobre la Minurso para que asuma la protección de los derechos humanos en el Sáhara, la resolución 605/IX<sup>39</sup> sobre las gestiones con el Gobierno de España para la formalización de relaciones diplomáticas con el Frente Polisario, único representante del Sáhara, y la resolución 730/IX<sup>40</sup> en apoyo a las actuaciones de protección de los derechos humanos en dicho territorio.

A partir de 2013, otras resoluciones aparecerán sobre la mesa en referencia al Sáhara<sup>41</sup>, como la Resolución 719/X<sup>42</sup> (2014) de apoyo al Derecho a la Autodeterminación del Sahara Occidental, a partir de la cual insta al Gobierno a “mostrar una actitud decidida y firme en la defensa del derecho del pueblo saharauí a la autodeterminación”<sup>43</sup>. Por otro lado, también propondrán resoluciones relativas a temas de solidaridad como la Resolución 1037/X<sup>44</sup> (2015) y la Resolución 357/XI<sup>45</sup> (2016), así como la declaración institucional de solidaridad por la catástrofe humanitaria en los campamentos de Tinduf<sup>46</sup>.

En 2014, se observa cierta tensión a partir de la interpelación del Grup Parlamentari d’Iniciativa per Catalunya Verds-Esquerra Unida i Alternativa, publicado en el Boletín del 2 de julio de 2014<sup>47</sup>, frente a la Interpelación del Gobierno sobre la política de acción exterior (tram-300/00188/10). En esta, se considera que el gobierno de Catalunya ha mantenido una “actitud pasiva, cuando no cómplice”, a lo largo de las diversas legislaturas, con gobiernos como el de Marruecos. Con referencia al caso saharauí, el 22 de abril de 2015, el gobierno presentaría el

36 Res 60/IX del Parlament de Catalunya, sobre la situació del Sàhara Occidental. Tram. 250-00174/09, Sessió nú, 3, 04.05.2011, DSPC-C 71.

37 Res 91/X del Parlament de Catalunya, sobre el respecte dels drets humans i les llibertats de la població del Sàhara Occidental, Tram. 250-00144/09, Sessió nú, 3, 26/05/2011, DDSPC-C83.

38 Res 160/IX del Parlament de Catalunya, sobre el reforçament de les actuacions de cooperació al desenvolupament i de construcció de la pau amb Palestina, Tram- 250-00257/09, Sessió núm. 4, 01.0702011, DSPC-C 112.

39 Res 605/IX, del Parlament de Catalunya, sobre les gestions amb el Govern de l’Estat per a la formalització de relacions diplomàtiques amb el Front Polisario, Tram 250-00923/09, Sessió núm. 9, 17.05.2012, DSPC-C 318.

40 Res 730/IX del Parlament de Catalunya, de suport a les actuacions per a la protecció dels drets humans al Sàhara Occidental, Tram. 250-01103/09, Sessió núm. 14, 13.97.2012, DSPC-C 375.

41 Proposta resolució sobre la llibertat desl presos polítics saharauís al Marroc i el garantiment dels drets fundamentals del poble saharauí, finalmente retirada. Butlletí Oficial del Parlament, Legislatura X, N° 149, 23 de setembre de 2013.

42 Res 719/X de suport al dret d’Autodeterminació del Sàhara Occidental, Tram. 250-00991/10, Sessió núm. 15, 20.06.2014, DSPC-C 442.

43 Butlletí oficial del Parlament, Legislatura X, N°101, 17 de juny de 2013.

44 Res 1037/X, del Parlament de Catalunya de solidaritat amb el poble sahrauí i de suport al seu dret a l’autodeterminació, Tram. 250-01578/10, Sessió 27, 29.05.2015, DSPC-C 728.

45 Res 357/XI del Parlament de Catalunya, sobre la mort de l’activista Brahim Saïka, Tram. 250-00393/11, Sessió Núm. 13, 03.11.2016, DSPC-C 241.

46 Declaració del Parlament de Catalunya de solidaritat amb els refugiats sahrauís amb motiu de la catàstrofe humanitària als campaments algerians de Tindouf, Tram. 401-00004/11, 02 de març de 2016.

47 Butlletí Oficial del Parlament de Catalunya, Legislatura X, N° 350, 2 de julio de 2014.



Pla Director del Marroc<sup>48</sup>, planteando diversas cuestiones dentro del Parlament sobre el respeto de las fronteras del Sáhara durante la legislación de este plan. Además, Catalunya pretendería reforzar el sector empresarial en Marruecos, y se plantea si en un futuro habrá lugar a un Pla Director del Sáhara Occidental “dado que es un territorio preferente, que como Catalunya tiene pendiente la celebración de un referéndum de autodeterminación”<sup>49</sup>.

#### 4.2. Ejemplos específicos de decisiones y asociaciones del Parlament (II): Palestina, un segundo caso de apoyo a la protodiplomacia de la Generalitat a través del caso palestino

Como ya se ha explicado con anterioridad, la primera vez que se escuchará hablar de Palestina será en 2003<sup>50</sup>. Del mismo modo, en 2006 y siguiendo con la idea de la Cumbre de 1995, Palestina aparecerá individualmente, con estatuto de país, al contrario que en el caso del Sáhara. Del mismo modo ocurrirá en la realización de la Asamblea de la Red Euromediterránea por los Derechos Humanos<sup>51</sup>.

En cuanto a acciones directas en el territorio, en 2005 una delegación del Parlament Catalán de observadores internacionales sería desplazada a Palestina en vista de las elecciones presidenciales, siendo la primera vez que la Generalitat de Cataluña constituiría una delegación de observadores internacionales al margen del gobierno central de España. Los integrantes de dicha delegación fueron Pere Vilanova, Jaume Saura, Julián Artacho, Jordi Vaquer, Esmeralda Francisco, Tamyko Ysa, Josefina Cambra (CiU), Antoni Comin (PSC-CpC), Pilar Dellunde (ERC), Rafael López (PPC), Dolors Camats (ICV)<sup>52</sup>. Tras las elecciones realizadas en Palestina, Cataluña continuará cooperando para el buen desarrollo y paz en el territorio. Por otro lado, ese mismo año, desde el 19 al 22 de mayo, el presidente de la Generalitat, Pasqual Maragall, visitaría Israel, Palestina y Jordania. El resultado de este evento fue la adquisición de empresas de origen israelí como Maquinaria Canigo, Klein Iberica o Espancid<sup>53</sup>, entre otras, además de cooperación tecnológica y de investigación en ámbitos de interés común, favoreciendo al desarrollo de la economía catalana.

*En 2005 una delegación del Parlament Catalán sería desplazada a Palestina, siendo la primera vez que la Generalitat constituiría una delegación al margen del gobierno central de España*

48 Acuerdo GOV/122/2014, de 15 de septiembre, por el que se aprueba el Plan Marruecos 2014-2017 del Gobierno de la Generalitat de Cataluña, Diari Oficial de la Generalitat de Catalunya, Núm. 6708-17.9.2014. Disponible en <http://portaldogc.gencat.cat/utillsEADOP/PDF/6708/1371893.pdf> [Consultado el 29/06/2017].

49 Butlletí oficial del Parlament, Legislatura X, N° 602, 16 de juny de 2015.

50 Ver apartado 3.

51 Butlletí Oficial del Parlament de Catalunya, Legislatura VII, N° 439, 6 d'abril de 2009; N° 486, 15 de juny de 2009.

52 Observadores catalanes asisten a las elecciones palestinas. *El País* [en línea], 2005. Disponible en: [http://elpais.com/diario/2005/01/07/catalunya/1105063643\\_850215.html](http://elpais.com/diario/2005/01/07/catalunya/1105063643_850215.html) [Consultado el 27/97/2017].

53 Butlletí Oficial del Parlament, Legislatura VII, N° 206, 5 de juliol de 2005; Legislatura VII, N°207, 5 de juliol de 2005.

Del mismo que con el Sáhara, en 2007 con la Resolución 66/VIII<sup>54</sup> y posteriormente en la Resolución 754/VIII<sup>55</sup> (2010), Palestina aparecerá en las prioridades geográficas en el Plan Director de Cooperación al Desarrollo. Pero, en la resolución de 2010, en cuanto a los valores referentes a los derechos de los pueblos, no será nombrada Palestina, sometido por Israel.

En 2008, del mismo modo que el Sáhara, Palestina<sup>56</sup>, también se subvencionaría el Servei Civil Internacional-SCI, junto a su programa de formación en periodismo, por un lado, y por otro, tanto en Israel como en Palestina, el encuentro de mujeres catalanas y palestinas de Israel, que subvencionaría estancias de solidaridad en países y pueblos en vías de desarrollo. Por otro lado, otra de las entidades subvencionadas sería Nexes Interculturals de Joves per Europa, en la que estarían países como Siria, Líbano, Jordania, Israel y Palestina, junto a Catalunya en el proyecto Follow the women-Women for peace, y el proyecto AMAL-TIKVA, en el que el principal protagonista para abrir conciencias sería el vídeo social como herramienta de documentación y resistencia pacífica. También, la Xarxa d'enllaç amb Palestina, proyecto en el que se pide un proceso de paz justo para Palestina<sup>57</sup>. En 2009, también se concederán contratos para la evaluación del centro médico de Belt Sahour en Palestina y para el apoyo psicosocial en 19 campos de refugiados de Cisjordania<sup>58</sup>.

Entre 2008 y 2010, en el caso de Palestina, a lo largo de estos años, también se solicitaría desde el Parlamento, la comparecencia de diversas personalidades palestinas para informar acerca de los territorios ocupados, las propuestas de resistencia popular y pacífica así como las actividades de los movimientos internacionales de solidaridad<sup>59</sup>. Además, en uno de los viajes oficiales a Israel, se estudiarían los avances para la cooperación entre ambos países, así como participarían en el encuentro de Donantes y Huéspedes de Agencia de las Naciones Unidas para la Ayuda a los Refugiados de Palestina en Oriente Próximo, y en la Mesa de Donantes de la Agencia de las Naciones Unidas para la Ayuda a los Refugiados de Palestina en el Próximo Oriente (UNRWA), fortaleciendo su compromiso con el pueblo palestino<sup>60</sup>. Del mismo modo que en el caso de Aminatu Haidar, el Parlament también reaccionaría frente al ataque, en 2010, del ejército israelí a la Flota de la Libertad formada por un convoy internacional de nueve barcos con ayuda humanitaria destinada a la Franja de Gaza<sup>61</sup>.

Entre 2011 y 2012, en cuanto a Palestina, tan solo consta una propuesta referente al reconocimiento del estado palestino y la aprobación de la Resolución 160/IX sobre el reforzamiento de las actuaciones de cooperación y paz en Palestina<sup>62</sup>. Un dato interesante

*El hecho de comerciar con Israel y al mismo tiempo pedir la autodeterminación para Palestina, es justificado por Catalunya como su estrategia para contribuir en el conflicto y la paz del Oriente Medio con una política de diálogo con las dos vertientes*

54 Res 66/VIII del Parlament de Catalunya, sobre el Plan director de cooperació al desenvolupament 2007-2010, Núm. exp.: 259-00001/08.

55 Res 754/VIII del Parlament de Catalunya, per la qual s'aprova el Pla director de cooperació al desenvolupament 2011-2014, Núm. exp.: 259-00003/08, 22 de juliol de 2010.

56 En 2007, el director de l'Agència Catalana de Cooperació al Desenvolupament, realitzaria un viatge de seguiment de projectes a Palestina. Butlletí oficial del Parlament, Legislatura VIII, N° 331, 14 d'octubre de 2008.

57 Butlletí oficial del Parlament, Legislatura VIII, N° 211, 12 de febrer de 2008.

58 Butlletí oficial del Parlament, Legislatura VIII, N°490, 19 de juny de 2009.

59 Butlletí oficial del Parlament, Legislatura VIII, N° 537, 24 de novembre de 2008; N° 369, 9 de desembre de 2008.

60 Butlletí Oficial del Parlament, Legislatura VIII, N°399, 10 de febrer de 2009.

61 Butlletí Oficial del Parlament, Legislatura VIII, N° 732, 7 de juny de 2010. Declaració de la Junta de Portaveus del Parlament de Catalunya de condemna de l'atac de l'exèrcit d'Israel a la Flota per la Llibertat, Tra. 401-00050/08.

62 Res 160/IX del Parlament de Catalunya, sobre el reforçament de les actuacions de cooperació al desenvolupament i de construcció de la pau amb Palestina, Tram. 250-00257/09, Sessió núm. 4, 01.07.2011, DSPC-C 112.

dentro de este periodo sería uno de los datos extraídos de la Propuesta de resolución sobre la oficialidad de las selecciones deportivas catalanas, en la que ERC, habla de “naciones o países que, todo y no disponer de Estado propio, pueden competir de igual a igual con federaciones de otros países como, [...] Palestina [...]”<sup>63</sup>.

A partir de 2013, se redactará una declaración por parte de la Junta de portavoces del Parlament de Catalunya apoyando el fin de la ofensiva en Gaza y los ataques de grupos armados palestinos contra Israel. Como consecuencia de la intensificación del conflicto, se admitiría la Resolución 843/X sobre ayuda humanitaria en la Franja de Gaza<sup>64</sup> y la Resolución 12/XI sobre el conflicto y la situación de los refugiados<sup>65</sup>.

El hecho de comerciar con Israel y al mismo tiempo pedir la autodeterminación para Palestina, es justificado por Catalunya como su estrategia para contribuir en el conflicto y la paz del Oriente Medio con una política de diálogo con las dos vertientes. Además, la Generalitat de Catalunya ha conseguido colaborar tanto a niveles administrativos como puede ser la Autoridad Nacional de Palestina o el Ayuntamiento de Gaza, y con agencias internacionales, como la UNRWA u ONG locales<sup>66</sup>. En el mismo caso, en 2014, BOC del 2 de julio de 2014<sup>67</sup> (tram-300/00188/10), se señalará la relación del Govern con Israel a partir de acuerdos y relaciones económicas y políticas, señalando que el presidente Mas había declarado que “Israel es un compañero de viaje claramente escogido por Cataluña”.

Por otro lado, cabe subrayar que, en 2013, tras la visita del expresidente Mas a Israel, se intensificarían los acuerdos y relaciones con el Gobierno de Israel. Mas, recientemente en 2015, catalogaría dicho país como el “compañero de viaje claramente elegido por Catalunya” y destacaría que los israelíes “conocen muy bien qué es construir un Estado y luchar para preservar una lengua y una identidad”<sup>68</sup>, mientras que, en 2011, hablaría de Palestina, como un país que entienden del mismo modo que Catalunya, a los pueblos que desean vivir “en libertad, paz y prosperidad”<sup>69</sup>. La política de colaboración empresarial con empresas de seguridad<sup>70</sup> Israel y Catalunya, así como de otro tipo de negocios o intereses como los llevados con Marruecos, refuerza y además legitima la ocupación y la violación sistemática de los derechos de ambos pueblos. Por esta razón, tras la visita al Estado israelí, Mas se reuniría con la comunidad palestina

63 Proposta de resolució sobre l'oficialitat de les seleccions esportives catalanes. Butlletí oficial del Parlament, Legislatura IX, N° 325, 30 de maig de 2012.

64 Res 843/X del Parlament de Catalunya, d'ajut humanitari a la Franja de Gaza, Tram. 250-012223/10, Sessió núm. 19, 24.10.2014, DSPC-C 518.

65 Res 12/X del Parlament de Catalunya, sobre el conflicte entre Israel i Palestina i sobre la situació dels refugiats afectats pel conflicte bèl·lic a Síria, Tram. 250-00038/11, Sessió núm. 3, 25.02.2016, DSPC-C 49.

66 Butlletí, *Op.Cit.*, 2005.

67 Butlletí, *Op.Cit.*, 2014.

68 Sabé Mar. Mas convida Israel a convertir-se en el company de viatge de Catalunya. *El Món* [en línia], Setembre de 2015. Disponible en <http://elmon.cat/noticia/96926/index.html> [Consultat el 28 de juliol de 2017].

69 President Mas: “Catalunya i Palestina entenen perfectament aquells pobles que desitgen viure en llibertat, pau i prosperitat”, *Generalitat de Catalunya, president.cat* [en línia], Juliol 2011. Disponible en [http://www.president.cat/pres\\_gov/AppJava/president/notespremsa/116791/president-mas-catalunya-palestina-entenen-perfectament-pobles-desitgen-viure-llibertat-pau-prosperitat.html](http://www.president.cat/pres_gov/AppJava/president/notespremsa/116791/president-mas-catalunya-palestina-entenen-perfectament-pobles-desitgen-viure-llibertat-pau-prosperitat.html) [Consultat el 28/06/2017].

70 Como el envío de Agentes de los Mossos d'Esquadra quiénes han recibido instrucciones en Israel sobre técnicas de seguridad ciudadana. Bou, David, “Agents dels Mossos d'Esquadra reben instrucció a Israel sobre tècniques de seguretat ciutadana”, *Directa* [en línia], Febrer de 2014. Disponible en <https://directa.cat/agents-dels-mossos-desquadra-reben-instrucci%C3%B3-israel-sobre-t%C3%A8cniques-de-seguretat-ciutadana> [Consultado el 28/06/2017].

en Catalunya, para rebajar posibles tensiones provocadas por el viaje<sup>71</sup>. Muchos opinarán que el gobierno catalán está sometido bajo la influencia de Israel, como se puede observar en uno de los debates ocurridos en el Parlament como consecuencia de la prohibición de la entrada de banderas y pancartas palestinas a un partido de básquet en el que jugaban C. Barcelona y el Maccabi Tel Aviv<sup>72</sup>.

El último dato sobre las acciones dirigidas hacia Palestina es la creación en 2016 del Intergrupo de Palestina, pero sus actividades no entran en nuestro periodo de estudio<sup>73</sup>.

## 5. El porqué de las diferencias entre los partidos políticos

En julio de 2014 el Parlament rechazó el derecho de autodeterminación de palestinos, kurdos y saharauis presentado a través de una moción de ICV. ICV-IUiA se posicionaría a favor de Palestina, saharauis y kurdos, mientras que CiU y PPC estarían en contra. Por otro lado, el PSC votaría a favor de los palestinos y los saharauis mientras que Cs tan solo saharauis. No obstante, tras los debates y votaciones realizadas, no se produciría un consenso al respecto.

A partir de estos datos, nos preguntamos por qué existen estas diferencias entre partidos dependiendo de los pueblos a los que se dirija la iniciativa. No obstante, en el caso de Palestina, la cuestión podría plantear divergencias entre CDC (Convergència Democràtica de Catalunya, actual PDeCAT) y ERC, ya que los primeros han demostrado en diversas ocasiones su afinidad o apoyo hacia Israel, como ya ha sido mencionado en el apartado de Palestina. También ocurriría en el caso del Sáhara y las relaciones del Govern con Marruecos.

En cuanto a CiU y PPC, se sitúan en contra del proceso de autodeterminación de los palestinos, el reconocimiento del derecho a la autodeterminación de los kurdos y el proceso de referéndum en el Sáhara occidental. En el caso del PPC está clara su posición ya que no bascula en ningún caso la idea del independentismo. No obstante, si analizamos a CiU, definido como un partido nacionalista catalán (que se disolverá en 2015), votarían en contra de un proceso que posteriormente ellos defenderían para Cataluña entre 2010 y 2015 con su apuesta independentista. Ahora bien, su posicionamiento fue argumentado explicando que ellos pedían el derecho a la autodeterminación de todos los pueblos, y no tan solo de estos tres.

Durante la interpelación al Govern sobre la política de acción exterior, Sara Vilà Galan, del Grupo Iniciativa Verds-Esquerra Unida i Alternativa, expondría que dicha moción es “una moción de todos” y no solo de su propio partido y reclamaría la desvinculación del Govern en las actividades y acuerdos relacionados en Israel, “o que por lo menos se expliquen con transparencia”. Por otro lado, el uso de términos como “Israel es un *apartheid* como lo era Sudáfrica” no ayudaría a un consenso entre los parlamentarios. Así, Ferran Pedret i Santos, del PSC, haría referencia a la gran parte de conflictos que hoy en día se producen en el mundo concluyendo que hay que proteger a todos. Jordi Solé i Ferrando, de ERC, siguiendo en la línea

*En julio de 2014 el Parlament rechazó el derecho de autodeterminación de palestinos, kurdos y saharauis presentado a través de una moción de ICV*

71 “Mas s’ha reunit amb la comunitat palestina a Catalunya després del viatge a Israel” *El Punt Avui* [en línea], diciembre 2013. Disponible en: <http://www.elpuntavui.cat/article/3-politica/17-politica/699150-mas-sha-reunit-amb-la-comunitat-palestina-a-catalunya-despres-del-viatge-a-israel.html> [Consultado el 28/06/2017].

72 Butlletí oficial del Parlament, Legislatura X, N°522, 24 de març de 2015; preguntas planteadas en el N° 532, 8 d’abril de 2015; respuesta del gobierno en el N° 568, 12 maig 2015.

73 Ver por ejemplo, Maite Gutiérrez, El Parlament analizará la situación de Palestina, *La Vanguardia*, 25/02/16.

de Sara Vilà Galan, expondría que: “Nosotros entendemos que nuestro país [Cataluña] ha de tener vínculos institucionales, comerciales, universitarios, etcétera con Israel, pero también entendemos que no se pueden cruzar líneas rojas marcadas por la comunidad internacional”, confirmando su posicionamiento hacia la mayoría de puntos de la moción dirigidos al derecho a la autodeterminación de dichos pueblos. En cuanto a José María Espejo-Saavedra Conesa, de Cs, recordará que Cataluña solo puede llevar a cabo acción exterior y no política exterior como está reconocido en el Estatuto de autonomía, acusando al Govern de querer “jugar a los estados” al intentar resolver estos conflictos sin pasar antes por las normativas del Gobierno central de España. Hace referencia al caso kurdo al exponer que, según dicha moción, se exige al Govern intervenir en el conflicto y no al Gobierno español. Además, votará a favor del pueblo saharauí, aunque para ellos el que deberá manejar la situación es el Gobierno central.

Por otro lado, Mireia Canals i Botines, de CiU, expondría la negativa de su partido frente a dicha moción al estar “dirigida a desestabilizar el gobierno de la Generalitat”, aunque sí que reconocen el derecho a la autodeterminación y, al estar basada en un proyecto de ley sobre política exterior que no había sido todavía debatido. No obstante, argumentaría que “ni este Parlament ni el Govern de la Generalitat deben pretender resolver por nosotros todo aquello que representan los conflictos incluidos en esta moción”, además, argumenta que hoy en día lo que único que el Parlament puede hacer es una “contribución declarativa” porque a nivel internacional no tienen presencia ya que “lamentablemente” no son un Estado. En este caso, CiU se posicionará en contra ya que no están de acuerdo en la manera en la que ICV-EUiA quiere dirigir la política exterior de Cataluña, ya que tienen que pensar en promover una política “menos declarativa para quedar bien y más incisiva y proactiva para el futuro [...] por lo que son y por lo que quieren llegar a ser”. Desde el PP, con Juan Milián Querol, acusarán a ICV-EUiA de defender los derechos de unos países y no de otros (como el caso de Venezuela) y de no respetar el trabajo del Intergrupo sobre el Sáhara Occidental, negándose por completo a aceptar la moción propuesta, al argumentar que sus propuestas son “hipócritas”. El grupo mixto, por su parte, con Quim Arrufat Ibáñez, se posicionará favorable a tales medidas defendiendo el derecho a los pueblos a decidir.

En resumen, para el PP y Cs no existe la opción de comportarse como un Estado aplicando dichas mociones en un gobierno autonómico, mientras que para CiU, todavía quedaba mucho que construir en la política exterior catalana para poder actuar de dicha manera. El PSC no estaría de acuerdo en que la propuesta se concentrase en dichos temas y no incluir más. No obstante, para partidos como ERC, ICV y el grupo mixto, por delante de todo está la defensa de los derechos principales de los ciudadanos y el derecho a decidir democráticamente.

## 6. A modo de conclusión

Para comprender el uso de la palabra autodeterminación en la estructura política catalana, hemos analizado discursos, debates y boletines del Parlament catalán. Además de que las propuestas realizadas por partidos han sido tratadas desde los diversos discursos políticos, a favor o en contra de la independencia, hay que tener en cuenta también el momento y las actividades exteriores que se han producido a lo largo de este periodo.

Tras este análisis, podemos concluir que nos encontramos ante un caso claro de protodiplomacia desde el año 2003 hasta la actualidad. Este cambio de paradiplomacia a protodiplomacia significa que hoy en día los partidos políticos catalanes han instrumentalizado otros reclamos de

*El nacionalismo catalán ha expresado su sensibilización hacia las naciones sin Estado, así como al derecho a la autodeterminación, como en el caso del Sáhara occidental y Palestina, aunque también se posicionan hacia otros territorios como el kurdo*

autodeterminación dentro de los movimientos de independencia para promover, o al contrario limitar, cualquier demanda similar en Cataluña. Así este estudio contextualizado entre 2003 y 2016, muestra que existe un claro posicionamiento a favor de la independencia catalana, pero también una posición en contra que justifica la postura de todos los partidos políticos catalanes sobre las cuestiones de autodeterminación en el Sáhara Occidental y en Palestina.

Este artículo muestra que, a largo de estos años, el nacionalismo catalán ha expresado su sensibilización hacia las naciones sin Estado, así como al derecho a la autodeterminación, como en el caso del Sáhara occidental y Palestina, aunque también se posicionan hacia otros territorios como el kurdo. No obstante, a partir de este análisis se puede observar que además no existe un acuerdo entre los partidos políticos como consecuencia de sus diferencias sobre el estatuto deseado para la misma Cataluña.

Este trabajo es, hasta cierto punto, un *pilot-study* que abre la vía a más estudios sobre estos temas en el futuro. Tanto serán necesarias más aproximaciones cuantitativas como especialmente cualitativas.

## Bibliografía

- Aldecoa Luzárraga, F., & Keating, M. (1999). *Paradiplomacy in Action: The Foreign Relations of Subnational Governments*. London: Cass.
- Bayne, N., & Woolcock, S. (2011). *The New Economic Diplomacy Decision-Making and Negotiation in International Economic Relations*. Farnham: Ashgate.
- Bizoux, A. (2006). *Catalogne: L'Émergence d'une Politique Extérieure*. Strasbourg: Université Institut d'études politiques de Strasbourg.
- Bursens, P., & Högenauer, A-L. (2017). Regional parliaments in the EU multilevel parliamentary system. *The Journal of Legislative Studies*, 1-17.
- Cofelice, A. (2012). Interregional Parliamentary Assemblies: A New Layer in the Multilevel Global Governance System. In L. Bekemans (Ed.), *Intercultural Dialogue and Multilevel Governance in Europe: A Human Rights Based Approach* (pp. 291-292). Brussels: P.I.E. Peter Lang.
- Cofelice, A., & Stavridis, S. (2017). *Mapping the proliferation of parliamentary actors in the Mediterranean: facilitating or hindering cooperation?* IAI Working Paper, Rome, April: <http://www.iai.it/en/publicazioni/mapping-proliferation-parliamentary-actors-mediterranean>
- Cornago, N. (2010). On the normalization of sub-state diplomacy. *The Hague Journal of Diplomacy*, 5(1-2), 11-36.
- Costa, O., Dri, C., & Stavridis S. (Eds.). (2013). *Parliamentary Dimensions of Regionalization and Globalization*. Basingstoke: Palgrave Macmillan.
- Criekemans, D. (2010). Regional sub-state diplomacy from a comparative perspective: Quebec, Scotland, Bavaria, Catalonia. *The Hague Journal of Diplomacy*, 5(1-2), 37-64.
- Crum, B., & Fossum, J. E. (Eds.). (2013). *Practices of interparliamentary coordination in international politics*. Colchester: ECPR Press.
- De Castro, J-L., y Ugalde Zubiri, A. (2004). *La acción exterior del País Vasco (1980-2003)*. Bilbao: Instituto Vasco de Administración Pública.

- De Castro, J-L., y Ugalde Zubiri, A. (2011). *Anuario sobre la acción exterior de Euskadi 2008 y 2009*. Oñati: IVAP.
- De Puig, L. M. (2008). *International Parliaments*. Strasbourg: Council of Europe Publishing.
- Feliu, L., & Serra, F. (2016). Catalan Parliamentary Diplomacy toward the Mediterranean. *Mediterranean Quarterly*, 27(4), 119-148.
- García Pérez, R. (2009). *La acción exterior de las Comunidades Autónomas en las reformas estatutarias*. Madrid: Tecnos.
- Hocking, B. (2011). Non-State Actors and the Transformation of Diplomacy. In B. Reinalda (Ed.), *The Ashgate Research Companion to Non-State Actors* (pp. 225-236). Farnham: Ashgate.
- Huliaras, A., & Tzifakis, N. (2010). Celebrity Activism in International Relations: In Search of a Framework for Analysis. *Global Society*, 24(2), 255-274.
- Jancic, D. (2015). Globalizing Representative Democracy: The Emergence of Multilayered International Parliamentarism. *Hastings International and Comparative Law Review*, 38(2), 197-242.
- Kissling C. (2011), *The Legal and Political Status of International Parliamentary Institutions*. Berlin: Committee for a Democratic U.N.
- Kitsou, S. (2013). The Power of Culture in Diplomacy: The Case of U.S. Cultural Diplomacy in France and Germany. *Exchange*, 2(1). Retrieved from <https://surface.syr.edu/exchange/vol2/iss1/3/>
- Melissen, J. (2005). *The New Public Diplomacy: Soft Power in International Relations*. Basingstoke: Palgrave Macmillan.
- McHugh, J. T. (2015). Paradiplomacy, protodiplomacy and the foreign policy aspirations of Quebec and other Canadian provinces. *Canadian Foreign Policy Journal*, 21(3), 238-256.
- Noferini, A. (2016). *El Govern de la Generalitat de Catalunya en la Unió Europea. La red de los actores*. IEA-Recerca 2. Barcelona: Generalitat de Catalunya. Institut d'Estudis de l'Autogovern. Recuperado de [http://www.gencat.cat/governacio/pub/sum/iea/ieaR\\_02.pdf](http://www.gencat.cat/governacio/pub/sum/iea/ieaR_02.pdf)
- Oliveira Martins, B. (2015). "A Sense of Urgency": The EU, EU Member States and the Recognition of the Palestinian State. *Mediterranean Politics*, 20(2), 281-287.
- Palermo, F., & Kössler, K. (2017). *Comparative Federalism: Constitutional Arrangements and Case Law*. Oxford: Hart Publishing.
- Paquin, S. (2004). *Paradiplomatie et relations internationales: théorie des stratégies internationales des régions face à la mondialisation*. Bruxelles: Presses Interuniversitaires Européennes.
- Palomares Amat, M. (2011). La participación del parlamento de Cataluña en la aplicación y el control del principio de subsidiariedad. *Revista de Derecho Comunitario Europeo*, 38. Recuperado de [http://www.catalunyaeuropa.net/img/pdf/Miquel\\_Palomares\\_2.pdf](http://www.catalunyaeuropa.net/img/pdf/Miquel_Palomares_2.pdf)
- Palomares Amat, M. (2016). *La participació del Parlament de Catalunya en l'Assemblea Parlamentària de la Francofonia/ La participation du Parlement de Catalogne à l'Assemblée parlementaire de la Francophonie*. Barcelona: Parlament de Catalunya, Testimonis Parlamentaris 37. Recuperado de [http://apf.francophonie.org/IMG/pdf/la\\_participation\\_du\\_parlement\\_de\\_catalogne\\_a\\_l\\_assemblee\\_parlementaire\\_de\\_la\\_francophonie\\_.pdf](http://apf.francophonie.org/IMG/pdf/la_participation_du_parlement_de_catalogne_a_l_assemblee_parlementaire_de_la_francophonie_.pdf)

- Pasquier, R. (2012). Quand le local rencontre le global: contours et enjeux de l'action internationale des collectivités territoriales. *Revue française d'administration publique*, 141, 167-182.
- Piazzì, S. (2015). Contribution by Ambassador Sergio Piazzì, Secretary General of the Parliamentary Assembly of the Mediterranean (PAM) on the occasion of the conference: *South East European cooperation process parliamentary assembly – regional synergies, strategic cooperation and parliamentary diplomacy* (Sofia, Bulgaria, 6 november 2015).
- Reinalda, B. (Ed.). (2011). *The Ashgate Research Companion to Non-State Actors*. Farnham: Ashgate.
- Sabic, Z. (2008). Building Democratic and Responsible Global Governance: The Role of International Parliamentary Institutions. *Parliamentary Affairs*, 61(2), 255-271.
- Skoutaris, N. (2012). Comparing the Subnational Constitutional Space of the European Sub-State Entities in the Area of Foreign Affairs. *Perspectives on Federalism*, 4(2). Retrieved from [http://www.onfederalism.eu/attachments/142\\_download.pdf](http://www.onfederalism.eu/attachments/142_download.pdf)
- Stavridis, S. (2016). Conference sur “La diplomatie parlementaire dans l'espace méditerranéen: quel impact?”. *Séminaire régional de l'Organisation Internationale de la Francophonie sur “La diplomatie parlementaire: quel rôle pour les parlements dans les relations internationales?”* Académie Diplomatique de Vienne, 13-17 Juin.
- Stavridis, S., Gianniou, M., & Cofelice, A. (2016). EU National Parliaments and the Recognition of Palestine: “Really” Breaking New Ground or “Just” Adding Further Support? *Comillas Journal of International Relations*, 6, 40-60.
- Stavridis, S., & Jancic, D. (Eds.). (2017). *Parliamentary Diplomacy in European and Global Governance*. Diplomatic Studies Series. Leiden/Boston: Brill Nijhoff.
- Telò, M., Fawcett, L., & Ponjaert, F. (Eds.). (2015). *Interregionalism and the European Union – A Post-Revisionist Approach to Europe's Place in a Changing World*. Ashgate.
- The Hague Journal of Diplomacy* (2013). Volume 8, Special Issue on “Sports Diplomacy”.
- Warleigh, A., Robinson, N., & Rosamond, B. (Eds.). (2013). *New Regionalism and the European Union – Dialogues, comparisons and new research directions*. London: Routledge/ECPR Studies in European Political Science.
- Watson, A. (1982). *Diplomacy – The Dialogue Between States*. London: Methuen.
- Weisglas, F., & de Boer, G. (2007). Parliamentary Diplomacy. *The Hague Journal of Diplomacy*, 2(1), 93-99.
- Wolff, S. (2007). Paradiplomacy. Scope, Opportunities and Challenges. *The SAIS Europe Journal*. Retrieved from <http://www.saisjournal.org/posts/paradiplomacy>





# THE PERIOD AFTER 2002: THE TIGHTENING OF RELATIONS BETWEEN IRAN AND TURKEY AND THE FUTURE PROSPECTS

## La fase después de 2002: el refortalecimiento de las relaciones Irán-Turquía y las perspectivas de futuro

**Charalambos Tsardanidis**

Associate Professor. Department of Mediterranean Studies. University of the Aegean Rhodes and Director. Institute of International Economic Relations. Athens

E-mail: [tsardanidis@aegean.gr](mailto:tsardanidis@aegean.gr)



**Autores**

The course of Iran-Turkey relations over the past thirty years, reflects in some way two wider global changes. First, the reduction of securitization for the sake of economic cooperation, and second, the increasing importance of regional co-operation as a result of the emergence of a multi-polar world. The tightening of Turkey's relations with Iran began to strengthen after 2002. The reasons that led to this empowerment were the following: first, the rise to power of the moderate Islamic Justice and Development Party (AKP) and the emergence, a bit later, of Recep Tayyip Erdoğan as prime minister. Second, the presence of the United States in Afghanistan and in Iraq. Third, the convergence of Turkey's and Iran's foreign policies of Turkey and Iran on the issues of Middle East. Fourth, Turkey's disappointment with West and the shape of a new foreign policy towards the Middle East. Fifth, economic criteria have also played a role. Intense cooperation between the two states seems to be suspended from 2011 due to certain problems that came up. These problems are: First, Iran's refusal to make economic concessions to Turkey. Secondly, the re-emergence of their prolonged competition in the broadest region of the Middle East, especially after the Arab Spring. However, the most decisive factor in the Iran-Turkey relations proved to be the armed insurgency of the Sunnis against the Syrian regime, although both countries are working together to combat Kurdish nationalism.



**Abstract**

Arab Spring; Iran; Middle East; Turkey; Erdoğan; United States.  
*Primavera árabe; Irán; Oriente Medio; Turquía; Erdoğan; Estados Unidos.*



**Key words**

Recibido: 13-11-2017. Aceptado: 04-04-2018.



**Fechas**

*El curso de las relaciones Irán-Turquía de los últimos treinta años reflejan de alguna manera los dos grandes cambios globales: en primer lugar, la reducción de la securitización en favor de la economía de cooperación y, en segundo lugar, la creciente importancia de la cooperación regional como resultado de la aparición de un mundo multipolar. El refuerzo de las relaciones de Turquía con Irán comenzó a hacerse más fuerte en 2002. Las razones que han llevado a este empoderamiento fueron las siguientes: primera, la llegada al poder del partido moderado Partido de la Justicia y el Desarrollo (AKP) y la aparición, un poco más tarde, de Recep Tayyip Erdoğan como primer ministro. Segunda, la presencia de Estados Unidos en Afganistán e Iraq. Tercera, la convergencia de la política exterior de ambos países con respecto a Oriente Medio. Cuarta, el descontento de Turquía con Occidente y la formación de nuevas políticas exteriores hacia Oriente Medio. Quinta, el criterio económico también ha jugado un papel. La intensa cooperación entre los dos Estados parece que se suspendió en 2011 debido a los problemas que surgieron ese año. Estos problemas son: por un lado Irán se negó a hacer concesiones económicas a Turquía. Por otro lado, el resurgimiento de la competición entre ambos en el mayor territorio de Oriente Medio, sobre todo tras la Primavera árabe. Sin embargo, la insurrección de los Sunitas contra el régimen sirio ha probado ser el factor más decisivo en las relaciones Irán-Turquía, aunque ambos países trabajan junto para combatir el nacionalismo kurdo.*



## 1. Introduction

The course of Iran-Turkey relations over the past thirty years is a sign of two wider global changes: first, the reduction of securitization for the sake of economic cooperation, and second, the increasing importance of regional co-operation as a result of the emergence of a multi-polar world (Hentov, 2012, p. 267).

As Henry Barkey points out, Iran and Turkey, brought together by geography and separated by ideology and regime interests, have had a long history of conflict and co-operation. The two countries have competed for the leadership of the Muslim world since the beginning of the twentieth century and this competition continues even today, at a regional level. The territories they inhabit serve as gateways for both Europe and Asia and, as a result, straddle more than one natural geopolitical subset (Barkey, 1995, p. 147).

Turkey's relations with Iran have been periodically stained since the 1979 revolution. There is an intrinsic ideological antipathy between the Muslim world's most secular state, Turkey, and its self-professed leading theocratic state. Moreover their external behavior has also incorporated Turkey and Iran in different camps: Turkey, a member of NATO and the West, and Iran with a clearly anti-American foreign policy. However, the Iran-Iraq War brought the two countries closer, mainly through the growth of their economic transactions, in the hope of boosting regional stability. Turkey needed, if possible, to create a reasonable co-operative relationship with Iran, for pragmatic political and economic reasons. Outright hostility could have induced the Iranian to give all support the separatist Kurdish PKK. Another reason is that the two states have no significant bilateral dispute, territorial or otherwise. During the last years of the twentieth century the Turkish-Iranian relations had entered into a phase of tension, due to the emerging competition between Turkey and Iran for expanding their influence in the Caucasus area and Central Asia, the impact of the close relationship of Turkey with Israel, the Kurdish issue, their ideological and religious differences and the role of oil and gas pipelines

(Tsardanidis, 2001, p. 24). In spite of that, after 2002, the relations between the two countries became close due to a number of development: in northern Iraq and the common interest to prevent the creation of an independent Kurdish state; the opening of the new Turkish Islamic government of the AKP towards the Muslim world; the emphasis given by the Turkish foreign policy towards the Middle East; and the mutual economic benefits from the impressive increase of the volume of the bilateral trade. However, these relations have been affected negatively in more recent years due to the different approaches Turkey and Iran have adopted over the Arab Spring and, above all, the way of dealing with the civil war in Syria.

## 2. Turkey and Iran: Tightening Relations (2002-2011)

Turkey's relations with Iran began to strengthen after 2002. The reasons that led to this development were the following:

Firstly, the rise to power of the moderate Islamic Justice and Development Party (AKP) and the emergence, a bit later, of Recep Tayyip Erdoğan Prime Minister (Sinkaya, 2012, p. 140). In November 2002, for the first time in the history of Turkey, one Islamic-orientated party gathered enough votes to form a single-party government. The AKP was seeking international recognition and legitimacy and therefore, especially in the first three years of it being in power, its priority was to improve Turkey's relations with the EU and, to a certain extent, with the United States. Nevertheless, the ideological differences between Turkey and Iran were downplayed. Under Erdoğan, the AKP, that was the successor to the Welfare Part of Necmettin Erbakan<sup>1</sup>, managed to avoid the rhetorical extremities of its predecessor, without, however, denying the significance of the Muslim religion in his program, opening the way to cooperation with the states of Middle East and in particular with Iran.

Secondly, the presence of the United States in Afghanistan and in Iraq. Both Ankara and Tehran opposed to the possibility of the creation of an independent Kurdish state as a result of Washington's policies in the area. The American (and the British) presence in Iraq after the fall of Saddam Hussein in 2003 has further intensified the fear of the creation of a federal Kurdish state with pro-American orientation. Iran was concerned about the presence of American troops close to its borders (Afghanistan and Iraq), while at the same time it saw Turkey as a close ally of the United States. For its part, Turkey was equally worried about the the Iraqi Kurds who managed to gain an autonomous status. Having rejected the request from the USA to open a second front against Iraq in the Persian Gulf war of 2003, Turkey was found with limited influence on Iraq and their serious doubts of how Ankara could influence the course of events in the future. In 2003 both Turkey and Iran suffered substantial geopolitical losses throughout the entire Middle East and in northern Iraq their losses were greater, although Iran did have the option of extending its influence among the Shi'a in Iraq (Olson, 2004, p. 212-213). If a civil war had broken out however in Iraq, Turkish could be given the opportunity to invade northern Iraq and to take under its control of the oil-rich Northern Iraq. Such an invasion, however, could have induced a common Iranian-Syrian reaction.

*The American (and the British) presence in Iraq after the fall of Saddam Hussein has intensified the fear of the creation of a federal Kurdish state with pro-American orientation*

<sup>1</sup> Necmettin Erbakan, the long-time leader of Turkey's Islamic political movement, was briefly Prime Minister in the country's first Islamic-led coalition (1996-1997). Despite political bans and party closures, he always re-emerged and never wavered from his belief in an Islamic Turkey.

In the same period, the main concern of Iran's foreign policy was the changing global and regional scene in the wake of the 11<sup>th</sup> September attacks and the US invasions that followed in Afghanistan and Iraq. Iran reacted by deciding to exercise a more aggressive policy in the Middle East. Thus, Iran continued to supply the Palestinian organizations and Hezbollah in Lebanon with weapons, while at the same time it accelerated both its nuclear and its missile systems programs. It also increased its presence in Iraq by collaborating with the army of Mahdi Muqtada al-Sadr, a Shiite clergy, and other revolutionary organizations in Iraq, while it maintained its alliance with Syria. These policies of Iran were tied to its growing isolation by the USA and its allies. So, because of their strong, mutual interest in avoiding the establishment of an independent Kurdistan in northern Iraq and of the potential consequences of a military confrontation in the region, the two countries estimated that it would be better to try to accommodate their heterogeneous interests in northern Iraq. For Turkey, such a pursuit was becoming even easier or even more necessary after its partial disengagement from American influence, which enabled Ankara to try to exert its influence to the Middle East the Arab countries world as well as to Iran.

Thirdly, Turkey's and Iran's foreign policies began to converge on several issues of Middle East. Turkey, until December 2008, sought to assume its role as an intermediate between Syria and Israel, as well between Israel and the Palestinian organization Hamas. After the invasion of Israel to Gaza (December 1998 - January 1999) with the operation "Cast Lead", Turkey made an unprecedented criticism for Israel's policy in the Gaza Strip –while relations between the two countries deteriorated even more after the Israel's attack against the Turkish ship "Mavi Marmara" in May 2010, which participated in an international flotilla that attempted to break the blockage of the Gaza Strip–. Ankara also criticized the possession of nuclear weapons by Israel, as well as the USA's silent acquiescence of it. The Turkish government also defended Iran's right to develop peaceful nuclear technology, especially while Tehran based its nuclear policy on two arguments: the equality of states in relation to the non-proliferation system and the right to gain access to civilian nuclear energy. The Turkish Prime Minister repeatedly stated that Turkey was against the proliferation of nuclear weapons in the region. However, the Turkish government estimated that Iran's civilian nuclear technology was intended to be "exclusively for peaceful purposes". Further, he estimated that Iran's destabilization was more dangerous than developing its nuclear program (Ehteshami & Elik, 2011, p. 658). Ankara was also willing to play a mediating role between Iran and the West.

Fourthly, as a consequence of Turkey's disappointment with the West, Ankara started to implement a new foreign policy towards the Middle East. The linking by EU member states of the Cyprus problem with the issue of Turkey's accession to the European Union, as well as the objections of France and Germany for opening the accession negotiations, produced feelings of strong disappointment in Turkey. This fact has led the most conservative Islamists of the AKP to increase their suggestions and even pressure on the government to formulate a foreign policy much more orientated towards the Muslim countries. In particular, the appointment of Professor Ahmet Davutoglu, former adviser of Prime Minister Erdoğan, to the post of the Minister of Foreign Affairs, and his intentions of shifting Turkey's foreign policy towards the Middle East gave new impetus to relations with Iran. Ahmet Davutoglu named his policy as a "Zero problem policy". Even radical conservative elements like the Revolutionary Guards in Iran "stopped perceiving Turkey as an instrument of the West that is isolating Iran in the region" (Bas, 2013, p. 118). The main aspects of this policy were, on the one hand, to create a

regional economic zone that would facilitate Turkey's economic penetration in the markets of the neighboring countries; and on the other hand, the emergence of Turkey as a strong regional power that would be in the position of mediating in regional conflicts thanks to its influential diplomacy. Turkey, indeed, sought to mediate for the restoration of peace between Syria and Israel, and between Hamas and Fatah. In this context, the relationship with the Islamic Republic was considered to be both an opportunity and a challenge, as these mediation initiatives of Turkish diplomacy also facilitated the improvement of relations with Iran (Breitegger, 2009, p. 119). However, the beginning of the civil war in Syria and the tension of Iran's relations with the West, due to its Tehran insistence of proceeding with its nuclear program, created difficulties in the implementation of the "zero problem" policy.

Fifthly, the economic factor. Economic considerations have also played a role in increasing the interests of both countries to strengthen their relations. The two countries realised that their economic cooperation has a greater strategic importance than the thoughts of each country to use the Kurdish issue to its own advantage or to seek to exploit the internal problems of other countries (Olson, 2000, p. 889). The foreign policy of the AKP included the broadening of the field of influence of Turkey through the development of its economic relations with its neighbor states. A beneficial policy seemed to be the export of products and services of the Turkish industry to Iran, in exchange for natural gas and oil (Ehteshami & Elik, 2011, p. 654). Turkey of course has already received warnings from the United States to stop further agreements for the transport of natural gas from Iran, its second biggest gas supplier. But these warnings Turkey ignored. On the other hand, for Iran, the development of economic ties with Turkey would have positive political consequences, as Turkey seemed to prefer improving economic relations with Iran, despite the sanctions that were imposed by UN. Iran therefore, in its effort to avoid the economic and political isolation, turned to Turkey, which was a member of NATO and a candidate for EU membership, and therefore a precious ally to achieve its foreign policy's goals (Tsardanidis, 2014, p. 349-362).

The visits of the Foreign Minister of Turkey to Tehran (twice in 2003) and of the Iranian Foreign Minister to Ankara confirmed the common concerns and interests of the two countries for the developments in northern Iraq. Diplomatic discussions continued between senior officials with Erdoğan's visits to Iran in July 2004 and in December 2006. The two countries signed security co-operation agreements, focusing on the Kurdish issue. According to these agreements, Iran placed the PKK in the list of terrorist organizations and Turkey did the same in the case of the People's Mujahidin Organization of Iran. The agreements also included the terms for the border control, cooperation to detect the guerrillas of PKK, and the prevention of the creation of shelters in borders, the installation of communication lines between the commanders of the army and the extradition of PKK's rebels and Iranian protesters, respectively. One of the main objectives for Iran was to get Turkey away from Israeli influence, exploiting its concern for the Kurds. Nonetheless, Turkey did not just confine itself to improving its relations with Iran and Syria in various domains, but it began to strongly disagree with both Israel and the United States on issues such as the Israeli military interventions in Lebanon and Gaza. Since 2007, Turkey has supported, as mentioned above, Iran's nuclear program under the condition that it is used for peaceful purposes and it sought to mediate between the 5 + 1 group (Security Council's five permanent members and Germany) and Iran (Aras & Karakaya Polat, 2008, p. 507). In this policy context in May 2010, Turkish government voted against the imposition of sanctions on Iran by the UN Security Council. Turkey argued that the sanctions were not going to resolve

*Economic considerations have also played a role in increasing the interests of both countries to strengthen their relations*

the Iranian nuclear issue (Bleek & Stein, 2012, p. 29), by emphasizing the importance of the agreement on nuclear fuel, in cooperation with Brazil<sup>2</sup>. Ankara, following this policy towards Iran, aimed at another objective, too: to show how indispensable it was to the West and the US (Pieper, 2017, p. 47-51). In this regard, since the mid-2000s and until the first years of the Arab Spring, Turkey's rapprochement with Iran as well with other countries like Syria, Armenia and the Kurdistan Regional Government (KRG) in Iraq could be seen, as Mel Dal points out, "as a concrete sign of acknowledgement of its expanding regional power in the Middle East by the countries concerned" (Dal, 2016, p. 1443). The impressive increase in trade with Iran and its attitude to the nuclear issue, gave Ankara the ability to develop a policy to confront Iran's problem, which, if it had succeeded, would have made it a key mediator between the USA and Iran. On the other hand, by ignoring the sanctions imposed against Iran, Turkey benefitted a lot as Iran found through Turkey a way out for its financial transactions.

### 3. Turkish-Iranian relations since the Arab Spring

The period of intense cooperation between the two states seems to be suspended since 2011, due to certain problems: firstly, Iran's refusal to make economic concessions to Turkey. Ankara has persistently sought to reduce Iran's import customs for the Turkish products, in order to increase its exports. Iran refused, causing the dissatisfaction of the Turkish government. Secondly, the re-emergence of their prolonged competition in the broader region of the Middle East. For example, both states supported Hamas in Gaza and Hezbollah in Lebanon. However, their motivations were different. Iran reinforced both Hamas and Hezbollah due to their hostility towards Israel and the obstacles they created in the American policy in the region. In spite of that, Turkey supported them, because it believed that in this way these organizations would transform their policy into more moderate positions, which could pave the way for a compromise with Israel, a prospect that Iran rejected. Another development that has exacerbated the relationship of the two countries was Ankara's support for the opponents of Shiite President of Iraq Nouri al-Maliki during the 2009 parliamentary elections in Iraq, while Iran stood up for Maliki. However, the attitude adopted by Turkey on the issue of the sanctions of Iran's nuclear program (see above) reduced the importance of these differences.

Notwithstanding the foregoing, a series of additional developments that have taken place in the region after the start of the Arab Spring in 2011 contributed to the further undermining of the Turkish-Iranian relations. Ankara tolerated the expedition of Saudi troops that helped the king of Bahrain to suppress the uprising of Shiites in this country, which displeased Tehran. In addition, Ankara rushed –albeit in some cases late– to keenly support the riots in Tunisia and in Egypt, while it joined, eventually, the West regarding NATO's air strikes against the Gaddafi forces in Libya. Lastly, the Turkish government was worried about Iran's persistence on boosting tensions in Lebanon and in Iraq between the Shiites and the Sunnis and the support it was giving to radical Shiite organizations in Azerbaijan (Flanagan, 2012, p. 171). On the contrary, despite the fact that it applauded the Arab Spring, Iran was worried that the same thing would happen in its interior, when in fact, in 2009, the so-called "Green revolution"

*The visits of the Foreign Minister of Turkey to Tehran and of the Iranian Foreign Minister to Ankara confirmed the common concerns and interests of the two countries*

2 More specifically, the agreement's content was about a program of exchanging slightly enriched Iranian uranium with highly enriched nuclear fuel, in order to be used in the research reactor that Iran has. In particular, Iran would carry to Brazil, through Turkey, 1.200 kilos uranium enriched by 3.5%, that would be processed to be converted to nuclear fuel and through Turkey again, it would return to Iran.

took place immediately after the presidential elections in which Mahmoud Ahmadinejad was elected for a second term. The fall of Hosni Mubarak certainly satisfied Tehran, as the Egyptian President was not a friend of Iran. However, the regime changes in Tunisia, Egypt, Yemen and Libya caused great concern in the Iranian regime (Demiryol, 2013, p. 133).

Iran interpreted the Arab Spring as an indication of a rebellion that expresses the Islamic awakening, which facilitated the theocratic regime to claim that in Iran this has already been achieved with the 1979 revolution. The prevalence of Muslim Brotherhood in Egypt and the election of Islamist Mohammed Morsi to the post of President in June 2012, confirmed this allegation, when indeed the relationship between the two countries began to strengthen. The overthrow of President Morsi, however, by the Egyptian army in July 2013 gave Iran the right to claim that its own model of “Muslim democracy” is more stable and that the Western democratic processes cannot be met in the Middle East.

On the contrary, Turkey interpreted the Arab Spring as an indication of democratic awakening of the masses against the authoritarian and the corrupt nature of previous secular regimes. However, for Ankara, it quickly became clear that the policy that was adopted on the transformation of Arab political systems and the Middle East as a whole, could not be manageable without having previously dealt in the interior with its own democratic deficit, as proved by the popular protest over the remodeling of the Gzizi Park in Taksim Square in Istanbul in May-June 2013. As Stephen Larrabee and Alireza Nader point out “Erdoğan’s dismissal of the protesters as a bunch of ‘thugs’ and ‘looters’ and his harsh condemnation of the role of the foreign media raised a question in some quarters in the Middle East whether Erdoğan had a double standard regarding democracy: one concept for Turkey and quite another for the rest of the Arab world” (Larrabee & Nader, 2013, p. 8).

Nevertheless, the most decisive factor in the Iran-Turkey relations proved to be the armed insurgency of the Sunnis against the Syrian regime. Syria epitomizes the geopolitical tensions between Turkey and Iran amongst a host of regional issues, in which they are at loggerheads over regional influence at the expense of each other (Kang & Kim, 2016, p. 17-32). After the Syrian crisis began, and wrongly considering that the overthrow of the Assad regime would happen within months, Turkey decided to change its foreign policy to foresee the expected geopolitical rearrangements in the sensitive area of the Middle East. So, it chose to associate itself with the United States, the Western Allies and the Arab Link, and to distance itself from the Shiite Arc (Iran, Iraqi government, Assad regime, Hezbollah). Turkey’s insistence on Assad’s resignation ultimately led it to a formal endorsement of the Free Syrian Army (FSA), allowing Turkish territory to be used for the transfer of funds, weapons and recruits to bolster the anti-Assad rebellion. This also preserved the excellent relations with the Muslim Brotherhood, so that in the aftermath of Assad’s time, Turkey would have the possibility to cooperate and influence decisions, in particular those that would apply to energy. “For Tehran this is nothing short of Ankara’s active involvement in a US-led, Saudi-funded plot to undermine Iran’s regional reach” (Akbarzadeh & Barry, 2016, p. 986).

On the other hand, Tehran supported the Syrian regime’s status in every way (political, economic, war material, fighters), because it knows that if it were overturned by pro-Western forces, then Hezbollah would be weakened and, therefore, its influence in Lebanon, too. Teheran estimated that Turkey’s policy over time would lead to its isolation. In the case that the Assad regime in Syria collapsed, of course Iran would become more vulnerable to a potential internal pro-Western rebellion. A development like this would, apart from the United States’

*Syria epitomizes the geopolitical tensions between Turkey and Iran amongst a host of regional issues, in which they are at loggerheads over regional influence at the expense of each other*

geo-economic objective to control Iran's huge energy reserves and their transport routes, have yet another outcome: to acquire both the geopolitical and geostrategic control of the Caucasus, the Caspian Sea and the Central Asia. That is why Tehran, in an effort not to lose control of the developments in Syria, presented a compromise plan to end the civil war, but without success. Nevertheless Turkey's opposition to Assad was considered a direct threat to the Iranian regime's most vital interests.

#### 4. Conclusions

As we have seen, the components that formed the Turkish-Iranian relationship refer to geopolitical, political, ideological, cultural and economic-energy factors (Hargital, 2013). There is no doubt that Turkey and Iran have moved to the center of geopolitics and their relationship will greatly influence the evolution of the region. "Whereas Turkey has struggled and aspired to become more engaged with the global actors and exert its influence through the means of regional engagement, Iran utilized its introversion and isolation to entrench its hegemony in its neighbourhood" (Keyman & Sazak, 2015, p. 333). However, do recent differences with Tehran represent a temporary blip in their relations? Or do they reflect more fundamental differences that are likely to lead to an open confrontation between Ankara and Tehran? (Larrabee & Nader, 2013, p. 35). Relations between Iran and Turkey in the immediate future will depend on developments in three main areas: a) economic relations; b) policies to be followed in relation to blatant regional problems; and, c) relations of both countries with the United States.

Turkey's trade with Iran has risen rapidly. In 2002, the value of trade between the two countries was \$ 1.2 bn, and in 2012 it was close to \$ 30 bn. But due to the imposition of economic sanctions against Iran, it dropped and started increasing again in 2016 trade (\$ 7 bn), and it is expected to increase to \$ 14 bn in 2017. In 2012, Iran had become Turkey's largest supplier of crude oil and the second best largest supplier of natural gas. Several economic agreements have been signed between Turkey and Iran after the AKP came in power (Cheema, 2015, p. 90). Progress in bilateral trade and economic relations automatically contributed to efforts of developing regional economic cooperation. Turkey and Iran are also founding members of the Economic Cooperation Organization. Participation in this intergovernmental organization, involving most of the Middle East and Central Asian countries, enables the two countries to increase their trade volumes by abolishing many of the existing artificial and fiscal barriers. Within this framework and through bilateral efforts, both Turkey and Iran can encourage the countries of the region to create mechanisms that are necessary for the establishment of a regional economic co-operation, which in turn will have a positive impact on their economies. Today, the biggest obstacle to such cooperation is the physical infrastructure of the area, such as long-distance motorways and railways, which do not favor the rapid expansion of trade. Existing roads are inadequate, and the rail network is not fully developed.

The most important regional issues will continue to be Iraq, the Kurds and the Syrian conflict. Cooperation against the PKK has already been achieved. Nowadays, as Turkey and Iran have overcome the issues of mistrust from previous decades, they are working together to combat Kurdish nationalism. If Turkey and Iran's cooperation against the PKK is maintained, it is likely that Turkey will pursue its cooperation with Iran in other areas as well. However, the Kurdish issue is of secondary importance to Iran. The country's main concern is its relations with the United States. A possible deterioration of relations between the two countries may provide Iran with the potential to

*The most important regional issues will continue to be Iraq, the Kurds and the Syrian conflict. Cooperation against the PKK has already been achieved*



greatly destabilize Iraq. If the rift between the Shiites and the Sunni in Iraq is further intensified, Turkey is more likely to back the Sunni of Iraq, while Iran will support the Shiites.

The two countries also support the Palestinian organizations and have criticized Israeli policies in Lebanon and Gaza. The ongoing situation in Syria, however, renders Turkey's cooperation with Iran more difficult. The support that Turkey and Iran provide to rival groups in Syria reflects the profound impact of the Arab Spring both on the domestic and foreign policies of these two countries. The distinction between domestic politics and the policy pursued by countries experiencing the Arab Spring is rapidly eroding, as demonstrated by the events in Turkey in June 2013, while Turkey's and Iran's expectations of what forces would prevail in Syria, are interwoven with the existing two-state governance systems. Ankara was expecting a Sunni revolutionary regime to prevail in Syria, which could be modeled on Turkey. This of course is not possible in the foreseeable future. The opposite may indeed happen. Assad was able to stabilize his regime and he is back at the table – regaining control most of the territory which has lost from ISIS during the last years. Therefore, as evidenced by the evolution of military operations, the Assad regime is able to resist vigorously, thanks to Iran's and Russia's support. Turkey views the development in Syria as not only a matter of international affairs, but also as a domestic security issue as the lack of central state control may give the PKK a staging ground in Syria from which to attack interests in Turkey and achieve limited regional autonomy (Cordesman, Gold, Shelala, & Gibbs, 2013, p. 4). Tehran, on the contrary, seeks to maintain the current regime in Syria not only for geopolitical reasons but also because, as mentioned above, an internal rebellion. The election as a new President in June 2013 (moderate Hassan Rohani)<sup>3</sup> is considered a sign of popular dissatisfaction with outgoing President Ahmadinejad (Monshipouri, 2013, p. 51). Syria's issue of the political leadership of both countries has taken on a dimension that is not only limited to the diversification of their foreign policy but, more importantly, to the strategies that the political leadership of both countries is shaping for the survival of political structures and systems of both Turkey and Iran. However some analysts argue that both countries do not seem interested in finding a middle ground or stopping the current cycle of conflict there are strong reasons for both Ankara and Tehran to explore opportunities for cooperation in three at least issues: Kurdish separatism is a real possibility in both Syria and Iraq and is threat in Turkey and Iran, the Russian attempts to increase their influence in the region through military activism in Syria and to a lesser extent in Iraq are a medium-to long-term threat to both Turkey's and Iran's objectives, extremism and terrorism is a common threat that requires a joint response (Aras & Yorulmazlar, 2016, p. 5). Furthermore, strong economic ties between the two countries continue to prevail. Turkey and Iran's trade relationship is one of mutual dependence. Turkey's reliance on energy imports means that it needs Iranian gas, while the Iranians cannot afford to lose the Turkish gas market (Barkey, 2012, p. 155). An indication that both countries could come in the near future closer is Turkish President Recep Tayyip Erdoğan visit to Iran in October 2017 four months after accusing Iran of Persian "expansionism" in the Middle East. During the visit, expansion of economic and trade ties were discussed. Regional issues, including Syria, Iraq and the referendum in Iraq's Kurdistan were discussed as well<sup>4</sup>.

---

3 He was re-elected for a second term in May 2017.

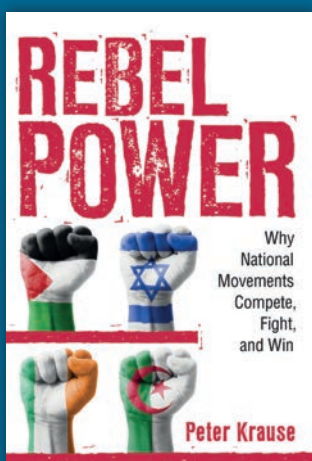
4 <https://www.reuters.com/article/iran-turkey-visit/turkeys-erdogan-in-iran-kurdish-independence-on-agenda-idUSL8N1MF0QT>

In considering the American factor, it is perfectly legitimate to say that good relations between Turkey and Iran are a real paradox. This is because Turkey is a close ally of the United States, while Iran's relations with the United States are in the best case adversary (Sinkaya, 2012, p. 154). It seems that, to some extent, with its approach to Iran, Turkey is seeking to upgrade its role. Ankara, with its stance on Iran's nuclear program, was seeking to send the message to the US leadership that it remains a prominent player in the region who has the ability and capability to talk with all sides and that Washington's policy towards Iran it should also include Turkey's interests (Bleek & Stein, 2012, p. 34). However, in 2017, one could easily notice that Turkey's relations with the US had not been any worse. In a paper published by the Brookings Institution the areas of disagreement are as follows: "Turkey's discomfort with Obama's failure to enforce his 'red lines' with the Assad regime; the more recent burgeoning US alliance with Syrian Kurds; US frustrations with what the White House once described as rising authoritarianism in Turkey; Ankara's demand for the extradition of US –based cleric Gülen–, labeled by Ankara as the mastermind behind the failed coup-attempt in July 2016; and suspicions of prior US knowledge of the coup (Aydintasbas & Kirisci, 2017, p. 2). On the other hand, as a state under international pressures, locked with a deep antagonism with the United States (inspite of the nuclear deal) Iran has very few allies. "Syria has been a key ally and it simply does not compute for Iran to give up on its most reliable friend, especially since Syria also acts as a conduit for Iran's other strategic asset in the Middle East: Hezbollah" (Akbarzadeh & Barry, 2016, p. 1991). Thus, if relations between Turkey and the US and between Turkey and Israel are fully restored, the probability of deterioration of Turkey's relations with Iran could not be excluded.

## Reference List

- Akbarzadeh, S., & Barry, J. (N.D.). Iran and Turkey: Not Quiet Enemies but Less Than Friends. *Third World Quarterly*, 38(4), 980-995.
- Aydintasbas, A., & Kirisci, K. (2017). *The United States and Turkey. Friends, Enemies, or Only Interests?* Policy Paper, Turkey Project, Center for the United States and Europe at Brookings, Brookings Institution, April.
- Aras, B., & Yorumlmazlar, E. (11.7.2016). Turkey-Iran Relations: A Long Term Perspective. *Center for American Progress*. Retrieved from [https://cdn.americanprogress.org/wp-content/uploads/2016/.../TurkishEssay\\_Aras.pdf](https://cdn.americanprogress.org/wp-content/uploads/2016/.../TurkishEssay_Aras.pdf)
- Aras, B., & Karakaya Polat, R. (2008). From Conflict to Cooperation: Desecutitization of Turkey's Relations with Syria and Iran. *Security Dialogue*, 39(5), 495-515.
- Barkey, H. (2012). Turkish-Iranian Competition after the Arab Spring. *Survival: Global Politics and Strategy*, 54(6), 139-162.
- Barkey, H. (1995). Iran and Turkey. Confrontation Across an Ideological Debate. In A. Rubinstein & O. Smolansky (Eds.), *Regional Power Rivalries in the New Eurasia, Russia, Turkey and Iran* (pp. 147-168). London: M. E. Sharpe.
- Bas, S. (2013). Pragmatism and Rivalry: The Nature of Turkey-Iran Relations. *Third Policy Quarterly*, 12(3), 113-124.
- Bleek, P. C., & Stein, A. (2012). Turkey and America Face Iran. *Survival: Global Politics and Strategy*, 54(2), 27-38.

- Breitegger, A. (2009). Turkish-Iranian Relations: A Reality Check. *Turkish Policy Quarterly*, (3 Fall), 109-123.
- Cheema, S. A. (2015). Turkey-Iran Economic Ties Post- 2002. In M. Alam (Ed.), *Perspectives on Turkey's Multi- Regional Role in the 21<sup>st</sup> Century* (pp. 86-110). Daryaganj: KW Publishers.
- Cordesman Anthony, H., Gold, B., Shelala, R., & Gibbs, M. (2013). *U.S. and Iranian Strategic Competition Turkey and the South Caucasus*. Washington: Center for Strategic & International Studies.
- Dal, E. P. (2016). Conceptualising and testing the “emerging regional power” of Turkey in the shifting international order. *Third World Quarterly*, 37(8), 1425-1453.
- Demityol, T. (2013). The Limits to Cooperation Between Rivals: Turkish-Iranian Relations Since 2002. *Ortadoğu Etütleri*, 4(2), 111-144.
- Ehteshami, A., & Elik, S. (2011). Turkey's Growing Relations with Iran and Arab Middle East. *Turkish Studies*, 12(4), 643-662.
- Flanagan, S. J. (2012). The Turkey-Russia-Iran Nexus: Eurasian Power Dynamics. *The Washington Quarterly*, 36(1), 63-178.
- Hargital, T. (2013). *Is Turkey a Bridge or a Threat?: Turkey's Relations with Iran and Relevant Perceptions of Turkey's Changing Foreign Policy*. Saarbrücken: LAP- Lambert Academic Publishing.
- Hentov, E. (2012) *Asymmetry of Interest. Turkish-Iranian Relations since 1979*. Saarbrücken: LAP- Lambert Economic Publishing.
- Kang, W., & Kim, J. (2016). Turco-Iranian Alignment: Balancing or Bandwagoning with the US? *Journal and Area Studies*, 23(1), 17-32.
- Keyman, E. F., & Sazak, O. (2015). Turkey and Iran: The Two Modes of Engagement in the Middle East. *Journal of Balkan and Near Eastern Studies*, 17(3), 321-336.
- Larrabee, S., & Nader, A. (2013), *Turkish-Iranian Relations in a Changing Middle East*. Santa Monica: RAND National Defense Research Institute.
- Monshipouri, M. (2013). Rowhani's Election: Promise of Change or More of the Same? *Turkish Insight*, 15(3), 15-25.
- Olson, R. (2004). *Turkey-Iran Relations, 1979-2004. Revolution, Ideology, War, Coups and Geopolitics*. Costa Mesa, CA: Mezda Publishers.
- Olson, R. (2000). Turkey-Iran relations, 1997 to 2000: the Kurdish and Islamist Questions. *Third World Quarterly*, 21(5), 871-890.
- Pieper, M. (2017). *Hegemony and Resistance Around the Iranian Nuclear Programme. Analysing Chinese, Russian and Turkish Foreign Policies*. Abingdon: Routledge.
- Sinkaya, B. (2012). Rationalization of Turkey-Iran Relations: Prospects and Limits. *Turkish Insight*, 14(2), 137-156.
- Tsardanidis, C. (2014). The Turkish-Iranian Relations. In V. Kefala & C. Tsardanidis (Eds.), *Iran. Politics, Economy, International and Regional Relations*, (pp. 315-388). Athens: Papazissis Publications, (in Greek).
- Tsardanidis, C. (2001). Post-Cold War Turkish-Iranian Relations. *Defensor Pacis*, (9), 23-40.



## Rebel Power: Why National Movements Compete, Fight, and Win

Peter Krause

2017. Ithaca, United States: Cornell University Press. 264 páginas.

ISBN: 978-1501708565



Hutan Hejazi

Departamento de Relaciones Internacionales

Universidad Pontificia Comillas ICAI-ICADE

¿Por qué algunos movimientos nacionalistas consiguen su Estado y otros no? ¿Por qué grupos del mismo movimiento compiten entre sí? Estas son dos de las preguntas que Peter Krause responde en su libro *Rebel Power: Why National Movements Compete, Fight, and Win*, publicado en 2017 por Cornell University Press. Su respuesta es audaz y simple y responde de la misma manera a las dos preguntas del libro: depende del equilibrio de poder interno de los movimientos. Sin duda es un estudio sugerente para aquellos interesados en movimientos nacionalistas, seguridad o violencia política. Es una contribución interesante e importante. Interesante por los nacionalismos que compara (palestinos, sionistas, argelinos e irlandeses) e importante porque socaba algunas teorías populares de la disciplina mostrando (y demostrando) otras posibilidades. ¿Cómo es entonces que los sionistas y el Frente de Liberación Nacional (FLN) argelino han conseguido su Estado y los palestinos no? Algunas de las publicaciones autoritativas que han analizado el éxito de los nacionalismos que han empleado la violencia política nos dirían que lo importante es el número total de miembros en el movimiento: cuantos más, mejor. Si un movimiento cuenta con el apoyo de más grupos significantes será más fuerte y tendrá más posibilidades de conseguir lo que quiere. Parece lógico e incluso obvio, pero Krause nos dice que no es así, o no exactamente. El éxito de un movimiento no solo depende del número total de miembros, depende de si es un movimiento hegemónico porque este es más eficaz.

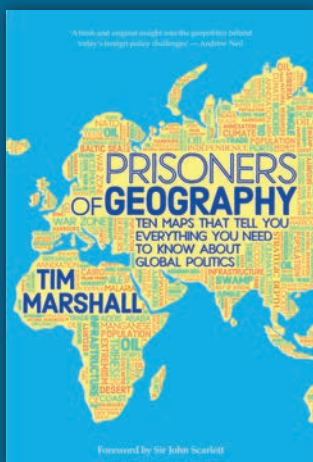
Para llegar a esta conclusión los resultados de su investigación le han llevado a elaborar dos tipologías complementarias, una de estructura de movimientos y otra de grupos en movimientos. La primera responde a la siguiente pregunta: ¿están todos los grupos significantes bajo una misma alianza? Un grupo significativo puede ser desde el grupo más fuerte de un movimiento hasta el grupo menos fuerte siempre que este último tenga la capacidad real de suponer un auténtico desafío y poder destronar al más fuerte en un futuro más o menos previsible. Tipologías anteriores indicaban que la clave del éxito de un movimiento dependía de si estaba unido o fragmentado y que había poca diferencia, o ninguna, entre un movimiento hegemónico dominado por un grupo o un movimiento unido dominado por varios grupos bajo una misma alianza. Esto es un error. Según Krause, los movimientos con más éxito para formar su propio Estado son los movimientos hegemónicos. Su tipología los discierne claramente y dependiendo de los grupos significantes que los forman, un movimiento puede ser hegemónico, unido o fragmentado. Un movimiento hegemónico tiene a todos los grupos significantes bajo una misma alianza y está formado por un solo grupo significativo. Un movimiento unido también tiene a todos los grupos significantes bajo una misma alianza, pero está formado por dos o más grupos significantes. Por último, el movimiento fragmentado no tiene a todos los grupos significantes bajo una misma alianza y está formado por dos o más grupos significantes. ¿Qué grupos son significantes o no? En su segunda tipología hay cuatro

tipos de grupos. Tres de ellos son significantes y uno no. Son grupos significantes el “hegemónico” (*hegemon*), “líder,” y el “desafiante” (*challenger*). El “subordinado” no es significativo. El hegemónico es el grupo más fuerte en un movimiento hegemónico y no tiene desafiantes. El líder es el grupo más fuerte en un movimiento unido o fragmentado que contiene como mínimo un desafiante. El desafiante es fuerte, pero no mayoritario, en un movimiento unido o fragmentado. El subordinado es un grupo débil en un movimiento que puede ser hegemónico, unido o fragmentado.

Un movimiento hegemónico tiene más éxito entonces porque es más eficaz, pero ¿por qué es más eficaz? Esto está ligado a la segunda pregunta del libro. Porque no solo no dedica tanto tiempo y esfuerzo a competir por la jerarquía con otros grupos, o en solucionar conflictos internos que surgen por la rivalidad entre grupos del mismo movimiento –como en un movimiento unido o fragmentado– sino porque el único paso que le queda por dar es establecer su propio Estado y así consolidarse y hacerse con el poder. Por otro lado, los movimientos unidos o fragmentados dedican más tiempo y esfuerzo compitiendo entre sí y lidiando con conflictos internos. Además, en caso de dar el paso hacia el Estado, algunos grupos pueden incluso llegar a parar el proceso. Por ejemplo, según Krause el movimiento sionista permaneció fragmentado desde 1921 hasta 1941 y no fue hasta que Mapai/Haganah en 1942 se convirtió en el grupo hegemónico (disolviendo entre otros a Irgun) y consiguió el Estado israelí en 1948. El movimiento

nacionalista palestino corrió otra suerte. Desde 1965 hasta 1985 fue sobre todo un movimiento fragmentado. Solo durante los años de la hegemonía de Fatah (1986-1993 y 1995-2000) consiguieron éxitos moderados. En el primer periodo consiguieron controlar la primera intifada y así controlar territorios e instituciones protoestatales; en el segundo frustró los intentos de Hamás de romper el diálogo. De 2001 a 2016, tanto Fatah como Hamás quieren un estado palestino, pero discrepan en cuanto a quién debe liderarlo porque los dos quieren hacerlo y vuelve a ser un movimiento fragmentado. Fatah intentó seguir con las negociaciones y parar la violencia, pero Hamás frustró las negociaciones de Fatah.

Por último, este libro también responde a otras preguntas interesantes. ¿Cuándo algunos grupos emplean o emplearán la violencia o cuándo competirán entre sí? Krause nos vuelve a decir que depende del equilibrio de poder y esto lo explica a partir de la Ley Miles (*Mile's Law*) que reza “where you stand depends on where you sit”. Dependiendo de la situación en la que un grupo se encuentre en un movimiento –hegemónico, unido o fragmentado– o su jerarquía –hegemónico, líder, desafiante o subordinado– determinará si el grupo empleará la violencia o cooperará. Es decir, dónde se “sentará”. Este concepto, “probablemente tan antiguo como Platón”, como apostilló hace cuatro décadas Rufus Miles, y que surgió de la política burocrática estadounidense, Krause lo aplica creativamente a los movimientos nacionalistas para analizar y pronosticar sus comportamientos.



## Prisoners of Geography: Ten Maps that tell you everything you need to know about Global Politics

Tim Marshall

2015. London: Elliot and Thompson Limited. 283 páginas.

ISBN: 978-1-78396-243-3



**Carolina Rengifo**

Doble grado Relaciones Internacionales - Traducción e Interpretación  
Alumna Colaboradora. Comillas Journal of International Relations

Vivimos en un mundo cada vez más globalizado, interconectado e interdependiente con complicadas relaciones entre Estados. *Prisoners of Geography* (*Prisioneros de la geografía*), como bien indica su nombre, propone que la base fundamental e inamovible de estas complicadas relaciones es la geografía. Es decir, dónde se encuentra cada país, cerca de qué países, cuáles son sus recursos, si tienen ríos, montañas, acceso al mar, etc. El autor trata de simplificar el panorama global a través de un simple argumento: la dependencia geográfica. Para ello divide el planeta en 10 áreas o mapas y en un acertado intento de teorizar y razonar las decisiones, acuerdos y guerras dentro y fuera de estos “mapas” Marshall consigue con humor y de manera sencilla, explicar de forma detallada y concisa el panorama internacional tanto histórico como actual. Una lectura necesaria para los neófitos en las relaciones internacionales o cualquier interesado en cómo funciona el mundo y qué mueve realmente a los Estados a tomar unas decisiones u otras.

Como ya se ha mencionado, la obra se divide en 10 mapas: Rusia, China, EE. UU., Europa Occidental, África, Medio Oriente, India/Pakistán, Corea/Japón, Latino América y el Ártico. Marshall ofrece una visión geográfica en la que apunta que los políticos cambian, pero que las barreras físicas permanecen y seguirán moldeando a futuros políticos. Como se puede comprobar no todos los países ni todas las regiones se encuentran presentes dado al carácter introductorio de este libro. Marshall tan

solo entra en detalle en ciertos eventos como el caso de Crimea, el proceso de formación de Estados Unidos o la importancia estratégica del Tíbet para China.

El análisis comienza en Rusia, un país territorialmente asiático en su mayoría, pero con tan solo el 22% de su población habitando allí. Rico en recursos naturales, con unas condiciones climáticas durísimas y una gran planicie al noroeste que lo separa de Europa. Las fronteras políticas son a fin de cuentas líneas dibujadas sobre un mapa que no siempre coinciden con cadenas montañosas como es el caso de los Pirineos entre Francia y España. La falta de fronteras físicas explica la facilidad para que se den enfrentamientos entre algunos países. En China, por ejemplo, el autor hace hincapié en la necesidad de controlar el Tíbet ante la posible amenaza de India. Entre las dos Coreas encontramos un muro artificial y entre Chile y Argentina los Andes. Pero como barreras físicas también está el océano. En el caso de China su escasa salida al mar está controlada por Japón lo que explica por qué solo ahora que China es un poderoso actor en el mercado global haya comenzado a desarrollar una flota. Para Estados Unidos el acceso a ambos mares tanto Atlántico como Pacífico fue un factor que contribuyó que se convirtiese en un actor global.

Estados Unidos se ve claramente favorecido por sus condiciones territoriales, largos ríos navegables y grandes y productivas explanadas para el cultivo. Estos beneficios también los tiene Europa. Sin embargo, otras regiones no

se han visto tan favorecidas como es el caso de África, el este surasiático, el Medio Oriente e incluso Latino América. Tan solo hay que ver las diferencias entre Estados Unidos y México, los mortíferos ríos africanos o los tsunamis en Tailandia para comprobar que algunas regiones tienen la geografía a su favor. Por lo tanto, no es de extrañar que las economías de Occidente tengan mayor éxito.

Queda añadir el factor de la distancia, que a pesar de que la tecnología consiga hacerla desaparecer en muchos casos, esta sigue presente y es un factor a tener en cuenta. Argentina, por ejemplo, un país más afortunado en la lotería geográfica en comparación con sus vecinos, tiene gran potencial, sin embargo, su lejanía a Occidente le impide convertirse en una gran potencia. Otro ejemplo es la dependencia de Europa del gas ruso, esta dependencia crece según la cercanía al país ruso. Es decir, Alemania al ser más dependiente que Reino Unido del gas ruso tiene menos interés en sancionar a Rusia por haberse quedado con Crimea que Reino Unido, ya que las consecuencias podrían dejar sin calefacción a miles de alemanes. Estos ejemplos y otros muchos son los que Marshall ofrece en su análisis político-geográfico de las relaciones internacionales.

Marshall concluye hablando sobre la curiosidad y ambición ilimitada de los humanos. Da como ejemplo nuestra llegada a la luna de cómo los factores geográficos seguirán delimitando, pero no parando, a la especie humana. Además, añade que aun siendo los factores geográficos fundamentales, las personalidades, líderes y otros factores seguirán teniendo un peso a tener en cuenta en el funcionamiento del mundo. Viendo esta división que parece cubrir todo el planeta nos cercioramos de que no es así. El este europeo, Oceanía, Canadá, Islandia, Groenlandia, los países del centro y sur asiáticos, las Islas del Pacífico y el Atlántico entre otros no se mencionan. Tan solo se tienen en cuenta los actores más relevantes que tienen una historia medianamente importante. Podría discutirse que los capítulos son muy generalizadores, un factor quizás necesario dada la corta longitud de la obra y el público al que va dirigido: estudiantes de primer año y aficionados al tema. Desde una perspectiva realista y a través los principales Estados y regiones como los actores centrales, Tim Marshall explica el funcionamiento del mundo basándose en la geografía, un factor muchas veces pasado por alto para dar explicación a las relaciones internacionales.

CASS R.  
SUNSTEIN

impeachment

A CITIZEN'S  
GUIDE

## Impeachment: A Citizen's Guide

Cass R. Sunstein

2017. Cambridge, Massachusetts: Harvard University Press. 199 páginas.

ISBN: 978-0-674-98379-3



Pedro Rodríguez

Departamento de Relaciones Internacionales

Universidad Pontificia Comillas ICAI-ICADE

No es muy habitual que los libros académicos trasciendan más allá de su torre de marfil cimentada en ideas para convertirse en *best sellers* y alimentar el debate público. Durante el último cuarto de siglo, algunos ejemplos notorios serían *The Rise and Fall of the Great Power* de Paul Kennedy; *The Clash of Civilizations and the Remaking of World Order* de Samuel P. Huntington; *The End of the History and the Last Man* de Francis Fukuyama; o *Le Capital au XXIe siècle* de Thomas Piketty.

Todos estos volúmenes, además de su influencia, tienen en común un cierto mérito oportunista. Es decir, han aparecido en el momento justo y se han apalancado en grandes incertidumbres, en cuestiones literalmente inquietantes o sobre las que se especula con bastante más interés que conocimiento: el declive de EE. UU. como superpotencia, el choque de civilizaciones y el orden internacional, el triunfo tras la Guerra Fría de la democracia liberal y la economía de mercado o el problema de la desigualdad acelerado por la última crisis financiera.

En esta categoría de libros, que tan bien saben aprovechar el velcro de la actualidad y la opinión pública, habría que hacer sitio para el breviario que no llega a doscientas páginas escrito por el constitucionalista Cass R. Sunstein, profesor de la Universidad de Harvard. Con el título de *Impeachment: A Citizen's Guide*, se podría pensar que es un panfleto de tantos a favor de sacar cuanto antes a Donald Trump de la Casa Blanca. Nada más lejos de

la realidad de este meritorio volumen, donde ni tan siquiera aparece una sola vez citado el nombre de Trump.

Como no podría ser de otra forma, Sunstein se remonta al diseño constitucional de 1787 y la obsesión de los *Founding Fathers* por evitar la concentración y el abuso de poder a través de un ejemplar sistema de *checks & balances*. El autor detalla cómo a partir de la tradición inglesa se trasplanta y redefine esta herramienta, mucho más política que judicial, para poder exigir responsabilidades al presidente de Estados Unidos.

El *impeachment*, por tanto, tiene sentido ante la opción de una presidencia unitaria adoptada durante el gran debate constitucional de Filadelfia, en un tiempo en el que el mundo era gobernado por monarquías absolutas o autócratas. Es decir, un mundo en el que las alternativas para cambiar la estructura de poder incluían la violencia, ya que casi siempre había que cortar el cuello a alguien para poder pasar página.

Con el objetivo de que la original figura del presidente de Estados Unidos resultase aceptable en una nueva nación empeñada en avanzar por la senda del republicano igualitario, se habilitó el *impeachment*. Dentro de las legítimas reglas de autogobierno, sin caer tampoco en un atajo para ajustar cuentas entre rivales políticos, se estipuló la opción de poder prescindir de aquellos futuros ocupantes de la Casa Blanca que abusaran de su privilegiada posición.



Sunstein argumenta que, a pesar del cíclico interés desbordado entre la opinión pública de EE. UU., el *impeachment* se presta a interpretaciones equívocas. A su juicio, los tres principales malentendidos serían:

1.- Cuando un presidente es sometido a un *impeachment*, tiene que abandonar su cargo. Bajo los términos explícitos de la Constitución de Estados Unidos, solamente la Cámara de Representantes por mayoría simple puede iniciar este proceso de enjuiciamiento político. Esta decisión traslada la responsabilidad del *impeachment* al Senado, que bajo la presidencia del magistrado-jefe del Tribunal Supremo deberá enjuiciar los cargos remitidos. El umbral en la Cámara Alta para conseguir un veredicto de culpabilidad y el consiguiente cese resulta deliberadamente alto: una mayoría de dos tercios. Y, de hecho, en los dos únicos casos de *impeachment* consumados en la historia presidencial de EE. UU. (Andrew Johnson, el sucesor de Lincoln, y Bill Clinton) no se alcanzó un veredicto de culpabilidad, mientras que Richard Nixon optó por dimitir al inicio del proceso de acusación en el seno del Comité Judicial de la Cámara Baja. En cualquier caso, los presidentes sometidos a *impeachment* pueden seguir desempeñando sus funciones hasta no ser convictos e inhabilitados por el Senado.

2.- El *impeachment* es un acto totalmente político y la Cámara de Representantes puede proceder contra un presidente cuando así lo considere. La Constitución en su artículo segundo, sección cuarta, establece de forma explícita: “El Presidente, el Vicepresidente y todos los funcionarios civiles de los Estados Unidos serán separados de sus cargos al ser acusados y declarados culpables en Juicio Político, de traición, cohecho u otros delitos y faltas graves”. Según insiste el profesor Sunstein, “Treason, Bribery, or other high Crimes and Misdemeanors” constituye un criterio jurídico

específicamente dirigido a restringir las causas de *impeachment* y el poder acusatorio de la Cámara Baja. *Treason* y *bribery* son delitos claramente tipificados, pero la expresión *high Crimes and Misdemeanors* es menos clara. Según las explicaciones de Alexander Hamilton se trata del “abuso o violación de la confianza pública”, lo que a nivel de la Casa Blanca significaría el abuso o mal uso del poder presidencial. La Cámara Baja no puede simplemente iniciar un proceso de *impeachment* por sus desacuerdos políticos con el presidente.

3.- El presidente puede ser sometido a *impeachment* solamente si ha cometido un delito. Aunque *high Crimes and Misdemeanors* suena a violaciones del código penal, cuando por ejemplo un presidente incumple sus obligaciones fiscales (tal y como se acusó al presidente Nixon de no pagar 400.000 dólares al fisco americano), no está cometiendo necesariamente una ofensa que amerite un juicio político. Bajo la Constitución de EE. UU., la clave del *impeachment* está en el abuso o mal uso del poder presidencial. Para cometer delitos fiscales no hace falta ser presidente. Al mismo tiempo, un presidente puede ser sometido a *impeachment* por diversas violaciones de la confianza pública que no necesariamente se encuentran tipificadas como delito.

En definitiva, el *impeachment* no es un recurso para aquellos que han perdido unas elecciones o cuestionan con toda vehemencia las decisiones tomadas en el despacho oval. Según el profesor Cass R. Sunstein, se trata un recordatorio constitucional de que, en el gigante americano, el poder reside en *We the People* y que, según la clásica anécdota de Benjamin Franklin con la que arranca este libro, Estados Unidos es una república siempre que sus ciudadanos sean capaces de mantenerla.



**DIRECTOR DE LA REVISTA | JOURNAL EDITOR**  
**CONSEJO DE REDACCIÓN | EDITORIAL BOARD**  
**CONSEJO ASESOR | ADVISORY BOARD**  
**DIRECTRICES PARA AUTORES | AUTHOR GUIDELINES**

## Director de la Revista | Journal Editor

D. Emilio Sáenz-Francés San Baldomero, Universidad Pontificia Comillas, Spain

## Consejo de Redacción | Editorial Board

Prof. Dr. Alberto Priego Moreno. Universidad Pontificia Comillas  
ICAI-ICADE

Prof. Dra. Maxine David David. Leiden University

Prof. Dr. Steffen Bay Rasmussen. Universidad de Deusto. Bilbao

Prof. Dr. Jeremy Crang. The University of Edinburgh

Prof. Dra. Licingia Simao. Universidad de Coimbra

Prof. Dr. Fernando Reinares. Universidad Rey Juan Carlos

Prof. Dra. Gracia Abad. Universidad Nebrija

## Consejo Asesor | Advisory Board

D.ª Mónica Orduña, Universidad Internacional de la Rioja

D.ª Susan Jeffrey, Universidad Pontificia Comillas

D. Piers Brendon, University of Cambridge, United Kingdom

D. Marcelo Nazareno, Universidad Católica de Córdoba,  
Argentina

D. Ricardo Aguado, Universidad de Deusto, Spain

D. Ricardo Martín de la Guardia, Universidad de Valladolid,  
Spain

D. Enrique Moradiellos, Universidad de Extremadura, Spain

D.ª Maria Raquel Freire, Universidad de Coimbra, Portugal

D. Ricardo del Barco, Universidad Nacional de Córdoba,  
Argentina

D. Shirin Akiner, University of Cambridge, United Kingdom

D. Najam Abbas, The Ismaili Center, London/ The Institute  
of Ismaili Studies, United Kingdom

D. Javier Jordán, Universidad de Granada, Spain

D. Adam Kolker, Columbia University, United States

D. Michael Rubin, American Enterprise Institute, United States

D. Stephen J. Blank, American Foreign Policy Council, United  
States

D. Robert Lieber, Georgetown University, United States

D.ª Anna Ayuso, Fundación CIDOB, Spain

D. Joan María Thomas, Universidad Rovira i Virgili, Spain

D. Alberto R. Coll, De Paul University College of Law, United  
States

D. Florentino Portero, UNED, Spain

D. Lawrence Sáez, SOAS, United Kingdom

D. José Antonio Sanahuja Sanahuja, Universidad  
Complutense de Madrid, Spain

D. Giovanni Ercolani, Nottingham Trent University, United  
Kingdom

D. Charles Powell, Real Instituto Elcano, Spain

D. Eusebio Mujal-León, Georgetown University, United States

D. Fernando Reinares, Universidad Rey Juan Carlos, Spain

D.ª Paloma García Picazo, UNED, Spain

D. Marcelo Nazareno, Universidad Católica de Córdoba,  
Argentina

D. Manuel Alcántara, Universidad de Salamanca, Spain

D. Claudio Bolzman, University of Applied Science and Arts  
Western Switzerland, Switzerland

D. Rafael Rubio, Universidad Complutense de Madrid, Spain

D. Manuel Lucena Giraldo, CSIC, Spain

D. Carlos Echeverría, UNED, Spain

D.ª María García Feijoo, Universidad de Deusto, Spain

D. Bradley Hart, California State University, United States

D. Markel Lezana, alumno colaborador

## Secretario Académico / Academic Secretary

D. Javier Gil Pérez, Universidad Pontificia Comillas, Spain

## Comillas Journal of International Relations

Universidad Pontificia Comillas

Departamento de Relaciones Internacionales | Facultad de Ciencias Humanas y Sociales

Universidad de Comillas, 3-5 - 28049 Madrid

Tel. +34 91 734 39 50 | E-mail: [comillas\\_jir@upcomillas.es](mailto:comillas_jir@upcomillas.es) | [www.upcomillas.es](http://www.upcomillas.es) | [www.comillasirblog.es](http://www.comillasirblog.es)

## Director de la Revista | Journal Editor

D. Emilio Sáenz-Francés San Baldomero, Universidad Pontificia Comillas, Spain

## Consejo de Redacción | Editorial Board

D. Alberto Priego Moreno, Universidad Pontificia Comillas, Spain

D. Gracia Abad, Universidad Nebrija, Spain

D. Maxine David, University of Surrey, United Kingdom

D. Javier Ignacio García González, IE University, Spain

D. Jeremy Crang, University of Edinburgh, United Kingdom

D.<sup>a</sup> Licínia Simão, Universidad de Coimbra, Portugal

D. Luciano Zaccara, Georgetown University, United States

D. David García Cantalapiedra, Universidad Complutense de Madrid, Spain

## DIRECTRICES PARA AUTORES

### Envío y presentación de originales

1. La remisión de los trabajos deberá realizarse siempre a través de la plataforma OJS de *Comillas Journal of International Relations*, mediante la que se vehiculará –de manera estricta– toda la comunicación entre la Revista y los autores.
2. Los **artículos** remitidos serán siempre investigaciones originales, nunca publicados previamente o en proceso de publicación o revisión en otra revista o cualquier tipo de publicación.
3. Se deberá incorporar una primera página independiente en la que se incluirá: a) Título del artículo; b) Datos personales del autor (nombre, apellidos, afiliación, dirección personal y de trabajo, teléfono, NIF/Pasaporte, correo electrónico).
4. Los **artículos** irán precedidos de un breve resumen o abstract del trabajo, que no exceda las 150 palabras, y una serie de palabras clave (no más de cinco). **El título del artículo, el resumen y las palabras clave deberán aparecer escritos en castellano y en inglés.**
5. El aparato crítico, estilo y diseño general de los textos remitidos a la Revista responderá al formato APA (APA Style). Los autores pueden encontrar una guía

## AUTHOR GUIDELINES

### Submission and presentation of originals

1. *Texts must always be submitted via the OJS platform of Comillas Journal of International Relations, through which, and without exception, all communication between the Journal and authors will take place.*
2. *All submitted texts will always be original work that has neither been previously published nor is in the process of publication or review in another journal or any other type of publication.*
3. *Contributions will include a separate cover page with the following information: Title of the article in both Spanish and English; Author details (name, surname, membership of any relevant organizations, personal and work address, telephone number, Tax ID No. / Passport, email).*
4. *All **articles** must be accompanied by a brief summary or abstract of the work (no more than 150 words) and a set of keywords (no more than five). **The title of the article, the summary and the keywords must be in both Spanish and English.***
5. *The critical apparatus, style and general design of the texts sent to the Journal will comply with the APA Style. Authors can find a guide to this style at the following link:*  
<http://www.apastyle.org/learn/tutorials/basics-tutorial.aspx>
6. *Authors must be able to prove they have been granted the necessary authorizations to use any photographs and graphics taken from other sources, and must provide all information required for them to be properly referenced.*
7. *If an article is accepted for publication, the proofs will be sent to the author and must be returned to the Journal within a maximum of 15 days.*

### Review and acceptance

1. *In order to guarantee impartiality in the selection of articles, all contributions will be sent in anonymous form to two external reviewers, **following the double-blind system.** In the*

de este formato en el siguiente enlace: <http://www.apastyle.org/learn/tutorials/basics-tutorial.aspx>

6. Los autores deberán poder acreditar disponer de los permisos necesarios para el uso de fotografías y gráficos tomados de otras fuentes, y proporcionar toda la información precisa para su correcta cita.
7. En el supuesto de que se acepte un artículo para su publicación, las pruebas de imprenta serán remitidas al autor, estas deberán ser devueltas a la Revista en el plazo máximo de 15 días.

## Evaluación y aceptación

1. Con la finalidad de garantizar la imparcialidad en la selección de los artículos, todas las contribuciones serán enviadas de forma anónima a los evaluadores externos, **empleándose siempre el sistema de doble ciego**. En el supuesto de que uno de los dictámenes resultara desfavorable se pedirá una tercera opinión.
2. La decisión final se le comunicará al autor, **de manera razonada**, en un plazo máximo de seis meses. En caso de ser aceptado, el tiempo máximo transcurrido entre la remisión del artículo y su publicación será de un año, aunque éste plazo puede dilatarse en función de la programación de la Revista.
3. El dictamen de los evaluadores será **motivado**, indicándose si se recomienda la aceptación del original en sus términos, su revisión con arreglo a las correcciones o sugerencias que se formulen o bien, por último, el rechazo del trabajo evaluado.
4. El Consejo Editorial de *Comillas Journal of International Relations* será quien, en última instancia, y atendido el sentido del dictamen de los evaluadores externos, decida la publicación de los artículos y lo notifique a los autores.
5. Los autores, mediante la entrega de sus trabajos, aceptan la sujeción de los mismos al dictamen de los evaluadores.
6. Los autores deberán ajustar la redacción final de sus trabajos a las indicaciones que formulen los evaluadores. A este efecto, deberán incorporar *event that one of the reviews is unfavorable, a third opinion will be sought.*
2. *The author will be sent a reasoned answer of the final decision within a maximum of six months. In the event of being accepted, the article will be published within one year of being submitted, although this period may vary depending on the Journal's schedule.*
3. *The reviewers will always provide **reasons** for their opinion, indicating whether the original should be accepted as is, should be revised in line with the reviewers' corrections and suggestions or if the reviewed work should be rejected.*
4. *The Journal's Board of Editors will always have the final say on which articles are published, bearing in mind the opinions voiced by the external reviewers, and is responsible for informing authors of its decision.*
5. *By sending in their work, authors willing submit this work for review and assessment by the reviewers.*
6. *Authors are required to amend the final draft of their work according to the indications given by the reviewers. They must include all corrections and modifications classified as essential by said reviewers and, as far as possible, accommodate their suggestions as well. Where corrections of the original work are required, **the contributor** will have a maximum of 2 months in which to make the corrections, and resubmit the article.*
7. *Any originals that do not comply with Comillas Journal of International Relations guidelines for presentation and publication will be returned to their respective authors before being sent for external review. If this occurs, the author will have one week to add the missing information and/or make the required changes to their work. If the appropriate changes are not made, these articles will be rejected.*
8. *Before publication, the authors of all accepted work will grant Comillas Journal of International Relations all exploitation rights relating to said work.*
9. *Once accepted, the texts will become the intellectual property of Comillas Journal of International Relations and may only be reproduced, partially or totally, in accordance with the Creative Commons licence hold by the Journal.*

las correcciones o modificaciones consideradas imprescindibles por dichos evaluadores y, en la medida de lo posible, deberán atender también sus sugerencias. En caso de solicitarse correcciones, **el plazo máximo para remitir una nueva versión del artículo será de dos meses.**

7. Los originales recibidos que no se ajusten a las normas de edición y publicación de *Comillas Journal of International Relations* serán devueltos a sus autores antes de proceder a su envío a los evaluadores. En tal caso, sus autores deberán completarlos con la información omitida y/o efectuar los ajustes formales pertinentes en el plazo de una semana. En caso contrario, dichos trabajos serán rechazados.
8. Los autores de originales aceptados ceden a *Comillas Journal of International Relations*, antes de su publicación, todos los derechos de explotación de sus trabajos.
9. Una vez aceptados, los trabajos quedan como propiedad intelectual de *Comillas Journal of International Relations* y sólo podrán ser reproducidos, parcial o totalmente, siguiendo lo establecido por la licencia Creative Commons de la Revista.

## Proceso de revisión por pares

Los originales recibidos se remitirán, de manera anónima, a dos evaluadores externos de reconocida competencia en el campo de las relaciones internacionales, y de manera específica, en la temática particular del trabajo. **Se empleará siempre el sistema de doble ciego.**

En el supuesto de que uno de los dictámenes resultara desfavorable se pedirá una tercera opinión. El Consejo de redacción de *Comillas Journal of International Relations* será quien, en última instancia, decida la publicación de los artículos y lo notifique a los autores. Todo ello siempre a través de la plataforma OJS de la Revista.

## Peer Review Process

*All originals received by the Journal will be sent, anonymously, to two external reviewers of recognized expertise in the field of international relations and, more specifically, in the particular topic of the work. Peer reviewing will follow the double-blind system. In the event of receiving an unfavorable review from either reviewer, a third opinion will be sought. However, the Journal's Board of Editors will always have the final say on which articles are published and is responsible for informing authors of its decision. The entire process will always take place via the Journal's OJS platform.*