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European Sanctions Revisited

Policy Studies ★ 31
The Leonard Davis Institute

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Policy Studies, No. 31, July 1989

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

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EUROPEAN SANCTIONS REVISITED

INTRODUCTION

On March 9, 1988, the Parliament of the European Community, meeting in Strasbourg, refused to ratify three economic protocols concluded with the State of Israel. The objective of these protocols was mainly to protect Israel's interests following Spain's and Portugal's entry into the Common Market. The parliamentarians who did not give their assent to these agreements thought that Israel had to be punished for two reasons: first, because it refused to allow direct export of Palestinian merchandise from the West Bank and Gaza to the European Community; second, because of the attitude of the Israeli authorities towards the intifada and the harsh measures taken against the Palestinians in the course of the uprising.

The European Parliament's temporary veto had no far-reaching consequences for the Israeli economy. The non-ratification hurt only certain categories of farmers who were unable to take benefit of duties reductions in Europe during the winter of 1987 and spring of 1988. Moreover, the sanction lasted only a few months: the three agreements were finally ratified by the Assembly in October of the same year.

However, the veto is interesting on two levels. First, the decision to punish a country for its alleged lack of respect of basic human rights is contrary to a well-established tradition in contemporary Western Europe, where there is a strong tendency to oppose economic sanctions for political or humanitarian purposes. This hostility to economic coercion against sovereign states has seen only few exceptions. The well-publicized debate on sanctions against South Africa, which raged in 1985-1986, showed that, while a deep dismay towards Pretoria's policies was widely expressed, most European governments were reluctant to decide upon sanctions with real content. The "sanctions" which were finally chosen, under Third World pressure, lacked any real substance. Therefore, the Parliament's decision to act assertively against precisely Israel and no other country is in a measure surprising and calls for explanation. Why has the EP judged that concerning Israel, sanctions could be useful and have positive consequences? How did the European deputies justify their sanction in that case, while they generally try not to mix economics and politics?

There is another interesting aspect to the veto: the few sanctions previously applied by the Community—in the cases of Iran, Afghanistan, the Falklands, and South Africa—were decided upon by the governments, while in March 1988 a sanction was for the first time voted by the Parliament. Even outside Europe, there were very few cases in which economic sanctions were decided upon by a parliament against the wish of the executive. Among the well-known cases is the US Congress's decision to apply sanctions to Idi Amin's Uganda in 1978. Moreover, in the case of Israel, the European Parliament's behavior was quite revolutionary, for this assembly had always been the staunchest defender of Israeli interests in the European Community.

The aim of this study is to analyze the non-ratification of the Israeli protocols as a testcase of an economic sanction for political purposes. Part II of this work is devoted to a review of the events which took place before, during, and after the debates of the European Parliament. In Part I, we shall try to explain the various motivations of the traditional European hostility towards economic sanctions.

PART I

ECONOMIC SANCTIONS: THE DEBATE IN EUROPE

Recent Uses of International Sanctions for Political Purposes

The debate over international sanctions, which has become more acute during the past few years with the question of apartheid and South African aggression against neighboring states, is not really a new one. But what had been a technical debate, confined to the world of politicians and diplomats, has now become the object of wide public interest. Should one apply sanctions against Ayatollah Khomeini when he justifies the taking of American diplomats as hostages by "Islamic students"? Should one impose sanctions on the Soviet Union when it suddenly invades Afghanistan? Should one punish Poland (or the USSR) when Jaruzelski's soldiers crush Solidarity and suppress liberty? Should one accept the American blockade of the Libyan coast and the bombing of Tripoli on the grounds that Khadafi encourages international terrorism? Should one punish Israel because of its policy in the territories? Summoned to action by the post-Vietnam Americans, for whom sanctions without direct military engagement are a legitimate way of exerting pressure or inflicting punishment, European governments also face the demands of their own public opinion, media, and political parties.

On another level, can one continue to aid developing countries without discriminating between them, placing them all in the same category and refusing to scrutinize what happens to their populations, and accepting the thesis of their governments that the exigencies of economic development take precedence over individual civil rights? Isn't such a timid and prudent attitude a consequence of the "colonial complex"? Should one not cancel aid to regimes like that of Ethiopia, regimes which exploit Western sympathy to oppress their population even more? Conversely, what is the sense of sanctions which strike at the people of these countries rather than at their oppressors?

The popularity of sanctions among Western governments has come in and out of fashion. The important research of Hufbauer and Schott shows that between 1914 and 1985 governments imposed economic sanctions in 108 cases.¹ After World War I sanctions were considered licit and effective, and the Charter of the League of Nations explicitly allowed for them. Then they lost favor after proving unable to stop Italian aggression in Ethiopia in 1935-36. During the Second World War, sanctions were just one element in the war effort against Germany and Japan. Seldom used immediately after the war, they gained in force with the United States campaign against Fidel Castro, and, above all, with the measures taken against Rhodesia by the United Nations after 1966. The failure of the sanctions against Rhodesia and Cuba again gave rise to disillusion.²

Yet there was a visible growth in recourse to economic pressure in the 1970s, especially on the part of the United States.³ In 1973 it halted all economic aid to Uganda, before halting all imports from that country in 1978. The United States also reduced or withdrew aid to Argentina and Ethiopia, cancelled military aid to Chile and Uruguay, forbade certain categories of food aid to Vietnam, Cambodia, Laos, and Mozambique, etc. A long series of economic sanctions was included in Jimmy Carter's policy of defending human rights, or else imposed by him under congressional pressure. In 1980 Carter decided to impose sanctions against Iran and the Soviet Union. President Reagan reached a new peak by imposing sanctions against Poland and the USSR following the military "coup" in Warsaw in December 1981, and then by acting against countries suspected of encouraging international terrorism, like Libya. Hufbauer and Schott noted the involvement of the United States (alone or acting with other countries) in 68 cases of sanctions among the 108 which they studied. Afterwards come Great Britain, the USSR, and the Arab states. The European embargo against Argentina during the Falklands crisis and the international sanctions against South Africa have added new dimensions to the debate. According to Margaret Doxey, these cases "provide a wealth of new material for analyzing the efficacy of economic sanctions in achieving their goals."⁴

In their study, which appeared in 1986, Hufbauer and Schott showed that, from decade to decade, the number of cases of economic sanctions of all types has increased. In contrast, the quantity of resources and products affected by sanctions has not followed that trend: while international commerce has steadily increased over the years, the quantity and value of merchandise affected by sanctions have been increasingly marginal.

Given the growing frequency of embargoes and boycotts in recent years, sanctions have once again begun to interest economists and historians, political scientists, and experts in international law. The past decade has seen a flourishing of books and articles on this subject. We can mention, among others, the works of David Leyton-Brown, C. Lloyd Brown-John, David Baldwin, Pieter J. Kuyper, Daoudi and Dajani, Johan Galtung, Margaret Doxey, Hufbauer and Schott.⁵

After 1970, the decision to harmonize their foreign policies in the "European Political Cooperation"⁶ led European governments to confront the problem of the instruments available for this cooperation. Could the Europeans content themselves with expressing their indignation and issuing protests and solemn condemnations? Could they make themselves the arbiters of world conflicts without having recourse to instruments of coercion?

Until the end of 1979, European leaders avoided giving a clear response to this question. On the one hand, the "Political Cooperation" process was in its infancy, and the publication of common declarations with their carefully chosen semantics seemed a sufficient exercise in itself. On the other hand, aside from the Rhodesian case, the Europeans were not really called upon to take punitive measures. As in the past, they could limit themselves to taking

"positive sanctions," which means granting supplementary aid to states or regimes which they wished to encourage, or to adopting "cosmetic" measures such as their famous "Code of Behavior" imposed on European firms working in South Africa.⁷

After 1977 the situation began changing because of the dynamism with which President Jimmy Carter pursued his human rights policy, a policy resting largely on economic sanctions. It included an appeal to the West European allies to follow the American example. However, it was mainly after November-December 1979, with the affair of the American hostages in Iran and the Soviet invasion of Afghanistan, that the Europeans were truly "called upon" by US policies and "summoned" to take part in the sanctions decided on in Washington.

Reactions to the question of sanctions differed in the various capitals of Western Europe. For example, after the Polish military coup episode, the French, on the whole, were much more prepared to impose sanctions than the Germans. However, despite the nuances, there appears a rather clear overall orientation: the general tendency of the Europeans, whether one refers to government, the civil servants, the parliamentarians, the elites, the university community, or even the public at large, has been on the whole negative. What are the reasons for that?

A Dubious Efficacy

Officially, the states which impose sanctions declare that they are doing so in order to induce a government to amend its ways. The declared objective is not to punish, but to reform. Both in government circles and among the public, the idea seems to prevail that sanctions, if imposed with sufficient force and duration, can affect the government at which they are aimed and strengthen domestic opponents of its policies; in due course, the offending government might reconsider its behavior. This is the primary objective, the official, public aim, and it has received by far the most attention. Hence Lloyd Brown-John defines a sanction as follows: "the utilization of coercive techniques against a state with the intent to alter that state's behavior while simultaneously maintaining the state as a viable political system."⁸

The first objective of the measures is thus to force the target state to set its house in order, to restore the previously prevailing situation, and to repair the damage, as much as possible, or to compensate the people or states which were adversely affected. At home, the government must cease infringing upon democracy, respect basic human rights, apply, for example, the Helsinki Final Act or other basic undertakings, etc. In foreign affairs, it must conduct itself in accordance with the rules of international society and law.

Very often, coercion is designed to halt military aggression: this was the case regarding the Turkish military invasion of Cyprus, the actions of Argentina in the Falklands, of Israel in Lebanon, and of South Africa in the neigh-

boring African countries. The official goal of the sanctions was to halt the intervention, to impose a cease-fire and a disengagement of forces, and to bring about the evacuation of foreign troops.

This is the reason why sanctions may aim at weakening the military potential of the target country by preventing the delivery of certain materiel: an embargo is meant both to persuade a state to abandon an aggressive policy and, if it has already committed such an act, to prevent it from maintaining its armed forces in occupied territory and persisting in its aggression. From a more realistic perspective, sanctions aim primarily at persuading the target government not to take a new step in its culpable policy, not to expand repression, aggression, or conquest, and not to repeat its actions elsewhere. When a certain regime is deemed irretrievable, as was the case with Ian Smith, Idi Amin, Khadafi, or South Africa, sanctions might be imposed with the aim of destabilizing that government. Again, the United States has often provided an example of such a policy, acting in such a way against the regimes of Castro, Allende, Khadafi, and the Sandinistas. The Soviet Union has also attempted unsuccessfully to destabilize the regimes of Yugoslavia, China, and Albania.⁹

The fact is that, in Western Europe, there is a broad consensus that sanctions are generally ineffective: they are inadequate, and incapable of changing the conduct of an offending state. Asked about her refusal to apply sanctions against South Africa, Margaret Thatcher said bluntly: "There is no case in history that I know of where punitive, general economic sanctions have been effective to bring about internal change. That is what I believe. That is what the Labour Party in power believed. That is what most of Europe believes. That is what most western industrialized countries believe. If that is what they believe, there is no point in trying to follow that route."¹⁰ During the Carter and the first Reagan years, when the United States decided to have more frequent recourse to economic sanctions, a large number of studies appeared, demonstrating their ineffectiveness. Whether it be the reports of the Salzburg session of the Deutsche Gesellschaft für Völkerrecht (1981) or a major study carried out under the aegis of the Deutsche Stiftung Wissenschaft und Politik of Ebenhausen, or the Seeler report of the European Parliament, the general conclusions were all similar and equally negative.¹¹ Popular belief in a simple and direct relation between the economic situation and political behavior, a belief according to which the policies of a regime would depend directly on its economic power and its international status, proved to be a myth.

The literature concerning the usefulness of sanctions, particularly economic sanctions, in attaining their declared aims, is very skeptical. Most economists are generally reticent about predicting the effects of such measures, because the causal link between them and the deterioration of the economic situation in the target country is not clear. While it is certain that sanctions could harm the target state, a large number of conditions would have to come together in order for these measures to be effective: the objectives

to be attained must be very clear and precise; the type of sanctions chosen must be appropriate to the aims; sanctions must affect a small number of crucial sectors; the target state must be very dependent on the state imposing the sanctions and without immediate means for modifying that dependence; the place of the target country in international commerce must be taken into consideration; its economic health must be fragile; it must be unable to obtain from other sources that of which it is deprived; the states which decide upon the sanctions must have the means and the will to apply them and to punish breaches by their own citizens; there must be prior consultation among allies, all the countries belonging to a single camp must be in agreement, and they must later cooperate in applying the sanctions; the time between the decision to impose the sanctions and their actual imposition must be short; the population of the countries imposing the measures, in particular those firms or individuals who will suffer materially, must be willing to accept the cost without seeking to have them abolished or reduced; the sanctions must be accompanied by complementary measures; they must have an appropriate, generally long duration; the way in which they might be brought to an end must also have been carefully considered; the possibility of escalating and hardening the sanctions must be credible; the possibility of resorting to armed force in case of failure must exist, etc.

It is virtually impossible for all these conditions to be fulfilled simultaneously, and, moreover, some of them are mutually contradictory. According to James Barber, the main reason for failure is "the failure of the imposing states to anticipate fully the response to sanctions within the target state."¹² As for the use of economic aid in a punitive context, a debate was held among economists on the notion of dependence: the idea currently accepted, which holds that the country receiving aid be closely dependent upon the donor, thus making it possible to impose effective sanctions, has been criticized: It would be far more difficult to reduce or suppress an aid program than to continue it.¹³

In sum, as James Barber notes: "There is a striking consensus in the literature that economic sanctions alone have been ineffective in the fulfillment of their primary objectives.... The point made by most authors is that it is a mistake to expect economic sanctions alone to achieve the desired primary objectives.... In terms of political achievements, sanctions must be regarded as a marginal instrument of influence."¹⁴

One of the best specialists in the field of international sanctions, Margaret Doxey, writes rather skeptically: "One may conclude that economic sanctions should not be seen as a useful, peaceful weapon of pressure which can be readily employed at a low cost."¹⁵ In her extensive study of sanctions, she concludes that economic coercion has not attained the desired political effect in any of the cases she analyzed.¹⁶

Of course some economists do take a more positive view of the effectiveness of sanctions, but they are very much in the minority. Thus Peter Wiles, a

specialist in Eastern economies at the London School of Economics, advocated economic sanctions against the USSR in the spring of 1980, following the invasion of Afghanistan. In his view, if one observes the facts objectively, one finds that embargoes and blockades are not entirely devoid of effectiveness. He claimed to be not at all as pessimistic as most authors regarding the usefulness of a strict embargo against the USSR, which would apply not only to technological goods but also to wheat and capital investment.¹⁷

However, Klaus Bolz summarizes the dominant opinion: "The reasons why the trade embargoes imposed at various times in various parts of the world have, in the final analysis, been without effect, have been demonstrated repeatedly. It can therefore be assumed that the most important conditions which must be fulfilled for an embargo to function smoothly are now known. But in spite of this, economists are still unable...to prove in advance using rational arguments that [an] embargo like all its predecessors, can be effective. Although the prerequisites to be met for an embargo to work are known, there is inadequate detailed knowledge of the actual prevailing conditions...."¹⁸

Historians who have studied sanctions and their effects find it difficult to determine whether they played any role, and to what degree they were the cause of any particular effect. When they come to a conclusion, it is generally negative: coercive measures have seldom succeeded. This is also shown by Hufbauer and Schott in their study of sanctions during the twentieth century. Occasionally historians note that coercion has had the opposite effect to that desired. Sanctions create their own antidotes: they can weld together the government and the population of a target country, inspire them with the spirit of resistance, and exacerbate the nationalist sentiments of the population. They may strengthen the sense of community and national solidarity. The population may even stop criticizing the leaders and be prepared to accept even more severe privations. When asked during the Falklands (or, from their point of view, the Malvinas) war, even the women of the Plaza de Mayo in Buenos Aires professed to be shocked by the West European embargo against their country....

History also shows that states are willing to live with international opprobrium for a long time and accept a "quarantine," especially if, as is the case with the Khomeini regime, they do not regard as "legitimate" the authority which imposes the sanctions.

Anna Schreiber, who studied the US sanctions imposed against the Castro regime in Cuba, concluded that they were ineffective.

Johan Galtung, Kapungu, and Strack, who studied measures taken against Rhodesia, came to similar conclusions.¹⁹ Some scholars hold that the sanctions might have had some result, but only in very precise and limited cases. Again, Peter Wiles holds that COCOM control of the export of technological goods between 1947 and 1969 had an effect on the USSR, causing considerable expense to that country, and leading it to impose disastrous specialization on Czechoslovakia, ultimately bringing about the eco-

conomic crisis in that country. Wiles thus saw a causal connection between the restrictions of the COCOM and the Prague Spring.²⁰ Judith Miller showed that the fall of Idi Amin in Uganda was in large part connected to the sanctions initiated by the United States following October 1978. Although the boycott of Ugandan coffee failed, American sanctions hit the economy hard and contributed to the events which led to the regime's fall. However, Miller's thesis is debatable, and the Ugandan case is far too special for it to be extrapolated to Iran, the Soviet Union, Poland, Israel, and South Africa.²¹

Hence the formerly rather widespread belief in the usefulness of sanctions has given way to skepticism in Europe. Among the causes most often cited for the failure of sanctions, some are of particular concern to the Europeans. For example there is a fundamental difference of opinion between Europe and the United States regarding the effectiveness of high technology export restrictions towards the Soviet Union, and this difference of opinion derives from disagreement as to the value of such equipment to the USSR. Is it true that the products the export of which is restricted could have military applications? Is the target state deficient enough in this area? Is this technology of critical importance? The prevailing view in Europe at the beginning of the 1980s was that the Soviet leaders had come to rather negative conclusions regarding Western technology, because in many sectors their capacity to absorb it was limited, and it was not adapted to their needs. Moreover, in the past few years the USSR has reduced its dependence on the West in the area of technology. The predominant sentiment in Europe is that the territorial, geographical, and economic givens, as well as the nature of the Soviet regime, make the USSR the least susceptible country in the world to international economic pressure. According to Angela Stent, who tried to discover the source of this disagreement between the United States and Europe concerning technological trade with the East, the two main causes are: different conceptions of Western security, and divergent estimations of the links between economics and politics. The American conception of security is essentially military, whereas the Europeans have a much more complex perspective. Thus the Europeans would be willing to limit exports having direct military application, but not exports of goods which contribute less directly to warfare, because they believe that this would serve no purpose. As for the link between economics and politics, there is simply no evidence that sanctions have ever induced a modification in Soviet policy in areas which the regime judged vital for its survival, or in domestic areas such as the treatment of dissidents.²²

Another European concern is that the effectiveness of sanctions is linked to the possibility of defining their objectives with sufficient precision. The larger the number of participants in the decision-making process, the harder it is to define the aims of the sanctions clearly. Each agent has its own objectives. In the case of Western sanctions, decision-making would have to include the American and European governments, executive and legislative branches, various political cohabitations within coalition governments, and, in the case of the European Community, twelve governments.... If it is already

extremely complicated and difficult to formulate a simple common protest, except by means of semantic acrobatics, it would be far more difficult to agree upon the goals of sanctions.

The flagrant failure of sanctions against Rhodesia had a strong impact in Europe, because it was an archetypical case, in which the measures had theoretically a good chance of being effective. However, for more than a decade, British governments tried, unsuccessfully, and somewhat hypocritically, to impose sanctions on Rhodesia, with the aim of forcing the Smith government to restore the rule of law. The sanctions had shifting and confused goals. Rhodesia profited from foreign aid from South Africa and from the inherent weaknesses in the application of the sanctions. As Brian White stated: "There can be little doubt that sanctions failed. Sanctions themselves were insufficient to stimulate the required political changes in Rhodesia until international and regional conditions changed quite dramatically in the mid-1970s, with the Portuguese revolution of April 1974 as the crucial catalyst."²³ As White explains so well, the Rhodesian affair demonstrated convincingly that the most difficult problems to overcome are those of the enforcement of sanctions.

Taking the question of the effectiveness of sanctions into consideration, when they are "obliged" to impose sanctions the Europeans prefer restrictions of imports to the Common Market area rather than export reductions. The disturbing effect of closing outlets for sectors where it is difficult to find substitute markets is considered relatively more reliable than export limitations of European products. The EEC prefers "positive" means of pressure, such as refusing to grant preferred tariff status or aid, as we will see in the case of Israel.

Finally, it would be interesting to analyze the true motivations of the Europeans, and to find whether they are sincerely skeptical about the efficiency of sanctions, or if the lack of effectiveness serves them as an alibi for not taking any action. They often speak about the need for "effective" actions against offending states, with the crocodile tears of politicians who fear that no action will ever measure up to their definition of what is "effective."

Sanctions With No Legal Basis

A general objection to sanctions is linked to the fact that in the post World War II international system, the only measures which can be legally imposed are those which are decided upon by the organs which international law makes responsible for that function: in practice, sanctions should be ordered by the UN Security Council within the framework of Article 41 of the Charter, or by a regional organization with the authorization of the Security Council. In any case, a country like the United States, or any group of countries, may not appoint itself as the judge of violations of international law.²⁴

Jurists are not in agreement as to the competency of international organizations, even universal organizations, to decide upon sanctions, if the respect

of their own rights is not at issue. Moreover, it is doubtful whether certain acts, as "scandalous" on a moral or political level as they may be, constitute violations of public international law. Take the case of Poland. Although martial law cruelly violated the civil liberties of the Poles, it is not clear that there was a violation of an international norm, opening the way to international sanctions. The declaration of martial law could be viewed as an episode in the internal struggle for power. Margaret Doxey writes: "While a case certainly exists for sustaining diplomatic pressure on the Polish and Soviet governments to live up to human rights pledges, ...there is no legal basis for sanctions against either government."²⁵ In other cases the sanctions imposed by the United States did not appear to the Europeans as an "ultimum remedium," i.e. measures taken after all other efforts at persuasion had been exhausted.

Whether it is a question of the US boycotting European firms working on the Siberian gas pipeline, or the American blockade against Libya, some people have also condemned what they see as a disproportion between the acts criticized and the scale of the reprisals.

Despite the gravity of taking American diplomats hostage in Tehran, Jimmy Carter's decision on November 14, 1979, to freeze all Iranian assets in US banks also shocked the Europeans from a legal point of view. Above all, it seemed evident that the extraterritorial measures taken by American presidents were illegal as they meant that an extraterritorial effect was given to US domestic legislation controlling commercial exchanges. On June 18, 1982, the American president decided to extend the embargo on the delivery of equipment for the gas pipeline both to the European branches of American firms and to European companies producing under American license. This led to placing some twenty European firms (mainly French, German, British, and Italian) on a blacklist, suspending deliveries to those firms and imposing fines on them. The American measures appeared completely illegal because they affected contracts which had been duly signed. It is illegal to cancel currently valid contracts, and sanctions must be compatible with the international obligations of the states. (This is the case even if these contracts are sometimes so broad that if one persists in their execution, it is as if one has done nothing by imposing sanctions.) The European governments ordered their national firms not to respect President Reagan's orders and to make the deliveries stipulated by their contracts, some firms had sanctions imposed on them by the Americans, and this led to a serious clash in the Western camp.²⁶

Finally, J. V. Louis notes that certain members of the European Community such as Belgium lack legislation permitting the application of sanctions without having recourse to the courts.²⁷

It is thus easy to understand why, during the Falklands crisis, Buenos-Aires endeavored to prove that the European Community's embargo against Argentina was "a total violation of norms and practices of international law," because Galtieri's government knew that this could be an important argument in Europe.

International Punishment and Moral Values

Are sanctions, that is, pressure or punishment, morally justifiable, or are they rather the instruments of the bygone days of imperialism? Reluctance to impose sanctions is parallel to the decline in the retributive view of criminal justice.²⁸ Do we have the right to inflict pain, to cause suffering? Whom are we to punish? Just as many people today prefer to give criminals treatment and reform them rather than inflict punishment as vengeance, there are many who prefer to treat a culprit regime by "constructive" means of persuasion and rehabilitation. In a non-sadistic culture, the infliction of pain demands very serious justification. Doxey expresses this point of view: "Economic impoverishment of any state is undesirable unless there are very compelling reasons for it; the world is already beset with economic difficulties. Development, not retardation, is a prime goal and long-term harmful effects cannot be readily expunged when sanctions end."²⁹

As Butler puts it: "For a nation...committed by its Constitution and political rhetoric to individual freedom, to self-determination...and to the relief of individual human suffering, including poverty and hunger, there would clearly be moral difficulties in translating the theoretical notion of denying grain supplies, or offering them selectively to friends into actual decisions. To invoke the threat of hunger as a means of changing the policy of others would be an extreme action for a nation which...sought always to find a higher motive in its foreign policy than the assertion of self-interest, which based its approach to international relations on morality..."³⁰

Similarly, many people view sanctions as a form of paternalism, if not imperialism, in that it is always the strong who belabor the weak without asking themselves whether their own behavior is irreproachable. Hence, while condemning the detention of American diplomats, the Europeans, forgetful of their own former pro-Shah attitudes, were sensitive to Tehran's criticism of the United States' support for the Shah's bloody regime.

In order for sanctions to have the slightest chance of having an effect, there must be a basic inequality between the sanctioned and the sanctioner. In their analysis of the conditions for the success of sanctions, Hufbauer and Schott present propositions which are certainly logical, but which, today, would seem intolerable to many people: "Don't pick on someone your size," or "Do pick on the weak and helpless."³¹ As E. Zoller notes, "In international relations, punishment has been used precisely in situations where subjects of law were not on an equal footing, i.e. did not have the same rights."³² This was the case in relations between European and non-European powers in the nineteenth century. At that time, it was considered completely normal and legal to punish a non-European state.

Decolonization destroyed the moral foundation of sanctions.

Even in a case of clear aggression or violation of international law, like that of Argentina in the Falklands, it is noteworthy that certain European countries were uncomfortable about imposing sanctions against a third-world country, especially when a man such as Perez Esquivel, recipient of the Nobel

Peace Prize and a notable defender of human rights in Argentina, supported the cause of Buenos Aires and spoke of the European embargo as a "reminiscence of colonialism."³³ During the Falklands crisis, Buenos-Aires stressed the fact that the total embargo was the first measure of that kind taken by the European Community, and that it had been decided precisely against a state of the developing countries group.

This "moralistic" tendency has particularly affected the elites of certain small northern European states: Sweden, Norway, Denmark, Holland, and Belgium. These countries are the strongest supporters of the third world, of North-South dialogue, and of the new international economic order. In this area, they define themselves as "like-minded countries." They have led the fight against economic sanctions, except, of course, those against South Africa.³⁴

Sanctions Hurt Innocent People

One of the major arguments advanced by those Europeans who oppose sanctions is that they miss their target, because they strike the populations and not the regimes. They translate into increased unemployment, lowering of the standard of living, and increased suffering of populations already affected adversely by the policies of their political leaders. This argument has been invoked in diverse cases such as Iran, Afghanistan, Poland, Argentina, and Israel. In 1985-86, some people in Europe, for example Margaret Thatcher and her Conservative colleagues, argued that sanctions against South Africa would primarily affect the Blacks, the very ones whom Europeans seek to aid and protect: "I find nothing moral about [people asking for sanctions], sitting in comfortable circumstances, with good salaries, inflation-proof pensions, good jobs, saying that we, as a matter of morality, will put x hundred thousand black people out of work, knowing that this could lead to starvation, poverty and unemployment, and even greater violence.... Supposing you start with fruit and vegetables. That would be 95,000 people, Blacks and their families out of work."³⁵ French Prime Minister Jacques Chirac declared in June 1986 that "a hardline policy towards Pretoria was most advantageous to the good conscience of the privileged and the well-off but was one of the most disadvantageous to South Africa's black population."³⁶

In some cases, however, as with bloody regimes such as that of Idi Amin, this argument is weak, first, because the persecuted people themselves called for sanctions against their oppressors, and second, because they already suffer so much that sanctions would have a merely marginal effect on them.

The denial of development aid and especially food assistance seems particularly abhorrent in Europe. A denial of supplies hurts the poor and not the prosperous.

The idea of overcoming an adversary by starving him out is as old as the world, and it has not occasioned a moral dilemma until quite recently. When unable to take a stronghold, an army would lay siege to it and wait until the

inhabitants, unable to resist any longer, surrendered. This procedure has often proved effective, needing only time and vigilance. Under Napoleon it was enforced without moral scruples: he organized a continental blockade against England, which was not far from success. However, at some time during the nineteenth century the idea of starving out an enemy lost its legitimacy. Besieging cities to starve them out was no longer practiced in Europe after 1830. But the horror of total war, which treats soldiers and civilians alike, reached a new peak during the Second World War, with the Holocaust and Hiroshima. Carter himself, at the most critical moment of the hostage affair, when outraged American public opinion would have accepted any form of reprisals against Khomeini, did not dare deprive Iran of its food supplies. If Carter's embargo of wheat sales to the USSR was greeted with some moderation in the West, that was because a large part of Soviet wheat purchases, energetically pursued in the 1970s, was devoted to raising livestock. The Soviet population would only be stricken indirectly: lacking feed for livestock, the USSR would slaughter the animals young, and a shortage of meat might develop.

Reflecting the general consensus regarding the Polish crisis, French deputy Gérard Israël declared to the European Parliament: "We expect that alimentary assistance will be continued, and I would even say that alimentary assistance will be continued under any hypothesis... It is not conceivable that people may be starved under the pretext that the regime which governs them is a corrupt regime."³⁷ In the debate over Afghanistan, the representative of the socialist group in the European Parliament, Mrs Van der Heuvel, said clearly: "As far as we are concerned, there is no question of food aid being used as a political weapon. The question of whether or not food aid should be granted must always be answered on the basis of the unshakable principle that only humanitarian considerations may be allowed to affect our decision."³⁸ On December 30, 1981, French Foreign Minister Claude Cheysson noted: "In a more general sense, France is opposed to the use of food as a weapon. To nourish hungry people, who are miserable, is a duty everywhere in the world, despite any condemnation."³⁹

Because of the symbolic power of these products, sanctions could never include bread, wheat or flour. In the midst of the Hindawi affair, France insisted that it intended to sell 230,000 tons of flour to Syria, because "it seems to us normal to send flour to Syria if it asks for it."⁴⁰

If the use of food as a weapon is still envisaged in Europe, it is only in certain extreme-right circles, who regard this possibility with serenity and do not hesitate to say that "that weapon could be more effective than all the nuclear missiles."⁴¹

Thus, Europe is in a terrible dilemma: not to impose sanctions and let the intolerable off, or to impose them and cause suffering to the people. A possible way out of this dilemma was found in offering the same amount of aid as previously granted, but through non-governmental channels. In that case one is denying material support to the guilty government, but without harming

the inhabitants of the target country. In general, the European donor government makes contact with a private European organization which transfers the aid to private associations, such as labor unions and churches, in the target country. This direct aid to the people through non-official organizations has been practiced in a number of cases, such as Uganda, Chile, Afghanistan, and Ethiopia, and it reached a peak with aid to the Polish people after December 13, 1981.

Many have noted the deceptive character of such so-called "sanctions." The regimes which are circumvented do oversee these transfers very closely, when they themselves do not manipulate them. They profit from this aid in any case, for it permits them to face a less catastrophic economic situation and less public dissatisfaction. When they believe they can no longer profit from this foreign aid, as in the case of Mengistu's Ethiopia, they are quite capable of abruptly halting the activities of the humanitarian organizations.

Sanctions and Deterioration of the International Climate

One of the strongest arguments against sanctions is that they "poison" international relations.

In the East-West context, they are contrary to the spirit of *détente*. When President Reagan took office in 1981, he expressed the opposite conviction, that of the American right: *détente* is a one-way process, and it is only of use to the Soviets, who have never ceased scoring points against the West. *Détente* is merely weakness, naiveté, and nearsightedness. In the name of *détente*, the Soviets received massive transfers of advanced technology, which helped them construct missiles and other armaments. *Détente* encouraged no restraint in the Eastern bloc, and brought nothing in return. *Détente* in no way diminished Soviet ambitions in the Middle East or in Africa during the 1970s, and Moscow constantly exploited the situation to move up its pawns. *Détente* only strengthened the economic and military potential of the USSR, giving the West an impression of artificial quiet. Europe went so far as to provide its own financing for a major portion of its exports to the Eastern bloc, at an interest rate far below that of international financial marketplaces. According to 1981's Reagan, this game had to be ended.

On the opposite side of the Atlantic, in Western Europe, among the parties of the left and liberal right, there had long been a deep conviction that economic cooperation with the USSR was indispensable for maintaining equilibrium in Europe. This was the central thesis of Samuel Pizar,⁴² and it was also a very popular and influential idea in European governmental circles, particularly around Helmut Schmidt and Valéry Giscard d'Estaing: commercial ties with the East make it more dependent, permit us to avoid war, and force the Soviet Union to become more liberal. Ideas travel with merchandise and with people. Carter's and Reagan's pre-Gorbachev approach was that the invasion of Afghanistan and the coup in Poland had put an end

to the illusion of *détente*, but this was never accepted by most Europeans, who continued to believe that sanctions make international relations more difficult, and destabilize the global system, which should be shored up. For them, sanctions belonged to a war-time logic; they were instruments of the cold war which led to the exacerbation of conflicts. They believed that the development of constructive relations based on economic and technological cooperation with certain "problematic" countries, was more likely than sanctions to contribute to the progressive improvement of their behavior. As a deputy put it at the European Parliament: "These interests must not be put at risk by the kamikaze antics of politicians out-bidding each other with spectacular proposals, mainly in order to show how clever they are."⁴³

Moreover, Europeans no longer saw a danger in making themselves dependent on others. In the most extreme case, that of the supply of Soviet natural gas, the Siberia-Europe gas pipeline seemed extremely positive to them, from the point of view of *détente*. The pipeline was presented as a kind of mythic bridge between the two parts of Europe, and mutual dependence was not considered an evil in itself.

On the eastern shore of the Atlantic, the image of the bridge seemed very attractive, while in the United States it seemed very dangerous. Similarly, American the thesis according to which European credits would subsequently prevent governments and banks in Europe from disengaging and force them to make more and more concessions to the Soviets was greeted with derision in Western Europe.

In fact, the vast majority of West Europeans continued to believe in *détente* at the beginning of the 1980s, even after the Kabul and Warsaw events. They were not convinced at all by the thesis that the West was being confronted by a vigorous new Soviet offensive. The Europeans did not accept the American "explanation" concerning the "grand design of the Soviets" to encircle the Persian Gulf and threaten Western petroleum supplies, and they held that Moscow might have had many pragmatic reasons for the invasion of Afghanistan. In contrast to Kissinger, who, in his testimony in the SALT II hearings, spoke of an "unprecedented Soviet assault on the international equilibrium," the Europeans spoke of a "series of accidents," of "chance events," of "sudden internal crises" in certain countries. They considered it absurd to claim a parallel among "all the forces of evil," as Reagan did, and to compare Soviet behavior to Hitler's aggressive policies in the 1930s, a parallel which led to the idea that one must always try to halt an insatiable, lawless aggressor. The Europeans viewed the situations as radically different. Their sentiment was that *détente* was a fragile edifice, painstakingly constructed. Protracted educational efforts had been required to develop public attitudes congenial to arms control, trade, and cultural exchange. In a crisis, these are too easily dispelled and replaced by attitudes of mistrust and belligerency. After the events of Iran and Afghanistan, instead of hastily composing a list of sanctions, the Americans ought to have wondered how they

could combine security in the Persian Gulf with the pursuit of international cooperation.

This general attitude must be linked to the typically West European belief that in any misbehaving government or political organization, whether it be Chile, the Kremlin, the PLO, Israel, Iran or Vietnam, there are always struggles between "hard-liners" and "soft-liners," "fanatics" and "pragmatists," "extremists and moderates." In keeping with their own pluralist vision, Europeans think they must always try to reinforce the moderate camp, and for that reason, refrain from imposing sanctions. Leonid Brezhnev himself was frequently depicted in Europe as a partisan of détente, fighting stubbornly against his militarist and extremist colleagues. Yasser Arafat is viewed the same way today. Concerning South Africa, Afrikaner poet-exile Breyten Breytenbach wrote that "Europeans underestimate the Machiavellian side of the whites in this country. I believe that is because the whites are kind, hospitable people, often reasonable and ready to listen to you, tolerant and beset by doubts. You don't realize that behind all this there is to a large extent...a kind of fanaticism, a determination to go all the way, not to build something new, not to create, but to hang on."⁴⁴ And during the Salman Rushdie affair, the Europeans behaved as if there were two opposite camps in Iran, the religious extremists who pronounced the condemnation of Rushdie versus the "moderate" politicians.

For the Americans, the erroneous conception of East-West détente at the beginning of the eighties was the product of European pacifist movements, guided by Russian hands and money. However, although opposition to sanctions on the part of the French communists or the Greek left was predictable, the most interesting attitude was that of the Italian communists in the Afghanistan affair and, above all, in that of Poland. The PCI is one of the political forces which manifested the most violent indignation against the Polish coup, and, with the exception of a small minority around Cossutta, this party condemned the USSR unequivocally. Nevertheless, although they used harsh language, the Italian communists also opposed any sanctions, precisely in order to safeguard détente. In the debate on Poland in the European Parliament, their spokesman said: "What has happened...demands not only a just, hard, very hard denunciation, but also an effort to find a positive solution. That demands above all a decided effort towards the resumption of a policy of détente, of peaceful confrontation, which can permit the resumption of a process of renewal in Poland."⁴⁵ This anti-sanctions approach was shared by many political forces more conservative than the PCI, from the French liberals (UDF) to the German Christian-Democrats. We even see a crosswise movement: certain conservative governments and certain business circles are more favorable to the USSR (in the name of Realpolitik or of economic interdependence) than certain "revolutionary" people.

It must be added that hostility to sanctions accords with the theses of economic liberalism. It would be paradoxical if the nations which sought to

champion free exchange and the free circulation of goods and people should violate their own principles. The foreign relations of the EEC have long been founded on the principle that one must regard all states as normal partners and allow international economic mechanisms free play without introducing political considerations. As the French minister of foreign affairs said in January 1980, "France has adopted the principle of not using the commercial relations which it maintains with other states for political ends."⁴⁶ In France, those who opposed this type of reasoning were found on the left rather than the right. Jacques Julliard of the *Nouvel Observateur* wrote with derision, "So, economic sanctions? Certainly not! Samuel Pisar, a friend of Giscard d'Estaing's, will explain it to you: it would cut short a fortunate change towards democracy which is now occurring in the Soviet empire: for every sack of wheat that we export, a few of our liberal principles cross the iron curtain!"⁴⁷

This European belief in the moderating effect of economic and human exchanges also largely explains the hostility to sanctions in the field of sport, a hostility which appeared when almost every country in Western Europe, with the exception of Germany, refused to join the boycott of the Moscow Olympic games. Athletic competition is viewed an ideal "pseudo-conflict," helping to control real conflict. It is a "war without arms," or, rather, "peace in suspense." European opinion views athletics as a way of relaxing intersystemic conflicts and as a contribution to peace. That is the thesis which has been upheld by the Olympic movement since its founding by Pierre de Coubertin. The Olympic village, where athletes live in a community, is the symbol of that entente.

Konrad Lorenz's theory, according to which sport, by channelling aggression, constitutes a kind of catharsis which must not be forfeited, is widely supported. Let us recall that, according to a French opinion poll of January 1980, 62 % of the Frenchmen were opposed to a boycott of the Moscow Olympic Games.⁴⁸ However, despite the part it has played in public discussion of the Olympic games and other international sports competitions, the thesis that sport benefits international understanding and attenuates conflicts has been strongly contested and appears doubtful today.⁴⁹

We have now reviewed the European arguments against sanctions as being ineffective, of doubtful legality, amoral, a form of imperialism, causing unnecessary additional suffering to oppressed people, impeding entente. Yet two much more significant objections actually seem to have been in play.

The Cost of the Sanctions for the Sender Countries

A major objection is that countries that impose sanctions incur unnecessary expense in losses to manufacturers, farmers, and exporters. In 1980, *Pravda* claimed that commerce with the Eastern bloc brought two million jobs to Western Europe. Although this figure seems too high, everyone recalls the furious reaction of American farmers during the US wheat embargo against

the Soviet Union, or the protests of American firms against the boycott following the Polish affair. In January 1980, a leading French journalist, Paul-Marie de la Gorce, wrote, "France's foreign trade has only been balanced ... by trade surpluses with the third world and Socialist countries." One of the great partisans of European sanctions against the USSR, Danish deputy Hans Haagerup, said: "We must honestly ask ourselves what price we are willing to pay to show how strongly we insist that the Poles should enjoy more liberty, because we must pay for that too."⁵⁰

On this account, there is mutual suspicion among the Europeans themselves. If France imposed sanctions and stopped trading, would not its place be taken immediately by the Italians, the Germans, and perhaps even by the Americans? During the discussion of possible sanctions against the USSR, the Italian minister, Colombo, insisted above all that the effort be divided fairly among the Europeans, and Lord Carrington demanded that the sanctions exclude significant imports of chrome, non-ferrous metals, and furs, upon which British industries were dependent. It is also easy to envisage the losses which an embargo on deliveries for the Soviet gas pipeline would have caused in Europe: several thousand jobs, a loss in orders of at least eleven billion dollars, and deprivation of energy. Yves Rabier showed how a kind of "gas lobby" acted in France: guided by Gaz de France, with the help of government and industry circles.⁵¹ Moreover, in the European case, the costs would always be divided unequally among the agents of the different member countries of the Community.

The question of the cost of sanctions for the initiator also applies to cultural or political sanctions: to cancel an exhibition of paintings from the Hermitage in the United States is mainly a blow to the population of that country; and the decision not to open an American consulate in Kiev is primarily harmful to American tourists.

For example, the European country which would have suffered most from economic sanctions against the Soviet Union was West Germany. The growing role played by Germany in international exchanges, and in particular in East-West exchanges, is a major fact of the past twenty or thirty years. With 30% of Western exports to the Eastern bloc, 25% of public credit commitments, and 30% of the industrial cooperation agreements, West Germany far surpasses its European capitalist partners. France takes second place in East-West exchanges, with a rather more fragile position: the role of the state has always been a determining factor in France, and the French portion of public credit commitments comes to a little more than 20%. The French companies have a 25% share in industrial cooperation with communist countries, and the major part of these agreements concern the sale of industrial complexes, especially chemical plants.

Concerning sanctions against South Africa, Margaret Thatcher said: "Up would go the prices here. Some of it would be sold out of the coastline, through third countries, re-marked and perhaps come in at a higher price. And the retaliation we could have to things we export to South Africa!"⁵² She also

warned that economic sanctions against South Africa could mean the loss of 120,000 jobs in Britain and lead to 800,000 or more people from South Africa taking up their right of abode in England. The two European states which were most hostile to sanctions against South Africa, Britain and Germany, were those with the biggest financial stake in that country, and each had a conservative government dependent on business support.

In another domain, France was very reluctant to participate in British-led sanctions against Syria following the Hindawi affair in 1986, because there remained seven French hostages in Lebanon, and diplomatic contacts with Damascus could help to achieve their release. Syrian warnings that "the British government will have to pay the price for their hostile act," and that "Mrs Thatcher's decision had reduced Britain's role in the search for Middle East peace to zero"⁵³ were taken seriously by the various European governments. On the economic level also, some had more to lose than others. The initiator of the sanctions, Britain, was only Syria's sixth biggest trading partner from the Organization for Economic Cooperation and Development, with 6% of the market. By contrast, the West Germans had 17%, Italy 15% and France 12.5%. On the eve of the Hindawi affair, there were reports that France was about to conclude a multi-million franc arms deal with Damascus.

Sanctions as an American Political Tool

The other major European objection to sanctions is that those imposed in the past few years have almost always been decided upon by the United States, because of foreign and domestic policy considerations proper to that country, and without prior consultation with the "Allies." Preparation for the decision, making the decision, and the ways in which the sanctions were to be applied were the result of the analyses of the American president and his advisors. Only later were they presented to the Europeans as a dictate, as being "necessary for the maintenance of the Western alliance." In a case like Afghanistan, the Undersecretary of State, Warren Christopher, went so far as to announce a Western consensus to impose sanctions well before any such agreement was reached.⁵⁴ Regardless of any evaluation of the sanctions themselves, refusal to submit to the dictate was perceived as necessary in order to demonstrate European independence, and this was doubtless one of de Gaulle's greatest posthumous triumphs.

European criticism of American foreign policy has many facets. Firstly, American sanctions are perceived as being designed for United States domestic consumption, with the object of demonstrating to the American people that their interests are being upheld and that the United States is still a super-power. Europeans claim also that the Americans have always had a tendency to consider international relations as a sort of game of morality. Their manner of speaking is clogged with rhetoric. They do not make enough of a distinction between the symbolic and the substantial. They would always prefer insignifi-

cant but symbolic sanctions to truly substantial acts. Moreover, American presidents try to formulate "doctrines," rigid frameworks for foggy thought by which they believe they are leaving their mark on history. These doctrines are generally simplistic: American political thought flees the complexity of international relations and is always tempted to revert to a bipolar scheme. Finally: American policies are often incoherent. In the debate on the Polish "coup" in the European Parliament, an Italian speaker said, "Concerning Poland, what will play a role in the 1980s is the agreement on the export of eighteen million tons of grain which Mr. Reagan signed with Mr. Brezhnev. All the rest is stage setting, all the rest is something which makes it possible to tell stories."⁵⁵

A typical case of American incoherence, from the European point of view, lies in the way Washington treats the enemies of its enemies, in the course of applying sanctions. Wishing to penalize the Soviet Union, the United States suddenly granted aid to China and Pakistan, as though the interests of these two countries coincided with those of the West. Another example: on April 6, 1979, learning of the nuclear plans of Pakistan, Carter brutally halted all economic and military aid to Karachi. Eight months later, following the invasion of Afghanistan, the United States reversed its stand and offered to renew and even expand aid to Pakistan.

From a European point of view, the Americans often appear to speak with two different voices (for example, Vance the conciliator versus the provocative Brzezinski; Shultz the conciliator versus the provocative Weinberger). Aggressors could certainly wonder about such confusion, these zigzags, this inconsistency, this unpredictability: Europeans speak of a "cycle of excessive trust followed by bitter disillusionment."

American "incoherence" is also curiously linked in Europe to a kind of "lack of professionalism." What else can one call the Shah's admission to the United States, which brought on the events of Tehran?⁵⁶

Moreover, American policies are selective. Why should only certain leftist dictators be destabilized? Finally, Washington does not take into account European economic interests. The embargo on the export of advanced technology to the USSR was not very onerous for the United States, but it was far more so for Germany, France, and Italy: in 1980 American sales of advanced technology to the Eastern bloc totalled only \$183 million, lagging behind these three European countries (West Germany, \$684 million; France, \$229 million; and Italy \$224 million).

Let us not forget that these negative opinions on sanctions in 1979-1984 were expressed against the background of harsh and global European criticism of American policies: monetary policy, and above all foreign trade policy. Controversies about sanctions emerged at a time of confrontation, for example around the Versailles Western summit of 1982, on subjects as varied as steel, agricultural, and textile exports.

The majority attitude in Europe could in fact be summarized by Berlinguer's words in 1980 in the European Parliament's debate on US sanctions: "Do the

members of the Alliance intend to accept passively all the proposals and decisions of the USA?... Or do we intend to affirm our right and duty to develop and maintain a joint European policy capable of resisting any pressure which might further worsen international relations and to encourage action designed to achieve détente and cooperation?"⁵⁷

It should be emphasized that the desire to act independently of the United States could lead to a European decision precisely to use economic coercion, if the Americans choose the opposite course. Thus, imposing sanctions on Israel could be an expression of the wish to affirm European autonomy against Washington.

Europe's Reluctance to Decide Upon Sanctions

European opinion is generally hostile to sanctions for political purposes, especially since, in many cases, *laissez-faire* has positive results: the offending state, rather than profit from its illegal behavior, lost out in the end. Iran found itself completely isolated on the world scene when it was attacked by Iraq; the USSR was badly stung in the Afghani wasps' nest, losing resources and alienating its friends in the third world; Israel has exhausted itself in the war in Lebanon and the occupation of the West Bank. So why intervene? A new theory of "*laissez-faire* in cases of aggression" has become rather popular. A deputy at the European Parliament could speak of "those who are for ever pointing out the impossibility, the ineffectiveness of harsh measures, those who push their pleas for dialogue, for consultation to the limit—and frequently beyond."⁵⁸ But these represent in fact a majority.

Thus in 1982 the *Seeler Report* of the European Parliament, begun at the time of the Iran crisis and completed at the height of the Polish crisis, just before the Falklands war, demanded of the Community institutions that they not associate themselves with general economic sanctions. It said that, if sanctions were nevertheless decided upon, they should be applied with a great deal of prudence and circumspection, and only within precise limits and to specific sectors.⁵⁹

Discussion of this report was delayed, since at that very time, in rather striking fashion, the EEC was imposing a total embargo on Argentina. Understandably, the text finally adopted by the European Parliament was less opposed to sanctions than the Report. According to the resolution which was adopted, sanctions may serve "to complement other forms of action," but the Community institutions must not "associate themselves with general sanctions which are evidently inapplicable." Without totally condemning coercive measures, the resolution demanded the formulation of instructions on "commercial policy to be applied to states whose policies do not meet the approval of the Community."

European reluctance to impose sanctions has been clearly shown in relation to human rights and the third world. Europeans believe that one must

refrain from manipulating economic relations with developing states, because the gulf between the rich and poor countries can only lead to a violent confrontation, to which Europe would be the first to be exposed. While the vast majority of the third world regimes could be the object of sanctions in the form of deprivation of economic aid, because of their lack of respect for democracy and human rights, the EEC has always refused to make any distinction among these poor countries on a political or moral basis.

This is an area where the European approach has most differed from the American attitude. Truman's aid to Greece and Turkey represented the Americans' first orientation. As Lynne Dratler Finney states, "The focus of American aid to foreign countries reflects, as it always has, national political and economic philosophies and objectives." This author emphasizes that, in the view of the American leaders, stability in the world "can only be achieved through political and economic freedom, reflecting the democracy upon which our country is founded." She also notes that the political orientation of aid has changed little from administration to administration, and that, among other things, it is aimed at "promoting the development of democratic institutions in a country in order to insure that the country will remain or gain entry in the free-world."⁶⁰ According to David Gordon, "The policy that evolved in the middle 1960's was to concentrate on the 'favorable few' geopolitically important countries where conditions for development were deemed favorable."⁶¹ This selectivity in aid only began to be modified under Congressional pressure with the passage of the Foreign Assistance Act of 1973. Congress wanted to give priority to the poorest countries. Upon assuming office in January 1977, President Jimmy Carter placed the issue of human rights at the center of his foreign policy. His insistence had an impact on aid policy, as the respect for human rights began to be considered in distributing aid.⁶²

In contrast, European aid policy has always been based on a global approach, according to which every country in the third world should be helped to attain a minimum standard of living. This position was clearly expressed by the Dutch government in 1977: "[Our] Government rejects the idea that aid should be used to reward countries which respect human rights and conversely withheld to punish countries which disregard those rights. Aid should be related to the needs of the people and not to the conduct of governments." In the same document, the Dutch government argued that selectivity is ineffective, and that "possibilities of contributing by means of aid to the observance of human rights are limited."⁶³ That being the case, one scholar has noted rather ironically that, in the annual Dutch government reports of foreign aid, whenever a country figures on the list of recipients, whether it be Bangladesh, Indonesia, Sudan, or Sri Lanka, the situation of human rights in that country is described much more positively than could be justified by the reports of Amnesty International: "In many cases the [Dutch] text is similar to the following: the human rights situation may not yet be considered ideal, but great progress has been made in the past year." Among the suggested explanations, it seems that Dutch government officials

are routinely inclined to continue aid programs at any price, and thus they make the human rights situation in the recipient countries look more attractive, consciously or unconsciously.⁶⁴ Non-discrimination was particularly obvious in the two Conventions of Association between the EEC and the African states concluded at Yaoundé in 1963 and 1969. These were multi-annual, global collaboration agreements, designed to be free from political shifts and changes in government. The development of European Political Cooperation and the frequency with which harsh positions were taken with regard to certain third world regimes have not changed this global approach. In 1975 the "Lomé I" Convention was signed by the European Community and forty-six countries from Africa, the Caribbean, and the Pacific (ACP). After ten years of "Lomé I" and "Lomé II," the "Lomé III" Convention was signed in 1984 with sixty-six countries, the advantages given to them being strictly similar, no matter what political system the recipient country might have, or the way it respected human rights.⁶⁵

An official EEC publication says that the originality of the Lomé system lies precisely in the "establishment of a unique contract between two regional groups, excluding all economic or ideological discrimination," and in "the global approach that combines all the instruments of cooperation."⁶⁶

In June 1977, the EEC's foreign ministers said that only cases of countries with a record of flagrant violations of human rights would the Community seek to ascertain that its aid was used uniquely to satisfy the population's needs. That declaration was invoked only twice: in 1977 with regard to Idi Amin's regime in Uganda, and in 1979 with regard to Bokassa's regime in the Central African Republic. But in neither of these two cases did the Community decide to cease paying these dictators the sums set by the Lomé compensation system. There were no sanctions at all.

The case concerning which there were many debates during recent years, with the participation of Bob Geldof and Alain Finkielkraut, is that of Mengistu's Ethiopia, a country ravaged by drought and famine, governed by a regime particularly contemptuous of the intellectual and moral values of the Occident and which used foreign aid in the most dubious fashion.⁶⁷

Ethiopia happens to be one of the biggest beneficiaries of EEC credits under the Lomé program. After the famine of 1984-85, Ethiopia received emergency aid coming to 56% of the total aid given under the "indicative" programs of Lomé I and II. The Community publication which furnishes aid data speaks rather complacently of the "priorities set by the Ethiopian government for the next decade," of the establishment "at the tenth anniversary of the Revolution (1984), of an Ethiopian Workers' Party," and even of a "Constitution in the course of being formulated." This publication notes that EEC-Ethiopian cooperation dates back to 1973, and that the European commissioners "have regularly, almost every year, visited Ethiopia, where President Mengistu has received them." This text makes no allusion to any pressure with which European aid might have been associated.⁶⁸

The same global and non-discriminatory approach characterizes the "general preferences scheme," the EEC Mediterranean policy, the Euro-Arab dialogue, relations with the Association of Asian and Southeast Nations, with the countries of the Indian sub-continent, the Andes Pact countries, etc.

Alongside a European political culture hostile to sanctions, other factors enter the refusal to impose conditions on economic assistance. There is, in a certain way, tacit acceptance of the thesis advanced by these countries that economic development necessarily precedes the granting of civil and political rights. As a European member of the African/Caribbean/Pacific-EEC parity committee of the European Parliament wrote, "What does democracy mean as long as one is dying of hunger? Should one not talk of the right to development before talking of human rights?"

Moreover, on a more realistic level, every time they thought of the possibility of imposing conditions, the Europeans have encountered intransigence on the part of the recipients. In November 1979 the EEC Council of Ministers declared that, in the framework of Lomé II, it would consider adopting appropriate measures in cases of systematic violation of basic human rights. But a proposition to link free commerce to satisfactory labor conditions, as well as propositions aiming at including a "human rights clause" in the Convention were rejected with indignation by the third world states and do not figure in that treaty.⁶⁹ The Europeans were confronted with a united front among these countries, whose main field of agreement was absolute refusal to allow Europeans to infringe on their sovereignty and intrude in their domestic affairs. In negotiations on Lomé III, the timid effort of the Europeans to begin a "dialogue on the [economic] policies" of the ACP countries, so as to make the aid more efficient, was immediately rejected. The right, expressed by minister Jean-Pierre Cot for France, "to have an opinion on the development of one's partners" was found unacceptable. The ACP countries refused any "conditionality," no matter how gentle. The only means of pressure retained by the Europeans was the fact that they did not sign a permanent convention with third world countries, but rather planned renegotiation in another five years.⁷⁰

Sanctions Retain Their Symbolic Function

If that is the general attitude of the Europeans, why, despite everything, have they agreed to impose certain sanctions in the past ten years?⁷¹

The answer is because, along with the official objective of the sanctions which is to make an errant state alter its policies, there exist other objectives, which are generally much more important than the first. As D. E. DeKieffer writes: "Non-aggressive sanctions are *not* employed for economic reasons but for political ones.... Nations, in the latter half of the 20th century, have increasingly used economic sanctions to indicate displeasure or disagree-

ment."⁷² Sanctions could be a way of demonstrating that one takes international obligations very seriously, or to show friendship and solidarity with a state, or to send a message of disapproval to the population of a guilty country, or to respond to considerations of domestic politics, or to prove one's "statesmanship" and capacity for action, or to show that one is neither inept nor indifferent, or to demonstrate one's sense of public morality, or to insist on respecting a certain norm of international conduct, or to save face, etc.

A government or group of governments sometimes needs to show that it supports international law, democracy, human rights, the norms of Western civilization. As J. Barber writes, these goals are "concerned with the status, reputation and position of the government imposing the sanction."⁷³ Sanctions are expressive acts, which are often not intended to be more than acts of protest and condemnation. They constitute a kind of moral fine for international misbehavior.

It is possible, as Anna Schreiber writes, that "it is mainly its symbolic functions that make economic coercion a tempting policy for governments."⁷⁴ For her part, Margaret Doxey distinguishes four "demonstrative" and "symbolic" functions of sanctions: to send a message to the government and population of the errant state, to make it understand that one strongly disapproves of certain actions; to reassure allies; to show public opinion that its indignation is understood and that one is prepared to affirm one's leadership; and to show the entire world that the sender country is faithful to its principles.⁷⁵ In other words, economic sanctions are a substitute for doing something else: either nothing at all or too much. On the other hand, the cost of refraining from sanctions could be loss of credibility, both in the eyes of one's own population and abroad. The best example is that of the sanctions against Rhodesia: London's objective was to manifest disapproval of the unilateral declaration of independence, to give an impression of strong indignation, to show how seriously and severely it took the matter, and thus to satisfy a national and international audience. This was also the case of the very meager sanctions against South Africa decided upon to counter pressure from the Commonwealth and from African countries. Consequently, the publicity surrounding sanctions, their visibility, is far more important than their content and their results.

In conclusion, on the symbolic level effectiveness is secondary, because sanctions are "expressive acts." Sanctions may be ineffective with regard to their primary and official goal; however, that does not mean they are ineffective with regard to their symbolic or secondary goals. As DeKieffer notes, the political usefulness of a sanction can be "heightened rather than diminished by the fact that economic sanctions generally hurt the country imposing them more than they do the country against which they are directed. It implicitly says that even though we know this may injure us, we are willing to pay that price to demonstrate our displeasure with your actions."⁷⁶

Four Cases in Which Europeans Elected to Apply Sanctions

For the Europeans, sanctions can retain a certain attraction, as experience shows, in order to achieve four objectives:

1. First, a group of countries can decide upon moderate sanctions the content of which is of little importance, because they reinforce *cohesion* among those who impose them. One may refer to Durkheim's thesis that the expression of non-tolerance promotes social cohesion. The main goal of some European sanctions has been to prove that European political cooperation exists and that it is truly the embryo of a foreign policy and not merely a semantic exercise in formulating joint protests. It is a question of showing that a "Community" truly exists, something which might appear doubtful during lengthy discussions of agricultural prices, budgets, and institutional reform.

Again, the most revealing exercise in European cohesion seems to have been that of the sanctions taken against South Africa in 1986, ineffectual sanctions if there ever were any, and with no real cost. As we will see in Part II, when the European Parliament vetoed in March 1988 the economic protocols signed with Israel, it was much more to affirm this Assembly's new role in the framework of European foreign relations than to express indignation at Israel's refusal to allow direct export from the territories.⁷⁷ As Mr Fergusson, a British deputy to the European Parliament, told that body during the debate on the Polish "coup": "The way in which the Community responds to the challenge of the Polish question...will determine whether we have a joint foreign policy or not, or whether we are going to have one, or whether foreign policy will consist only occasionally in making our points of view, our interests, and our will to take initiatives coincide."⁷⁸

In these cases, those most eager to impose sanctions are, on the one hand, the institutions of the Community (Commission, European Parliament), for whom that demonstration is essential, and, on the other hand, the states which favor acceleration of the process of European integration. On the contrary, opposition to sanctions could come from French Gaullist circles, for example, because of their anti-integration stance. As Gaullist deputy Maurice Druon said during the debate on the Afghan crisis: "Can we go any further than this purely moral stance? I don't think so, because we have neither the powers nor the competence to do so."⁷⁹

2. There are also cases in which it was practically impossible not to manifest solidarity with a member-state of the Community, which made such solidarity a matter of principle. Naturally one hopes that the state which is supported by the imposition of sanctions will later be willing to make concession in other European matters. That was the case with the few measures taken against Syria in the Hindawi affair, in order to assert solidarity with England (1986). It was mainly the case with the embargo imposed on Argentina during the Falklands Crisis.⁸⁰ The latter case is in fact the only one in which sanctions with a real content were collectively decided

upon by the Europeans. There, too, the desire to show solidarity, European cohesion, was primary. Moreover, the subject lent itself to that, since Europeans viewed Argentina's action as a blatant act of aggression committed by a regime which was both anti-democratic and discredited. Invasion of the Falklands was considered a violation of international law.⁸¹ Some countries, like France, also ran the risk of having their sovereignty challenged later in certain isolated islands (such as the Glorieuses, Tramelin, the Iles Eparses, Mayotte, Matthew and Hunter, Clipperton). From a legal point of view, the Falklands were an associated territory of the Community, and any violation of the Community's territory can justify sanctions. And a resolution of the Security Council could constitute a legal basis for the Community's action.

Yet even in the case of the Falklands, traditional hostility to sanctions quickly emerged. Ireland and Italy were the first to disengage from any obligation, as the sanctions appeared to support what they called the "gunboat diplomacy" practiced by London. The idea that they were making the Argentine people suffer, the bonds between the Italian and Argentine populations, the loss of sympathy for Europe in Latin American countries which were united behind Buenos-Aires, and growing doubts as to the justice of British policy after the *General Belgrano* was torpedoed (as well as Mrs Thatcher's no-concessions policy on Community budgetary and agricultural matters) — all these contributed to a rapid change in the European attitude.

3. There were cases, though rather rare, in which the imposition of sanctions was strongly supported at home, and was therefore profitable on the level of domestic politics. These cases were few, because European public opinion is not very interested in world events and international affairs, and because foreign policy has little electoral appeal. The Europeans, like everyone else, have always had a tendency to give more importance to their domestic affairs than to the exterior world, looking beyond their frontiers only when they were threatened. Thus the idea advanced by Jean-François Revel, according to which the French and American public are more "militant" than their own governments in opposition to the Soviet threat,⁸² seems rather dubious.

However, in at least three recent cases, sanctions might have proven politically "profitable": the wave of repression in South Africa in 1984-1986, Sabra and Shatila, and, above all, the military "coup" in Poland. There was even a risk that a government might be denounced by the press or opposition parties for being "immoral" or an "accomplice" if it did nothing concrete. It appears also that the wave of public indignation in Europe, following the condemnation to death of Salman Rushdie by Khomeini, played a major role in the Community's decision to take political sanctions against Iran in February 1989.

4. The Europeans have sometimes decided that it was preferable to accede to American pressure and impose symbolic economic coercion, when it seemed as if Washington were making sanctions an issue of principle, and when it was feared that there would be a radical deterioration in Europe-United States

relations, or that the Americans, feeling themselves abandoned, would be led to desperate actions (such as military intervention, withdrawal of their troops from Europe, etc.). In these cases, insignificant European sanctions seemed to be a modest price to pay for Western unity.

But in cases where the price demanded by Washington seemed too high, such as a radical deterioration in the détente or relinquishment of the gas pipeline, American pressure was not taken into consideration. The best example of sanctions taken to prevent the Americans from precipitating a catastrophe is that of the "sanctions" decided upon against Iran in May 1980. The abortive American raid concretized what the Europeans had feared most: a desperate American action which would set the Persian Gulf ablaze.

Clearly, in each of these four perspectives, the effectiveness of the sanction to stop some action worthy of censure is not taken into consideration at all. Sanctions need not be presented in terms of effectiveness, but in terms of adjustment to their aim: what is the minimal sanction capable of demonstrating that European cohesion exists, or that one stands solidly behind a partner, or that one understands and supports public indignation, or that the United States must be prevented from taking some irresponsible action? The decision to impose sanctions seems to be sufficient in itself, if one considers the amazing lack of follow-up on the part of European governments. After the decision on their imposition, all further interest in the sanctions seems to have disappeared, and they are barely discussed anymore.

A European Alternative to Sanctions: Dialogue

Since indignation in itself is insufficient, and sanctions do not appear adequate to most Europeans, the latter have been led to seek a substitute in conformity with their political culture.

Clearly, this substitute consists in "talking" to the offending government and trying to call it to order, to bring it round. The most striking example of this in recent years was certainly Giscard d'Estaing's trip to Warsaw to "talk to Brezhnev," in the midst of the Afghanistan crisis. The meeting was presented as one which might lead to a dialogue: "We do fundamentally believe that, if the dialogue is not pursued, very great tensions are liable to appear." It was necessary that the Westerners understand what the Soviet motivations were, that the Westerners make their position known, and that there be a frank and complete explanation at the highest level, for only the pursuit of dialogue would permit making progress towards a political solution of the problem. Giscard thought he had to get to the bottom of the analysis of the international situation, for if communication does not solve problems, the absence of communication accumulates misunderstandings.

Back in Paris, he said: "I believe that such a clear exposition has not been made till now. This exposition is in effect of the kind to be considered by our interlocutors.... I can tell you that our interlocutors listened to me with a great

deal of attention, when I informed them, with the greatest frankness, of our analysis."⁸³

The informal aspect, the "man-to-man meeting," was brought out. It was something similar to what the European heads of governments have developed among themselves within the framework of the "European Council," where a meeting at the top gives the leaders an opportunity to get to know each other in an informal manner. For François-Poncet, then French Minister of Foreign Affairs, the Giscard-Brezhnev meeting aimed at "giving the necessary warnings." Brezhnev was said to have received a severe admonition, in the framework of a policy of "firmness and dialogue." Other methods (including sanctions) were rejected, because they would only "plunge international relations into a cycle of incomprehension and misunderstanding." One must not "abandon oneself to the blind movement of a mechanism which could be fatal."

In a televised speech, President Giscard d'Estaing said: "In international life, there are two different actions: negotiations, which have the object of reaching results, and conversations, which have the object of exchanging points of view and reflections." It is noteworthy that he did not speak of sanctions. Deep inside European political culture, there is also the belief that personal charm can carry the day, that Western Europe is superior in intelligence, and that a European leader will always have the upper hand in discussions with aging totalitarian leaders or new leaders of third world countries.

It would be an error to believe that the very principle of the Giscard-Brezhnev meeting in Warsaw was criticized in Europe. On the contrary, the theme of dialogue, of conversation, as opposed to the theme of sanctions, was widely accepted, especially in West Germany. Chancellor Helmut Schmidt was in fact ready to travel to the Soviet Union one month later. In France, opposition leader François Mitterrand declared: "To go to Warsaw to meet Mr. Brezhnev is perfectly normal in itself." And Michel Rocard commented, "It is good, in difficult times, for the men who govern to meet and see what it is possible to do." When Giscard was criticized, it was for the style of this dialogue and the way in which he played the Soviet game: the Olympian mystery with which he surrounded his trip, the total improvisation, failure to consult with allies, and the division of the Western camp. But none of the French and European critics claimed that sanctions would be preferable to "conversations". People just thought that the latter must not lead, through naiveté or megalomania, to playing one's opponent's game.

The Middle East conflict seemed one of those crises in which the Europeans had chosen a policy of dialogue with all sides, and not a policy of sanctions and punishment. The well-known declaration adopted in June 1980 at Venice by the heads of government of the Community showed clearly that, in order to put their ideas into practice and push forward the peace process, the Europeans intended to get in touch with the parties and enter with them into a dialogue. The European leaders wanted the Community to be a mediator or

a go-between, not a judge or a policeman. Thus, between 1980 and 1982, European governments tried—with no success—to convince Israelis and Palestinians that Venice's principles and axioms were the best tools to solve the conflict.

However, during the War in Lebanon, the Community leaders apparently began to reconsider their faith in dialogue and persuasion and took the very unusual step of "freezing" their trade agreement with Israel. The sanction decided upon in March 1988 by the European Parliament, which consisted in not ratifying the protocols signed with Israel, constitutes a new step. We shall discuss its significance.

PART II

**The European Parliament's Sanction Against Israel:
The Refusal to Ratify the Three Protocols (1988)****The New Powers of the European Parliament**

Before 1986, the inter-governmental institutions (Council of Ministers, European Council) of the European Community were the only ones which could decide on economic sanctions in the name of the EEC.

In the four major cases of Iran, Afghanistan, Poland, and Argentina, the Parliament did apply its control to such sanctions, whether by questioning their opportuneness or, on the contrary, by giving them the democratic support they needed. In their debates, the parliamentarians asked most of the questions which were evoked in Part I of this study, such as: Are the sanctions effective? Do they conform to international law? What is their basis in the Community law? Do they hurt governments or populations? Have they a negative economic impact on the Community? Were they decided on because of US pressure? Are they applied selectively to certain offending states and not to others? and so on.

Supporters of European union had for long desired substantial modifications of the inter-institutional relations as determined by the Community basic treaties, and particularly a considerable enlargement of the European Parliament's powers, but modifications of these treaties were for many years considered taboo. Parliament itself had in the past repeatedly called for the right to take part in decision-making during the process of conclusion of international agreements, admission of new members, amendments to the basic treaties, etc. The direct election of this Assembly by European populations, since 1979, has given the Parliament democratic legitimacy and added strength to its demands.

Strengthening the role of the European Parliament was one of the main features of the *European Single Act* adopted by the twelve EC member states in 1986. The European Single Act allocated to the Parliament enlarged consultative powers, increased in some areas the effects of parliamentary consultation and established a limited power of parliamentary co-decision. There are now four different forms of parliamentary participation in the Community legislative process: 1) "optional" consultation by the Council of Ministers, 2) "compulsory" consultation, 3) "cooperation," which provides for a special and more intensive consultation of Parliament, 4) finally, the closest form of involvement is parliamentary "approval" provided for in the amended Articles 237 and 238 of the EEC Treaty, in the case of accession and association agreements.

Before the Single Act, Parliament could not exercise any substantial influence on the conclusion of accession and association agreements with third countries. Parliamentarians could only give their opinion, suggest, encourage,

support, criticize, etc. The inter-governmental institutions were sovereign. Articles 8 and 9 of the Single Act bestow on Parliament genuine rights of participation: now, it is possible to conclude accession and association agreements *only* if Parliament approves. The new versions of Articles 237 and 238 of the EEC Treaty contain two essential formal requirements: 1) in both cases Parliament's assent is indispensable for any further decision by the ministers; 2) this approval can only be granted by an absolute majority of members of the Parliament. If for some reason this majority is not attained or if Parliament explicitly expresses opposition to a positive decision of the governments, neither accession nor association can take place. The right of veto now given to Parliament can therefore lead to an accession or an association being blocked, something which can have, for the concerned country, far-reaching consequences.

In a major article on "Implications of the Single Act for the European Parliament," published in 1986, R. Bieber, J. Pantalis, and J. Schoo were rather sceptical concerning the importance of this reform. They thought that the only positive results would relate to Parliament's influence on the conduct of *negotiations* of association agreements. "The requirement that the Parliament should approve the agreement after signature will force the Council (of Ministers) to liaise closely with Parliament from the beginning of the negotiations to their conclusion. To avoid the risk of a negotiated agreement falling foul of a Parliamentary veto, the Council will have to seek to proceed in concert with Parliament from the establishment of the Commission's negotiating mandate until the conclusion of the negotiations. Experience on a national level (the relationship between the US President and Senate when Treaties are concluded) suggests that the new balance of power between the Council and Parliament with regard to association agreements, and to a limited extent, accession treaties, will lead to intense cooperation and coordination."¹ Another student of the European integration process, Juliet Lodge, made a similar analysis: "Joint legislative action was a misnomer as it merely formalized the European Parliament's power to delay, by stipulating that the Council must acquire the European Parliament's approval for a measure prior to enacting it. No power of amendment was given to the E.P."²

It should be noted that these modifications of the European Community's basic Treaties remained far removed from the proposals of the staunchest supporters of integration and of the European Parliament. In a resolution of 16 January 1986, Parliament criticized "obscurities and deficiencies of the Single Act" and the absence of "real reforms." Thus, after the signature of the Single Act, the Parliament immediately started to search for the optimal and maximal use of the new powers bestowed on it. These new powers could clearly be used as a political instrument. It quickly appeared that by delaying or refusing approval of a trade agreement with a third country, the Parliament could not only affirm its position in the decision-making process, but also increase indirectly its participation in European political cooperation (common foreign policy): in fact, the Parliament could take on itself to decide on an

economic sanction against a third country for political reasons. At the same time it could affect the plans of the Council *and* play a role in the foreign policy process.

It is in this general context that the refusal of the European Parliament to ratify the three protocols with Israel in March 1988 must be understood.

Past Economic Relations Between the European Community and Israel

Israel was one of the first states to have appealed, as early as 1958, for the establishment of diplomatic and economic relations with the EEC.³ What Israel sought was the possibility of profiting from preferential agreements or, better yet, of signing an association agreement. Despite the tremendous difficulties the state had in absorbing its immigrants, and despite the good political relations which the Europeans then maintained with it, Israel's overtures were only partially satisfied. On June 6, 1964 a very limited non-preferential commercial agreement was concluded for three years. The reduction in duties given to Israel (grapefruit 40%, avocado 33%, bromides for agriculture 35%) were on the "*ergo omnes*" basis: the same reduction was later given to all GATT members. It was followed six years later, on June 29, 1970, by an agreement which was certainly "preferential" but limited in scope. Israel was granted, for five years, duties reductions of 50% on two thirds of its industrial exports, and 40% on its main citrus exports. All fresh fruits and vegetables, with the exception of oranges and grapefruit, as well as processed fruits and vegetables, were excluded from this agreement and liable to full levies and duties.

It may be noted that, from the beginning, political considerations were already mixed with economic considerations in the Community's relations with Israel.

In various resolutions, the then pro-Israel European Parliament strongly supported Jerusalem's demands. For example, in its resolution of 25 March 1965, the Assembly reaffirmed that "only an association of Israel to the EEC, in conformity with para. 238 of the Treaty of Rome, will satisfy entirely the reciprocal interests."⁴ On 7 June 1967, in the midst of the Six-Day War, the Commission of the EEC recommended to the Council of Ministers that it commence negotiations with Israel for the conclusion of an association agreement. It was clearly a political recommendation. After the Six-Day War, French pro-Arab policy was the main obstacle to European economic concessions. It is significant that the preferential agreement of 1970 was signed on the same day as a similar agreement with Franco's Spain. President Pompidou demanded the agreement with General Franco in return for accepting the agreement with Israel, which was strongly supported by the Benelux countries and West Germany. (The concessions granted to Spain were even bigger than those granted to Israel.)

It was not until 1975, after many efforts, that Israel finally signed an extensive agreement with the Community, in the framework of the EC's "global Mediterranean policy." The latter fitted France's policy towards the Arab world, and an agreement with Israel was the price Europe had to pay.⁵ The convention of May 11, 1975 was based on Article 113 of the Treaty of Rome, and aimed to progressively eliminate the obstacles to exchanges between the two parties. Two means were envisaged to achieve this objective.

First, in the industrial field, the parties were to eliminate all tariff and quota barriers, according to a precise schedule. The Community eliminated these on its part on July 1, 1977, while for its part Israel was permitted to maintain customs duties on a number of "sensitive" products until January 1985. This deadline was pushed back to 1987 and then to 1989.

Conversely, in the agricultural area, which is much more sensitive for the Europeans owing to the competition with their own products and the necessity of maintaining the access of various Mediterranean countries to the European market, the 1975 agreement was considerably less generous to Israel. The EEC applied an average reduction of duties of 40/80 percent on a list of fresh and preserved fruits and vegetables, which represented about 85 percent of Israeli agricultural exports to the European Community.

In addition to these arrangements, a process of cooperation was set in motion to complement the exchanges. Like similar agreements signed by the EEC with the countries of the Maghreb and the Mashreq, an additional protocol of 1977 established industrial, technological, scientific, and agricultural cooperation. Finally, a very limited financial cooperation agreement (covering 30 million ECU) was signed at the same time; later, a new financial agreement (40 million ECU) covered the period from 1981 to 1986. Moreover, the 1975 agreement established a Council of Cooperation on the ministerial level.

Spain, Portugal, and the Israeli Demands

The first years in which the 1975 agreement was applied were marked by a significant reduction in the Israeli trade deficit with the EEC. But after 1980 this trend was reversed, and the balance of trade, which had been nearing equilibrium, deteriorated abruptly.

Israeli officials have held the EEC responsible for this situation, mainly because of the weakness of the 1975 agreement in the agricultural area. For its part the EEC has blamed, among other factors, the monetary policy pursued by the Israeli government. In fact, although Israel was able to profit from the industrial concessions of the EEC, notably by diversifying its exports to Europe, the agricultural component of the agreement has not proved satisfactory. The proportion of agricultural products exports included in the agreement has decreased, while the proportion of exports not covered by the 1975 convention (cut flowers, avocados, etc.) has increased.

TABLE 1⁶

TRADE OF ISRAEL WITH THE EEC
(millions of dollars)

	1975	1976	1977	1978	1979	1980	
Importations	1798	1595	1968	2445	2704	2746	
Exportations	783	875	1096	1344	1703	2282	
Excess of imports over imports	1015	720	872	1101	1001	464	
	1981	1982	1983	1984	1985	1986	1987
Importations	2819	2999	3474	3451	3739	4944	6347
Exportations	1922	1748	1754	1889	1978	2195	2746
Excess of imports over exports	897	1259	1720	1562	1761	2749	3601

To grasp the importance of this crisis in commercial relations, it must be recalled that trade with the EEC represents approximately 40 percent of Israel's total imports and exports. Although trade between Israel and the United States has developed in the meantime, the EEC remains Israel's foremost client and supplier.⁷

In these circumstances, which were already serious, the EEC's admission of Spain and Portugal loomed on the horizon. Delayed for a long time because it encountered fierce opposition in important sectors of the Community, such as southern France farmers, Spain's entry became certain. This prospect provoked great anxiety in Israeli political and economic circles (as it did in the other Mediterranean countries which export their products to Europe). This nervousness centered on the access to the Common Market of products of which Spain is and will be a most important producer, such as oranges, grapefruit, avocados, and flowers. Spanish entry to the EEC would permit Spanish agricultural products, developed notably thanks to Israeli irrigation technology, to compromise seriously the share of the market held by the Israelis.⁸ It was thought that half of the Israeli agricultural production might be endangered, especially flowers and avocados. There was already a serious erosion of Israel's traditional share of the European market for citrus. After having controlled about one third of this crucial market 10 years ago, Israel is now struggling to hold on to barely 20 per cent. Its citrus exports have suffered most in those countries nearest to Spain and Portugal, where Israel is at a natural geographic disadvantage.⁹

Hence the Israeli negotiators at Brussels made a double demand: first, that the 1975 agreement be improved markedly, in order to take into account the trade deficit as well as new types of Israeli agricultural exports; on the

other hand, that measures be taken to prevent Spanish and Portuguese membership in the EEC from harming Israeli interests. In brief, Israel demanded the suppression or adaptation of the mechanism of reference prices, the extension of the preferential system to cover new agricultural products, and quantitative guarantees. However, although the EEC derived not insignificant benefits from its economic relations with Israel (exports of more than three billion dollars, including more than three hundred million for ferrous products), there could be no doubt that Israel was and remained in a totally inferior position in these negotiations.¹⁰

European political and Community circles knew that Israel urgently needed these additional agreements. Hence they were naturally tempted to bargain for political concessions in keeping with the positions taken by the EC on the Israel-Arab conflict and the Palestinian problem, in the framework of political cooperation. These European positions were growing increasingly critical of Israel. The Venice Declaration of June 1980 was a decisive step. It affirmed the right of Palestinians to self-determination and the necessity of including the PLO in the peace process.¹¹

The first sign of a desire to use economic sanctions for political pressure on Israel appeared in June 1982, during the Israeli action in Lebanon. The 1975 agreement was put on a back burner at that time, and scheduled meetings of the Ministerial Cooperation Council (as well as all other negotiations) were cancelled or frozen.¹² EC authorities decided also to "freeze" the two 1977 protocols, and they put off "indefinitely" the signing of a second financial aid agreement (48 million ECU). Without there being an official "collective" decision of the EC, the Europeans decided to place an embargo on military shipments to Israel.¹³ The British Foreign Secretary Francis Pym said then that these measures were "weak and woolly." He explained that there had been no agreement in favor of harsher economic sanctions. These decisions were toothless. Frequent contacts between the Commission officials and Israeli diplomats continued through the "freeze." In any case, the 1977 protocols had a limited scope, and the amount of Community funds promised to Israel was very small. The "military shipments" on which an embargo was placed consisted only of individual items and were of minimal importance. At that time, most Community members, with the exception of Greece, did not believe that sanctions would be effective, and they thought that they would only cause increased Israeli inflexibility. These few measures were removed in June 1983, following the European summit in Stuttgart. No meeting of the Ministerial Cooperation Council took place between January 1982 and February 1984.

The opportunity to pressure Israel in 1986-1988 was provided by the three additional protocols to the 1975 agreement — protocols which constitute the relatively positive outcome of Israeli efforts. Commercial negotiations between Israel and the EEC advanced very slowly, in an increasingly heavy climate. The European ministers issued a great number of declarations critical of Israeli policies in the occupied territories, and condemning Israeli settlements on the West Bank and in the Gaza Strip.

The European Decision on "Direct Palestinian Exports"

The crisis began on Monday, October 27, 1986 when the Council of Ministers of the EC, by means of an ostensibly technical measure, decided to accord the preferential customs treatment already enjoyed by the states of the region to agricultural products from the West Bank and the Gaza Strip.¹⁴ The Europeans wanted these products labelled as Palestinian and not as "Made in Israel," and they expected Palestinian producers to be able to enter into direct relations with Common Market importers and to choose their own commercial avenues. Brussels insisted that the cooperatives of the territories should not be obliged to operate through AGREXCO (the Israeli agricultural export monopoly) or the Citrus Marketing Board. In a statement, ministers said improved trade access would end an anomaly by putting the West Bank and Gaza on the same level as neighboring countries.¹⁵ Later on, three European countries (France, the Netherlands, and Britain) offered to help Palestinians set up export agencies to market their products directly, and to give them business advice.

This decision was part of a modest package of economic aid, which was expected to help stimulate the economy of the territories. The package totalled 3 million ECU for 1987. It was not a new funding but it grouped together existing Community assistance. The Community would distribute funds *directly* to seven Palestinian-run projects in the territories (such as an agricultural and vocational center in Jericho, the Hebron Technical Engineering College, the Palestinian Health Care Charity, etc.).

As a comparison, it should be noted that, during the years 1975-1984, the U.S. government had expended 75 million dollars in a program of economic and social assistance to the West Bank and Gaza. As Leopold Y. Laufer has shown in his study of this scheme, more than half of this amount was spent on a special program, the goals of which were to maintain and strengthen direct links between the U.S. and the population of the territories. Execution of the program had been in the hands of six U.S. private organizations (PVO), which had been allowed considerable latitude in selecting and shaping their projects: development of cooperatives, economic projects designed to increase the productive capacity of the territories, upgrading universities, production-oriented agricultural projects. In 1984, the US decided to step up their economic involvement in the territories via the PVO, in order "to improve the quality of life." In 1984-85, funding available was increased to 9 million dollars.¹⁶ In 1985-1986, it was increased to 18 million dollars. Meron Benvenisti notes that the combined budget of the PVO constitutes a small fraction of unilateral transfers to the West Bank, but that these activities are highly visible because of their political connotations.¹⁷

In their first program to date in an area under military occupation, the European governments chose to put the accent on trade. The October 1986 decision on "direct exports" must be understood in the context of the foreign trade balance of the occupied territories.

The trade balance of the West Bank and Gaza shows a constant deficit. The exports of these areas are declining. The West Bank exported in 1981 for 205 million dollars, and in 1985 for only 166 million dollars; Gaza exported in 1981 for 197 million dollars, and in 1985 for only 106 million dollars.

The pattern of foreign trade has for a long time remained without major change, with a fairly stable distribution between Israel, Jordan and the rest of the world. 70% of merchandise exports go to Israel, 28% go to Jordan (or through it to other Arab states), and only 2% to other countries, including Europe. The exports were more and more oriented towards Israel itself and not towards the "outside world." West Bank exports to Israel were on a rise (111 million dollars in 1980, 156 million dollars in 1986), as were those of Gaza, although in a lesser measure (113 million dollars in 1980, 118 million dollars in 1986, 143 million dollars in 1987). On the other hand, exports from the territories to countries other than Israel or Jordan were nearly nonexistent: from the West Bank, such exports remained since 1977 at a level of 1 million dollars; from Gaza, they fell abruptly from 15 million dollars in 1971 to 2 million dollars in 1986.¹⁸ The meaning of these data was clear: the territories were becoming more and more dependent on Israel, and less oriented towards the outside world.

EC experts said that "direct exports" would encourage the formation of larger Palestinian economic groups that would combine their capital and form powerful investment corporations. As for the agricultural segment, until 1981/82 it had been the most productive and stable branch of the Palestinian economic sector. Afterwards, the share of agriculture in the West Bank GDP showed a continuous decline.¹⁹ According to EC officials, both industrial and agricultural production in the territories was hampered mainly by Israeli and Jordanian marketing restrictions. In particular, they said that AGREXCO had constantly limited marketing of West Bank vegetables to Europe, where they would have competed with Israeli products.

In the absence of marketing outlets, the economy of the territories was condemned to increasing backwardness.

However, the program had an obvious political significance quite out of proportion to these foreign trade considerations. Behind the technical facade, the EC Council of Ministers, by insisting on direct exports, and by deciding to end channelling of European aid via third parties, was in fact taking a position opposite to that of the Jordanian government which was publishing, at the very same time, its own plan for the development of the territories, and asking Western countries and banking institutions to transit their aid through Amman. The Jordanians argued that their aid was vital to prevent an economic crisis which could send masses of unemployed Palestinians to Jordan. They also argued that exports from the territories to Jordan (and other Arab countries through the "Amman transit") were also in very bad shape (West Bank: 61 million dollars in 1978; 69 million dollars in 1985; Gaza: 44 million dollars in 1977; 16 million dollars in 1985).²⁰ In fact, until its 1986 five-year plan for the West Bank and Gaza, Jordan had shown very little

interest in contributing to the economic development of the territories: it did not seriously want to develop the West Bank, for fear of giving it an independent economic power that could back Palestinian claims of economic viability. Amman had made export permits conditional upon imports of raw materials from Jordan, imposed various restrictions on agricultural exports; and it supported only such development projects as could promote its influence in the territories. In 1983-85, the fall in exports to Jordan was partly due to the economic slowdown in Jordan and the oil states.

Now, under its new development plan, Amman wanted to "normalize" its relations with the West Bank and Gaza, by easing the flow of goods from these areas to the East Bank and removing marketing restrictions. Jordan's plan, widely viewed as a bid to regain influence in the territories, was rejected by the PLO, but welcomed by Israel, which was ready to permit an influx of Jordanian funds. This was shown in September 1986 by the decision to license the opening of a branch of the Jordan-based Cairo-Amman Bank in Nablus, under parallel Israeli and Jordanian supervision. Since King Hussein suspended political coordination with the PLO in February 1986, Israeli and Jordanian policies towards the West Bank had become complementary.

Thus, as the leading French newspaper put it, "la CEE a virtuellement coupé l'herbe sous les pieds des dirigeants jordaniens en manifestant sa préférence pour une aide directe."²¹

From the European point of view, the insistence on "direct exports" was an effort to put into practice principles long since announced within the framework of Political Cooperation: i.e., non-recognition of the occupation or quasi-annexation of the territories, and recognition of the right of the Palestinians to manage their own business during a preparatory stage leading to self-determination.

In order to fully understand the EC ministers' decision, it is also necessary to remember three events which took place at that time:

1. the Hindawi affair, which provoked a very disturbing tension between the Community and Syria; while hardening their stance against Damascus, the Europeans were anxious to show that they were not against the Arab world;

2. the replacement of Shimon Peres by Yitzhak Shamir as prime minister of Israel; European leaders felt more at ease in putting pressure on Israel after the *rotatzia* (the replacement of the prime minister by the vice prime minister at mid-term);

3. Yasser Arafat's declaration in Harare that he was ready, under certain conditions, to accept Resolution 242. It was time, from the European point of view, to respond concretely to "Palestinian moderation."

Reactions to the EC's Decision

The decision of the Community was greeted with satisfaction by Palestinian producers, because it gave them a better chance to export their produce and diversify their markets, and because they would be saving various costs and taxes and would not be subject to Israeli-imposed quotas. The economic stagnation in the territories during the past few years also served to increase the relative significance of the "direct exports" scheme. But the 3 million ECU amount of EC aid was ridiculous and was roundly criticized by Bethlehem Mayor Elias Freij and other West Bank personalities. They lashed out at the EC for failing to increase substantially its development aid.

In contrast, the EC's demands were unacceptable to the two main components of the Israeli National Unity government which held that Israel was the sole authority internationally responsible for the West Bank and Gaza, that the territories and Israel were a single economic unit, and that the present situation could not be modified without peace negotiations.

Israeli authorities were extremely suspicious of the political dimension of a direct EC-Palestinian connection, and of an export channel that they could not control. As in the case of US assistance, "for the Israelis it represented an external intrusion oriented at best toward altering the economic status quo and at worst toward laying the economic foundations of a hostile Palestinian state."²² Israel has in general been ready to agree to external assistance to the territories, but the question of control remains a permanent concern.

It was primarily the *Likud* ministers who rejected the European decision as unacceptable interference and as "the beginning of recognition of a Palestinian state." Minister of Industry and Trade Ariel Sharon was the foremost opponent of this step. The Labour ministers, in general more flexible, mainly reproached the European Community for having passed a measure without any prior consultation with Israel, and for having camouflaged a political decision with technical disguise. Foreign Minister Peres said that Israel was willing to agree to direct EC aid to the territories, provided Israel knew where the money was going and that it was not falling into the hands of terrorist organizations. But Minister of Agriculture Ariele Nehamkin, the official primarily concerned with the Brussels decision and one of the hawks within the Labour party, immediately rejected the "European dictate."

While in the case of US assistance Israeli authorities were only apprehensive of the confrontational tendencies displayed by the private voluntary organizations, Israeli refusal of the EC's decision was not motivated solely by political reasons. Everyone held that the "direct exports" scheme was "unrealistic" on the technical level, in that the farmers of the territories had neither the logistical means nor the variety of products to enable them to establish their own commercial avenues to Western Europe. In general, the access to the European market is a difficult practice that demands a knowledge of products and the timing in which exports of vegetables can be profitable. Israeli officials held that the main economic problem of the territories was not foreign trade

but personal and family competition, lack of skilled manpower, lack of technical training, absence of credit, shortage of irrigation water, etc.

Furthermore, certain Israeli agricultural lobbies were also opposed to the European demand and placed strong pressure on the Agriculture Ministry. As any supply from the territories would take place concurrently with Israeli products, these lobbies feared direct Palestinian exports could undermine Israel's exports (many fruits and vegetables sold in Europe by Israel are grown also in the territories). As Emmanuel Sivan pointed out in a December 1986 symposium on Jerusalem's policy, Israeli economic domination of the territories has created interest groups in Israel who have a vital stake in continued control of these areas.²³

Thus, as in the case of US assistance analyzed by Laufer, the "direct export" program apparently was turned down for two contrary reasons: either because such exports were not able to compete on European markets, or because they were potentially competitive with Israeli exports.²⁴ Israeli officials also feared that Israeli growers would begin to market their produce through the West Bank and Gaza illegally, rather than through the official marketing boards. Such a diversion of traffic was not unthinkable, if we remember for example that some 300 Israeli firms are registered in the West Bank, most of them being dummy companies set up to avoid taxation.

The Israeli position was that the produce of the territories should continue to bear the label "Made in Israel" (or, at most, only the name of the city of origin, but in no case the terms "West Bank" or "Palestine") and Israel made it known that if the Palestinian farmers did not wish to go through the official channels of the state, they could not use Israeli ports and would have to export through other countries such as Jordan or Egypt.²⁵

European Linkage Between "Direct Exports" and the Three Protocols

An entire year passed with no progress. Foreign Minister Shimon Peres came to Brussels in January 1987, and then the EEC President Leo Tindemans came to Jerusalem the following May. Each side stood firmly by its positions. For industrial exports from the territories there was no problem. But no agricultural products, under their own labels, were received by the EC. As in the past, the small quantities exported continued to bear a "Made in Israel" label. Israel refused to permit the Palestinians to use its ports to export independently to the Community.

In the meantime, on February 23, 1987, the European foreign ministers formally supported for the first time the convocation of an international conference for Middle East peace under United Nations auspices, a conference which should provide a suitable framework for negotiations between the parties directly concerned (the so-called "Brussels Declaration"). In this document, the Europeans avoided explicitly endorsing direct negotiations between Israel and Arab states. During the first semester of 1987, Belgium

was president of the European Community, and its Foreign Minister Leo Tindemans devoted many efforts to promote the idea of an international conference.

On July 13, 1987 a new text was adopted under the Danish presidency of the Community. In principle, it constituted a continuation of the Brussels Declaration, but it represented a further hardening of the European stance. Whereas the Brussels Declaration had merely expressed "support" for the international conference, the Copenhagen Declaration saw such a gathering as "the only formula which would allow the peace process in the region to move forward." And instead of expressing interest in the improvement of the standard of living, it referred to "the deterioration in the economic and social situation in the territories," and cited the EC's "commitment to the respect of human rights in the occupied territories."²⁶

Three weeks after a new declaration by EC foreign ministers condemning recent Israeli initiatives in the territories and "calling upon the Israeli government to put an end to the illegal policy of settlements" (September 14), the commissioner in charge of Mediterranean countries, former French Foreign Minister Claude Cheysson, paid a decisive visit to Israel to try to clarify the problems. Although Cheysson stated that the matter of "Palestinian" exports would not be an obstacle to the signature of the additional protocols, this issue took a central place in the discussions. The commissioner tried to convince the Israelis that the decision was merely a "technical" one, necessary on the legal level: "Contrary to what people are saying, this is not a political dispute between the EC and Israel, but a technical problem."²⁷ The EEC rules on certificates of origin demanded that the labels of exported products correspond to reality. He argued that, in reality, the territories were not Israel. Moreover, he added, if the matter came before the EEC Court of Justice, Israel's practice would not stand up in court. On the other hand, would not an Israeli concession give some substance to statements according to which Jerusalem did wish to improve the standard of living in the territories?

Upon his departure from Israel, Claude Cheysson declared: "I would be dishonest if I told you that we have reached a formal agreement. We have come to an agreement in principle on the labelling of Palestinian products and the granting of certificates of origin, most likely to be done by the Chambers of Commerce in the territories. The difficulties remain serious, but they are purely technical and not political."²⁸

It is certain that there was agreement, for example, on the mention of the cities of origin, on labels in Arabic, and on direct contacts with European importers. But certain crucial points did not emerge with equal clarity for the two parties engaged in this arm-wrestling match. How and by whom would this merchandise be packed and transported within Israel? How and by whom would it be marketed in Europe? The execution of the export procedures was deliberately left vague.²⁹

The end of 1987 was marked by growing unrest on the Israeli side. The delay in signing and ratifying the protocols threatened to deal a serious blow

to Israeli farmers, and especially to growers of cut flowers. Israeli exporters would be unable to sell cheaply during the Christmas season. European duties on Spanish flowers were only 12.5%, while Israelis suffered duties of 17%, and the duties on Spanish produce were to be totally abolished in January 1988. According to the Chairman of the state-run Flower Marketing Board, "Our farmers are very worried about not having this agreement put into practice, since we now find our position inferior to that of the Spanish. As a result of continued delays in applying the agreement with the EC, our competitiveness will suffer and that will affect future production." It should be noted that Israeli cut flowers, which account for a 45 percent share of the EC winter flower market, have over the past few years become a major source of export revenues for the country. In 1986, a record 900 million cut flowers were sold overseas, earning Israeli farmers some 115 million dollars US.³⁰

In November 1987 Great Britain, supported by Denmark and Greece, announced that it was not prepared to sign the additional protocols with Israel. Officially, Britain based its stand on Israel's imposing of the Tamah tax (*Tosefet Michsat Ahuzim*) on various EC imports, which, the EC claimed, "lacks legality." Israel's response was judged by the Europeans "inadequate and full of irrelevant technical information." The underlying feeling on the European side was that Israel was cheating the EC in its taxation of European exports.³¹

But behind the formal pretext, the real reason was evident: the Europeans believed that Israel had no intention of honoring the "promises" made to Cheysson during his visit, according to the EEC's interpretation of them.³² Accusations were hurled on both sides: Israeli and EEC's officials alike used such terms as "illegal conduct," "blackmail," "dishonesty," "failure to honor undertakings," etc. The Israelis made a target of Claude Cheysson, accusing him of acting like "a Roman proconsul arriving in Judea and Samaria and telling the Jews how to behave."³³ The Europeans who blocked the additional protocols were said to be taking a "colonial approach to international relations." On a visit to Jordan, Cheysson spoke of "a fantastic political crisis," and uttered a clear ultimatum, laying bare the threat of sanctions: "The Israelis know very clearly that if they refuse what we demand—and we will accept nothing short of it—their relations with the Community will be at a breaking point.... There will be no new protocol. There will be nothing at all. They are in a completely illegal situation." The Israeli reply was: "If anyone in Brussels really thinks he can change the status of the Palestinians by means of eggplants and peppers, he is thoroughly mistaken."³⁴

Finally, on November 24, 1987, Israel came to an "arrangement" with Brussels, confirmed by an exchange of notes on December 7 between Ambassador Primor and Commissioner Dury. West Bank and Gaza farmers would have the choice of continuing to export through Israeli State marketing channels or of selling directly to European clients. Direct sales would have to be approved by an Israeli inter-ministerial body consisting of officials from the Agriculture, Foreign and Defence Ministries. Palestinian farmers would be required to provide commercial reasons and no other for exporting directly.

Produce from the territories should be labelled according to its town of origin and not under Israeli brand names, and certified only by the Chambers of Commerce of the West Bank and Gaza.³⁵ According to Claude Cheysson, the agreement was a "satisfactory outcome" of the crisis, but the new arrangements would be closely monitored.³⁶

The EEC foreign ministers gave their assent, on December 15, 1987, to the signing of the protocols, after Britain and Greece lifted their veto. There remained only what had been considered by many, notably by those Israeli circles which generally did not pay much attention to the Single Act, as a formality: the ratification of the protocols by a majority vote in the European Parliament. The Parliament had voted, for the first time, to delay a trade accord with Turkey in what some deputies said was a protest against the arrest there of two communist leaders.

The Outbreak of the Intifada

Notwithstanding the foreign ministers' agreement to the protocols, the European Parliament refused to be rushed and decided that there was no time to include the question of the ratification on its agenda before the Christmas recess.³⁷ This was, by itself, something very new in the Parliament's attitude towards Israel. Although the protocols with Israel would have to wait, the Parliament did find time to approve agreements giving financial aid to Tunisia, Algeria, Lebanon, Egypt and Jordan, as well as a trade and finance agreement with Yugoslavia and a trade accord with Cyprus. Later on, in January and February 1988, the Parliament delayed twice the debates on the protocols with Israel.

The outbreak of the intifada in December 1987 and the response by the Israeli authorities, the wave of criticism levelled at Israel in Europe (unprecedented even in comparison with the reaction to the invasion of Lebanon), led to a radicalization of European positions and to a desire more and more openly avowed to use the economic weapon in an attempt to bend the Israeli authorities. The emotion aroused by Israeli policy in the territories was far more significant than the issue of Palestinian exports. Had it not been for the events in these areas, the protocols would probably have been approved without debate. But now the entire policy of the Israel government was challenged in European capitals: the attitude of the army, the orders given by the government, the punitive measures, the expulsions. Receiving the Arab countries' ambassadors accredited to the Communities and the representative of the PLO on December 21, Cheysson voiced "the Commission's dismay at the suffering at present inflicted on the Palestinian people, in particular on young people spontaneously demonstrating against the action of the Israeli security forces."³⁸

Moreover, Israel did not seem disposed to respect the December agreement on direct exports. For example, 300 tons of oranges from the Shurab Company of Gaza (including a gift of eight cases to Cheysson), as well as a

similar cargo of eggplants, were denied a direct export licence to Europe.³⁹ Officials in Brussels were furious over what was regarded as blatant foot-dragging. On February 10, an EEC spokesman declared: "We have evidence that Palestinian export shipments to the Community bearing the correct designation from Hebron and other centres have been blocked in Israel. We have asked the Israeli authorities for the justification for this interference, but we have not so far received a reply."⁴⁰

Three weeks before the parliamentary debate on the protocols, British MP Robert Hicks, who had just returned from a visit in the region, accused Israel of deliberately seeking to bypass its "understandings" with the Community. He claimed that Israeli officials were creating bureaucratic obstacles to prevent the territories' products from being exported in time. He cited the improper substitution of an Israeli certificate of origin on a consignment of lingerie exported from Ramallah, and four crates of oranges from Gaza still stalled in Israeli customs as "...the most clear-cut examples of the Israeli authorities deliberately seeking to thwart EC efforts to boost exports from the territories."⁴¹

The Veto of the European Parliament

Deputy R. Hitzigrath, the secretary of the Committee of Exterior Economic Relations (REX) of the European Parliament, presented three reports to be submitted to a vote in the plenum. They dealt, respectively, with:

1. The protocol of financial cooperation between Israel and the EEC, according to which Israel could benefit from loans from the European Investment Bank up to as much as 63 million ECU by October 31, 1991. The money was intended for projects helping to increase productivity and achieve complementarity between the Community and Israel economies, and promoting the industrialization of Israel.⁴²

2. The protocol on the transitional measures resulting from Spain and Portugal's joining the EEC.⁴³

3. A "fourth" additional protocol, also linked to the entry of Spain and Portugal, harmonizing the duties on Israeli products with those imposed on the products of the two new members.⁴⁴

These three reports had been examined by the Committee of Exterior Economic Relations during two sessions, on November 23, 1987 and on January 29, 1988. The Committee adopted the reports by a vote of sixteen to zero, with two abstentions, and decided to submit it to a final vote at the plenum. In contrast, the Budget Committee of the Parliament decided not to give any opinion.

One should note that the report on the "fourth protocol" ended by recalling the unequivocal position of the Community on the most controversial point: the European Parliament insisted that Palestinian exporters may, if they so

desire, establish direct contacts with the European importers, in line with the agreement reached the previous December between the Community and Israel.

The debates were held on March 8 and 9 in Strasbourg. According to the Single Act, an absolute majority, that is 260 votes, was needed for the protocols to be authorized. The difficulty of achieving such a result, even in ordinary times, is noteworthy, given that more than a hundred delegates out of 518 are usually absent from the plenary sessions in Strasbourg and thus do not take part in the vote. If fewer than 400 members take part in a vote, it is exceedingly hard to obtain 260 votes in favor.

From the beginning of the debates at the European Parliament, the question of principle inherent in linking political aims and economic sanctions was clearly stated by Mr Arndt (Socialist, Germany): "With international agreements, there are often political factors involved which do not stem directly from the actual agreements being voted on. This of course means that *the House faces a political question of principle concerning its relations with the country with which these agreements or protocols are to be concluded.* That is particularly true of the protocols with Israel. They are a classic example. But we should also remember the protocols with Turkey. The House will need to debate this matter again in depth because we have not yet resolved the question of what our basic approach should be."⁴⁵

All those who spoke in this debate, including the French, Italian and Greek Communists and the Greens, took great care to display their friendship and sympathy for the people of Israel. According to the Italian Communist Rossetti: "Even at such a dramatic time, we confirm our desire to cooperate with Israel: we know how to make distinctions, and we do not think that this country is the empire of evil. We know that there are forces that are assuming very serious responsibilities vis-à-vis the Palestinian people, and that there are others—even within the government—who take a different line, seeking a political solution to the problem." However, the traditional split between pro- and anti-Israel factions was again obvious: on the anti-Israel side were the communists, the ecologists, and a majority of the socialists, who were joined by a part of the conservative faction; on the other side were a minority of the socialists, a majority of the center, most of the liberals and Christian-Democrats, and the moderate right.

The arguments advanced during the debate can be summed up as follows:

All those who opposed ratification considered that the protocols had to be linked with Israeli policies in the occupied territories, that is, the repression of the intifada and the obstruction of direct Palestinian exports.

A. Whether or not it is desirable, it is not possible to separate economics from politics. "The action taken by the army and the unrest in the Israeli occupied territories has given the whole thing a political dimension which we simply cannot ignore." (Arndt) This position is related to the thesis that in relations among states, there is nothing exclusively "technical" or "administrative."

B. Israel had violated both the agreements concluded in October 1987 with Claude Cheysson and those concluded in December, and it persisted in what Community law viewed as the misappropriation of goods and services. The new protocols should rest on a relation of trust. Trust between two partners is indivisible. "We cannot altogether trust the Israeli government because having seen how they conduct matters in the occupied territories, it is quite probable that they might do the same over trade relations." (Arndt)

"I do not believe that it would be right to approve the grant of further trade benefits to Israel at this time, when the same party is in breach of such very important agreements with the Community." (Price, Conservative, U.K.)

C. There was a risk that the advantages accorded to Israel might reinforce the regime of occupation and repression. "Regarding the third, financial protocol, there is also the risk that financial aid may be used to strengthen the regime of occupation in Palestine." (Arndt)

D. The ratification of the protocols would be a misleading message to the Israeli government, reassuring it in its policies. "It seems to us to be a mistake to send out, by ratifying the protocols, a signal that would be interpreted as a signal of normality, which could easily be read as marking the success of a hard line taken by the government, and its reward as such. This is not right." (Rossetti, Communist, Italy)

Another deputy, Mr Telkämper (Green, Germany), observed that, "...given the current political situation in the Israeli-occupied territories, approval of these protocols would be seen as a catastrophic signal. In the face of daily violations of human rights by Israel in the Palestinian territories, in the face of daily killings of Palestinians by Israeli soldiers, we cannot give a signal here which would suggest support for this policy." The French communist delegate, Mr Chambeiron, warned that "It is easy to imagine a positive vote by the Parliament being used today as what has to be called a blank cheque by the Israeli hawks." And Greek communist Mr Ephremidis said, "If we approve these protocols as things stand at present, it means that we are giving moral support to the Israeli government and rewarding it for its actions."

E. To approve the protocols could endanger future peace negotiations. "We would, in approving the protocols, be denying the right of the Palestinian people to self-determination. We would be interfering on a huge scale and jeopardizing a possible peace process and possible peace negotiations." (Telkämper)

F. On the tactical level, ratification of the protocols was the only trump-card at the disposal of the Community for bringing Israel to respect the agreement on export from the territories. According to Mr. Price: "If the Parliament approved the protocols today, it would lose any chance of obtaining the correct application of the accord in question."

G. For many European parliamentarians, the prime factor in their rejecting the protocols was their deep emotional response to the repression of the uprising in the territories. They held that the justification for penalizing the

offender was that doing so expressed an important statement about the offence. A penalty declares, in effect, that in the society in question the offence is not tolerated. According to Belgian liberal Mr. Beyer de Rike, "I return, like most of the observers present in the field, and like many Israelis, for that matter, stunned by the policy of broken bones.... My vote today is one of hostility towards today's policies."

It is noteworthy that none of the deputies opposed to ratification expressed the slightest criticism of the contents of the additional protocols. These were not questioned. In fact, the question of their contents was not even raised.

Those who demanded immediate ratification of the protocols did not approve Israeli policies in the territories; most of those who spoke in favor of ratification insisted on criticizing Israeli policy, often very harshly. A strong supporter of ratification like the Portuguese Pimenta said: "It would take an unfeeling person indeed to watch the horrifying scenes appearing day after day on our television screens without being moved." Another supporter of ratification, British deputy Cassidy, declared: "Of course everyone is concerned about events in Israel. Friends of Israel such as myself and members of my group are particularly concerned, because plainly the State of Israel is currently getting bad worldwide media attention." Only a few deputies spoke relatively moderately, posing the intifada against the more general background of the Arab-Israeli conflict and recalling, like the Dutch non-affiliate deputy, Mr van der Waal, Arab refusal to recognize Israel, "a nation which not only has to deal with a PLO which is constitutionally bent on the destruction of Israel, a nation which moreover has had to fight several wars since 1948 to ensure its survival."

Despite their harsh criticism of Israeli policies, they opposed the rejection of the protocols for a variety of reasons.

A. Political and economic questions should not be mixed. Mr Nordmann (Liberal, France), for example, spoke of "globalization," of "confusion," of an "amalgam" occurring in the debate—attitudes which, in his opinion, are never an expression of intelligence: one must refuse the mixing of genres. Mr Blumenfeld (Christian-Democrat, Germany) said that the European Parliament must not allow "trying to use political arguments to resolve a technical or financial matter." The behavior of the Israelis in the territories "is quite another matter." "It is a pity that, in what is essentially a matter of trade, political considerations should be dragged in.... It would be very unfortunate if this Parliament were to establish a precedent that trade issues were to be used for political objectives. This time the Left is using them against the State of Israel. There will perhaps be a temptation for people elsewhere in the House to use future trade issues against some of the unsavoury regimes that people on the Left are so fond of." (Cassidy, Conservative, U.K.)

"We must be able to distinguish between the results of normal political cooperation on the one hand and economic relations on the other." (Pimenta, Liberal, Portugal)

"It is dangerous, and it can create a precedent. When does a matter have political character, and when does it not? The extreme consequence could be that we will always find a political reason for dealing with or refusing to deal with a question." (Oppenheim, Conservative, Denmark)

"The European Parliament has other ways of getting across its views than by the blockage of trade agreements or financial cooperation of very limited scope. So blockage is not a means of exerting pressure. Let us not confuse the issues. The abusive politicization of such technical topics would be misuse of the procedure and a dangerous precedent." (Mallet, Christian-Democrat, France)

B. Some parliamentarians opposed the use of economic coercion in general. That was the position expressed by Mr Blumenfeld, who stated that one must always avoid exerting "unfair political pressure on a sovereign government."

C. Sanctions of this sort would not contribute to any positive result and might in fact be counter-productive. Mr Pimenta noted that "neither the state of EEC-Israeli relations nor the development of contacts between the various communities living in Palestine would benefit by suspending our links with Israel. It was just this kind of consideration which recently led Parliament to approve agreements with other Mediterranean countries." According to Mrs Braun-Moser (Christian-Democrat, Germany), the European Parliament would be "harming the Palestinians precisely by delaying the approval of the additional protocols."

D. The attitude of the Israeli leadership is such that its capitulation is unthinkable. "I do not see the possibility, based on my political experience, of teaching Israel a lesson by delaying the adoption of the protocols." (Rogalla, Socialist, Spain)

The delegate formerly responsible for the dossier of economic sanctions, Mr Seeler, and Mr Seibel-Emmerling (both Socialists, Germany), declared, "To formulate criticisms of a political nature, we dispose of more efficacious means than the rejection of protocols which are largely of a technical character."

E. Refusing to ratify the protocols would be to adopt a double standard. As Mr Pimenta said, the Parliament had approved "agreements with other Mediterranean countries with far worse human rights records than Israel."

"We have concluded trade protocols with all manner of countries, without mentioning the political side-effects. We could have raised political issues when concluding protocols with Morocco, Turkey, or Yugoslavia. But the Parliament has so far declined to do this." (Braun-Moser)

"The question being asked today is the following: are we going to refuse to do what we try to do with most other countries, when it concerns the State of Israel? When it concerns Israel, is Europe going to apply a double standard? That is the basic question." (Nordmann)

F. The costs of trade disruption might also be borne by the boycotting states themselves: relations between the EEC and Israel also benefit the

European Community. "Over the years, Israel has developed products especially for our winter, and we basically cannot do without them." (Braun-Moser)

G. An attitude of bias against Israel might smack of antisemitism: "It sheds a very strange light on our voting, if on the one hand we produce comprehensive reports on the revival of fascism and racism, but in the case of Israel postpone a decision twice, three times, effectively showing a negative attitude, and seek to use every conceivable pretext to refer the matter back to committee again and again. I see this course of Parliament's as extremely ominous." (Braun-Moser)

H. The protocols contained nothing new or original which should have led to rejection. They were merely technical measures for adaptation, made necessary by the enlargement of the Community. That was the point made by Mr Varfis, the Commission-member who contributed to the debate. He emphasized that similar protocols had been concluded with other Mediterranean countries. "I just want to stress that the three protocols do no more than adjust relations between the Community and Israel concerning matters of trade and financing cooperation. These protocols are in no way related to the occupied territories."

I. After all, only two months had passed since the December 1987 "agreement" on the export of merchandise from the occupied territories. Mr Varfis pointed out that the Commission was following the matter, implying that two months was insufficient for judging and condemning Israel.

J. The Community had a moral commitment to ratify the protocols: obligations had been undertaken, and they had to be honored. That was the main argument of Ms Simone Weil (Liberal, France): "We undertook, at the time of the enlargement [of the Community], certain obligations towards third countries. These protocols are their consequence. Thus there is no reason not to adopt them." She said that (1) the Community had to assume economic and commercial relations with "countries of every sort," (2) the protocols were the consequence of promises made at the time of enlarging the Community to include Spain and Portugal, and (3) it was necessary to separate the vote on the protocols from the political discussion. The position of Ms Weil, was supported by the French socialists.

Following these statements, in a series of successive votes, the Parliament refused to give its assent to the conclusion of the protocols.⁴⁶ The vote followed old lines of division, with several surprises, all of which were defections from the traditional pro-Israel camp. The protocols received respectively 255, 207 and 205 votes.⁴⁷ As the *Financial Times* noted: "The Parliament's failure to endorse [the protocols] is the first tangible mark of international censure of Israel since the Palestinian unrest began three months ago."⁴⁸

Reactions to the Sanction

In Israel, a rather mild Foreign Ministry statement, reflecting Shimon Peres' moderation, expressed "disappointment" that the European deputies had not managed "to separate an essentially technical and economic issue" from "their opinions regarding the situation in the territories." Peres preferred to keep a low profile on the Parliament's attitude, and to engage in a huge lobbying effort in order to have the decision overturned. It was thought that such a reversal could more easily take place during the first semester of 1988, under the German presidency of the EC, than during the second part of the year, under the Greek presidency.

In the following months, diplomats stationed in Europe were to seek out the Parliament's 518 members. According to Menachem Shalev, Peres personal instructions included the demand that diplomats report on their contacts on a name by name basis.⁴⁹ The Foreign Minister decided later to send Abba Eban, Chairman of the Foreign Affairs and Defence Committee, to a number of European capitals.⁵⁰

The Agriculture Ministry's reaction was different. The deputy director-general of the Ministry, Arye Zaeff, said: "Our farmers feel very cheated since Brussels had always insisted that this ratification was a mere formality."⁵¹ This was confirmed by the president of the Israeli Farmers Association: "For Israeli farmers, this chance to continue exports to Europe is of vital importance.... More than 80% of Israel's agricultural exports go to the EC countries.... We were told that a technical stage was to be overcome as the Parliament of Europe would have to ratify the agreements.... We can only protest against this unilateral action which threatens to ruin Israel's agriculture and bring back the desert, which we pushed back with our blood and sweat."⁵²

Agriculture Minister Arye Nehamkin put the blame on Palestinian farmers. He revealed he had been informed that the farmers complained repeatedly to Brussels, saying Israel was not honoring its agreement with the Community. "There is no reason we have to respond to this sort of blackmail," he said, "we have fulfilled all our promises on that matter."⁵³

In fact, Foreign Ministry officials would have been ready to be more conciliatory towards European demands. But they believed that the Agriculture Ministry was holding up the implementation of the agreement; they held that, because of pressure from AGREXCO, the Agriculture Ministry preferred to sustain the loss resulting from the higher trade tariffs rather than to allow West Bank and Gaza farmers to export directly.⁵⁴

As usual, the event was used in the political strife between the Likud and the Maarach (Labor), seven months before the general elections of November 1, 1988. Minister Ariel Sharon, leader of the right wing of the Likud, said: "How can one wonder at the Europeans? For the past two years, and certainly in the past few months, a succession of Israeli emissaries have been dis-

patched, to explain to everyone possible that Israel must be pressured by every means possible, to participate in an international conference. And all this behind the government's back and at the behest of Shimon Peres, who has spared no effort to initiate such pressures to make us accept a programme that we see as a catastrophe."⁵⁵

In threatening to retaliate against the Community, and in saying: "I don't believe Israel can just take this punishment. It must certainly respond. Israel cannot accept these sanctions without reacting to them," Sharon expressed the feelings of many Israelis. They thought that diplomatic protestations in Brussels and other capitals would avail nothing, and that the order of the day should be to find alternative markets and sources of supply for the country. The veto of the European Parliament and the subsequent—although temporary—ban placed on Israeli fruits and vegetables in a major Danish supermarket chain and in other places strengthened feelings of frustration and alienation, and caused Israeli businessmen to wonder how much basics like good prices and quality were worth anymore in Europe. Some pointed out that the vast economic potential of the Far East had not even begun to be tapped by Israeli policy-makers.

On the community side, German deputy Erik Blumenfeld, one of the staunchest supporters of Israel in the European Parliament, explained to the Israelis that the accords were *not* rejected: they were simply not ratified. Although the immediate effect was the same, only if the protocols had been formally rejected would Israel and the EC have had to re-open negotiations. Blumenfeld blamed explicitly Commissioner Claude Cheysson for what had happened. He said Cheysson deliberately absented himself from the final discussion, immediately after which the votes were taken. Had he been present, he could "have swung the vote." And also, when Cheysson had said that Israel had not lived up to its agreements, "This was an entirely trumped-up charge and I wanted to question him publicly about it. But he did not come to be questioned."⁵⁶ These accusations against the former French Foreign Minister seem well-founded. In April 1988, speaking at the REX, Cheysson curiously termed "negligible" the economic impact on Israel of Parliament's refusal to ratify the protocols.

The ambassador of the European Community (and representative of the Commission) in Israel, Mr Gwynn Morgan, criticized the European Parliament's decision: "It is a dangerous precedent when international trade agreements, which are entered into by responsible governments, can be put off the rails by very perturbing political circumstances." He affirmed that the decision was "totally a political commitment." With regard to Israel's controversial implementation of the December agreement on direct exports, Morgan said: "I have no evidence to suggest that Israeli government officials have changed their position. They want to make this thing work."

Above all, it does not seem that the European foreign ministers were particularly happy about the veto, which interfered with their general strat-

egy towards Israel and the Palestinians, their attempt to gain a role in future peace negotiations and the EC's internal balance of power. On March 22, the President of the Council of Ministers, Hans-Dietrich Genscher, asked explicitly to reconsider the refusal. The ministers sent a letter to the Parliament, asking it to vote again "at a more opportune time."⁵⁷

Ending the Sanction

With the passing of time, although the political and military situation in the West Bank and Gaza scarcely changed, Israel showed much greater flexibility on the question of direct exports. In April, during a meeting of the REX, Claude Cheysson announced that the Commission had received a memorandum from Israel. He termed it satisfactory.⁵⁸ The Israelis agreed to drop the practice of demanding export licenses for Palestinian farm exports. They permitted exporters to negotiate conditions of transit with European buyers. The ports through which the exports were to be sent would be stipulated in common by both Israelis and Palestinian farmers. An agreement dated May 23, 1988, when Shimon Peres was in Brussels for the EC-Israel Cooperation Council, confirmed these arrangements.

That is why on June 16, 1988 the President of the Council of Ministers again placed the question of ratification of the protocols on the Parliament agenda. Genscher's words were explicit: "I am formally asking you to take up the Israeli protocols again and thereby contribute to constructive developments in the Middle East." Again the Committee of Exterior Economic Relations assented to the protocols, though by a smaller majority than before (sixteen in favor, four opposed, with no abstentions). During the new Parliamentary debate, which took place on July 5, most of the deputies held that one should not be satisfied with Israeli "promises," but that the government of Israel had to be tested, and the application of the engagements on the ground had to be verified. Answering the question put to the Commission: "Could the Commissioner confirm positively on behalf of the Commission that it is satisfied that the agreements covering products from the West Bank are being satisfactorily implemented?," Mr De Clercq said: "We cannot express any satisfaction because there has been no implementation up to now. There are no exports. There are no imports. There is no trade flow for the moment. Therefore my answer to the question as put is of course negative. If you ask me if there are any guarantees given that the implementation will be 100 % correct, I have to say we have no guarantees of that kind."⁵⁹

In fact, both supporters and opponents of the ratification supported the decision to delay the vote. Supporters of Israel expressed doubts whether the required quorum of 260 parliamentarians would participate in the vote during the month of July. The ratification would stand a much better chance of passage in autumn, when attendance would be higher. The vote on the

protocols was thus postponed until the first session of October. The only "compensation" given to the partisans of Israel was acceptance of the demand made by Ms Simone Weil and Mr Christophe Prout to have the vote on the protocols between the EEC and Syria postponed as well.

In the meantime, two events contributed to putting an end to the deadlock.

In July, five Gaza citrus-growers formed the vanguard of independent agricultural exports, after an interministerial committee decided to grant them export licenses. The five, including former Gaza mayor Rashad Shawa, signed agreements with a five-nation consortium of European importers for exporting 16,000 tons of citrus fruit between November 1988 and April 1989. These imports would be the first ones not handled by the Citrus Marketing Board.⁶⁰

On September 14, Yasser Arafat was hosted in Strasbourg by the Socialist group and met by Roland Dumas; as a result, many of the members of the Parliament became very keen to appear even-handed by backing the protocols.

On October 12, the European Parliament put an end to its "sanction" by giving its assent to the protocols: 314 deputies voted in favor of the ratification, 25 voted against and 19 abstained. Among those who continued to vote against, were mainly 19 members of the British Labour Party, but also 4 Greens, 1 Spanish socialist and one Spanish CDS; among those who abstained were 9 communists, but also 3 French liberals, 1 Greek liberal, 1 Greek socialist, 1 Italian liberal, 1 Spanish socialist, 1 British laborite and 1 Belgian non-affiliate. It should be noted that the Italian communists voted *in favor* of the protocols. A few days before, the Israeli authorities had just signed an agreement with the Agricultural Cooperative Union and Benevolent Society of Gaza which, among other things, arranged for the expeditious granting of export permits.

Conclusions

In examining the course of events described here, it becomes clear that the non-ratification actually took place in the most "favorable" context for economic sanctions that could be imagined:

A. A situation of almost unanimous disapproval of the policy of the target state prevailed. The government aimed at was the object of harsh criticism in European mass media and condemnation was expressed by broad sectors of public opinion. Mr Hindley (Socialist, U.K.) spoke of "the very real and deep disapproval of Israel's actions in the occupied territories felt by a very broad cross-section of this House."⁶¹

B. Even the groups who traditionally strongly supported the target state (usually socialists, Christian-Democrats, and liberals), like the leading pro-

Israel parliamentarians, were much more reserved than in the past. Their willingness to support a government generally considered guilty became more limited.

C. The target government was in a state of increased weakness on the economic, social and political levels. It was also forced to deal with growing domestic criticism.

D. The European Community was now in the rare position where it had the quasi-exclusive ability to grant or withhold a benefit. The immediate restructuring of trade patterns was impossible, and the target government had in fact no alternative to its links with the EC.

E. From the European point of view, there were legal grounds for applying sanctions. In this case, they were the mislabelling by Israel of the origin of Palestinian merchandise and the failure to implement the regulation of October 1986.

F. There was also a political basis for the imposing of sanctions. In this case, it was furnished by the body of texts and declarations that had been adopted within the framework of European political cooperation concerning the Arab-Israel conflict, the occupied territories, and the Palestinian question. At the heart of this body of texts lie the Venice, Brussels, and Copenhagen declarations.

G. Most importantly, the affair took place precisely when the European Parliament, after the Single Act, was seeking to affirm and strengthen its role in the framework of Community decision-making and, in particular, within that of Political Cooperation. There was a strong temptation for the Parliament to use the Israel affair to insist on its prerogative, "to fill part of the democratic deficit, and to show that it has a useful role to play." (Balfe, Socialist, U.K.)⁶²

"The delay in Parliament's approval of these three protocols...has been an instructive illustration of how the European Parliament's powers have increased under the Single European Act. By withholding our assent...we have been able to improve the arrangements under which exports to the Community of both agricultural and manufactured products from the occupied territories would be permitted.... Although my group does not favour using trade agreements to achieve political objectives, we have discovered what a powerful weapon for achieving (its) objectives Parliament has at its disposal in its dealings with those countries with which we have trade protocols. With the likely additional protocols in the near future, with the Soviet Union and other members of COMECON, this new power may well be used again." (Cassidy, Conservative, U.K.)⁶³

"Nous avons à établir une jurisprudence quant aux nouveaux pouvoirs qui nous ont été conférés par l'Acte unique. Nous avons de nouvelles responsabilités importantes à exercer en ce qui concerne la ratification des traités et des accords commerciaux et il était sans doute difficile de nous mettre d'accord pour savoir jusqu'où pouvait aller notre pouvoir, non seulement

notre pouvoir de contrôle, mais aussi notre responsabilité d'apporter notre caution à un traité conclu par le Conseil." (Simone Weil, liberal, France)⁶⁴

Now, even in such a favorable context for sanctions as in the Israeli case, the reluctance in principle of many members of the European Parliament to mix politics with economics and to apply trade sanctions for foreign policy purposes is noteworthy. Like the measures taken in 1982-1983, during the invasion of Lebanon, the sanction of 1988 was imposed for only a very short time.

Was the sanction effective? "The basic theory behind economic sanctions is that sufficient economic pressure upon the target nation can induce or compel that country to more acceptable behavior."⁶⁵ Most parliamentarians believed they had succeeded. According to Mr Price, "As a result of our sustained pressure...an agreement was made between the Israeli authorities and the Palestinian producers.... That agreement represents a spectacular success for the European Parliament. This was the first occasion on which we used negatively our new power to ratify international agreements. It has shown how that power can be used to achieve positive results."⁶⁶

And Mr Balfe (Socialist, U.K.) said: "I believe that Parliament in its exercise of power during the debates on those protocols has exercised its effectiveness."⁶⁷

"C'est notre succès... Il est des moments où il serait sot ou maladroit de ne pas constater que nous avons marqué un point. Je vous en prie: pas d'inhibition devant le succès." (Sutra de Germa, Socialist, France)⁶⁸

Clearly, regarding the issue which the Israeli government considered more or less secondary, the direct export of "Palestinian" merchandise, European pressure was very effective. However, in terms of the repression of the insurrection in the territories, the sanction accomplished nothing: it has been impossible to discern any change in policy on the part of the Israeli authorities after March 1988.

The reasons for the lack of impact of the sanction on the government's policy in the territories are diverse: suppressing the intifada was considered by the two parties in power a vital, primary aim; within Israel, the incidence of the sanction was felt exclusively by the farmers, and the economic damage inflicted was not sufficient to unleash domestic political pressure that would bring a new policy more in accord with the norms of the Community; in Israel, the veto was successfully depicted as an attack from the outside upon the population as a whole; the actual identification with the sender states was weak.

NOTES

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