

**Security and Democracy in the Middle East:
The European Union and the Israeli/Palestinian Conflict.**

Diego Giannone

Postdoctoral Fellow

University of Salerno

dgiannone@unisa.it

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1. The EU and the Arab-Israeli conflict

The conflict between Israel and Palestine is the main cause of instability in the Middle East. It is also a source of insecurity and a threat/obstacle to the democratization of the region. Europe's involvement in the resolution of the conflict is due to at least five reasons: 1) Europe's historical and moral responsibility for the emergence of the state of Israel and the Palestinian question; 2) the EU's concern for building an area of security and stability around its borders, "a ring of friends", as stated by the ex-President of the European Commission, Romano Prodi; 3) the EU's ambition to play a leading role in the international arena; 4) the EU's commitment for democracy, peace and human rights; 5) the EU's economic and geo-strategic interests in the area.

The last point was the main reason for the first official declaration of the EC/EU on the conflict which was published in November 1973, following the Yom Kippur War and above all the Arab oil producer States' intention to impose an embargo on the exportations towards Europe. Within the framework of the newborn European Political Cooperation (EPC), the six EC states called on the respect of the UN Resolutions 242 and 338 and on the acknowledgement of the Palestinian legitimate rights, thus transforming the Palestinian question from a refugee problem to a political issue. In the Venice Declaration (1980), which is probably the most revealing document ever published by the EC/EU on the conflict, there is a reference to security. In fact, the Declaration established the right to existence and to *security* of all States in the region, including Israel, and *justice* for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people. Still no mention of a Palestinian state and of the need to democratize the region to reach the peace.

These two issues have emerged during the '90s. With the Decision no. 276 of 19 April 1994, the European Council connected the peace process to democratization by stating that: "The European Union, in order to work for the conclusion of a comprehensive peace in the Middle East [...] will [...] work for the strengthening of democracy and respect for human rights" (Art. 1).

The reference to democracy is clearly addressed to the Arab countries and the Palestinian Authority, because "compared to the other MEDA partners, Israel presents distinct characteristics. It functions as a well established parliamentary democracy, with

an effective separation of powers, a functioning system of governance, and active participation of NGOs and civil society in all internal aspects of political and social life” (European Commission, 2003a, p. 6). Israel’s democratic standards are not challenged by the EU, which however recognizes that “Israel’s compliance with internationally accepted standards of Human Rights is not satisfactory. Two important specific areas need to be tackled. Firstly, the issue of reconciling the declared Jewish nature of the State of Israel with the rights of Israel’s non-Jewish minorities. Secondly, the violation of Human Rights in the context of the occupation of Palestinian territories” (Ibid.). The recognition of the legitimate rights of the Palestinian people is no longer a matter of justice (as it was in the Venice Declaration), but a matter of human rights. This new stance is confirmed by the EU’s position with respect to Israel’s settlement activity. While in the Venice Declaration, the EC/EU was “deeply convinced that the Israeli settlements constitute a serious obstacle to the peace process in the Middle East. The nine consider that these settlements, as well as modifications in population and property in the occupied Arab territories, are illegal under international law”; in the Council Decision of 1994 the EU’s position is more ambiguous and softer: the Council stated that the EU will “closely follow the future of Israeli settlements throughout the Occupied Territories and pursue démarches to Israel about this issue”.¹

The Berlin Declaration of 24 March 1999 introduced for the first time the notion of a viable Palestinian state. Its creation is seen as a means to guarantee Israel’s security: in fact the European Council states that “the European Union is convinced that the creation of a democratic, viable and peaceful sovereign Palestinian State [...] would be the best guarantee of Israel’s security and Israel’s acceptance as an equal partner in the region”.

Two interconnected themes are at the centre of the European position: 1) the strengthening of democracy and respect of human rights as a means for a comprehensive peace in the region and 2) the creation of a (democratic) Palestinian state as “the best guarantee of Israel’s security”. The first theme is in line with the EU’s concern for the respect of democracy and democracy promotion in third countries,

¹ The EU’s position towards Israel’s settlement activity has always been in line with the International community’s one, which considers all Israeli settlements on occupied Palestinian territory to be illegal and a major hurdle to Middle East peace efforts. What has changed over time is the EU’s ability to resolutely condemn this activity.

which characterize the EU foreign policy's normative discourse (Manners, 2002). Security is still considered in a traditional and narrow sense, as state's security against military action and terrorist violence. It is also noteworthy that in the EU's declarations security is predominantly linked to Israel's needs; thus, it's up to Palestinians both the democratization of their institutions and the guarantee of Israel's security: it could sound a bit ironic, but this is probably the one case in the world in which the security of the occupying force has to be guaranteed by the occupied one.

This situation exacerbated after the onset of the second *Intifada* (September 2000) and above all in the aftermath of 9/11 terrorist attacks. On the one side, we have witnessed "the 'resecuritisation' of international relations [which] put an end to a decade in which international relations were by and large dominated by economic interests" (Hänggi, 2003, p. 1); on the other side, despite the different approaches by the EU and the US, "the new post-9/11 conventional wisdom [is] that Middle East democracy is the best antidote to Islamist terrorism" (Ottaway and Carothers, 2004, p. 23) and the best way to guarantee internal and global security. In line with this approach, the European Commission stated that "democratic, pluralist governments which respect the rights of minorities are less likely to resort to nationalism, violence or aggression" (European Commission, 2001, p. 4).

2. The EU's democracy promotion approach

The Community approach is based on the assumption that it is possible to ensure security in Europe through the promotion of democracy based on market economy, and the protection of human rights and fundamental freedoms. "The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order" (European Council, 2003, p. 10); "fostering democracy [...] is one of the most effective ways of dealing with organised crime" (that is with one of the main threat to security) (European Council, 2003, p. 6).

In the academic debate and policy discourse, the EU is generally considered as a normative power (Manners, 2002), that is a foreign policy actor intent on shaping,

instilling, and diffusing rules and values (normative goals) in international affairs through non-coercive means (normative means). However, in the EU's approach, democratization is not only a normative means to reach a normative goal (democracy), but also a means to get its own interests (security).

As the Commissioner for External Relations and European Neighbourhood Policy, Ferrero-Waldner, stated, EU's democratization approach is characterized by three principles. The first is that "there is no a one-size-fits-all-solution to democracy promotion". According to Ferrero-Waldner, the EU recognizes "that the practice of democracy can look very different from one country to the next, and political institutions must match local conditions". Secondly, she insists on the factor time being taken into consideration when exporting democratic norms and values. Thirdly, she points out that the EU understands "that democracy can never be imposed from outside: genuine democratic transition must always come from within" (Ferrero-Waldner, 2006b). Notwithstanding these three key principles of the EU's approach stand in sharp contrast to the model promoted by the former US government, based on a forced-pace democratization strategy, however the EU is convinced that "democracy, pluralism, respect for human rights, civil liberties, the rule of law and core labour standards are all essential *prerequisites* for political stability, as well as for peaceful and sustained social and economic development" (European Commission, 2003, p. 7, my italics). That is democracy is considered by the EU a pre-condition for political stability, economic development, peace and security.

EU's approach is based on an extensive body of academic literature professing to demonstrate democracy's virtue to enhance peace, security and stability. The so called "democratic peace thesis" states that democracies are less prone to engage in conflict (with each other). Furthermore, the same norms of mutual compromise that underpin democracy internally are, it is claimed, invariably also reflected in democracies' external behaviour. "Democracy is held to be predicated upon the principles of tolerance and compromise, and to provide opportunities for the peaceful articulation of social and economic grievances" (Youngs, 2006, p. 1). It is also contented democracy's virtue in mitigating radical anti-Western expressions.

Probably, the EU's focus on democracy promotion is a "necessary corrective to traditional security doctrines that for so long failed to look inside the black box of the

nation state to investigate the domestic roots of instability. However, the pendulum is indeed in danger of swinging too far in the opposite direction, if too much is expected of democracy as an instrument for security-enhancement” (Youngs 2006, p. 7).

The democratic peace thesis posits too firm and direct a link between domestic political change and external security issues, while it seems to neglect that some factors, such as economic and social development, a decline in nationalism, and civic-building consensus, constitute a precondition rather than an outcome of the democratization process. This process, going through different stages (Morlino, 2003), involves a transition stage in which political *instability* and change are needed to get political liberalization and a change in the political system. In the short term, democratization processes can be conflict-inducing, because “there may be real and direct threats to peace in democratizing societies as a result of the uncertainty and competition that democracy introduces into unsettled social environments, in particular at times of economic stress. Rapid or ill-considered democratization can also be a catalyst for violent conflict. As well, inadequate, incomplete or disingenuous democratic reform may generate threats to peace” (IDEA, 2006, p. 8).

A possible outcome of the democratization process is the coming to power of radical Islamist parties like Hamas, whose electoral victory in January 2006 unmasked the EU democratization approach’s contradictions. The EU’s decision of breaking off official relations with the Palestinian government “contrasts sharply with established EU policy, which has always been that a lot more influence can be had by dialogue rather than by designating rogue States with whom one does not talk, even if like in the case of Hamas part of their programme is not acceptable. Although Hamas is on the EU list of terrorist organizations, pragmatism should have prevailed. Why after all refuse to speak with Hamas on the ground that it does not recognize Israel, while simultaneously negotiating with Iran, the President of which has declared he would like to see Israel destroyed? By condemning the results of what probably are the fairest elections in any Arab country, the EU has severely undermined the legitimacy [and the consistency] of its democratization project” (Biscop, 2008, p. 6).

Furthermore, we have to underline other three problematic features in the EU’s approach. The first is that, as Ottaway and Carothers state, it is quite problematic to assert that democratic countries constitute a better means to fight terrorism and

fundamentalism, because “democracy is not a cure-all for terrorism. Like it or not, the most successful efforts to control radical Islamist political groups have been antidemocratic, repressive campaigns” (Ottaway and Carothers, 2004, p. 28). The fact is that whether democracy is present or absent simply has little bearing on security, because (traditional) security is not a matter related to forms of political system (Youngs, 2006).

The second feature relates to the lack of the minimum conditions of *stateness*, which are generally considered as the basic support for the action of the EU to be more effective (Panbianco and Rossi, 2008). “In the modern world, the state – at least in theory – has to fulfil a dual function with regard to political order: first, the state organizes and guarantees public order domestically within a defined territory; second, all states together constitute the international system and, thereby, the global order. Ineffective, weak, failing or failed states – which can be subsumed under the rubric of *fragile statehood* – tend to undermine both functions and cause problems at the national, regional and global levels” (Schneckener, 2007, p. 10). If, as Mansfield and Snyder (2005) state, “the turbulent beginning phase of democratization [contribute] to violence in states with weak political institutions”, then what in the case of actual absence of the state, that is the Palestinian case?

The third feature is the emergence of alternative security concepts such as human security and societal security (Hänggi, 2003, p. 5). The concept of human security in particular has gained much recognition in the international policy arena after the publication of the *Human Development Report* by the UNDP in 1994. Though still an ill-defined concept, the main feature of human security is that it “is not interested in security related to nation states, and takes the individual human being and his/her needs as the main point of reference. According to the human security approach, the traditional state-centric approach neglects that very often states are the main abusers of the citizens whose security they should safeguard” (Monteleone and Rossi, 2008, p. 63).

The fact is that in its democracy promotion strategy the EU has embraced the new concept of human security: but what are the consequences in the case of the Israel/Palestine conflict?

3. The EU's approach towards security and human security

The European Security Strategy document (European Council, 2003) clearly embraces a multidimensional approach towards security issues. Security key threats are linked to terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, organised crime. Endorsing an all-embracing concept of security, the EU asserts that security concerns come from poverty, disease, hunger, malnutrition, AIDS, economic failure, political problems, violent conflict, natural resources' scarcity, global warming, energy dependence, migratory movements.² Security is considered "a precondition of development" (European Council, 2003, p. 3), "the first condition for development" (Id., 2003, p. 13). It seems that the EU's logic scheme is to promote democracy in order to gain security as a precondition of development. This approach is quite theoretically challengeable as it is, but to complicate matters there is the EU's recent concern for human security. As the European Council states: "We have worked to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity" (European Council, 2008, p. 2). "We need to continue mainstreaming human rights issues in all activities in this field, including ESDP missions, through a people-based approach coherent with the concept of human security" (Id., 2008, p. 10). Even more explicitly, in the words of Ferrero-Walder (2006c): "Central to the EU's approach [to democracy promotion] is the concept of human security - an idea of security which places people at the heart of our policies. It means looking at the comprehensive security of people, not the security of states, encompassing both freedom from fear and freedom from want. As an organisation founded on respect for human rights, democracy and the rule of law, we believe democracy is inherently valuable and universally desirable. And we are morally obliged to foster those values in all our international partners".

As the authors of the Barcelona Report of the Study Group on Europe's Security Capabilities argued in September 2004, human security has emerged as a central theme

² Criticism of this too broad and unwieldy conception of security could be similar to that the scholar Roland Paris writes about human security: "If human security is all these things, what is it not?" (Paris, 2001, p. 92).

of a common foreign policy for European states because of “the moral thrust of its content, countries’ legal obligations under international law pertaining to human rights, and ‘enlightened self-interest’ as the problems of terrorism, organized crime, unchecked migration and ‘soft’ threats such as environmental degradation pose new types of security threat” (Study Group on Europe’s Security Capabilities, 2004, pp. 9-10).

The question of how EU’s democratization approach may contribute to the realization of human security in the Middle East is key. This process would succeed only by considering that: 1) development (as an outcome of the security gained through the democratization process) is about much more than economics, involving the reduction of inequality, the furthering of rights, free expression and mobility; 2) democracy is about more than elections. It is also about distributive and social justice. If democracy fails to provide for justly distributed socio-economic development, human security is likely to be threatened (IDEA, 2006b). In the medium-long term, “the challenge is democratic practice, in action, to move from formal to substantive democracy and to create legitimacy and ownership in support of sustainable democratic development tailored for the contextual circumstances” (IDEA, 2006, p. 23).

As far as these two points, 1990s democratization theory has showed its weakness, focusing on the economic change with emphasis on a market economy as a necessary step in the democratization process; meanwhile, liberal democratization agendas continue to see democracy as restricted to the electoral and institutional sphere, not recognizing that political power is also a means to transform unjust socio-economic structures.

Attention to human security is necessary to establish the minimal conditions under which *formal* democracy can be meaningfully practised and domestic and international peace can be secured. For a long-term *substantive* democracy, attention to human security is necessary because only by creating conditions such as literacy and health, people are empowered to be able to participate in the democratic process. Protection and empowerment³ are the two main components of human security: without

³ According to the UN Commission on Human Security, protection is the capacity of people to develop and pursue their aspirations as individuals and communities; empowerment refers to the strength and ability of people to understand and advocate for their rights and interests in democratic processes of elections and in direct participation in decision making (United Nations, Commission on Human Security, 2003).

them, people are not able to participate in democracy, thus undermining democracy's stability and preventing quality democracy from fulfilling.

“The reframing of security is particularly appropriate in the Israeli-Palestinian conflict. In this situation of occupation, as the occupying army and the population under occupation are constantly intermingled, there is, as a result, constant insecurity that has nothing to do with borders or traditional confrontations between military forces” (Nusseibeh, 2008, p. 21).

Since human security focuses on the individual and community rather than on the state, the EU's shift from security to human security seems to be particularly appropriate in the case of Palestine. However, “the case of the Middle East demonstrates that human security cannot be implemented partially. It requires a holistic approach” (Kaldor, 2008, p. 28), which goes over the contraposition between Israeli state security and Palestinians human security (Kaldor and Faber, 2007). This approach should also challenge the principle of “land for peace”, which has been the linchpin of every settlement agreement since '90s. This principle argues the case for a Palestinian state in return for Israel's security.⁴ But in the aftermath of 9/11 terrorist attacks, these two issues are no longer seen as symmetric, since “the conflict between Israel and Palestine tends to be viewed through the prism of the ‘global war on terror’, in which the primary goal is the defeat of terrorists rather than the protection of individuals. The biggest problem is seen to be the threat to Israel's state security as a result of terrorist actions, i.e., violence by non-state actors directed against civilians. Rockets and suicide bombers are seen as the primary impediment to peace; the human security of Palestinians is considered secondary to state security” (Kaldor, 2008, pp. 30-31).

On the contrary, the goal of a human security holistic approach would no longer be security for Israel and a state for the Palestinians, but security for both Palestinians and Israelis and a state for Israel and a state for Palestine.

Finally, we have to remind that, specifically in the case of Palestine, human security and security approaches cannot be split. Indeed, Palestinians' security is often

⁴ At the academic level, A. Magen (2004, p. 115) suggested that “the old ‘land for peace’ formula needs [...] to be complemented with a ‘reforms for peace’ agenda”, because “democratic transformation in the region is ultimately the sole hope for achieving the conditions of true security and peace”. Magen's view is in line with the democratic peace thesis. It is astonishing that it leaves unsaid that the new formula adds another condition to fulfil (i.e. the democratic reform) only to one of the two conflicting parties (i.e. the Palestinians).

threatened by a state (Israel) and the actual absence of a Palestinian state worsens this situation.

Notwithstanding “the idea of human security shifts the focus away from the state and makes the individual the primary unit of analysis, [...] many of the threats to human security are the same as those that confront states, and the role of the state is by no means diminished” (IDEA, 2006b, p. 13). Rather, the state remains the central provider of security and the main organ with the capacity to provide the necessary institutions for realizing human security.

4. Is the ENP a new framework for EU’s foreign policy?

Since 2004 the EU has developed a new specifically European framework within which to deal with its neighbours: the European Neighbourhood Policy (ENP). The ENP is conceived as “the EU’s newest foreign policy instrument” (Ferrero-Waldner, 2006), whose aim is “to share the benefits of the EU’s 2004 enlargement with neighbouring countries in strengthening stability, security, and well-being” (European Commission, 2004, p. 3).⁵

Through this policy, the EU offers its neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). The EU underlines that the level of ambition of the relationship will depend on the extent to which these values are shared. The ENP goes beyond existing relationships to offer a deeper political relationship and economic integration.

Has the ENP introduced new elements into the policies of the EU? Has the EU changed its approach towards democracy and security issues in the Middle East?

The ENP cannot be conceived as a radically new policy: it supplements (doesn’t substitute) the EMP (Euro-Mediterranean Partnership) with a different approach, based on bilateral relations (single country action plans), differentiation and benchmarking, and a greater attention to human rights and democracy as well as cooperation in foreign/security policy and conflict prevention.

⁵ The ENP applies to the EU’s immediate neighbours by land or sea: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.

There are four main aspects within the ENP which can be said to provide ‘added value’ to existing policies (Dannreuther, 2006): a) the first is the offer of a “stake in the EU’s internal market” and “further integration and liberalization to promote the free movement of – persons, goods, services and capital (four freedoms)” (European Commission, 2003, p. 4); b) the second is the shift towards a more selective and differentiated approach, which takes into account the “existing state of relations within each country, its needs and capacities, as well as common interests” (European Commission, 2004, p. 3); c) the third innovation is the promotion of a greater coherence and consistency in its neighbourhood policy, with a single financial instrument, the European Neighbourhood Policy Instrument (ENPI); d) the fourth is a an increased budget to implement its policies (€12 billion for the period 2007-2013, compared to €8.5 billion allocated to Tacis and Meda for the period 2000-2006).

As far as the Mediterranean, Del Sarto and Schumacher (2005) state that the ENP considerably differs from the EMP in at least four important points:

1) the ENP abandons the prevalence of the principle of *regionality* that was inherent in the Barcelona Process (the EMP), and replaces it with *differentiated bilateralism*. Certainly, the EMP already incorporated a bilateral dimension, but it was based on rather similar association agreements with the individual Mediterranean partner countries;

2) the ENP’s individual benchmarking approach is most likely to compromise the EU’s traditional ambition of being an impartial broker in the Middle East peace process.

3) the transition from the EMP to the ENP implies a shift from negative to positive conditionality based on a benchmarking approach: only those states that share the EU’s political and economic values and/or commit themselves to engage in reforms will have anything to gain from the ENP;

4) the ENP is unmistakably framed in terms of EU’s interests (security, stability, economic issues).

The first two points deserves attention, because of the consequences they could have on the EU-Israel-PA trilateral relationship. Firstly, the benchmarking approach and the differentiated bilateralism could give Israel an advantage over the other countries of the region, because Israel is the most developed state and is considered the most

democratic one of those involved in the ENP. Thus Israel can reach a kind of “special status” in its relation with the EU. Indeed, the EU/Israel Action Plan refers explicitly to the 1994 Essen Declaration, which stated that: “The European Council considers that Israel, on account of its high level of economic development, should enjoy special status in its relations with the EU on the basis of reciprocity and common interest”. Therefore, “this AP [Action Plan] will contribute to the fulfilment of the Essen declaration” (European Commission, 2005, 1). Secondly, the bilateral dimension prevents the conflict parties to meet. Thirdly, “bilateral negotiation [...] allows partners to articulate their own priorities at the drafting stage [of the Action Plans], a process that can involve, equally, attempting to place things on or keep things off the agenda. [...] Hence the cursory treatment of the occupied territories in the Action Plan with Israel” (Smith and Webber, 2008, p. 80).

The main risk of this new approach is that “the future of EU-Mediterranean bilateral relations at large are most likely to be disconnected from the fate of Middle East peacemaking, a point that is also made in the EU’s Strategic Partnership with the Mediterranean and Middle East of 2004: ‘Progress on the resolution of the Middle East conflict cannot be a precondition for confronting the urgent reform challenges facing the countries of the region, nor vice versa. But it is clear that it will not be possible to build a common zone of peace, prosperity and progress unless a just and lasting settlement to the conflict is in place’” (Del Sarto and Schumacher, 2005, p. 24). This position undoubtedly reflects the worsening of the conflict since 2000 and the consequent stalemate in the peace process, but also reflects the risk that the ENP approach could bring to bilateral relations which neglect to take into account the conflict and its consequences on the countries of the region, as well as a general agreed resolution of the conflict. In this way, every neighbour country is able to bargain with the EU its own specific Action Plan, on the basis of its interests and its bargaining power.

5. The ENP’s approach towards security and democracy in the Middle East

As far as the European approach towards democracy in the framework of the ENP, in a speech to the World Jewish Congress Board meeting, in Paris, Ferrero-Waldner stated that the ENP “principal ‘contribution to international peace’ is through

the promotion of local democracy, regional cooperation and socioeconomic progress, all of which can, however, ‘contribute to a more positive climate for conflict settlement’” (Ferrero-Waldner, quoted in Smith and Webber, 2008, p. 77). Thus, in the framework of the ENP, democracy should constitute a condition to fulfil in order to gain a privileged relationship with the EU. However, in the ENP Strategy Paper democracy is not mentioned explicitly as a condition. Indeed, the Commission states that: “The privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the *rule of law, good governance, the respect for human rights*, including minority rights, the *promotion of good neighbourly relations*, and the *principles of market economy and sustainable development*” (European Commission, 2004, p. 3, my italics).

Democracy is one of the values common to EU Member States; it is a goal the Union aims at upholding and promoting in its relations with its neighbours (Id., 2004, p. 12), rather than a condition EU’s neighbours have to fulfil in order to gain a deeper relationship with the EU.

Commitments are also related to security issues, “including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution. [...] The level of ambition of the EU’s relationships with its neighbours will take into account the extent to which these values are effectively shared” (Id., 2004, p. 3).

The “carrot” the EU offers to its neighbours, “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including in aligning legislation with the *acquis*, [is] [...] the prospect of a stake in the EU’s Internal Market and further integration and liberalisation to promote the free movement of – persons, goods, services and capitals (four freedoms)” (European Commission, 2003, p. 4).

The EU’s positive conditionality is clearly and repeatedly declared: “New benefits should only be offered to reflect the progress made by the partner countries in political and economic reform. In the absence of progress, partners will not be offered these opportunities” (Id., 2003, p. 16). “Effective implementation of such commitments is an essential element in the EU’s relations with partners. The level of the EU’s ambition in developing links with each partner through the ENP will take into account

the extent to which common values are effectively shared” (European Commission, 2004, p. 13).

The EU also points out a number of priorities the Action Plans will contain. These priorities are intended to strengthen commitment to shared values and, in the EU’s view, they constitute the issues for the benchmarking of countries’ action. Priorities “include strengthening democracy and the rule of law, the reform of the judiciary and the fight against corruption and organised crime; respect of human rights and fundamental freedoms, including freedom of media and expression, rights of minorities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment; support for the development of civil society; and co-operation with the International Criminal Court” (Ibid.). “There is a problem of a distinct vagueness, similar to that of the eventual ‘prize’ to be offered, of how the multiple targets are to be prioritized, the timescale for their completion, and the exact benefits gained by their fulfilment. As Karen Smith argues, ‘clear benchmarks these are not’” (Dannreuther, 2006, pp. 191-192).

If democracy (together with the respect of human rights and fundamental freedoms) is at the core of the EU’s priorities towards its neighbours, security is the underlying rationale of the ENP, and security, stability and prosperity are the three words constantly repeated as the key ENP objectives (Cremona, 2008).

According to Dannreuther (2006, p. 201), as far as security, “the ENP reaffirms the European conviction that democracy and economic reform are essential if the deeper roots of insecurity are to be resolved effectively”. As regards stability, it is closely linked to democratization, political reform and good governance. Stability is both a precondition for democracy (as it was in the first of the Copenhagen criteria, referring “to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”) and a long-term outcome of democratization. Regarding the short term, “the EU has not yet earnestly confronted the stability versus democracy dilemma” (Biscop, 2008, p. 2), “that is the fact that the objectives of democratization and stability seem to be difficult to reconcile, at least under the current circumstances” (Id., 2008, p. 5). In the case of Palestine, “the EU interest in domestic stability stands more often than not in direct contradiction with the

goal of supporting the establishment of a viable democracy in Palestine” (Stetter, 2003, p. 154). Indeed, until Arafat’s death in November 2004, the EU was more interested in the stability of the Palestine Authority than in supporting democratic elections in Palestine (FRIDE, 2006). And after Hamas’s electoral victory, the EU’s position exacerbated, making predominant security and stability issues over the democratic ones.

6. Conflict, democracy and security in the Action Plans

6.1 The EU/Israel Action Plan

In its ENP’s Country Report addressed to Israel, the EU depicts Israel as “a parliamentary democracy, [...] a democratic state with associated political rights, respect for the rule of law and a flourishing civil society” (European Commission, 2004b, pp. 5-7). Specific restrictions and derogations to common law, “such as administrative detention, restrictions on access to counsel and non-disclosure of full reasons of detention, [are] mainly based on counter-terrorism legislation and regulations. The official justification for keeping the State of Emergency is the severe security situation” (Id., 2004b, p. 8). In effect, since 1951 the State of Emergency is automatically renewed in Israel. This leads some scholars to speak about a “pervasive and omnivorous ‘filter of security’, which has continuously dominated Israeli society” (Ben-Zvi, 2005, p. 3), causing an erosion of Israel’s commitment to democratic values. This is evident in the case of Arab-Israeli people, whose civil, political and social rights are actually limited in Israel (McHenry and Mady, 2006). For instance, in 1985, the revision of the Election Law, in addition to barring any party with a racist or antidemocratic program from participating in the elections to the Knesset, ruled out any list which denied the existence of Israel “as the state of the Jewish people”. Furthermore, the 1945 Defense Regulations provided the legal basis for the military rule over the Arab areas of Israel. “They enable the authorities to issue military injunctions on a regular basis, and not necessarily during the conduct of war, to detain or restrict the movement of activists, to outlaw a publication or organization, or to declare areas as closed and lands as confiscated. These excessive powers are kept for making it easier to deter, police, and punish those among the Arab citizens of the state contemplating

hostile acts” (Smooha, 1993, quoted in Ben-Zvi, 2005, p. 6). Indeed, to forestall the dangers inherent in this vision of Israeli Arabs as potentially disloyal, “the establishment of a military government in the main Arab population centers in Israel guaranteed that, for at least the first eighteen years of Israel’s statehood, Jews and Arabs would live under different sets of rules despite the formal civic equality” (Ben-Zvi, 2005, pp. 14-15). In the words of the Israeli writer David Grossman the Arabs citizens in Israel are the “invisible people”. The fact is that they are invisible also to the main international measures of democracy (Freedom House, Polity IV), which still contend that in Israel there is a high level of democracy. In these measures “the treatment of Israeli Arabs is ignored, down-played or misrepresented, and furthermore such an omission or misrepresentation has produced the inaccuracies in the way the indices characterize democracy in Israel” (McHenry and Mady, 2006, p. 258).

This depiction affects the EU’s approach towards Israel’s democracy, which is not challenged in the Action Plan (AP). Rather, the AP states that “the EU and Israel share the common values of democracy, respect for human rights and the rule of law and basic freedoms. [...] Historically and culturally, there exist great natural affinity and common heritage” (European Commission, 2005, p. 1). The EU and Israel will “work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law” (Id., 2005, p. 4).

Only one in the six priorities for action refers to the conflict and human rights, and does so in a vague and open-ended manner (Tocci, 2008). The aim is to “strengthen political dialogue and identify areas for further co-operation on: progress towards a comprehensive settlement of the Middle East conflicts; working together with the EU, on a bilateral basis and as a member of the Quartet, with the aim of reaching a comprehensive settlement of the Israeli/Palestinian conflict and a permanent two-state solution with Israel and a Palestinian state living side by side in peace and security” (European Commission, 2005, p. 6).

No reference to the main issues of the conflict: the status of Jerusalem, the Israeli settlements, the Palestinian refugees, the “separation barrier”, the borders of the two states, the energy and natural resources (water, gas).

As regards human rights and the State of Emergency in Israel, the EU’s position is very soft: “While recognising Israel’s right of self-defence, [the EU and Israel

recognize] the importance of adherence to international law, and the need to preserve the perspective of a viable comprehensive settlement, *minimising* the impact of security and counter-terrorism measures on the civilian population, facilitate the secure and safe movement of civilians and goods, safeguarding, to the maximum possible, property, institutions and infrastructure” (Id., 2005, p. 6, my italics).

As regards security issue, “an important goal of the Action Plan is to encourage cooperation on non-proliferation of weapons of mass destruction and the fight against terrorism, as well as prevention and resolution of conflicts in the region and beyond” (Id., 2005, p. 2). In particular, the fight against terrorism takes up a specific paragraph of the AP, in which the EU and Israel commit themselves to “strengthen EU-Israel cooperation in the fight against and prevention of terrorism; exchange views and experiences on means and methods used to counter terrorism and to improve counter-terrorism capacity, including in third countries; [...] exchange information on terrorist groups and their support networks, in particular those acting in Europe and in the Middle East” (Id., 2005, p. 7).

6.2 *The EU/PA Action Plan*

The EU is the most important financial donor to the Palestinians, providing humanitarian assistance, support to refugees, development assistance and support to the PA. Within the ENP, the EU has confirmed its financial commitment, since the EU/PA Action Plan’s funds amount to €32 millions for the period 2007-2010 (while the EU/Israel Action Plan’s funds amount only to €8 millions for the same period). However, since Hamas electoral victory in 2006, the EU has joined the United States in banning direct assistance to the PA, and established a Temporary International Mechanism (TIM)⁶ to channel aid directly to Palestinians, bypassing the Hamas-led government. The EU resumed normal relations and re-established political dialogue with the PA in June 2007, after the split between the Gaza Strip (where Hamas established a “deposed” parallel government) and the West Bank (with a Fatah-led government).

⁶ The TIM mandate has been extended six times and ended on 31 March 2008. Since February 2008 PEGASE has been the new European mechanism for support to the Palestinian Authority and to the Palestinian people.

According to the EU's Country Report on the PA, "the general constitutional order of the Palestinian Authority arises from the interim agreements, on the basis of which the Basic Law was approved by the Palestinian Legislative Council in 1997, and belatedly enacted by President Arafat in 2002. [...] The Basic Law provides for a parliamentary democracy, political and party pluralism and fundamental freedoms" (European Commission, 2004c, pp. 6-7). Differently from its position towards Israel, the EU is quite clear and strict towards the PA. Indeed, the Commission states that "much of the [Palestinian] legislation has not been implemented and the judicial system is far from being fully operational. [...] The independence of the judiciary has [...] been undermined by interference from the executive" (Id., 2004c, p. 9). The EU underlines the gap between the formal acknowledgement of human rights and basic civil liberties, which is present in the Basic Law, and their substantive implementation, which is lacking. The same is not in the Israel's case.

The EU's approach is different also as regards the Israeli-Palestinian conflict. While it is completely neglected in the EU/Israel AP, the EU/PA Action Plan states that: "There are a number of constraints and limitations resulting from the ongoing Israeli-Palestinian conflict and the continuing occupation, including settlement activity, restrictions to movement as a result of the closure policy and the separation barrier. The limitations on the Palestinian Authority pending the creation of a Palestinian state must also be taken into account" (European Commission, 2005b, p. 1). It is a bit paradoxical that these constraints (such as the Israeli military occupation, the settlement activity, the restrictions to movement of people and the separation barrier), which are all ascribable to Israel's activity, are referred to only in the Palestinian Action Plan.

The Occupied Territories (OT) of the Gaza Strip and the West Bank constitute a kind of law's grey zone. Indeed, "Israel did not extend Israeli law to the West Bank and Gaza Strip when it occupied them in 1967. Israel does not consider itself as an occupying power in the West Bank and in the Gaza Strip. Therefore, Israel claims that the Fourth Geneva Convention does not apply to its actions in the West Bank and Gaza Strip, which are based on the British Mandatory Emergency (Defence) Regulations (1945). According to Israel, International Covenant on Civil and Political Rights (ICCPR) does not apply to the West Bank and Gaza Strip. However, the UN consider Israel an occupying power in the West Bank" (European Commission, 2004b, p. 8).

Since June 1967, the West Bank's legal status has fallen under the international law of belligerent occupation, allowing the occupying power (Israel) a wide range of measures without legislative or judicial review. These may include "freezing political activities, curtailing freedom of speech and assembly, limiting free movement [...] requisitioning material and services from the population [...] [and] using state property" (Dowty, 1998, p. 218). The right to security and democracy of the Palestinians in the OT are undermined by Israeli military occupation, but this statement of fact is present only in the EU/PA Action Plan and is not fully considered in EU's approach towards the democratization of the PA.

While not mentioning democracy as a "shared value", the EU/PA Action Plan refers to shared values including "issues such as strengthening the fight against terrorism and incitement to violence, promoting the protection of human rights and the rights of minorities, improving the dialogue between cultures and religions, co-operating in the fight against racism and xenophobia, in particular anti-Semitism and Islamophobia" (European Commission, 2005b, p. 3). This AP is mainly focussed on PA's commitment to security issues such as the fight against terrorism and the proliferation of weapons of mass destruction (WMD). Notably, these issues refer to external security: that is the PA has to commit to them as a guarantee of the EU's and Israel's security. The EU/PA AP mentions the objective of "pursuing a mutually and effectively verifiable Middle East zone free of WMD" (Id., 2005b, p. 5). That with Israel mentions no such goal. This is probably due both of the fact that Israel is not perceived by the EU as a threat to the regional security, and of Israel's bargaining power.

As far as democracy and the rule of law, the AP commits the PA to carry out a series of reforms, including:

- The establishment of an independent, impartial and fully functioning judiciary in line with international standards and a sharper separation of powers;
- the acceleration of constitutional and legislative reform;
- the implementation of civil service and public administration reform;
- the organisation of transparent general and local elections according to international standards.

There is no need to mention EU's ambivalence with reference to the organisation of elections in the OT and the recognition of the result of the poll.

Instead, it is necessary to stress that the bilateral dimension of the AP turns out its ineffectiveness above all in the case of the OT, where the political authority and the control of the territory are contended by Israel and the PA.

How is it possible to leave Israel out from the security and democracy reform of the OT if the EU acknowledges that even "the movement of Palestinian goods has been severely affected in recent years by restrictions imposed by the Israeli authorities on security grounds, which apply to the movement of both goods and persons within the West Bank and Gaza Strip"? (European Commission, 2004c, p. 15).

It seems that EU's concern about Israel's occupation applies mainly to the economic issues. As the Commission states in a recent progress report: "The year 2008 saw some progress in several of the areas covered by the ENP Action Plan. [...] However, political reform and institution building suffered a setback as a result of the split between the West Bank and Gaza. [...] The *economic development* in the West Bank was [...] severely hampered by the on-going Israeli occupation, settlements expansion, Israeli government activities in East Jerusalem and the uneased restrictions on movement and access" (European Commission, 2009, p. 2, my italics). Instead, "democracy and the rule of law continue to be *subject to developments in the Israeli-Palestinian conflict* and progress is hardly perceptible. In the absence of a quorum, with over 40 Parliamentarians held in Israeli jails, the Palestinian Legislative Council (PLC) has been non-functional throughout the year" (Id., 2009, p. 3, my italics).

7. Conclusive remarks

The aim of this paper is to shed light on the EU's approach towards democracy and security in the Middle East. Israel and the PA constitute two very peculiar cases to deal with for several reasons. In particular, the paper focussed on the role both of the eternal conflict involving Israel and the Palestinians, and of the lack of a Palestinian state, in influencing EU's democratization and security policies effectiveness.

The resolution of the Israeli-Palestinian conflict is considered "a strategic priority for Europe [because], without this, there will be little chance of dealing with

other problems in the Middle East” (European Council, 2003, p. 8). Thus “the EU has nonetheless effectively applied a wide range of its policy tools: ‘diplomacy and good offices, trade concessions and investment, technical and development expertise, humanitarian and refugee assistance, electoral support, multilateral aid coordination, and bilateral grants and subsidized loans for running costs, infrastructure, and institution-building designed to build the foundations of civil society and conditioned on respect for the rule of law and human rights’” (Ginsberg, 2001, quoted in Smith and Webber, 2008, p. 106).

However the EU’s concern for the resolution of the conflict has been weak both within multilateral fora and above all within the ENP bilateral relations with Israel and the PA. In the APs the conflict has been pushed in the background, and treated as a condition threatening Israel’s security and the PA’s democratic reform.

This is confirmed by the EU’s asymmetric approach both to democracy and security issues towards Israel and the PA. If, from a theoretical point of view, the EU should have to work for enhancing Israel’s democratic quality, thus imposing to Israel some positive conditionality on this issue in the AP; actually the EU considers Israel as a full democracy, whose status has not to be challenged. Indeed, Israel and the EU share democracy as a common value. It is questionable whether this position is related to the EU’s profound conviction about Israeli democracy’s quality, or to the Israel-EU’s common heritage and affinity, or to the European historical blame for the birth of the State of Israel; however a key question is: could the EU promote democratic quality in Israel when the EU itself is not a quality democracy?

On the contrary, the EU’s democratization approach towards the PA has been seemingly more convincing, as the EU has imposed the democratic political reform of the PA and the need to organize regular elections as two central conditions for improving EU/PA political and economic relationship. However, the EU’s approach has been still inconsistent, as the case of Hamas electoral victory demonstrated. Further, the EU showed to consider the Palestinian state issue mainly in the framework of Israel’s security and not as a condition for Palestinian security and democracy.

European efforts to introduce democratic procedures in conditions of grave insecurity would have inherently produced limited results (IDEA, 2006). What is striking is both the EU’s helplessness to foresee this situation and the inconsistency of

its reaction, with the concern for Israel's security prevailing over the recognition of the legitimate result of the Palestinian poll.

As far as security, the EU is lacking in adopting the concept of human security as a new narrative underpinning its foreign policy: human security entails a holistic approach addressing human beings, irrespective of religion, nationality, political situation, and economic interests. Human security cannot be disconnected from security, because of the central role of the state as a provider both of security and human security. Instead, framing the Israeli-Palestinian conflict as a conflict between Israel's security and Palestinians' human security is not helpful in this aim.

Moreover, "the democratization of the Middle East should not be achieved in isolation from the resolution of the Arab-Israeli conflict and vice versa" (Harpaz, 2007, p. 92). However, the EU's attempts to manage the conflict by eliminating excessive violence and instability, through its democratization approach, don't imply the end of the conflict. "Conflict resolution requires that the underlying causes of conflict are effectively addressed" (Kleiboer, 1996, p. 382), while the EU's policies can be considered as a way to work around the conflict, to manage it, not to resolve it.

Certainly the Action Plans would have not been the solution to all these problems, since they are not legally binding, representing "a declaration of mutual objectives and commitments" (European Commission, 2005, p. 3). But it is the ENP overall approach to prove ineffective with reference to the conflict and its constraints and limitations. If the EU want to persist in its democratization and security approach towards the Middle East, it would be useful to remind that "critical to the mitigation and management of contemporary root causes of conflict is *democracy that strengthens the state* by strengthening social capacities to manage threats to human security" (IDEA, 2006b, p. 13).

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