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To what extent does the European Union Promote Democracy Effectively in the Occupied Palestinian Territories?

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Abstract

The EU has always been strong supporter of the democracy in the occupied Palestinian territories and the Palestinian state-building through its financial involvement in the peace process. Since decades the EU has been deployed various instruments; particularly economic tools to advance the creation of a democratic Palestinian state. Although the EU's policy towards promoting democracy in the occupied Palestinian territories had to some extent positive impacts on Palestinian institutions and on the civil society organisations, the EU assistance in promoting and advancing democracy reveals serious shortcomings and inconsistencies. This paper intends to assess the EU role in promoting democracy in the occupied Palestinian territories. The paper primarily elucidate the EU's policy in promoting and supporting democracy in the occupied Palestinian territories, and then the paper examines the democracy in the occupied Palestinian territories in order to assess to what extent the EU has been succeeded in promoting democracy effectively in the occupied Palestinian territories.

Keywords: Democracy, European Union, Occupied Palestinian Territories, Democratic Palestinian State.

Introduction

The European Union (EU) as one of the world's largest economic and political actor has a unique role to promote and support democracy worldwide which is a central element of its external policy.¹ The EU seeks to strengthen democratic process to achieve several advantages for the EU member states and for its partners, due to the fact that increasing and strengthening democracy maintains stability and security locally and globally.²

The EU has always been strong supporter of the democracy in the occupied Palestinian territories and Palestinian state-building through its financial involvement in the peace process. Since decades the EU has been deployed various instruments; particularly economic tools to advance the creation of a democratic Palestinian state.³ At present, although the EU's policy towards promoting democracy in the occupied Palestinian territories had to some extent positive impacts on Palestinian institutions and on the civil society organisations,⁴ the EU assistance in promoting and advancing democracy reveals serious shortcomings and inconsistencies. The EU has not been sufficient to overcome the substantial impediments to the realisation of a viable democratic Palestinian state.⁵

Research Aims and Objectives

The paper intends to assess the EU role in promoting democracy effectively in the occupied Palestinian territories. Bearing in mind, speaking on democracy promoting in the occupied Palestinian territories, there is always linkage between the democracy support and the Israel-Palestinian conflict, because the democracy promoting and supporting is confronting the overarching issue of Israeli occupation. Thus, the paper primarily elucidate the EU's policy in promoting and supporting democracy in the occupied Palestinian territories, and then the paper examines the democracy in the occupied Palestinian territories in order to assess to what extent the EU has been succeeded in promoting democracy effectively in the occupied Palestinian territories.

¹ European Commission, "Proposal for Regulation Of The European Parliament And Of The Council establishing a financing instrument for the promotion of democracy and human rights worldwide", COM (2011) 844 final, Brussels.

See also, Peter Kotzian, Michèle Knodt And Sigita Urdze, "Instruments of the EU's External Democracy Promotion", *JCMS*, 2011, Vol. 49, No 5, p. 995.

² M. Amin, "The Role of the State and Democracy Building in the Arab world", International Institute for Democracy and Electoral Assistance, Stockholm, 2010, 8.

³ M. Pace, "The end of the EU democracy promotion and of the two-state solution?", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, European Union Institute for security Studies, Paris, 2010, 87.

⁴ G. Steinberg, *Europe's Hidden Hand: EU Finding for Political NGOs in the Arab-Israeli Conflict: Analyzing process and Impact*, NGO Monitor Monograph Series, 2008, p. 19-27.

⁵ A. Bertrand-Sanz, "The conflict and the EU's assistance to the Palestinians", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, European Union Institute for security Studies, Paris, 2010, 43.

The Research Methodology

The method that used for this research is primarily an analytical one; analyzing the academic writings on the EU policies in promoting democracy in the occupied Palestinian territories. Then, the research focuses on the assessment of democracy in the occupied Palestinian territories: past and present.

The study combines typical academic approaches, such as descriptive, analytical and inductive approaches. The method of analysis encompasses primary and secondary sources of law that pertain to democracy. The first step consists in the collection of primary resources including resolutions and legislation. Secondary resources include books, articles, and the explanations of laws.

Research Significance

This study sheds the light on democracy in the occupied Palestinian territories in order to help researchers and institutions as well as the decision makers to guide them to the better understanding of democracy in Palestine. It is believed that the outcomes of the study constitute specialised material which based upon insights by studying the European Union policies that correlated and interrelated to democracy.

Structure of the Study

The study which primarily assesses the EU's policy in promoting democracy in the occupied Palestinian territories is structured as follows:

Part One: The EU's policy in promoting democracy in the occupied Palestinian territories: retrospective and prospective. This part examines the different policies and mechanisms that the EU uses to facilitate and promote democracy in the occupied Palestinian territories.

Part Two: Democracy assessment in the occupied Palestinian territories. This part assesses the democracy in the occupied Palestinian territories past and present.

The EU's policy in promoting democracy in the occupied Palestinian territories: retrospective and prospective

The EU has defined its goals towards the Palestinian over the last four decades. Since the 1970s, the EU member states have affirmed their support for the legitimate rights of the Palestinian people and acknowledge their right to self-determination in the Venice

Declaration.⁶ Moreover, since the signing of the Oslo Agreement in 1993⁷, the EU has become increasingly vocal about a two-state solution and the future democratic, independent and viable Palestinian State⁸ on the basis of the 1967 borders that has been adopted by the United Nation Security Council Resolutions 242 and 338.⁹ The Palestinian state has viewed by the EU as desirable *per se* as well as an instrument to maintain the peace in the Middle East.

The EU has always been supportive of a future democratic, independent and viable Palestinian state.¹⁰ Therefore, the EU has used different policies and mechanisms in addition to bilateral aid and trade policies to facilitate and promote democracy in the occupied Palestinian territories.¹¹ The main platform for the EU strategy for doing that has based on the Barcelona Process which formed the basis of the Euro-Mediterranean Partnership (EMP) which has expanded and revamped in 2008¹² into the Union for the Mediterranean (UfM).¹³ Barcelona process launched in November 1995 by 15 EU member states and 14 Mediterranean countries, as a general framework to manage bilateral and regional relations, where the Palestinian National Authority (PNA) was represented and took part in the Euro-Mediterranean Conference in Barcelona.¹⁴ The Euro-Mediterranean Partnership has focused

⁶ Declaration by the European Council on the Situation in the Middle East, Venice, 12-13 June 1980. See also, A. Bertrand-Sanz, "The conflict and the EU's assistance to the Palestinians", in Esra, Aymat (ed), European Involvement in the Arab-Israeli Conflict, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 44. p. 43- 54.

⁷ The declaration of Principle (DOP) on Interim self-Government Arrangement signed in Washington on September 13, 1993 between the Palestinian Liberation Organization (PLO) and Israel served as a basic text for several agreements between both sides. See; Peter Malanczuk, 'Some Basic Aspects of the Agreements between Israel and the PLO from the Perspective of International Law', in the European Journal of International Law, 1996, Vol. 7, Issue 4, p. 486. (pp. 485-500).

⁸ Council of the European Union, Council Conclusion on the Middle East Peace Process, 8 December 2009, Brussels.

⁹ The United Nation Security Council Resolution No. 242 of 22 November 1967 on the situation in the Middle East. Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement>, accessed on October 30, 2015. See also, Muriel Asseburg, "EU crisis management in the Arab-Israeli conflict", in E. Aymat (ed), European Involvement in the Arab-Israeli Conflict, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 75.

¹⁰ Council of the European Union, Council Conclusion on the Middle East Peace Process, 8 December 2009, Brussels.

¹¹ N. Tocci, "Does the EU promote democracy in Palestine?", in M. Emerson, (ed), *Democratisation in the European Neighbourhood*, Centre for European Policy Studies, 2005, p. 131.

¹² The Union for the Mediterranean launched under the French EU Presidency in July 2008. See, N. Tocci, "Firm in Rhetoric, Compromising in Reality: The EU in the Israeli– Palestinian Conflict", *Ethnopolitics*, 2009, Vol. 8, Nos. 3–4, p. 392.

¹³ M. Pace, "The end of the EU democracy promotion and of the two-state solution?", in E. Aymat (ed), European Involvement in the Arab-Israeli Conflict, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, 89.

¹⁴ European Union External Action. The Barcelona Process. Available online at http://www.eeas.europa.eu/euromed/barcelona_en.htm, accessed on October 19, 2015.

primarily on three dimensions: First dimension is the political and security dialogue which aimed at creating a common area of peace and stability underpinned by sustainable development, rule of law, democracy and human rights.¹⁵ Second dimension is the economic and financial partnership which aimed at creating a free-trade area in order to promote shared economic prosperity through sustainable and balanced socio-economic development.¹⁶ Third dimension is the social, cultural and human partnership that aimed at promoting understanding between cultures and people, as well as facilitating exchanges between civil society and ordinary citizens.¹⁷

In the field of trade, the EU has supported the Palestinian state-building and development through its trade policy.¹⁸ In 1997, the European Community signed the Euro-Mediterranean Interim Association Agreement on trade and cooperation (IAA) with the Palestinian Liberation Organization (PLO), which aimed to provide a sustainable framework for cooperation and development of relations between the EU and the occupied Palestinian territories in terms of trade liberalisation and establishment of political dialogue.¹⁹ It is interesting to note that, despite of the fact that the Palestinians were -and still are- struggling to achieve their sovereignty and their state-hood, the EU has dealt with Palestine as a state,²⁰ due to the fact that the EU concluded the IAA on the evident assumption that the PLO is the sole representative of the Palestinian people.²¹

In the light of this trade agreement, Palestinians have gained political and economical benefits, especially when the EU sought to ensure "the emergence of an economically viable Palestinian state",²² also due to the fact that, the EU is the largest international donor to the

¹⁵ A. Ahearn J., "Europe's Preferential Trade Agreements: Status, Content, and Implications", Congressional Research Service, 2011, p. 6.

¹⁶ European Union External Action. The Barcelona Process. Available online at http://www.eeas.europa.eu/euromed/barcelona_en.htm, accessed on October 19, 2015.

¹⁷ European Union External Action. The Barcelona Process. Available online at http://www.eeas.europa.eu/euromed/barcelona_en.htm, accessed on October 19, 2015. See also, N. Kanafani, "Associating Palestine with the European Union: The Present Framework and the Way a Head", Palestine Economic Policy Research Institute, 2000, p.7.

¹⁸ Tocci, "Firm in Rhetoric, Compromising in Reality: The EU in the Israeli– Palestinian Conflict", *op. cit.* 392.

¹⁹ Official Journal L 187, 16.7.1997, p. 3-135. See also, E. Robinson, "More than Kin and Less than Kind: The Status of Occupied Territories under the European Union's Bilateral Trade Agreements", Hebrew University of Jerusalem, Jerusalem, 2010, p. 17.

²⁰ C. Hauswaldt, "Problems under EC-Israel Association Agreement: The Export of Goods Produced in the West Bank and the Gaza Strip under the EC-Israel Association Agreement", *EJIL*, vol. 14, no. 3, 2003, p.597.

²¹ J. Quigley, *The Statehood of Palestine: International Law in the Middle East conflict*, Cambridge University Press, New York, USA, 2010, p. 179,180.

²² G Escribano, "Promoting EU-Israel Trade Integration: The Bilateral and Regional Dimensions", Working Paper, Israel European Policy Network (IEPN), 2005, p. 1. Available on line at <http://www.uned.es/deahe/doctorado/gescribano/eu%20israel%20gescribano%202.pdf>, accessed on October 17, 2015.

Palestinians,²³ contributing around €500 million each year from the EU's budget in order to supporting the Palestinian state.²⁴

In addition, the European Neighbourhood Policy (ENP) has been adopted in 2005 between the European Union and its southern and eastern neighbours to achieve a close political associations and an economic integration. The European Neighbourhood Policy goals based on common interests and values mainly democracy, the rule of law and the respect of human rights.²⁵ In this framework the European Union- Palestinian Authority²⁶ underpinned by an Action Plan in order to establish mutual commitments for "a future Palestinian State, going beyond co-operation, to involve a significant measure of economic integration and deepening of political cooperation", ²⁷ as well as to create a mutual commitments concern the democracy and human rights reforms.²⁸ The EU-PA relationship is part of the EU's response to the Palestinian National Authority political and economic reform agenda which included reforms for the Palestinian legislation, norms and standards to maintain democracy, accountability and transparency in the occupied Palestinian territories.²⁹

Diplomatically, the EU's policy on democratic Palestinian State has been pursued through various diplomatic instruments. Since 2001, the EU has participated in the Middle East Quartet's work³⁰ and the EU developed bilateral diplomatic channels through the EU High Representative, the EU Special Representative to the Middle East Peace Process³¹ and the EU

²³ M. Asseburg, "The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership", *Mediterranean Politics*, vol. 8, no. 2-3, 2003, p. 157.

²⁴ Communication From The Commission To The Council And The European Parliament: "EU-Palestinian cooperation beyond disengagement - towards a two-state solution", COM (2005) 458 final, Brussels, 5.10.2005, p.2.

²⁵ European Neighborhood Policy (ENP), the European Union External Action Service (EEAS), available online http://eeas.europa.eu/enp/about-us/index_en.htm, accessed on October 03, 2015.

²⁶ M. Amin, "The Role of the State and Democracy Building in the Arab world", International Institute for Democracy and Electoral Assistance, Stockholm, 2010, p.9.

²⁷ EU and the Palestinian Authority Action Plan. Available online at http://trade.ec.europa.eu/doclib/docs/2010/june/tradoc_146237.pdf, accessed on September 24, 2015.

²⁸ Amin, "The Role of the State and Democracy Building in the Arab world", *op. cit.*, p. 9.

²⁹ EU and the Palestinian Authority Action Plan. Available online at http://trade.ec.europa.eu/doclib/docs/2010/june/tradoc_146237.pdf, accessed on September 24, 2015. See also, D. Schmid, & F. Braizat, "The Adaptation of EU and US Democracy Promotion Programmes to the Local Political Context in Jordan and Palestine and their Relevance to Grand Geopolitical Designs", Working Paper, No. 50, EuroMesco, 2006, p. 14.

³⁰ The Middle East Quartet which has been established in Madrid in 2002 is considered as the most high-profile body coordinating international efforts in order to achieve peace in the Middle East. The Quartet consists of the United Nations, the United States, the European Union and Russia Federation. See, R. Hollis, "The basic stakes and strategy of the EU and Member States", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 32.

³¹ The Council of the European Union appointed on 25 November 1996 the first EU Special Envoy for the Middle East Peace Process. See, Joint Action, *OJ L 315, 4.12.1996*. Available online at http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996E0676&mo

Member States individual initiatives.³² Under the Quartet umbrella, the EU did try to play a significant role with other actors in achieving and promoting the peace in the Middle East.³³ In 2003, the EU has played a leading role in developing the Quartet Roadmap for peace³⁴ which intended to achieve the Palestinian statehood through focusing more on the security reform³⁵ and ending the violence in order to reach a fair and lasting peace in the Middle East.³⁶

Moreover, in 2005 the EU undertaken security missions in the occupied Palestinian territories, such as the *EUPOL COPPS*,³⁷ which intended to strengthen the civil police and providing training measures, advice and equipment³⁸ in order to improve the security situation and to keep law and order in the occupied Palestinian territories.³⁹ Furthermore, the EU also deployed a monitoring mission on the border between Gaza-Egypt, the *EU BAM Rafah*, to facilitate access for Palestinians to and from Gaza.

In 2008 the EU launched the Berlin Conference in supporting of Palestinian civil security and the rule of law. The Berlin Conference aimed at supporting the "international efforts to improve Palestinian capacity building in the area of civil security and the rule of law with civil police and criminal justice as a main focus"⁴⁰ where these areas are "an essential and

del=guichett, accessed on September 28, 2015. and on 23 January 2012, the Council of the European Union appointed Mr. *Andreas Reinicke* as the EU Representative to the Middle East Peace Process. Council of The European Union, Council appoints EU Special Representative to the Middle East Peace Process, Brussels, 23 January 2012, 18763/11, PRESSE 504. Available online at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/127419.pdf, accessed on September 28, 2015.

³² Tocci, "Does the EU promote democracy in Palestine?", *op. cit.*, p. 135. See also, E. Aymat, "Examining European involvement in the Arab-Israeli conflict", in Aymat, Esra (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 22.

³³ S. Reigeluth, "Europe's Lopsided Foreign Policy: Israel, Lebanon and the Palestinians", UN in the Middle East Research Initiative, Working Paper Series No. 5, Issam Fares Institute for Public Policy and International Affairs American University of Beirut, 2011, p. 10.

³⁴ The Roadmap known as A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. See, Institute for Palestinian Studies, "Special Document: The Road Map", *Journal of Palestinian Studies*, 2003, Vol. 32, No. 4, p. 84.

³⁵ H. Schulz, "Security as an Interregional Concern: The EU and the Middle East", Working Paper, the College of Europe and the *Comparative Regional Integration Studies Programme* of the United Nations University, Bruges, Belgium, 2010, p. 9.

³⁶ Hollis, "The basic stakes and strategy of the EU and Member States", *op. cit.*, p. 32. See, EU and the Palestinian Authority Action Plan, *op. cit.* See also, I. Alvaríño, "The European Strategy for the Middle East", Jean Monnet/Robert Schuman Paper Series, 2004, Vol. 4, No. 19, p. 9.

³⁷ The acronym refers to the European Union Coordinating Office for Palestinian Police Support (EU COPPS). See, EU Coordinating Office for Palestinian Police Support, <http://www.eupolcoppes.eu/>.

³⁸ R. Youngs and H. Michou, "Assessing Democracy Assistance: Palestine", FRIDE, Working Paper, 2011, p. 6, 10.

³⁹ Hollis, "The basic stakes and strategy of the EU and Member States", *op. cit.*, p. 33.

⁴⁰ Berlin Conference in Support of Palestinian Civil Security & The Rule of Law, 24 June 2008 - Summary of the Chair. Available on line at

indispensable foundation for a viable state".⁴¹ In this context, the EU has supported the judicial sector reform by launching rule of laws programs, such as, *Seyada* program which intended to strengthen the judicial system in the occupied Palestinian territories by providing training to judges and public prosecutors.⁴²

In overall terms, all of these initiatives and agreements have included clauses on democracy and human rights issues⁴³ and the EU plays a major role when it comes to strengthening the democracy in the occupied Palestinian territories by the virtue of the fact that, the Palestinian's economic and political situations are dependence on the EU.⁴⁴ The EU is the biggest provider of democracy and governance aid to the Palestinians.⁴⁵

Democracy assessment in the occupied Palestinian territories: Past and Present

In retrospect, it is clear that the EU's involvement in supporting and building a democratic Palestinian State either by providing financial and economic support, or supporting the Palestinian institutional building were ineffectiveness and have not achieved the main objectives of creating the Palestinian State and maintaining the stability in the region, in spite of the leverage the EU had.⁴⁶ Moreover, the impact of the European financial and economic support has not had the intended result due to the fact that the PNA is still dependence on foreign financing.⁴⁷ Therefore, this part intends to assess the EU's credibility in promoting a democratic Palestinian state.

General speaking, the decline of the EU's credibility in promoting democracy is evident in the Palestinian case, where the EU uses double standards.⁴⁸ The EU's interest is in a long-term

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/200/200809/20080924berlin_summary.pdf, accessed on October 25, 2015.

⁴¹ Summary remarks by EUHR Solana at Berlin Conference in support of Palestinian Civil Security and Rule of Law. Available on line at http://www.europa-eu-un.org/articles/fr/article_7984_fr.htm, accessed on October 25, 2015.

⁴² Empowering the Palestinian Judicial System, <http://epj.ps/en/>. See also, ENPI, second phase of Seyada Palestinian justice project to address key challenges. Available online at http://www.enpi-info.eu/mainmed.php?id_type=1&id=18508, accessed on October 17, 2015.

⁴³ A. Boubakri and S. Lindahl, "The European Union and Challenges to Democracy Building in the Arab World". Extract from Democracy in Development. Global Consultations on the EU's role in Democracy Building, International Institute for Democracy and Electoral Assistance, Stockholm, 2009, p. 71. See also, V. van Hüllen, "EU Democracy Promotion in the Mediterranean Cooperation against All Odds?", KFG Working Paper Series, No. 9, 2009, p. 6.

⁴⁴ N. Tocci, "Does the EU promote democracy in Palestine?", *op. cit*, p. 131.

⁴⁵ R. Youngs and H. Michou, "Assessing Democracy Assistance: Palestine", FRIDE, Working Paper, 2011, p. 6.

⁴⁶ O. Eran, Z. Magen & S. Stein, "The Superpowers and the Middle East: Walking a Fine Line", Institute for National Security Studies (INSS), Israel, 2011, p. 34.

⁴⁷ M. Asseburg, "From declarations to implementation? The three dimensions of European policy towards the conflict", in M. Ortega (ed.), *The European Union and the crisis in the Middle East*, Institute for Security Studies, Chaillot Papers, no. 62, 2003, 11, 15.

⁴⁸ Daniela Huber, "Is the EU losing credibility in Palestine?", FRIDE, A European Think Tank for Global Action, Working Paper, No. 50, 2011, p. 3.

democracy promotion which comes after the short-term preference for security and stability.⁴⁹

In 2006 the EU has been involved with electoral support in the occupied Palestinian territories through providing financial assistance and monitoring the elections.⁵⁰ The EU has advocated free and democratic elections in the occupied Palestinian territories and has covered 65 per cent of the election total costs.⁵¹ However, the EU showed its inconsistency when it adopted the myopic approach and refused to recognise Hamas and did not respect the people choice, which has been seen by the Palestinians as a serious and crucial credibility issue.⁵² This has shown the hypocrisy of the EU policy in the occupied Palestinian territories and confirmed as an indication of the EU's failure as a democratisation actor.

Notwithstanding the democratic standards are in regression in the occupied Palestinian territories, and the emerging of two separate political entities in both West Bank and Gaza Strip has also affected the creation of one democratic state, the EU in 2007 supported the Palestinian Reform and Development Plan (PRDP) which has been taken by the Prime Minister *Fayyad*, which mainly focused on the security sector reform.⁵³ The PRDP is a national plan that contained strategy for Palestinian institutions development to achieve a sustainable economic growth and to maintain equality and social justice for a democratic state of Palestine.⁵⁴

Despite of the fact that, the PRDP to some extent has succeeded to improve the institutional development⁵⁵ and the security sector, as well as it achieved more economic growth in the West Bank. The PRDP has failed to achieve a democratic state-building project.⁵⁶ The political divisions between the West Bank which is ruled by the Palestinian National Authority and Gaza Strip which is ruled by Hamas have imposed many restrictions on the democratic rights

⁴⁹ K. Khatib, "How Promotion of Political Reform by the European Union is Perceived in the Arab World: The Cases of Lebanon and the Palestinian Territories", International Institute for Democracy and Electoral Assistance (IDEA), Stockholm, 2009, p. 4

⁵⁰ D. Schmid and F.ares Braizat, "The Adaptation of EU and US Democracy Promotion Programmes to the Local Political Context in Jordan and Palestine and their Relevance to Grand Geopolitical Designs", Working Paper, No. 50, EuroMesco, 2006, p. 14. See also, Michelle Pace, Perceptions from Egypt and Palestine on the EU's Role and Impact on Democracy Building in the Middle East, International Institute for Democracy and Electoral Assistance 2010, 05.

⁵¹ N. Tocci, "Does the EU promote democracy in Palestine?", *op. cit*, p. 137.

⁵² K. Khatib, "How Promotion of Political Reform by the European Union is Perceived in the Arab World: The Cases of Lebanon and the Palestinian Territories", *op. cit*, p. 12.

⁵³ The EU undertaken security mission, the EUPOL COPPS mission which aimed to strengthen the civil policing. See, R. Youngs and H. Michou,, "Assessing Democracy Assistance: Palestine", *op. cit*, p. 6, 10. See also, EU Coordinating Office for Palestinian Police Support, <http://www.eupolcopps.eu/>.

⁵⁴ Palestinian National Authority, *Palestinian Reform and Development Plan: 2008-2010*, Palestine, 2008, p. 4.

⁵⁵ H. Michou, "Towards declaration of a Palestinian state?", FRIDE, Working Paper, No. 79, 2011, p. 2.

⁵⁶ R. Youngs and H. Michou,, "Assessing Democracy Assistance: Palestine", *op. cit*, p. 2.

and many civil society organisations have been forced to close,⁵⁷ and many arrest cases have occurred for political reasons.⁵⁸

World Report of the Human Rights Watch in the 2012 pointed out that, "the Palestinian Authority's security services arbitrarily detained hundreds of Hamas supporters as well as politically unaffiliated protesters who supported the pro-democracy Arab Spring movements and reconciliation between Hamas and Fatah".⁵⁹ Moreover, the Human Rights Watch confirmed that complaints of torture committed by the PNA security services decreased compared to the last years, where many arbitrary detentions and arrested of journalists and cases of unlawful deaths in custody are occurred.⁶⁰ In addition, the Human Rights Watch pointed out that "Hamas authorities in Gaza executed three men in 2013 and sentenced 12 others to death after unfair trials. Security forces conducted arbitrary arrests and tortured detainees. The authorities permitted some local human rights organizations to operate, but suppressed political dissent, free association, and peaceful assembly".⁶¹ Also, the Amnesty International pointed out that the concerns on human rights violations in the occupied Palestinian territories still exists mainly in the field of death penalty where Hamas authorities carried out executions in Gaza Strip.⁶²

Moreover, the Palestinian Legislative Council (PLC) has not been convened for the last years because many PLC Hamas members are prisoners in Israeli prisons, and thus many administrative rules and legislations have been adopted without legislative oversight.⁶³

⁵⁷ EMHRN, "The Euro-Mediterranean Region, A Threatened Civil Society", Freedom of Association Assessment Report, 2010, p.59 – 63.

⁵⁸ H. Michou, "Towards declaration of a Palestinian state?", *op. cit*, p. 2.

⁵⁹ World Report 2012, Israel, Occupied Palestinian Territories. Available online at http://www.hrw.org/sites/default/files/related_material/israel_opt_2012.pdf, accessed on October 08, 2015.

⁶⁰ "Palestinian Authority (PA) security services beat peaceful demonstrators, detained and harassed journalists, and arbitrarily detained hundreds. Credible allegations of torture committed by the PA's security services persist". See, World Report 2014, Israel, Occupied Palestinian Territories. Available online at <https://www.hrw.org/world-report/2014/country-chapters/israel/palestine>, accessed on October 09, 2015. And see also, World Report 2012, Israel, Occupied Palestinian Territories. Available online at http://www.hrw.org/sites/default/files/related_material/israel_opt_2012.pdf, accessed on October 08, 2015.

⁶¹ World Report 2014, Israel, Occupied Palestinian Territories. Available online at <https://www.hrw.org/world-report/2014/country-chapters/israel/palestine>, accessed on October 09, 2015. See also, Palestinian Centre for Human Rights (PCHR), Annual Report 2014. Available online at http://www.pchrgaza.org/files/2015/annual_pchr_eng_2014.pdf, accessed on October 07, 2015.

⁶² Amnesty International, Urgent Action, 10 April 2012. Available online at <http://www.amnesty.org/en/library/asset/MDE21/002/2012/en/f38b9918-5680-47cd-bf52-2510ce2cbdc6/mde210022012en.pdf>, accessed on October 23, 2015.

⁶³ H. Michou, "Towards declaration of a Palestinian state?", *op. cit*, p. 2.

Besides that, the Palestinian president and the parliament terms have been expired and no elections have been occurred.⁶⁴

It should be mentioned that, according to previous *Fayyad's* plan the "government is to be based on the principle of justice and rule of law, equality and tolerance, safeguarded by clear separation of powers of the executive, the legislature and judiciary."⁶⁵ However, the problem is these general principles are not occurring, there is no effective separation of powers, and there is more increasing concentration of authority in the executive power.⁶⁶ As well as there is interference from the security services in sensitive political cases and the security services applying the military laws which are not recognised under the Palestinian laws. In addition, in many cases the security services ignored judicial decisions.⁶⁷

Conclusion

After elucidated the EU's policy towards promoting democracy in occupied Palestinian territories and assessing the democracy on the ground, the research recalls that, now it is the time to re-examine the EU's policy in promoting democracy effectively in the occupied Palestinian territories. Criticisms are connected to the EU credibility in Palestine and the lack of real partnership, because the EU commitment to democracy in Palestine is questioned. The EU as a major donor has failed to convert its influence to exert more strict pressure for profound reform. In order to improve the EU policy in supporting democracy, the EU should shift its focus to more sustainable option of democracy building which based on the fact that, a fully functioning democracy in the occupied Palestinian territories depends most essentially on the end of Israeli occupation, as well as the EU needs to support the inter-reconciliation between the various Palestinian fractions.⁶⁸

⁶⁴ R. Youngs and H. Michou, "Assessing Democracy Assistance: Palestine", *op. cit*, p. 2. See also, Palestinian Centre for Human Rights (PCHR), Annual Report 2014. Available online at http://www.pchrgaza.org/files/2015/annual_pchr_eng_2014.pdf, accessed on October 07, 2015.

⁶⁵ Palestinian National Authority, "Palestine: Ending the Occupation, Establishing the State", Program of the Thirteenth Government, 2009, p. 6.

⁶⁶ R. Youngs and H. Michou, "Assessing Democracy Assistance: Palestine", *op. cit*, p. 2. See also, Palestinian Centre for Human Rights (PCHR), Annual Report 2014. Available online at http://www.pchrgaza.org/files/2015/annual_pchr_eng_2014.pdf, accessed on October 07, 2015.

⁶⁷ N. Brown, "Are Palestinians Building a State?", Carnegie Commentary, 2010, p. 4, 5. See also, Palestinian Centre for Human Rights (PCHR), Annual Report 2014. Available online at http://www.pchrgaza.org/files/2015/annual_pchr_eng_2014.pdf, accessed on October 07, 2015.

⁶⁸ M. Rabbani, "Palestine: same crisis , different reasons", Á. de Vasconcelos (ed), *The Arab democratic wave: How the EU can seize the moment*, European Union Institute for Security Studies, Report N° 9, Paris, 2011, p.28

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