

**The London School of Economics and Political  
Science**

**Lobbying in EU foreign policy-making towards  
the Israeli-Palestinian conflict:  
Exploring the potential of a constructivist  
perspective**

Benedetta Voltolini

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## Abstract

This thesis explores how constructivist insights could help us to form a more complete picture of lobbying in EU foreign policy-making, with a special emphasis on EU foreign policy towards the Israeli-Palestinian conflict. It demonstrates that non-state actors (NSAs) such as business groups, NGOs, solidarity movements and think tanks, are important players in the EU's foreign policy-making. By sharing the constructivist views on the embeddedness of actors and assuming that actors interact with each other in order to make sense of the world, this thesis investigates lobbying on the basis of three analytical dimensions; namely roles, frames and levels. It is shown that NSAs lobbying the EU play a consensual role, which is based on mutually legitimising social interactions that do not challenge the EU's actorness and policies towards Israel and Palestine. When combined with the use of legal or technical frames, these consensual forms of interaction are conducive to a re-framing of EU policies towards Israel and Palestine. In contrast, confrontational forms of social interactions, combined with the use of political frames are more recurrent at the national level. Finally, this thesis analyses how the national level is used, when NSAs lobby the EU. It concludes that there is a partial Europeanization of lobbying carried out by NSAs based in member states. The EU and national levels tend, however, to remain quite disentangled from each other. The argument presented in this thesis is tested in three case studies (EU-Israel trade relations, the UN Report following the war in Gaza in 2008-2009 and the EU-Israel Agreement on pharmaceutical products), which represent important aspects of EU foreign policy and were frequently mentioned by NSAs and officials. Moreover, the national level is analysed in the cases of France, the United Kingdom and Germany, which are the three big member states of the EU and crucial players in EU foreign policy.

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## **List of abbreviations**

ACAA Agreement on Conformity Assessment and Acceptance of Industrial Products

AFET Committee on Foreign Affairs

ALDE Alliance of Liberals and Democrats of Europe

BDS Boycott, Divestment and Sanctions

CEPR Council for European Palestinian Relations

CIDSE Coopération Internationale pour le Développement et la Solidarité  
(*International Cooperation for Development and Solidarity*)

DG Devco Directorate General Development and Cooperation

DG RELEX Directorate General for External Relations

DG SANCO Directorate General for Health and Consumers

DIW Deutsche-Israelische Wirtschaftsvereinigung

EAEP European Association of Euro-Pharmaceutical Companies

EC4I European Coalition for Israel

ECCP European Coordination of Committees and Associations for Palestine

ECJ European Court of Justice

EEAS European External Action Service

EFD Europe of Freedom and Democracy Group

EFI European Friends of Israel

EFPIA European Federation of Pharmaceutical Industries and Associations

EIDHR European Instrument for Democracy and Human Rights

EMHRN Euro-Mediterranean Human Rights Network

EMP Euro-Mediterranean Partnership

ENP European Neighbourhood Policy

EP European Parliament

EPP European Popular Party

FIDH Fédération internationale des ligues des droits de l'Homme (*International Federation for Human Rights*)

FoE Friends of the Earth  
GUE/NGL European United Left/Nordic Green Left  
HoM Heads of Mission  
IEPN Israeli-European Policy Network  
INTA Committee on International Trade  
ITRE Committee on Industry, Research and Energy  
MEP Member of the European Parliament  
MEPP Middle East Peace Process  
MP Member of Parliament  
NGO Non-Governmental Organisation  
NSA Non-State Actor  
OPTs Occupied Palestinian Territories  
PA Palestinian Authority  
PLO Palestinian Liberation Organisation  
S&D Socialists and Democrats  
TEC Treaty establishing the European Community  
UfM Union for the Mediterranean  
UN United Nations  
UNGA United Nations General Assembly  
UNHRC United Nations Human Rights Council  
UNSC United Nations Security Council  
Verts/ALE The Greens/European Free Alliance

## Introduction - 'Embedded' lobbying in EU foreign policy

In a much discussed article Mearsheimer and Walt (2006) claimed that the 'Israel Lobby' is a key factor to understand US policy towards the Middle East. This argument raised many criticisms at the time and was often stigmatised as an act of anti-Semitism (Anti-Defamation League 2006). Leaving political judgments and evaluations of the academic rigour of this article aside, Mearsheimer and Walt address a broader question, namely how interest groups influence US foreign policy-making. Although it has not been researched extensively, lobbying also takes place in the case of European Union (EU) foreign policy towards the Israeli-Palestinian conflict. Paraphrasing an EU official (Interviewee 11), a large number of NSAs lobby the EU on the Israeli-Palestinian conflict, in a more persistent and extensive way than on other controversial issues in the Mediterranean region such as the Western Sahara-Morocco case. For example, on 10 March 2010 EUobserver.com reported that European Jewish groups heavily lobbied the European Parliament on the Goldstone Report, the UN's fact-finding mission report following Operation Cast Lead in Gaza in December 2008-January 2009 (Phillips 2010). Similarly, in October 2012 the European Coordination of Committees and Associations for Palestine (ECCP), an umbrella organisation of solidarity movements across Europe, launched a campaign to persuade the EU not to approve the EU-Israeli Agreement on Conformity Assessment and Acceptance of Industrial Products (ECCP 2012). These are two of many examples of lobbying efforts to steer EU foreign policy towards the Israeli-Palestinian conflict. But *do non-state actors (NSAs) really matter in EU foreign policy-making towards the Israeli-Palestinian conflict?*

This thesis will explore how constructivist insights can be used to provide a more complete picture of lobbying and EU foreign policy. Not only has the literature on interest groups paid scarce attention to the field of EU foreign policy, but lobbying in the EU has been predominantly conceptualised from a rationalist perspective (e.g. Coen and Richardson 2009a; Klüver 2013a). Assuming that both NSAs such as business groups, NGOs, solidarity movements, think tanks and the media, and EU institutions are rational, goal-oriented actors that aim to maximise their preferences, the predominant view in the literature conceives of lobbying as an exchange of goods between the two sides. NSAs offer EU institutions certain goods and have access to the policy-making process in exchange. Given that the main exchanged good is

information, lobbying in the EU is generally defined as informational lobbying (e.g. Bouwen 2002a; Chalmers 2011).

This thesis will instead argue that a constructivist perspective, which highlights the embeddedness of actors and assumes that actors make sense of the world through social interactions, can shed light on lobbying dynamics in EU foreign policy. NSAs are important actors in the EU's foreign policy-making, but the understanding and explanation of their role needs to go beyond the predominant view of influence of NSAs on the EU or of the EU as the political opportunity structure that constraints or facilitates NSAs' lobbying efforts. In contrast, the contention here is that a constructivist perspective has the potential to shed light on the lobbying on EU foreign policy, by highlighting the various forms of social interaction on which knowledge travels or gets developed. From a constructivist ontological perspective, the social world is the result of structures and processes based on inter-subjective and collective meaning. Unlike rationalists, constructivism considers preferences as endogenous: how actors conceive their interests is the result of social interactions and the context in which they are embedded. This 'socially thick' world also shapes actors' identities and how they behave. Through interactions, actors also create and transfer knowledge about events and situations. Basically, knowledge is shaped by 'the context of and with reference to collective or intersubjective understandings, including rules and language' (Adler 2002: 100). Metaphorically, NSAs' lobbying can be compared to the actions on the stage of a theatre. These actions are all interconnected and each player depends on the others in order to perform their part. The performance is not just the exact reproduction of the written text, but the result of the interactions among actors, who interpret the story and adapt to each other when developing the script. Moreover, the script could not be performed by each single actor individually, but the interactions among them are a necessary condition for the performance to take place. The identities and behaviours of the characters are shaped not only by each actor's interpretation of the role, but also by the stage on which they act and the interactions that are developed on it. The script provides the boundaries within which the performance develops (see Goffman 1971).

More specifically, this research tackles three questions that are often discussed in the literature on interest groups, but aims to re-interpret them by relying on constructivist insights. The first question asks *what role, if any, NSAs play in EU foreign policy-making towards the Israeli-Palestinian conflict*. While most of the literature refers to

the influence of interest groups on EU policy-making, this thesis phrases this issue in terms of roles. Roles encapsulate the idea that actors are embedded in the social context and that lobbying is based on social interactions between the EU and NSAs. Distinguishing among roles will help us to understand NSA-EU forms of social interaction and how they reciprocally define themselves in these relations. Roles also represent the basis on which frames develop and travel.

Linked to this issue, this thesis addresses a second question, which asks *what type of instruments NSAs rely on in their lobbying efforts*. Given the nature of lobbying in the EU, namely informational lobbying, ideational tools are what matters when lobbying the EU. In particular, understanding lobbying requires an analysis of the use of frames, which can be defined as ‘a way of selecting, organising, interpreting and making sense of a complex reality to provide guideposts for knowing, analysing, persuading and acting’ (Rein and Schoen 1993, 146). In this thesis, frames are equated with ‘knowledge’ and they represent the ideational element through which lobbying is conducted. It will be shown where information and knowledge come from and how new roles and frames shape policy outcomes. NSAs rely on different forms of information and knowledge, which makes a difference in their interaction with the EU. How these frames are developed and travel from NSAs to the EU (and the other way round) will therefore lead to a better understanding of how NSAs get involved in the EU foreign policy-making process.

Finally, given the multi-level nature of the EU and the important role that member states play in EU policy-making, it is crucial to examine what relation exists between the national and EU levels as far as lobbying is concerned. Thus, the concept of level is useful not only to analyse ‘where’ NSAs lobby, but also to understand whether NSAs based in member states take the EU level into account and if so, how. In other words, *how are the EU and national levels related in NSA lobbying? Can we observe the Europeanization of lobbying activities?* By providing a wider overview of how NSAs rely (or not) on the national level to lobby on EU policies, this thesis tackles a central question which is linked to the multi-level governance structure of the EU and the fundamental role that member states still play in policy-making. On the one hand, it tells us where NSAs lobby and what difference exists between the two arenas. On the other hand, investigating the extent of Europeanization of NSAs is also indicative of the level of integration of EU foreign policy and the extent to

which the preferences of NSAs at the national level have been shaped by the emergence of the EU as an international actor.

By answering the questions above, this thesis offers an empirical and theoretical contribution. Empirically, it investigates how lobbying works in EU foreign policy. First, the mapping of NSAs, which is composed of almost 300 elements, is an important step to have a better understanding of the types of NSAs involved or potentially interested in EU foreign policy towards the Israeli-Palestinian conflict. Second, the in-depth analysis of three EU policies towards Israel and Palestine covers aspects of EU foreign policy-making that have been largely unnoticed and have not been investigated in a systematic and precise way in the literature. Therefore, these two elements add to our understanding of EU foreign policy towards the Israeli-Palestinian conflict.

Theoretically, the thesis deepens our understanding of lobbying and NSAs' activities in EU foreign policy. In essence, it explains what role NSAs play in EU foreign policy-making, how they carry out lobbying and where they do that. It therefore contributes to the blossoming literature on NSAs in the EU, by highlighting patterns of lobbying, investigating the frames used and showing the connection between lobbying at the EU and national levels. Moreover, it also deals with two other ongoing debates in the literature on EU politics.

First, investigating the role played by NSAs in EU foreign policy-making lies at the heart of any study of politics. In *Who Governs?*, Dahl (1961) asks the basic question of who influences whom and who wins/loses in politics. This question is important not only to the scholarly community interested in policy-making and policy outcomes, but also to the larger public, given the repercussions of political decisions on everyday life. As Baumgartner and Leech (1998: xviii) pointed out in the American case, '[w]ithout a good understanding of the role of interest groups, our understanding of the functioning of our political system cannot possibly be complete'. This claim is also valid if applied to the EU. By being mostly concerned with member states and EU institutions, current explanations of foreign policy-making have often missed other actors such as NSAs, and the role that they can have in the policy-making process. NSAs' role is linked to EU policy outcomes: how have EU preferences and policies towards the Israeli-Palestinian conflict come about? Put differently, where does the information and knowledge that inform EU policies come

from (see also Gornitzka and Sverdrup 2011)? There are various factors that need to be taken into account, such as bargaining among member states or EU institutions, the role of communities of practice and epistemic communities etc. While this thesis does not make the claim that NSAs are overall powerful, it does stress the importance of taking them into account when analysing EU foreign policy-making in order to avoid simplified assumptions about these processes.

Second, this research is linked to the broader debate about the democratic legitimacy of the EU and the transparency of its policy-making process. Scholars have engaged in debates about the role of civil society actors in providing both input and output legitimacy to EU policy-making (for an overview, see Finke 2007). The idea is that inputs from NSAs contribute to tailoring EU decisions in the direction favoured by the majority of citizens as well as to making the implementation of EU policies easier. Not only does this ‘participatory turn’ (Saurugger 2010) mean bridging the gap between the EU and its citizens, but it also enhances the problem-solving capacity of EU actors. However, these normative intentions should also take into account the risk of biased representation, i.e. the fact that some actors might have better access than others. This aspect is not completely unfounded, as the EU is often described as a case of ‘elite pluralism’ (Coen 2007b), which implies that some actors have a privileged access, but they then have to compete on equal basis to influence the EU. In an attempt to overcome this issue, the EU funds NSAs to facilitate their access to the EU. The results in terms of correcting this bias are however mixed: there seems to be a preference to fund certain categories of NSAs (e.g. Western-based NGOs that promote EU identity) or to favour actors (e.g. in the voluntary sector) to adapt to EU requests (Sanchez-Salgado 2007, 2010; Mahoney and Beckstrand 2011). Linked to the broader issue of democratic legitimacy, the aspects of accountability and transparency come into account. The need to ensure that the policy-making process is as transparent as possible is reflected in the various measures taken in this regard, such as the establishment of the Transparency Register, the Code of Conduct for lobbyists and the various rules that regulate the behaviour and duties of EU officials and policy-makers.<sup>1</sup>

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<sup>1</sup> The idea that increased transparency also leads to stronger democratic accountability and to a more civilised policy-making process is contested by Naurin (2007). He points out that there is no evidence that transparency ensures a better behaviour of NSAs if their actions are scrutinized. Moreover, the measures introduced (e.g. register) have some limits, as will be shown in Chapter 3.

In order to answer the questions mentioned above, I will focus on lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict, an issue of utmost importance on the EU agenda. Since the 1970s the EU has been vocal on the Israeli-Palestinian conflict and, within the frameworks of the Euro-Mediterranean Partnership/Union for the Mediterranean and the European Neighbourhood Policy, has developed strong bilateral relations with both Israel and the Palestinians. In the European Security Strategy published in 2003, the EU spelled out the importance of being surrounded by a ring of well-governed countries. The Arab-Israeli conflict is therefore a threat to the stability of the region and, thus, its resolution is a strategic priority for the EU. Besides geo-political considerations, links to the region date back to the time of colonialism, when the United Kingdom was given the mandate by the League of Nations to control the current areas of Israel and the Palestinian Territories following the fall of the Ottoman Empire in 1918. Since then, Europe and Israel/Palestine have been bounded by strong ties and complicated relations.

As will be shown in Chapter 2, the Israeli-Palestinian conflict is the first issue on which member states initially attempted to cooperate. The 1970s started with the first common declarations by the then members of the European Community on the tensions in the region. While being a very sensitive issue over which member states are often divided, it is also one where convergence of views has been reached. Although it does not imply a single position by all twenty-seven member states, the EU has nowadays a well-defined position towards the Israeli-Palestinian conflict which is based on two pillars: the two-state solution and respect for international law, international humanitarian law and human rights (Tocci 2009). These two elements define the space of disagreement: member states might differ on how to approach an issue, which policies to implement and how to diplomatically react to events on the ground, but they can do so within the overarching framework of the two pillars.

This thesis focuses on three policy issues related to the EU's foreign policy towards the Israeli-Palestinian conflict: the problem of the rules of origin with regard to EU-Israel trade relations, the events linked to the Goldstone report written by the UN Fact Finding Mission following Operation Cast Lead in Gaza between December 2008 and January 2009, and the process leading to the approval of the EU-Israeli Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA). Each of these issues will be discussed at length in the case-study chapters, while other aspects such as the issue of the Palestinian statehood in the United

Nations, the problem of labelling of goods, etc. will be mentioned in the thesis, but they will not constitute the bulk of the analysis for testing the proposed theoretical framework. The three cases indicated have been selected because they represent three important aspects of EU foreign policy towards Israel and Palestine and the lobbying efforts taking place could be traced. The methodology section in Chapter 1 will provide a more detailed explanation of the selection process.

In addition, the analysis of the national level is necessary, given the relevance of member states in EU foreign policy and the potential channel the national level represents as a level where lobbying can be carried out. Because it is not possible to investigate all twenty-seven member states, three states have been selected: the United Kingdom, Germany and France. These member states are particularly relevant in EU foreign policy-making and, more specifically, in the context of the Israeli-Palestinian conflict. Importantly, they are the three largest member states, displaying strong administrative capabilities and significant economic power, which they can use to influence the policy-making process (Müller 2012; Musu 2010). However, they differ with regard to other relevant dimensions: the type of the political system, the prevailing form of interest intermediation, the cultural legacies of their past policies and the influence on their view of current events and policies. To start with, these member states have not always pursued a common policy towards the Israeli-Palestinian conflict due to divergent interests, historical legacies and different links to the USA (see Chapter 2). Interestingly, these states have also different political systems which in turn shape the form of interest intermediation as well as the general approach towards NSAs. As explained in depth in Chapter 7, the United Kingdom is an example of a pluralist system, France of a statist model and Germany of a consensual setting. Therefore, it is likely that national political actors respond differently to the pressure and requests coming from NSAs (Eising 2009). Given their importance within the EU and the variation on several dimensions, they represent suitable cases to have a better understanding of the dynamics taking place at the national level and the interaction with the EU level as far as lobbying and advocacy are concerned.

As a final note, it is important to stress that this thesis mainly focuses on the role of NSAs in EU foreign policy-making, thus highlighting the changes occurred in EU foreign policy in terms of frames and knowledge towards the Israeli-Palestinian conflict. In contrast, the circularity of the relationship between the EU and NSAs,

more precisely the impact of the EU on NSA identities and preferences, will be discussed only partially. This thesis will therefore mainly adopt the approach used in the literature on epistemic communities, while more research on the circularity and results of interactions on NSAs will be developed in future research.

This thesis is structured as follows. Chapter 1 introduces the analytical framework used in this research. It will explain the three main analytical dimensions (roles, frames, levels) and how they will be employed in the empirical chapters. The methodology will also be presented. The two following chapters will provide an overview of the ‘policy’ and ‘actors’ fields. On the one hand, Chapter 2 analyses the evolution of EU foreign policy towards the Israeli-Palestinian conflict: it will show how the EU has reached a common position towards the conflict, so that disagreement among member states is limited by the overarching framework provided by EU foreign policy. At the same time, the policies and tools at EU disposal to engage with Israel and Palestine have increased over time, thus granting new powers and roles to various actors. Chapter 3 will, on the other hand, rely on an original dataset of around 300 elements that I built for this research. It will give insights as far as the main trends in the population of NSAs interested in EU foreign policy towards the Israeli-Palestinian conflict are concerned. Chapters 4 to 6 are devoted to the empirical analysis of the case studies: the case of the rules of origin in EU-Israel trade relations, the events related to the Goldstone report and the policy process leading to the ACAA between the EU and Israel. Given that the focus of these chapters will predominantly be on the EU level (although a brief section on the national level will be present in each chapter), Chapter 7 will complement this analysis by looking in depth at the national level to tackle the third question presented above. In particular, the focus will be on the cases of the United Kingdom, France and Germany. Finally, the concluding chapter will pull the threads of the thesis together. The findings will be compared and conclusions about lobbying in EU foreign policy will be advanced. The implications for further research will also be drawn.

## **Chapter 1 – Exploring lobbying in the EU’s foreign policy-making process through constructivist insights. The case of the Israeli-Palestinian conflict**

Questions about who influences whom and who wins/loses in politics have been central to political science for decades, given that they are linked to the issues of democracy, legitimacy, power and equal representation. Thus, understanding who participates in the process is a key concern for both the scholarly community and public opinion. This is also true in the case of the European Union (EU), where the engagement with non-state actors (NSAs), such as business groups, NGOs, think tanks, and solidarity movements, has become part and parcel of EU policy-making. As any other policy area, lobbying also takes place in foreign policy and EU foreign policy is no exception to this trend. Against this backdrop, it is therefore worth asking: *do NSAs really matter in EU foreign policy-making?*

This thesis aims to explore the role played by NSAs in EU foreign policy-making in the case of the Israeli-Palestinian conflict, where the EU has been active over the past decades and lobbying by NSAs is significant. The predominant approach in the literature would tell us that lobbying in this policy domain is a strategic exchange between interest groups and the EU through which both sides aim to maximise their utility and attain their goals. Access to policy-making is traded in exchange for information and expertise. But does the story of lobbying end here? This understanding seems to downplay the social interactions that occur between NSAs and the EU and how knowledge gets developed and travels. Interestingly, not only do NSAs provide officials with information and knowledge, but they are also contacted by decision-makers who ask for indications on how to interpret a situation or on the possibilities of action with regard to certain events (Interviewee 53). In some cases, Members of the European Parliament (MEPs) ask for inputs from NSAs when drafting an opinion or a question to the Commission or the Council (Interviewee 40). At the same time, the establishment of trustworthy relationships between NSAs and EU officials leads the latter to pass information to the former (e.g. unpublished documents, confidential information about political groups’ dynamics, etc.). Likewise, what informs NSAs’ advocacy reports is often based on the information and knowledge that NSAs build in their meetings with officials and politicians. Information and knowledge are therefore the result of social interactions between the EU and NSAs. For instance, why has the EU begun to problematize the territorial

scope of its bilateral agreements with Israel, as recent Council Conclusions and the EU-Israel Association Council Conclusions show (European Union 2011; Council of the European Union 2012; Council of the European Union 2012b)? How has this new interpretation come about? It seems unlikely that this new frame has simply been copy-pasted from the advocacy documents of one or more NSAs. Even if the EU and its member states have changed their understanding, knowledge does not come from nowhere. It is therefore plausible to consider these new frames as the result of social interactions among various actors, including NSAs.

Against this backdrop, this thesis explores how constructivist insights, which are based on the idea of a socially thicker world where social interactions are central and knowledge gets developed and travels through social interactions, could help us form a more complete picture of lobbying in EU foreign policy. Three related questions, which are common in the literature on interest groups, are addressed. First, *what role, if any, do NSAs play in EU foreign policy-making towards the Israeli-Palestinian conflict?* As will be explained in this chapter, the concept of role provides us with an analytical tool to encapsulate different forms of social interactions between NSAs and the EU, to highlight the idea of embeddedness of actors and to provide the basis on which frames travel and develop. Second, *what type of frames do NSAs rely on in their lobbying efforts?* Frames, which will be discussed at length in section 1.4, are defined as ‘a way of selecting, organising, interpreting and making sense of a complex reality to provide guideposts for knowing, analysing, persuading and acting’ (Rein and Schoen 1993, 146). In this thesis they are equated with the concept of ‘knowledge’ and they represent the ideational element through which lobbying is conducted. Finally, what is the relationship between the national and EU levels as far as lobbying is concerned? Put it differently, *where do NSAs lobby and can we observe the Europeanization of lobbying activities?* Following Saurugger (2005), Europeanization consists in both the processes of uploading (lobbying activities are shifted to the EU level) and downloading (EU issues are incorporated at the national level). The level (national or European) at which lobbying takes place is an important analytical dimension given the multi-level character of the EU and the crucial role that member states play in EU policy-making.

These three analytical dimensions, namely role, frame and level, will be used to analyse and explain lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict. This issue has been on the EU agenda since the 1970s. Although

the EU has often been criticised for the rhetoric-practice gap and the capabilities-expectations gap that characterise its policies (Tocci 2005; Hill 1993), it has nonetheless established its presence in the region and it is part of the efforts of the international community to solve the conflict (see Chapter 2). Due to its involvement in conflict resolution and the strong bilateral ties it has developed with both Israel and the Palestinian Authority, the EU has become a target of lobbying. Paraphrasing one interviewee (Interviewee 11), there is huge lobbying on this issue, even when compared to other important issues in the Middle East such as the Western Sahara-Morocco case.

Before turning to the analytical framework, it is important to define two key concepts, namely EU foreign policy and NSAs. This task is crucial, given that these terms have been used in various ways in the literature. In this thesis, the term ‘foreign policy’ is understood as ‘the sum of official external relations conducted by an independent actor in international relations’ (Hill 2003: 4). More specifically, Hill (1998: 18) maintains that EU foreign policy is ‘the sum of what the EU and its member states do in international relations’.<sup>2</sup> This definition encompasses a variety of policies, ranging from economic relations to pure diplomatic politics to those areas, such as justice and home affairs, that have acquired an external dimension in recent years.<sup>3</sup> As will be explained in Chapter 2, EU foreign policy towards Israel and Palestine is characterised by a variety of policies, which span across a multiplicity of domains, including aspects related to cooperation in criminal matters (e.g. Europol), research (e.g. association in the Framework Programmes), trade, etc.. All aspects of EU external policies with regard to the Israeli-Palestinian conflict as well as to the bilateral level of cooperation are taken into account in the analysis of lobbying. While the broad range of topics on which lobbying is carried out will be mentioned in thesis (and especially in Chapter 3), the empirical analysis will focus on three specific policies: the rules of origin and the problems related to EU-Israel trade relations, the Goldstone report and the EU position in this regard, and the agreement between Israel and the EU in the field of pharmaceutical products.

Besides encompassing a variety of policies, Hill’s (1998) definition of EU foreign policy also highlights the multi-level nature of the EU. Similarly, White (2001)

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<sup>2</sup> In contrast, some scholars consider it as the Common Foreign and Security Policy (CFSP), while others share the extended definition that encompasses external relations. On the different definitions of EU foreign policy, see Carlsnaes (2007) and Tonra (2000).

<sup>3</sup> On this point, see Lavanex (2004).

argues that the European foreign policy system is characterised by three types of foreign policy: Community, Union and national.<sup>4</sup> The national level focuses on member states and their role in EU foreign policy. Member states act together within the EU framework, but they have also kept autonomous foreign policies. This thesis will not investigate national foreign policies per se, but it will explore whether NSAs based in member states take the EU's foreign policy towards the Israeli-Palestinian conflict into account in their lobbying actions.

Defining NSAs, the other key term of the thesis, is also no mean feat, given the variety of actors that can potentially be included under this label. According to Alston (2005), most definitions of NSAs are framed in negative terms, i.e. by juxtaposing NSAs to states. Because the state is considered as the defining feature of the international system, scholars define all other actors in opposition to it. Common definitions in International Relations conceive NSAs as 'all those actors that are not (representatives of) states, yet that operate at the international level and are potentially relevant to international relations' (Arts 2003: 5) or as those entities that are independent from central government funding and control, that participate in networks/groups beyond national borders, and act in a way that affects political outcomes (Josselin and Wallace 2001). Unlike International Relations, the literature on interest groups focuses on the fact that these actors aim to influence policy-making. This common understanding is then complemented by other features, which lead to very broad or narrow definitions. For example, NSAs are broadly portrayed as 'any non-party organisation that regularly tries to influence government policy' (Kollman 1998: 14), while narrower definitions focus on distinctive elements such as an organizational structure and the informality of actions. Drawing on and adapting Beyers et al.'s (2008) definition of interest groups, this thesis conceives NSAs as individuals or groups that conduct activities aimed at influencing the policy-making process and display three key features: a minimum level of organization (which can be very formal like an NGO, or more loose like solidarity movements);<sup>5</sup> autonomy from the government (autonomy does not mean that they cannot receive public funding, but simply that the government does not play a role in the running of the NSA), and they aim to play a role in EU foreign policy-making (but do not aim at

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<sup>4</sup> The entrance into force of the Lisbon Treaty has merged the first two areas, by granting legal personality to the European Union and unifying, at least in theory, the realm of external relations.

<sup>5</sup> In the case of NSAs classified as individual (see Chapter 3), they are listed as NSAs because they carry out systematic lobbying although they are not part of an organisation. They act independently, but they have a clear agenda and the same intentions as other NSAs.

any governing position).<sup>6</sup> This definition is very inclusive, so that different types of NSAs can be considered in the analysis. Chapter 3 will propose a typology of NSAs with a view to clarifying the main types of actors involved. Briefly, business actors, NGOs, solidarity movements, think tanks, the media and individuals are included in the analysis. Political parties, trade unions, cultural associations, criminal organizations are not part of the dataset.<sup>7</sup>

Against this backdrop, this chapter delineates the analytical framework that will be applied in the case studies. First, a focused literature review discusses rationalist and constructivist approaches in EU foreign policy. Then the relevant literature on NSAs is presented with the aim of highlighting its key features and limits. The analytical framework developed from section 1.3 to section 1.5 focuses on the three elements of roles, frames, and levels. This framework explores the extent to which constructivist insights can be useful to our understanding of lobbying in EU foreign policy-making. Before summarizing the main points of the chapter, the methodology employed in this research is presented (section 1.6).

## **1.1 Theorizing EU foreign policy**

The initial focus of theories of EU foreign policy was the study of the reasons for and modes of cooperation among member states. Looking at the progressive institutionalisation of cooperation, scholars have explained the development from the initial loose form of coordination established in the early 1970s, European Political Cooperation, to the more institutionalised version of the Common Foreign and Security Policy (Nuttall 2000; Smith 2004c). Others have focused on EU actorness on the global stage and the impact of its policies, using approaches ranging from International Relations theories to comparative politics to governance and public policy approaches (e.g. Ginsberg 2001; Bretherton and Vogler 2006; Krahnmann 2003; Lavanex 2004). Although the list of topics could continue, the key debate on which they rest is one between two ontological and epistemological alternatives, i.e.

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<sup>6</sup> The Palestinian Authority (PA) is considered as a state actor, as it is the body in charge of the government of the West Bank and Gaza Strip following the agreement between the Palestine Liberation Organisation (PLO) and Israel with the Oslo Accords. While the PA has carried out extensive lobbying on the issue of the recognition of Palestine as a member of the UN, these actions are viewed as lobbying by a state.

<sup>7</sup> Chambers of commerce, when included, are considered as NSAs, because they do not run for elections and they are generally funded by their members.

rationalist and constructivist approaches.<sup>8</sup> The core of this debate lies, first and foremost, in a discussion of meta-theories (second-order theories), that is, what the world is made of (ontology) and how social scientists get to know this world (epistemology). Second, ontological and epistemological assumptions are the foundation of first-order theories, which aim to explain specific patterns and events in international politics (Keohane 1988; Wendt 1999).

The rationalist or rational-choice view, which has been the dominant paradigm in the literature on EU foreign policy for long time,<sup>9</sup> is an ontological and epistemological position based on three assumptions. First, rational choice relies on methodological individualism, i.e. individuals are the basic unit of analysis. Congruently with this assumption, all explanations are reduced to the properties of individual actors. Second, actors act on the basis of exogenously determined and fixed preferences, which they aim to maximise. They follow what March and Olsen's (1998) call the 'logic of consequentiality'. Finally, individuals act under strategic or institutional constraints, which they take into account when choosing among alternatives to maximise their utility function (see Pollack 2007). This is, in Wendt's (1999) terminology, a 'second-order theory', which does not offer specific explanations about particular events or social systems, but it only provides a lens through which the real world is understood. Applied to the study of EU foreign policy, rationalist approaches aim to explain why and under what conditions cooperation (or lack thereof) among member states in foreign policy takes place. (Neo)realist explanations express scepticism about the possibility of cooperation (Hoffmann 2000), depicting developments in EU foreign policy as the response to systemic factors (Hyde-Price 2006, 2008). In contrast to (neo)realism, liberal intergovernmentalism is more optimistic about member states' cooperation. For example, Moravcsik (1998) adopts Putnam's (1988) concept of the two-level games, i.e. the idea that a government's representatives have to play at both the domestic and the supranational/international levels. On the basis of domestically-defined preferences, member states are involved in bargaining and negotiation processes to pursue their goals and get as close as possible to their preferred outcomes, within

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<sup>8</sup> This debate mirrors the similar one in International Relations. A clear example in the field of EU integration studies is the debate between Checkel and Moravcsik (2001).

<sup>9</sup> Steve Smith (2000) argues that explanations of EU foreign policy have predominantly been characterised by a debate between (neo)realists and rational-choice institutionalists. While (neo)realists are quite sceptical about the possibility of creating a Common Foreign and Security Policy, institutionalists are more optimistic about cooperation through institutions.

given institutional constraints (Moravcsik 1998). The final outcome of the negotiations among member states is heavily influenced by the preferences of the most powerful member states and generally represents the lowest common denominator, i.e. an agreement/policy that is acceptable to all member states but is closer to the ideal point of the member state(s) favouring the status quo or the most limited degree of change. Supranational institutions, when they play a role, act on behalf of member states on the basis of a principal-agent model (Pollack 1997). EU institutions contribute to lowering the transaction costs and reducing uncertainty about free-riding and member states' commitments.

Unlike rationalism, constructivist scholars start from a different ontological position, rejecting the assumption that preferences are given and that methodological individualism provides all explanations of individual and collective behaviour. Although there are various strands of constructivism,<sup>10</sup> they all share two key understandings, namely the social construction of reality and knowledge (see Berger and Luckmann 1966). As a second-order theory, constructivism relies on the ontological view that the social world is the result of structures and processes based on inter-subjective and collective meaning. Knowledge is shaped by 'the context of and with reference to collective or intersubjective understandings, including rules and language' (Adler 2002: 100). Constructivist ontology is based on the idea of mutual constitution between agents and structures. This idea goes back to structuration theory formulated by Giddens (1979, 1984), who argued that 'the concept of structuration involves that of the *duality of structure*, which relates to the *fundamentally recursive character of social life, and express the mutual dependence of structure and agency*' (Giddens 1979: 69, emphasis in the original). By bringing this theory to the attention of International Relations scholars, Wendt (1987, 1998, 1999) proposes an understanding of international relations based on the duality of structure, whereby structures and agents are ontologically dependent on each other and are involved in the production of social phenomena.<sup>11</sup> He exemplifies this

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<sup>10</sup> Checkel (2007) distinguishes between conventional, interpretative and critical/radical constructivists, while Adler (2002) identifies four strands, namely modernist, modernist linguistic, radical and critical constructivism. Both these categorisations are mainly based on differences linked to epistemology and philosophy of science. Epistemologically, conventional and modernist constructivists adopt a positivist stance, while interpretative, critical and radical have a post-positivist approach. In addition, Checkel's critical/radical constructivists and Adler's critical one also add a normative dimension of emancipation to their analysis.

<sup>11</sup> For a critical review of Wendt's work, see Guzzini and Leander (2006).

concept by referring to the relationship between the master and the slave. As he argues:

masters and slaves are caused by the contingent interactions of human beings; they are constituted by the social structure known as slavery. Masters do not 'cause' slaves because without slaves they cannot *be* masters in the first place, but this does not mean the institution of slavery has no effects (Wendt 1999: 25).

By assuming that agents and structures are mutually constituted in inter-subjective processes, constructivism highlights how actors' identities and preferences are socially constructed. Actors are influenced by the social context in which they are embedded, but they also have a constitutive role on social reality, which is affected and shaped by their actions. While constructivists do not deny rationality *per se*, they go beyond the understanding of it as only instrumental rationality, according to which actors are driven by externally-formed preferences. On the contrary, actors' preferences are socially defined and their actions conform to a 'logic of appropriateness', according to which they 'follow rules that associate particular identities to particular situations, approaching individual opportunities for action by assessing similarities between current identities and choice dilemmas and more general concepts of self and situations (March and Olsen 1998: 951). As a result, actors behave on the basis of the social environment they are embedded in, internalising the norms, rules and principles of action of each specific context. This process leading to the compliance with the rules of a given community and to the progressive adoption of certain behaviours independently from material gains or sanctions is defined 'socialisation' (Checkel 2005b). Moreover, actors engage in processes of arguing, persuasion and deliberation that lead to the construction of inter-subjective meanings and to the shaping of preferences and identities (Checkel 2001, 2007; Risse 2000).

By zooming in on the literature on the EU, constructivist approaches have also been used to explain EU foreign policy (e.g. Tonra 2003; Tonra and Christiansen 2004; Jørgensen 2004; Knodt and Princen 2003a; Lucarelli and Manners 2006). Adler's (2002) assessment that constructivism has empirically contributed to International Relations by providing substantial work on ideas, norms, identities and international governance, also applies to the literature on EU foreign policy. For example, Tonra and Christiansen's (2004) edited book offers an overview on how constructivist insights push us to rethink EU foreign policy, thus complementing the predominant

rational-choice understanding of this literature. Following the constructivist approach, particular attention has been devoted to EU actorness and identity. For instance, Bretherton and Vogler (2006: 13) emphasise the interactive and socially-constructed actorness of the EU as a global actor, whereby global politics is conceptualised as ‘processes of social interaction in which actors engage’, leading to the shaping of identities and the definition of structures as inter-subjective realities. Other scholars like Manners (2002, 2006), Scheipers and Sicurelli (2007), and Lucarelli (2006) engage in a debate on the nature and identity of EU foreign policy, introducing different concepts such as civilian power and Normative Power Europe.<sup>12</sup> These various conceptualisations focus on the understanding of what the EU is, stressing how its peculiar nature makes it a different international actor. Tocci (2008) contributes to this debate by providing a conceptual framework to identify the features that a normative actor should display, which includes the means an actor uses and the results that its impact has. To a certain extent, she takes on board Karen E. Smith’s (2005) criticism of the ‘civilian power debate’, which urges scholars to move beyond the labelling of the EU as a distinctive international actor and to focus instead on what the EU does.

Studies on the EU’s actorness and identity have also been enriched with the analysis of EU foreign policy-making. For example, Michael E. Smith (2004, 2004b) demonstrates how the institutionalisation of EU foreign and security policy has been achieved through processes of socialisation leading to the establishment of shared EU norms.<sup>13</sup> Similarly, Bicchi (2007) proposes the ‘idealist intergovernmentalism’ approach to explain how EU policies towards the Mediterranean have been formulated. By arguing that actors construct their knowledge through social interactions, she highlights how a constructivist approach can shed light on the policy-making process. Some scholars (e.g. Davis Cross 2012; Faleg 2012; Bicchi 2011) have investigated the role of epistemic communities or communities of practice in EU foreign policy-making, thus concentrating on the role of knowledge and institutional learning. Constructivist works focusing on EU policy-making have also demonstrated that interactions among actors are not based on bargaining, as rational-choice scholars would assume, but are instead characterised by arguing

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<sup>12</sup> The concept of civilian power dates back to Duchêne (1973), who introduced the notion to describe the European Community’s (EC) stance in international relations. In his view, the role of the EC in the world was distinctive from dominant power politics and the civilian nature captured the EC’s reliance on trade and non-military means on the international stage.

<sup>13</sup> On socialisation, see also Checkel (2005b), Lewis (2005).

(Risse 2000), persuasion (Checkel 2001) and communicative action (Niemann 2004; Sjursen 2006). Following these modes of interaction, actors aim to achieve a common understanding and agreement by convincing their counterparts of the validity of their arguments, by persuading the others on the basis of shared values, and by engaging in a process of knowledge construction (Bicchi 2013).

In the past fifteen years there has been a call for a dialogue between rationalist and constructivist approaches or, at least, the identification of complementarities between these paradigms. For example, Adler (1997) conceives constructivism as a 'middle ground approach' between rationalist and post-positivist approaches. In a similar vein, Katzenstein et al. (1998) maintain that conventional constructivists share a positivist epistemology and methodology with rational choice scholars and reject the post-positivist assumptions that reality cannot be encapsulated in general laws.<sup>14</sup> In their opinion, rationalism and constructivism are not incompatible, because they investigate different aspects, that is, how actors behave strategically (rationalist account) on the basis of a set of preferences that are socially constructed (constructivist approach). It follows that constructivist explanations come prior to the use of instrumental rationality by actors. A response to the need of integrating rationalist and constructivist accounts has been given by Finnermore and Sikkink (1998), who see rationality and norms as intertwined in what they call a 'strategic social construction'. In their view, a staged approach is the best solution, so that rational explanations can be the basis of social knowledge or vice versa. Along this line of reasoning, Fearon and Wendt (2002: 68) argue that seeing the ontological debate between constructivism and rationalism as a zero-sum game does not add anything to our knowledge of international relations. In contrast, 'treating them as analytical lenses for looking at social reality' paves the way for a fruitful conversation among scholars and the possibility of understanding the overlapping and complementarity of the two paradigms.

This debate in International Relations in favour of a 'middle ground approach' has been taken into account in most research on EU foreign policy. For example, Youngs (2004: 415) argues that 'instrumentalist security-oriented dynamics persist within the parameters set by norms defining the EU's identity'. Therefore, strategic-oriented actors act within a normative context, which influences their preferences and

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<sup>14</sup> For the relationship between constructivism and scientific realism, see Wendt (1999). On the different forms of constructivism in EU studies, see Checkel (2007). For a discussion about constructivist methods, see Lupovici (2009) and the section on methodology in this chapter.

identities. Similarly, in her explanation of EU Mediterranean policy Bicchieri (2007) relaxes some of the conditions of radical constructivism as far as determinism and the absence of cognitive uncertainty are concerned. Elgström (2000) also goes in a similar direction by suggesting that the normative component leading to the definition of preferences and common norms is linked to a process of negotiation, in which strategic actions prevail. Another combination of the two paradigms is offered by Schimmelfennig and Sedelmeier's (2005) research on EU enlargement. In their view, rationalist and constructivist explanations tend to work in a complementary way, as rationalist accounts have proven insufficient to account for the decision to enlarge in 2004. While Schimmelfennig (2001) maintains a rationalist approach, according to which norms are instrumentally used by actors, in what he calls 'rhetorical action', Sedelmeier's (2005) argument links a thinner constructivist approach to rationalist accounts that include the role of non-material factors, by distinguishing between the regulative and constitutive effects of norms and identities. While regulative effects only influence the behaviour of actors, constitutive norms shape the identities and preferences of the actors involved. In the case of the Eastern enlargement, 'the regulative norm provided the necessary condition, which, in combination with strategic behaviour by the policy advocates and the support of some actors motivated by material self-interests, led EU policy towards eastern enlargement' (Sedelmeier 2005: 127). Therefore, there is a grey area between rationalist and constructivist approaches in which insights from both views blend and bridges between the two are built.

Following these insights, this thesis explores how constructivist insights could help us to form a more complete picture of EU foreign policy-making. As will be elaborated on in this chapter, ideational factors play a key role in the understanding of policy processes and knowledge is the result of social interactions. By relying on a thin version of constructivism, this thesis fits into the mainstream view based on a positivist idea that, although reality is interpreted by human beings, there is a material basis outside these interpretations.<sup>15</sup> This thesis differs in two aspects from a large part of the constructivist literature on EU foreign policy. First, it focuses on the

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<sup>15</sup> As mentioned above, more radical versions of constructivism maintain that social facts are constructed by the structures of language which mediate our understanding of it. As a consequence, researchers should investigate the linguistic constructions that constitute social facts. Critical constructivism also aims at uncovering power relations behind knowledge and language, with the aim of emancipating individuals (Adler 2002; Checkel 2007). This normative orientation is rejected in this thesis, which aims to understand and explain the role of NSAs in EU foreign policy by uncovering causal mechanisms and constitutive relations.

foreign policy-making process, instead of discussing whether EU foreign policy exists, how to define EU identity/actorness or the impact of its policies on the international stage. Thus, it uses insights and tools taken from Policy Analysis. Second, it diverges from the predominant focus on states or governmental actors by focusing on the role NSAs play alongside states and EU institutions (see Dembinski and Joachim 2006). While NSAs have been widely considered in the context of other EU policies (see Section 1.2), their role is still under-researched in the field of EU foreign policy. There are some works focusing on the role of epistemic communities (Davis Cross 2010, 2012; Faleg 2012) or communities of practice (Bicchi 2011) in EU foreign policy, but not much has been written on NSAs involved in lobbying and advocacy activities in this policy area.<sup>16</sup> More specifically, the role of NSAs in EU foreign policy towards the Israeli-Palestinian conflict is analysed by exploring how constructivist insights could be used to understand lobbying activities and the construction of frames on which EU foreign policy develops. The next section will review the studies on NSAs in both International Relations and EU studies, showing that NSAs have been under-researched in the case of EU foreign policy and stressing why it is worth exploring how a constructivist perspective can enrich our understanding of lobbying in EU foreign policy-making.

## **1.2 Non-state actors in the EU: a rational-choice field of study?**

International Relations did not pay much attention to NSAs until the 1960s and 1970s, when liberal pluralist theories, instrumental Marxist approaches and power elite theories challenged the dominant state-centric approaches by questioning the exclusive role of the state in world affairs (see Risse-Kappen 1995). With the end of the Cold War and the subsequent changes both internationally and domestically (especially in the US), the number of transnational actors and interest groups increased, thus reviving scholarly interest in the study of NSAs (McCormick 1998; Josselin and Wallace 2001; Skidmore and Hudson 1993). The criticism of the dominant International Relations theories based on systemic variables further paved the way to the analysis of the role of NSAs in international politics and states' foreign policies. The emergence of constructivism in International Relations strengthened the trend of conducting research on NSAs such as NGOs and

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<sup>16</sup> Moreover, the concepts of epistemic communities or communities of practice include governmental actors. The focus is on the types of beliefs or practices that different actors share.

transnational advocacy networks, by also including ideational factors (e.g. identity, norms, and ideas) in the analysis (e.g. Finnemore and Sikkink 1998; Keck and Sikkink 1998; O'Neill, Balsiger, and VanDeveer 2004; Joachim 2003). This constructivist perspective has convincingly shown the capacity of NSAs to create new norms at the international level and the relevance of ideational factors and rule-following behaviours to the understanding of change in international politics. For example, Keck and Sikkink (1998) demonstrate the relevance of norms, principles, and ideas linked to processes of persuasion and socialisation in changing international politics. Similarly, Joachim (2003) introduces constructivist insights to explain how NGOs managed to influence the UN's agenda on women's rights.

The role of NSAs also became a key concern of studies in Foreign Policy Analysis (FPA). According to Skidmore and Hudson (1993: 5), it is crucial to analyse the 'domestic politics of foreign policy, i.e. consideration of the ways in which politically organised societal groups seek to influence policy and how state decision-makers either cooperate with, resist, or compromise with such groups'. By focusing on US foreign policy, scholars have investigated the relationship between the state and society and how domestic and transnational dynamics put in motion by NSAs are relevant to explain the foreign policy of states (Skidmore and Hudson 1993; Hill 2003; Hudson 2007; McCormick 1998; H. Müller and Risse-Kappen 1993; Stoddard 2006; Stone 2000; Abelson 2002; Parmar 2004). Despite disagreement on the degree of influence exercised, this research shows that NSAs are able to have an impact on US foreign policy-making. Within this research field, there is a strand focusing on the role of ethnic groups (e.g. T. Smith 2000; Paul and Paul 2009; Hägel and Peretz 2005), which has however not reached conclusive results in terms of the influence exerted by this types of NSAs. According to some scholars, their impact is conditioned by the resources at disposal of these groups, the salience of an issue and the coalition unity (e.g. Rogers 1993). Others stress the need for groups to be assimilated into American society, in order to have public support and to be seen as pursuing a legitimate interest (e.g. Uslander 1995). For example, the Cuban lobby has been found to be able to attain its goals thanks to its organisational model and its incorporation into the formal foreign policy apparatus (e.g. Haney and Vanderbush 1999), while the success of the Japanese lobby is determined by the reliance on insiders to the US system, such as American intellectuals or former officials (e.g. Hrebendar and Clive 1995). In particular, the role of the Israel lobby in US foreign

policy in the Middle East has received attention by scholars. Even in this case, there is no agreement in terms of the influence that pro-Israel interest groups, such as AIPAC, exert. On the one hand, some scholars argue that their ability to have an impact on policy-making is overstated (Organski 1990; Spiegel 1987; Goldberg 1990). On the other hand, there is agreement that US foreign policy is influenced by the Israel lobby, but some maintain that its influence depends on the targeted institutions and issues at stake (Trice 1976; Slater 2009), while others see it as the central factor shaping US foreign policy toward Israel and the Middle East (Miller 2008; Mearsheimer and Walt 2006, 2007, 2009).<sup>17</sup>

The literature on interest groups in the US, however, is predominantly characterised by a rational-choice stance (for an overview, see Smith 1995). In their survey of the literature on interest groups conducted around fifteen years ago, Baumgartner and Leech (1998) argued that research was initially focused on mobilization patterns, collective action problems and biases in representation. These topics were then combined with a focus on lobbying tactics and the context of action of interest groups, thus substantially advancing our understanding of lobbying in the US. In a follow-up assessment of the literature between 1995 and 2011, Hojnacji et al. (2012) identify significant progress in terms of large-scale and diachronic studies, which can potentially lead to the accumulation of knowledge. They also register an increase in the attention paid to influence, strategies and the relevance of the context in which lobbying takes place (e.g. Baumgartner et al. 2009; Mahoney 2008). Nevertheless, this literature remains strikingly anchored in the rationalist perspective. NSAs and institutions are assumed to be rational and utility-maximising actors, who react and modify their strategies and tactics on the basis of the institutional context in which they act in order to increase their chances of success.

Scholarly interest in lobbying in the EU blossomed later than in the US, especially following the expansion of EU competences that occurred with the Single European Act in the 1980s (see Greenwood 2003; Coen 2007a; Beyers, Eising, and Maloney 2008a; Coen and Richardson 2009a). In his overview on the literature on interest groups in the EU, Eising (2008) emphasises that EU integration theories, which dominated until the 1980s, were the first approaches adopted in the study of NSAs. In line with the dominant tradition in International Relations and European studies,

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<sup>17</sup> For a study on the role of the Israeli lobby on UK foreign policy, see Osborne and Jones (2009); Osborne (2009).

neofunctionalism and intergovernmentalism offered two views on the role of interest groups, which were marked by a rationalist stance. While neofunctionalism looked at business actors as potential drivers of EU integration (Haas 1968), intergovernmental perspectives dismissed interest groups as insignificant players (Hoffmann 1966). This position was then revived by liberal intergovernmentalism, viewing the EU as a bargaining arena for member states. Interest groups act at the national level and influence national preferences there, but they are not players at the supranational level (Moravcsik 1998). The field was then enriched by studies originating from comparative politics. These moved the focus of the research towards the nature of the EU interest intermediation system (e.g. Eising 2009), with many scholars agreeing that the EU is a quasi-pluralist (Schmidt 1999; Green Cowles 2001), or elite pluralist system (Coen 1998). Normative concerns have also entered the debate on interest groups, given that NSAs could increase the democratic credentials of the EU (e.g. Warleigh 2001; Dunkerley and Fudge 2004; Saurugger 2008; for an overview, see Finke 2007), thus addressing the concerns of the democratic deficit problem of the EU (cf. Moravcsik 2002; Follesdal and Hix 2006).

Despite an initial divergence of research focus between the American and European literatures on interest groups,<sup>18</sup> Baumgartner and Mahoney (2008: 1255) argue that the recent convergence in the research agendas has led to a ‘fusion of US and EU interest group studies’.<sup>19</sup> Therefore, the predominant rational-choice perspective of scholars studying the EU does not come as a complete surprise. By adopting this approach, scholars have investigated patterns of mobilization (collective action problems, alliances and networking) (e.g. C. Mahoney 2007a; Klüver 2013b), and how NSAs get access to EU institutions (e.g. Bouwen 2002a, 2002b, 2004a 2004b). Others have used concepts borrowed from the US literature, such as venue-shopping, to explain the targets of NSAs’ lobbying (e.g. Princen and Kerremans 2008; Saurugger 2002, 2009), while others have researched how the institutional features of a political system impact on NSAs’ strategies (e.g. Joachim and Locher 2009; Broscheid and Coen 2007). In addition, attention has been paid to the phenomenon of Europeanization, understood both as the impact of the EU on national systems of interest intermediation and as the extension of NSA lobbying to the EU (Klüver

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<sup>18</sup> The American literature was more concentrated on dynamics of mobilization, while European scholars tended to focus on state-interest group relations and the national forms of interest intermediation.

<sup>19</sup> Recently, comparative work on lobbying in the EU and US has been conducted. See C. Mahoney (2008), Woll (2008, 2012).

2010; Beyers and Kerremans 2007, 2012; Dür and Mateo 2010, 2012; Grossman and Saurugger 2006; Schmidt 1999; Green Cowles 2001; Eising 2009; Fairbrass 2003). Finally, scholarly interest has focused on one of the crucial questions of the lobbying literature, namely how influential lobby groups are. Despite the centrality of this issue, relatively few studies have attempted to measure it and findings are often contradictory (Coen 2007a; Lowery 2013; Klüver 2013a). The difficulty in measuring influence and establishing causality between NSAs' actions and the final policies are quite controversial topics in the literature on interest groups. Focusing on lobbying in the EU, Dür's (2008) article discusses the methods that can be used to measure interest groups' influence. In his view, the triangulation of process tracing, the preference attainment method and the assessed influence method is a first step to advance the understanding of NSAs' influence. In her research on the role of interest groups in the consultations launched by the Commission, Klüver (2009, 2013a) measures the attainment of NSAs' preferences by using quantitative content analysis. In contrast, other scholars (e.g. Bernhagen and Mitchell 2009; Michalowitz 2007; C. Mahoney 2007b) avoid the issue of influence per se and investigate what determines success of lobbying actions.

While this body of research has generated many useful concepts and detailed explanations of lobbying and advocacy in the EU, it has mainly been based on case studies. Recently there have been calls for shifting from descriptive and exploratory research to confirmatory theory-testing in order to move towards knowledge accumulation (see Coen 2007a; Beyers et al. 2010; Coen and Richardson 2009a). Recent studies (Klüver 2013a; Mahoney 2008) have therefore addressed this problem, by employing large-N samples that, based on quantitative methods, are aimed at theory-testing. This move towards quantitative methods and large-N studies is indicative of the direction that the research on EU lobbying is taking, which seems to mirror the trends in the literature in the US. While this new avenue is certainly promising, the research design of these studies does not allow for a clear identification of causal mechanisms. Unlike process tracing, the process is here obscured (Dür 2008), with the risk of missing important aspects in the analysis of lobbying due to the constraints imposed by statistical methods. In any case, it is too early to reach definitive conclusions about the confirmatory nature of these studies, which are still at an early stage. In addition, the comparability of these research

projects is limited due to the lack of a common dataset from which scholars can derive their samples (Berkhout and Lowery 2008; see also Chapter 3 for details).

This rich body of research on lobbying in the EU, despite the wide range of topics investigated, is characterised by two key aspects: they rest on the resource exchange model and they adopt a rational-choice approach. First, lobbying in the EU is understood as a relation based on an exchange between two parties due to the problem of resource dependence. According to Bouwen (2002a), NSAs require access to EU institutions, which is a pre-condition to exert influence.<sup>20</sup> At the same time, EU officials need NSAs to fulfil their institutional duties. Given that EU institutions are often understaffed and in need of legitimacy (Bouwen 2002a, 2004a), getting information from NSAs is considered of fundamental importance. Bouwen (2004a) defines these resources as ‘access goods’, with NSAs supplying them and EU institutions demanding for them. In exchange for access, NSAs provide EU officials with information on technical issues, citizen preferences, economic aspects, etc..<sup>21</sup> Because the good exchanged is ideational (information and expertise), the interaction between NSAs and EU officials is generally defined ‘informational lobbying’.

Second, most research on interest groups in the EU rests on rational-choice assumptions. Accordingly, NSAs have defined interests and preferences, and lobby the EU to shape policy outcomes in their preferred direction. Influence on EU policy-making is exercised via the provision of information. The impact or the access of NSAs to the EU varies on the basis of interest group features or the strategies they adopt. For example, Bouwen (2002a: 373-378, 2004a) identifies a link between the organization form of lobbying and the type of access good provided. In turn, the type of good is dependent on the size of a firm, its economic strategy and the domestic context in which it operates. As a result, individual firms provide ‘expert knowledge’, while associations of business actors can offer information concerning the ‘European encompassing interest’ or the ‘domestic encompassing interest’,

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<sup>20</sup> Although access does not automatically translate into influence, it is a necessary condition for it. Therefore, some scholars (e.g. Bouwen 2004a) have considered it as a good proxy for influence. Empirical studies (Dür and De Bièvre 2007a) show that NGOs have access to EU policy-making, but they are not able to influence it, thus demonstrating the lack of an automatic causal link between influence and access. Klüver (2013a) also maintains that linking access to influence is not sufficient and we should, in turn, look at preference attainment.

<sup>21</sup> Unlike the US context, material resources such as financial incentives and support for electoral campaigns are not a relevant in EU lobbying due to the non-elective character of Commission’s officials and the less relevant role of EU parliamentary elections.

depending on whether they are European or national associations. In contrast, Klüver (2012a) links the capacity to provide information to the material resources NSAs have at their disposal and their organizational structure. In her analysis, staff and money are positively correlated to the supply of information. In addition, NSAs with a high degree of specialisation (due to a functional division of work), with a high level of professionalism and high flexibility granted by a decentralised structure are more likely to provide more information. Others such as Chalmers (2011) argue that influence is determined by the ability of NSAs to process information. According to his findings, the capability of processing information is similar to all NSAs, so that influence in the EU is not biased. In other cases, scholars have investigated the types of strategies used to transmit information and to influence the EU (Chalmers 2013; Bouwen and McCown 2007; Beyers 2004) or the way in which institutions filter the information they receive by offering selective benefits and by creating a distinction between insiders and outsiders (Broscheid and Coen 2003). What is common to all these studies is the underlying assumption that NSAs and EU institutions are rational actors that aim to maximise their goals on the basis of fixed preferences. EU institutions and NSAs need each other, but the interactions deriving from lobbying do not lead to any change in preferences or in the definition of common and shared knowledge. EU institutions work as constraints or facilitators for NSA lobbying, while NSAs adapt their strategies and behaviours to increase their chance of influencing EU policies.

The rational-choice approach is also reflected in the treatment of ideational factors. Uncertainty is more a matter of missing information than anything else and knowledge is not the result of social construction, but derives from individual cognitive processes. Learning only affects strategies, but actors' identities and preferences remain untouched. Information is then used strategically to gain access and, possibly, influence EU policies, thus steering them in their preferred direction.

A notable exception in this literature is offered by Woll (2008), who provides a constructivist interpretation of the business-government relations in the context of service trade. Drawing on economic sociology, which raises criticisms of rational-choice International Political Economy approaches similar to those of constructivism in International Relations, she argues that 'the content of corporate policy demands is shaped by the political interactions of firms. Firms may influence policy outcomes, but policies and politics in turn influence business demands' (Woll 2008: 3-4).

Lobbying is not a unidirectional process like in rational-choice literature: instead, ideational factors are constitutive. By resting on Granovetter's (1985) concept of 'embeddedness', Woll (2008) shows that the political and regulatory context in which corporate actors are embedded shapes the content of firms' rationality, perceptions, and preferences. In the context of telecommunication services and international air transport, she demonstrates that ideas played a constitutive role: '[n]ew identities and beliefs shaped *how* firms redefined their economic interests, while strategic changes explain *when* and *why* they abandoned their traditional demands' (Woll 2008: 151, emphasis in the original). The new economic environment and the regulations in place shifted business groups' lobbying from their governments to the European Commission. This, in turn, led to the abandonment of protecting national markets and to the development of new preferences in favour of market expansion. This change was not the result of the update of information, but it came about thanks to social interactions leading to the adoption of new goals, not simply the reordering of previously held preferences.

The key element of the literature on NSAs emerging from this review is, therefore, that it displays a strong rational-choice bias. As explained above, the only exceptions to this trend are the few works by some constructivist scholars in International Relations (e.g. Keck and Sikkink 1998; Joachim 2003) and the research conducted by Woll (2008). The majority of studies on interest groups rely on rationalist assumptions assuming the goal-oriented nature of actors and the strategic use of information to pursue given objectives. The relationship between the EU and NSAs is thus interpreted as the result of their respective functions of the utility curve. While this research has undoubtedly advanced our understanding of interest groups and lobbying activities in the EU, it still misses a part of the story about NSA lobbying, i.e. the idea of social embeddedness of actors and of socially thick interactions representing the basis on which knowledge travels and gets developed.

In addition, the literature on interest groups in the EU has not taken into consideration the more political aspects of EU foreign policy. Most research has been concentrated on the aspects of former first-pillar policies, where EU competence is exclusive or concurrent, like environmental policy (e.g. Bugdahn 2008; Bunea 2012; Gullberg 2008; Richards and Heard 2005), anti-dumping policy (De Bièvre and Eckhardt 2011) and agricultural policy (e.g. Pappi and Henning 1999). A few scholars have taken into consideration trade policies (Gerlach 2006; Woll 2007;

Trommer 2011; Dür and De Bièvre 2007a). Only a few works have been carried out in the domain of common foreign and security policy, but always from a rational-choice perspective. Dembinski and Joachim (2006, 2008) analyse the emergence of the Code of Conduct for arms control in the EU and show that NGOs and think tanks played a significant role both as agenda-setters and in holding governments accountable in front of their national constituencies and parliaments. The ability to provide EU institutions and national governments with relevant information and the establishment of coalitions among themselves and like-minded member states were crucial for their impact on policy-making. In the case of the small arms regime, Anders (2003) shows that NSAs contributed to the establishment of winning coalitions among governments. Interestingly, he concludes his article by stating that

the inclusion of constructivist concerns about the role of non-state actors as carriers of ideas that are transforming the nature and the scope of international debates on security would be worth exploring. It might indeed be in this direction that one can find the most substantial evidence for non-state actor influence on the way in which European governments address security concerns (Anders 2003, 20–21).

### *Exploring the potential of a constructivist perspective*

Against the debate between rationalism and constructivism, this thesis aims to explore how far a constructivist perspective could help us to form a more complete picture of lobbying in the EU's foreign policy-making process. Before moving to the analytical framework adopted in this thesis, it is worth highlighting again the differences in the expected empirical observations that the two approaches (rational-choice vs. constructivism) have. This way, it becomes evident what rationalist approaches are not able to capture and why constructivism can help us to shed light on lobbying in EU foreign policy.

Given its methodological individualism and the idea of fixed preferences that are pursued by rational actors, a rational-choice approach would expect to see limited or null lobbying in the case of EU foreign policy. This policy domain is still remarkably intergovernmental and member states (and policy-makers) have a high degree of autonomy (cf. Coen and Richardson 2009a). Moreover, rationalist perspectives would conceive influence as unidirectional, i.e. from NSAs to EU institutions, with the former being able (or not) to shape the content of EU policies towards Israel-

Palestine according to their fixed preferences. Institutions are mainly seen in terms of political opportunity structures, i.e. they constrain or enable NSAs' lobbying. On the basis of the type of information provided (and the institutional needs), the EU would grant access to some NSAs (exchange paradigm), thus increasing their chances of success. Finally, NSAs are expected to behave strategically and adapt their strategy according to the venue (the institution(s) targeted and level(s) of action) where they lobby (see Klüver 2013a for a summary of this approach). In a nutshell, for rationalist approaches NSAs' influence on EU foreign policy varies on the basis of the policy area concerned and the 'exchange goods' they are able to provide each time. Rationalist perspectives would therefore compare the initial policy proposal made by EU institutions or member states with the final policy outcome to identify how the proposal has been modified as a consequence of lobbying actions. The changes adopted would be compared with the preferences of NSAs to see which ones have managed to influence the final outcome. Preferences, of both EU institutions and NSAs, are fixed and do not change during the interactions that take place when lobbying.

In contrast to a rationalist approach, this thesis departs from constructivist insights and proposes an analytical framework composed of three elements: the role played by NSAs, the ideational tools (frames) used by NSAs and the level (EU or national) of their lobbying action. Before turning to a more detailed explanation of the analytical framework, it is worth highlighting again three assumptions that inform a constructivist approach. First, constructivism maintains that agents and structures are mutually constituted and social interactions are crucial for our understanding of how actors behave and create knowledge. This idea is linked to the concept of social embeddedness, which highlights how the context and the interactions among NSAs and decision-makers shape their identities and preferences. Metaphorically, these ideas can be expressed through the image of the 'stage'. Like in the performance of a play, each actor needs other actors to develop the plot and 'make sense' of the story. In the same way, NSAs and decision-makers are intertwined: NSAs' advocacy on EU foreign policy makes sense because of the existence of the EU and, concomitantly, EU decision-makers rely on NSAs to perform their institutional tasks and legitimise their actions. This aspect is linked to the second assumption on

ideational factors, i.e. the social construction of knowledge.<sup>22</sup> Knowledge is not the result of individual cognitive processes, but develops and emerges from social interactions among actors. Therefore, and this is the third assumption, preferences are not fixed and immutable, but they are socially defined by the ideas and knowledge resulting from social interactions. This does not exclude the existence of interests: these are determined by the perceptions of actors and are embedded in the social context in which actors operate.

Against this backdrop, and in contrast to a rationalist stance, a constructivist approach would have different expectations as far as empirical observations are concerned. Given the premise of social embeddedness and socially thick interactions, constructivist approaches would investigate how the interactions between NSAs and EU institutions develop and how they shape their respective preferences, behaviours and identities. Influence would not be conceived as a unidirectional phenomenon, but as a circular process, so that both EU institutions and NSAs are reciprocally affected by the social interactions they develop. Moreover, more emphasis would be placed on knowledge, instead of information, and on its social construction. Therefore, NSAs and the EU are expected to construct new knowledge that is then incorporated in EU foreign policy. Basically, EU actors would not simply ‘copy-paste’ or passively accept what NSAs tell them, but information and knowledge would become the object of discussion, dialogue and re-interpretation by the parties. Finally, NSAs are not expected to strategically adapt their lobbying on the basis of the venues in which they lobby, but socialisation effects would influence the behaviour of NSAs. They would therefore behave following the rules and practices of the context in which they have been socialised (i.e. on the basis of the level/institutions where they have worked more) and do not change their behaviour when changing target.

By relying on these constructivist insights, the analytical framework aims to explain informational lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict on the basis of three elements. First, and as elaborated in Section 1.3, the social interactions taking place between NSAs and the EU are encapsulated in the concept of ‘roles’. Like the characters in a play, the ways in which actors interact with each other reflect the ‘rules of the game’ in a specific context. In other

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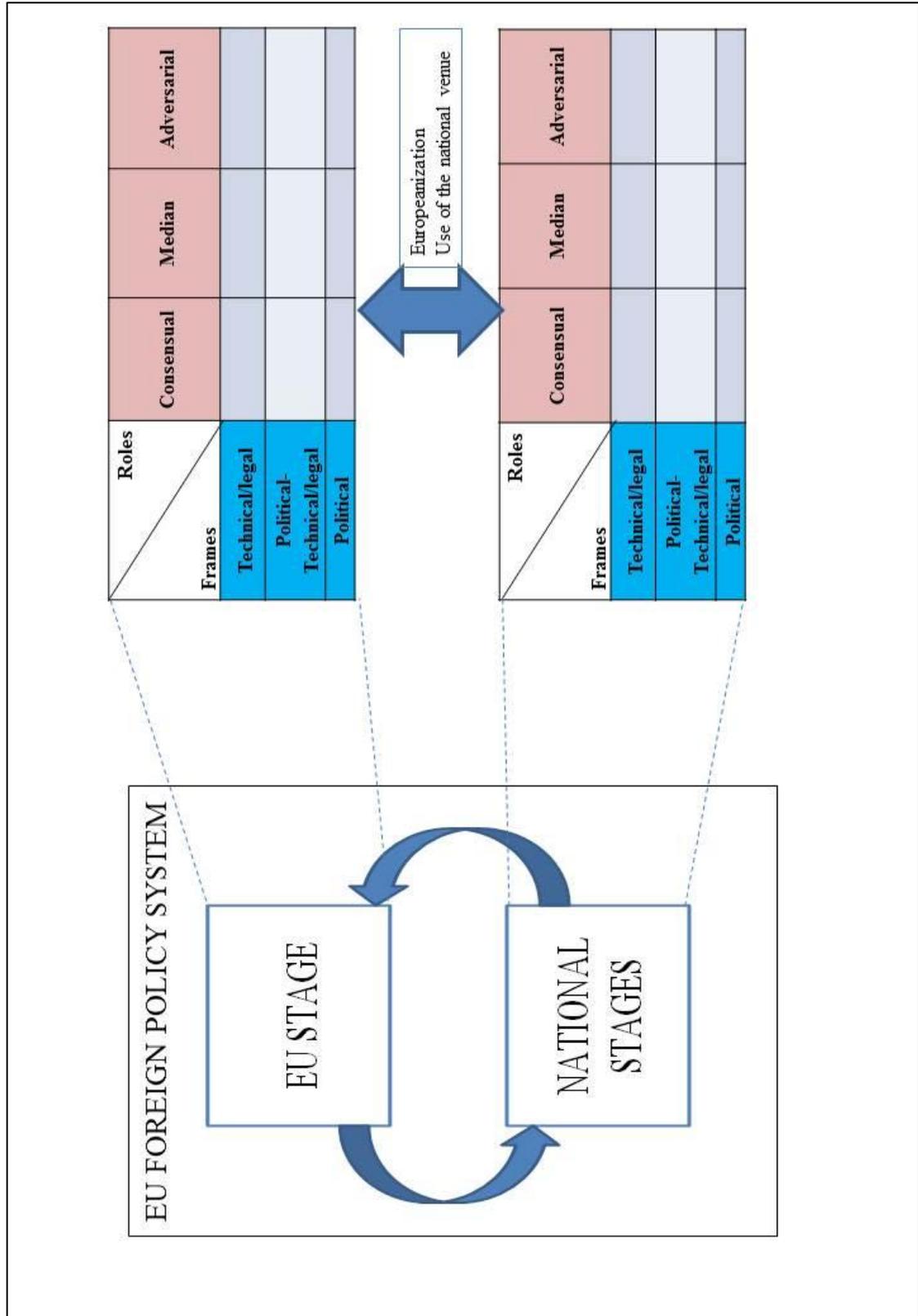
<sup>22</sup> On this aspect, see also the constructivist and social-psychological literature on social movements (e.g. McClurg Mueller 1992).

words, it tells us the nature of the ‘story’ that actors are playing. On the basis of the modes of social interactions, three types of roles are identified: ‘consensual’, ‘median’ and ‘adversarial’. These roles are the basis on which ‘frames’, the second element of the framework, travel and get developed. As explained in Section 1.4, NSAs employ ideational tools in their lobbying. More specifically, the focus is on the frames employed to understand and interpret events and facts. By paraphrasing Gamson (1975), framing defines a rim and the boundaries of an activity, and provides the lens through which the reality is understood and analysed. Therefore, frames represent the perspective from which we make sense of the world and they develop and enter the policy-making process through social interactions among actors. Three types of frames are used in the analysis: technical/legal, political-technical/legal and political. By combining these two elements, we create a typology (see Figure 1 below) which identifies the analytical space (‘stage’) within which NSAs act. The third element of the analytical framework is the level of action. Given the EU’s multi-level system, NSAs can play at the national level, the EU level or both. While the two levels are part of the same system, namely the EU foreign-policy system, we still need to investigate how they are connected when lobbying actions are taken into account. The analysis will focus on whether and how the national level is used by NSAs, and whether NSAs based in member states take EU foreign policy into consideration and, if so, what role they play and what frames they rely on in their lobbying activities. Figure 2 below illustrate the links of the three variables, by representing the ‘stages’ of lobbying as part of the EU foreign policy system.

**Figure 1 - Matrix of roles and frames in NSAs' lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict**

<b>Roles</b>          <b>Frames</b>	<b>Consensual</b>	<b>Median</b>	<b>Adversarial</b>
<b>Technical/legal</b>			
<b>Political-Technical/legal</b>			
<b>Political</b>			

Figure 2 - The lobbying stages: the three analytical elements of the analytical model



### **1.3 Playing a consensual role in EU foreign policy-making?**

This section asks what role NSAs play in the EU's policy-making process. By relying on insights from sociological role theory, the literature on social interactions and on lobbying strategies, three types of roles are identified: consensual, median and adversarial. Investigating the roles played by NSAs is crucial to understand how the EU's foreign policy-making works and to have a complete picture of the functioning of the EU's political system. On the basis of constructivist assumptions, roles are characterised on the basis of the different forms of social interaction that characterise them and, given this socially thick understanding, they provide the basis on which frames are constructed and travel. Given the constructivist perspective explored in this thesis, roles are investigated in terms of the social interactions they foster and some hypotheses in this regard will be tested in the case studies analysed in the following chapters.

Drawing on sociological role theory and on the analogy of the theatre proposed by Goffmann (1971),<sup>23</sup> Aggestam (2006) uses the concept of role to analyse EU foreign policy.<sup>24</sup> This concept provides the link between agent and structure, as a role requires an action, but also a structure within which this role is performed. As in a theatre, actors behave on the basis of a 'script' of norms and values, but they are not supposed to follow the script word-by-word. For Aggestam, roles represent a lens through which actors look at the world and the framework within which their goals are defined, but there is room for strategic behaviour (Aggestam 1999, 2000).<sup>25</sup> Roles provide actors with guidance, as they consists of what other actors expect from us (role expectation), the subjective view of the actor in terms of right/wrong in foreign policy (role conception), and the concrete actions undertaken (role performance).

More importantly, roles do not emerge from individual properties, but are the result of processes of socialisation and learning (Aggestam 2004, 2006). In other words, what defines roles from a sociological perspective are the social interactions that take place: 'actors perform certain roles through symbolic and dramaturgic action' (Sedelmeier 2003, 4). By focusing on the forms of social interactions, the concept of role offers interesting insights for a conceptualisation of NSAs in EU foreign policy.

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<sup>23</sup> Goffmann's metaphor suggests that society is like a stage on which people wear a mask and play a part.

<sup>24</sup> For an application of role theory to the study of EU foreign policy, see also Elgström and Smith (2006).

<sup>25</sup> Similarly, Bradbury et al. (1972) highlight that actors' actions are not entirely dictated by the structure, but there is an interaction between structure and agents. See also Saurugger (2010).

First, it highlights the importance of rules and expected behaviour, namely it identifies a set of features that orient actors. Second, actors' performances, i.e., their actions and interactions, define the elements that shape their reciprocal behaviours. This aspect is particularly relevant in the analysis of the role of NSAs in the EU's foreign policy-making process. Roles, which are characterised by different forms of social interaction, become the basis on which frames travel and get developed. These forms of social interaction are defined on the basis of the level of contention that exists between the EU and NSAs. Contentious politics, which is a concept widely used in the literature on social movements, refers to forms of collective action by makers of a claim when one government is either involved as claimant, the object of claims or a third party (McAdam, Tarrow, and Tilly 2001; Tilly and Tarrow 2007). The social interactions between the two sides vary in terms of confrontation between the claim-makers and the claim-bearers, and the outside/inside position that NSAs have in relation to the state. The dialectical relationship between the two parties is crucial, as it is precisely the nature of these social dynamics that shapes how actors define themselves in relation to their counterpart.

The literature on interest groups suggests that NSAs rely on different lobbying strategies when approaching the EU. In particular, three main forms of interest representation are identified: access, voice and litigation (Beyers 2004; Bouwen and McCown 2007). These strategies can be re-interpreted on the basis of the forms of social interaction and degrees of contestation between the EU and NSAs resulting from them. Access is a form of inside lobbying,<sup>26</sup> through which NSAs approach policy-makers directly and in informal settings (behind the scenes), so that interactions occur outside the reach of public scrutiny. In a way, the parties of the interaction recognise each other as partners, so that interactions are mainly consensual and cooperative (Beyers 2004).

In contrast, voice is a form of representation based on conveying information and knowledge in public spheres, where the interactions between policy-makers and NSAs are visible to a larger audience. This approach can take two forms: 'information politics' and 'protest politics' (Beyers 2004). On the one hand, information politics consists in the organisation of public events such as seminars, workshops, etc. or in the publication of articles in newspapers, on websites, etc. as ways to transmit information at strategic decision points. Therefore, information

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<sup>26</sup> On the distinction between inside and outside lobbying, see Kollmann (1998).

politics might reach the public at large, but it is mainly aimed at specialized audiences or key policy-makers. On the other hand, protest politics aims at attracting attention and expanding the conflict (Beyers 2004; Coen 1998). It can be equated with constituency-building strategies, as it is a way to target politicians indirectly, by ‘gaining support of individual voters and citizens, who, in turn, express their policy preferences to political decision makers’ (Hillman and Hitt 1999, 834).<sup>27</sup> Examples of protest politics are letter-campaigns, demonstrations, etc. to express dissent with regard to certain policies and decisions. Therefore, while information politics can lead to cooperation, especially when it is in the form of workshops and seminars, protest politics reflects an adversarial stance that openly criticises the EU.

Finally, litigation, which is widely used in the US (see De Figueiredo and De Figueiredo 2002; Alter and Vargas 2000; Rubin, et al. 2001), is a form of interest representation based on judicial means. NSAs file cases to courts, make use of the *amicus curiae* briefs to express their views on certain issues and show the consequences of potential outcomes, and push the court in order to have rulings that are in line with their objectives. In the EU multi-level system, two types of courts are available: national courts and the European Court of Justice (ECJ). While there are many means through which a case can reach the ECJ, ‘private parties’ disputes are brought to the Court through the preliminary reference mechanism of Article 234 of the treaties’ (Bouwen and McCown 2007: 426). This mechanism, which is now article 267 of the Treaty on the Functioning of the European Union, provides for the ECJ to give preliminary rulings on the interpretation of the Treaties and on the validity and interpretation of acts of EU institutions, bodies, and agencies. National tribunals may (or in certain cases are obliged to) refer to the ECJ, if they have a question concerning the aforementioned points. Therefore, litigation is a ‘strategy for targeting EU policy that begins at the national level, by bringing a case in a national court, based on a point of EU law’ (Bouwen and McCown 2007: 426). Not only can the ECJ’s decisions remove national legislation, but they can also shape the form future legislation will take.<sup>28</sup> However, national courts also might be used to file

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<sup>27</sup> Hitt/Hillman’s description of constituency-building strategy resembles that of ‘voice strategy’ given by Beyers when it comes to activities and tactics. According to the former, the resource exchanged is ‘constituent support’ and is channelled indirectly ‘by gaining support of individual voters and citizens, who, in turn, express their policy preferences to political decision makers’ (Hillman and Hitt 1999: 834). For Beyers (2004), voice strategies are used to convey information through public voicing of policy positions. The focus is less on the support provided by the electors and more on the form in which information is communicated.

<sup>28</sup> On the role of the ECJ, see also Stone Sweet et al. (2001); McCown (2009).

cases that concern only the member state where the case is brought to the attention of the court, without any reference to EU legislation and policies.

Lobbying strategies are linked to different degrees of contestation between the EU and NSAs. According to Mahoney (2007b, 2008) and Woll (2012), the EU is a context where interactions tend to be more consensual and cooperative than in the US. This is the result of the political opportunity structure in which NSAs act. Because the US is a win-or-lose system, lobbying is aggressive ('the brash') and confrontational. In contrast, the EU is a more consensus-oriented system, which favours a more cooperative approach ('the soft-spoken'), which can give NSAs more chances of success (Woll 2012). In a similar vein, and recalling the debate in International Relations, Beyers (2008) identifies two communicative interaction modes that define how interest groups interact with governmental institutions, namely bargaining and arguing. The former is based on the promises and costs incurred if a particular exchange of resources does not take place. The latter describes an interaction in which the parties are open to change their minds and try to persuade each other on the basis of the better argument. While Beyers adopts a soft rational-choice perspective on arguing, where ideational factors are used strategically by actors, Risse (2000, 7) advances a constructivist view and convincingly maintains that arguing consists in a process of persuasion of the normative validity of one's argument and the attempt to achieve a communicative consensus on the situation. Similarly, Riddervold (2011, 568) maintains that deliberation has an effect on actors' preferences through 'argument-based learning', namely the acceptance by an actor of the validity of another actor's argument which leads to an action. According to this view, it is the better argument to prevail in a process of deliberation and persuasion.

Against this backdrop, I suggest that we can identify three types of role to analyse the EU-NSAs relationships: consensual, median and adversarial roles. These roles are defined on the basis of the social interactions that characterise them and the level of contention that is present in the relationship between the EU and NSAs. By relying on constructivist insights, I explore how to re-interpret the lobbying strategies analysed above in a way that focuses on social interactions. This understanding of roles would then be the basis on which frames travel and get developed, given that the form of social interaction used is also linked to the degree of shared understanding and the construction of meaning that NSAs and the EU reach.

Reaching a shared understanding on how to interpret events and the reality requires dialogue between the parties, i.e. cooperative forms of interaction. Arguing and persuasion are the forms of communication employed, in the attempt to negotiate meaning and reach shared and consensual knowledge. An approach based on access is therefore more likely to favour this type of social interaction. Information politics is a middle-way form, as it targets politicians, officials and the informed public. While the level of contestation is higher than access, given that it takes place openly, there is still some margin to reach shared meanings, especially during seminars, workshops, etc. when people are invited to discuss their views. Finally, protest politics and litigation are clearly confrontational modes, where there is no effort to look for a compromise on the meaning and the interpretation of events.

**Figure 3 - Categories of NSAs' roles**

	<b>Consensual role</b>	<b>Median role</b>	<b>Adversarial role</b>
<b>Approach</b>	Access	Information politics	Protest politics and litigation
<b>Form of social interaction</b>	Cooperative and dialogical	Mixed between cooperative and contentious	Confrontational and contentious
<b>Style</b>	Arguing and persuasion	Challenging, but with some room for more consensual interactions	Contestation, no room for consensual interactions
<b>Target audience</b>	Officials and policy-makers	Public, but specifically officials, policy-makers and the informed public	General public
<b>Means</b>	Informal meetings and private communications	Workshops, seminars, editorial/newspaper articles	Judicial means, demonstrations, letter-campaigns
<b>Results in</b>	Cooperation and shared understanding/meaning	Partial cooperation/partial challenge – shared meaning possible	Conflict and no compromise on a shared meaning/understanding

As shown in Figure 3, a consensual role is characterised by the use of the access approach, which allows for cooperative social interactions. NSAs might disagree with the policies implemented by the EU, but they cooperate and establish a dialogue with EU officials and politicians to identify alternative perspectives and ways to deal with the issues at stake. Interactions rely on arguing and deliberation with a view to reaching mutual and shared understandings. By doing so, they also legitimise EU policies, as they do not challenge their existence per se. The second type of role,

called median role, is based on information politics, whereby social interactions take a less consensual form, as NSAs operate in the public sphere by organising workshops, seminars or writing op-eds or articles on specific matters. Given that the targeted audience is limited (politicians, officials, informed public), there is still some room for the construction and negotiation of meaning. Finally, an adversarial role implies confrontational and contentious forms of social interaction based on protest politics and litigation. The parties mutually delegitimise each other and define themselves by opposing and challenging the other.

This thesis thus investigates what role NSAs play in EU foreign policy-making. Do NSAs play one role instead of another when lobby the EU on its foreign policy towards the Israeli-Palestinian conflict? The hypothesis is that *NSAs active at the EU level are likely to play a consensual role*, because the EU is ‘a system that relies on consensus-building’ (Woll 2012, 195). Similarly, Mahoney (2008) argues that the EU can be considered a consensual system aimed at accommodating as many interests as possible. In an analysis of parliamentary committees between 1999 and 2004, Settembri (2006) argues that a consensual form of policy-making also dominates in the European Parliament. While not explicitly speaking about a consensual system, Hix and Hoyland (2011: 127) maintain that the level of ‘competition between rival elites for political power which allows citizens to make educated choices about who should govern them and the direction of the policy agenda’ is still relatively low in the EU, especially if compared to what happens in member states. This also hints to a more consensual and cooperative form of policy-making. In the case of the Council, Lewis (2008: 176-178) also contends that there is a ‘culture of consensus’. Thus, it seems plausible to hypothesise that a consensual role is the predominant type of role adopted by NSAs when lobbying the EU. In contrast, it is hypothesised that NSAs active at the national level to influence EU foreign policy tend to adopt an adversarial role. This hypothesis will be discussed in depth in Section 1.5 of this chapter.

#### **1.4 Framing and arguing**

While the previous section has identified the roles and forms of social interaction between NSAs and decision-makers, it is also crucial to understand what instruments are used in lobbying. There is wide consensus in the literature that the dominant form of lobbying in the EU is informational lobbying (e.g. Bouwen 2004b; Chalmers

2011; Broscheid and Coen 2003; Zippel 2004). Unlike the US, material resources (e.g. paying travels, organising dinners, contributing to electoral expenses) are not a key instrument used by NSAs in their interaction with policy-makers. These resources are not negligible, as they represent the material basis for carrying out lobbying activities (e.g. lobbying requires money, personnel, etc.), but NSAs' main lobbying tools are ideational resources, more specifically information and knowledge or frames. The question is what types of frames NSAs use when involved in the EU's foreign policy-making process.<sup>29</sup> Do NSAs use different frames in their lobbying activities? Does it make a difference in their lobbying? Finding an answer to these questions is important, as it tells us how the EU's foreign policy-making works and how EU policies are framed. In the literature, sometimes the concept of 'discourse' is used instead of frames, with the latter being more frequently employed in the literature on social movements. Discourse is often associated with the linguistic and post-structuralist turn in the literature. While the two terms are often used interchangeably, I stick to 'frame' as used in the social movement literature and, increasingly so, in the interest group literature. This section will delineate how the analytical dimension of 'frames' is understood and used in this thesis, and will advance some hypotheses about the relevance of using one frame instead of another.

The 'currency of lobbying in the EU is information' (Chalmers 2013: 39). Information can take various forms, such as having a technical nature (e.g. the number of settlements in the West Bank) or giving details concerning the discontent of constituencies (e.g. letter-campaigns).<sup>30</sup> While the literature on interest groups rarely distinguishes between them, it is important to highlight that information and knowledge differ. More precisely, information is understood as refined or relevant data that reduce uncertainty and ambiguity, where data represents the 'raw material' obtained from observation (Majone 1989: 48; Huber 1991: 89). It is therefore possible to assume that information is a good provided by all NSAs involved in lobbying, although the relevance of information to policy-makers might change (see Klüver 2013a). In contrast, knowledge is a more sophisticated concept, which is linked to the process of framing. Knowledge relates to cognitive frames and the

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<sup>29</sup> It is important to clarify that 'frames' represent the instruments used by NSAs. Therefore, the words 'frame(s)' and 'instrument(s)' are used interchangeable in the text of the thesis.

<sup>30</sup> Gornitzka and Sverdrup (2011) analyse the composition of the experts groups which are one of the sources used by the Commission to get information. They argue that different information providers, whom they identify as scientific experts, societal groups and national administrators, provide different types of information, respectively scientific and unbiased information, information related to the preferences of society and member states' preferences and perspectives.

interpretation of information in order to define ‘cause-effect’ relationships and attribute meaning to the surrounding reality (Huber 1991; Bicchi 2013). More specifically, framing consists in the ‘process of selecting and emphasising aspects of an issue according to an overriding evaluative or analytical criterion. Policy frames identify what is at stake in an issue’ (Daviter 2011: 2). Frames ‘promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation’ (Entman 1993: 52). By simplifying the world, frames offer roadmaps and give inputs to policy-makers in terms of the possible policies and actions to take. Framing is therefore linked to problem definition, namely the organisation of facts and perceptions and how people understand and think about the reality and the situations around them (Dery 2000), which shapes the nature of the solutions adopted (Bardwell 1991).

This discussion about information and knowledge is part of a broader debate in the literature between rationalists and constructivists on the role of ideational factors and knowledge in public policy. The ideational dimension in the study of public policy has been reinvigorated since the 1980s as the result of a combination of factors, namely the emergence of new institutionalism, the re-evaluation of the role of culture in politics via framing processes, a new scholarship focusing on agenda-setting and problem definition, and the affirmation of the constructivist school (Béland and Cox 2011a; Fischer and Forester 1993; Braun and Busch 1999). As a matter of fact, different disciplines like International Relations, Public Policy Analysis and Social Movement approaches have begun to pay attention to the role of ideational factors in the policy process. Not only constructivist scholars, but also rationalist researchers, previously dismissive of ideational factors, have started to incorporate the dimension of ideas or beliefs in their analyses.

However, the treatment of information and knowledge has been different between rationalists and constructivists. For rationalist scholars, interest-based explanations remain the preferred option (cf. Goldstein and Keohane 1993a), while the ideational dimension only provides residual explanations in the understanding of policies. Rational-choice scholars recognise that information is necessary to formulate and implement policies, especially in situations of uncertainty and bounded rationality, but they argue that actors try to minimise the consequences of missing information, without changing their preferences. As actors’ interests are given, information and knowledge become tools that can be used strategically to pursue specific goals in

bargaining processes. Thus, social interaction does not play a significant role and meaning is the result of individual cognitive processes. The rationalist view on framing and agenda-setting studies stresses the strategic and manipulative use of frames (Payne 2001; Riker 1986), considered as tools used to shift preferences in favour of one part ( Daviter 2007, 2011; Princen 2007, 2011; Baumgartner and Jones 1993; Trommer 2011) or/and to mobilise certain biases in the policy process and define the scope of the conflict between alternatives (Schattschneider 1960; Bachrach and Baratz 1962). Following rational-choice assumptions, cognitive processes occur at the individual level, as there is no social interaction leading to a common definition of meaning or to the establishment of shared knowledge. Ideational factors are thus considered in the same way as material ones, i.e., they can be used strategically to pursue interests (Klüver 2012; Augustin 2008; Sell and Prakash 2004; Zippel 2004).

In contrast, constructivist approaches maintain that

[i]deas are constantly in flux, being reconsidered and redefined as actors communicate and debate with one another. Political action is motivated by ideas, but the goals people articulate and the strategies they develop have feedback effects that further shape their original ideas (Béland and Cox 2011b: 5).

While there are different positions within the constructivist camp, they all stress how belief systems and cognitive frameworks are the result of the social embeddedness of individuals and of the collective production of meaning (Braun 1999). Ideational elements are variously described as frames (Crespy 2010), narratives (Radaelli 1999), discursive practices (Schmidt 2011; Schmidt and Radaelli 2004; Holzscheiter 2005), and arguing and deliberation are viewed as the modes of interaction (Risse 2000; Niemann 2004; H. Müller 2004). This trend is also observable in International Relations, with the works by, among others, Finnemore and Sikkink (1998), Keck and Sikkink (1998), Legro (2000), and O'Neill et al. (2004), and in studies of social movements. The latter, which have long been characterized by rationalist approaches based on the concepts of resource mobilisation and political opportunity structure, have recently opened to constructivist insights, focusing on framing as 'an active,

creative, constitutive process' (McAdam et al. 2001: 16; see also Khagram et al. 2002; McClurg Mueller 1992).<sup>31</sup>

In this view, the meaning of frames only makes sense in a process of interaction characterised by argumentation, i.e., by a process of discussion and persuasion in which there is an attempt to convince the other side of the validity of an argument, and the perceptions of the actors involved change due to this interaction. In the social movement literature, Snow (2004: 384) argues that 'meanings do not automatically or naturally attach themselves to objects, events or experiences we encounter, but often arise, instead, through interactively based interpretative processes'. Framing becomes an interaction involving the producer, the receiver and the object of framing (R. H. Williams 2004). With a similar conception in mind, in the field of EU public policy Radaelli (1999) provides a constructivist explanation of EU taxation policy. His concept of 'narratives' is akin to 'frames', namely the ideational instruments that actors use to make problems amenable to action and to attribute meaning to what happens around them. Radaelli (1999: 98) further argues that 'once accepted as a set of shared beliefs about policy, a dominant narrative "frames" policy choices and reorients preferences'. This is the result of 'the dialectic relationship between agency (the narrative as resource) and structure (the narrative as cognitive structure within which action is embedded). [...] ideas provide the elements *with* which actors work and also a set of structured elements *from* which the actors work' (Radaelli 1999: 112, emphasis in the original).<sup>32</sup>

By relying on the constructivist view on framing, this thesis proposes three types of frames, namely political, technical/legal and political-technical/legal frames, which display different features. First of all, resonance is seen as a key aspect for frames to be effective. There should be a 'fit between frames and audiences' previous beliefs, worldviews and life experiences' (R. H. Williams 2004, 105) as well as between frames and the experiences and the empirical context of the targeted audience (Joachim 2003). Williams (2004) also adds the credibility of the claim-maker as a

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<sup>31</sup> Closer to constructivists for their strong emphasis on the role of norms, symbols and ideas, are the rationalist approaches used by Edelman (1964) on the symbolic uses of politics and by Schimmelfennig (2001) on rhetorical action/entrapment.

<sup>32</sup> Recently, Bicchi (2013) investigated knowledge in EU foreign policy-making. By using a definition of knowledge akin to framing, she focuses on the communities of practice formed by European diplomats. Her attention is more on the practices that develop among actors and lead to knowledge construction. This thesis shares the constructivist perspective on framing, but remains anchored in the traditional constructivist discussion on the role of knowledge or, in other words, the impact that framing has in social interactions.

pre-condition for interacting with policy-makers. Snow and Benford (1992) determine the resonance of a frame in terms of its empirical credibility (evidence and empirical support for a claim), experiential commensurability (the extent to which actors are directly affected), and ideational centrality (strike a responsive chord of already existing beliefs and myths).<sup>33</sup> Mahoney (2008) analyses different frames in terms of their content and central argument (e.g. technical, evoking shared goals, economic impact, etc.). Clearly, when a focusing event (e.g. a crisis, a disaster or something that focuses the attention of the public to a specific issue or problem) occurs, the salience of an issue (and potentially its degree of conflict) increases, thus strengthening the resonance of certain frames (C. Mahoney 2008).<sup>34</sup>

**Figure 4 - Categories of frames used by NSAs**

<b>Technical/legal frame</b>	<b>Political-technical/legal frame</b>	<b>Political frame</b>
<ul style="list-style-type: none"> <li>- Empirical credibility</li> <li>- Evidence in the form of legal references, figures, economic impact analyses</li> <li>- Highly technical arguments (legalistic, scientific, sector-specific) or related to costs, economic impact or feasibility of a policy</li> <li>- Reference to principles or interests of the EU</li> <li>- Alternative to mainstream points on EU-Israel/Palestine</li> </ul>	<ul style="list-style-type: none"> <li>- Empirical evidence (can be either technical or legal)</li> <li>- Political claims in the form of well-known arguments defining the debate on EU-Israel/Palestine</li> <li>- Follow the mainstream points on EU-Israel/Palestine</li> </ul>	<ul style="list-style-type: none"> <li>- Little empirical credibility</li> <li>- Ideational centrality is key (historical events, political sphere)</li> <li>- Predominance of arguments highlighting discriminatory aspects, referring to public opinion or evoking shared goals/principles</li> </ul>

Against this backdrop and as shown in Figure 4 above, technical/legal frames are defined as frames that contain arguments that are highly technical (scientific, legalistic, sector-specific) and/or refer to the cost or economic impact of a policy and/or deal with the feasibility of a proposal or current policy. They have strong empirical credibility, as they provide detailed, precise and well-documented evidence in terms of, among others, legal references or the provision of figures and statistical data. These frames refer to key principles, values and interests of the EU, but shape

<sup>33</sup> On ideational centrality, see also Gamson (2004), who claims that frames become stronger when they resonate with cultural narrations and the cultural heritage of a group.

<sup>34</sup> When discussing framing in relation to social movements, Gerhards (1995) describes the dimensions of an ideal-type of frame. This includes not only the issue and its interpretation as a social problem, but also the identification of causal agents for the problem, the interpretation of goals and chances of success, the addressee for the protest and the legitimization of the actors themselves. These dimensions are, however, more relevant to social movements than NSAs as interpreted here and to the mobilisation phase, which is not investigated in this thesis.

the issue in a different way from the mainstream discussion about the EU and the Israeli-Palestinian conflict. Instead of focusing on dichotomies of good/bad, winner/loser, they highlight the legal and technical dimensions of a policy. Criticism of the existing status of a policy is usually counterbalanced with the offer of solutions and alternatives. The situation is therefore presented as a win-win case, in which both the EU and Israel/Palestine benefit from it. For example, the MATTIN Group, a Ramallah-based NGO, criticised EU policy towards Israel, but the frames used revolve around the key interests of the EU and the importance of abiding by its own laws and international obligations. As will be shown in Chapter 4 and 6, the MATTIN Group does not call for the suspension of EU-Israeli agreements, as many other NSAs do, but it proposes re-drafting them to ensure that their implementation by Israel does not endanger EU legal obligations under international law.

In contrast, political frames tend to appeal to historical events or the political sphere of the relationship between the EU and the parties of the conflict, thus resting mainly on what Snow and Benford (1992) call ideational centrality, i.e. the fact that they evoke an already present belief or myth. Given that these frames make leverage on emotional aspects, the argument presented in political frames is not supported by strong evidence. There is a predominance of themes that highlight the discriminatory nature of a policy and/or refer to contentment/discontent of the public opinion or constituencies for a policy and/or evoke shared goals. Moreover, the language used and the ideas expressed often evoke the dichotomies of winner/loser and good/bad. By doing (or not doing) something, one side is unjustly 'punished' by EU policies. For example, on the occasion of the 2006 World Football Cup the European Coalition for Israel (EC4I), a group of Christians promoting European-Israel cooperation, launched a campaign in which a comparison between Hitler's opening of the 1936 Olympic Games and the participation of the Iranian President Mahmoud Ahmadinejad is drawn. The EC4I claims that it is 'history repeating itself', so striking a very sensitive chord in Europe and especially among Germans.<sup>35</sup> Allowing

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<sup>35</sup> This is the content of their campaign, as published on their website: '70 years ago, in 1936, Adolf Hitler marched into Berlin's newly built Olympiastadion to open the XI Summer Olympic games. He made no secret of his ambition to wipe out the Jewish people and in less than nine short years, 6 million Jews were dead. This summer Iranian President Mahmoud Ahmadinejad - a man who has openly stated his intention to "wipe Israel off the map" - wants to come to the World Cup in Germany: a sporting contest that culminates in the exact same stadium. Some see just a game. We see history repeating itself' (European Coalition for Israel 2013a).

Ahmadinejad coming to Germany is equated with a ‘bad’ and ‘morally wrong’ action.

As a middle-way between these two extremes, there are political-technical/legal frames. These are based on the provision of detailed analyses, supported by empirical evidence and with emphasis on technical or legal details. Yet, there is always a political dimension in these frames, as they often rely on the public discourse invoking the idea of good/bad and of moral responsibility. Moreover, their recommendations do not propose alternative solutions, but are based on a ‘power game’ and on the benefit/drawback leverage (Interviewee 1). For instance, a network of NGOs published a report in 2010, entitled ‘Dashed Hopes. Continuation of the Gaza Blockade’, in which the international community was called on to ensure the end of the blockade in Gaza. While the report is rich in details, figures and references to various agreements and legal obligations under international law, the final recommendations contain a strong normative component, such as ‘the international community *must* do its part to ensure that its repeated appeals to end the blockade are finally heeded’ (International Federation for Human Rights 2010: 9, emphasis added).

Which frames are more likely to be employed in EU foreign policy-making? The EU has been described as having a technocratic or regulatory nature (Majone 1994) and its need for information and knowledge to formulate and implement policies has been highlighted (e.g. Gornitzka and Sverdrup 2011). In the debate on the democratic deficit of the EU, Follesdal and Hix (2006) maintain that the level of political contestation in the EU is still limited. Similarly, in a discussion about the different policy modes in the EU in relation to the ‘politics of knowledge’, Radaelli (1999) argues that, even if the definition of technocracy or regulatory state might not describe the whole range of EU policies, it is undoubtedly true that the level of politicisation in the EU is inferior to that in member states. Given the low level of contestation and politicisation, the limited importance of EU parliamentary elections and the predominant consensus-building policy mode (see also Section 1.3), it is here hypothesised that *technical/legal frames give NSAs the possibility of playing a significant role and of developing deep interactions with EU officials*. A re-framing of EU policies and positions is more likely to occur when technical-legal frames are involved.

Furthermore, it is suggested that the type of frame preferred might differ between the Commission and the European Parliament. The Commission is the guardian of the treaties and its primary task is the implementation of EU policies, aimed at fostering further integration. The level of politicisation in its action should be minimal (as it aims to promote EU-wide prosperity), while the technocratic component is predominant. In comparison to the Commission, the European Parliament is more politicised and MEPs are politicians with an electoral mandate. This might make them more receptive to frames that contain political elements which they can use as leverage on their constituencies in their electoral campaigns. Therefore, we would expect that *the Commission has a preference for technical/legal frames, while the EP is also open to political-technical/legal frames*. The Council of the European Union, given that it is composed of the representatives of member states, is viewed here as a case of lobbying of national governments. In particular, in the case of foreign policy, national representatives take instructions from their capitals due to the sensitivity of this policy area, which is considered at the core of state sovereignty. Moreover, since the creation of the European External Action Service the former section of the Secretariat dealing with foreign policy has been moved to the newly created body (see also Chapter 2). As the next section shows, unlike lobbying at the EU level, lobbying at the national level is hypothesised to be mainly based on political frames.

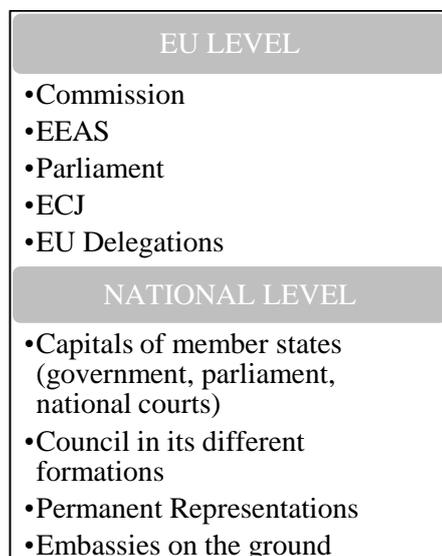
### **1.5 The level of lobbying and the Europeanization of NSAs**

As mentioned at the beginning of the chapter, the EU foreign policy system is a multi-level system, formed by the EU and the national levels (White 2001): the two levels are interconnected and mutually dependent on each other. First of all, how is the national level used in lobbying activities? Do Brussels-based, cross-country or Israeli/Palestinian NSAs use the national channel in their activities? Second, do member state-based NSAs take EU foreign policy into consideration when they lobby? If so, how? While the first question points to the identification of the loci of lobbying and how the different levels are integrated into lobbying actions, the second aspect raises the crucial point about the Europeanization of lobbying by NSAs based at the national level. The analysis of the national channel in lobbying activities is important for two reasons. First, it gives us an indication of the level of cohesiveness of the EU foreign policy system and of the extent of EU integration in this policy field. Second, it allows us to explore what roles NSAs play and what frames they use

when relying on the national level. In Sections 1.3 and 1.4, it was hypothesised that NSAs active at the EU level tend to play a consensual role and to rely on technical/legal or, in the case of the European Parliament, also on technical/legal-political frames. In contrast, it was briefly suggested that NSAs active at the national level adopt adversarial roles and political frames.

The links between the two levels have also been taken into consideration in the literature on interest groups which has analysed two related aspects: venue-shopping and Europeanization. On the one hand, the focus has been on the political opportunity structure of the EU and the possibility that it offers for lobbying activities. The concept of ‘venue-shopping’ (Pralle 2003; Princen and Kerremans 2008), i.e. the choice of the institutional setting that favours NSAs’ ability to attain their goals, has both a horizontal dimension, namely the choice of which institution to target, and the vertical dimension, i.e., the national or EU level at which lobbying activities are conducted. As for the national level, NSAs can use the channel offered by the governments and parliaments in member states to indirectly lobby the EU. As argued by Mazey and Richardson (2006), NSAs’ preferences are then uploaded to the EU level by member states. At the same time, member states can also be lobbied in Brussels via the Permanent Representations of each state which are, especially in the case of foreign policy, in close contact with their capitals when decisions need to be taken. Again, the final target is EU foreign policy, but the channel used is the national route (Haynes-Renshaw 2009; Saurugger 2009). Figure 5 below illustrates the EU and national channels that NSAs can use in their lobbying.

**Figure 5 - The levels of lobbying**



On the other hand, scholars have investigated the extent to which NSAs based in member states Europeanize their activities, i.e. they take the EU policy dimension into consideration. Member state-based NSAs' lobbying can range from a complete disregard of and disinterest in EU policy to the integration of EU topics in their lobbying activities. While the former case implies that national NSAs just lobby their member states on issues related to national foreign policies,<sup>36</sup> in the latter situation there are various degree to which NSAs can take the EU dimension into consideration. In this regard, the literature on Europeanization, which started by investigating the impact of the European integration on member states with the framework of multi-level governance as starting point of their analysis (Hooghe and Marks 2001), contributes to shed some light on the lobbying patterns Börzel and Risse (2007) identify three main approaches in the research on Europeanization. First, the concept has been used to mean European integration in a broad sense, with the focus being on the establishment of distinct structures at the EU level. Second, Europeanization refers to the process of transformation of domestic politics and institutions as a result of the impact exerted by the EU. These two dynamics have been labelled as bottom-up and top-down Europeanization respectively, or processes of uploading and downloading. A third view conceives Europeanization as encompassing the uploading and downloading dimensions, stressing the circularity and mutual adaptation between the national and EU levels.

When this concept is expanded to the literature on interest groups, two patterns can be identified. On the one hand, scholars such as Green Cowles (2001) and Schmidt (1999) have investigated the impact of the EU on the patterns of national interest intermediation with a view to identifying areas of convergence/divergence among different national systems. This top-down research line has shown how differences among national systems (statist, corporatist and pluralist) lead to different trajectories in terms of the changes in lobbying strategies of national NSAs (e.g. Schmidt 1999; Eising 2009; Green Cowles 2001). On the other hand, Saurugger (2005: 395-396) states that the complex interdependence between levels can only be captured by considering both dimensions, akin to the third approach to Europeanization.<sup>37</sup> She refers to the typology by Balme, Chabanet, and Wright (2002) on the modes of

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<sup>36</sup> Although the EU has progressively developed a relatively well-defined policy towards the Israeli-Palestinian conflict, national foreign policy towards the Israeli-Palestinian conflict have not disappeared and continue to take place in parallel to the EU policy.

<sup>37</sup> In contrast, Börzel and Risse (2007) argue that only the second view of Europeanization (i.e. the impact on the domestic level) is useful and deserve investigation.

Europeanization of interest group. In particular, three processes are worth mentioning in this regard. The first one, internalisation, is the top-down/downloading movement, according to which local and national actors mobilise and lobby around EU issues as a result of the increasing importance of EU policies. The other two processes identified are externalisation, i.e. the direct representation of NSAs' interests at the EU level, and supranationalisation, i.e. the establishment of umbrella groups (e.g. federations of associations) at the EU level. They entail both forms of uploading and downloading.<sup>38</sup> Similarly, McCauley (2011: 1020) defines Europeanization as 'the reorientation of a (sub)national actor's *champ d'activité* towards supranational institutions, politics and/or policy-making'. Beyers and Kerremans (2007: 461) also look at 'the result of a process whereby the scope of the niche in which domestic interest groups are traditionally active – or *niche width* – expands beyond national borders'. This view is also reflected in Klüver's (2010: 176) definition of Europeanization as the 'exten[sion of] their lobbying activities to the European level'. When looking at NSAs it is therefore crucial to understand whether they have modified their preferences and lobbying activities as a result of the EU and if so, which patterns describe their Europeanization.

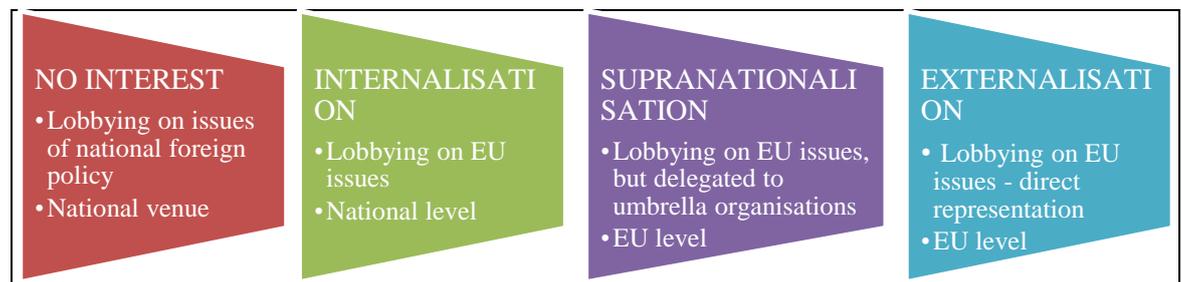
As already mentioned in this chapter and further discussed in Chapter 2, the EU has a clear position on the Israeli-Palestinian conflict and various policies (e.g. European Neighbourhood Policy, humanitarian assistance, trade) are decided in and implemented by Brussels. Member states policies are still important, but they are also constrained by the European framework in which they are embedded. Therefore, most of the requests or calls by NSAs can only find a response at the EU level, making the EU a key target of their lobbying activities. Against this backdrop, it would be reasonable to expect that NSAs based in member states take the EU dimension into account. On the basis of the categories identified by Saurugger (2005) and Balme *et al.* (2002), this can be done in various ways, which are summarised in Figure 6. EU issues can be incorporated in the lobbying activities at the domestic level (internalisation), which shows that NSAs include and recognise EU policies as important in the pursuit of their interests. At the same time, NSAs might decide to lobby directly the EU on issues concerning the Israeli-Palestinian conflict, thus becoming active at the EU level (externalisation). A further hypothesis is that NSAs

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<sup>38</sup> There is also a fourth process, called transnationalisation, which consists in the transformation of the NSA from a national to a transnational one. This is however linked to the broader processes of globalization and transnationalisation, see Saurugger (2005).

join an umbrella organisation that promotes their requests at the EU level (supranationalisation). These three patterns are compatible, i.e. national NSAs can use all these options as well as opt for just one of them. The literature suggests that the more channels they use, the greater the chances of success (e.g. Greenwood 1997, 2003). In Figure 6, the category of ‘no interest’ has been added to indicate the cases in which Europeanization does not take place, i.e. when NSAs based in member states do not conduct lobbying activities related to EU issues. It is important to note that the form(s) chosen has implications for the EU foreign policy system per se. For example, if supranationalisation is not combined with internalisation, i.e. lobbying is carried out at both the EU and national level, this can be taken as an indication of limited integration between levels. At the same time, if NSAs active in member states focus on national foreign policies, and leave lobbying on EU issues at NSAs based in Brussels (or umbrella organisations), the link between EU and national foreign policies is weak and, again, the levels are poorly integrated.

**Figure 6 - Modes of Europeanization (or lack thereof) of NSAs based in member states**



Adapted from Balme *et al.* (2002).

The literature identifies four elements to explain the spill over of NSAs’ lobbying to Brussels: the domestic context, the resources at disposal of NSAs, the nature of the issue at stake, and their willingness to take the EU into consideration. As far as the domestic context is concerned, there are two aspects to be considered. On the one hand, the degree of fit, i.e. the similarity between the national and European systems of interest intermediation, is seen as the factor determining the degree of Europeanization. The idea is that the more similar the systems are, the more likely it is for interest groups to act at the EU level (Green Cowles 2001; Schmidt 1999). On the other hand, the degree of access at the national level is linked to the Europeanization of NSAs’ activities. Explanations in this regard are however

contradictory. In some cases, Europeanization of lobbying is positively (negatively) correlated with the access they enjoy at the national level. The more (less) they have access to national policy-making, the more (less) likely it is for them to Europeanize (Beyers and Kerremans 2012; Beyers 2002). In others, interest groups are supposed to go to Brussels to compensate for the lack of access at home (access and Europeanization as inversely correlated) (Beyers 2002).

As for the resources at disposal, Klüver (2010) argues that high resources (which she measures in terms of financial resources, personnel and representativeness of the NSA) are a necessary condition for Europeanization, while very high resources are a sufficient condition to trigger it. Differently, Beyers and Kerremans (2007) maintain that ‘critical resource dependency’, meaning the dependence of NSAs on membership, subventions from the states, etc. linked to their national context, is a factor shaping Europeanization patterns of NSAs. Third, the nature of an issue has also been considered as influential in determining Europeanization. If an issue is salient, threatening or costly to NSAs, the chance for NSAs to engage in venue-shopping is higher (Beyers and Kerremans 2012). Finally, instead of considering EU opportunities as ‘out of reach’ (because of the lack of resources, access, etc.), McCauley (2011: 1035) argues that they are ‘out of focus’, meaning that groups (in his case, social movements) distance themselves from EU-level politics in a conscientious way. Therefore, this would be symptomatic of a lack of willingness to Europeanize, i.e. NSAs decide to remain concentrated on the national level and to ignore EU policies.

We would expect that one of the Europeanization patterns suggested above, namely internalization, externalisation and supranationalisation, is followed by NSAs. In the case of externalisation and supranationalisation, the analysis of roles and frames is the same as presented in sections 1.3 and 1.4. Given that actions take place at the EU level, we would expect the majority of actors to adopt a consensual role and rely on technical/legal frames. As for internalisation, we expect that *the majority of NSAs active at the national level will play an adversarial role when lobbying*. As a matter of fact, national arenas are the place where different parties compete on the basis of different political programmes, with the aim of being elected and receiving power. Therefore, there is a higher degree of politicisation than at the EU level, making confrontational stances more likely to take place. Linked to this, we would also expect that *the majority of NSAs use political frames*, which contains strong

references to emotional and ideological aspects that resonate with public opinion. Given the need for political leaders to appeal to their electorates, frames based on historical events, moral views conveying the idea of discrimination, injustice and right/wrong are likely to be more useful at the national than EU level.

To summarise, investigating the level of action (national and/or EU) is a key element in the multilevel EU foreign policy system. The first crucial aspect to analyse is whether and how NSAs use the national venue to carry out their activities. Are those actors active in Brussels employing the channel offered by member states? If so, how? Second, it is important to understand whether NSAs based in member states are Europeanized, i.e. whether EU foreign policy is taken into account in their preferences and lobbying actions. While some might decide to work at the EU level directly, others might opt to incorporate the EU dimension into their activities at the national level. The hypothesis is that, when NSAs internalise the EU dimension and work at the national level, they are more likely to play an adversarial role and use political frames, as the national arena is characterised by a higher level of politicisation and contestation than the EU level. Exploring both the EU and national levels gives us indications not only of how lobbying activities develop, but also of the integration of the EU foreign policy system. The more the lobbying activities at the two levels are linked, the more integrated the system is. Conversely, limited actions or inertia at the national level as far as EU foreign policy is concerned show a lower degree of integration.

As mentioned in the Introduction and in Section 1.6 below, the member states selected to explore Europeanization patterns and lobbying at the national level are the United Kingdom, Germany and France. This thesis is not, however, on Europeanization per se. The analysis carried out at the national level is functional to understanding the broader framework of lobbying on EU foreign policy towards the Israeli-Palestinian conflict, of which the national level is clearly an aspect. The scope is here limited to understanding how lobbying is conducted at both levels and what the links between the two exist. It does not consider if lobbying on national foreign policies has repercussions on EU foreign policy indirectly. Before turning to the conclusions, in which the threads of the analytical framework will be pulled together, the next section explains the methodology adopted in the thesis.

## **1.6 Methodology**

This thesis explores how far the analytical framework proposed here works in the case of EU external policies towards Israel-Palestine. The aim is to provide an exploratory analysis of the role of NSAs in EU foreign policy by relying on constructivist insights. Given these constructivist assumptions, it is necessary to deal with the epistemological and methodological debates on constructivist research. Radical views argue that only an interpretative methodology can be applied, while conventional constructivist scholars call for the combination of positivist and interpretative methods or the adoption of scientific realism (Wendt 1999; Adler 1997, 2002; Checkel 2005). Following the latter view, Wendt (1987) argues that, even if social structures are unobservable, they produce effects that are observable. In other words, scientific realism explains how things happen by elucidating the causal mechanisms that make observable regularities work. Similarly, Adler (2002: 97-98) maintains that constructivism ‘results from the combination of objective hermeneutics with a “conservative” cognitive interest in understanding and explaining social reality’. It follows that research based on constructivist assumptions needs to explore causal mechanisms, constitutive relations and the relationships between them. In favour of an open methodological stance, Lupovici (2009) also argues that positivist and interpretive methodological approaches can enhance each other and need therefore to be combined. He proposes three methods, namely process tracing, discourse analysis and counterfactual studies, as a coherent and strong methodological approach for constructivist research.

This thesis investigates lobbying and advocacy activities in EU foreign policy towards the Israeli-Palestinian conflict on the basis of case studies. According to George and Bennett (2005, 17), a case is ‘an instance of a class of events’ and analyses can be carried out both within-case or by comparing a small number of cases. While the choice of Israel-Palestine is based on the relevance of this issue in EU foreign policy, the cases analysed in the empirical chapters have been selected because they represent significant instances of both EU policies towards the parties to the conflict and of NSAs’ lobbying. This selection procedure has also been applied by Mahoney (2008) to define the sample of issues analysed in her research on interest groups in the EU and US. The issues selected were those mentioned more frequently by advocates. In a similar way, my analysis concentrates on those cases that were mentioned more frequently by NSAs and where lobbying activities were

evident.<sup>39</sup> Clearly, this approach leaves out the non-decisions and those issues that go unnoticed (Bachrach and Baratz 1970), but it was necessary to limit the investigation to those cases that were traceable. Due to the secretiveness that surrounds both matters of EU foreign policy and lobbying activities, the selection also depended on the access to information and on the possibility of tracing the process behind each policy case. As shown below, these obstacles were minimised by triangulating different methods and relying on a variety of sources. On the basis of these criteria, three cases of EU external policies towards Israel and Palestine have been selected: the issue of the rules of origin related to the EU-Israel Association Agreement (Chapter 4); the EU's policy towards the Goldstone Report (UN report) following Operation Cast Lead in Gaza between December 2008 and January 2009 (Chapter 5); the case of the EU-Israel Agreement on Conformity Assessment and Acceptance (ACAA) of industrial products (Chapter 6). These cases offer sufficient variation in terms of the policy areas covered, the competences of the different institutions involved and the level of salience of these issues. The time frame covers events since 2000: it is both a date that can be considered as the end of the peace process in the Israeli-Palestinian conflict and it marks the entering into force of the Association Agreement with Israel. The only partial exception to this time frame is the case of the rules of origin (Chapter 4), which goes back to the 1990s in order to contextualise the issue. Yet, the main events and facts analysed take place from 2000 onward.

The second type of case selection concerns the choice of member states analysed in Chapter 7. France, Germany and the United Kingdom have been selected due to the relevance that these member states have in EU foreign policy-making and, specifically, in the context of the Israeli-Palestinian conflict. Importantly, they are the three largest member states, displaying strong administrative capabilities and significant economic power, to the extent that they are considered as influential players in the EU's policy-making process (Müller 2012; Musu 2010). However, they differ with regard to other relevant dimensions: the type of the political system, the prevailing form of interest intermediation, the cultural legacies of their past policies and the influence on their view of current events and policies. To start with, these member states have not always pursued a common policy towards the Israeli-Palestinian conflict due to divergent interests, historical legacies and different links

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<sup>39</sup> The issues mentioned, but which were not at the origin of systematic actions of lobbying, were not investigated in the case-study chapters. They were however considered in the general overview provided in Chapter 3.

to the USA (see Chapter 2). These states also have different political systems which in turn shape the form of interest intermediation as well as the general approach towards NSAs. As explained in depth in Chapter 7, the United Kingdom is an example of a pluralist system, France of a statist model and Germany of a consensual setting. Therefore, it is likely that national political actors respond differently to the pressure and requests coming from NSAs (Eising 2009). Given their importance within the EU and the variation on several dimensions they represent suitable cases to have a better understanding of the dynamics taking place at the national level and the interaction with the EU level as far as lobbying and advocacy are concerned.

In each case study process tracing and frame analysis have been employed. Process tracing has been used ‘to trace the operation of the causal mechanism(s) at work in a given situation’ (Checkel 2008: 116). By identifying the intermediate steps, process tracing helps to check that the connection between the theoretically expected patterns and the data is consistent and really in place (Checkel 2005a). Lupovici (2009: 202) also points out that

this method is used to identify and study complex [...] agent-structure relations [and to provide] a way of studying not only the proposed theoretical concepts and of testing research hypotheses, but also of studying ideational factors, the evolution of social phenomena, and the influence of these phenomena on actors’ behaviour.

A similar stance is advanced by Vennesson (2008), who argues that positivist and interpretivist approaches of process tracing can be bridged, as they offer two distinctive, but complementary, views on causal mechanisms. While positivist perspectives focus on the ‘what’ question aimed at understanding causal links, interpretivist stances shed light on the ‘how’ of a process, i.e. how the link manifests itself and the preferences and behaviours interact. Recently, Bennett and Checkel (2012) have also discussed the relation between process tracing and constructivism, arguing that this method suits constructivist accounts, especially conventional and interpretive constructivism, as the mutual constitutive relationship can be broken down into steps in which either the agent influences social structures or vice versa. It is basically a bracketing strategy that allows for the investigation of processes within identified steps (Wendt 1987, 1999).

George and Bennett (2005: 210-211) identify various forms of process tracing. The basic version consists in a detailed narrative, a form of a-theoretical description of how events occur. A more sophisticated variety translates a detailed narrative into an

analytical explanation by linking the events to the theoretical framework. The level of details of the explanation can vary according to the purpose of the research (e.g. selective explanation aimed at parsimonious explanation), the availability of data (e.g. some steps might be less detailed due to the lack of data) or the level of abstraction of the explanation (see also Vennesson 2008). In this thesis process tracing has been used to both reconstruct the ‘story’ behind the events, but more importantly to offer an analytical explanation of the role of NSAs in EU foreign policy. Therefore, the critical junctures in the policy process have been identified. Each process is characterised by the agenda setting phase; the proposal of a law or policy; the formulation and decision-making stages. The implementation and evaluation stages are not taken into account in this thesis: process tracing stops once the decision-making process ends. The reconstruction of the temporal sequence of events and the ways in which the EU-NSA relationship has developed, has allowed for a deeper understanding of the roles and frames used by NSAs.

Besides process tracing, frame analysis has also been used, with the aim of identifying the frames used by NSAs. Under the label ‘frame analysis’ a variety of methods, often based on different ontological and epistemological assumptions, are included. What unifies different methods is the reference to the idea of framing introduced by Goffman (1975), but there is not a comprehensive methodological programme linking its use in different disciplines such as media studies (e.g. Entman 1993) and social movement studies (e.g. Snow and Benford 1992; Snow, Soule, and Kriesi 2004; Ruzza 2004, Ruzza 2011) (for an overview, see Koenig 2005).<sup>40</sup> Both qualitative and quantitative methods have been used when conducting frame analysis, ranging from discourse analysis (DA) to content analysis (CA) and sociolinguistics.<sup>41</sup> For example, Ruzza (2004) analyses the frames employed by different social movements in the EU by using content analysis. As a first step, Ruzza and his team clarify the meaning of certain concepts so that there is a shared understanding among researchers. Then, they apply a grounded theory methodology to identify key frames in the documents. On the basis of these results, they refine the definitions of frames and prepare a framing grid which is used in the analysis of all documents. The number of times a frame is present in the documents is then counted.

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<sup>40</sup> Gamson (1975) however pointed out that Goffman’s frame analysis does not provide for clear methodological guidance on how to conduct this type of research.

<sup>41</sup> For the differences between CA and DA, see Herrera and Braumoeller (2004). On the use of discourse analysis, see Diez (2001); Hansen (2006); Lupovici (2009).

This research has also employed frame analysis, but not in its quantitative version, given the limited number of written texts accessible (see below). In contrast, an interpretative form<sup>42</sup> of frame analysis has been used to identify the prevailing conceptualisations employed by NSAs in written documents (when available) and interviews.<sup>43</sup> Initially, documents and interviews have been analysed without applying any preconceived frame/category: this has been done in order to understand whether certain themes, words and views were recurrently used by NSAs. On the basis of the results of this preliminary analysis, the definitions of frames have been refined by relying on the literature on social movements and on the EU. The frames identified (see Section 1.4) have been used in the analysis of the written documents and the interview material. In practice, the identification of frames has been based on recurrent words, references to specific linguistic domains (e.g. international law, accountability, anti-Semitism), mentions of key values or principles (e.g. idea of free trade), the presence of empirical details such as figures or articles of legislation, ideas of good/bad (expressed in the form of ameliorative/pejorative words) or winner/loser (if the discourse conveys the sense of a zero-sum game, e.g. terms/sentences referring to juxtaposition).

Before starting the analysis of the case studies, background knowledge on both EU policies towards Israel/Palestine and NSAs has been formed by using secondary sources. The literature on EU foreign policy towards the Israeli-Palestinian conflict has provided important inputs to understand the key trends and policy areas that characterise EU policies at both the multilateral and bilateral levels. This part of the research has constituted the backbone of Chapter 2, which defines the policy field and the institutional actors involved in EU foreign policy-making, with specific reference to the Israeli-Palestinian case. The second aspect of this background research has led to the creation of an original dataset containing the NSAs interested in lobbying EU foreign policy towards the conflict. While a detailed explanation on the construction of the database will be provided in Chapter 3, it is important to stress here that a variety of sources were used to identify NSAs, namely the

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<sup>42</sup> This approach can be criticised given the potential arbitrariness in the identification of frames. To limit this potential bias, the criteria used have been specified (see section on frames). Moreover, the empirical chapters will highlight the evidence referring to the various elements of the frames, so that the reader has the possibility of following the procedure applied in the analysis.

<sup>43</sup> Interviews were not recorded, given previous experiences in which respondents refused to be recorded or did not feel at ease knowing that the interview was recorded. Moreover, the topic investigated is quite sensitive: Israel/Palestine has always been a delicate issue and lobbying/advocacy is also covered by some secrecy. Notes were taken during the interview and typed after each interview.

literature, policy documents and the internet. Moreover, interviews complemented these tools in order to collect the information that was not available otherwise and to expand the database through the ‘snowball effect’ method (Corbetta 2003). Snowball sampling is a form of non-random sampling through which the researcher expands their database by asking the initial contacts to indicate the names of other people in similar circumstances. This is particularly effective in order to identify people that would otherwise remain hidden. While this non-random sampling strategy has the problem of representativeness, this obstacle does not affect the current research, given that the database is not taken as a sample of a broader population nor is it used to randomly select the NSAs analysed in the case studies. On the basis of the data collected, descriptive statistics is carried out to have a more systematic understanding of the key trends and features of the population of NSAs present in the database. As shown in Chapter 3, the potential limits of this type of analysis are recognised and the ways employed to minimise them have been explained there. The dataset offers therefore an overview of the population identified and provides the background for the empirical chapters.

Alongside process tracing and frame analysis, elite interviews have been a key tool in this research.<sup>44</sup> The advantage of this type of interviews is that it allows reconstructing specific events, especially when other sources or data are not available, or when patterns are not clearly identifiable from the analysis of other sources (Tansey 2007; Goldstein 2002). Interviews were a key source for both frame analysis and process tracing, as they contributed to understanding the unfolding of events, to investigating the frames employed and to analysing the social interactions taking place between NSAs and the EU. For this research, I interviewed 109 people, representing both the NSA community and policy-makers/officials from EU institutions and member states.<sup>45</sup> I used face-to-face interviews as far as possible and relied on skype/phone interviews when it was not feasible to arrange a meeting. Initially, the interviewees were identified on the basis of secondary sources or searches on the internet. Then, a ‘snowball’ or ‘referral’ sampling was adopted, i.e. respondents were asked to suggest names of other individuals they considered relevant to the study. In particular, NSA representatives were asked to indicate the names of the people in the institutions they targeted and the names of other NSAs

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<sup>44</sup> Elites are defined as those actors that are close to power or that have a particular expertise (Burnham et al. 2008; Lilleker 2003). For an overview on elite interviewing, see Morris (2009).

<sup>45</sup> The list of interviewees is in Appendix 1.

that they considered important players. A rapport was established with a number of interviewees, who were contacted more than once. These interviewees were particularly significant for the advancement of the research, as they sent me updates on the policies analysed and were very helpful in providing relevant details necessary to understand the dynamics taking place in the policy process.

In the initial phase of the research (February and November 2010), exploratory interviews were conducted. As Kvale (1996) argues, this type of interview is characterised by open questions and limited structure, as the interviewer follows up on the answers of the respondent and looks for new information or angles to understand the issue. This part of the research, which involved six people, was carried out to have insights on the context and the general dynamics of lobbying in EU foreign policy. The interviews conducted in the subsequent steps of the research were semi-structured interviews, which were used to grasp the details of the issues at stake, identify the processes analysed in the case studies, test the hypotheses and refine the analytical framework (Leech 2002). Semi-structured interviews are open-ended questions, i.e. the respondent is not constrained by pre-determined answers and the interviewee is free to deal with the question as (s)he wishes. As Bryman (2004) points out, semi-structured interviews are good to understand the interviewee's point of view, they allow the researcher to be flexible as far as the order of the questions is concerned and in terms of how to formulate the question. To carry out these interviews, I stayed in Brussels the entire month of February 2011 and shorter periods in March, June and October 2011, and in March 2012. During these periods, I interviewed the majority of NSA representatives and EU officials/policy-makers listed in Appendix 1. Other interviews were conducted in Paris between November and December 2011, in London/Oxford in 2011-2012, and in Berlin between May and June 2012, to collect data on the national dimension. Whenever possible, the following categories of people have been interviewed: officials in the Commission (DGs Trade, EuropeAid, Industry, former DG Relex, Taxud), in the European External Action Service, in the European Parliament (officials, parliamentary assistants, MEPs, political advisors of the parties), representatives from the Permanent Representations of member states and officials working in national ministries. In the NSA community, I met a variety of actors ranging from business groups, think tanks, NGOs and solidarity groups. One of the main obstacles encountered was the access to respondents. While the majority of

NGOs and solidarity groups were open and willing to meet, some NSA representatives refused to be interviewed or were very reticent about sharing information and therefore extremely vague. As far as officials and policy-makers are concerned, the degree of accessibility and the type of information shared varied (cf. Burnham et al. 2008). What proved to be particularly difficult was to elicit detailed information on specific cases and instances, as officials either were not working in that position at the time of the event of my analysis or could not recall the steps and details related to the case studies. Besides these practical obstacles, which have been largely overcome thanks to the number of interviews, some pitfalls of this method remains, such as the idea of objective truth or of dishonest respondent (Morris 2009) or of reliability and validity of the data collected (Dorussen et al. 2005; Berry 2002). In part, the constructivist lens minimises the problem of objective truth, as it starts from the assumption that meanings is socially constructed through interaction.

In order to enhance the confidence of the findings and to limit the problems mentioned above, I have crosschecked information and data not only among responses, but also with the data/information drawn from documents, official statements, newspaper articles,<sup>46</sup> reports and the other secondary sources. Moreover, both data triangulation and methodological triangulation have been used. Data have been collected through different sources and various methods have been used during the research (Bryman 2004). Despite the limits highlighted, the research design and the methodology applied in the thesis are suitable for the exploratory nature of this research. A potential drawback of case study research is that it only allows for contingent generalisations, i.e. their applicability is limited to a subset of cases and within specific limitations (time, context, culture). In this sense, the generalisations of constructivist research are similar to the work of historians: patterns of interaction are defined, but their scope and form does not take the form of law-like generalisations (cf. Mahoney and Goertz 2006; Lupovici 2009; George and Bennett 2005). The concluding chapter, which will offer some wider reflections on the applicability and extension of the findings of this research to other instances of EU foreign policy and to the conceptualisation of the interaction between the EU and interest groups, will take these limitations into account.

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<sup>46</sup> The majority of newspaper articles consulted comes from EUobserver, European Voice, Haaretz.

## 1.7 Conclusions

This chapter has presented the analytical framework which will be used in the analysis of the case studies. The main purpose of this thesis is to investigate lobbying activities in EU foreign policy towards the Israeli-Palestinian conflict. In light of the empirical observations presented in chapters 3 to 7, the argument advanced in this thesis is that a rational-choice approach is not sufficient to shed light on lobbying activities in EU foreign policy. In contrast, this thesis explores how constructivist insights could help us to form a more complete picture of lobbying in EU foreign policy and to better explain the empirical observations that will be presented in the empirical chapters.

The empirical observations show that, contrary to the expectations based on a rationalist approach, NSAs carry out significant lobbying activities in the field of EU foreign policy towards the Israeli-Palestinian conflict. This evidence refutes the idea that this policy domain (high politics) is an area where NSAs are comparatively less important and EU policy-makers are more autonomous in taking decisions. Moreover, the argument that the Israeli lobby is powerful and able to steer the course of US foreign policy (cf. Mearsheimer and Walt 2008) does not find supporting evidence in the empirical chapters of this thesis, which instead offer a more nuanced picture of EU foreign policy-making. NSAs adopting a pro-Israel position do not dictate EU foreign policy, nor do pro-Palestinian NSAs.<sup>47</sup> The picture that emerges is more nuanced, as different actors are involved and participate in the policy-making process, without the idea of a ‘zero-sum game’ or a ‘black-or-white’ picture that often flows from rationalist perspectives.

With specific reference to the case studies presented in chapters 4 to 6, a rationalist approach would expect a unidirectional form of influence, going from NSAs to EU institutions. Those NSAs who possess the pieces of information that satisfy the needs of EU institutions in each specific case (i.e. rules of origin, Goldstone Report, ACAA) have more chances to have access to the policy-making process and to steer it towards their preferred outcomes. When considering frames, rationalist perspectives would expect that these are used strategically in order to influence EU institutions in line with NSAs preferences. Moreover, rationalist insights would predict a strategic adaptation of NSAs’ behaviour when they change the venue where

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<sup>47</sup> On this labelling, please see Chapter 3.

they lobby. This means that NSAs are expected to change their strategy, the type of information and frame used on the basis of the level where they lobby (national or EU) and the institutions they target (Commission, European Parliament, Council or EU member states). However, empirical observations show a different picture that is not fully encapsulated by rationalist insights. Indeed, the relationships between NSAs and EU institutions seem to point towards circular and embedded relations, where social interactions are frequent, thick and represent the basis over which frames get developed and travel. Moreover, there is no strong evidence of a strategic adaptation in terms of behaviour, tactics and instruments when NSAs move from one venue to the other.

In chapter 4, the unidirectional form of influence predicted by rationalist approaches underestimates the thickness of social interactions taking place between, for example, the MATTIN Group and EU institutions as well as the different level of contention that different social interactions entail. These social interactions also lead to an evolution of the MATTIN Group's approach towards the EU, which does not follow the patterns of strategic adaptation (see below). Thick social interactions seem to be the basis over which frames (more than information) travel and get developed. For instance, the MATTIN Group proposes a legal frame to interpret EU-Israeli relations aimed at offering an alternative perspective on them. Instead of being copy-pasted in EU policies towards Israel, this frame is discussed and re-interpreted by EU officials in their interactions with the MATTIN Group, thus leading to a new shared understanding of EU-Israeli relationships.

Similar trends are evident in chapter 5. In the case of the EMHRN, the NGO established cooperative relationships with European Parliament (EP) officials and MEPs, which provided a favourable context for the development of a common and shared understanding of the events surrounding the issue of the Goldstone Report. In this case, MEPs and EP officials interacted with the EMHRN and developed a new frame together, which goes beyond the idea of copy-pasting NSAs' proposals that rationalist approaches would expect. At the same time, there is evidence that the EMHRN relies on EU's tenets to define itself and its positions, thus bringing some evidence to the idea of circularity and embeddedness of lobbying.

Analogously, the case of the ACAA between the EU and Israel cannot be entirely explained by the rational-choice approach. While the latter would argue that Teva

and the groups supporting the same position were the winners of the competition among NSAs, the story behind the events is more complex. There is evidence of the involvement of a plurality of NSAs in the policy-making process, without being possible to identify an exclusive winner. As demonstrated by the arguments used by MEPs to justify their positions, none of the frames proposed by the different NSAs has been taken and copy-pasted in the discourse of MEPs. In contrast, each frame has been re-elaborated and re-interpreted through the interactions that MEPs and NSAs have developed over various months. Empirical evidence shows that conceiving influence as unilaterally going from NSAs to EU institutions misses the relevance of social interactions and embeddedness that shape lobbying activities in EU foreign policy as well as the re-elaboration and social construction of frames that define EU foreign policy towards Israel and Palestine.

Moreover, the three case studies presented in chapters 4 to 6 and chapter 7 on the three member states show that the idea of a strategic adaptation on the basis of the venue targeted in the lobbying activities is not confirmed in the empirical observations. In both chapters 4 and 6, the MATTIN Group adopts a consensual approach and frames its argument in legal terms without changing either its role or its frame when it moves from the EU to the national level or from the Commission to the EP. In the same vein, the EMHRN (chapters 5 and 6) continues to rely on the same approach and the same frame at both levels. The same observation holds for all the other NSAs that have been analysed in the empirical chapters: they all tend to stick to a specific form of social interactions and frames, without any evidence of strategic adaptation related to the venue of their lobbying activities.

Against this backdrop, constructivist insights seem to offer a more suitable approach to account for these observations. A constructivist perspective has the potential to explain the empirical evidence in a more complete way than a rationalist approach, thanks to its emphasis on thick social interactions, social construction of knowledge and the ideas of embeddedness and socialisation. In order to explore the potential of constructivism for explaining the empirical observations that will be investigated in the case studies analysed in the following chapters, this thesis addresses three questions. First, it asks what role, if any, NSAs play in EU foreign policy. Second, it investigates the types of frames used by NSAs in lobbying. Finally, it analyses whether NSAs have Europeanized their lobbying activities and how. In order to answer these questions, I have proposed a framework based on three analytical

dimensions: the roles NSAs play in EU foreign policy-making towards Israel-Palestine, the frames they rely on when lobbying, and the level where they act.

First, the concept of role offers a valuable tool to understand how NSAs behave and what informs the modes of social interaction between the EU and NSAs. This concept helps us better capture the social interactions and the embeddedness that characterise lobbying activities. Roles offer a way to define the actions and reactions of actors, the rules and expected behaviours and they provide the basis on which frames travel and get developed. On the basis of the forms that social interactions have and the degree of contention that develops between the EU and NSAs, I have identified three types of role: consensual, median and adversarial. A consensual role is defined by an access approach based on direct contacts between the EU and NSAs. Interactions do not take place in the public arena. There is the development of mutual trust among the parties, who interact in consensual and dialogical ways. In contrast, an adversarial role is based on a confrontational approach: NSAs rely on protest politics and litigation to challenge EU policies. NSAs do not aim to develop cooperative relations to find a common understanding of the events and how to overcome certain issues. A middle-way role is the median role, whereby NSAs do not challenge the legitimacy of EU foreign policy towards the Israeli-Palestinian conflict, but their approach is not entirely consensual and based on dialogue. They tend to use information politics, a form of interest representation according to which they use the public arena to express their claims, but the targets are policy-makers and the informed public. Although the room for a shared construction of meaning and knowledge is limited, occasions such as workshops and conferences can still provide the context for an exchange of view and be seen as an attempt to negotiate the understanding of the facts and events.

The second analytical dimension focuses on frames, given that informational lobbying is the prevalent form of lobbying in the EU. Therefore, information and knowledge (ideational tools) are what matter when lobbying. In this regard, knowledge has been considered as akin to frames. These are important, because they define how actors perceive the world and the basis on which they act. By offering relationships of cause-effect or right-wrong, frames orient and steer action. While rational-choice perspectives look at framing as a strategic tool that NSAs can use to pursue their interests (which are exogenous to the analysis, pre-determined and fixed), a constructivist lens allows us to conceive them as the result of social

construction. Meaning and knowledge are thus the result of the social interactions between the producer, the receiver and the object of the framing process. By adopting this constructivist lens, we can make sense of the process of re-elaboration and re-interpretation that we see in the empirical cases presented above. NSAs present certain frames, but these are discussed and are shaped by the social interactions that define NSA-EU relations. I have suggested that we can distinguish among three types of frames, namely political, technical/legal and political-technical/legal. Political frames have little empirical credibility, as they are not based on strong evidence in support of the argument proposed. They make leverage on emotional aspects linked, for example, to discriminatory aspects, historical memories and on moral ideas of good/bad. In contrast, technical/legal frames have a strong empirical credibility, as they are well-structured frames based on sound evidence in the form of figures, data, detailed analyses, legal arguments, etc. These frames propose an alternative approach to deal with policy issues and they are anchored on key principles and interests of the EU. Finally, the third category describes frames that are based on sound empirical work which relies on legal and technical references. However, there is always a political element that underpins these narratives, which is often the idea of an opposition between good/bad or right/wrong.

The final element of the analysis consists in the level where lobby takes place. Given the multi-level nature of the EU's foreign policy system, it is necessary to analyse whether and how the EU and national levels are integrated. NSAs could opt to use the national channel in order to conduct their lobbying on issues of EU foreign policy or in combination with their activities at the EU level. This implies an indirect lobbying action that is channelled through the member states. Interestingly, the analysis of the levels of action shows that the rationalist expectation of NSAs' strategies does not take place. As mentioned above, the empirical observations show that NSAs tend to maintain the same lobbying approach and the same type of frames in all the venues where they lobby. Moreover, the analysis of levels brings into the equation the issue of Europeanization of NSAs, which concerns the NSAs based in member states. The literature on Europeanization of interest groups suggests three key patterns: internalisation (including the EU dimension in national lobbying), externalisation (use the Brussels venue) and supranationalisation (creating umbrella organisations). As suggested in section 1.5, we would expect to find evidence of, at least, one of these forms of Europeanization. As the EU's foreign policy towards the

Israeli-Palestinian conflict is articulated and well-developed, we would expect that NSAs take the EU dimension into consideration in their lobbying activities. However, we cannot exclude *a-priori* the lack of Europeanization of lobbying.

By combining the three analytical dimensions and the hypotheses proposed in the previous sections, we expect that NSAs lobbying at the EU level tend to play a consensual role and use technical/legal frames. In contrast, NSAs active at the national level are expected to play an adversarial role and rely on political frames. It is further hypothesised that Europeanization of NSAs takes place, at least to a certain extent.

To summarise, by analysing the roles played by NSAs, the frames and the level where lobbying activities are carried out, this thesis will explain lobbying in EU foreign policy-making by stressing the social interactions between the EU and NSAs and how social interactions are the basis on which frames travel and develop. As said, lobbying is like performing on a stage, in which the performance is not just based on what one actor does on the basis of a rational calculation, but it also depends on where, how and with whom this actor acts.

A final point, which will be elaborated on in the conclusions of the thesis, relates to the reasons why, if so, NSAs at the EU level have (or are moving towards) a more consensual approach and they use technical/legal arguments, while it is the reverse at the national level. Rationalist arguments would suggest that the roles played and the frames used (as well as any change in this regard) are the result of a strategic choice of NSAs, who aim to increase their chances of success. However, an alternative explanation could be that NSAs are socialised to the context and the 'rules of the game' where they lobby. As defined by Checkel (2005b), socialisation is the process of internalisation of the norms and rules of a community. On the basis of constructivist insights, it is plausible to suggest that social interactions lead to the socialisation of NSAs. In this case, NSAs active at the EU level are socialised to the consensual policy-making of EU institutions and their more technocratic and regulatory nature. In contrast, NSAs based in member states interiorise the norms and rules of the national political system, where the degree of politicisation and contestation are higher. This possible explanation will be useful in the conclusions of the thesis, when the findings of this research will be summarised and assessed.

Having set the analytical framework, the following chapters will test how far these analytical dimensions work and contribute to our understanding of lobbying in EU foreign policy. Before moving to the case studies, Chapter 2 and 3 will offer an overview of the policies and actors involved, with the aim of guiding the reader in the empirical material presented in Chapters 4 to 7.

## **Chapter 2 - The EU's rhetoric, policies and actors towards the Israeli-Palestinian conflict**

The links between Europe and the Middle East date back to the colonial times when the United Kingdom and France controlled the territories of the former Ottoman Empire. In particular, the British mandate extended over the territories of today's Israel, the West Bank and the Gaza Strip. Following the British withdrawal in May 1948, the State of Israel was founded, giving rise to numerous wars between Israel and the Arab states. Historical ties between Europe and Israel have also acquired a moral dimension due to the sense of guilt of Western powers towards the Jews, who were exterminated by the Nazi regime. Geostrategic and economic reasons have also provided a link between Europe and the Middle East, given that most European states were - and some still are - dependent on a constant supply of energy from the Middle East. In light of the EU's need to manage migration pressures and prevent violence and radicalism in the Middle East and North Africa region, the stability of the area is of utmost importance to the EU. Because the Israeli-Palestinian conflict affects the dynamics and stability in the region, it has been one of the strategic priorities of the EU (European Council 2003). This chapter sketches some key aspects of the EU-Israel/Palestine ties in order to contextualise the lobby action of NSAs in the EU foreign policy framework and to show how EU member states have progressively developed a comprehensive and well-defined position in this regard.

Two key trends emerge from the analysis of EU foreign policy towards Israel and Palestine. First, the divergences among member states' positions have been narrowed down to the point that there are shared and established elements that define the EU's position. This rests on two pillars: the two-state solution and respect for human rights, international law and international humanitarian law (Tocci 2009). Second, there has been an expansion in the instruments and policies at EU disposal and, parallel to that, an increase in the number of EU actors involved in policy-making. From being an issue only considered at the declaratory level, the Israeli-Palestinian conflict has progressively become embedded within the economic/first-pillar dimension of EU external relations as well.<sup>48</sup>

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<sup>48</sup> For an overview of the instruments/policies, see Musu (2010). For an analysis of the EU's cross-pillar policy-making, see Stetter (2007).

These two trends are crucial to identify the policy field and the targets of NSA lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict. Against this backdrop, this chapter will identify the space in which NSA act and the actors they interact with. It will start with an explanation of the two trends, i.e. the narrowing down of member states' positions and the increase in the range of EU policies and of the actors involved. Then, it will analyse the current issues in EU policy towards the conflict and towards Israel and Palestine, before turning to the conclusions.

## **2.1 A smaller distance among 'converging parallels'<sup>49</sup>**

The Middle East can be seen as a paradox of EU foreign policy.<sup>50</sup> Although member states have been driven by different interests and historical legacies, the Middle East has been an experimental field in which they have tested new forms of cooperation and new instruments of foreign policy. The Arab-Israeli conflict has been the first and most important issue over which member states coordinated their policies in the 1970s. While there are still tensions and divisions among member states, divergences manifest themselves within clear parameters that define a common European stance on which all member states agree.

The early stages of the European integration were, paraphrasing Milward (1992), a way to 'rescue the nation-state'. Economic cooperation was seen as the inevitable step to foster the growth of national economies and to contain the risks of another devastating war. Foreign policy was initially left in the hands of member states. However, external events, and especially the inability of EU member states to react in a coordinated way to the Six-Day War in 1967 between Israel and its Arab neighbours, were the triggers that favoured a reflection about the need to match EU economic power with a comparable political stance. Following The Hague Summit in 1969 and the Davignon Report, member states agreed to meet at least twice a year and consult each other on important foreign policy matters. More importantly, during the first meeting of the newly established European Political Cooperation (EPC) in 1970 foreign ministers held consultations on the Middle East, 'a topic which was to remain on the agenda' (Dosenrode and Stubkjaer 2002, 5).

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<sup>49</sup> This expression has been borrowed from Musu (2003, 2010).

<sup>50</sup> I use the name 'European Union' in the text, although historically this definition was only introduced with the Maastricht Treaty.

In 1971 EU member states formulated a joint paper on the Middle East, the so-called Schuman Paper. In this document they highlighted the six principles (demilitarized zones, internationalisation of Jerusalem, withdrawal of Israel from the occupied territories, a choice for refugees to decide where to live, postponement of the issue of sovereignty of East Jerusalem, and approval of the UN Jarring Mission) necessary for a resolution of the conflict and made clear references to UNSC Resolution 242 (Pardo and Peters 2012, 74, 101). Although there were different views concerning the status of the paper (for France it represented the official position of the EU, while for Germany and the Netherlands it was only a working document), this was the first sign of convergence among member states' positions, especially if compared to the uncoordinated reactions to the 1967 war (Dosenrode and Stubkjaer 2002). Following the Yom Kippur war in 1973, EU member states called on the parties to respect UNSC Resolutions 242 and 338. More importantly, they maintained that the 'legitimate rights of the Palestinians' have to be respected in any peace solution. This change in rhetoric is significant, as the Palestinians moved from being only considered as refugees to a 'political issue' that needed to be treated accordingly (Pardo and Peters 2012, 106–107). A few years later, at the European Council in London in 1977, EU member states referred to the 'national identity' of the Palestinian people and its 'need for a homeland' (Pardo and Peters 2012, 141-142). Building on these declarations, the 1980 Venice declaration was the apex of this trend in EU policy: the right to self-determination of the Palestinian people became enshrined in its position (Pardo and Peters 2012, 156-158). The Venice Declaration reiterated and strengthened previous EU positions and since then it has been the basis of all subsequent steps leading to the current two-pillar approach. It also showed the 'pioneering' and visionary policy that EU member states were capable of formulating. Although this did not lead to a single European foreign policy and to a proactive policy, it paved the way for the development of the EU's common position towards the Israeli-Palestinian conflict that informs all current policies (see Musu 2010).

In the 1980s and 1990s the EU was diplomatically dormant. The US was leading the dance and the Europeans were playing second fiddle. At the 1991 Madrid Conference, aimed at favouring the negotiations between Israel and the Palestinians, the EU was excluded from the political discussions and marginalised to the working group on Regional Economic Development. Following the signing of the Oslo

Agreements the EU's political role did not change, but the EU became the main payer of the Middle East Peace Process (MEPP), through its financial support to the Palestinian Authority. In parallel to these developments, the EU created the Euro-Mediterranean Partnership (EMP) (see Bicchi 2007). Complementary to the Middle East Peace Process, the EMP was supposed to create a multilateral context in which the relationships between the EU and the Mediterranean countries could flourish. Both Israel and the Palestinians (through the Palestinian Liberation Organisation, PLO) were part of the EMP and signed an Association Agreement with the EU. By embedding the EU's policy of conflict resolution into the broader multilateral framework of the EMP, the EU was also aiming to bolster its political power through the use of its economic strength. This hope was however dashed quite soon, as the division between the MEPP and the EMP was too artificial to work (Müller 2012).

New political impetus from the EU came during the 1999 Berlin European Council. Drawing on the Venice Declaration, EU member states re-stated their support for the Palestinians and declared their readiness to recognise 'a Palestinian state in due course' (Pardo and Peters 2012, 226–227). This move definitely forged the two pillars that characterise the EU's position towards the Israeli-Palestinian conflict (Tocci 2009). First, the EU supports the two-state solution, with Israelis and Palestinians living side-by-side in a peaceful way. The Palestinian state, established along the pre-1967 war borders, would be a sovereign, independent, democratic and viable state. The State of Israel is, therefore, supposed to withdraw from the territories it occupied after the Six-Day war to make the implementation of the two-state solution possible. Second, the EU considers respect for international law, international humanitarian law and human rights as a fundamental element in the peace process. Not only has the EU always referred to UN Security Council and General Assembly's Resolutions in its declarations, but there are also constant mentions of the obligations under the Fourth Geneva Convention and the broader corpus of international humanitarian law.

Despite the collapse of the Oslo process in the early 2000s, the EU's policy has remained anchored to these two pillars. Interestingly, it has also become the position supported by the international community and expressed by the Quartet, the multilateral forum established in 2002 and formed by the United States, the United Nations, Russia and the EU. The Quartet represents the international attempt to contribute to the resolution of the Israeli-Palestinian conflict by providing a forum of

dialogue and favouring the prospects for peace. Although the US has been the dominant actor in the Quartet, thus limiting the room for manoeuvre of this body, the EU has contributed to the ideational dimension of the work of the Quartet. For example, the Roadmap launched in 2003, which is a plan to solve the conflict, was based on proposals advanced by the Europeans, namely the Fischer seven-point plan (named after the author, the German foreign minister Joschka Fischer) and the inputs provided by the rotating Danish presidency (Tocci 2011a; De Soto 2007).

The existence of a well-defined position has also been reflected in the coordination patterns in the UN General Assembly. According to Luif (2003) and Birnberg (2009), EU member states have shown higher cohesion (identical vote of all member states) when voting on issues related to the Middle East, compared to all other international issues. The data of these studies seem to substantially differ from Smith's (2006, 2010) analysis of the coherence of the EU in the UN Human Rights Council. According to her research, the Middle East is a very divisive issue among EU member states, leading to uncoordinated stances. While it is true that EU positions towards the Israeli-Palestinian conflict are often the result of a compromise among member states' different stances, it is still remarkable that no one contests the two key elements identified above. Disagreement exists, but it is confined within the established boundaries of a two-state solution and respect for international law. These aspects are limits that member states never overcome and seem to be immovable. Interestingly, the two rounds of enlargement in 2004 and 2007 have not affected the core of the EU's position (Kolaraska Bobinska and Mughrabi 2008; Müller 2012).

Not only has the EU's position developed around the two pillars, but there is further evidence of attempts to find common grounds also on more contentious aspects related to the Middle East. In a recent analysis, Bicchi (2013) shows how Heads of Missions Reports (HoMs reports)<sup>51</sup> are the result of a collective effort among the various actors. Her investigation of the HoMs reports on East Jerusalem highlights how the people on the ground manage to write common reports where some crucial aspects, such as financial transactions to the settlements, are mentioned and suggestions for common action by the EU are advanced. Resting on the two-pillar

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<sup>51</sup> HoMs reports are reports produced by the heads of member states' missions in a third country and the head of the EU delegation and which offer an analysis of the situation on the ground and recommendations on what the EU can do.

position, the HoMs reports are pointing in the direction of increasing attempts to converge on a European shared position, at least among the people on the ground.

Therefore, the EU's policy towards the Israeli-Palestinian conflict is clearly not a single policy. Member states still maintain their prerogatives in foreign policy: they develop bilateral relationships with the parties to the conflict and adopt stances that show the persistence of various viewpoints due to different interests and historical legacies (see also Chapter 7). This variation is also linked to the transatlantic relationship, with the US exerting a strong influence on member states' foreign policy decisions. Musu (2010, 83) convincingly points out that the EU's policy towards the Arab-Israeli conflict is a policy of 'converging parallels': member states agree on collective action, but 'the enduring reality of distinctly different national approaches to the issue, conflicting priorities and diverse and sometimes diverging interests' remain. However, the parallels are today much closer than in the past. Even though the policies are not convergent, divergence is confined within the policy space marked by the two-state solution and respect for international law, humanitarian law and human rights.

## **2.2 The expansion of EU policies**

While the EU's stance has remained basically untouched during the last decade, its policies have expanded. Besides the establishment of the EMP and the signing of Association Agreements with both Israel and the Palestinians, the creation of the European Neighbourhood Policy (ENP) in the mid-2000s marked a further expansion of the policy tools that the EU can use towards its neighbours. By providing the basis for a differentiated approach and the strengthening of bilateral ties, the ENP has favoured the integration of EU neighbours into the EU's internal market and participation in its numerous policies and programmes, without however offering any prospect of membership. On the basis of commonly agreed Action Plans, the EU and the third country in the neighbourhood define the areas of cooperation (Del Sarto and Schumacher 2005; Whitman and Wolff 2010; Herman 2006).

The creation of the EMP first, and the ENP later on, changed the policy framework of the EU's foreign policy towards the Israeli-Palestinian conflict. The predominantly diplomatic stance, which was combined with aid and humanitarian assistance, was integrated with the new contractual tools (and conditionality) of the

ENP. Bilateral contractual instruments represent a strong tool at EU disposal to pressure the parties to the conflict to make progress in the MEPP. Despite this possibility, the EU has only made weak links between the MEPP and its bilateral relations with the parties, making conditionality fall on deaf ears. This is especially evident in the case of Israel, which has seen a progressive strengthening of its bilateral relations with the EU since the Essen European Council in 1994, when the heads of state and government of the member states declared that Israel 'should enjoy special status in its relations with the European Union' (Pardo and Peters 2012, 198). While this goal could potentially reinforce the EU's aim to solve the Israeli-Palestinian conflict, the EU has not applied forms of conditionality to Israel (Tocci 2010).

With regard to the Palestinians, the EU has more leverage, given that it is the biggest donor to the Palestinian Authority and one of the actors involved in the process of state-building. Not only does the EU contribute financially by providing the money to pay the salary in the public administration, but it has also implemented programmes aimed at providing the know-how and the necessary training to run the state. For example, it has been involved in the reform process of the judicial system or in the training of police forces under the European Security and Defence Policy (ESDP) Mission EUPOL Copps. Moreover, the ESDP border control mission, EUBAM Rafah, was intended to support the parties to the conflict to implement the Agreement on Movement and Access. The EU was in charge of controlling the crossing of Rafah between the Gaza Strip and Egypt, and of training the Palestinians to perform this task. However, the mission has always suffered from the limitations imposed by Israel, which was preventing the EU to carry out its job (Gisha and Physicians for Human Rights 2009).

Therefore, the inclusion of Israel and the West Bank/Gaza Strip into the EMP and the ENP has expanded the range of tools that the EU has at its disposal. Not only can the EU rely on political diplomacy, but it can also implement its 'conflict resolution' goals via contractual relationships. While the link between the MEPP and the ENP has not always shaped EU policies, the expansion of the policies and instruments used has contributed to the increase in the number of actors involved, as will be shown in the next section.

### **2.3 The actors involved in EU foreign policy-making towards Israel and Palestine**

Although member states remain key actors in EU foreign policy-making, the Commission and the European Parliament have become part and parcel of the policy-making process, especially thanks to the establishment of bilateral relationships with Israel and the Palestinian Authority through policies that, until the Lisbon Treaty, fell under the Community pillar. In the case of policies that fall under EU competence, the European Court of Justice (ECJ) can also be involved in the process.

Cooperation at the EU level has not supplanted national foreign policies towards Israel and the Palestinians, but it has imposed some limits to the scope of national policies and, as explained above, defined a common position that all member states are supposed to comply with. In this regard, Müller (2012) offers an in-depth analysis of the Europeanization of the national foreign policies of France, the United Kingdom and Germany. Not only are the three big member states key players in EU foreign policy-making, but they are also ‘foreign policy actors in their own right’ (Müller 2012, 3). In his view, these states have been influenced by EU foreign policy, and adapted their policies accordingly, but they have also managed to upload some of their preferences at the EU level, shaping the content of EU positions. While his study focuses on the three key players, his findings bear relevance for the broader patterns of Europeanization of member states in general. Interestingly, the importance of member states has also been stressed in interviews with NSA representatives, who argue that it is crucial to have member states (especially the big three) on their side (e.g. Interviewees 2, 4, 60).

Besides national foreign policies (which will not be the focus of this thesis), member states are represented in the Council of the European Union. This consists of different formations on the basis of the various policy areas the EU works on. More specifically, the Foreign Affairs Council takes the decisions about the political course of EU foreign policy towards the Middle East: it issues declarations, decides on matters of common foreign policy and security and defence, etc.<sup>52</sup> Israel-Palestine clearly falls under the competences of the Foreign Affairs Council, but other sector-specific formations (e.g. agriculture, etc.) also deal with the policies implemented

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<sup>52</sup> In the past this formation of the Council was merged with the General Affairs Council and ministers divided the agenda between general and foreign affairs. Now there are two separate council formations, so that the division of labour is clearer.

towards the two countries. In the course of the 1990s two key positions were added in the field of foreign policy: the High Representative and the Special Envoy. Given the centrality of the Middle East on the agenda, the Council appointed Miguel Angel Moratinos as EU Special Envoy to the Middle East in 1996. Moratinos was supposed to coordinate member states' policies and positions in an attempt to minimise incoherence and inconsistency in the EU's action. Three years later, Javier Solana was appointed High Representative for the Common Foreign and Security Policy. In charge of DG E of the General Secretariat of the Council, one of the key issues Solana had to deal with during his mandate was the Middle East.

Besides the highly political meetings of foreign ministries, there is also a plethora of working groups, preparatory bodies, etc. that prepare and work on a daily basis on EU policies. In order to be involved in the daily routine of the EU, member states are represented in Brussels via the Permanent Representations, which are staffed with diplomatic personnel in charge of the various policy areas decided at the EU level. Permanent Representations are therefore an important institutional element in the EU foreign policy system, as they have first-hand information on EU policies. They work as *trait d'union* between the EU and the national levels, both uploading member states' positions and passing information to their capitals.

Therefore, the national route (Mazey and Richardson 2006) is a channel that NSAs can use to influence EU policies. In order to do that, they have two options. First, NSAs can decide to target the national level, i.e. lobbying in the capitals, and ask their governments to upload their preferences in the EU's forums. Second, they can approach member states in Brussels by targeting the staff of the Permanent Representations (which means targeting also the people involved in the various bodies and groups the Council is made of) (Haynes-Renshaw 2009; Saurugger 2009). While it is argued that national diplomats seconded to Brussels are in a different environment from the national capitals and can be subject to socialisation effects (Lewis 2005), it can be maintained that Permanent Representations represents a national channel. In particular, a sensitive issue such as the Israel-Palestine dossier does not leave much space for independent decisions by diplomats in Brussels. Diplomats are generally requested to report back to their Foreign Ministry, which then decides the action to take within the EU (Interviewee 72).

The entry into force of the Lisbon Treaty in December 2009 led to some changes in EU external relations. First, all aspects of EU external relations are now under the same heading (External Action), thus eliminating, at least in theory, the EU pillar structure.<sup>53</sup> Second, the EU has acquired legal personality with a view to making foreign policy more coherent and unified. Third, the European External Action Service (EEAS), which incorporates the former DG E of the General Secretariat of the Council and DG Relex of the Commission, was established. The EEAS is under the control of the High Representative for Foreign Policy, a post currently held by Baroness Catherine Ashton. Contrary to her predecessor Solana, Ashton has a double-hatted role, as she is also vice-President of the Commission, thus combining the former positions of High Representative for the Common Foreign and Security Policy and of Commissioner for External Relations. In the EEAS, three desks work on Israel, Palestine and the MEPP: Desk Israel, Desk Occupied Palestinian Territories and Desk Middle East Peace Process. The officials in charge are tasked with the preparation of material and documents for the formulation and implementation of EU foreign policy and with liaising with the parties on a frequent basis. They deal with the political side of EU policy, are involved in all the aspects related to the ENP and provide the umbrella framework for all the programmes and policies implemented by the Commission or by the Delegations on the ground.

Before the Lisbon Treaty, external relations were split between the Council Secretariat and DG Relex in the Commission, so that both were targets of NSAs lobbying. Although foreign relations are now predominantly dealt by the EEAS, both the Council Secretariat and the Commission play a role in other policy areas on the basis of their sector-specific competences and expertise. For example, DG Trade is in charge of drafting trade agreements with both Israel and the Palestinian Authority (PA); DG Devco is responsible for the management and implementation of most EU programmes such as the European Instrument for Democracy and Human Rights, and for the provision of funds under the European Neighbourhood Policy Instrument; DG Enterprise and DG Sanco in the case of the Agreement on Conformity Assessment and Acceptance of Industrial Products signed between the EU and Israel. Similarly, DG Agriculture deals with agreements concerning agricultural matters, etc. While the political direction comes from the EEAS, different actors are involved.

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<sup>53</sup> Even before the Lisbon Treaty, the EU was relying on different policy instruments in its external action, in what Stetter (2007) defined as ‘cross-pillarization’, i.e. the fact that the distinction into pillars was blurred and policies belonging to different pillars were intersecting.

In addition to the budgetary dimension, the different DGs are involved. Moreover, the monetary and budgetary aspects of all programmes and policies are still in the hands of the Commission.<sup>54</sup>

The European Parliament has also increased its powers in external relations with the entry into force of the Lisbon Treaty. Its competences have been expanded in many areas. In particular, following articles 207 and 218 of the Treaty on the Functioning of the European Union (TFEU) the European Parliament is invested of the power of giving its consent when certain types of agreements (e.g. association agreements, policy areas in which the ordinary procedure applies) are decided upon. Although the Commission remains in charge of the negotiation process on the basis of a Council's decision, the entry into force of the agreement can only occur when both the Council and the Parliament have given their consent.

Even before the formal attribution of these new powers, the Parliament had been vocal on international issues. It has been issuing resolutions on the Israeli-Palestinian situation since long time, thus expressing its political view on that. While these resolutions do not have the same diplomatic impact as the Council's Conclusions, they still represent one of the voices of the EU and they can matter a lot for NSAs. For example, the Friends of Earth Middle East used the resolution of the European Parliament on the Lower Jordan River, issued on the 9<sup>th</sup> of September 2010, to lobby the governments of Israel, Jordan and the PA to take action to protect the river (Interviewee 45; Voltolini 2012). Moreover, the European Parliament also plays a role in keeping the other institutions accountable through the use of oral and written questions. Via this tool, members of the European Parliament (MEPs) can ask the Commission or the Council to explain or justify certain policies, issues or positions of the EU. They often point to incoherence in EU foreign policy due to the clash between EU rhetoric about human rights and democracy and the actual pursuit of geopolitical and economic interests. This argument on the inconsistency of EU

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<sup>54</sup> The European Neighbourhood Policy is in the portfolio of the Commissioner for Enlargement and Neighbourhood Policy Stefan Füle, who is supposed to work together with Catherine Ashton. While the enlargement policy has its own DG within the Commission, the ENP is dealt with in the EEAS. Given that the EEAS does not have a budget per se, it relies on the Commission's DGs, in this case DG Devco, for the implementation of its policies and programmes.

foreign policy has been frequently used in the case of Israel, with various MEPs denouncing Israeli violations of human rights and the permissive stance of the EU.<sup>55</sup>

Last but not least, the EU has also numerous Delegations around the world, including in Israel (headquartered in Tel Aviv) and Palestine (headquartered in East Jerusalem). By working on the ground, these offices act as intermediaries between the local actors (NSAs as well) and the EU. They can channel information and communications between Brussels and Israel/Palestine and contribute to EU foreign policy-making (Interviewees 23, 88). For example, the EU Delegation to the West Bank and Gaza Strip usually participates in the drafting of the Heads of Mission Reports (Bicchi 2013). Both EU Delegations and member states' consulates/embassies are thus key actors in the policy-making process and can become the target of local NSAs, who might not be able to go to Brussels to carry out their lobbying activities.

## **2.4 EU policies towards the conflict: where does the EU stand now?**

The two pillars that define EU foreign policy towards the Israeli-Palestinian conflict are the backdrop against which events on the ground and day-to-day policies and actions are determined. Some recent events related to the Israeli-Palestinian conflict deserve particular attention for the impact that they have had internationally and in the EU context. The victory of Hamas in the 2006 elections was not only a crucial moment in the history of the conflict, but it also impacted on EU foreign policy. Although the EU's electoral observation mission declared that elections were carried out in a fair and appropriate way, the Quartet decided to impose conditions on Hamas before recognising it as the legitimate government of the Palestinian people. These conditions were the recognition of Israel, the renunciation of violence and the adherence to previous diplomatic agreements (Middle East Quartet 2006). Given Hamas' refusal to comply with them, the EU decided not to recognise the new government, and to suspend the financial support to the PA and all operational partnerships such as the EUPOL COPPS. While the attempts to establish a national unity government in March 2007 opened up the possibility of engagement between the EU and Hamas, the takeover of the Gaza Strip by Hamas in June 2007 definitively closed any window of opportunity. The Quartet adopted the 'West Bank

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<sup>55</sup> Oral and written questions are available on the European Parliament's website: <http://www.europarl.europa.eu/aboutparliament/en/003a6f9886/Access-to-documents.html>.

First' approach, that is, complete support for the Fatah-led government based in Ramallah and the exclusion of the Hamas-governed territories (Gunning 2010). The relationship with Hamas has proven quite difficult since then. While informal contacts have been going on since the beginning, there is no formal engagement with the Gaza-based government.

Another key issue on the agenda is the upgrade of the bilateral relationship between the EU and Israel. In June 2008 the EU agreed to grant Israel an advanced status within the ENP framework (Pardo and Peters 2012, 470–479). In contrast, the European Parliament postponed the vote on the participation of Israel in Community programmes in December 2008, arguing that Israeli policies in the Occupied Territories had not changed in the last years and Israel did not deserve to receive additional benefits from the EU (European Parliament 2008; Morgantini 2008). While the Council seemed immovable about strengthening its bilateral relationship with Israel, Operation Cast Lead, i.e. the war in Gaza between December 2008 and January 2009, brought about a change in member states' perceptions. As argued in some interviews (Interviewees 4, 91), this episode was the point when 'the penny dropped'. The EU decided to freeze the upgrade process until the situation on the ground improved, as expressed on the occasion of the EU-Israel Association Council in June 2009 (Pardo and Peters 2012, 491–501).

In the Council Conclusions in December 2009, the EU set out the parameters, principles and issues that it considers necessary for a resolution of the conflict. Not only did the EU express its support for the two-state solution, but it also stressed that settlements are illegal under international law, the closure of Gaza is a serious problem, Jerusalem is supposed to be the capital of both states (Israel and Palestine), and negotiations should resume soon (Pardo and Peters 2012, 503–506). This document was the result of difficult negotiations among member state on the wording of the text and a more watered-down version of what the Swedish Presidency had proposed. The original text referred to East Jerusalem as the capital of the Palestinian state (Haaretz 2009; Bicchi 2013). This move gave rise to strong opposition by many member states, not to mention by Israel, so that the final version was a compromise referring to the EU's usual position of Jerusalem as the capital of two states.

Different positions among member states have always been present. As mentioned in section 2.1, the EU has defined a common position over the decades, but this has not cancelled out the nuances and the tendencies to sympathise for one party in the conflict. As shown in Table 1, Operation Cast Lead obviously was an event during which member states reacted differently: some of them criticised Israel, especially due to the violations of human rights and humanitarian law; others openly supported Israeli actions in Gaza, as they considered them as legitimate self-defence against the launch of rockets by Hamas; a third group maintained a more balanced position, criticising both Israel and Hamas (Euro-Mediterranean Human Rights Network 2009a).

**Table 1 - EU member states' positions/votes on key issues since 2008**

<b>Issue</b>	<b>MSs supportive</b>	<b>MSs against</b>	<b>Balanced/Abstaining MSs</b>
Criticisms of Israel's Gaza offensive 2008-09*	Ireland, Belgium, Sweden, Luxembourg, Cyprus, Finland, Malta (focus on human rights and humanitarian law)	Germany, Italy, the Czech Republic, the Netherlands, Denmark, Romania	United Kingdom, France and Spain (criticise Israeli disproportionate use of force, Hamas considered responsible for the conflict)
UN vote on the Goldstone report Nov 2009**	Cyprus, Ireland, Portugal, Malta, Slovenia	Germany, Hungary, Italy, Poland, Slovakia, the Czech Republic, the Netherlands	Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Greece, Latvia, Lithuania, Luxembourg, Romania, Spain, Sweden, United Kingdom
Swedish draft declaration Dec 2009***	United Kingdom, Ireland, Belgium, Luxembourg, Portugal, Finland, Sweden, Malta	France, Italy, Germany, the Netherlands, the Czech Republic, Romania, Poland, Spain, Hungary, Slovenia, Slovakia	Cyprus, Austria, Bulgaria, Latvia, Lithuania, Estonia, Denmark, Greece (not mentioned in the newspapers, no disclosed records of the meeting of the Council)
UN vote on Palestinian statehood (non-member observer state) Nov 2012 – UNGA A/67/L.28****	Austria, Belgium, Cyprus, Denmark, Finland, France, Greece, Luxembourg, Malta, Portugal, Sweden, Italy, Ireland, Spain	Czech Republic	Germany, Hungary, Netherlands, Poland, Romania, Bulgaria, UK, Slovenia, Slovakia, Estonia, Latvia, Lithuania

Sources: \* Euro-Mediterranean Human Rights Network (2009a); \*\* UNGA (2009); \*\*\* Media, own compilation,<sup>56</sup> \*\*\*\* UNGA (2012).

Divisions also re-emerged on the vote on the Goldstone Report<sup>57</sup> in the UN General Assembly. On this occasion, as Table 1 shows, there was a three-pronged split among member states, which undermined the EU's actorness in the Middle East due to the lack of a coherent position. Splits on Israel-Palestine issues have also become

<sup>56</sup> Haaretz 2009; Elgot 2009a; The Local 2009; ICEJ 2009; Beesley 2009; Financial Times 2009; Rettman 2009a; Rettman 2009b; World Jewish Congress 2009; Elgot 2009b; Jerusalem Post 2009; MAE 2009; EurActiv 2009; Barber 2009; EUbusiness 2009a; EUbusiness 2009b.

<sup>57</sup> The Goldstone Report is the report written by the UN-appointed team led by Judge Goldstone after Operation Cast Lead. They had to investigate violations of international law and human rights during the conflict in Gaza (see also Chapter 5).

evident in the Human Rights Council (K. E. Smith 2011). For example, in the ECFR Review on Human Rights 2011, Gowan and Brantner (2011) highlight that in the past three years Israeli-Palestinian issues have caused the majority of divisions in the Human Rights Council among member states. Despite these negative trends, they also point out that ‘the EU’s members still regularly vote together in favour of UN resolutions defending the Palestinians’ basic rights. In February 2011, all European members of the Council backed a Security Council resolution –vetoed by the US– attacking Israel’s settlement programme’ (Gowan and Brantner 2011, 8). In essence, there are divisions, but the EU’s commitment to the two-state solution and respect for human rights, international law and international humanitarian law is repeated in all Council Conclusions on the Middle East (Council of the European Union 2009, 2010b, 2011, 2012a, 2012b) and has not been challenged.

Further developments in the definition of key principles and parameters in support of the EU’s two-pillar approach were made in the Council Conclusions of May 2011, May 2012 and December 2012. In May 2011, following the reconciliation between Hamas and Fatah, the EU declared its readiness to recognise and support a Palestinian government, headed by Abbas, which would comply with the conditions imposed by the Quartet (Council of the European Union 2011). A year later, the EU reiterated the two pillars of its policy and highlighted the problems related to settlement construction, the trade of settlement goods, Area C in the West Bank and the closure of Gaza. In the EU’s view, these issues have to be addressed in order to find a peaceful solution to the conflict (Council of the European Union 2012a). In December 2012 the EU further stressed these points and inserted a new element in its declaration, namely the reference to the territorial scope of its agreements with Israel (Council of the European Union 2012b). This type of reference had previously been made with regard to the Europol Agreement in the EU-Israel Association Council Conclusions, but the December Conclusions extended it to all agreements (European Union 2011; Council of the European Union 2012b).

Another issue that created divisions was Palestinian statehood, namely the decision to accept Palestine as a member of the UN. In 2011 the President Abbas made a request for full-membership in the UN, but after some months the UN Security Council rejected it, as it was not able to make a unanimous recommendation to the Assembly. In 2012 the Palestinians asked to be recognised as ‘non-member observer

state', a position that only requires simple majority in the General Assembly.<sup>58</sup> Eventually in November 2012 the UN General Assembly granted Palestine the status of non-member observer state (UNGA 2012).<sup>59</sup> Although EU member states did not vote as a unified bloc, it is significant to highlight that only Czech Republic voted against, while the others either abstained or voted in favour (see Table 1). The EU still maintains that negotiations between Israel and the Palestinians need to continue, as they are the only way for reaching a peaceful solution of the conflict. Yet, the vote shows the EU's support for a Palestinian state and the centrality of international law in the EU's approach.

A final issue that is worth mentioning, as it is linked to issues discussed in Chapter 4, is the problem of the goods produced in the settlements. Besides the aspect of the rules of origin, NGOs have recently started to raise the issue of the labelling of these products, as an event on this topic, which was held in Brussels in September 2012, shows (Rettman 2012a). This followed the declaration of the Foreign Affairs Council of May 2012, when 'the EU and its Member States reaffirm their commitment to fully and effectively implement existing EU legislation and the bilateral arrangements applicable to settlement products' (Council of the European Union 2012a). Settlements are indeed a key issue for the EU: they represent a serious obstacle for the creation of a viable and functioning Palestinian state, which is one of the elements of its two-pillar approach.

## **2.5 Conclusions**

This chapter has shown that the EU's approach towards the conflict is underpinned by two pillars: the two-state solution and respect for human rights, international law and international humanitarian law (Tocci 2009). Nevertheless, EU foreign policy is not yet a single and unified policy: the logic of diversity (Hoffmann 1966) has been nicely encapsulated by Musu (2010), who speaks about a policy of converging parallels, i.e. lines that tend towards the same direction, but they never cross. As explained in the chapter, the distance between these parallels has however diminished over the decades to the extent that the two pillars of EU foreign policy remain untouched and differences among member states are confined by the boundaries created by them.

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<sup>58</sup> For an overview of the process, see BBC (2012).

<sup>59</sup> <http://www.un.org/News/Press/docs/2012/ga11317.doc.htm> (accessed 20/03/2013).

This two-pillar approach has been complemented by an expansion of policies and instruments that the EU can use to play a role in the Israeli-Palestinian conflict: from a mere diplomatic stance the EU has now a wide range of instruments and actions including trade, financial aid, training programmes, etc., at its disposal. The establishment of the EMP and of the ENP have created wider opportunities for engagement with the parties to the conflict in both multilateral and bilateral forms. More specifically, the EU's bilateral contractual relations with Israel and the Palestinian Authority give the EU strong leverage on the parties and the possibility of linking these policies to its broader conflict resolution policy.

The expansion of policies and instruments has also led to an increase in the number of actors involved, which in turn implies more potential targets for NSAs. The EEAS (and before it DG Relex in the Commission and DG E in the Council Secretariat) is a key target, given that it deals with the various aspects of EU relations with Israel/Palestine and the MEPP. The various DGs in the Commission and the Council (in its different formations and related working groups, etc.) are lobbied on the basis of the specific policy areas they deal with (e.g. DG Devco in the Commission deals with aid policies, DG Agri with agricultural agreements, etc.). The European Parliament, especially now with the increase in its competences and powers following the entry into force of the Lisbon Treaty, has also become a target of NSAs' lobbying.

This chapter has presented the policy field in which NSAs can move and the actors they can interact with when lobbying on EU foreign policy towards the Israeli-Palestinian conflict. But who are these NSAs and what do they do? The next chapter will answer these questions by highlighting the key features and trends of the NSA population in the case of EU foreign policy towards the Israeli-Palestinian conflict.

## **Chapter 3 - Who's Who? Mapping Non-state Actors in EU Policies towards the Israeli-Palestinian Conflict.**

This chapter provides an analysis of the population of NSAs that lobby the EU, or at least have a potential interest in doing so, as far as EU policies towards the Israeli-Palestinian conflict are concerned. It complements Chapter 2, which has identified the policy space characterised by the two pillars within which NSAs act and the actors involved in the EU's foreign policy-making process. By mapping the NSA population and identifying the main features and trends that define NSAs' actions, this chapter provides the background for the case studies investigated in the following chapters. While the NSAs analysed in the case studies are chosen on the basis of the relevance of their activities in each specific case and on the importance that other NSA representatives and/or EU/national officials have attributed to them (see Chapter 1),<sup>60</sup> the mapping serves the purpose of providing the contextualisation of the NSAs lobbying the EU on its foreign policy towards the Israeli-Palestinian conflict.

The chapter is structured as follows. First, it presents the landscape of lobbying actors in the EU. The second section explains how the mapping of NSAs lobbying on EU foreign policy towards the Israeli-Palestinian conflict has been carried out. It discusses methodological issues and problems and presents a typology of NSAs with the aim of adding clarity to the variety of actors included in the database. Third, the key feature and main trends of NSAs lobbying the EU as far as its foreign policy towards the Israeli-Palestinian conflict is concerned are identified and explained. The concluding sections summarises the main findings of the chapter.

### **3.1 NSAs in EU policy-making**

The EU's engagement with NSAs has become part and parcel of EU policy-making, as it contributes to increasing both the EU's legitimacy and efficiency (Saurugger 2010; Finke 2007). Although there is evidence that NSAs participate in the EU policy-making process, mapping who these actors are is no mean feat. There are no

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<sup>60</sup> To an extent, selecting NSAs on the basis of their relevance in each case study can be considered as akin to the 'attributed influence method' (Dür 2008; Arts and Verschuren 1999). According to this method, the researcher measures influence on the basis of the self-perception of an actor, the perception of other actors and his/her own evaluation, which is normally based on secondary sources and process tracing.

precise figures related to the overall NSA population lobbying the EU. According to some sources (Coen and Richardson 2009; Euractiv 2008), the number is probably around 15,000 lobbyists, but it is only an estimation due to the lack of a comprehensive census of the interest groups' population and of a compulsory register. Unlike the US system where the registration of lobbyists is compulsory and several regulations are in place (Chari, Hogan, and Murphy 2010; Woll 2012), researchers working on the EU lobbying system need to draw on different sources to build their samples.<sup>61</sup> Initially, interest groups were listed in the CONECCS system<sup>62</sup> and between 2006 and 2011 the Register of Interest Representatives of the Commission. This Register was supposed to provide detailed information about the nature of NSAs, their areas of interest, the expenses for lobbying activities and so on. However, registration was not compulsory, so that each NSAs was free to decide whether to register or not and what type of information to disclose. The only incentive to register was related to the possibility of being informed about EU initiatives.<sup>63</sup> In the case of the European Parliament, there was only a list of people (and their affiliation) in possession of a long-term badge to enter the European Parliament's premises.<sup>64</sup> Nevertheless, NSAs could carry out their activities without the need to register, given that access to the Commission and the European Parliament could be obtained by arranging a meeting with the interested official or politicians and using daily passes to enter the buildings.

Recent scandals of lobbying<sup>65</sup> have pushed the European Parliament and the Commission to take further steps in order to ensure a greater transparency of the policy-making process. In June 2011 the two institutions established a new inter-institutional register, the Transparency Register, while the Council has not joined the register yet (Euractiv 2011). Some political groups also started autonomous

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<sup>61</sup> EU scholars do not have a 'single, systematic source of data on lobbying activities in the form of lobbying registration', so that they are forced to use different sources, which however do not measure the same population of interest groups (Berkhout and Lowery 2008, 490). Wonka et al. (2010) built a new dataset with the aim of establishing a complete list of EU interest groups in 2008, which should serve as a common platform for all EU scholars. This database was only partially used for this thesis, as it did not identify the policy domains in which NSAs are active and the purpose for which it was built did not suit the research framework used here.

<sup>62</sup> The website of CONNECS was no longer accessible, when this research started. I could only rely on secondary sources based on this database.

<sup>63</sup> For an assessment of the Commission's Register, see Alter EU (2009).

<sup>64</sup> For an overview of the rules on lobbying in the European Parliament, see Kluger Rasmussen (2011).

<sup>65</sup> E.g. in 2011 some MEPs accepted money to table certain amendments on EU legislation on banking regulation (see Bryant 2011). In 2012 the Maltese Commissioner John Dalli resigned due to allegations with regard to his involvement with the tobacco industry (Rettman 2012c).

initiatives for greater transparency by publishing on their websites who they were meeting with and for what reasons. For example, since 2010 MEPs belonging to the European Conservatives and Reformists Group (ECR) have declared the names of the people they meet or have contact with, specifying the reasons for this meetings.<sup>66</sup> Despite these attempts at increasing the accountability of politicians and officials as well as binding NSAs to comply with a Code of Conduct, registration remains voluntary. In order to foster a stronger participation in the initiative, obtaining long-term badges for the European Parliament is dependent upon the registration in the inter-institutional register. Yet, this does not prevent interest groups from relying on the different channels of access to both the European Parliament and the Commission, such as using daily passes.

Even if different sources have been used to measure the population of interest representatives in the EU, there is a shared understanding that the number of interest groups lobbying the EU has increased over the decade (Greenwood 2003). According to Berkhout and Lowery (2010), the dynamics of growth is not regular. After a peak in the early 1990s, a less exceptional growth rate has followed since the second half of the 1990s, despite the expansion of EU policies competences. Interestingly, there is also a progressive change in the composition of the interest groups represented: while corporate representation seems to diminish or remain stable, public interests have grown. Data taken from the new inter-institutional Transparency Register, as of 15 February 2013, show that the interest groups' population is diverse, although business groups (including professional consultancies) still have the upper hand over NGOs (Table 2).

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<sup>66</sup> Data are available at this link: <http://www.conservativeeurope.com/MEP-expenses-code.aspx> (accessed 17/06/2013).

**Table 2- Frequency of NSAs in the Inter-Institutional Transparency Register, divided by category**

I - Professional consultancies/law firms/self-employed consultants	605
II - In-house lobbyists and trade/professional associations	2,660
III - Non-governmental organisations	1,569
IV - Think tanks, research and academic institutions	400
V - Organisations representing churches and religious communities	37
VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	271
<b>TOTAL</b>	<b>5542</b>

Source - Adapted from <http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?action=prepareView&locale=en#en> (accessed on 15/02/2013).

If we narrow down the search to the NSAs that indicate ‘External relations’ or ‘Foreign and Security policy’ as one of their declared fields of interest, the figures of interest groups drop to 1352 and 897 respectively (as of 15 February 2013). It also has to be considered that 1567 NSAs declared both areas as fields of their interest, so the two separate figures contain duplicates. Nevertheless, the categories of in-house lobbyists and of NGOs are the most represented among the actors active in these two sectors, as shown in Table 3. While these data indicate NSAs’ interest in these aspects of EU policy-making, these figures do not provide the complete universe of all NSAs active or potentially interested in EU foreign policy.

**Table 3 - Frequency of NSAs in the Inter-Institutional Transparency Register, divided by categories and areas of interest**

<b>Category</b>	<b>External relations</b>	<b>Foreign and Security Policy</b>
I - Professional consultancies/law firms/self-employed consultants	203	141
II - In-house lobbyists and trade/professional associations	547	273
III - Non-governmental organisations	420	323
IV - Think tanks, research and academic institutions	100	81
V - Organisations representing churches and religious communities	18	19
VI - Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.	64	42
<b>TOTAL</b>	<b>1352</b>	<b>897</b>

Source - Adapted from <http://ec.europa.eu/transparencyregister/public/consultation/statistics.do?action=prepareView&locale=en#en> (accessed on 15/02/2013).

### **3.2 Mapping NSAs in EU policies towards the Israeli-Palestinian conflict**

This section shows that the dataset created for this research reveals some new and interesting insights that deserve particular attention. First, rationalist accounts of EU foreign policy tend to assume that interest groups are comparatively less involved and less prominent in this policy area than in other EU policies. In their view, policy-makers have a greater degree of autonomy than in the case of other policy issues. In contrast, the database presented in this chapter shows a high density of NSAs that are active or potentially interested in lobbying the EU when it comes to its foreign policy towards the Israeli-Palestinian conflict. This finding is of utmost importance, as it refutes the ‘null hypothesis’ that there is no or limited lobbying in this policy domain, given its ‘high politics’ nature (see also Chapter 1). Therefore, the first important insight that the database provides is the relevance of NSAs in a policy area

which has long been considered the almost exclusive territory of member states (and, in certain cases, EU institutions).

Second, the database also demonstrates that, despite the rhetoric-practice gap of EU policy towards the Israeli-Palestinian conflict (Tocci 2005), the majority of NSAs view the EU as an important player to be taken into account in their lobbying activities (e.g. Interviewees 1, 2, 60). While the US is still seen as the dominant actor, NSAs increasingly recognise the EU's potential to exert leverage on the parties to the conflict. Not only is the EU a key trading partner for Israel (European Commission 2012b), but the Palestinians depend heavily on EU financial assistance and contribution to the process of state-building (EU Delegation to the West Bank and Gaza Strip 2013). NSA activism and lobbying has also been confirmed during interviews with EU officials: the Israeli-Palestinian conflict, even when compared to other outstanding issues in the Middle East and North Africa, remains one of the most lobbied policy areas (Interviewee 11).

Given these findings, it is therefore surprising that the literature on NSAs and on EU foreign policy has not dealt with the topic of NSAs/lobbying, whose importance is shown by the density of NSAs and of their lobbying activities highlighted in this chapter and in the following case studies. This database will therefore offer an overview of the NSAs present in EU foreign policy-making towards the Israeli-Palestinian conflict and of the main activities and trends that characterise their lobbying.

Before presenting the findings of the database, it is important to spend some words on how it has been constructed. More specifically, the mapping of NSAs lobbying on EU foreign policy towards Israel and Palestine, or potentially interested in doing so, includes actors who have been involved in lobbying, were mentioned in interviews, and whose names have been found in reports, books, and articles. Even though there has been no visible lobbying for some of them, they all have interests at stake in what the EU does and lobbying cannot therefore be excluded. Mapping this population, however, faces the same obstacles highlighted in the previous section, namely the lack of a common dataset in which registration is compulsory. Four different types of sources have been used to compile the database. First, before 2011 the research relied on the two separate registers of the Commission and the European Parliament. Following the creation of the inter-institutional Transparency Register, the database

has been updated (as of 13 March 2013) taking into account the changes occurred. Second, NGO studies, newspaper articles and few books or academic articles dealing with Israel and Palestine, which mentioned the names of some NSAs were another key resource (e.g. van Kuppevelt 2009; Cronin 2011; Van Gelder and Kroes 2009; Profundo 2006a; Profundo 2006b; Profundo 2010; The Coalition of Women for Peace 2010a, 2010b, 2011a, 2011b; Hecker 2005, 2010). A third instrument used has been the internet: the websites of some NSAs contained links to other NSAs or mentioned other actors (especially in the case of NGOs). Finally, interviews with experts, NSAs and officials have been crucial to find additional NSAs that had contacts with EU and national officials.

There are some aspects that need to be clarified in relation to the construction of this dataset. First, the high number of sources consulted and of interviews carried out ensures that the most active NSAs are likely to have been included. It is not possible, however, to rule out the existence of other NSAs whose actions are particularly secretive or which I did not manage to identify. Another potential limit of the database regards the overrepresentation of some categories of NSAs due to the fact that information was not equally available in all cases. Some reports focus on specific actors in certain member states, such as business groups in the United Kingdom or in the Netherlands (e.g. Profundo 2006a; Van Gelder and Kroes 2009); in other instances, language barriers prevented me from getting access to information.<sup>67</sup> To minimise these problems and avoid inflating the number of certain categories, NSA representatives as well as European officials have been asked to suggest the names of other NSAs lobbying on EU foreign policy towards the Israeli-Palestinian case. No geographical restrictions were made when asking this question and, in certain cases, interviewees were explicitly asked for the names of NSAs from the new member states. Finally, the database does not distinguish between the actors that work at the EU, national or both levels. These limitations, however, do not prevent the dataset from providing an overview that contributes to getting a sense of the landscape of NSAs.

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<sup>67</sup> I was able to get information as long as the languages were Italian, English, German, French, Spanish and, to a certain extent, Dutch. In some cases I managed to identify the names of NSAs, but I could not collect other data due to language obstacles.

The database of NSAs involved in EU foreign policy towards the Israeli-Palestinian conflict contains 285 NSAs as of 13 February 2013.<sup>68</sup> NSAs have been divided into different types on the basis of their core activity, i.e., the main feature that characterises their work, and of some structural features. These categories serve an analytical purpose, which necessarily leads to a simplification of the real world. Many NSAs carry out multiple activities at the same time. Yet, there is always a core activity which singles out one type from another. Dividing NSAs by types is one of the several lenses that can be adopted to study the population of NSAs and it is a criterion widely used in the literature on interest groups.<sup>69</sup> Six categories have been identified in this thesis, namely business groups, NGOs, solidarity movements, think tanks/foundations, the media and individuals.

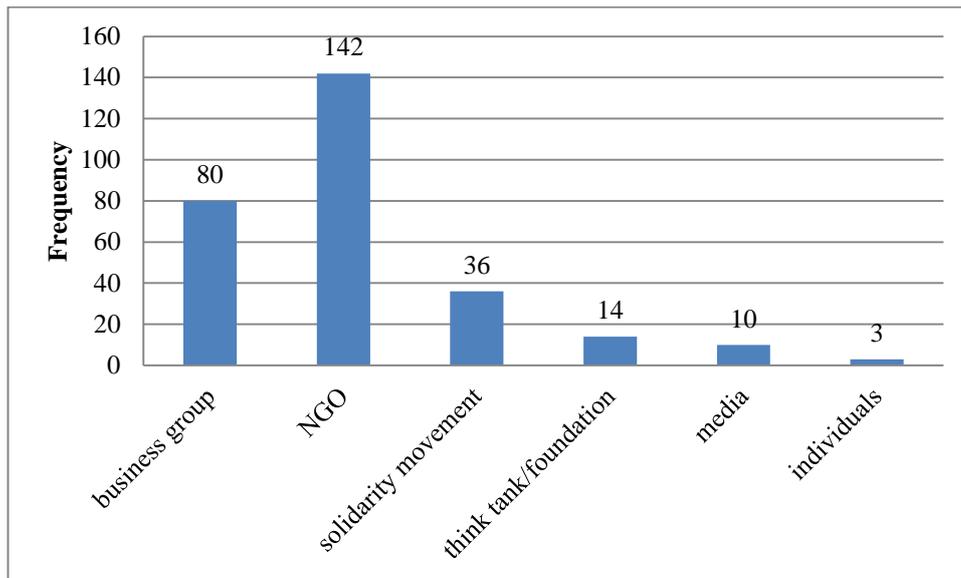
In analysing these categories, differences among NSAs in relation to the types of issues on which they lobby, how often they lobby the EU, the channels they use and how they are perceived by EU and national officials, are highlighted. If compared along these dimensions, there are significant differences among business groups and other categories in terms of the issues and frequency of lobbying. Solidarity movements also stand out for the type of lobbying they rely on. However, the hypotheses presented in Chapter 1 on the roles and frames used by NSAs do not seem to be linked to the type of NSAs. It seems more plausible that the roles and frames used by NSAs are mainly linked to the nature of EU policy-making, more than the nature of NSAs.

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<sup>68</sup> See Appendix 2 for the database. Besides the list of names, other data (e.g. focus of activity, headquarters, etc.) were also collected (when information was available).

<sup>69</sup> There is not a fixed typology. A key distinction is surely between business groups (or concentrated interests) and actors pursuing a collective good (or diffuse interest).

**Figure 7 - Frequency of NSAs in the database, divided by type**



As shown in Figure 7, the majority of NSAs in the database are NGOs (49.8%), followed by business groups (28.1%). The remaining categories are smaller: solidarity movements represent 12.6% of the population of the database, think tanks/foundations and the media have a rather similar weight (4.9% and 3.5% respectively), and the category ‘individual’ consists of only three elements (1.1%). It is interesting to highlight the predominance of NGOs compared to business groups. The latter are normally the biggest and most numerous category of NSAs when it comes to EU lobbying. As highlighted below and in the empirical chapters, it is also surprising to see that many NGOs are particularly active on trade or trade-related issues, while business groups are often ‘silent’ and their involvement is mainly focused on some specific issues. Moreover, empirical evidence also shows that business groups are not necessarily more powerful than NGOs (cf. Dür and De Bièvre 2007 for a different view), but the various types of NSAs are involved in the EU’s foreign policy-making process (see below and the case studies).

In the following, an overview of all categories is provided in order to build a more complete picture of the landscape of NSAs relevant in the case of EU foreign policy towards the Israeli-Palestinian conflict. The empirical chapters will, however, be predominantly focused on the first three categories, given that they are the most numerous actors as well as those mentioned most frequently in interviews. In particular, NGOs have been the type of NSAs that has been mentioned most often by EU and national officials and politicians.

### *Business Groups*

The category ‘business group’ includes NSAs that have profit as their primary concern.<sup>70</sup> They perform economic activities with the aim of increasing their market shares or making their business more profitable. They can either be relatively small companies/groups or big multi-national corporations. Moreover, NSAs such as trade associations, actors representing the interest of specific business sectors (e.g. BusinessEurope) or bilateral associations like chambers of commerce or similar entities (e.g. the Deutsch-Israelische-Wirtschaftsvereinigung), are also included under this category. The sectors of activity vary enormously: some business groups are active in the defence/security sector (e.g. G4S), others work in the pharmaceutical industry (e.g. Teva), some others trade various products (e.g. Brita GmbH), and so on.

Evidence of business group lobbying at the EU level is rather limited in the case of EU external relations towards Israel and Palestine. They lobby almost exclusively on specific pieces of legislation or on the framework of EU policies that affect their sector of activity (Interviewee 12). On most occasions, business groups tend to be ‘silent’. Many EU officials (Interviewees 11, 13, 17, 20, 29, 30) maintain that they rarely meet business groups and have not been subject to their lobbying pressure frequently. When business groups or European business associations (e.g. BusinessEurope) lobby the EU, their activities address general aspects related to EU policies towards the Mediterranean, given the market opportunities and potential profits that the area can bring to business actors (Interviewees 19, 26).

From a profit-oriented perspective, the Palestinian economy is not an appealing market. It is extremely small, with fragile institutions and limited opportunities for business actors. However, the limited lobbying from business groups is more puzzling in the case of Israel, as there are significant economic interests and business opportunities at stake. There are many areas of potential interest for business groups, such as the agricultural, pharmaceutical, aviation sectors, the options available under the Framework Programmes as well as cooperation in other projects like Galileo.

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<sup>70</sup> This category suffers from potential biases as far as the coverage of member states is concerned. For some member states (e.g. United Kingdom, Netherlands) more information was available. Interviews have therefore been used to reduce the impact of this problem as much as possible.

Furthermore, many companies conduct business activities in Israel or have trade relations with companies located in Israel.<sup>71</sup>

Interviewees have given various reasons why business groups are not particularly active on the Israeli-Palestinian dossier. According to some (Interviewees 11, 51), Israel is a ‘small fish’ in terms of market opportunities for EU business groups, which are more interested in the American or Chinese markets. Others argue that business groups do not need to lobby the EU, as the context is already favourable to them (Interviewee 30). Business groups’ activities in Israel/Palestine are not subject to EU legislation and there are no significant obstacles in trade relations. Moreover, business actors tend to keep away from political issues and to privilege business-to-business relations when facing some problems or encountering obstacles. For examples, the Palestinian International Business Forum, which is ‘a private sector organization bringing together Palestinian, Israeli and Swedish business efforts to create sustainable economic development in Palestine’, provides business actors with a favourable context in which they can establish links and explore new business opportunities (Interviewee 28, PIBF 2013). Similarly, in February 2011 the Oxford University’s Said Business School organised a one day-conference in which Israeli, Palestinian and British business people were invited to discuss not only the potential contribution of business groups to the peace process, but also the present and future economic opportunities that they had.<sup>72</sup>

Although business groups might not, at first glance, show particular interest for Israel/Palestine, it also needs to be pointed out that business groups have a variety of formal channels on which they can rely. First, the Commission normally organises public consultations with stakeholders when new proposals, regulations and agreements are on the agenda. During these consultations business groups can express their views and discuss their concerns (Interviewee 28).<sup>73</sup> For example, the Israeli pharmaceutical company TEVA was consulted by the Commission when the Agreement on Conformity Assessment and Acceptance (ACAA) between the EU and Israel was negotiated (Interviewees 55, 63). Other contexts in which business groups interact with the EU are the European-Israeli Business Dialogue (EIBD), the

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<sup>71</sup> See Appendix 2; see also the database Who Profits? (2013).

<sup>72</sup> See <http://www.me-economy-oxford.org/> (accessed 10/02/2011).

<sup>73</sup> Public consultations are often held by the Commission when it launches new policies, negotiations, etc. In certain cases, consultations are open to all stakeholders, in others they are targeted to specific actors such as the industrial sector. Each DG has the consultations listed on its website.

Israeli-EU Chamber of Commerce, the Market Access Teams (MATs) and meetings with the delegations of the EU visiting the region. Starting with the EIBD, this forum was launched in 2007 by the former Commissioner for Enterprise and Industry Günter Verheugen. The website of DG Enterprise and Industry explains that the business dialogue is

a forum where European CEOs meet their Israeli counterparts in order to foster business relationships by taking advantage of the fact that Europe and Israel are sharing similar economic and technological interests. The aim of the business to business dialogue is to strengthen EU-Israel economic relations in areas of mutual interest, by creating a strong, sustainable and expanding dialogue of business leaders of both sides. This direct dialogue between EU business people and companies and Israeli business people and companies, and the recommendations to the government and the EU resulting from this direct dialogue will foster relations and create opportunities to remove barriers of trade and investments and enhance cooperation and joint ventures.<sup>74</sup>

As for the Israeli-EU Chamber of Commerce, it consists of the association of Israel's manufacturers, the federation of Israeli chambers of commerce and the federation of bi-national chambers of commerce. The chairman, Gad Popper, declared that the Chamber 'will actually be the lobbyist of the Israeli business sector in dealing with the EU'.<sup>75</sup> The MATs, local teams that serve as a platform for coordination between the Commission and member states on the one hand, and Israel on the other hand, are a third setting. Business groups are involved in the meetings whenever appropriate and can therefore express their views (European Commission 2010). Finally, representatives of the business world meet EU officials whenever the Commission goes on mission to Israel and the Occupied Territories. On those occasions, EU officials organise meetings with all the representatives of civil society in order to have a better picture and understanding of what happens on the ground.

Besides these formal settings for consultations, informal lobbying also takes place. For example, an EU official argued that he was contacted by El Al, the Israeli airlines, when the EU and Israel were negotiating the Agreement on Open Sky. El Al was interested in protecting its monopoly in the sector (Interviewee 17). In another interview, a representative of a multinational firm argued that they mainly aim to

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<sup>74</sup> See European Commission (2013a). According to Interviewee 23, in the EIBD the Commission mainly works as a mediator among various entrepreneurs and businessmen. Interactions take place between business groups, more than as an institutionalised form of communication between the EU and companies.

<sup>75</sup> See Lipkin (2006). According to Interviewee 23, the Chamber is not an important instrument for lobbying, as it is more a façade and a sign that EU-Israeli relations are good.

influence the principles and ideas on which policy frameworks are based (Interviewee 12). It is also clear that, when business groups ask the EU to intervene, they have to speak about problems and issues that have a European dimension. This means that, for example, different companies across Europe are affected by a certain policy or by the lack thereof, or that the impacts on European consumers are widespread and so on. This is also the principle that business associations follow when they flag up an issue at the EU level: a sufficient number of European companies needs to share a similar view concerning a policy or a specific issue (Interviewee 26).

A final channel for business groups is the use of national governments (Interviewee 30, 65). On the one hand, business groups can push their governments to represent their interests at the EU level. The choice to rely on the government is likely to be determined by the stronger leverage and power that business actors have at the national level. On the other hand, business groups might be interested in strengthening the bilateral economic relations between their country and Israel/Palestine, without any interest for the Brussels level. This clearly emerges when leaders of EU member states go on mission to Israel, as they are frequently accompanied by representatives of the business community interested in exploring new trade and market opportunities (Interviewee 93).

### *NGOs*

The second category, NGOs, is the most active group as far as advocacy and lobbying is concerned. NGOs are also the NSAs mentioned more frequently by EU and national officials, who stress their regular interactions with them and argue that NGOs contribute to their daily work by providing information and knowledge. There is no clear-cut definition of the term 'NGO' (Reinalda 2001; Betsill and Corell 2008; Bloodgood 2011; Vakil 1997). Definitions differ legally from country to country and also from discipline to discipline. For example, juridical studies require that NGOs display the features listed in the UN Resolution 1996/31, namely established headquarters, a constitution which is democratically adopted, someone that can speak on behalf of the members, an executive body, and financial independence from governmental bodies. In contrast, sociological perspectives offer a variety of encompassing definitions, highlighting the autonomy of NGOs from the government,

their not-for-profit and non-violent nature, and the presence of an organisational structure (Martens 2002). In this thesis, NGOs are defined as non-for-profit NSAs, with a relatively clear organisational structure and which are concerned with the promotion of various goals, ranging from human rights (e.g. Human Rights Watch, the Euro-Mediterranean Human Rights Network) to development (e.g. Oxfam, Aprodev), to environmental issues (e.g. Friends of Earth Middle East) or specific problems and issues related to the conflict such as settlements (e.g. Peace Now). This category is therefore broad and comprises a variety of actors that display different features in terms of their size, the location of their headquarters, their organisational structure and their capacity to perform lobbying and advocacy at various levels.

Unlike business groups, NGOs are constantly carrying out lobbying activity. The most frequent issues covered by these NSAs are human rights, developmental issues, environmental issues, specific aspects related to the conflict such as house demolition, settlements, prisoners, but also topics related to the relationship between the EU and Israel.<sup>76</sup> Although some issues are constantly on the NGOs' agenda (e.g. settlements, human rights), there are events that generate peaks in lobbying, such as the conflict in Gaza in December 2008-January 2009 or the recognition of Palestine as a member of the UN in autumn 2011 and 2012. On those occasions, the European Coalition for Israel (EC4I) mounted a strong lobbying action in the EU called 'Give Peace a Chance', explaining Israeli rights to the land in the Middle East (European Coalition for Israel 2013b).

While information is always double-checked, EU and national officials consider NGOs as a precious resource in their job (Interviewees 13, 17, 27, 68). Given the overwhelming amount of emails or meetings with whom officials and policy-makers have to deal on a daily basis, the message of NGOs is most useful when it goes straight to the point, and provides precise information (Interviewees 13, 27, 58). Professionalization of NSA activities is crucial to be able to convey the message effectively.<sup>77</sup> According to some observers, NGOs have increasingly become professional, providing officials with material that is well-structured and tailored to the needs of each institution (Interviewees 13, 27, 29). In this regard, some NGOs are

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<sup>76</sup> The list of topics covered by NGOs is vast, but the abovementioned categories summarise the main types of arguments (based on interviews with officials and NSA representatives, see Appendix 1).

<sup>77</sup> In the French context, Grossman and Saurugger (2004) identify an increase professionalization of lobbying and the emergence of specialised firms dealing with lobbying as a result of various pressures on firms, including European integration.

developing ‘training activities’ and ‘lobbying toolkits’ that can be used by other groups when they approach officials and policy-makers. For example, both Crisis Action and the EMHRN have begun to develop a ‘methodology of lobbying’, i.e. providing other NGOs with the instruments and strategies to carry out lobbying (Interviewee 60). The EMHRN is particularly active in organising workshops with national NGOs to help them to do effective lobbying in order to facilitate the work of Brussels-based NGOs and better coordinate the different levels of EU policy-making (Euro-Mediterranean Human Rights Network 2013).

While NGOs are often divided into pro-Israel and pro-Palestinian groups, this division into two camps is misleading and is also rejected by both officials and NSAs (e.g. Interviewees 11, 82). The dichotomy entails the idea that the other party does not have rights, a position rejected by the majority of NGOs and only adopted by radical groups. Moreover, it would not allow for considering Israeli or Jewish groups that, in the name of Israel’s interests and security, want to address the situation in the Occupied Territories and ensure respect for international law. They recognise the rights of the Palestinians to live side-by-side with Israel and see Israeli policies in Palestine as a serious obstacle to peace. The landscape of NGOs seems therefore to be better described on the basis of the type of requests and claims they make to the EU (or the national government, if acting nationally).<sup>78</sup> On the one hand, a group calls on the EU to use its leverage on the parties to the conflict to ensure respect for human rights, international law and international humanitarian law. This often translates into a call to the EU for adopting a tougher stance towards Israel and for forcing it to comply with international law.

On the other hand, the second group aims to disentangle the political dimension of the conflict from the bilateral relations between the EU and Israel. These NGOs are often portrayed as the pro-Israel lobby (cf. Mearsheimer and Walt 2007). According to the journalist Cronin (2011, 137), ‘Israel has a burgeoning network of advocacy groups and ‘think-tanks’ dedicated solely to its promotion’. In comparison to their American counterpart, however, these NSAs are less organised and resourced. For instance, the European Friends of Israel (EFI) is an NGO that work to support the cross-party group of national MPs and MEPs that openly sympathise with Israel. To a certain extent, it tries to replicate the model of the American AIPAC (Interviewees

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<sup>78</sup> Business groups do not really fit into this dichotomy either. Their approach is mainly based on their economic activity, so that their requests to the EU are rarely to the political relationships between the EU and the parties to the conflict.

6, 62; Cronin 2011). However, given the different institutional structure of the EU, the EFI does not support electoral campaigns, but mainly organises dinners for parliamentarians, trips to the region or provides them with policy briefs. Other NSAs are the Brussels-based branch of American groups. For example, the Transatlantic Institute is one of the European offices of the American Jewish Committee, which has other offices in European capitals. As the former director Emanuele Ottolenghi said, '[t]he whole point of our activities in Europe is of engaging thoughtfully in the battle of ideas. [...] It is about adding a voice to the debate. In America, the lobby is a lot more entrenched (quoted in Cronin 2011, 143).

According to some EU officials (Interviewees 13, 19), this latter group is more confrontational than the other camp. For example, the Israeli NGO Monitor published a report in 2008 in which it accused the EU of financing NGOs whose activities are in conflict with EU policies and principles, and of granting money in a way that is not transparent and accountable (Steinberg 2008). The Commission was also summoned by NGO Monitor (Interviewee 29). During the second Intifada, a similar set of accusations were raised by some NGOs, claiming that the EU's money was financing Palestinian terrorism (Funding for Peace Coalition 2004). Another example of this confrontational stance dates back in 2002, when the Centre for Monitoring the Impact on Peace accused the EU of financing Palestinian textbooks which contained anti-Israeli and anti-Jewish bias and incitement (Council of the European Union 2002; Palestinian Ministry of Education 2005).

In terms of targets, recent studies focusing on the EU show how the choice of targets varies on the basis of the institutional constraints, the stage in the policy-making process and the nature of the policy at stake. For example, the structure of the European Parliament committees forces NSAs to deal with both MEPs that are sympathetic to their views and to those that are seen as 'enemies' (Marshall 2010). Moreover, general lobbying, aimed at shaping future decisions and broader views of policy-makers, is mainly directed towards both friends and foes, while specific lobbying on single issues pushes NSAs to lobby the policy actors that share their views (Gullberg 2008). In the case of EU foreign policy towards Israel and Palestine, evidence suggests that NGOs prefer to lobby their 'friends' in the European Parliament, instead of approaching those policy-makers that oppose their positions. According to EU officials (Interviewees 11, 35), NGOs lobby those MEPs that are already convinced and are thus more likely to take up their messages, given that they

share similar political views on the situation. For example, one MEP (Interview 36) maintained that he is barely approached by NGOs that call for a stronger engagement with Israel, as they know that he is unlikely to give credit to their views and claims. Another MEP (Interview 66) has good personal relationships with the chief of the European Coalition for Israel, a Christian NGO with the goal of improving the relations between Israel and the EU, with whom he shares information and views on the subject. These strong links between NGOs and some politicians can even reach the point where some MEPs are seen as spokespeople of certain NSAs. Some MEPs are particularly sensitive to certain arguments, so that some ideas and issues have more resonance among MEPs than in other institutions (Interviewees 11, 35).

### *Solidarity movements*

The category of ‘solidarity movement’ shares some characteristics with NGOs, but it differs in terms of the core activity and of some of its constitutive elements. Solidarity movements tend to act via public protests, i.e. by mobilising the public. They aim to exert influence through the indirect pressure of public opinion and, most of the time, adopt a confrontational stance. Solidarity movements have a less structured organisation than NGOs and they are mainly based on unpaid work, i.e. on people volunteering for a cause they feel important and for showing solidarity towards the people in the region. They might have different organisational structures (e.g. small and based at the national level or diffused across countries) and might campaign on different topics. For example, the Association Belgo-Palestinienne (ABP) is listed in the database as a solidarity movement, as it aims to raise awareness of Belgian citizens by carrying out a campaign per year, organising events and going to schools to talk about the topic. Despite having a full-time employee, the contribution of volunteers to spreading the values of ABP is a crucial element for the survival of the group.

Given the topics they work on (e.g. human rights, occupation of Palestine), solidarity movements, like NGOs, lobby officials and policy-makers constantly, with an intensification of lobbying activities, if specific events occur. For example, the French group Plateforme des ONG françaises pour la Palestine has been active since summer 2010 in the campaign ‘Un bateau français pour Gaza’, which aims to replicate the same idea of the Freedom Flotilla which was attacked by Israel on 31

May 2010 (Plateforme des ONG Francaises Pour la Palestine 2012). Unlike NGOs, however, solidarity movements do not have the same level of professionalization.<sup>79</sup> This is mainly due to the lack of trained and permanent staff, which prevents them from carrying out in-depth research, and of resources (e.g. time) to be spent on lobbying actions.

Another point worth mentioning is that, unlike NGOs and business groups which are active at both the EU and national levels, solidarity movements are mainly active at the national level. This does not mean that supranational movements do not exist. The Boycott, Divestment and Sanction movement (BDS), which was born in Palestine in 2005 when civil society organisations called for the boycott of, divestment from and sanctions against Israel, is now a worldwide movement which ‘branches’ in most EU countries. While each national BDS group carries out its activities taking into consideration the specificities of the country in which it operates, there is an attempt to coordinate these activities at the supranational level.<sup>80</sup>

### *Think tanks*

Think tanks, the fourth category, carry out research that is meant to be policy-relevant. Their way of contributing to the policy-making process is by generating and shaping the debate among policy-makers through the provision of new ideas, inputs, etc. They produced documents based on research (policy briefs, papers, reports, etc.) that focus on specific issues related to the situation on the ground or in relation to EU foreign policy towards the Israeli-Palestinian conflict. For example, the International Crisis Group (ICG) is a central player when it comes to security matters. The ICG’s teams of experts (generally composed of local people and one international person) on the ground are in charge of writing reports and providing recommendations to international actors such as the EU. Given its strong network on the ground, the ICG’s material represents a source of information for Western policy-makers. For example, the ICG is in touch with both sides of the conflict, including Hamas, so that EU officials can get information that would otherwise be difficult to receive (Interviewee 25). Another instance of work carried out by think tanks is offered by

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<sup>79</sup> Some of them prepare brochures and informative documents for their members (either other organisations or individuals). For example, the French group Plateforme des ONG françaises pour la Palestine produces both online material as well as publications on the Israeli-Palestinian conflict. See <http://www.plateforme-palestine.org/> (accessed 19/03/2013).

<sup>80</sup> For further information, see [www.bdsmovement.net](http://www.bdsmovement.net).

the Israeli-European Policy Network (IEPN). Established in 2003, the IEPN is a network of scholars, policy-makers and practitioners that provides a structured forum for meetings and discussions on relevant issues linked to EU-Israeli relations. By producing papers and briefs as well as favouring dialogue among people, the IEPN contributes to shaping the debate in the long run (Interviewee 92). For instance, in November 2011 it organised a conference on the topic of Palestinian statehood and its recognition in the UN. Various policy-makers, practitioners and academics participated in this conference, which offered the opportunity to debate about this crucial issue and the implications that the recognition of Palestine as a state would have at the international level (Israeli-European Policy Network 2013).

The distinction between think tanks and NGOs is sometimes very difficult to draw, given that some NGOs also base their work on evidence and research.<sup>81</sup> However, analysis and research are the core activity of think tanks, which do not represent any constituencies. Although think tanks are often registered as NGOs, they are classified as a separate category in the database. German foundations<sup>82</sup> are also included in this category, as they are very active in stimulating the debate and providing research-based documents to policy-makers. While foundations also carry out work on the ground like NGOs, the Israeli-Palestinian conflict is an aspect on which the research-based component is particularly evident, especially at the EU and German level, making them very similar to think tanks.

### *The media*

The media are also part of the NSAs' landscape, as they participate in shaping the debate at the political and public opinion level. Newspapers and broadcasts are clearly the main channels through which these activities take place. However, the database does not focus on the mainstream newspapers or televisions, as this would be another type of research project. Under the label 'media', there are those internet-based groups that focus on the provision of information in the form of articles, op-

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<sup>81</sup> On think tanks, see Stone (2000) and Rich (2004). Rich argues that think tanks are often perceived as more credible in the eyes of policy-makers, given that they do not speak on behalf of a specific constituency. This neutrality can, however, be questioned due to the fact that certain think tanks propose visions that serve the interests of certain sectors of the society.

<sup>82</sup> This type of organisations is peculiar to the German system and no similar entities have been found in other countries. Foundations have a special status in Germany. They are generally associated with a political party (and they receive public money according to the electoral power of each political party), but they are independent from political power and work autonomously.

eds, and so on, with the aim of providing a specific interpretation of events. Some of them target journalists, check the content of newspaper articles or television programmes, and aim to steer the debate. While some of the NSAs classified as ‘media’ are active at the European level, the majority of them are based in member states. An example of this type of actors is the Britain Israel Communications and Research Centre (BICOM), a British NSA which aims at ‘creating a more supportive environment for Israel in Britain’ (BICOM 2013). Not only does BICOM provide news and analysis of events in Israel or in the regions, but it also tries to influence the media sector by ‘building relationships with key journalists and editors, taking them on paid-for trips to Israel, and setting up high level meetings in Israel and the UK. They also provide journalists with daily briefings and suggest stories and angles to friendly contacts’ (Osborne and Jones 2009, 33).

Other NSAs such as Jnews or the European Jewish Press (EJP) provide information related to the conflict, Israel, EU foreign policy towards the region, and so on. Jnews states on its website that it aims to encourage debates among the British public on matters related to Israel and Palestine thanks to articles, analyses etc. on the topic (JNews 2013). In contrast, the EJP describes itself as the ‘sole online Jewish news agency in Europe’, which aims at offering ‘balanced, up-to-date and reliable news reports about European Jewry and other issues of concern to the Jewish community’, focusing on issues related to European Jews as well as EU-Israel relations (EJC 2013).

### *Individuals*

Individuals are a very small category, which consists of those individuals who have been mentioned in interviews for their activism in the case of the Israeli-Palestinian case. For example, Simone Susskind is a Jewish Belgian woman who is very active on issues related to Jewish culture, identity and so on, as well as on the Israeli-Palestinian conflict. She has established contacts within the EU institutions, she organises various events in Brussels that target the general public, maintains a blog (Susskind 2013) and circulate weekly emails with articles or analysis on Israel and Palestine. Another NSA categorised as ‘individual’ is the ‘European Former Leaders Group’, a group formed of 26 former European leaders from 12 EU member states and Norway. In December 2010 they sent a letter to the European Council President

Herman van Rompuy, the High Representative Catherine Ashton, and all EU heads of government and ministers of foreign affairs. They asked EU member states and institutions to give concrete application to the Council Conclusions on the Middle East Peace Process of December 2009, as the only way to show credibility and ability to act (European Former Leaders Group 2010, 2013).

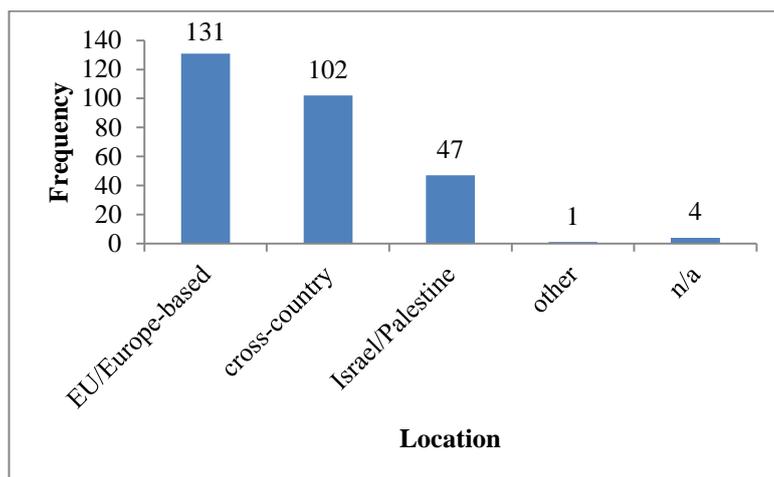
### **3.3 Trends in NSA lobbying**

The focus of this section is on some general trends related to the location of NSAs, their presence in Brussels, their registration (or lack of) in the Transparency Register and the ways in which they cooperate.

#### *Location, presence in Brussels and the Transparency Register*

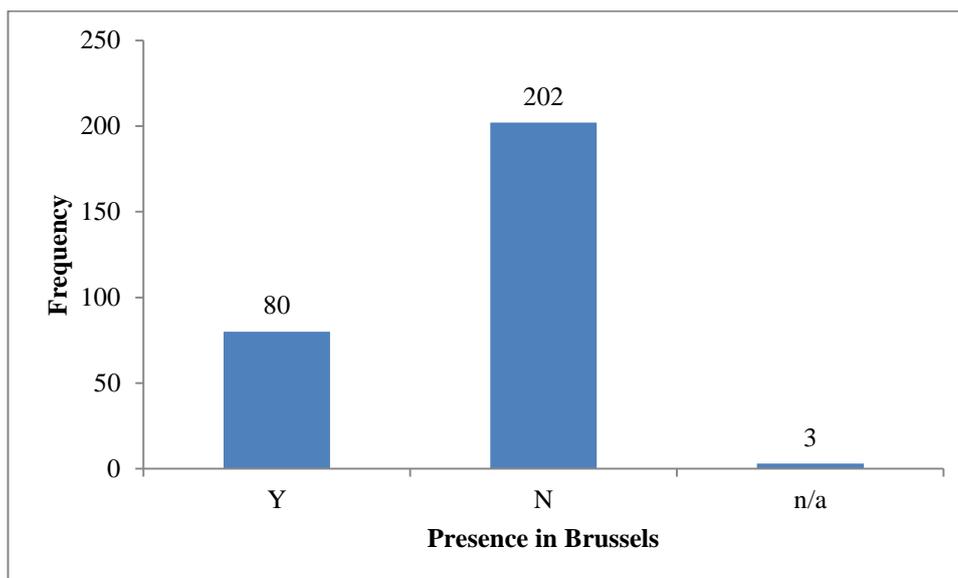
If we look at the ‘location’ of NSAs, i.e. where NSAs are based, five different categories have been identified in the database. The category ‘EU/Europe-based’ means that NSAs are based in the EU or in Europe (e.g. Switzerland). It refers to both NSAs that are located exclusively in one country (and might have an office in Brussels) or that are based in different EU or European states, but not present in other geographical areas. In contrast, the category ‘cross-country’ implies that their geographical scope is multi-national and not limited to the EU/Europe. For example, the European Jewish Congress is an EU/Europe-based NSA, given that its headquarters is in France and all offices are in Europe. In contrast, Oxfam, Amnesty International and Human Rights Watch are cross-country NSAs, because they are present around the world. The category ‘Israel/Palestine’ indicates that NSAs are based either in Israel or in the Occupied Territories; ‘other’ is used when NSAs do not fall under any of the previous categories (e.g. Lebanon); ‘n/a’ when information about the location is not available. As shown in Figure 8, the majority of NSAs are either EU/Europe-based (46%) or cross-country (35.8%), while only 16.5% of the NSAs in the database are based in Israel or Palestine. In this regard, it is also worth pointing out that NGOs rarely come from the new EU member states (Interviewee 68). The cross-country NGOs such as Amnesty International usually have a branch in new member states, but civil society there is not particularly active on the Israeli-Palestinian dossier (Interviewee 2, 72).

**Figure 8 - Frequency of NSAs in the database, divided by location**

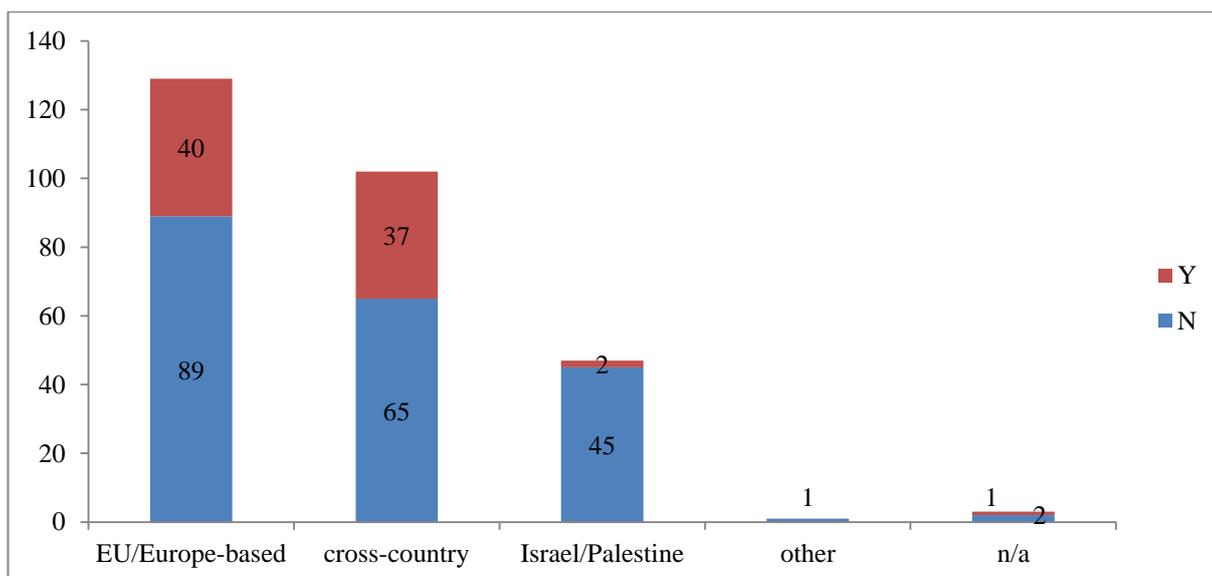


Clearly, the location of NSAs can also have an impact on their activities and their outreach capacity. Not all NSAs are based in Brussels or have a representation there. As Figure 9 shows, 202 (71%) of them are not present in the EU capital. If we cross this variable with the previous variable ‘location’, it emerges that Europe/EU-based or cross-country NSAs in the database are almost the only actors that have an office in Brussels. Only two of the Israel/Palestine-based NSAs are also present there, as shown in Figure 10. While this does not prevent NSAs based in Israel or Palestine from going to Brussels when it is necessary, they are in a less privileged position to interact with the EU, compared to those NSAs that are based in the EU capital. For Brussels-based actors it is easier ‘to be involved in the policy-making process, to be informed about what is going on, to act on short notice, [and] to collect information’ (Voltolini 2012, 28). While being present in Brussels is seen as an important factor, even EU/Europe-based and cross-country NSAs with an office there are relatively few, with percentages of 31% and 36.3% respectively (see Table 4). Needless to say, the costs involved in having an office in Brussels are not always affordable, especially in the case of small NGOs or solidarity movements, while it is slightly easier for cross-country NSAs thanks to the larger resources at their disposal.

**Figure 9 - Frequency of NSAs in the database, divided by presence in Brussels**



**Figure 10 - Frequency of NSAs in the database, divided by presence in Brussels and location of headquarters**



**Table 4 - Frequency of the NSAs in the database present in Brussels, divided by location of headquarters**

Location	Presence in Bxl		
	Y	N	Total
EU/Europe-based	31,0%	69,0%	100%
cross-country	36,3%	63,7%	100%
Israel/Palestine	4,3%	95,7%	100%
other	0,0%	100,0%	100%
n/a	33,3%	66,7%	100%
<b>Total</b>	<b>28,4%</b>	<b>71,6%</b>	<b>100%</b>

**Table 5 - Frequency of NSAs in the database, divided by type and presence in Brussels (% by column)**

Type	Presence in Bxl			
	Y	N	n/a	Total
business group	21,3% (17)	31,2% (63)	0,0%	28,1% (80)
NGO	56,3% (45)	48,0% (97)	0,0%	49,8% (142)
solidarity movement	2,5% (2)	16,3% (33)	33,3% (1)	12,6% (36)
think tank/foundation	15,0% (12)	1,0% (2)	0,0%	4,9% (14)
media	2,5% (2)	3,5% (7)	33,3% (1)	3,5% (10)
individuals	2,5% (2)	0,0%	33,3% (1)	1,1% (3)
<b>Total</b>	<b>100% (80)</b>	<b>100% (202)</b>	<b>100% (3)</b>	<b>100% (285)</b>

**Table 6 - Frequency of NSAs in the database, divided by type and presence in Brussels (% by row)**

Type	Presence in Brussels			
	Y	N	n/a	Total
business group	21,3%	78,8%	0,0%	100%
NGO	31,7%	68,3%	0,0%	100%
solidarity movement	5,6%	91,7%	2,8%	100%
think tank/foundation	85,7%	14,3%	0,0%	100%
media	20,0%	70,0%	10,0%	100%
individuals	66,7%	0,0%	33,3%	100%
<b>Total</b>	<b>28,1%</b>	<b>70,9%</b>	<b>1,1%</b>	<b>100%</b>

The presence in Brussels can also be crossed with the type of NSAs. As shown in Table 5, the majority of NSAs with an office in Brussels are NGOs (56.3%), followed by business groups (21.3%). These figures, however, do not depend on a specific preference of NGOs to be in Brussels, but simply on the fact that NGOs in Brussels are more numerous than other actors. As shown in Table 6, the percentage drops to 31.7%, when we analyse the propensity within each category. In contrast, 86% of think tanks are present in Brussels.

While the presence in Brussels is important in lobbying activities targeting the EU, a different type of advantage benefits NSAs on the ground. Because they have their fingers on the pulse of the situation on the ground and often are better placed to understand changes and facts occurring in Israel and Palestine, they can provide EU officials with first-hand information. Moreover, Israeli and Palestinian NSAs are seen as the voices of local civil society whose information and expertise is indicative of the main issues and concerns on the ground (Interviewees 23, 47, 68). For example, the work carried out by Peace Now, an Israeli NGO that supports peace

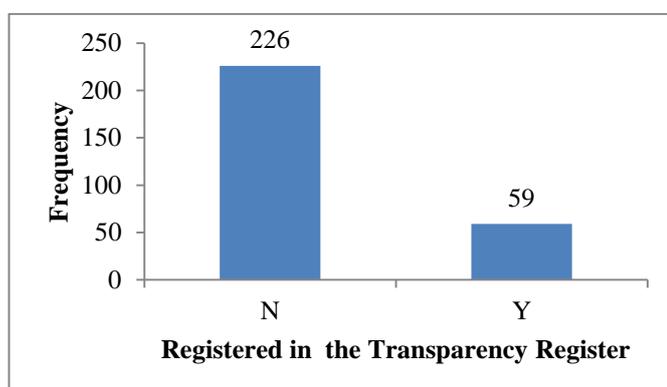
with the Palestinians, is appreciated by EU and national officials, as this NGO does an invaluable job in tracking the construction or expansion of Israeli settlements, in drawing detailed maps of the settlements and in offering constant updates from the region (Interviewee 101). Similarly, the online database *Who Profits?*, created by the NGO Coalition of Women for Peace, lists the names of the business groups that contribute to Israel's occupation of Palestine via commercial activities linked to the settlement industry (e.g. trade of settlement goods), economic exploitation (e.g. use of Palestinian resources) and the control of the population (e.g. provision of technology used at checkpoints) (Interviewee 27).

Even when NSAs are not in Brussels, they can access the EU in different ways. First, they can go to Brussels either alone or via an umbrella or partner organisation there (on this aspect, see below). EU officials tend to be receptive to the requests of local NSAs and the information they bring. Meetings with officials and policy-makers, especially MEPs, are particularly effective, as people feel the duty to reply and take the issue into consideration (Interviewee 53). For example, the European Parliament (2010e) took action in favour of the Jordan River, by issuing the 'Resolution on the Situation of the Jordan River with Special Regard to the Lower Jordan River Area', after contacts with the Israeli-Palestinian-Jordanian NGO called the Friends of the Earth (FoE) Middle East. The first meeting between FoE and some MEPs occurred in September 2009, when a Delegation was on a mission to the region. It was followed by a workshop in the European Parliament in June 2010, during which MEPs were informed about the situation of the Jordan River and felt compelled to support the initiative of FoE Middle East in their work to prevent the river from running dry (Interviewee 45; Voltolini 2012).

Moreover, as long as the message given by Western and local NSAs is consistent, there is a multiplier and strengthening effect when these two types of NSAs work together, as Western-based NSAs benefit from the credibility of their local partners (Interviewee 68, 91). Second, NSAs can use the internet (websites, e-mails, newsletters, etc.) to transmit their information and requests. Finally, NSAs based on the ground can exploit the channel offered by the EU Delegations in Israel and Palestine. Delegations have a key role in collecting relevant information from civil society and passing it to Brussels, where the officials and policy-makers decide if and how to use these inputs (Interviewee 23).

The registration of NSAs in the Transparency Register seems to be related to their location. Of all NSAs listed in the database, only 59 (20.7%) are registered (see Figure 11). However, by crossing this information with the presence in Brussels, it emerges that 61.3% of NSAs present in Brussels are in the Register, in comparison to only 5% of those that do not have an office there (see Table 7). From the data available, the presence in Brussels seems to increase the likelihood of being registered in the Transparency Register.

**Figure 11 - Frequency of NSAs in the database, divided by registration in the Transparency Register**



**Table 7 - Frequency of NSAs in the database, divided by presence in Brussels and registration in the Transparency Register**

TRANS REG	Presence in Brussels		
	Y (%)	N (%)	Total (%)
Y	49 (61.3%)	10 (38.8%)	59 (100%)
N	31 (5.0%)	192 (95%)	223 (100%)
n/a	0 (0%)	3 (100%)	3 (100%)
<b>TOTAL</b>	<b>80 (20.7%)</b>	<b>205 (79.3%)</b>	<b>285 (100%)</b>

### *Brussels-based core group, cooperation and coordination*

The mapping of NSAs has also revealed some interesting considerations in terms of the organisation of lobbying. First of all, there is a core group of actors (especially NGOs) that are particularly active and organised when it comes to lobbying on the Israeli-Palestinian conflict. Importantly, this core group does not seem to be linked to a specific policy sector, but it cross-cuts policy areas, thus showing that NGOs are active on a number of issues and in a variety of sectors. Second, cooperation among

NSAs has been intensified, both in formal and informal ways, so that a better division of labour and more professionalised lobbying emerge. This seems to confirm the findings in the literature (e.g. Grossmann and Saurugger 2004; Klüver and Saurugger 2013) related to an increasing professionalization of lobbying activities.

Interviewees mentioned the names of certain NSAs more frequently than others, to the extent that it is possible to identify a ‘core group’. This ‘core group’ is formed of NGOs based in Brussels and on the ground. It includes the big cross-country NGOs (e.g. Amnesty International, Human Rights Watch, and Oxfam), some umbrella organisations (e.g. EMHRN, Aprodev, CIDSE and Crisis Action, FIDH), and some groups that want stronger EU-Israel relations (e.g. European Friends of Israel, Transatlantic Institute, the European Coalition for Israel, B’nai B’rith, and the European Jewish Congress). As for the NGOs on the ground, some of the frequently named NGOs are Adalah and the Mossawa Centre (both working on the Arab minority in Israel), Breaking the Silence (composed of former Israeli soldiers who denounce occupation), B’Tselem and Al-Haq (focusing on human rights in the occupied territories). Members of this ‘core group’ tend to work in cooperation with each other or, at least, they coordinate their activities. This is especially true in the case of Brussels-based NGOs, with around 15-20 NGOs<sup>83</sup> interacting on a regular basis. The people that work for these NGOs know each other, share information and work together (Interviewees 2, 4, 11).

Networking and working in coalitions is important for NSAs, especially in Brussels. ‘Ad hoc issue coalitions’, i.e. groups ‘characterised by low levels of formalisation (compared to formal interest group organisations) and high levels of autonomy for the coalition’s members. They are established in the short to medium term for the duration of a single legislative or regulatory debate’ (Mahoney 2007a, 367–368; on coalition, see also Klüver 2013a). This way, NSAs send a common signal to policy-makers and pool resources together. In the case of lobbying on EU foreign policy towards the Israeli-Palestinian conflict, both NGOs and solidarity movements tend to form ad hoc coalitions. EU officials prefer to receive a shared message from NGOs and they also find particularly useful if local NGOs on the ground are also included (Interviewee 68).

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<sup>83</sup> There are around 40 NGOs in Brussels that work on Israeli-Palestinian issues.

Cooperation is sometimes limited by the different focus of activity, the mandates and the priorities of each NSA. NGOs work on a variety of different topics and from different perspectives (e.g. human rights, development). These differences lead to heterogeneous coalitions or coalitions with a variable geometry, i.e. changing on the basis of the issue on which lobbying is carried out. For example, Crisis Action is an NGO that coordinates the work of other NGOs by providing a platform of cooperation and interaction. An example of this is the advocacy work on the blockade of Gaza in 2009 and 2010 (Crisis Action 2010) or on the labelling of settlement products since 2012 (Rettman 2012a). Moreover, the size of coalitions varies enormously, as there are instances in which many NGOs participate in the same lobbying action, while others in which only few NGOs work together on an advocacy action and, for example, produce a report. For instance, the EMHRN and Aprovech (2012) co-produced the report 'EU-Israel Relations: Promoting and Ensuring Respect for International Law', which was released in February 2012.

Ad hoc issue coalitions also allow for an informal division of labour. Not only can NSAs maximise their resources (time, money and staff), but they can also work on those issues where they have a comparative advantage in terms of expertise or which are part of their mandate. By avoiding the overlapping of lobbying, they also manage to cover more advocacy issues thanks to this better allocation of activities. In addition, the coalitions that form around each topic represent a stronger and unified voice when it comes to lobbying the EU. For example, the EMHRN has been working extensively on the Goldstone Report and on the issue of impunity, while Crisis Action has focused on Gaza (Interviewee 2).

In other cases, NSAs opt to become members of umbrella organisations that represent their interests, which is a way to deal with the multi-level policy-making of the EU and to directly lobby the EU. In this research, umbrella organisations are understood as those NSAs that are composed of more organisations, with each organisation maintaining its specificities and its autonomy.<sup>84</sup> They lobby at the EU level on behalf of their members and collect information on EU policies to be passed to their member organisations. Both business groups and NGOs form umbrella organisations. For instance, BusinessEurope is an umbrella organisation representing 41 member federations across Europe. On the NGO side, there are NSAs such as

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<sup>84</sup> The member organisations of the umbrella organisations have not been listed in the database, if there was no evidence that they were also carrying out separate lobbying. This choice was explicitly made to avoid overinflating the number of NSAs.

EMHRN, Aprodev, and CIDSE. While the scope of these umbrella organisations is quite broad, all three have a working group on Israel/Palestine, with one or two people working on it. The EMHRN works on human rights issues and has member organisations from the region, while the other two are developmental organisations related to the Protestant and Catholic churches respectively, which put together organisations based in Europe. Some NSAs are composed of subsections (especially at the national level) or have many offices at the national and international level. Unlike umbrella organisations, the local or national or international offices are only branches of the general headquarters: they stick to the same principles and pursue the same types of objectives. For example, Amnesty International, Oxfam and Human Rights Watch have offices around the world, including Brussels, which is used as the basis for lobbying the EU. Even if each branch has a degree of autonomy, they still need to coordinate and adhere to some criteria and common guidelines that come from the headquarters.<sup>85</sup>

#### *'Embedded' lobbying*

NSA lobbying activities do not occur in a vacuum, but within the boundaries and parameters of the policy field defined in Chapter 2. As suggested in Chapter 1, lobbying can be imagined as a stage: all actors are connected among them and their actions develop and are shaped as a result of these interactions. Many officials state that NSAs bring important pieces of information and new knowledge to them, as they offer new views and inputs for the work of EU or national institutions (Interviewees 11, 13, 17, 27, 29, 35, 79, 80, 87, 101, 107, 109). At the same time, information and knowledge also go the other way round: NSAs receive insider information about the next steps one institution is planning to do or about certain policy aspects that they would not be aware of; they get to know details about political debates, diplomatic information and other information that NSAs might not have access to (Interviewees 4, 88). Moreover, by drawing on EU tenets and principles, some NSAs also define their own constitutive traits. As will be shown in Chapter 5, the EMHRN refers to EU principles and discourses when defining its constitutive traits. Put differently, there are frequent social and cooperative interactions between NSAs and EU/national officials during which the two sides

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<sup>85</sup> The various branches have not been listed in the dataset. Only the location of headquarters and the presence in Brussels have been included in the data.

engage in discussions and re-define and adjust to each other's knowledge and behaviour.

If we zoom in on the EU institutions, the European Parliament is a clear example where these patterns of social interactions emerge. The in-house knowledge and expertise in the European Parliament are not sufficient to enable MEPs and officials to have a precise view and make judgements on every issue, given that the European Parliament's competences range over a broad number of policy areas (e.g. Bouwen 2004b; Marshall 2012). Therefore, reliance on external information and on frames to interpret events and build a more complete overview of the situation becomes a necessity to perform their tasks (e.g. Interviewees 24, 45, 53). It follows that it is not infrequent that political advisors or officials prepare a draft resolution and ask NSAs for feedback and inputs on it (Interviewee 32). An example of this is provided by the European Parliament (2010c) Resolution on the Israeli military operation against the humanitarian flotilla and the Gaza blockade, when officials and political advisors asked NGOs for inputs, figures and examples (Interviewee 35).

As said, the flow of information also occurs in the other direction, i.e. MEPs and officials pass information on to NSAs. For example, some MEPs are particularly active on issues related to the Israeli-Palestinian conflict and share their information and knowledge with NSAs, by telling them, for example, about the results of a fact-finding mission (Interviewee 32). Moreover, some MEPs and officials establish strong personal relationships with some NSAs, so that a circular flow of information and knowledge becomes an integral component of these links. Therefore, frequent interactions between MEPs or officials and NSAs also shape the way in which NSAs perceive events and frame their lobbying activities. For instance, an MEP of the Alliance of Liberals and Democrats for Europe (ALDE) political group has personal and frequent contacts with the director of the European Coalition for Israel: discussions about Israel and the conflict are thus frequent (Interviewee 66).

Besides the European Parliament, the Commission and, since the Lisbon Treaty, the EEAS are also a favourable context in which NSAs and EU officials can develop strong social interactions. As stated in an interview, NGOs often prepare good documents and material that EU officials can use in their work, especially in terms of offering concrete examples or further evidence that the Commission can use to support its general message towards Israel or the Palestinian Authority (Interviewee

68). Moreover, EU officials also consult certain NSAs when they have to deal with specific topics or policies. For example, one official argued that he worked with NGOs providing information about administrative detention, as this gave him concrete and specific elements on which he could establish an effective discussion with Israeli officials during bilateral meetings in the sub-committee on political dialogue and the informal working group on human rights (Interviewee 17). Another official maintained that the involvement of civil society organisations before the review of the ENP or other ENP-related occasions is of crucial importance for the work of the Commission, as it gives inputs and information that is valuable (Interviewee 27).

While strong ties between MEPs/officials and NSAs can be based on friendship and other personal reasons, in the majority of cases closer contacts are the result of the credibility, professionalism and trustworthiness of NSAs. As mentioned above, various officials stressed that NSAs have become more and more professional in their lobbying over the years (Interviewees 11, 29, 36). In the case of NGOs, they are often able to produce very detailed and well-researched reports and provide timely information that contributes to framing EU positions. For example, in 2010 many Israeli NGOs approached the EEAS as regards the bill on the activities and funding of NGOs, which would curtail freedom of association. These NGOs discussed with the Commission the problems that the bill would cause and, according to Interviewee 29, presented various convincing arguments. Following repeated contacts and meetings with different NGOs, the Commission developed its position on the issue and included a few paragraphs on it in the 2010 Progress Report on Israel. It also raised the issue with Israel in their bilateral meetings (Interviewee 29, 68). This increased professionalization seems to be the result of the repeated interactions and contacts that NSAs have with EU officials and policy-makers. By establishing mutual trust and becoming credible partners, NSAs shape their own behaviour and their defining traits. For example, the importance that the EMHRN gives to the development of a proper methodology to lobby the EU seems to be the result of interactions that have progressively changed the nature and main functions of this umbrella NGO.

### 3.4 Conclusions

This chapter has presented the key features of the population of NSAs that is (potentially) interested in lobbying the EU on its foreign policy towards the Israeli-Palestinian conflict. The dataset reveals that NSAs are active and engaged in lobbying in the case of EU external relations towards Israel and Palestine. The high density of NSAs thus refutes the ‘null hypothesis’ of no or limited lobbying activities in EU foreign policy. It therefore provides relevant counter-evidence to the rationalist expectation that EU foreign policy is a domain which is predominantly in the hands of EU member states (and EU institutions), which are more autonomous in taking their decisions. In contrast, the database shows that NSAs are extremely present and involved in the policy-making process, which counters the idea that NSAs matter relatively little in this area. The dataset also shows that the EU is considered as a relevant actor in the Israeli-Palestinian conflict, contrary to the majority of the literature that describes the secondary and ineffective role of the EU in this context. NSAs view the EU as an international player that is worth lobbying. Given these findings, it is striking that the literature on lobbying and on EU foreign policy has not dealt with this topic.

As shown in this chapter, NSAs have been divided into six categories on the basis of their core activity and their organisational features: business groups, NGOs, solidarity movements, think tanks, the media and individuals. An evident difference is between business groups and NGOs and solidarity groups as far as the topics and the frequency of lobbying is concerned. Business groups concentrate their lobbying efforts on specific legislation or on the policy frameworks that impinge upon their interests in a specific sector. In contrast, NGOs and solidarity groups are engaged in lobbying on a regular and constant basis. The topics they work on are ‘on-going’ issues, ranging from conflict-related aspects (e.g. house demolition, prisoners, etc.), to human rights, to development and the like. Clearly, their activities become more focused when certain events take place on the ground or at the EU/international level. For example, some NGOs and solidarity groups were very active on the recognition of Palestinian statehood at the UN and on Operation Cast Lead. Moreover, their lobbying intensifies before the meetings of the Association Councils or the sub-groups between the EU and Israel or the Palestinian Authority or when new policy guidelines are drafted, as these are considered as key moments by both NGOs and solidarity movements.

Not only business groups lobby the EU in a more punctual way than the other NSAs, but they also have a relatively easier access to EU institutions than the other categories. This is determined by the multiplicity of forums and consultations that the Commission organises to hear the voice of stakeholders. Moreover, many interviewees believe that business groups do not need to lobby the EU on Israeli-Palestinian issues, as the circumstances are already favourable to their activities. Even when they have to face obstacles, they seem to prefer business-to-business relations to deal with problems or they rely on their national governments to protect their interests at the EU/international level.

As for NGOs, it is important to point out that they are the category that is mentioned most frequently. Their work is appreciated by officials and policy-makers, as it often helps them to get a better understanding of an issue they have to deal with. Interviewees have also maintained that NGOs are more professional nowadays and are able to provide the EU with punctual information, precise analyses and with frames to interpret events on the ground. This is crucial aspect that distinguishes NGOs from solidarity groups, which tend to be less professional and to base their lobbying on voluntary work done by sympathisers and members. In addition, solidarity groups generally rely on adversarial roles, while NGOs use all types of roles identified in Chapter 1.

The other categories of the database, namely think tanks, the media and individuals, also display peculiar features. The media, which are more present and active at the national level, target public opinion or journalists with the aim of shaping the debate taking place around the Israeli-Palestinian conflict. In contrast, think tanks are very active at the EU level. They play a crucial role in shaping the contours of the debate at the policy level and in providing ideas and guidelines as far as EU policies towards the Israeli-Palestinian conflict are concerned. Finally, individuals are a residual category, given that lobbying is predominantly carried out by organisations or business actors. However, the individuals listed in the database represent examples of people that are active and engaged on EU foreign policy towards the Israeli-Palestinian conflict with the aim of contributing to these policies.

Another aspect that emerged from the chapter is the existence of a ‘core group’ of actors formed by NGOs. This group is partly composed of Brussels-based NGOs (e.g. EMHRN, Aprodev, the European Friends of Israel, and the European Jewish

Congress), and partly of NGOs on the ground which have regular contacts with officials (e.g. Adalah, Mossawa Centre, Breaking the Silence, B'Tselem, Mattin Group and Al-Haq). Brussels-based NGOs also tend to form a sort of smaller community which is particularly active on Israel/Palestine, which consists of around 15-20 NGOs. This favours the development of strong relationships among NGOs, the sharing of information and the possibility of cooperating on various initiatives. Cooperation among NGOs is a key feature in Brussels, even if it is limited to specific issues or events. Ad-hoc issue coalitions are also frequent among NSAs, with a view to maximising their impact and of using the resources at their disposal in the most efficient way. The informal division of labour that takes place in Brussels is thus indicative of this trend.

While being in Brussels is clearly an advantage for carrying out lobbying activities, many NSAs are not present there, probably due to the costs involved. To overcome this problem, some NSAs have become part of umbrella organisations that are meant to represent the interests of their member organisations at the EU level.

To conclude, this chapter has provided an overview of the complexity of NSA population interested in EU foreign policy towards the Israeli-Palestinian conflict. By highlighting the main features that NSAs display as well as the key trends that characterise their lobbying, the background components of the policy field and the actors involved in EU external policies towards Israel and Palestine have been identified. The following chapters will look at specific instances of lobbying and advocacy, which take place within the broader framework described in Chapters 2 and 3.

## **Chapter 4 - Trade relations between the EU and Israel: Lobbying on the territorial scope of the EU-Israel Association Agreement**

This chapter analyses EU-Israel trade relations and the issue of goods produced in the settlements, which are issues that have generated tensions between the EU and Israel. On the basis of the provisions contained in the Association Agreement and in the attached Fourth Protocol on the rules of origin, only goods that are produced or processed either in the EU or in Israel, are entitled to receive preferential treatment when traded. The point of contention discussed in this chapter concerns the different interpretations of the ‘territorial scope’ of the Agreement (Article 83) that the EU and Israel give to it. While Israel applies it to the entirety of the territories that it controls since 1967, including settlements in the West Bank and Golan Heights, the EU does not recognise the Occupied Palestinian Territories (OPTs) as part of the State of Israel. This implies that the goods produced there cannot be exported to the EU market with the preferential treatment. Moreover, trade with settlements covers a much broader political dimension related to the peace process. The EU has indeed condemned the presence of settlements in the West Bank on multiple occasions, as it conceives Israeli occupation as an obstacle to the possibility of finding an agreement between Israel and the Palestinians and, therefore, of solving the conflict.

Given the centrality of the issue, it does not come as a surprise to find evidence of lobbying from NSAs. This chapter will analyse the lobbying activities of two NSAs, namely an NGO (MATTIN Group) and a business actor (Brita GmbH), with the aim of testing the hypotheses about roles, frames and levels related to NSA lobbying. In Chapter 1, it was suggested that NSAs active at the EU level are likely to play a consensual role and that legal or technical frames are crucial at the EU level. Furthermore, we need to see whether these NSAs used the national level in their lobbying efforts.

Many NGOs and solidarity movements often call for the boycott of Israeli goods or, at least, of settlement goods on the basis that they represent a violation of human rights and humanitarian law. For example, the BDS movement has been calling for the boycott of Israeli goods and the complete ban of Israeli products from EU markets (together with a policy of divestment from settlements and the imposition of sanctions). Others have often confused the issue of preferential treatment and labelling, while some NSAs deal with the broader implications of settlements for the

Middle East Peace Process. In contrast, the issue of lobbying analysed in this chapter revolves around the more specific point of the rules of origin that apply to goods exported from Israel under the provisions of the EU-Israel Association Agreement. Unlike the majority of NSAs, the MATTIN Group and Brita GmbH have been extremely active on the issue of the rules of origin. No evidence of lobbying by business groups beyond Brita GmbH has been found. While a few other NGOs have done some lobbying on this issue, they have been mainly driven by the MATTIN Group who took the lead and provided the expertise that was necessary to work on the issue.<sup>86</sup>

This chapter will show that the MATTIN Group mainly played a consensual role and employed legal frames, thus managing to establish relationships with EU officials. Through a dense set of social interactions, the MATTIN Group and the EU managed to frame the issue of goods coming from the settlements differently from the mainstream understanding. In contrast, Brita GmbH, a German business actor trading with the Israeli company Soda Club, adopted an adversarial role by challenging the EU in court. While it also used a legal frame, the confrontational attitude employed did not lead to cooperative interactions aimed at developing a mutual understanding of the issue at stake.

The choice of focusing on the issue of the rules of origin is due to the possibility of tracing the policy process, given that the EU has exclusive competence on Common Commercial Policy and the Customs Union. Moreover, the problem emerging from this case extends to the general issue of the territorial scope of EU-Israel agreements, thus involving an issue of crucial importance to the EU and its member states. While problems in trade relations between the EU and Israel date back to the Israeli policy of occupation following the 1967 Six-Day war and the subsequent establishment of Israeli settlements, lobbying actions on the rules of origin emerged in the second half of the 1990s. Therefore, the analysis will go back to these events as well in order to provide a complete picture of the case study.

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<sup>86</sup> Aprovev, an umbrella NGO based in Brussels, has also been active on this issue. Yet, its lobbying on the rules of origin has been conducted in coordination with the MATTIN Group, which has provided the inputs and expertise necessary to carry out such activities (Interviewee 4). The Euro-Mediterranean Human Rights Network also tried to do some work on this topic and to adopt the MATTIN Group's approach in its lobbying actions, but it then decided to focus on other issues, also due to the different requests from its member organisations (human rights) (Interviewee 2). For these reasons, the MATTIN Group is the only NGO considered here, as the other NGOs have relied on its work.

In order to demonstrate the different roles played and the frames used, this chapter will be structured as follows. Section 4.1 provides an overview of the issue of the preferential treatment of goods and the rules of origin, delineating the key moments of EU-Israel relations. Sections 4.2 and 4.3 deal with the types of role played and with the frames employed by the two NSAs. Section 4.4 will briefly explain what happened at the national level, while the conclusions will discuss the hypotheses again in light of the findings of the chapter.

#### **4.1 Preferential treatment and settlement goods**

Ties between the EU and Israel date back to the late 1950s. After the establishment of the European Community (EC), Israel was among the first countries to demand the establishment of diplomatic and economic relations. In 1958 Gideon Rafael, Israeli Ambassador to Belgium, became a non-member observer to the Commission, the same role played by the representatives of Britain and Ireland (Sachar 1999). Israel also established a full diplomatic mission with ambassadorial status in Brussels in light of the growing importance of the European market and the opportunities that the EC would provide. In 1964 the EC and Israel signed a commercial agreement on the reduction on duties on certain agricultural products, followed by another agreement in 1970 that worked as a transitory step before establishing a free trade area. The latter began to emerge with the 1975 agreement, signed within the ‘Global Mediterranean Policy’ framework: this agreement paved the way for the progressive elimination of trade barriers in both the industrial and agricultural sectors. A further boost to the bilateral relationship occurred in 1978, when the parties signed additional protocols on cooperation in industrial, technological, scientific, agricultural and financial sectors. While both parties were interested in strengthening their bilateral relationships for economic, cultural and political reasons, the European Community also used these agreements and protocols to exert leverage on Israel in relation to its positions in the context of the conflict (Bertrand-Sanz 2010; Greilsammer 1991; Sachar 1999). However, there is no evidence at the time of any specific problem related to the territorial scope of these agreements. Only in the 1980s did the first signs of tensions over trade relations begin to emerge.

A negative peak in EU-Israel bilateral relations was reached in 1986, when the Council of the European Communities (1986) issued Regulation 3363/86, granting preferential customs treatment to agricultural products from the West Bank and

Gaza. Through this Regulation, the EU started treating Israel and the OPTs as two separate entities under EU law. Palestinian exporters were supposed to have direct relations with European importers and the Arab Chamber of Commerce was responsible for issuing certificate of origin, as the Palestinian Authority did not exist at the time. Yet, Israel refused to cooperate and denied the transit of Palestinian products through its territory, thus preventing the implementation of the regulation due to the fact that Israeli ports were the only viable way to reach European markets. As a result, the European Parliament decided to block the approval of three of the protocols to the 1975 Agreement that were still pending, namely those on financial cooperation, transitional measures following the accession of Spain and Portugal, and the harmonization of duties on Israeli products and those coming from the acceding countries. The then Commissioner for the Mediterranean Countries, Claude Cheysson, tried to delink the ratification of the protocols from the implementation of the regulation. He stated that there was not a political dispute with Israel, but the EC's rules on goods' origin required that the labels reflected reality, i.e., goods coming from the OPTs were not of Israeli origin. Eventually, the crisis was solved in the fall of 1987, when Israel accepted that Palestinians could directly deal with EC importers (Greilsammer 1991; MEDEA Institute 1997). Although the issue was settled at the time, problems lingered on into the 1990s and 2000s.

The peaceful settlement of the dispute at the end of the 1980s was followed by the strengthening of bilateral relations: Israel was granted a 'special status' in 1994 (European Council 1994).<sup>87</sup> The following year the two parties signed the Association Agreement as part of the Barcelona process/Euro-Mediterranean Partnership (EMP). Yet the Agreement only entered into force in 2000 due to delays in ratification by the French and Belgian parliaments (Bertrand-Sanz 2010). Given that the relationship between the EU and Israel has always been marked by ups-and-downs and crises, Pardo and Peters (2010) speak of the EU and Israel as 'uneasy neighbours'. Needless to say, trade relations linked to settlement goods represent one of the issues that have poisoned the relationship.

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<sup>87</sup> The wording of the Declaration does not exactly define what 'special status' means. It only says that 'Israel, on account of its high level of economic development, should enjoy special status in its relations with the European Union on the basis of reciprocity and common interests'.

**Table 8 - Summary of the key agreements between the EC/EU and Israel**

<b>Year</b>	<b>TREATY</b>	<b>Official Journal Reference</b>
1964	Trade Agreement between the European Economic Community and the State of Israel	OJ 1964 L 95/1571
1970	Agreement with Israel negotiated under Article XXVIII (4) of GATT	OJ 1970 L 218
1975	Free Trade Agreement with Israel	OJ 1975 L 136/3
1978	Additional Protocol to the Agreement between the European Economic Community and the State of Israel, and of the Protocol relating to financial cooperation between the European Economic Community and the State of Israel	OJ 1978 L270
1995	Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part	OJ 2000 L147/3

Table 8 above summarises the main agreements signed between EC/EU and Israel. It has to be noted that the Association Agreement has been the legal basis for all subsequent protocols and further agreements between the EU and Israel. The Association Agreement also defines the rules of the free trade area between the EU and Israel. In a free trade area goods can circulate freely without being subject to duties when they enter the market of another state, i.e. they are entitled to a preferential treatment. Only the goods produced or significantly processed in the territories of the signatories of a free trade agreement can benefit from this special access. Goods therefore have to comply with the so-called ‘rules of origin’, a set of criteria which indicate when traded goods can be exported to the other market without the need to pay customs duties. In the case of the EU-Israel Association Agreement, the rules of origin are contained in the Fourth Protocol to the Agreement. According to Article 2 of the Protocol, products originate from the territory of the parties if they are ‘wholly obtained or substantially transformed’ either in the territories of the member states of the EU or in the territory of the State of Israel. The Association Agreement further provides, in Article 83, that the Agreement applies ‘on the one hand, to the territories in which the Treaties establishing the European Community and the European and Steel Community are applied and under the

conditions laid down in those Treaties and, on the other hand to the territory of the State of Israel’.

In essence, these two articles define the ‘territorial scope’ of the Agreement, i.e., the areas to which it applies, and clarify which goods are entitled to preferential treatment. Products that are obtained or substantially processed in the territory of one of the two parties can enjoy preferential treatment when being exported to the partner’s market. In the case of Israeli goods, which represent the issue of contention of the lobbying efforts presented here, Israeli customs authorities are in charge of issuing the certificates of origin EUR.1, as required by the procedure for preferentially exporting goods to the EU under the Association Agreement.<sup>88</sup> The customs authorities of EU member states rely on the certificates issued by their Israeli counterparts, and make some random ex-post facto verifications. If they are not sure about the origin of products, they can ask for clarification or confirmation from the authorities of the exporting country. Similarly, EU exporters rely on the same procedure and on EU customs authorities to receive a certificate proving that their goods are eligible under the conditions specified in the Protocol. Thus, the system is based on mutual trust between the parties (Paasivirta 1999).

Although these provisions seem straightforward, signs of an incorrect implementation of the Association Agreement by Israel already emerged in the second half of the 1990s. At that time, the Commission suspected that Israel-labelled orange juice was in reality a mixing of Israeli juice and Brazilian juice concentrates. By stating that it originated in Israel, the producers were enjoying preference treatment under the Agreement, thus violating the provisions of the Fourth Protocol. The Commission published a Notice to Importers ‘warning [them] of non-originating products coming from Israel’, as customs debt might be recovered from them if certificates prove to be false (Paasivirta 1999, 322). Moreover, the Commission questioned the validity not only of these certificates related to the export of orange juice, but also of all EUR.1 certificates issued by Israeli authorities, as it stated that ‘various elements have come to light which confirm a lack of effective administrative cooperation [...] and in particular certain substantial errors in the application of [the] agreements, to the extent that the validity of all preferential

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<sup>88</sup> In the media and public opinion, this technical and legal aspect is often confused with the ‘labelling’ of products, i.e., with the indication of the place where goods are produced so that consumers are aware of what they buy. The fact that the rules of origin and the labelling are often confused derives from the fact that both problems refer to the goods coming from the settlements. See Interviewee 20.

certificates issued by Israel, for all products, are put in doubt' (European Commission 1997).

In 1998 the Commission published a Communication, in which it stated that Israeli settlements were not part of the State of Israel, as defined in international law (European Commission 1998). Were these exports to be confirmed, Israel was supposed to end them soon. Through two fact-finding missions in September 1998 and October 1999, the Commission found evidence of Israel's breach of the Agreement. Israel's reply to the Commission's position was that East Jerusalem and the Golan Heights were part of Israel according to Israeli law. Israel further claimed that the settlements in the West Bank and Gaza, although they were not annexed to Israel, were in practice under its jurisdiction. Finally, the OPTs were part of its territory in customary terms, as there has been no complaint by the EU over the issue, and as the result of the 1994 Paris Protocol on Economic Relations between Israel and the PLO, which created a single customs envelope (Bertrand-Sanz 2010; Pardo and Peters 2010).

These signs of tensions in the late 1990s clearly show that Israel and the EU held a different view as far as the meaning of Article 83 is concerned. On the one hand, the EU, following the position adopted by the international community, recognises the State of Israel as the territory within the Green Line, i.e., the pre-1967 borders. All the territories incorporated or occupied after the Six-Day war are considered illegal under international law and by the EU, thus not being part of Israel under the terms of the Agreement. This means that goods produced in East Jerusalem, the Golan Heights or in the West Bank cannot be granted preferential treatment under the Agreement, as they do not comply with the rules of origin of the Fourth Protocol. On the other hand, Israel has not *de jure* annexed the West Bank, but it has *de facto* extended its jurisdiction to the settlements and has made them part and parcel of the economic life of the country. Moreover, Israel has justified its practical incorporation of the West Bank under its treaty-making competences on the basis of WTO provisions and international trade rules that apply to administered territories. It also claims that these areas can be incorporated within the territorial scope of its trade agreements on the basis of the Paris Protocol between Israel and the PLO (Bertrand-Sanz 2010; Zemer and Pardo 2003). In practice, Israel implements its trade agreements without distinguishing between the territory of Israel as internationally recognised and the occupied territories (Interviewee 1).

In 2000 the issue reached the European Parliament as well. Members of the European Parliament (MEPs) started addressing questions concerning the issue of settlement goods and preferential treatment to the Commission and the Council.<sup>89</sup> In the same year, the first round of verifications on the goods exported from Israel began. In combination with pressure exerted from national customs authorities, especially Belgium and the United Kingdom, which were in need of guidance on how to deal with the settlement goods, the findings of the verification procedures confirmed the Commission's suspicions about Israeli violations. Following an unsuccessful meeting of the EU-Israel Customs Cooperation Committee in July 2001, during which the parties did not manage to find an agreement on how to solve the issue of settlement goods due to the different position on the OPTs (Hauswaldt 2003), the Commission decided to issue a second Notice to Importers in November 2001. It stated that goods from the settlements were not entitled to any preferential treatment and importers were subjected to tariff liability also retroactively.<sup>90</sup>

In 2003 the issue of settlement goods appeared again on the agenda of the EU, as the pan-European system of cumulation of origins for the Mediterranean area was under discussion. The EU invited Israel to find a solution to the problem of settlement goods; otherwise the cumulation of origins could not be implemented. A temporary solution, which is still in place today, was reached with the so-called 'Olmert Arrangement' or 'Technical Arrangement', according to which Israeli exporters would indicate the name of the place where the goods were produced or processed. It entered into force in February 2005, with the Commission and the Council stating that it was only a temporary device which would not solve the problem.<sup>91</sup> Basically, customs authorities of member states could recover duties on the products originating from the settlements, if the name on the EUR.1 was part of the list of settlements. At the same time, Israel was allowed to continue to issue the certificates of origin to the goods produced in the settlements, without being asked to implement the Association Agreement correctly.

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<sup>89</sup> E.g. Questions by MEP Luisa Morgantini to the Council (H-0017/00) and the Commission (H-0018/00) on Products imported from Israel: possible violations of the rules of origin in January 2000; Question by MEP Luisa Morgantini to the Council (H-0069/00) in July 2000; Written Question by MEP Alain Lipietz to the Commission (P-2786/00) in September 2000.

<sup>90</sup> Notice to Importers, Importations from Israel into the Community - *Official Journal, OJ 2001 C 328*. On this point, see also Bertrand-Sanz (2010); working document supplied to the author by the MATTIN Group.

<sup>91</sup> Written Question by Caroline Lucas to the European Commission, 6 July 2005, P-2496/05 and Oral Question by Said El Khadraoui to the Council, 22 June 2005, H-0544/05.

While the issue remained in a sort of stand-by following this Arrangement, an important event in the story took place in 2009, when the Tribunal of First Instance issued its opinion on a case about the denial of preferential treatment to some Israeli goods imported by Brita GmbH in 2002. The final ruling by the European Court of Justice (ECJ) was issued in February 2010 and confirmed that goods produced in settlements cannot benefit from preferential treatment under the EU-Israel Association Agreement. Yet, the judicial ruling did not solve the problem of the different interpretation of the territorial scope of the Association Agreement and of its incorrect application by Israel, although it provided clear legal references as far as the EU's position is concerned. In August 2012 the Commission issued a further Notice to Importers (European Commission 2012a), putting the onus of checking the origin of goods on European importers. The list of ineligible places of origin has been made public and importers need to consult it before lodging a claim for preferential treatment. If the postal code of the goods they are importing is on this list, they should refrain from sending a request to the customs authorities.

Against this background, the following sections will analyse the roles played by the MATTIN Group and Brita GmbH, the frames they used and the extent to which they also lobbied through the national channel in order to put to the test the hypotheses presented in Chapter 1.

## **4.2 Consensual vs. adversarial roles: who wins?**

This section analyses the role played by the MATTIN Group, an NGO based in Ramallah (West Bank), and Brita GmbH, a German water filtration company with 14 subsidiaries and one joint venture located in different parts of Europe and the world. Both NSAs have been lobbying on the issue of preferential treatment of settlement goods, but they adopted two different roles, namely a consensual and an adversarial role respectively. As will be shown, the MATTIN Group has relied on an access approach, while Brita GmbH has used a litigation strategy. This section therefore tests the hypothesis presented in Chapter 1: NSAs adopting a more consensual role develop cooperative forms of social interactions with EU officials and politicians that allow for frames to be conveyed and for meaning to be shared. In contrast, an adversarial role limits the possibility for NSAs to engage with EU policy-makers, given that the parties delegitimise each other. It is impossible for the parties to develop shared understandings and for frames to travel. The roles of the two NSAs

will be presented separately, by starting with the MATTIN Group. In the conclusion of the section, the key elements of the two roles will be summarised and compared.

The MATTIN Group is human rights NGO based in Ramallah, with a small staff of 2.5-3 full-time people. It focuses on international humanitarian law and aims to influence EU foreign policy-making with a view to changing the situation on the ground for the Palestinians. Given the EU's relevance in the Middle East Peace Process and the bilateral relations it has established with the parties (see Chapter 2), the MATTIN Group considers the EU as an important target of its lobbying actions, with the potential for inducing Israel to modify its behaviour and policies towards the Palestinians. This NGO has been active over the past twenty years, to the extent that most interviewees in EU institutions have been in touch with its representatives (e.g. Interviewees 13, 17, 20, 28, 29, 68). By relying on an access approach, the MATTIN Group contacts EU officials and MEPs through emails and arranges face-to-face meetings with them during which it can advance its requests and presents its views (see section 3). Instead of looking for public attention and exerting indirect pressure through public opinion and the media, the MATTIN Group focuses on the venues where the administrative processes and the political bargaining take place and on direct contacts with policy-makers (Beyers 2004; Bouwen and McCown 2007).

More specifically, the MATTIN Group has adopted a 'passive enforcement'<sup>92</sup> approach, which does not openly challenge EU policies towards Israel. This approach has been developed around the idea of holding the EU accountable to its existing legal obligations under international law, international humanitarian law and human rights law. By providing documents, analyses and evidence in support of its argument, the MATTIN Group aimed at establishing dialogue and cooperation with EU officials. The lobbying activity carried out by the MATTIN Group continued previous initiatives of Al-Haq and CIHRE (Centre for International Human Rights Enforcement), which worked on the development of lobbying actions based on the concept of third state responsibility in relation to the Israeli's occupation of the West Bank and Gaza Strip. In other words, the MATTIN Group relies on argumentation and deliberation as modes of interaction, i.e. there is a dialogue with EU policy-makers which should lead to a common understanding of an issue on the basis of the validity of the argument presented.

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<sup>92</sup> The term was first introduced by the MATTIN Group, but it is also used in the literature now (e.g., Tocci 2007).

Given that this was the first instance of systematic lobbying on the EU, the case of the rules of origin and preferential treatment to settlement goods was a sort of ‘laboratory’ for the MATTIN Group, which developed and modified its lobbying actions through constant interactions with both national and EU officials and politicians (Interviewee 1). While lobbying began in the late 1980s, when some Palestinian groups showed the EU that Israel was not allowing for the correct implementation of the EU’s Regulation on trade between EU member states and the West Bank and Gaza Strip, it was only with the issue of the rules of origin and settlement goods that the MATTIN Group started to develop a more coherent and organised approach to the EU, with a clearer frame in place. The consensual role that the NGO has developed is the result of continuous interactions that made the MATTIN Group’s behaviour towards the EU change (Interviewee 1).

The MATTIN Group’s activities took place at two levels: the Brussels-based and the national levels. The use of the national level, which will be analysed in depth in section 4.4, was complemented by a direct engagement with the Commission and the European Parliament. On the one hand, this NGO established contacts and had several interactions with the staff of the Commission, especially with the people working in the Directorates General (DGs) of TAXUD (Taxation and Customs Union) and the former RELEX (External Relations). Interestingly, the MATTIN Group also used MEPs to table oral and written questions to the Commission and the Council, as an indirect way to raise the issue of settlement goods and exert indirect pressure on these institutions. As various EU officials confirmed (Interviewees 13, 17, 20, 29, 68), putting pressure on the Commission via the European Parliament forces the Commission to, at least, reply and recognise an issue. It is therefore a way to force the EU to take action (Interviewee 28). Other EU officials, who sooner or later met with representatives of the MATTIN Group, stated that they began to receive many questions from MEPs on the issue of settlement goods and preferential treatment: they knew these questions were written by the MATTIN Group, as the type of points raised reflected the argument that they had already listened to in meetings with MATTIN Group representatives (Interviewee 17, 20, 68). For example, in June 1998, MEP Mary Banotti asked the Commission how the EU was going to ensure that settlement goods did not benefit from preferential treatment

under the EU-Israel Association Agreement.<sup>93</sup> The wording of the question was akin to the language and forms used by the MATTIN Group, and it seems to confirm what was stated in interviews, namely that the NGO was feeding MEPs with questions to be addressed to the Commission or the Council. Similarly, in January 2000 MEP Luisa Morgantini asked questions to both the Council and the Commission concerning the practical steps that EU institutions were taking to prevent the incorrect application of the Agreement and the illegal entrance of settlement products under preferential treatment.<sup>94</sup> At the same time, the Delegation for relations with the Palestinian Legislative Council invited the MATTIN Group to give a presentation on the issue of settlement products. Moreover, the NGO met with people in the Customs Code Committee, responsible for dealing with rules of origin.<sup>95</sup>

While the issue of settlement goods was not new to the Commission, which was already planning to establish some mechanism of control, the role of the MATTIN Group was important in keeping the issue alive and pushing the Commission, also via parliamentary questions, to take action (Interviewee 28). As will be explained in section 4.3, the interesting aspect here is the emergence of a more widespread understanding of the problem of the Association Agreement as an issue involving the ‘territorial scope’ of it. As parliamentary questions show, there has been a progressive shift from dealing with EU-Israel agreements in only political terms to a more legal understanding of the repercussions that these agreements can have on the EU. For instance, in March 2000, a group of MEPs filed a question to the Commission on the ‘Irregular application of the EC-Israel Agreement’ during the plenary debate.<sup>96</sup> By starting with clear references to obligations under international law and the applicability of the EU-Israel Association Agreement to the internationally-recognised territory of Israel, MEPs questioned the Commission about the policies implemented in order to deal with the alleged violations of the provisions in the Agreement by Israel.

As a result of strong pressures from both the European Parliament and the customs authorities of member states, the Commission became more active. To start with, the

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<sup>93</sup> Question by MEP Mary Banotti to the Commission (H-0522/98), as listed in a confidential document seen by the author.

<sup>94</sup> Questions by MEP Luisa Morgantini to the Council (H-0017/00) and the Commission (H-0018/00) on Products imported from Israel: possible violations of the rules of origin.

<sup>95</sup> Confidential document seen by the author.

<sup>96</sup> Oral question by several MEPs (O-0018/00) on Irregular Application of the EC-Israel Trade Agreement.

MATTIN Group was invited by OLAF (Commission's anti-fraud office) and DG TAXUD (Directorate-General Taxation and Customs Union) to present evidence of the violations of EU law (Interviewee 1). According to a working document supplied to the author by the MATTIN Group, a list of various products was provided to OLAF and TAXUD to confirm that violations of the EU-Israel Agreement were taking place. In front of empirical evidence, the Commission began to consider the issue of settlement goods under a different light and the numerous interactions with the MATTIN Group were certainly functional to the development of a specific understanding and measures. As presented in the analytical framework in Chapter 1, this progressive involvement of the MATTIN Group shows that the NGO was increasingly seen as an interlocutor by the EU, which began to use not only the information provided but also the legal frame employed by the MATTIN Group to make sense of this information and of the EU-Israel trade relations more in general.<sup>97</sup>

While questions to the Commission and the Council also continued in the following months, the European Parliament issued a Resolution in May 2001, in which MEPs complained about the improper implementation of the Association Agreement by Israel. In the Resolution, the Commission and member states were urged to take action to end this wrongful situation (European Parliament 2001). Further pressure on the Commission was also exerted by national customs authorities, which asked for guidance on the issue of settlements products, after the launch of verification procedures between 2000 and 2001.<sup>98</sup> Eventually, the Commission confirmed its suspicions about Israeli violations and decided to issue a second Notice to Importers in November 2001, stating that goods from the settlements were not entitled to any preferential treatment and importers were subjected to tariff liability also retroactively (European Commission 2001).

Given that the Notice did not tackle the core of the problem, i.e. Israel's different interpretation of the territorial scope, the MATTIN Group continued to discuss with member states, MEPs and the Commission the evidence of Israel's violation of the provisions of the Agreement in order to pressure them to come up with an adequate solution. Between 2001 and 2003 the MATTIN Group helped MEPs and MPs to

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<sup>97</sup> Unfortunately, the documents of Committee meetings, correspondence between the MATTIN Group and the EU Commission were not available for public consultation. The evidence presented here is therefore based on interviews and confidential documents that the author saw during interviews by courtesy of the interviewees.

<sup>98</sup> Austria, Belgium, Italy, Sweden, Spain, France, Germany, UK, and the Netherlands. Working document supplied to the author by the MATTIN Group.

formulate parliamentary questions to put pressure on the Commission and member states,<sup>99</sup> and national customs authorities continued to carry out verification procedures on products imported from Israel (Interviewees 1, 17, 20).

EU officials confirm that they met the MATTIN Group several times and they all recall the ‘territorial scope’ clause as the NGO’s main argument (Interviewees 13, 17, 20, 29). Interestingly, these interviews point out how the MATTIN Group evolved during the years as a result of constant interactions with EU policy-makers. While those officials that met representatives of the MATTIN Group in recent years argue that this NGO knows what to do, when and where to intervene (Interviewee 29), some officials who had meetings in the early stages argue that the initial behaviour of the MATTIN Group was accusatory, often lacking a clear understanding of how the EU works and doing unnecessary overwork in lobbying (Interviewee 13). Interviewees 13 and 20 also shared a sense of ‘pushiness’ in MATTIN Group’s approach. Through frequent interactions with EU policy-makers and officials and a deepening of the mutual knowledge of each other, the MATTIN Group has enhanced its credibility of a partner, with whom EU policy-makers can have a dialogue and cooperate. The frequent interactions between the MATTIN Group and EU policy-maker that took place over the years have allowed for the definition of a common understanding as far as the problem of the rules of origin is concerned (see also Section 4.3).

Unlike the MATTIN Group, Brita GmbH has played an adversarial role. While it has also used a legal argument, as will be shown in the following section, it has turned to a German court with a view to achieving policy change through judicial ruling. As explained in Chapter 1, an approach based on litigation is a confrontational mode of interaction in which the two sides do not negotiate or establish a dialogue on the issue of contention. Via litigation NSAs challenge the EU through a judicial procedure that does not lead to mutual understanding or cooperation, but to a mutual delegitimation. In other words, NSAs relying on litigation aim to change EU policies through the ruling of a court, which either restores the status quo or paves the ways for policies that had been previously opposed in the policy-making process.

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<sup>99</sup> E.g., during the European Parliament session of 13 May 2003, 7 Question Time questions were asked to the Commission on the irregular application of EC-Israel trade-related agreements. The MEPs who submitted the questions were: H-0266/03 by Alain Lipietz, H-0268/03 by Mary Banotti; H0270/03 by John Cushmatian; H-0272/03 by Luisa Morgantini, H-0278/03 by Bartho Pronk, H-0283/03 by Jan Daehne, H-0287/03 Ulla Sandaek. On the national level, e.g. Danish MP Jeppe Kofod wrote a letter to the Danish Minister of Taxes, 12 March 2003.

It is important to point out here that Brita GmbH had obviously economic interests when it brought the case to the court, as it wanted to import goods from Soda Club, an Israeli company with factories in the settlements, without paying any customs duties. Nevertheless, the political dimension of the case cannot be ignored: it revolves first and foremost around the application of the EU-Israel Association Agreement and the status of settlement products. In an interview (Interviewee 28), it was suggested that Soda Club and the Israeli government might have been behind the case, as they were both interested in reversing the situation of the preferential treatment for settlement goods. Given the dissatisfaction of Israel as far as the status of settlement goods is concerned, the Israeli government might have looked for a legal procedure to change the situation implemented at the political level.<sup>100</sup>

In more detail, the so-called 'Brita case' revolves around the denial of preferential treatment to Brita GmbH's imports of Soda Club's goods. In 2002, Brita GmbH imported water-carbonating machines and drink-makers for sparkling water and syrups produced by Soda Club. These goods were produced in the company's factory in Mishor Adumin, an Israeli settlement in the West Bank. Between February and June 2002, Brita GmbH filed sixty-two declarations, stating that the goods it imported had originated in Israel, as proved by the EUR.1 certificates issued by Israeli customs authorities. Following the provisions of the EU-Israel Association Agreement, the goods were, in Brita GmbH's view, eligible for preferential treatment. The Hauptzollamt (Customs office) Hamburg-Hafen provisionally accepted Brita GmbH's application and granted the exemption from customs duties. At the same time, however, it started a verification procedure, requesting Israeli customs authorities to indicate the exact origin of the goods, on the basis of Article 32 of the Fourth Protocol of the EU-Israel Association Agreement.<sup>101</sup> In their reply, Israeli customs authorities stated that the goods were manufactured in an area under Israeli customs responsibility. The Hauptzollamt considered this indication insufficient, so that it decided to ask for supplementary information about the exact location and whether the goods had been produced in the occupied territories of the West Bank, the Gaza Strip, East Jerusalem or the Golan Heights. Because Israeli customs authorities failed to reply, the Hauptzollamt Hamburg-Hafen refused to

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<sup>100</sup> There is however no evidence to support this point, which remains a speculation. It was not possible to further investigate the issue with representatives of Brita GmbH, who refused to be interviewed for the purpose of this thesis, nor with the Israeli government.

<sup>101</sup> According to this article, the authorities of the importing state are authorised to request verification of the EUR.1 certificates, had they doubts on the origin of the products.

grant entitlement to preferential treatment to the goods imported by Brita GmbH in a notice of 25 September 2003. The reason was that it was not possible to establish with certainty if the imported goods were produced in an area where the EU-Israel Association Agreement applies. As provided for by the Notice to Importers of 2001, the Hauptzollamt sought post-clearance recovery of customs duties for an amount of €19,155.46.

Although Brita GmbH appealed against this decision, its appeal was dismissed by decision as being unfounded in June 2006. Therefore, the company brought an action for annulment before the Finanzgericht (Financial Court) Hamburg. The latter, unsure about the interpretation of the relevant trade agreements, referred the case to the ECJ for a preliminary ruling in 2008. More specifically, it asked for advice about the interpretation of the EU-Israel and EU-PLO Association Agreement as far as the entitlement of the preferential treatment is concerned and how national customs authorities should behave when dealing with EUR.1 certificates issued by the Israeli counterparts (European Union 2008a).

In October 2009 the Advocate General Bot gave a legal opinion on the case, maintaining that settlement goods are not entitled to preferential treatment under the EU-Israel Agreement. The final ruling by the ECJ was issued in February 2010: it stated that the goods coming from the Occupied Territories do not fall within the territorial scope of that EU-Israel Agreement and do therefore not qualify for duty exemption under that agreement, even if the Israeli customs authority issue a certificate of origin stating that the products originate in Israel. Therefore, Brita GmbH will have to pay the duties for the goods it imported (Hamburger Justiz 2010).

By referring to the court, Brita GmbH was also challenging the legitimacy of EU policies towards Israel and Palestine. Despite its economic aspects related to the duties imposed on the company's imports, the 'Brita case' had strong political relevance. Had the ECJ ruled in Brita's favour, it would have reversed one of the key pillars of EU policy, namely respect for international law, humanitarian law and international human rights law. Not only was Brita GmbH in disagreement with the policies of the EU, but it was also challenging them without making any effort to identify possible alternatives to the current situation. In other words, a legal ruling is a black-or-white position that either supports an implemented policy or delegitimises it. Unfortunately, it is not possible to elaborate on the reasons that pushed Brita

GmbH in this direction or to tell more about the impact of interactions on Brita GmbH, given that Brita's representatives refused to be interviewed and the EU and national officials interviewed could not elaborate on this issue.

The cases of the MATTIN Group and Brita GmbH have thus offered the possibility of investigating two different roles, a consensual and an adversarial role respectively. As shown above, the MATTIN Group interacted directly with officials and politicians with a view to establishing cooperation and dialogue. This, in turn, progressively led to a new and shared understanding of the issue of settlement goods, as will be shown below. The progressive shift from a more accusatory approach to a cooperative mode of interaction works in support of the hypothesis that playing a consensual role when lobbying allows for cooperative social interactions on the basis of which frames can travel and get developed. In contrast, the case of Brita GmbH shows that an adversarial role, which challenges EU policies, prevented the possibility of a positive cooperation and the establishment of mutual trust. Given this confrontational stance, the EU and Brita GmbH could not reach a common understanding on the issue, as any room for dialogue was precluded.

### **4.3 Legal frames to open the door of EU policy-making?**

This section tests what type of frames the MATTIN Group and Brita GmbH employed in their lobbying. In Chapter 1, it has been hypothesised that NSAs relying on technical or legal frames are more likely to play a significant role, to be involved in EU foreign policy-making and to develop deep interactions with EU officials and politicians. It has been added that this is due to the nature of the EU's policy-making process, which is characterised by a limited level of politicisation and the consensus-driven policy mode. Therefore, technical/legal arguments are more likely to be considered by EU institutions. Interestingly, both NSAs used legal frames, but they had opposite results. On the one hand, the MATTIN Group managed to develop strong ties with EU policy-makers and to reach a new and shared understanding of the issue of the rules of origin in EU-Israel agreements. On the other hand, Brita GmbH was not able to convey its frame and interact with the EU on this basis.

In the case of the MATTIN Group, it is possible to identify a very articulated and complex legal frame, which revolves around the idea of 'territorial scope' of the EU-Israel Association Agreement. In particular, the argument is that the incorrect

application of the Agreement by Israel in the case of settlement goods leads to the violation by the EU of its own law and its obligations under international law, international humanitarian law and human rights. The frame is rooted in solid legal bases, with numerous references to international treaties such as the Vienna Convention, the Geneva Conventions and articles in the Association Agreement.<sup>102</sup> The high technicality required in legal frames, as explained in Chapter 1, is therefore matched in the frame used by the MATTIN Group.

Moreover, the legal dimension is linked to key principles and interests of the EU. According to the frame proposed by the MATTIN Group, the EU cannot accept that settlement products are imported under the preferential treatment, as this would lead to the violation of its own law and would endanger the Commission's role as 'guardian of the treaties'. The Association Agreement provides for the possibility of addressing the problem of different interpretations of the wording of the agreements through an arbitration mechanism, which would ensure that the EU does not accommodate to Israel's position regarding the status of the Occupied Territories (Interviewee 1; Euro-Mediterranean Human Rights Network 2006). Therefore, references to the *raison d'être* of the EU ensures that the resonance of the frame is stronger, as suggested in Chapter 1.

As shown above, the MATTIN Group has provided EU officials with empirical evidence of Israeli violations of the Agreement: Israel exported settlement products as if they were produced in the pre-1967 borders of Israel. For example, in 2000 the MATTIN Group gave evidence files to the officials in DG TAXUD in charge of the issue of the rules of origin, and to OLAF. Information consisted in listing the goods that entered EU markets under the preferential treatment, but that were actually produced in the OPTs. Among these products there were Ahava cosmetics, wine from the Golan Heights and cut flowers. By providing this support to its argument, the MATTIN Group strengthened the empirical credibility (Snow and Benford 1992) of its frames, thus ensuring that it resonated more with EU officials and policy-makers (see Chapter 1).

While the evidence collected on settlement goods represented clear instances of Israeli violation of the Agreement, it was functional to MATTIN Group's argument that the EU was violating its own law and its obligations under international law and

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<sup>102</sup> I have seen various documents produced by the MATTIN Group by courtesy of the MATTIN Group. However, these documents are confidential and they cannot be reproduced here.

humanitarian law. Indeed, MATTIN Group's lobbying was generally accompanied by the provision of policy briefs and legal documents offering details about international law, Israeli law and an elaborated explanation of the issue of the rules of origin for the EU.<sup>103</sup> In essence, the MATTIN Group's argument framed the issue of settlement goods in terms of EU violation of its own law and its obligations under international law. Due to the different interpretation of the territorial scope of EU-Israel agreements, the EU risked creating a situation that would have compromised its position under international law, had measures to prevent this not been taken. In some interviews, it was pointed out that the explanation offered was very important to raise the issue of preferential treatment to settlement goods and in exerting pressure on the Commission (Interviewees 13, 17, 20). However, some also lamented that the argument was sometimes too technical and legal, thus being quite difficult to understand (Interviewees 17, 20).

This point is also linked to the importance of argumentation and persuasion (Tocci 2011b; Beyers 2010; Nye 2004; Finnemore and Sikkink 1998). The MATTIN Group's frame has always been well-structured and its content has been dealing with pressing and important issues that the EU cannot ignore or avoid tackling. As explained in Chapter 1, the collective production of meaning that framing involves also presupposes that the parties interact on the basis of a relationship in which they consider each other as a legitimate and trustworthy partner (Hindess 1996; Tocci 2011b). The interpretative process that takes place among actors when dealing with facts or experiences is the result of a process that makes sense only if conceived as socially embedded, where argumentation prevails. The relationship between the MATTIN Group and EU institutions has developed through recurrent interactions: its frame is accurate and can be useful to the formulation and implementation of policies.

Importantly, the frame proposed by the MATTIN Group differs substantially by the majority of the frames used by NSAs when lobbying on settlement goods. The majority of NGOs active on the issue of settlement goods do not deal with the problem of the rules of origin and preferential treatment, and legal frames are not widely used due to the difficulties and technicalities involved (see Interviewee 2). The focus of many NSAs, including solidarity movements like the BDS Movement, revolves around the banning of Israeli products and, in some cases, the labelling of

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<sup>103</sup> Confidential documents seen by the author by courtesy of the MATTIN Group.

goods. Unlike these actors, the MATTIN Group does not call for the suspension of the Agreement, for the imposition of sanction or the ban of settlement goods from EU markets, but proposes that the Agreement and the subsequent protocols are re-drafted, and that Israel is forced to apply the Agreement with the EU according to EU law, so that the EU does not violate its obligations and its own law. By showing that violations of the Association Agreement by Israel have also repercussions for the EU itself, the MATTIN Group aims to ensure that member states perform their responsibilities under EU law, which also implies respect for international law, international humanitarian law, and human rights law. By adopting this legal frame, the MATTIN Group offered a different angle to the mainstream view on settlements and suggested a different option for action.<sup>104</sup>

Interestingly, the ‘Brita case’ also revolved around the territorial scope of the EU-Israel Association Agreement and whether settlement goods should be granted preferential treatment under the Agreement. Although the frame was in practice produced by the German Finanzgericht to which Brita GmbH appealed, the company clearly knew that this approach to challenge the EU would be based on a legal frame. Brita GmbH’s frame is therefore highly technical and with a strong legal basis, given that it is formulated by judicial authorities in the EU and its member states. As mentioned above, the Finanzgericht Hamburg referred the case to the ECJ, given that it had doubts about the interpretation of the EU-Israel Association Agreement. More specifically, it raised four issues:

- 1) The German Court asked whether preferential treatment should be granted anyway for goods coming from the West Bank, since this treatment is provided under both the EU-Israel and the EU-PLO Association Agreements, even if the certificates were issued by Israeli customs authority.
- 2) It also enquired if the certificates of origin issued by the Israeli customs authority were binding for the national customs authorities of the EU.
- 3) It further questioned whether national customs authorities were authorised to refuse to grant entitlement to preferential treatment, if the Israeli authority fails to reply once asked for clarifications as far as the exact origin of the goods is concerned.
- 4) The Finanzgericht also wondered whether preferential treatment could be denied straightforward if it was sure that the goods imported were produced in the West Bank (European Union 2008a).

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<sup>104</sup> While interviewees were generally sharing the view that the MATTIN Group makes a valid and interesting point, Interviewee 20 found the argument too convoluted, with actually limited inputs on how to translate it in practical terms.

In his opinion in October 2009 Advocate General Bot regrouped the questions under two main issues. On the one hand, the issue is whether the customs authorities of the importing state are bound by the results of the verification procedure carried out by the exporting state and whether any dispute has to be submitted to the Customs Cooperation Committee before taking measures unilaterally. In Bot's opinion, this was a problem of rules of origin and, more precisely, 'ascertaining whether that origin falls within the scope of the EC-Israel Agreement (point 86)' (Bot 2009). Therefore, the dispute is not over a question of fact, but it relates to the territorial scope of the Agreement and its interpretation. The Association Council is the competent authority to deal with this issue.

On the other hand, the question relates to 'whether goods certified as being of Israeli origin but which prove to originate in the occupied territories, more specifically the West Bank, are entitled without distinction either to the preferential treatment under the EC-Israel Agreement or to that under the EC-PLO Agreement (point 105)'. According to Bot, the EU-Israel and EU-PLO Agreements have their territorial scope, namely the State of Israel and the territories of the West Bank and Gaza Strip respectively. The EU-PLO Association Agreement has been precisely signed in order to differentiate between Israel and the West Bank/Gaza Strip and to stimulate trade between these territories and the EU. Therefore, goods coming from these areas are not entitled to any preference under the EU-Israel Association Agreement. They are not allowed to be granted preferential treatment under the EU-PLO Agreement either, if the certificates of origin are issued by the Israeli customs authorities. The only valid certificates of origin that customs authorities in EU member states can accept for goods originating in the West Bank are those issued by Palestinian customs authorities, as provided by in the EU-PLO Association Agreement. In conclusion, the Advocate General maintained that those goods that are certified as being of Israeli origin by Israeli customs authorities, but which prove to originate from the occupied territories, are not entitled to preferential treatment either under the EU-Israel or the EU-PLO Association Agreement.

The ECJ's judgement on 25 February 2010 reached similar conclusions, but the ruling was based on different legal grounds, namely the existence of two different agreements, the EU-Israel and EU-PLO Association Agreements, which have mutually exclusive territorial scopes and pursue the same objective of developing free trade between the parties (point 48) (European Court of Justice 2010a).

Therefore, ‘products originating in the West Bank do not fall within the territorial scope of the EC-Israel Agreement and do not therefore qualify for preferential treatment under that agreement’ (European Court of Justice 2010b).

While the legal frame was structured by the national and EU courts, it seems reasonable to argue that Brita GmbH was looking for a legal way to change the situation of the rules of origin. In a different way from the legal frame proposed by the MATTIN Group, this ruling also offers strong legal basis and makes references to the founding principles of the EU, namely its legal framework. As mentioned above, the case was likely to be driven by intentions different from just recovering the duties on imports. Recalling again the interview with an EU official (Interviewee 28), the Israeli government was likely to be behind the case, as the legal framing of the issue would be a possibility to solve the issue of settlement goods, by having a legal ruling favourable to duty-free exports from the OPTs.

Interestingly, both NSAs used legal frames in representing their interests with regard to trade relations with Israel, but with opposite results. The MATTIN Group’s frame of the territorial scope of agreements, which has been shared with EU officials and politicians through cooperative forms of social interactions, has led to the re-framing of the EU’s stance. As shown in the Statement of the European Union after the Tenth Meeting of the EU-Israel Association Council, the EU maintained that ‘[t]he elaboration of an operational cooperation agreement between Israel and Europol has also advanced. The first comprehensive draft was submitted to Israel for consideration in December 2010. The necessary provisions are made for the *correct territorial application* of this and other instruments (emphasis added)’ (European Union 2011). In December 2012, the Council Conclusions further stated that

The European Union expresses its commitment to ensure that – in line with international law – all agreements between the State of Israel and the European Union must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967, namely the Golan Heights, the West Bank including East Jerusalem, and the Gaza Strip. Recalling its Foreign Affairs Council Conclusions adopted in May 2012, the European Union and its Member States reiterate their commitment to ensure continued, full and effective implementation of existing European Union legislation and bilateral arrangements applicable to settlement products (Council of the European Union 2012b).

In contrast, the legal frame used by Brita GmbH did not lead to a new understanding or re-framing of the EU's position, nor did it bring about a shared understanding of the issue at stake. The German company lost the case and the ECJ clearly stated that goods imported from Israeli settlements cannot benefit from the preferential treatment granted by the EU-Israel Association Agreement. Further thoughts about the possible reasons for two different outcomes will be drawn in the concluding section.

#### **4.4 The use of the national channel**

This section analyses the relevance of the national level in lobbying activities, which is an important component of the EU's multi-level foreign policy system. As explained in Chapter 1, member states represent one of the possible contexts where NSAs conduct their lobbying on EU policies. In the case of the rules of origin, the MATTIN Group and Brita GmbH represent two different instances of the use of the national channel. On the one hand, the MATTIN Group is a Palestinian NGO, whose main activities have been concentrated on Brussels. Given that it is not based in any of the EU member states, we cannot analyse the Europeanization of its activities. Yet, for the purpose of this thesis it is important to understand how the MATTIN Group, which represents an instance of a NSA active/based in Brussels, has relied on the national channel to complement its lobbying activities at the EU level. Indeed, member states can be targets of lobbying from Brussels-based and international NSAs as well as from NSAs based in member states. On the other hand, Brita GmbH has its headquarters in Germany, thus making the national venue congenial to its lobbying activities. Moreover, most of the times the reliance on a litigation approach requires NSAs to go through the national channel, by referring to the ECJ via national courts. As detailed in Chapter 1, a national court can use the preliminary reference mechanism to clarify an issue of interpretation of EU law that is involved in the case at hand. By recalling the Europeanization patterns identified in Chapter 1, we could consider it as a form of internalisation, i.e. the inclusion of the EU dimension/policy into interest representation at the national level.

The MATTIN Group worked extensively at the national level. Together with other European and Palestinian NGOs,<sup>105</sup> the MATTIN Group addressed the governments

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<sup>105</sup> Human Rights Watch, ICCO, Save the Children, Pax Christi Belgium, CIHRE.

of France, Belgium, the United Kingdom, and the Netherlands to make them aware of the problems concerning the ratification of the Association Agreement, especially in terms of Israel's violations of human rights (Bertrand-Sanz 2010).<sup>106</sup> The MATTIN Group also began to target the customs authorities of some member states and to provide evidence of the Israeli incorrect application of the Agreement with regard to settlement products. In 1998, the MATTIN Group was hired by the Dutch Ministry of Development and Cooperation to investigate the issue of goods coming from the settlements. Similarly, it also worked with the British, French and Belgian customs authorities and confronted them with the fact that they were granting preferential treatment to settlement goods in violation of EU legislation, even if the goods were being exported by Israel with a EUR.1 certificate issued by Israeli customs authorities that declared the goods were of Israeli origin (Interviewee 1).<sup>107</sup> More specifically, in 1999 the MATTIN Group presented the customs authorities of Belgium, France, the United Kingdom, and the Netherlands with evidence that some goods that were exported to European markets as merchandise originating in Israel were actually coming from the Golan Heights and the West Bank. By carrying out a posteriori verification on these files, customs authorities had to admit that some of these products entered the market without paying the customs duties.<sup>108</sup> By not collecting duties on the imports in question, there was a violation or deficient implementation of EU law. In this way, the MATTIN Group put them in a situation where they had to take action or call for action from the Commission to perform their responsibilities correctly and bring such violations to an end.<sup>109</sup> Through the provision of evidence files and by providing a frame of interpretation of these pieces of information (see section 4.3), the MATTIN Group was able to open a channel to make this issue of the territorial scope of agreements become part of the discourse at the EU level.

The reliance on the national level was partly forced by the nature of the issue. Trade agreements with third parties, and their relative rules of origin, are implemented at the national level by the customs authorities of the country to which Israeli goods are exported. Therefore, customs authorities represented an easy gateway to the

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<sup>106</sup> The Agreement was signed in 1995, but it entered into force only in 2000, given the delay in the ratification procedure in some member states.

<sup>107</sup> Working document supplied to the author by the MATTIN Group.

<sup>108</sup> Working document supplied to the author by the MATTIN Group.

<sup>109</sup> The Commission, in its function of guardian of the treaties, has to guarantee that EU law is applied correctly. Therefore, deficient implementation of EU law due to the accommodation of wrong practices by third countries in their relationship with the EU could not be accepted.

Commission: once it was proved that settlement goods were entering EU markets without paying customs duties, national authorities were forced to refer to the Commission and ask for guidance in terms of what actions were to be taken in these cases. According to a working document seen by the author, national delegations in the Customs Code Committee reported the results of their investigations and confirmed that they were in touch with the MATTIN Group, who had provided them with the relevant evidence.

At the same time, lobbying efforts with national customs authorities were also complemented with actions with members of national parliaments (MPs). The latter had a similar role to the MEPs, i.e. they put questions to their governments in order to raise member states' awareness as far as the EU-Israel Association Agreement was concerned and what problems were related to it. For example, questions were asked in the United Kingdom,<sup>110</sup> in Germany<sup>111</sup> and in the Netherlands.<sup>112</sup> In an interview, it was argued that the meetings with and documents sent by the MATTIN Group were important, as they provided useful information for the work as parliamentarian (Interviewee 87). The MATTIN Group was also feeding MPs with questions to ask in debates by raising the specific legal issues involved in the case. However, the problem with the frame proposed by the MATTIN Group was the absence of a political dimension, which is a necessary component in any debate in a parliament (Interviewee 87). Therefore, the national channel proved to be a way to exert indirect pressure on the EU via member states. In most national parliaments in EU member states, MPs use parliamentary questions to raise issues and convey the mood of constituencies. Like the European Parliament, national parliaments function as forms of control over their governments: they force ministers and their staff to answer questions about certain policies or positions, thus justifying the choices of the government. Similarly, MEPs target the Commission and the Council to exert indirect pressure on them, by forcing them to justify and explain the reasons behind

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<sup>110</sup> E.g. Questions by MP Phyllis Starkey to the Secretary of State and Commonwealth Affairs, 12/01/1998; available at: <http://www.publications.parliament.uk/pa/cm199798/cmordbk1/80112w01.htm> (accessed 30/03/2011).

<sup>111</sup> E.g. Written questions by Dr. Jürgen Gehb (CDU/CSU), *Anerkennung rechtmäßig vorgenommener Ursprungsbeurteilungen der Behörden des Ausfuhrlandes durch die Zollverwaltung des Einfuhrlandes gemäß geltendem Gemeinschaftsrecht, insbesondere für israelische Siedlungsprodukte*; Ralf Göbel (CDU/CSU), *Verstoß israelischer Ursprungszeugnisse für Exportwaren gegen das Assoziierungsabkommen der EU mit Israel*; Joachim Hörster (CDU/CSU), *Beurteilung der Ursprungszeugnisse für aus Israel in die EU exportierte Waren*. 8 August 2003. Available at: <http://dipbt.bundestag.de/dip21/btd/15/014/1501474.pdf> (accessed 20/03/2013).

<sup>112</sup> Questions included in a working document supplied to the author by the MATTIN Group.

certain policies. Basically, the MATTIN Group's approach when acting at the national level did not change if compared to its lobbying at the EU level. A tentative explanation of this would be that the MATTIN Group has predominantly interacted with the Commission (with the national level being secondary and complementary), so that it has been socialised to the EU context and logics.

As for Brita GmbH's lobbying, a litigation strategy requires the involvement of the national level, as private disputes tend to reach the ECJ through the preliminary reference mechanism (Bouwen and McCown 2007). Brita GmbH thus exploited the national court to raise an issue in front of the ECJ, as it was almost inevitable that the case would be referred to the ECJ, given that it involved the interpretation of EU law on an issue that was extremely unclear from a legal point of view. The national level was undoubtedly a channel through which the company aimed to target the EU. In this sense, it can also be considered a case of internalisation, i.e. the inclusion of EU policies in the representation of interests at the national level. Given the centrality of the EU in this policy domain (commercial policy is a EU-level competence), Brita GmbH mobilised over an EU issue at the national level. Due to the impossibility to discuss the issue with representatives from the company and in the absence of any additional evidence, it is difficult to assess whether the national level was the only level at which Brita GmbH conducted its lobbying activities.

This case shows that the national level is an important to NSAs' lobbying. Both the MATTIN Group and Brita GmbH have used the national channel to conduct their lobbying actions. In the case of the MATTIN Group, the national level has complemented the NGO's activities at the EU level. As for Brita GmbH, it has not been possible to ascertain whether litigation via a national court was the only form of lobbying used. Nevertheless, the two NSAs help us to draw some conclusions about the importance of the national level and the patterns of Europeanization. NSAs based or active in Brussels like the MATTIN Group use the national level to complement their primary engagement with the EU level. In the case of NSAs based in member states such as Brita GmbH, there is evidence of internalisation, i.e. the EU dimension enters their lobbying at the national level. This means that Brita GmbH has conducted its lobbying activities at the national level on an EU issue, with the aim of indirectly lobbying the EU.

## 4.5 Conclusions

This chapter has tested the hypotheses proposed in Chapter 1 on roles, frames and levels in the case study of EU-Israeli trade relations when settlement goods are involved. Not only do NSAs play a role in EU foreign policy towards the Israeli-Palestinian conflict, but playing a consensual role is also more suitable for lobbying the EU, as it offers the possibility of developing cooperative social interactions with it. In turn, consensual and cooperative interactions based on argumentation allow for frames to travel and get developed. In contrast, playing an adversarial role does not favour the engagement of NSAs with EU officials and politicians: the two sides delegitimise each other and there are no conditions for cooperative interactions to take place. Therefore, it is more difficult for frames to travel and for a shared understanding to be developed.

As shown, the MATTIN Group has managed to establish trust-based relationships with EU officials and politicians and to develop dialogical and cooperative forms of interactions based on frequent meetings and email exchanges. This consensual form of interaction has led to the progressive cooperation between the EU and the MATTIN Group. The two sides have been engaged in argumentative forms of interaction to the extent that they have reached a common understanding on the issues of the rules of origin. By playing a consensual role, the legal frame proposed by the MATTIN Group has travelled and has favoured a re-framing of the EU's stance towards the issue of settlement products. This frame revolves around the territorial scope of EU-Israel agreements and how the different interpretation of this aspect has repercussions for the EU's legal system. By accepting that settlement goods (which Israel considers as part of its territory) benefit from preferential treatment, the EU violates its own law and its obligations under international law and humanitarian law.

Interestingly, not only has this frame been at the basis of a re-definition of the EU's position on the issue of settlement goods and EU-Israel agreements more in general, but the MATTIN Group has also changed during its interactions and frequent contacts with the EU. From an approach that, still consensual, was perceived as accusatory and not entirely fitting into the mode of EU policy-making, the MATTIN Group has become increasingly cooperative and has acquired a position as a partner.

In contrast, Brita GmbH played an adversarial role based on a litigation approach. Therefore, it did not engage in cooperative forms of interaction with the EU, but it challenged the legitimacy of its policies and did not aim to establish a dialogue whereby the two sides could try to reach a shared understanding of the situation at stake. The German company relied on a legal frame, but it was not used in an argumentative way. It is important to notice that the frame was actually formulated by the European and national courts, but the decision by Brita GmbH of bringing its case to the German Finanzgericht was obviously pointing in this direction. The focus of the case was on EU legislation, namely the Association Agreements between the EU and Israel and the PLO respectively. Given the legal uncertainty surrounding the issue, it was inevitable that the court would refer the case to the ECJ to have an interpretation of the provisions of the Agreement. Although it was not possible to verify it with Brita GmbH's representatives, the litigation approach adopted does not seem to have only economic implications, namely the willingness to recover the duties on the imported goods. By creating a legal case, it is plausible to argue that the aim was to change the EU's policy towards the settlements in a way that was favourable to Brita GmbH. Despite the use of a legal frame, lobbying by Brita GmbH had different outcomes compared to the MATTIN Group. This can be explained by the adoption of an adversarial approach: by preventing any possibility of cooperation and dialogue, it was not possible to convey the legal frame and work towards a re-definition of the EU's stance together with EU officials and politicians.

The relevance of the level of lobbying has also been analysed in this chapter. Lobbying has also taken place at the national level, but in different ways. On the one hand, the MATTIN Group has complemented its Brussels-based activities with actions in member states. In the case of Brita GmbH, the choice of a litigation approach has partially forced the business group to choose the national level to file its legal claim. The lobbying done by Brita GmbH is also an example of internalisation, i.e. a case of Europeanization whereby NSAs incorporate the EU dimension/policy into their lobbying activities. Indeed, EU issues have been brought into the lobbying efforts at the national level and the national channel has been the way for the business groups to pursue its interests and convey its demands and views.

## **Chapter 5 - The Goldstone Report: to endorse or not to endorse it?**

While the previous chapter focused on trade relations between Israel and the EU, this chapter analyses lobbying activities concerning the EU's position towards the Goldstone Report. This is the fact-finding mission (FFM) report the United Nations (UN) commissioned to Judge Richard Goldstone and his team, following Operation Cast Lead. This was the Israeli attack on the Gaza Strip in response to the launch of rockets by Hamas in December 2008-January 2009. This was a politicised and crucial issue of EU foreign policy: the Goldstone Report is linked to the broader EU policy towards the Israeli-Palestinian conflict and the EU's stance on human rights and humanitarian law. Many NGOs and solidarity groups were active in this regard. There are no instances of lobbying from business groups, as the issue touches upon political aspects, which are not within the remit of business activities. This case study therefore offers a suitable testing ground to see if the hypotheses on roles, frames and levels presented in Chapter 1 work.

As will be explained in this chapter, in April 2009 the United Nations Human Rights Council (UNHRC) decided to establish a FFM, chaired by Judge Goldstone, to investigate alleged violations of human rights, international law and international humanitarian law that were committed during the conflict in Gaza. Since its publication, the report became an issue of contention on which several NSAs worked very intensively. In this case, not only were the EU and member states targeted by lobbying actions, but the UN was also one of the battlefields of NSA lobbying. This chapter, however, will not focus on this latter arena, but it will only deal with the UN to the extent that this is linked to NSAs' lobbying aimed at shaping the EU's position within this context.

Lobbying on the Goldstone Report was exceptionally polarised. On the one hand, some NSAs lobbied the EU and its member states so that they would support the Report and its recommendations. On the other hand, other NSAs criticised the report, by arguing that it was biased against Israel and its findings lacked credibility. Against this backdrop, the analysis will be focused on examples of lobbying by NGOs belonging to these two camps. On the one hand, the analysis will concentrate on the Euro-Mediterranean Human Rights Network (EMHRN), a human rights

umbrella organisation based in Brussels which works on human rights in the Mediterranean region. The EMHRN has a broad focus on the entire Mediterranean region, but it has a thematic working group composed of European, Israeli and Palestinian NGOs that works specifically on Israeli-Palestinian issues. Not only has the EMHRN been chosen due to the fact that it represents different NGOs, but the Goldstone Report has also been one of its priorities and the EMHRN took the lead on it in Brussels. In this respect, it is important to remember that NGOs in Brussels tend to divide their work and coordinate among themselves in order to avoid duplications or overlapping in their lobbying (see Chapter 3).<sup>113</sup>

On the other hand, the analysis will focus on two NGOs: the European Jewish Congress (EJC) and the European Friends of Israel (EFI). Like the EMHRN, the EJC is also an umbrella organisation, which represents the Jewish communities in Europe.<sup>114</sup> The Goldstone Report has been one of the topics on which their efforts were particularly evident and intense. At the same time, lobbying on this issue was also carried out by the EFI, an NGO that has been established by MEPs and MPs to support parliamentary initiatives that favour EU-Israel bilateral relations. Unlike the EJC, the EFI is not a Jewish group, but its staff supports those parliamentarians who feel sympathetic to Israel. In the case of the Goldstone Report, both the EFI and the EJC have lobbied against any form of support to the Goldstone report, especially at the level of the European Parliament.

Against this backdrop, the hypotheses presented in Chapter 1 will be tested. First, it was suggested that NSAs active at the EU level are more likely to play a consensual role, as this is more in line with the EU's policy-making approach. As will be shown, the NGOs analysed here moved between the consensual and median roles, as they adopted both the approaches of access and information politics. Second, these NGOs relied on frames which displayed different features: while the EMHRN used political-technical/legal frames, the EFI and EJC mainly framed their arguments in political terms. Finally, the hypothesis that NSAs also rely on the national level to carry out their activities as a way to complement their actions in Brussels will be put to the test. It will be shown that these NGOs lobbied member states when their target

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<sup>113</sup> Amnesty International (AI) was also active on the issues of Operation Cast Lead. Its aim was to guarantee the accountability of the parties to the conflict for human rights and humanitarian law violations and make sure that the issue of the Goldstone report was not buried and forgotten (Interviewee 8, 60).

<sup>114</sup> Its establishment in Brussels only dates back to 2009. The EJC has been present in Europe since long time, with the headquarters located in Paris.

was the UN context, while they mainly focused on the Brussels level when the European Parliament was involved. Activities on the Goldstone Report by NSAs based in member states, if any, will be analysed in Chapter 7.

This chapter is structured as follows. The first section will provide an overview of the issue of the Goldstone Report. Section 5.2 will contextualise the conflict in Gaza within EU foreign policy. Section 5.3 will focus on the roles played by the three NSAs analysed in this chapter, and section 5.4 will be devoted to the analysis of the frames they employed. Before concluding with the summary of the main findings of the chapter, section 5.5 will analyse the use of the national level by the three NGOs.

## **5.1 Operation Cast Lead and the Goldstone Report**

On December 27, 2008, Israel launched an attack on the Gaza Strip. Officially, the Israeli government justified the military operation as a response to the launch of rockets and mortars towards towns in South Israel and as a way to prevent it. Codenamed Operation Cast Lead, the attack against the Gaza Strip lasted until January 18, 2009, when each of the parties of the confrontation, namely Israel and Hamas, declared a unilateral ceasefire.<sup>115</sup> Numerous appeals from the international community called on the parties for the immediate termination of violence, the establishment of a ceasefire and the withdrawal of Israel from the Gaza Strip (UNSC 2009). In addition, many states intervened diplomatically with a view to finding a solution to the conflict (European Union 2008b).

These events were clearly embedded in the broader context of the Israeli-Palestinian conflict, which is characterised by a strong asymmetry of forces between Israel on one side, and the Palestinians (Palestinian Authority or Hamas) on the other side. Moreover, the coup d'état by Hamas in the Gaza Strip in June 2007 led to the closure of the Strip from the rest of the world and a constant tension between the Hamas-led government and Israel. As shown in Chapter 2, Operation Cast Lead was the moment when the penny dropped and the EU (and the majority of its member states) slowly began to change their attitude towards the Israeli government (see also Interviewees 4, 91) and to be less willing to unconditionally support Israel. The freezing of the Association Agreement that began in June 2009 is indicative of the fact that relations

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<sup>115</sup> More precisely, Israel declared a unilateral ceasefire on January 17, 2009. Hamas followed with its unilateral ceasefire the day after. For a short overview of the issue, see Defence for Children International (2009).

have partially cooled since then. While no upgrade of the Agreement has been pursued since then, the EU and Israel have continued to exploit the potential for cooperation offered by the current Association Agreement and the ENP Action Plan.

When Operation Cast Lead took place, the EU’s reaction was extremely confused. As shown in an EMHRN's report (2009a), in the beginning there was not a common stance in response to the events. The French Presidency, which was in the very last days in this role, issued a declaration on December 30, 2008, calling for an immediate ceasefire and for the reopening of all borders (European Union 2008b). Other member states issued separate, and sometimes contradicting, declarations. Diplomatic efforts were scattered and the EU did not act as a single and coordinated actor. Although there has been a shared vision on what the key pillars that shape the EU’s position towards the conflict are (see Chapter 2), the stance adopted with regard to the responsibilities of the attack on Gaza varied.

**Table 9 - Member states’ positions on Operation Cast Lead<sup>116</sup>**

<b>Condemnation of Operation Cast Lead</b>	<b>Support for Israel’s action</b>	<b>Mixed/balanced stance</b>
IE, BE, SE, LU, CY, FI, MT	DE, IT, CZ, NL, DK, RO	GB, FR, ES

Source: EMHRN 2009

As Table 9 illustrates, there was a three-fold split within the EU on Operation Cast Lead. In the report by the EMHRN (2009a), based on newspaper analysis and interviews, member states’ positions varied: countries like Ireland and Belgium condemned Operation Cast Lead and the Israeli attack on the Gaza Strip; others like Germany and Italy supported Israel’s military intervention as a necessary response to Hamas’ attacks on Israeli cities close to the border with Gaza; a third group, such as the United Kingdom and France, adopted a middle position, condemning both sides.

Following the end of hostilities, the President of the UNHRC established the UN FFM on the Gaza conflict on April 3, 2009, on the basis of UNHRC Resolution S-9/1 adopted on January 12, 2009. The FFM, led by Justice Richard Goldstone and

<sup>116</sup> The report does not list the positions of all member states due to the lack of media sources and the impossibility of carrying out interviews in all member states. The same applies to my efforts to identify the positions of the missing member states.

composed of three other experts (Professor Christine Chinkin, Ms Hina Jilani and Colonel Desmond Travers), was tasked with ‘investigat[ing] all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after’ (UN Human Rights Council 2011). The FFM met in May 2009 in Geneva: the members of the team had several meetings with various stakeholders (UN member states, NSAs, UN agencies) and agreed on the methodology to employ in drafting the report. The FFM also called on all interested persons and organisations to submit information concerning events since June 2008 to contribute to the implementation of its mandate. Furthermore, the FFM team organised three fieldwork missions, two in Gaza and one in Jordan, where they met the stakeholders coming from Israel and the West Bank. Finally, it also relied on public hearings, videos and photos to conduct its investigation in the violations of human rights committed by the parties involved in the Gaza war (UN Human Rights Council 2011).

The results of the FFM were made public through the release of a report, known as the Goldstone Report, in which the team gave evidence of violations of human rights, international law and humanitarian international law by Israel, the Palestinian Authority and Hamas. On the basis of these findings, the Report recommended that the parties carry out domestic investigation into, and eventually prosecution of, the violations ascertained by the FFM. By stressing the duties of states under international law, the Commission also underlined the importance of ‘preventing the development of a climate of impunity’. In addition, it called on the parties to conduct investigations that were impartial, independent, prompt and effective (UN Human Rights Council 2009a). The report was endorsed by the UNHRC on October 16, 2009 by a majority of 25 out of 42 votes (UN Human Rights Council 2009b).

The issue was subsequently discussed by the United Nations General Assembly (UNGA) on November 5, 2009, when the plenary passed Resolution A/RES/64/10 endorsing the Goldstone Report, calling on the parties to implement its recommendations and asking the Secretary General to transmit the document to the Security Council. On February 26, 2010, the UNGA voted on a second and follow-up resolution (A/RES/64/254). Again, the UNGA supported the Goldstone report and called on the parties to implement its recommendations.

In the UNHRC, the Goldstone Report was repeatedly on the agenda, as the resolutions in March 2010, September 2010 and March 2011 show (UN Human Rights Council 2010a, 2010b, 2011). Resolution A/HRC/RES/13/9, adopted in March 2010, established a Committee of Independent Experts tasked with the monitoring of the domestic investigations by Israel, the Palestinian Authority and Hamas. The first report of this Committee, which pointed out the problems related to the proper implementation of the recommendations of the Goldstone Report as well as the failures in carrying out domestic investigations, was then discussed in September 2010. Having been asked to produce a second report, the Committee's findings led to a follow-up resolution in March 2011.

## **5.2 The EU, the UN and the Goldstone Report**

The EU was clearly one of the targets of lobbying activities by NSAs. The position of the EU on the Goldstone Report mattered for two reasons. First, the EU is one of the players on the Middle East chessboard, so that its declarations and policies towards the Israeli-Palestinian conflict are taken into consideration by the actors on the ground. In the case of the Goldstone Report, the key issue was the international support and legitimacy of the findings of the FFM. The EU's position in favour or against the Report was therefore crucial from a diplomatic and symbolic perspective.

Second, the EU has been involved in the UN for a long time, as it has the status of observer and delegations to the UN both in Geneva and New York.<sup>117</sup> The main players, however, remain EU member states, which have a seat and voting power in the UN. EU member states are differently represented in the main UN bodies: while all EU member states sit in the UNGA, in the UNSC the United Kingdom and France are permanent members, with other EU member states taking part as non-permanent members on the basis of a rotating system. Similarly, the UNHRC is a body formed of elected members divided by regional quotas: EU member states have a seat in it on the basis of a rotating system. Therefore, the role of the EU within the UN is mainly analysed in terms of the coherence and coordination of the policies of its member states.

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<sup>117</sup> Before the Lisbon Treaty entered into force, the role of observer was granted to the European Community. Since December 2009, this position has been taken over by the EU, which has acquired legal personality. Following this change, the Delegations of the Commission and the Council, which were previously separated, have been merged into one single delegation that represents the EU.

Member states make an attempt to coordinate their positions and reach a common EU stance on the issues under discussion in the UNHRC and the UNGA. Most coordination efforts among member states take place in Geneva and New York, although some preparatory work is also carried out in Brussels, in the Council Working Group on Human Rights (COHOM) or the Political and Security Committee (PSC) (K. E. Smith 2006; Basu 2012). According to interviewees (Interviewees 2, 60), however, the Goldstone Report was not discussed in Brussels: decisions on the position to be adopted on the Goldstone Report were taken in each member state's capital and attempts to reach a common position in the UN were made in in Geneva and New York.

Although some studies (Luif 2003; Birnberg 2009) identify a coherent position with regard to the Middle East, the Goldstone Report proved to be quite divisive, confirming Smith's (2006, 2010) view on the UNHRC. A common EU position was never reached in the UNHRC and the UNGA, with voting patterns showing splits at all times but one (when member states abstained), as shown in Table 10 below.

**Table 10 - Votes of member states in the UNHRC and UNGA on the Goldstone Report**

<b>Resolution</b>	<b>In favour</b>	<b>Against</b>	<b>Abstention</b>	<b>No vote</b>
UNHRC 12 <sup>th</sup> Special Session, 16/10/2009, A/HRC/S-12/L.1		IT, HU, NL, SK	BE, SI	FR, GB
UNGA on the Report, 05/11/2010, A/RES/64/10	CY, IE, MT, SI, PT	CZ, DE, HU, IT, NL, PL, SK	LV, LT, RO, BG, AT, BE, DK, EE, FI, FR, GR, LU, ES, SE, GB	
UNGA on the Follow-up, 26/02/2010, A/RES/64/254	AT, BE, CY, DK, EE, FI, FR, GR, IE, LU, ES, SE, GB, MT, SI, PT		CZ, DE, HU, IT, LV, LT, NL, PL, RO, SK, BG	
UNHRC on the Follow-up to the report of the Committee of experts, 29/09/2010, A/HRC/RES/15/6			BE, ES, FR, GB, HU, PL, SK	

Sources: UNGA and UNHRC minutes of sessions. Available at: [www2.ohchr.org/english/bodies/hrcouncil/](http://www2.ohchr.org/english/bodies/hrcouncil/); [www.un.org/en/ga](http://www.un.org/en/ga) (accessed 12/01/2012).

Although the EU had stated that it considered investigations of utmost importance, not all the EU member states that were members of the UNHRC on October 16, 2009 endorsed the Goldstone Report. There was a three-fold split, with four states voting against, two abstaining and two not voting at all. A similar pattern also occurred in the UNGA vote of November 5, 2009. Again, member states split in three, despite the attempts by the Swedish presidency to reach a common position. On February 26, 2010, the UNGA voted a follow-up resolution on the Goldstone Report. Interestingly, this time member states' votes were only divided into two, with no vote against the resolution. Compared to the previous vote, eleven member states changed their previous vote either from 'against' to 'abstention' or from 'abstention' to 'in favour'.<sup>118</sup>

The issue of the Goldstone Report was also taken up by the European Parliament. While member states discussed it in Geneva or New York, MEPs issued two resolutions in 2010, inviting the EU to show a common stance at the UN level. The Resolution of 25 February 2010 indicated, in the European Parliament's view, the priorities for the EU in the upcoming session of the UNHRC (European Parliament 2010b). On March 10, 2010, the European Parliament issued a second resolution on the Goldstone Report, stressing the importance of implementing the recommendations of the Report (European Parliament 2010c). As will be highlighted later in the chapter, this Resolution gave rise to intensive lobbying and was quite a divisive issue among MEPs. Although the European Parliament's resolutions are less relevant from a diplomatic perspective than statements issued by the Council or the High Representative, they still have an impact in terms of legitimising third country's actions, as explained in Chapter 2. In this case, the symbolic importance of the resolutions cannot be dismissed, given that it was the main forum in Brussels where the Goldstone Report was discussed. This issue did not appear on the agenda of the Foreign Affairs Council or the Council working groups. According to some NGO representatives (Interviewees 2, 60), it was a deliberate choice of member states to avoid dealing with the Goldstone Report in Brussels and to leave the matter for discussions and coordination efforts in Geneva, New York and in member states' capitals. In contrast, the European Parliament took a position on the issue showing an attention that had not been paid before to the Report and aimed to exert further pressure on other EU institutions or member states.

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<sup>118</sup> Interestingly, the Resolution contained references to potential actions by the UNSC. Despite this element, both France and the UK voted in favour.

Therefore, the issue of the Goldstone Report is played on multiple levels. The key forum is the UN, given that the FFM was established by the UN and the Report had to be endorsed by the UNGA. In this context, the EU position is shaped by the decisions of its member states and NSAs need to lobby either in Geneva/New York or in member states' capitals. At the same time, the European Parliament played an important diplomatic role in the EU context, as it issued two resolutions dealing with the Report. The activism of the European Parliament gave rise to lobbying actions by the NGOs mentioned before. Against this backdrop, Sections 5.3 and 5.4 will analyse the roles and frames used by NSAs when lobbying the European Parliament on the issue of the Goldstone Report, while Section 5.5 will focus on the national level.

### **5.3 Swinging between consensual and median roles**

This section analyses the roles played by NSAs when lobbying on the Goldstone Report. In Chapter 1, three categories of roles were presented: consensual, median and adversarial roles. Contrary to the MATTIN Group's lobbying which was entirely based on an access approach and the Brita GmbH's adversarial attitude characterised by litigation, in this case the three NGOs analysed relied on both consensual and median roles, swinging between the two, in their interactions with the EU. Their lobbying activities were characterised by both access and information politics approaches. In Chapter 1, it was hypothesised that NSAs playing a consensual role develop cooperative interactions with EU institutions, so that they can achieve a common understanding of the issue at stake. Moreover, frames travel and get developed more easily when social interactions are cooperative and consensual. In the case examined here, I will therefore assess the extent to which NSAs were interacting with EU politicians and officials and how the roles played favoured the development of cooperative social interactions between the EU and NSAs.

The EMHRN is headquartered in Copenhagen, but has a representation office in Brussels. The Brussels office is tasked with lobbying and advocacy activities targeting the EU, as its privileged location provides it with the possibility of collecting relevant information concerning EU policies. Moreover, Brussels is also an optimal position from which to lobby EU institutions thanks to the proximity to officials and decision-makers as well as the expertise on how the Brussels machine works. The two-person staff that composes the working group focusing on Israel/Palestine coordinates the activities and interests of the EMHRN member

organisations, which are NGOs based in Israel, Palestine and Europe. Being a human-rights NGO, it focuses on advocacy related to violations of human rights, international humanitarian law and international law and calls for the EU to comply with its stated goals and declarations concerning the Israeli-Palestinian conflict. Given the mandate of its activities, the EMRHN strongly supported the Goldstone Report and lobbied the EU and its member states in order to ensure the implementation of the recommendations proposed by Goldstone and his team. The core of its lobbying actions revolved around the fight of impunity and accountability. Those responsible for violations of human rights and humanitarian law had to be punished.

When lobbying, the EMHRN swung between a consensual and a median role, by combining the use of an access approach, based on the provision of information and knowledge behind the scenes, with information politics, based on the production of reports or notes that were published on its website or presented in workshops and seminars (Beyers 2004). While one key target was the European Parliament, given that this was the EU institution dealing with it in Brussels, the EMHRN also focused on member states and their voting patterns at the UN (see section 5.5).

When considering the EMHRN's position in general, most EU officials (Interviewees 11, 27, 29, 32, 35, 40, 45, 53, 68) maintain that the EMHRN is one of the NGOs that they meet most frequently or from which they receive regular emails with information, reports and calls for action. For example, Interviewee 35 stated that she is often in touch with the EMHRN to have inputs on the issues that are of particular importance in the case of Israel-Palestine and with which the European Parliament should deal. The case of the Goldstone Report precisely represents one of these issues, confirming the cooperation that MEPs or officials in the European Parliament and NSAs can develop. As confirmed in interviews (Interviewee 53), the EMHRN played a crucial role in providing information and knowledge to the officials in the European Parliament.

During the conflict, the EMHRN mainly provided EU institutions with information on the development of events on the ground, stressing the violations of human rights and humanitarian law that were committed during Operation Cast Lead. Its provision of information also continued after the ceasefire: by relying on its member organisations on the ground, the EMHRN was able to send timely, detailed and

precise information about the human rights situation in Israel and the Occupied Territories, an aspect of utmost importance given that the international community (including the EU) needed information and knowledge to build its response (Interviewee 2, 53).<sup>119</sup> Frequent interactions between EU decision-makers and the EMHRN were based on emails including detailed reports or on meetings where the issue was discussed in person. Working behind the scenes with the aim of establishing a cooperative relationship with policy-makers is thus indicative of a consensual role, whereby the parties trust each other and work cooperatively to the solution of the issue at stake. The EU and the EMHRN established a cooperative dialogue which left space for argumentation and for the development of a shared understanding of the situation.

Simultaneously, the EMHRN relied on an information politics approach: interactions took place in the public arena, although they were not necessarily directed to the public at large. The EMHRN's public statements and its reports targeted a very restricted audience, namely EU or national officials and practitioners working on the issue of the Goldstone Report. For example, in May 2009, the EMHRN launched a report entitled *Active but Acquiescent: The EU's Response to the Israeli Military Offensive in the Gaza Strip* in which the NGO stressed the window of opportunity that had opened for the EU to assert human rights and humanitarian law in the case of the Israeli-Palestinian conflict, thus reducing the rhetoric-practice gap between its statements and the actions on the ground. The report was well-informed and documented thanks to the information and data collected through interviews carried out with the parties directly involved in the events and experiencing the situation on the ground on a daily basis (Euro-Mediterranean Human Rights Network 2009a). Just before the EU-Israel Association Council of 15 June 2009, the EMHRN released a statement, together with the FIDH (International Federation of Human Rights), asking the EU to use this bilateral meeting to put pressure on Israel to 'allow access of the UN Human Rights Council fact-finding commission to Israel and to Israeli political and military officials to conduct its investigation into all violations committed during Operation Cast Lead in Gaza' (Euro-Mediterranean Human Rights Network and FIDH 2009). A further public statement was issued on September 3, 2009, when the EMHRN published a 'Note on the human rights situation in Israel and OPT' in view of the forthcoming EU-Israel informal Working Group on Human

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<sup>119</sup> Among its member organisations, B'Tselem (2009) and Al-Haq (2009) produced detailed reports on violations of human rights and international law during Operation Cast Lead.

Rights (Euro-Mediterranean Human Rights Network 2009b). A section of this document was devoted to Operation Cast Lead and its findings.

In essence, in the period of time preceding the publication of the Goldstone Report, the EMHRN played both a median role, characterised by the issuing of public statements, reports and notes, and a consensual role based on face-to-face meetings with officials and emails with updates of the facts and changes on the ground. By raising the issue and keeping it alive through constant information flows as well as specific lobbying actions, the EMHRN aimed to ensure that the issue of the Goldstone Report was kept on the EU's agenda (Interviewee 2).

After the publication of the Report, the EMHRN continued to play both roles. While there is no significant evidence of its involvement with the Commission and the Council, the EMHRN was involved in the European Parliament. Not only did the EMHRN provide information and knowledge through emails or meetings with MEPs, officials or political advisor, but it also organised a hearing in the Human Rights Sub-Committee of the European Parliament on February 3, 2010. On that occasion, Al-Haq, B'Tselem and Adalah briefed the MEPs on the assessment made by civil society organisations of the local investigations carried out by Israel, the Palestinian Authority and Hamas.<sup>120</sup> Following this meeting, the European Parliament (2010a) held a debate on the Goldstone report on February 24, 2010, which resulted in the Resolution of 25 February 2010 that was mentioned above.

The case of the Goldstone Report also confirms the establishment of strong social interactions between the EMHRN and the EU. Interviewee 53 maintained that she worked in close cooperation with this NGO: she contacted it to have information, analyses and indications on how the issue could be further supported within the European Parliament. While this aspect will be discussed in the following section on framing, it is important to stress here that the two sides actively cooperated in order to ensure that MEPs would support the Goldstone Report through a Resolution. The EMHRN was recognised as a partner, trust between the parties was established and officials in the European Parliament and the NGO developed a form of interaction based on cooperation and on the attainment of mutual and shared understanding of

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<sup>120</sup> No record of this hearing was found on the website of the European Parliament. The meeting was confirmed in interviews (Interviewees 2, 60, 69) and in an email exchange that the author had with one representative of the EMHRN on 12 January 2011. It was also mentioned in various confidential documents seen by the author by courtesy of the EMHRN.

the issue of the Goldstone Report. Interestingly, straddling between the consensual and median roles still granted access to the European Parliament. Arguably, what mattered more was its consensual role based on acting behind the scenes and establishing personal relationships with officials working in the European Parliament and MEPs. In interviews (Interviewees 40, 53) details referring to the consensual role of the EMHRN are recalled, while public statements do not seem to be of much importance for the interactions between the EU and the NGO.

Unlike the EMHRN, the EJC and the EFI conduct lobbying to ensure that the relationship between the EU and Israel continues unabated and is strengthened. In the specific case analysed here, they considered the Goldstone Report as damaging Israel's legitimacy and position in the international arena and as a way to blame and isolate Israel. Therefore, they attempted to convince the EU and its member states to dismiss the Report. In particular, they pushed member states not to support the Report in the UN and MEPs not to pass any resolution or declaration in favour of the Report.<sup>121</sup> While lobbying on the same side, these two NGOs are very different as far as their nature and organisational features are concerned. The EJC represents the Jewish Communities in Europe and, '[a]s the sole representative body of democratically elected European Jewish communities throughout Europe, the EJC works with national governments, European Union institutions and the Council of Europe' (EJC 2013). The EJC's headquarters are in Paris, but it has offices in other European cities, namely Brussels, Berlin, Budapest and Strasbourg. It is a federation that coordinates the elected leaders of the Jewish communities in Europe, representing around 2.5 million Jews. The Brussels office was inaugurated in October 2009, because of the increasing importance of the EU for the activities of the EJC and the necessity to be closer to officials and policy-makers at the European level. Its primary concerns are the well-being and interests of the Jews living in EU member states, focusing on issues like anti-Semitism, the Shoah and inter-religious dialogue. Parallel to these topics, the EJC is also active on matters concerning the legitimacy of Israel and its policies. More specifically, since 2008 the EJC has increasingly mixed the legacies of the Holocaust with Israel's current policies, thus departing from the initial stance of being a bridge among Europe, Israel and the Arab world (Interviewee 52). In contrast, the EFI is an NGO supporting the inter-parliamentary initiatives of MEPs who sympathise for Israel. Due to its nature, the

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<sup>121</sup> Information and documents concerning the activities of these two NGOs are scarce. During interviews, few details about these events were given.

EFI is tightly linked to the European Parliament, but it also lobbies the other EU institutions. Its main task is to provide MEPs with information about issues related to EU-Israeli relations and to organise events and workshops where politicians, practitioners and various officials are invited (Interviewees 6, 62).

Like the EMHRN, both the EJC and the EFI have adopted both consensual and median roles in their lobbying activities, as they have relied on both access and information politics approaches: they combined public statements and press releases with private meetings, especially with MEPs and officials working in the European Parliament.

On the basis of the evidence found, the EJC mainly concentrated its efforts on the European Parliament, especially when the Resolution on the implementation of the Goldstone Report was discussed.<sup>122</sup> There is no evidence that the EJC had interactions with the Commission or the Council, whereas it concentrated its efforts on the European Parliament and, to a certain extent, on the voting patterns of member states in the UN (as will be detailed in Section 5.5).<sup>123</sup> Before its intense lobbying activity in March 2010, however, the EJC issued a statement in November 2009, just before the vote in the UNGA. On that occasion, the EJC president Moshe Kantor called on EU member states to vote against the Goldstone Report (EJC 2009). The majority of public statements and direct lobbying (via meetings and emails) on decision-makers were concentrated in March 2010, just before the vote in the European Parliament on the Resolution on the Goldstone Report. For example, the president of EJC Moshe Kantor issued a declaration on March 2, 2010, in the online newspaper *European Jewish Press*, arguing that the European Parliament should not endorse a report that is damaging for the EU-Israel bilateral relations (EJP - European Jewish Press 2010a).

Similarly, the EFI was also active on the Goldstone Report with initiatives mainly directed at MEPs. To a lesser extent, the EFI also targeted top-level officials in the Commission and the Council (Interviewees 6, 62). Moreover, it worked as a bridge between the EU and the Israeli Representation Mission in Brussels, thus favouring an

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<sup>122</sup> The lack of information, also due to the fact that interviewees did not want to disclose certain information, makes it necessary to work on the basis of hypotheses derived from general trends of action of the EJC. Unfortunately, answers to specific questions remained extremely vague and did not always fill the gaps in the data available through other sources such as newspaper articles.

<sup>123</sup> However, much of the lobbying at the UN level was left to the World Jewish Organisation, which is based in New York (Interviewee 77).

exchange of information between the EU, especially MEPs, and the Israeli government (Interviewee 62). In the case of the Goldstone Report, the EFI provided its viewpoints on the Report: it was a biased document where many parts were copied and pasted from NGO reports (Interviewee 62; Haaretz 2010a). Again, on the basis of their general mode of action, it is supposed that they mainly lobbied through an access approach, given that public statements on the issue were scarce, especially in the initial phases of the policy-making process.<sup>124</sup>

Both the EJC and the EFI became more active shortly before the European Parliament issued a Resolution in March 2010. When it became clear that the European Parliament would table a motion for resolution on the Goldstone Report during the upcoming plenary session, the EJC started lobbying. It aimed to block the adoption of a text that would endorse the findings of the FFM. In the EJC's view, were the European Parliament to issue a resolution in support of the Goldstone Report, this would have amounted to the 'most meaningful international endorsement' (Haaretz 2010b). Therefore, the EJC decided to target key MEPs, especially the presidents of the political groups, in order to steer the content of the resolution. In particular, it heavily lobbied the European Popular Party (EPP) and the Socialists and Democrats (S&D), which were the biggest parties in the Parliament (EJP - European Jewish Press 2010b). For example, Arie Zuckerman, Secretary General of the European Jewish Fund, an organisation which belongs to the EJC, declared that they had 'a very promising meeting' with the leader of the Christian Democratic Party (Haaretz 2010a; EJP - European Jewish Press 2010b). Not only did the EJC organise meetings with MEPs to provide information concerning the Report and to explain its reasons why the European Parliament should not support the Goldstone Report, but it also bombarded MEPs with emails indicating how to vote. The pressure was so strong that on March 9, 2010, the day before the vote, MEP Proinsias de Rossa, Chair of the Delegation to the Palestinian Legislative Council (PLC), circulated an email among his colleagues, in which he appealed to his colleagues to resist such strong lobbying and to support the resolution as 'a test of the credibility of [the] parliament's commitment to human rights irrespective of political considerations' (Phillips 2010).

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<sup>124</sup> Like the EJC, it was very difficult to get detailed information from EFI representatives. The MEPs that are members of EFI refused to be interviewed. It follows that lobbying activities by EFI are explained on the basis of the information available and by drawing on the general lobbying patterns of the NGO.

While the content of the Resolution will be examined in the next section, it is worth stressing here how the EJC combined an access approach based on emails and face-to-face meetings with a more public stance based on public statements in newspapers or through its website. Interestingly, and similarly to what the EFI did, the EJC moved between the consensual and median roles. It adopted a stance that was favouring interactions based on cooperation and the agreement on a shared meaning of the issue at stake at times, while its approach was less cooperative when it issued public statement. Although they were targeting a selected audience, they were expressing positions without attempting to reach a shared understanding of the issue at stake.

To summarise, the three NGOs analysed played roles that swung between the consensual and median roles. On the one hand, they arranged meetings with EU officials and policy-makers or they interacted with them through email. In this sense, their actions were taking place behind the scenes without the involvement of the public sphere. Especially in the case of the EMHR, the consensual role led to the establishment of cooperative and dialogical social interactions with officials and MEPs. It is also likely that the consensual role played by the EJC and the EFI gave them the opportunity to work closely with certain MEPs and officials and establish a dialogue with them on the reasons why the EU and the European Parliament should not support the Goldstone Report. In contrast, the median role did not seem to favour any significant involvement of the three NGOs. Public statements and press releases did not lead to any form of communication and interaction between the EU and the NGOs. Neither the MEPs nor the officials interviewed recalled these forms of information politics as leading to social interactions, argumentation and deliberation.

#### **5.4 A battle of words: fighting impunity or delegitimising Israel?**

When lobbying the EU, the three NGOs relied on different types of frames. While the EMHRN employed political-legal frames, the EJC and EFI based their lobbying on political frames. Not only do NSAs provide policy-makers with information, but that the framing process that shapes the ways information is conveyed also matters. In Chapter 1 it was suggested that technical/legal frames are more likely to favour the development of cooperative social interactions and the re-framing of EU positions and policies. It was argued that the European Parliament can find political-technical/legal frames useful, as MEPs are politicians with an electorate mandate and

need to be responsive to their constituencies. Therefore, ideational centrality and political claims can be useful from their perspective. This section tests whether these hypotheses hold in the case of the Goldstone Report.

Since the beginning of the hostilities between Israel and Hamas the EMHRN had been providing information to EU institutions on the violations of human rights and international humanitarian law. After the FFM started its work, the EMHRN also explained the difficulties in carrying out an appropriate investigation, as demanded by the UN, due to Israel's limited cooperation with the team led by Goldstone and the lack of application of principles of independence and credibility by Israel, Fatah and Hamas in conducting domestic investigations. The figures and information were properly referenced and a variety of sources, from both NGOs and international organisations present on the ground, were used to give credibility to their documents (Euro-Mediterranean Human Rights Network 2009b). It is important to note here that the EMHRN did not conduct research on the ground, but it relied on its member organisations and other NGOs on the ground, which were all very active in documenting the events. The EMHRN filtered and used the information provided by Israeli and Palestinian NGOs in its interactions with EU officials and policy-makers. By taking the features of the frames identified in Chapter 1, the EMHRN's reports were characterised by a strong empirical credibility, as the claims advanced were supported by evidence. References to international and human rights law, and the related violations taking place during the conflict, were backed up with empirical data and legal references.

At the same time, these details were embedded in a political frame as well. In particular, the EMHRN framed its argument around the concepts of impunity and accountability. More precisely, the EMHRN claimed that those breaking human rights law and international law needed to be punished and held accountable for their action. The EU was called on to comply with its rhetorical commitments and its obligations under international law and to exert its influence on Israel to make it comply with its duties internationally. For instance, in a statement in December 2009, the EMHRN wrote:

Given its close relation with Israel and its position as main donor to the Palestinians, the EU and its 27 Member States have a particular responsibility to ensure that international human rights and humanitarian law are respected in Gaza. They not only have obligations as High Contracting Parties of the Geneva Conventions to ensure

respect for these conventions, but they must also adhere to EU treaty obligations. In particular, they must respect Article 11 of the Treaty on the European Union, which establishes the consolidation of the rule of law and the respect for human rights as one of EU's foreign policy objectives (Euro-Mediterranean Human Rights Network 2009d).

In order to push Israel to follow the recommendations of the report, the EMHRN (2009c) 'urge[d] the EU and its Member States to publicly support the recommendations of the Fact Finding Mission and to follow up on and implement them' by supporting it in the appropriate UN venues.

Although there are references to legal arguments and the claims are supported by empirical evidence, framing the issue of the Goldstone Report in the language of human rights and the rhetoric-practice gap of EU policies repeat the well-known discourse about EU foreign policy, especially with regard to Israel. There are underlying references to the idea of good/bad, right/wrong, which do not however lead to a different way to deal with the issue at stake.<sup>125</sup> Unlike the technical/legal frame proposed by the MATTIN Group, which gives a different interpretation and offers an alternative policy approach to deal with EU policies towards Israel, the EMHRN stuck to the well-known narrative that the EU should put into practice its rhetorical commitment and not indulge Israel for more pragmatic interests.<sup>126</sup> The EMHRN's frame therefore provides the EU with detailed and precise information about the situation on the ground and it makes relevant links and references to legal issues, thus establishing the empirical credibility to its frame. At the same time, it also embeds information into a political narrative that recalls the standard NGO advocacy when it comes to Israel-Palestine, namely the need for the EU to exert pressure on Israel, which commits crimes against human rights and violates international law. The features of this frame, i.e. empirical credibility, political

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<sup>125</sup> For example, Euro-Mediterranean Human Rights Network and FIDH (2009, 2010) stressed again the need for the EU to follow closely that investigations were carried out properly by the parties. In particular, the letter addressed to Mr Dupla del Moral pointed out the problems concerning Israeli investigations, which were not respecting international standards and were questionable under different point of views. By referring to the Report of the Expert Committee, the EMHRN and FIDH repeated their request of keeping the responsible accountable for their wrongdoings and not grant impunity to anyone who committed violations of human rights and humanitarian law.

<sup>126</sup> This argument, which is often summarised in the expression 'business as usual' (Interviewee 4), is also recurrent in the academic literature. The basic idea is that EU policies towards the Israeli-Palestinian conflict are a clear example of a rhetoric-practice gap due to numerous factors, among which the predominance of possession goals over milieu goals (Wolfers 1962). For instance, see Tocci (2005); Musu (2010).

claims based on well-known arguments, and no alternative view in terms of policy, fit into the political-legal category, as explained in Chapter 1.

Interestingly, the wording that is found in the EMHRN's frame is very similar to that used by the EU. This congruence is important, as it demonstrates the extent to which NSAs draw on EU's main tenets in terms of identity, discourses and policies, to define their own constitutive traits. For example, in the statement issued by the EU Presidency at the UNHRC on September 29, 2009, the Swedish Ambassador, on behalf of the EU, stressed that 'one of the European Union's overarching human rights priorities is combating *impunity*. On this basis, we call upon both parties to fully *adhere to international humanitarian and human rights law*. [...] The principle of *accountability* demands that all allegations of serious human rights violations and violations of international humanitarian law must be thoroughly investigated' (emphasis added) (European Union 2009). It would be difficult to argue for unidirectional influence, i.e. the act of copy-pasting the words of the EMHRN in EU declarations or, vice versa, the EMHRN's simple use of the language of EU institutions, this congruence in expressions and wording seem to point to the social embeddedness of actors and the fact that they influence each other in the way in which issues are framed and discussed. In support of this point, Interviewee 53 maintained that she worked in strong cooperation with the EMHRN. On the one hand, she asked for information and analyses concerning the Goldstone Report. On the other hand, this cooperation was also necessary for the EMHRN, which could rely on an insider perspective and develop its frame on the basis of this knowledge on the European Parliament. The role of wording becomes particularly crucial in the case of the European Parliament. When drawing motions for resolutions, political advisors and MEPs struggle over the meaning and the use of words. Importantly, the selection of words and expressions becomes a battlefield in which various positions confront each other. In the case of the Goldstone Report, the EMHRN has been considered as crucial in contributing to the wording of the resolution that the European Parliament voted in March 2010, especially by introducing references to accountability and the fight against impunity (Interviewee 53). In the Resolution, the European Parliament stated that it 'considers that accountability can contribute to a peaceful solution of the Middle East conflict [and] calls on the EU not to tolerate the lack of accountability on behalf of Israel for crimes committed against the Palestinian civil population'. It further '[u]nderlines that the policy of the EU and

other international actions to grant Israel impunity for violations of international and international humanitarian law has failed', thus inviting member states to support the Report at the UNGA (European Parliament 2010c).

While the EMHRN relied on a political-legal frame centred on the concepts of impunity and accountability, the EJC and the EFI lobbied the EU on the basis of a political frame. While most of the attention will be given to the EJC's frame here due to the fact that more evidence was found in this case, the arguments presented by the EFI were very similar, at least on the basis of the information retrieved. Both NGOs were strongly against the endorsement of the Goldstone Report by the EU and its member states in either UN forums or any other form of declaration or statement. In the words of the EJC's president Moshe Kantor, by endorsing the Report the EU would negatively affect EU-Israeli relations as well as the Middle East Peace Process (Phillips 2010; EJP - European Jewish Press 2010a). He also argued that the Goldstone Report was part of the 'systematic and orchestrated attempt to delegitimize Israel'. In accordance with the Israeli government, the EJC had therefore decided to offer its assistance and cooperation to fight against the 'campaign initiated by Muslim and pro-Palestinian organisations and indirectly nations, who seek to use public opinion and political tools' (EJP - European Jewish Press 2010a). A similar argument had previously been made already in November 2009, when the EJC called on EU member states to vote against the Goldstone Report in the UNGA, by arguing that the UN Assembly was dominated by a 'tyrannical majority' and by hoping that Europe can 'enlist like-minded nations to ensure that no democratic nation votes for a resolution on the Goldstone Report' (EJC 2009).

As it emerges from these public statements, the key argument proposed by the EJC revolved around principles such as the democratic credentials of EU member states and the authoritarian nature of many states voting in the UN, which had managed to hijacked the UN and its agendas. This frame had very limited empirical credibility, as it did not provide any specific figure with regard to Operation Cast Lead or any legal reference on the reasons why EU member states should not support the Report. The bulk of the argument was based on the idea that the UN had a biased attitude towards Israel, with a view to delegitimizing it and further destabilizing the Middle East. Basically, the EJC made leverage on ideational centrality (Snow and Benford 1992), i.e. it evoked myths and believes that were already present in the minds of EU

politicians and officials. The view that Israel is treated unjustly, that it faces an existential danger and that it is the only democratic state in the Middle East are commonly used images by those NSAs lobbying in favour of Israel. The EJC's frame placed the issue of the Goldstone Report in the broader framework of anti-Semitism and anti-Israeli feelings, with implicit references to the past of European states, an issue that has often conditioned the policies of many member states, Germany *in primis*.

In a similar way, the EFI framed its opposition to the Goldstone Report on the basis that the fact-finding mission was biased against Israel and its findings were not credible, as they relied on NGOs' reports, data and figures. In essence, the EFI attacked the credibility of the Report by highlighting its discriminatory nature and its unfair account of the events. In order to inform MEPs about the alleged mistakes and incompleteness of the Report, it also referred to information provided by the Israeli government, which gave a different interpretation of the issue (Interview 62).

Moreover, both the EJC and the EFI aimed at shaping the language of the resolution (EJP - European Jewish Press 2010a). More specifically, they referred to the biased nature of the Report, to its lack of credibility and to the damages that this would have brought to the EU-Israel relationship. Supporting the Goldstone Report would amount to a 'blow' to the peace process by pushing the Palestinians away from the negotiation table (EJP - European Jewish Press 2010c).

The different frames used by the EJC and the EFI on the one hand, and by the EMHRN on the other hand, emerge quite vividly in the case of the Resolution issued by the European Parliament in March 2010. The two types of frames, i.e. political and political-legal, can be identified in the parliamentary debate on February 24, 2010 (European Parliament 2010a). On the one hand, some MEPs were against the Goldstone Report: in their view, the credibility of Judge Goldstone was questionable and the situation of human rights in Israel could not be compared to that of other countries in the UNHRC such as Pakistan or China. Moreover, they viewed Hamas as a terrorist organisation, thus justifying counter-attacks by Israel. For example, MEP Louis Bontes (NI) argued that

it was clear from the very start that Israel was going to be labelled as perpetrator and aggressor in the Gaza conflict. Goldstone and his working methods are endorsed by

countries such as Egypt and Pakistan and we know the state of human rights in those countries. It is beneath any acceptable standard.

Similarly, MEP Michał Tomasz Kamiński, on behalf of the ECR Group, stated that

the Goldstone report is exceptionally unbalanced and unfair. It comes from the United Nations Human Rights Council, whose members include countries such as Iran, Nicaragua, Somalia and Libya. What right do those countries have, where respect for human rights has been reduced to zero, to evaluate Israel, the only democracy in the Middle East?

On the other hand, other MEPs supported the Goldstone Report and argued that it documented serious violations of human rights and humanitarian law on both the Israeli and Palestinian sides. The EU could not close its eyes in front of these violations. In this regard, MEP Frieda Brepoels (Verts/ALE) maintained that

the Goldstone report has clearly shown that both Israel and Hamas have committed human rights violations during the war in Gaza. [...] I also ask myself why the European Union is not standing up for international law. Why does it allow impunity to reign in this region? Any credibility in our respect for international law will be lost if the EU leaves these war crimes unchallenged. This report is not about Israel's security. This report is about major human rights violations. There is therefore no conceivable argument why the recommendations of this report should not be implemented.

Before the vote in the plenary, each political party tabled its own motion for resolution on the implementation of the Goldstone report. Following negotiations among political group, Alliance of Liberals and Democrats of Europe (ALDE), Socialists and Democrats (S&D), Verts/ALE (The Greens/European Free Alliance) and European United Left/Nordic Green Left (GUE/NGL) tabled a joint motion for resolution.<sup>127</sup> Although the text was supposed to be voted on the plenary session on March 10, the EPP blocked it the evening before, thus leading to its removal for the agenda (Haaretz 2010b; Phillips 2010). According to media reports, the EJC was instrumental in this sense, as its president Kantor warned MEPs of the harm to EU-Israel ties, were the Resolution to be approved by the Parliament. On the Israeli newspaper Haaretz, Kantor is quoted to have told the MEPs that '[i]t appears inconceivable that while the United Nations itself hasn't yet officially adopted this report, the European Parliament, in this motion for a resolution, calls for and

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<sup>127</sup> S&D, Verts/ALE and GUE/NGL are generally strong supporters of human rights and tend to be vocal against Israel's violations of human rights and international law. The ALDE is a divided group which has no common position on the issue: MEPs vote according to their preferences. Finally, the EPP and the other right-wing parties generally support Israel.

demands its implementation' (Haaretz 2010b). As a result of the EPP's move, the plenary was supposed to vote on various different motions, with the EPP's text having the highest chances of success given the majority of MEPs in the Parliament (Haaretz 2010b; Phillips 2010). Against all forecasts, the EPP's motion for resolution, which was voted first, was rejected by 243 votes to 364 (with 60 abstentions), while the joint motion for resolution, which was eventually re-tabled, was adopted by 335 votes to 287 (43 abstentions).<sup>128</sup>

Interestingly, the text approved contained various references to the aspects raised by the EMHRN. The Resolution underlined the need of 'respect for international humanitarian law and international human rights law by all parties under all circumstances' and called on the High Representative and member states 'to work towards a strong EU common position on follow-up to the report of the fact-finding mission – led by Judge Goldstone – on the conflict in Gaza and southern Israel, publicly demanding the implementation of its recommendations and accountability for all violations of international law, including alleged war crimes'. Moreover, it was asked them to 'monitor actively the implementation of the recommendations set out in the Goldstone report by consulting the EU's external missions and NGOs working in the field' and to include the 'recommendations and related observations [...] in EU dialogues with both sides, and in multilateral fora'. Finally, it reiterated the centrality of respect for international law and the rule of law and it supported the UN efforts to 'ensure accountability for all violations of international humanitarian law and international human rights law during the Gaza conflict' (European Parliament 2010c).

Following this result, the EJC expressed his disappointment with the result of the vote. Kantor argued that the EJC 'made it abundantly clear to those MEPs which we contacted that this resolution was against the overall objectives of Europe's role in the Middle East'. He further pointed out that 'the fact that over 45% of MEP's voted against the resolution is cause for some satisfaction. We can see our lobbying efforts bore fruit due to the fact that the resolution passed by only a narrow margin, and not the consensus that was expected' (Phillips 2010; EJP - European Jewish Press

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<sup>128</sup> According to NGO sources, which cannot be quoted here for reasons of anonymity, the Verts/ALE and GUE/NGL voted in favour, in the S&D and ALDE only a tiny minority abstained or voted against, while around 10-20 MEPs from the EPP also voted in favour of the joint motion. This was possible because there was no roll-call vote on the motion, so that MEPs were in the position to break lines with the party line. See also (VoteWatchEU 2010a, 2010b).

2010c). Furthermore, the EFI and the EJC also considered as their success the fact that the roll-call vote on the recital in the motion which referred to Hamas as a terrorist organisation approved it by a landslide, with 580 MEPs voting in favour (Interviewee 6; VoteWatchEU 2010b).<sup>129</sup>

To summarise, the NGOs considered in this chapter relied on different frames when carrying out their lobbying actions. In line with the hypotheses delineated in Chapter 1, the EMHRN's political-legal frame provided MEPs and officials with such an argument that was suitable for them to use in the resolution. In contrast, the political frame proposed by the other two NGOs did not lead to any significant re-framing of the EU's position, which seems to be in line with the theoretical framework. Moreover, the evident congruence between the wording of the EU and the EMHRN's declarations, statements and documents is indicative of the strong embeddedness that characterises lobbying in the EU.

## **5.5 Using member states but aiming at EU foreign policy**

This section looks at the national level and at how it was used by the three NGOs in their lobbying activities. As suggested in Chapter 1, the national level or channel is important in two ways. First, it is used by NSAs to complement their lobbying on EU issues with a view to changing EU policies; second, it is related to the Europeanization of NSAs based in member states. In this section, I analyse the first of the two aspects, namely how the EMHRN, the EJC and the EFI relied on the national level to complement their lobbying on EU policy. It emerges that the national channel is considered important in all three cases: this is a likely consequence of the fact that the issue of the Goldstone Report was also played in the UN arena, where the EU is only an observer, while its member states have voting power.

Given the relevance of the UN 'battleground', the EMHRN's aim was initially to push for a single position among EU member states inside the UNHRC and the UNGA. This was considered the best way to support the Report and its recommendations. However, the EMHRN modified its position over time: the new goal became to convince more and more member states to support the Report,

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<sup>129</sup> It is important to remember that this vote is not particularly significant, as the EU had placed Hamas on the terrorist list already in 2003.

instead of reaching a common stance at all costs. Because the most likely common position would have been abstention, the EMHRN considered as a better option to have an increasing number of member states supporting the Report, instead of a common position of abstention (Interviewee 2).<sup>130</sup> Interestingly, an analogous position was proposed during an interview with an EU official (Interviewee 53), thus supporting the idea of strong social interactions between the EU and the EMHRN as basis for frames to travel and for the achievement of a new and shared understanding. In her view, it was acceptable to have different perspectives among member states: what really mattered was that they were all pointing in the same direction, i.e. progressively recognising the need to keep the parties to the conflict accountable for the violations of human rights. In this sense, the change of position from ‘voting against’ to ‘abstaining’ within UN forums (see the change in voting patterns between November 2009 and February 2010) could be considered a step in this direction.

Going back to the lobbying activities in member states, the EMHRN organised missions to national capitals with a view to influencing member states’ positions on the Goldstone Report. For example, at the beginning of February 2010 it organised a mission to Paris during which a delegation of Israeli and Palestinian NGOs had the chance to speak to French officials and policy-makers and to present the results of their investigations related to the situation in Gaza. Advocacy in Paris was meant to target one of the permanent members of the UNSC, thus making French potential support to the Goldstone Report important (Interviewee 2). Similarly, the EMHRN organised a mission to Geneva in September 2010 with the aim of building consensus for the resolution under discussion in the UNHRC session and of achieving a true commitment by member states to following the investigations and ensuring accountability (Interviewee 2, 60).<sup>131</sup> In parallel to carrying out lobbying in capitals, member states were also lobbied via their Permanent Representations in Brussels (Interviewee 2).

More importantly, the EMHRN coordinated advocacy and lobbying activities by national NSAs, given its limited capacity to conduct direct lobbying in all EU member states. Therefore, it organised training seminars for NSAs based in member states, indicating on which issues they could contribute to lobbying efforts in

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<sup>130</sup> Working documents seen by the author by courtesy of the EMHRN. For reasons of confidentiality, these documents cannot be reproduced or quoted here.

<sup>131</sup> Confidential documents seen by the author by courtesy of the EMHRN. Due to the confidentiality of the material, no quotations or specific references can be made to them.

Brussels, and it prepared strategy and lobbying documents national NSAs could use in their advocacy work (Interviewee 2). Moreover, the fact that the Goldstone Report was barely discussed in Brussels, but mostly in national capitals and in Geneva/New York, made lobbying via the national channel of utmost importance (Interviewee 60).

As for the EJC and the EFI, there is limited evidence on their use of the national level. On the basis of their organisational structure and the general type of lobbying activities they carry out, it is extremely likely that they lobbied at the national level. In the case of the EJC, its federated nature and its extensive presence in various parts of Europe made it very likely that they also relied on their local branches and the various Jewish communities to attempt to influence member states' positions on the EU's policy towards the Goldstone Report. For example, the Board of Deputies of British Jews, a member of the EJC, organised a lobby mission to Brussels to meet with British MEPs and convince them to vote against the resolution (Haaretz 2010a; EJP - European Jewish Press 2010b). Unfortunately, the data at disposal and the interviews conducted do not allow us to elucidate this point on the use of the national level.

To summarise, this section shows that the national level was used in lobbying on the Goldstone Report, probably due to the fact that the Report was discussed in the UN. This made it vital to lobby EU member states' positions to ensure that the EU would adopt a certain stance on the Goldstone Report. While the EMHRN initially aimed at reaching a single EU position in this regard, it progressively changed its goal and aimed to increase the number of member states supporting the Report, instead of reaching a common stance that would be of abstention. In contrast, the EJC and the EFI wanted to prevent any European support to the Goldstone Report, as they perceived this endorsement as damaging for Israel and its international legitimacy.

## **5.6 Conclusions**

This chapter has put to the test the hypotheses presented in the theoretical framework in the case of EU policy as far as the Goldstone Report is concerned. In contrast to the previous case on EU-Israeli trade relations, this issue focuses on a much politicised topic dealing with the respect of human rights and humanitarian law by the parties to the conflict. The case of the Goldstone Report is linked to the broader issue of the war between Israel and Hamas between December 2008 and January

2009 and, therefore, to the general issue of the Israeli-Palestinian conflict. As mentioned in the beginning, this event also marked the beginning of a slight, but progressive, change of the EU's stance towards Israel, which has become less inclined to compromise and accept all Israeli policies towards the Palestinians.

This chapter has demonstrated that NSAs, in particular NGOs, have played a role when it comes to policy-making concerning the issue of the Goldstone Report. More precisely, the EMHRN, the EJC and the EFI played a role that swung between the consensual and the median categories analysed in Chapter 1. On the one hand, they relied on an access approach, whereby they lobbied behind the scenes. They met officials in the European Parliament and MEPs face-to-face, they interacted via emails, and developed forms of interactions that created the possibility of establishing dialogue, mutual trust and cooperation. In turn, this could potentially lead to the construction of a shared view and understanding of the situation at stake. On the other hand, these NGOs also made use of information politics, i.e. they issued public statements, relied on the media (e.g. newspapers), thus carrying out their lobbying in the public sphere. In this case, the possibilities of interaction were mainly excluded and the parties could not negotiate a shared meaning of the events and their interpretation.

Although all three NGOs mixed these two roles in their lobbying activities, the analysis shows that the EMHRN managed to develop cooperative relations that led to the discussion and inclusion of its political-legal frame. Interactions with the EU based on more consensual roles and the use of technical/legal frames or, in the case of the European Parliament, political-technical/legal frames, favour a redefinition of EU position. In the case of the EMHRN, the frame it proposed had significant resonance among MEPs and officials, so that we find a similar language in both EU and EMHRN documents. At the same time, the development of cooperative and dialogical interactions also influenced the constitutive traits and the preferences of the EMHRN. First, this NGO relies on EU's tenets to define itself and its requests. Second, its changed position in terms of member states' voting patterns also seems to be the result of interactions with officials of the European Parliament, given that a shared position emerged during interviews. In contrast, the political frame used by the EJC and the EFI did not lead to any re-framing. A pure ideological argument based on political claims without empirical evidence does not work at the EU level, not even in the European Parliament. The consensual nature of EU policy-making

still makes technical/legal frames relevant, as they are necessary in the consensual policy-making approach that dominates in the EU, where the level of politicisation is less marked than at the national level.

Finally, this chapter has also shown that the three NGOs relied on the national level to carry out their lobbying on the EU's policy as far as the Goldstone Report was concerned. EU member states were crucial, especially when it came to lobbying on the EU's position within the UN. Given that the EU does not have voting powers in UN bodies, member states were key to determine the EU's stance. The EMHRN conducted both direct lobbying at the national level as well as it trained NSAs based in member states to carry out lobbying on EU foreign policy and the Goldstone Report. Unfortunately, it is difficult to draw precise conclusions as far as the EJC and the EFI are concerned, as the data available and the interviews do not lead to definitive conclusions in this regard.

In conclusion, this chapter has demonstrated that NSAs playing a consensual role based on an access approach provides NSAs with more possibilities of developing shared frames and of mutually defining each other, as in the case of the EMHRN. However, the role alone is not sufficient. It works better, i.e. there is a new definition of the issue at stake, when technical/legal or, at least political-technical/legal frames are used.

## **Chapter 6 - Framing the EU-Israel Agreement on pharmaceutical products: Cheaper medicines, territorial scope or policy coherence?**

After more than three years since it was initialled, the Agreement on Conformity and Acceptance of Industrial Products (ACAA) between the EU and Israel was finally approved by the European Parliament in October 2012. In the beginning, NSAs did not pay much attention to this Agreement. However, the situation changed once the ACAA reached the European Parliament in May 2010. This chapter will test the hypotheses presented in Chapter 1 in this specific case. Given that the European Parliament was an important arena of lobbying, special attention will be devoted to the lobbying taking place in this context. Unlike Chapter 5, where the role of the Parliament was only symbolically relevant, in the case of the ACAA the European Parliament played a key role. As explained in Chapter 2, the Lisbon Treaty has attributed new powers and competences to the European Parliament in certain areas and the ACAA falls within the remit of these new powers. More specifically, MEPs are required to give their consent to the agreement before it can enter into force. As will be shown, most lobbying concentrated on the European Parliament, while more limited activities can be observed in the previous phases involving the Commission and the Council.

The analysis will show that all types of roles (consensual, median and adversarial) were played in this case. Moreover, NSAs relied on all categories of frames identified in Chapter 1. However, the extent to which NSAs were involved in the policy-making process varied on the basis of both the roles and the frames employed. This chapter will therefore offer the possibility of testing whether the consensual role and the use of technical/legal frames gave NSAs more opportunities to be involved in the policy-making process (as hypothesised in Chapter 1). Although the roles and frames used differed, two broad camps can be identified in NSAs' lobbying: one side was in favour of the approval of the ACAA by the European Parliament, while the other side was against it. In this latter case, as will be shown in the chapter, some rejected the ACAA entirely, while other adopted a more nuanced stance aimed at modifying the text of the agreement before approving it. While various actors were involved, two NSAs, which were also named more frequently in interviews, conducted systematic and organised lobbying on the issue of the ACAA: TEVA and

the MATTIN Group. The former is an Israeli pharmaceutical company, while the latter is the same NGO involved in the case presented in Chapter 4. In contrast, other actors such as the EMHRN or the EJC were less active on the issue and their lobbying activities more sporadic.

By analysing the events that occurred since 2009, when the preparatory stages for the ACAA started, this chapter will show that NSAs played a crucial role in framing the debate within the European Parliament, while a less systematic involvement is found in the preparatory and negotiation stages of the Agreement.

This chapter is structured as follows. The first part will provide an overview of what an ACAA is, with specific reference to the agreement between the EU and Israel. The second section will describe the policy-making process leading to the entrance into force of the ACAA. Section 6.3 and 6.4 will investigate which roles NSAs played and which frames they used in their lobbying activities respectively. Section 6.5 will refer to the national level, focusing on how Brussels-based NSAs relied on the national venue to complement their activities at the EU level. Finally, the conclusions will summarise the main findings of this chapter.

## **6.1 The EU-Israel ACAA**

An ACAA is an Agreement on Conformity Assessment and Acceptance of Industrial Products aimed at facilitating trade between partners, i.e., creating an easier access to market, by removing technical barriers. By signing an ACAA with the EU a third country agrees to align its legislative system, infrastructure, standardization and assessment procedures for traded goods with the EU's legislation (European Commission 2013b). Quality infrastructure, safety of products and constant innovation are also upgraded. In this way, markets are more accessible and costs are reduced thanks to the elimination of double checks on batches of traded goods. The EU signs ACAAs in those industrial sectors where member states' legislations are harmonised, such as machinery, electrical products, construction products, pressure equipment, toys, medical appliances, gas appliances and pharmaceuticals (European Commission 2013b; Hania 2010).

Negotiating an ACAA is a complicated procedure, which requires some preparatory stages aimed at the horizontal and sectorial alignment of the third country's legislation to the EU's as well as at the establishment of appropriate infrastructure

able to comply with procedures of standardisation, accreditation and metrology. Functioning and efficient market surveillance should also be ensured. Due to this cumbersome process and the numerous requirements that a third country has to comply with, the scope of ACAAs is normally limited to one industrial sector or even an aspect of it.

Preparation and negotiation of ACAAs have been underway for most Mediterranean partners. Given its advanced economy and its strong relations with the EU, Israel started the procedure leading to the signature of an ACAA in 2009. The EU-Israel ACAA is based on the provisions of the 2005 EU-Israel Action Plan, in which the EU proposes to ‘accelerate progress towards bilateral negotiations leading to an ACAA, taking into account the specific nature of the Israeli economy and building upon the Palermo Action Plan’ (art. 2.3.1.4) (European Commission 2005, 10). On the basis of this article, the Commission started and initialled an ACAA with Israel on good manufacturing practice (GMP) for pharmaceutical products, with the exception of ‘advanced therapy products, special medicinal products based on tissues and cells of human origin, and medicinal products that include blood products’ (European Commission 2009, 5). The explanatory memorandum attached to the Commission proposal for a Council Decision on this issue explains that the ACAA is a Protocol to the Association Agreement with the aim of extending to Israel benefits granted by the Internal Market in sectors that are already aligned (European Commission 2009, 2). On the basis of the Protocol, pharmaceutical industrial products covered by the Protocol and attested as compliant with EU procedures can be placed on both Israeli and EU markets without any need for approval procedures. This means that products just need to be certified once in order to ensure their conformity to the legislation in place, instead of being double-checked and certified twice. The reduction in controls thanks to the application of the same standards and procedures in the two countries facilitates trade flows of pharmaceutical goods. In order to eliminate trade barriers, there are two mechanisms: 1) the recognition of equivalence in technical regulation, standardization and conformity assessment for industrial products subject to equivalent regulation in both parties; 2) the mutual acceptance of industrial products not commonly regulated, but which are lawfully placed on the market in one of the parties, can be lawfully be traded in the other (European Commission 2009). The EU-Israeli ACAA only includes an annex that

makes the former mechanism operational, while the latter is not taken into consideration.

Against this backdrop, Israel was asked to take appropriate measures to align its legislation and procedures to those of the EU. First, Israel had to modify its legislation in accordance to EU directives 2003/94/EC and 2001/83/EC (European Commission 2003; European Parliament and Council of the European Union 2001). The former regulates the principles and guidelines for Good Manufacturing Practice (GMP) in the case of medical products, while the latter defines the Community code concerning medical products for human use. Second, the EU assessed the legislative changes introduced by Israel and checked if the modified legislative framework complies with the EU's requirements. Third, negotiations started: they involved the relevant DGs in the Commission (in this case, DG Trade, DG Enterprise and Industry, and DG Sanco) for the EU and the Ministry of Industry, Trade and Labour and the Ministry of Health for Israel. Finally, once the text of the ACAA was ready, it had to be adopted and implemented.

The Commission's evaluation on the implementation of the ACAA identified advantages for both sides. EU and Israeli exporters would be allowed 'to test and certify their industrial products to the same (aligned) requirements prior to export, and then access that market without any further conformity assessment requirements' (European Commission 2009, 5). By carrying out the certification procedures only once, exports would be stimulated and time would be saved. The Commission admitted that there were difficulties in quantifying the benefits which would derive from the reduced time for accessing markets, from better predictability, less protectionism and the harmonisation of systems. According to the figures supplied by the European Federation of Pharmaceutical Industries and Associations (EFPIA), in 2007 the total trade in pharmaceutical products between the EU and Israel amounted to around €1 billion. By looking at the figures provided by EUROSTAT for the 2007-2011 period, there has been an increase in the bilateral trade, with the trade balance tilted in favour of Israel, as shown in Table 11 below. It is plausible to assume that the ACAA has a more beneficial impact for Israel, as its producers get easier access to the EU-27 market with its population of around 500 million people. In contrast, Israel is a small market for the EU, with its main potential being its

advanced economic development. Through this agreement, Israeli generic pharmaceutical products enter the EU's market easily (Interviewee 30).<sup>132</sup>

**Table 11 - Trade in pharmaceutical products between EU and Israel (2007-2011)**

	<b>Import</b>	<b>Export</b>	<b>Trade balance</b>
<b>2007</b>	501,871,162	458,249,939	-43,621,223
<b>2008</b>	588,527,348	488,478,939	-100,048,409
<b>2009</b>	633,672,437	566,137,218	-67535219
<b>2010</b>	1,198,621,320	726,879,813	-471741507
<b>2011</b>	1,957,039,466	761,621,982	-1195417484

Values are expressed in Euro. Import indicates imports from Israel to the EU-27. Export indicates exports from the EU-27 to Israel. Source: EUROSTAT (2012)

## **6.2 The decision-making process of the ACAA**

Before the entry into force of the Lisbon Treaty, the legal basis for an ACAA was Article 133 and Article 300 of the Treaty establishing the European Community (TEC). Accordingly, the Commission was tasked with the negotiation of the agreement and was assisted by a committee appointed by the Council (133 Trade Committee) during the entire procedure. The Council was then in charge of deciding upon the signing and the conclusion of the agreement on the basis of a proposal from the Commission. Under this legal basis, the European Parliament was only consulted, but had no formal power in the procedure (consultation procedure). Although Commissioner Verheugen wanted to conclude the ACAA during his mandate and before the entry into force of the Lisbon Treaty (Interviewee 63; AlJazeera 2009), this did not happen. While the ACAA was initialled in 2009, the Council approved it only on March 22, 2010, after the Lisbon Treaty had entered into force (Council of the European Union 2010a).

Thus, on the basis of Articles 207 and 218 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament had a voice in the decision-making process on the ACAA. The Commission remained in charge of the negotiation stage on the basis of a Council's decision, but the conclusion and the entry into force of the agreement also needed the consent of the European

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<sup>132</sup> It has to be remembered that these goods can be traded even without the ACAA, but their access to each other's market requires double checks and certifications due to the lack of an agreement on conformity assessment and acceptance.

Parliament, in addition to the Council's approval. Accordingly, the dossier moved to the relevant Committee in the European Parliament, which in this case was the Committee on International Trade (INTA). Two other committees were appointed as Committees for Opinion, namely the Committee on Foreign Affairs (AFET) and the Committee on Industry, Research and Energy (ITRE), which can issue a non-binding opinion.

Following the parliamentary legislative procedure, the INTA Committee had to draft a report on the ACAA to be presented in front of the plenary: the report would give indications to the MEPs on whether the European Parliament should give or withhold its consent to the ACAA. Withholding consent is perceived as a strong political act of opposition against the Council and the Commission, so it is rarely used (Interviewee 45). The European Parliament can however rely on two other options to express its disagreement. First, according to Article 81(3) of the European Parliament Rules of Procedure, the responsible committee 'may decide, in the interests of achieving a positive outcome of the procedure, to present an interim report on the proposal to Parliament including a motion for a resolution containing recommendations for modification or implementation of the proposed act' (European Parliament 2012). In essence, this procedure is a way for the European Parliament to show its disagreement with the Commission and Council's proposal and invite them to change it before the European Parliament gives its consent. Given that the consent procedure does not allow the European Parliament to modify the text of the agreement, the interim report offers MEPs a way to deal indirectly with this issue. Second, the opinion coming from the Committee can be accompanied by a political statement in which MEPs express their political views on the issue at stake, even if consent to the legislation or agreement is provided.<sup>133</sup>

The INTA Committee appointed the rapporteur, MEP Laim Liucija Andrikiene on April 19, 2010, but the file was soon blocked due to political reasons (Interviewee 4, 45, 57).<sup>134</sup> On May 31, 2010, Israel attacked the flotilla intended to bring humanitarian aid to Gaza. In line with a similar decision taken by the European Parliament concerning another Protocol between the EU and Israel in December

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<sup>133</sup> While the consent procedure provides the European Parliament with some leverage, the real room for manoeuvring is limited in practice (Interviewees 45, 57).

<sup>134</sup> This date was found on the Legislative Observatory of the European Parliament before it moved to the new system. This information was retrieved in April 2011, but it is not available anymore.

2008,<sup>135</sup> the INTA Committee decided to freeze the protocol due to concerns for human rights and postpone the discussion on the draft opinion until further notice. The idea behind that decision was that Israel's behaviour was not acceptable and the EU could not continue to do 'business as usual' in front of these violations of human rights and international law. In July 2010 there were attempts to re-table the ACAA in the INTA, but the Coordinators' meeting opposed this move. As a result, the European People's Party (EPP) gave back the report and Andrikiene stepped down.<sup>136</sup>

The stalemate was overcome in spring 2011, when the Coordinators' meeting decided to unfreeze the dossier on the ACAA and to discuss it in the INTA Committee. This change was determined by the new position adopted by the Alliance of Liberals and Democrats for Europe (ALDE). According to MEP Sarah Ludford, blocking the ACAA was inappropriate as the agreement did not represent an upgrade in the bilateral relation, but only the implementation of the Action Plan (Ludford 2011).<sup>137</sup> ALDE was in the position to tip the scales in favour of the unfreezing of the calendar inside the Committee. Following these events, the chair of the Committee, MEP Vital Moreira, was appointed rapporteur by default (ex officio rapporteur) on May 24, 2011.<sup>138</sup>

After a first exchange of views in the INTA Committee in July 2011, there was a second round on October 11, 2011. As will be explained later, MEPs sitting on the INTA Committee were extremely divided on the issue of whether the European Parliament should give its consent to the ACAA or not. While the debate did not lead to a clear majority in favour of either position, two things were decided. First, the

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<sup>135</sup> On December 3, 2008, the European Parliament decided to block the 'Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes' due to the continuation of the siege on Gaza. The Protocol is however partially implemented (see Euro-Mediterranean Human Rights Network and APRODEV 2012).

<sup>136</sup> During the INTA meeting of 13 July 2010, Andrikiene asked that the ACAA would be placed onto the agenda again. The Chair of INTA MEP Moreira replied that the decision was taken by the Coordinators' meeting, within which the EPP coordinator also voted in favour of freezing the ACAA, and the decision would not change unless the Coordinators change their mind (see the record of the meeting in the archive of the EP-Live: [www.europarl.europa.eu](http://www.europarl.europa.eu)). What followed was that, due to the 'point system' for assigning reports, the EPP decided to give this report back because it was interested in another one (Interviewee 57).

<sup>137</sup> In the ALDE group it was felt as undemocratic that only few people could decide on the dossier (whether to discuss it in the committee and plenary), while there was no agreement within the group on the content of the agreement (Interviewee 70).

<sup>138</sup> One dossier goes by default to the Chair of the Committee if no political party requests it or the point system does not allow any political party to take it (Interviewees 45, 57).

MEPs agreed to invite the HR/VP Catherine Ashton, Commissioner Stefan Füle (Enlargement and Neighbourhood) and Commissioner Karel De Gucht (Trade) to address the broader issue of coherence among different EU external policies, with reference to the ACAA. Second, the INTA Committee asked the AFET Committee to draft an opinion on the ACAA, given the political implications of the agreement.

The appointed rapporteur for the opinion in the AFET Committee was MEP Veronique De Keyser. As a first step, she wrote a Working Document that she presented to the Committee on February 6, 2012 (De Keyser 2012a). In this document she analysed the implications of the ACAA for the EU and suggested that the Committee request a legal opinion from the European Parliament's legal service. The AFET Committee agreed on this point, but also asked MEP De Keyser to draft her opinion by February 17, 2012. This draft opinion was then discussed on March 27, 2012, together with the legal opinion of the European Parliament's legal service issued in mid-March.<sup>139</sup> The scheduled vote on the draft opinion and tabled amendments on April 24, 2012, was cancelled, as the Chair of the AFET Committee, MEP Elmar Brok, explained that Commissioner Füle had promised that the Commission would issue a position paper on the ACAA in response to the European Parliament's legal opinion soon. Therefore, the Coordinators decided to wait for the Commission's position in order to have guarantees on the legal aspects of the agreement.

The INTA Committee worked in parallel to the AFET Committee. On February 29, 2012, Commissioner De Gucht attended the meeting and expressed the Commission's position concerning the agreement. The ACAA was part of the Action Plan package and would favour trade, but it was not related to the rules of origin problem (see Chapter 4). On March 27, 2012, the ACAA was again on the agenda on INTA, with Moreira presenting its draft recommendation. However, the Coordinators decided to postpone the vote in INTA to wait for the vote on the opinion in the AFET Committee. The latter eventually issued its opinion on June 7, 2012, recommending the INTA Committee to give its consent, if the requests concerning legal and political aspects made by the Chair of the AFET Committee to the Commission were met. On September 18, 2012, the INTA Committee's report was also in favour of giving the European Parliament's consent, even if by a tiny majority (15 voted in

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<sup>139</sup> For the debate, see the record of the meeting in the archive of the EP-Live: [www.europarl.europa.eu](http://www.europarl.europa.eu).

favour, 13 against, and 2 abstained), so that the dossier passed to the plenary. The ACAA was finally approved by the European Parliament on October 23, 2012, thus closing the long decision-making process that characterised the story of the ACAA.<sup>140</sup> The ACAA passed by a majority of 379 votes (230 voted against, 41 abstained) (VoteWatchEU 2012). There was a debate in the plenary, but there was no substantial change from previous positions. While lobbying continued until the vote, the outcome in favour of consent was likely.

**Table 12 - Key dates of the ACAA policy-making procedure**

October 2009	Commission's proposal on the ACAA with Israel
March 2010	Council Decision
April 2010	INTA – MEP Andrikiene is nominated rapporteur
May/June 2010	Freezing of the ACAA
July 2010	Failed attempt to re-table the ACAA. MEP Andrikiene steps down as rapporteur
May 2011	Re-tabling of the ACAA on the agenda of the INTA Committee. MEP Moreira is nominated rapporteur
July 2011	1 <sup>st</sup> exchange of views in INTA
October 2011	2 <sup>nd</sup> exchange of views in INTA
February 2012	Working document in AFET
Mid-March 2012	Legal opinion by the European Parliament legal service
June 2012	Draft opinion in AFET
September 2012	Draft report approved in INTA
October 2012	Approval of the ACAA in the plenary session

Against this backdrop, the following section will focus on the role that NSAs played in the decision-making process. The issue did not raise strong lobbying efforts when the ACAA was negotiated by the Commission and then approved by the Council, probably due to its technical nature and the fact that it was not so visible. In contrast,

<sup>140</sup> The details of these events can be found in the minutes of the Committees (available at: <http://www.europarl.europa.eu/committees/en/full-list.html>). See also European Parliament (2013), where all the documents mentioned in this section can be found.

there is evidence of extensive lobbying when the issue reached the European Parliament.

### **6.3 From consensual to adversarial roles: the contention around the ACAA**

Lobbying on the ACAA was characterised by two main aspects. First, TEVA and the MATTIN Group conducted very systematic and organised lobbying. In contrast, other NSAs did intermittent and more sporadic lobbying. Therefore, this section focuses on the MATTIN Group and TEVA, while the others will be analysed whenever there is evidence of their lobbying efforts. Second, the ACAA gave rise to a polarised lobbying context, with one side in favour of the ACAA and the other against its approval.

In what follows, the hypothesis about roles presented in Chapter 1 will be tested. Both TEVA and the MATTIN Group played a consensual role based on an access approach: they targeted EU officials and MEPs directly and in informal settings. It will be shown how a consensual role favours the development of cooperative and dialogical social interaction between the EU and NSAs based on trust and mutual legitimacy. In turn, this leads to the establishment of a shared understanding of the issue at stake.

TEVA has been the only active business group for which evidence of lobbying activity was found. On the basis of the information retrieved and the interviews conducted (Interviewees 1, 55, 56, 63), other European and Israeli business actors did not conduct lobbying in this case. The EU-level pharmaceutical associations, namely EFPIA- European Federation of Pharmaceutical Industries and Associations, and EAEPCC- European Association of Euro-Pharmaceutical Companies, did not deal with the ACAA.<sup>141</sup> The EFPIA was consulted by the Commission in the preparatory stages and was asked to provide data which were used in the Commission's proposal on the ACAA (European Commission 2009). This is part of the normal procedure followed by the Commission, which wants to ensure that agreements are implemented smoothly once into force. Therefore, being in contact with the parties

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<sup>141</sup> Interviewees at the national level did not mention any pharmaceutical company that lobbied on the ACAA in capitals.

affected by the agreement in the preparatory stages was done to favour easier implementation (Interviewee 55).

Unlike European pharmaceutical actors, TEVA, the biggest pharmaceutical company in Israel and one of the biggest company worldwide, showed strong interest in the ACAA.<sup>142</sup> It is headquartered in Israel, has a European headquarters in the Netherlands, and is also present in Brussels with a one-person staffed office. This person is responsible for the contacts with EU institutions and for promoting TEVA's interests within and in relation to the EU. It comes as no surprise that TEVA had a strong interest in the ACAA, as this would benefit its trade with the EU. By facilitating the entrance of Israeli pharmaceutical products into EU markets, opportunities for TEVA's generic medicines would be opened. Although TEVA has European branches, there would be no competition between the goods produced in Israel (and thus benefitting from the agreement) and in the EU, as the lines of production are complementary.

Unlike Brita GmbH, the business group analysed in Chapter 4, TEVA played a consensual role based on an access approach. It provided information and knowledge to MEPs and EU officials through direct contacts and often in informal ways. TEVA's lobbying, especially when the ACAA reached the European Parliament, was also conducted through a professional lobbying consultancy, D&D Consulting Services, which supported TEVA's representative in Brussels in the design of an effective lobbying campaign and in the organisation of meetings with MEPs and EU officials working in the Commission and the European Parliament.<sup>143</sup> TEVA's case was dealt with by the General Manager of D&D Consulting Services, Mr Dimitri Dombret, whose past experiences provided him with particular added-value for TEVA's purposes. He specialised in Middle East studies at the Tel Aviv University and worked for the Belgian Ministry of Foreign Affairs at the Embassy in Israel, experiences that familiarised him with Israel, its mechanisms and policies. Moreover, he worked as assistant for an MEP, a key position from which to learn

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<sup>142</sup> According to TEVA Factsheet (document given to the author by TEVA representative in October 2011), the company spans across 26 European countries. TEVA is a leading company in many European markets and also has 12 manufacturing facilities for the production of active pharmaceutical ingredients, generic research and development.

<sup>143</sup> This was confirmed during interviews with both TEVA Representative and EU officials. Moreover, the name of TEVA is listed among the clients of the DD Consulting Service (2013). See also the Transparency Register: <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=40855887550-54> (accessed 17/04/2013). The D&D Consulting Service has not been included in the database, as lobbying was carried out on behalf of, and together with, TEVA.

how the European Parliament works and what the best strategies are to lobby MEPs. Finally, he previously worked as director of the European Friends of Israel, the Brussels-based NGO that reunites MEPs and MPs sympathetic to Israel's cause (DD Consulting Service 2012). Importantly, his experience provided him with connections with MEPs and EU officials, and this was likely to contribute to an easier and more informal access to the European Parliament.

In the initial stages of the preparation and negotiation of the ACAA, lobbying was limited to a few NSAs: TEVA was one of them. At this stage, the Brussels office of TEVA was not particularly involved: it mainly worked to ensure that the negotiations were moving and to liaise between Israeli officials and the European Commission. TEVA in Israel was instead directly engaged in the technical side of the negotiations, by providing data and information to both the EU and the Israeli Ministry of Health (Interviewee 63). The involvement of TEVA was important in order to ensure the correct application of the legislative changes made by Israel to comply with EU law. Moreover, the Commission organised meetings with the parties affected by the ACAA, especially the companies producing pharmaceuticals, in order to ensure a smooth implementation of the ACAA and a real benefit to trade relations (Interviewee 55). Therefore, TEVA also contributed to the preparation and drafting of the agreement.

Once the ACAA reached the European Parliament and the dossier was frozen by the INTA Committee, TEVA started lobbying MEPs, both those sitting on the INTA Committee and those who were influential in their political group, in order to convince them to support the ACAA. More importantly, TEVA arranged several meetings with MEP Andrikiene, the first rapporteur for the ACAA (Interviewee 63), who was very active on this dossier from the very beginning. She was very interested in receiving information and getting to know the implications of the ACAA in detail. It is also important to point out that Andrikiene contacted the representative of TEVA for getting information and explanations on the ACAA, showing how one side is dependent from the other (Interviewee 63). Her interest was also reflected in her support for the ACAA in the INTA Committee, as will be shown in section 6.4. At the same time, TEVA benefitted from this well-established relationship, as Andrikiene, in her position of rapporteur, played an important role within the

Committee because she was in charge of drafting the report.<sup>144</sup> The two sides thus developed mutual trust, viewed each other as partners, and their interactions were consensual and cooperative. Interestingly, even when Andrikiene pulled out in July 2010, she remained very active on the issue, continued to support the ACAA both in parliamentary debates and through articles in newspapers (Andrikiene 2011a), and to keep in touch with TEVA representatives (Interviewee 63).

In spring 2011, TEVA started to target ALDE MEPs more strongly, given that there were hints that they might change their views on the ACAA. This political group has always been quite divided over the issue of Israel/Palestine. What created tensions inside the group was the fact that the decision about freezing the ACAA in the Committee was taken by the Coordinators, without any previous consultation inside the group. As a result of these dynamics, ALDE decided to ‘unfreeze’ the ACAA and place it again on the agenda of the INTA Committee. However, this was the only point of agreement; there was no common stance as far as the content of the ACAA or the voting behaviour within the Committee was concerned (Interviewees 36, 70).

Meetings with MEPs and officials working in the European Parliament continued. In 2012, when the AFET Committee was asked for an opinion on the ACAA, TEVA began a new round of meetings with MEPs (Interviewee 45). On all occasions, TEVA approached its targets behind the scenes in private meetings. During these face-to-face interactions, TEVA had the chance to expose its view on why the ACAA needed to be supported by the European Parliament (as shown in section 6.4): verbal interactions were always complemented by the provision of written material on the company itself and on the reasons why the Parliament should give its consent to the agreement (Interviewee 45, 70).

Therefore, TEVA played a consensual role in the decision-making process. First, it cooperated with the Commission in the preparatory stage as one of the parties that would be affected by the ACAA and that could provide information and knowledge on the issue. Second, in the European Parliament it always worked outside the public sphere, interacting directly with MEPs and EU officials. Through direct contacts, both in person and via email, it established cooperative links with some MEPs, especially with MEP Andrikiene. It also used these frequent and cooperative

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<sup>144</sup> Despite numerous attempts, Andrikiene refused to be interviewed. The facts presented here are based on the other interviews carried out, the articles she wrote for newspapers and the positions she had in the debates in the INTA Committee and the plenary.

interactions to express its view on the ACAA, which then became one of the frames that characterised the debate in the European Parliament.

The other NSA, the MATTIN Group, also played a consensual role. Although it also lobbied the Commission in the beginning (Interviewee 1), there are no significant results of its lobbying efforts. Once the ACAA reached the European Parliament, the MATTIN Group started to conduct a very systematic lobbying action with a view to either blocking the approval of the agreement or sending it back to the Commission and the Council to change some of its provisions (Interviewee 1).<sup>145</sup> As confirmed in interviews (Interviewees 45, 57), the MATTIN Group conducted its lobbying actions by relying on an access approach: it arranged meetings with MEPs and officials in the European Parliament, and sent documents and reports to them. On these occasions, the MATTIN Group expressed its position on the ACAA and highlighted why the European Parliament should not give its consent to the agreement.

Like TEVA, the MATTIN Group's consensual role favoured the establishment of a dialogue with officials and MEPs on the ACAA, with the aim of reaching a mutual understanding as far as the situation was concerned. Given that the MATTIN Group had been lobbying the EU for some years, it had already established its professional reputation and its credibility (Interview 45). In turn, this facilitated dialogical interactions with EU officials and MEPs: it was a trustworthy NGO, which was perceived as a partner. This aspect emerged more evidently when the AFET Committee was involved in the decision-making procedure. Not only was this Committee another venue that the MATTIN Group could use in its lobbying activities, but this NGO had already been in contact with the AFET rapporteur, MEP De Keyser, in the past. De Keyser had always been sympathetic to the cause of the Palestinian people and she knew the MATTIN Group from previous meetings. They had therefore already established working relationships and perceived each other as trustworthy interlocutors even before the ACAA. This made the exchange of information and knowledge easier (Interviewee 45).

While TEVA and the MATTIN Group played a consensual role, other NSAs such as the EJC and EMHRN which carried out a more intermittent and less systematic lobbying, adopted various roles, including median and adversarial roles. Their actions were based on information politics such as publishing articles in newspaper

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<sup>145</sup> Documents supplied to the author by the MATTIN Group.

or organising workshops, and on protest politics like letter campaigns involving the public opinion.

On the same side of TEVA in terms of their position with regard to the ACAA, the European Friends of Israel (EFI) worked on this dossier when it reached the European Parliament. Interestingly, the EFI coordinated its actions with the Israeli Representation in Brussels, which was also very active in lobbying MEPs to persuade them to support the ACAA.<sup>146</sup> In light of its composition based on MEPs and European MPs, EFI worked as a liaising actor between the Israeli Representation in Brussels and the MEPs to ensure that the latter would also get in touch with the Israeli view on the ACAA. This approach, which is an access form of lobbying, took place behind the scenes and implied the establishment of direct contacts with MEPs. Besides this consensual role, the EFI also played a median role based on information politics. On the one hand, the EFI published short articles on its website in support of the ACAA, proposing a frame analogous to that of TEVA. More specifically, on February 8, 2012, the EFI commented on the session of the AFET Committee of February 6, and the discussion of the working document presented by De Keyser (European Friends of Israel 2012). Similarly, on April 20, 2012, it published an article by MEP Inese Vaidere, who argued in favour of the ACAA (Vadeire 2012). On the other hand, in February 2011, the EFI accompanied MEPs to the areas where Israeli pharmaceutical companies are located in order to raise MEPs' awareness concerning the ACAA and what it means in practice (Interviewee 62).

Swinging between the consensual and median roles was also the form chosen by the European Jewish Congress (EJC) (see Chapter 5). While its lobbying efforts on the ACAA have been more limited than TEVA or the MATTIN Group, the EJC met several MEPs, especially of the ALDE Group. Interviewee 77 confirmed that the EJC prepared a summary of the argument in favour of the European Parliament's support to the agreement, and also organised meetings with them to further discuss the issue.

Similar to the lobbying conducted by the EFI and EJC, other NGOs and solidarity movements carried out their activities in a less systematic way, acting sporadically and at moments of crisis, when there were crucial events in the European Parliament. Among these NSAs, we can mention the Council for European Palestinian Relations

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<sup>146</sup> According to interviews, TEVA also coordinated its lobbying strategy with the Israeli Representation in Brussels (Interviewees 56, 59, 63, 70).

(CEPR), the European Coordination of Committees and Associations for Palestine (ECCP), Aprodev, the EMHRN, CIDSE, the Quaker Council for European Affairs and, as will be mentioned in section 6.5, some NSAs based in member states. In some cases, they relied on information politics, thus playing a median role: they issued public statements or wrote articles to raise public awareness. For example, the CEPR and the ECCP co-wrote an article for EUobserver on April 23, 2012, in which they made the case for the rejection of the ACAA (Lemanska and Reigeluth 2012). Similarly, the ECCP issued a statement on its website calling on MEPs to reject the ACAA in order to ensure that the EU pursues a consistent foreign policy.<sup>147</sup> In April 2012, APRODEV, the EMHRN, CIDSE and the Quaker Council for European Affairs also called on MEPs in the INTA Committee to postpone the vote on the ACAA, as shown on the EMHRN's website (APRODEV et al. 2012). This letter was also accompanied by more inside lobbying, whereby representatives of the NGOs met with MEPs and officials to support their cause against the approval of the ACAA (Interviewee 4).

Forms of protest politics were also used to lobby on the ACAA. In particular, the ECCP launched a letter campaign mobilising its member organisations in EU member states in 2012 in an attempt to exert pressure on MEPs from constituencies. Similarly, an online petition called 'PASS ACAA' collected signatures from EU citizens to go to the European Parliament and present the 'voice' of EU peoples on the matter.<sup>148</sup> These two examples of an adversarial role did not allow for the establishment of dialogue and an exchange between the parties, they involved the public at large and made use of constituencies as a way to 'blackmail' policy-makers. Unlike information politics, therefore, they enlarge the scope of the conflict and target politicians indirectly (see Beyers 2004). These confrontational social interactions did not lead to any shared understanding of the situation, but caused a mutual delegitimation.

As shown in this section, NSAs played various roles in the EU's decision-making process. While the MATTIN Group and TEVA relied on a consensual role, which allowed them to have many contacts with officials and MEPs and to be involved in

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<sup>147</sup> See <http://www.eccpalestine.org/the-eu-israel-acaagreement-legally-flawed-encouraging-impunity/> (accessed 20/03/2013). The ECCP changed its website recently, so many blog posts and articles that were published in the previous years have now a more recent date due to the new website.

<sup>148</sup> See [www.passacaa.com](http://www.passacaa.com) (accessed 15/04/2013).

the decision-making process leading to the ACAA, the NSAs using less consensual approaches played a less significant role.

#### **6.4 A battle of frames**

In the case of the ACAA, various types of frames were used. TEVA and the MATTIN Group employed technical/legal frames. The EFI and EJC seemed to copy-paste TEVA's argument, although the level of sophistication of the argument was not so well-developed. The EMHRN and the other NGOs used a political-legal argument, while the ECCP and the people behind the online petition 'PASS ACAA' proposed political frames.<sup>149</sup> As will be shown, the technical/legal and, to a certain extent, the political-technical/legal frames gave NSAs the possibility of playing a significant role in the policy-making process and of contributing to the development of new frames in EU foreign policy, as hypothesised in Chapter 1.

TEVA developed its lobbying around a technical frame. First of all, the frame clearly disentangled the ACAA from the rest of EU-Israeli relations: EU-Israel bilateral relations are not connected to the political aspects of the Middle East Peace Process. TEVA also highlighted that the agreement is not an upgrade for Israel, as it only 'constitutes an implementation of an existing framework agreement and therefore does not exceed the political framework'.<sup>150</sup> Given that the ACAA was already provided for in the 2005 Action Plan, it did not equate with an upgrade, nor did it give Israel special benefits or privileges. There was a clear attempt to avoid being trapped into political and ideological debates and to discuss the issue in technical and economic terms.

Second, TEVA referred to key principles and interests of the EU, namely the idea of free trade, market access and benefits for EU consumers, all ideas that are at the basis of the EU's integration project. More specifically, TEVA maintained that the ACAA was in the interest of the EU in general, and of its patients and health care providers in particular. First of all, the removal of trade barriers would increase the offer on the market: the entire chain of production in the EU would be positively affected through an increase in the number of jobs. Second, there would be savings for both EU consumers and health care systems. According to TEVA's figures, between €100-

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<sup>149</sup> It was not possible to identify who the people promoting the 'PASS ACAA' petition were.

<sup>150</sup> TEVA Position Paper, 10 February 2012. Document given to the author by an EU official.

250 million per year could be saved, if access to generic medicines were speeded up. TEVA argued that health care authorities face costs due to delays in entry of these products, so that ‘[o]n average, one day of delay corresponds to about €10 million of missed savings’.<sup>151</sup> Third and related to that, generic medicines would enter EU markets and be available to patients more quickly. Fourth, the authorities’ inspectorates would greatly benefit from the ACAA, as people and resources could be freed up and employed in the assessment phase.

TEVA pointed out the benefits for the EU, highlighting the negative repercussions on trade and consumers due to delays in the approval of the ACAA. By relying on the key EU principles of free trade and consumer rights, TEVA was proposing a technical frame, as highlighted in Chapter 1. Its arguments were also supported by empirical evidence and the provision of figures concerning the delays and losses for the EU’s economic system. These technical details and the empirical evidence provided were complemented by the provision of an alternative policy option to the issue. Instead of linking the MEPP and EU-Israel bilateral relations, the two aspects needed to be kept separate and policy actions to be carried out independently.

This technical frame was reflected in Andrikiene’s speeches and articles, which confirm the interactions taking place between TEVA and Andrikiene as well as the circularity that characterises the relationship between the EU and NSAs. As explained in Chapter 1, knowledge and frames are the results of social interactions, whereby the parties reach a common understanding of the topic and a shared view on how to approach an issue. For example, Andrikiene wrote an article for the EUobserver on February 28, 2011. She complained about the fact that the ACAA was blocked in the INTA Committee ‘due to the position of certain political groups which think there should be no upgrade of EU-Israel relations until Israel takes a more committed stance in peace talks with Palestinians and improves its human rights record’ (Andrikiene 2011a). Andrikiene’s argument in favour of the ACAA was based on three points: 1) the ACAA is a foreign policy tool that can help to bring Israel closer to EU legislation; 2) Israeli human rights situation is not comparable to that of other countries in the region and around the world; 3) European consumers are damaged by the freezing of the ACAA, as they cannot get access to cheaper pharmaceutical products. This last point, which was also the main part in the article, mirrors the frame presented by TEVA, as mentioned above. Similarly, during the

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<sup>151</sup> Ibid.

debate on the ACAA which took place in the INTA Committee in October 2011, Andrikiene maintained that the INTA Committee needed to speed up the procedure and give its consent to the ACAA. Not only was the agreement already provided for in the Action Plan, but by withholding its consent negative repercussions would be felt by European consumers and healthcare providers, with around €100-250 million per year of wasted money. Interestingly, both these figures and the gist of the argument resembled the frame proposed by TEVA (Interviewees 45, 63). The same position had already been stated by Andrikiene in the EUobserver of October 6, 2011. In this article, she highlighted the technical nature of the ACAA and the damage that the European Parliament was inflicting on EU consumers and healthcare providers who were forced to incur additional and unnecessary costs. Moreover, she also wrote that ‘by having the ACAA, generic products could enter the EU market much more quickly [and] the national medicines evaluation agencies within the EU would be able to free up resources currently employed to do the unnecessary additional checks and tests could be employed to evaluate new innovative medicines faster’ (Andrikiene 2011b).<sup>152</sup>

The technical argument was also voiced by the ALDE MEP Marietje Schaake during the INTA session of October 11, 2011. In her intervention, she argued that the ALDE recognised that there is an issue related to Israeli violations of human rights, but the ACAA was not considered the proper tool to deal with this issue. She maintained that political and technical aspects should not be blurred and therefore, the ALDE group was in favour of adopting a timetable for the ACAA and of proceeding with the vote, given its technical nature. Similar points on the technical nature of the agreement were also raised by the ECR Group.<sup>153</sup>

During this debate, some MEPs responded to this argument by opposing the approval of the ACAA on the basis of a political-legal frame. In particular, Social and Democrats (S&D) MEP Kader Arif argued that the EU needed to show coherence among its external relations policies: trade cannot ignore human rights issue, as this would be against EU values and stated policies. This position was also supported by

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<sup>152</sup> As mentioned above, TEVA’s position paper argued that: ‘Generic medicines’ lower prices provide healthcare authorities with significant savings on their healthcare budgets by speeding up access to affordable generic medicines. [...] With the ACAA, generic products could enter the market much more quickly. [...] Specialist resources could thus be freed up and deployed to reduce the workload for assessment’.

<sup>153</sup> For the debate, see the record of the meeting in the archive of the EP-Live: [www.europarl.europa.eu](http://www.europarl.europa.eu).

other S&D MEPs and European United Left-Nordic Green Left (GUE/NGL) MEP Helmut Scholz. The EPP MEP Daniel Caspary also indicated in his interventions during the debate that coherence was necessary, but that the European Parliament should follow it consistently, given that it previously discussed the agreement with the Palestinians on agriculture and fisheries. Despite some differences, there was a shared view that coherence between trade and other forms of foreign policy was to be ensured.<sup>154</sup>

The gist of this argument reflected the political-legal frame revolving around the concepts of coherence and consistency in EU foreign policies, which was proposed by the EMHRN, Aprodev, the Quakers and CIDSE. According to Article 21 TEU, the EU has the obligation to ‘ensure consistency between the areas of its external action’, meaning that its trade and human rights policies as well as its other foreign policy positions have to be in line with each other and go in the same political direction. Against this backdrop, it would be inconsistent to sign another agreement with Israel, given that its policies in the OPT in terms of violations of human rights and international law have not changed. This is also linked to the issue of coherence, both between the EU’s condemnation of Israeli policies and practices that violate international law, and between its compromising attitude towards Israel and other countries in the region and worldwide. This frame did not however offer a new lens to the debate, as its core elements referred to the classical view on the Israeli-Palestinian conflict which is frequently heard in the European Parliament, for instance in parliamentary questions to the Commission and the Council. This argument based on the violations of human rights and international law by Israel and the need for policy coherence was already applied in other cases, such as when the European Parliament decided to freeze its approval on the Protocol on Israeli participation in Community programmes. The frame therefore resonated with many MEPs, as it was in line with their views and their perceptions of the situation. Yet it did not provide an alternative perspective on how the European Parliament could deal with the issue, nor was this frame likely to favour dialogue due to the political component which risked alienating those MEPs who were supporters of Israel.<sup>155</sup>

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<sup>154</sup> Ibid.

<sup>155</sup> While this frame is clearly articulated in the document published in April 2012 on the EMHRN website, the same NGOs started their lobbying before and did that via an access approach (Interviewee 4). Moreover, this political-legal frame is not particularly new, so that MEPs were already familiar to that. We could even argue that they used it independently from NGOs in the

In contrast to the technical and the political-legal frames, the MATTIN Group relied on a legal frame to lobby against the approval of the ACAA. The frame adopted recalled arguments akin to those employed in the case of the rules of origin. The core of the frame revolved around the ‘territorial scope’ of the Agreement. As explained in Chapter 4, Israel applies all its agreements with the EU to the territories it has occupied since 1967, which is against international law. The EU considers Israel’s application of the agreements to the OPTs as unlawful and it cannot give effect to it within the EU’s legal order.

More specifically, the MATTIN Group argued that the problem of Israel’s different interpretation of its territory was also present in the ACAA, in particular in Article 9(1). This provision concerns the recognition of the Responsible Authority, meaning the authority that is in charge of permitting pharmaceutical products to be placed on the market or to require their withdrawal. The problem lies in the fact that Israel is asked to nominate these authorities according to its domestic law, namely following how it defines the territorial scope of its internal market. Israel will therefore notify the EU that the Ministry of Health is the responsible authority, thereby notifying the territorial scope of its market regulatory jurisdiction. However, under Israeli law, the Ministry’s jurisdiction also includes East Jerusalem, the Golan Heights and all these areas of the West Bank that Israel has not placed under Palestinian economic administration. This notification would amount to the statement of a fact, which implies that it cannot be subject to different interpretations.<sup>156</sup> Following the MATTIN Group’s line of argumentation, the acknowledgement of Israel’s factual statement of territorial jurisdiction without the explicit exclusion of the OPTs from the territorial scope of the Ministry’s jurisdiction and regulatory competence implies that the EU would not be in the position anymore to challenge Israeli interpretation of the territorial scope of applicability, not even with regard to the EU-Israel Association Agreement.<sup>157</sup>

By legally framing its arguments and pointing to the risks that such an agreement would have for the EU’s legal system, the MATTIN Group relied on one of the key principles of the EU, namely the need to ensure the integrity of its legal framework and respect for international law, humanitarian law and its obligations thereunder.

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beginning and the latter re-used it later. This would also point to the circularity between the EU and NSAs, showing how the ones use the arguments of the others and vice versa.

<sup>156</sup> Documents supplied to the author by the MATTIN Group.

<sup>157</sup> Documents supplied to the author by the MATTIN Group and Interviewee 1.

The argument was that, if the EU were to recognise Israeli jurisdiction over the OPTs, it would violate its own law and international law, which is the *raison d'être* of the EU itself, thus having the potential to resonate in MEPs' minds. Instead of claiming for blocking the ACAA tout court, the MATTIN Group aimed to persuade MEPs and officials of the necessity of amending Article 9(1) of the ACAA Agreement to ensure that the position of the EU and its legal framework would not be compromised. Basically, it suggested that the European Parliament withhold its consent and send the dossier back to the Commission and the Council for the appropriate amendments. This could be done via an interim report in which the conditions for the European Parliament's approval are listed. It further recommended that a legal opinion from the European Parliament legal service is requested to verify any legal doubts concerning the agreement. Were these legal inconsistencies and problems for the correct application of the ACAA under EU law confirmed, the European Parliament would have solid grounds to write an interim report and send the ACAA back to the Commission and the Council (Interviewee 1).

While this frame was presented to various MEPs and EU officials (Interviewee 57), it definitely emerged as a key component of the parliamentary debate thanks to De Keyser. As mentioned in section 6.3, the involvement of the AFET Committee in the decision-making process opened a new channel for the MATTIN Group to push for its legal frame. In the Working Document that De Keyser presented in the AFET Committee on February 6, 2012, she raised two points: one was a political argument, the other referred to the legal dimension of the ACAA (De Keyser 2012a). In particular, she argued that 'a legal interpretation of certain articles of the Protocol might allow Israel to implement the Protocol on the basis of its national law defining the territorial scope of its domestic market, in other words including the territories occupied since 1967 not under Palestinian economic administration' (De Keyser 2012a, 5). She also inserted the text of Article 9(1) as an annex, highlighting the legal problem of the formulation of the article.<sup>158</sup> In her view, it was necessary to request an opinion to the European Parliament legal service to have guarantees about the legal accuracy and implications of the agreement.

Although the legal argument filtered through and became part of the frames used by MEPs, it was usually combined with a more political-legal argument. De Keyser also

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<sup>158</sup> This part of the Working Paper uses the same argument presented by the MATTIN Group. The documents seen by courtesy of the MATTIN Group cannot be reproduced here.

used the political-legal frame stressing the obligations of coherence and consistency that impinge upon EU foreign policy: EU trade policy should be compatible and in line with the other objectives of EU foreign policy, among which the respect for human rights, international humanitarian law and international law are crucial.

Interestingly, the debate that followed De Keyser's presentation was mainly defined along the political-legal vs. technical frames.<sup>159</sup> On the one hand, one group of MEPs argued that political and technical/commercial aspects are entangled and cannot be dealt with separately, especially in the case of Israel and its violations of human rights and international law. The EU should ensure coherence in its foreign policies. On the other hand, another group of MEPs supported the view that political and commercial/technical issues should not be mixed, as the ACAA is a technical agreement which cannot solve the political problems related to the Israeli-Palestinian conflict. In their view, the request for a legal opinion was mainly another way to delay the approval of the agreement and to gain time.<sup>160</sup> Thus, the MATTIN Group managed to introduce the legal frame into the parliamentary debate, but its idea was not easily picked up by MEPs due to its complex nature. Moreover, the political character of the European Parliament also meant that MEPs needed political arguments which they could use with their constituencies or which were easy to communicate to public opinion (Interviewee 45). The point, however, shows that the lack of expertise by MEPs and EU officials in technical and legal issues makes them dependent on external sources. MEPs need to rely on NSAs in order to get information on the issues they have to deal with and frames to understand an issue are commonly constructed and interpreted between MEPs and NSAs. As the case of De Keyser shows, she used the legal frame proposed by the MATTIN Group, but also integrated it with her views and perspectives, as her knowledge was developing over time and on the basis of interactions with NSAs. Moreover, political aspects are crucial in the European Parliament and failing to recognise this point limits the potential of frames (Interviewee 45).

The legal frame became part of the debate in the European Parliament: the Chair of AFET requested a legal opinion from the European Parliament legal service. The draft opinion by De Keyser, discussed on March 27, 2012, suggested that the INTA Committee draws up an interim report under Rule 81(3) of the European Parliament

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<sup>159</sup> For the debate, see the record of the meeting in the archive of the EP-Live: [www.europarl.europa.eu](http://www.europarl.europa.eu).

<sup>160</sup> Ibid.

Rules of Procedure, given that the ACAA contains both legal and political issues that need to be dealt with before the European Parliament could give its consent. The interim report would indeed allow the INTA Committee to propose amendments to the Commission and the Council to solve any legal problem (De Keyser 2012b). As for the opinion by the European Parliament legal service, the legal problems related to Article 9(1) can be solved at the implementation stage. The Commission, which cannot acknowledge a Responsible Authority nominated by Israel which has also jurisdiction over the areas covered by the EC-PLO Interim Agreement, is in the position to refuse to acknowledge any Authority whose responsibility exceeds the internationally recognised territory of Israel.<sup>161</sup> Therefore, the legal argument proposed by the MATTIN Group was partially weakened, as the Commission should be in the position to deal with it in the implementation stage.

As mentioned in section 6.3, other NSAs also carried out lobbying action. For instance, the EFI and the EJC used a political-technical frame based on the arguments proposed by TEVA, but with a less sophisticated technical component. In the EFI's comment of February 2012, De Keyser's working paper was strongly criticised, as she politicised an issue that was only technical and commercial and, above all, beneficial for both sides. The EFI called on MEPs to keep the debate within technical and economics terms and to avoid political implications irrelevant to the issue at stake (European Friends of Israel 2012). Similarly, on April 20, 2012, it published an article by MEP Inese Vaidere in favour of the ACAA: the agreement would bring important economic benefits for the EU and it cannot be related to political issues given its technical and commercial nature (Vadeire 2012). In the same way, the EJC also demonstrated its support for the ACAA on the basis that it was a technical agreement with important benefits for EU consumers and healthcare providers. Although their frame was akin to TEVA's one, the level of precision and detail of technical elements was lower. In some parts, there were even political argumentations related to the issue of discrimination that Israel suffered from due to the link that the EU used to make with the MEPP (Interviewee 77).

Similarly, the CEPR and the ECCP also took part in the lobbying efforts, advocating the rejection of the ACAA. In a co-written article in the EUobserver of April 23, 2012, they made the case for the rejection of the ACAA on the basis of the political argument of coherence and consistency (Lemanska and Reigeluth 2012). While there

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<sup>161</sup> Internal document seen by the author during interviews.

were some attempts to deal with the legal frame proposed by the MATTIN Group, these points were not fully developed and explained. The main points of the articles revolved around the coherence of EU external relations, the use of conditionality and the need to reject the ACAA in order to unblock the status quo in the West Bank. This argument was reiterated in another joint article published on European Voice on April 26, 2012, in which the representatives of the ECCP and CEPR argued that it was not only in the economic and security interests of the EU to block the agreement, but also a moral imperative that needs to be followed (European Voice 2012).

In summary, various NSAs were active at the EU level, especially in the European Parliament, with TEVA and the MATTIN Group lobbying constantly and systematically. The frames proposed, as visualised in Table 13, ranged between technical/legal to political-technical/legal frames. In line with the hypotheses presented in Chapter 1, the technical/legal frames, combined with a consensual role, allowed to re-frame the debate in the European Parliament. The case has also demonstrated that the European Parliament, due to its more political nature, is open to political-technical/legal frames, which seem to resonate with MEPs. This type of frame was not used with the Commission, where lobbying was limited to the activities carried out by the MATTIN Group and TEVA.

**Table 13 - Frames used in the ACAA case**

	<b>Content</b>	<b>NSAs using it</b>
<b>Legal argument</b>	<ul style="list-style-type: none"> <li>- Legal problem in the formulation of the text (art. 9(1))</li> <li>- Risk that the EU violates international law and human rights</li> </ul>	MATTIN Group
<b>Technical argument</b>	<ul style="list-style-type: none"> <li>- ACAA is a technical agreement</li> <li>- No upgrade</li> <li>- Benefits for EU consumers and healthcare systems (save time and money)</li> </ul>	TEVA
<b>Political-legal argument</b>	<ul style="list-style-type: none"> <li>- Need for coherence and consistency in European foreign policy</li> <li>- Israel keeps violating international law and human rights / no changes on the ground</li> </ul>	Aprodev, EMHRN, CIDSE, Quaker Council for European Affairs,
<b>Political-technical argument</b>	<ul style="list-style-type: none"> <li>- ACAA is a technical agreement</li> <li>- Benefits for EU consumers and healthcare systems (save time and money)</li> <li>- No discrimination against Israel and links to the Middle East Peace Process</li> </ul>	EFI, EJC
<b>Political argument</b>	<ul style="list-style-type: none"> <li>- Reject the ACAA to unblock the stall in the West Bank</li> <li>- Predominantly focusing on coherence and consistency</li> </ul>	ECCP, CEPR, PASS ACAA

## **6.5 Playing the card of the ‘national level’**

In contrast to the previous two sections, which have explained the roles and frames involved in the case of the ACAA, this section analyses the use of the national level by Brussels-based actors. The Europeanization of NSAs based in member states will be the focus of Chapter 7. In this section, particular attention will be paid to the examples of protest politics mentioned in section 6.3, which were carried out by the ECCP and by the group organising ‘PASS ACAA’ in the form of letter campaigns and petitions respectively. These forms of lobbying are relevant in this context as they relied on the national level, namely on the involvement of national constituencies as ways to exert pressure on MEPs.

The ECCP, an umbrella organisation that comprises solidarity movements around Europe, published on its website a call for action entitled ‘Ask your MEP to reject the agreement’. Working through its member organisations, the ECCP circulated this letter among activists. The latter were asked to use the template and direct the letter to the MEP representing their constituency in Brussels, calling on him/her to vote against the ACAA. Moreover, member organisations were also invited to create online petitions and be engaged in writing letters and articles to newspapers or online publications. For example, the Irish member organisation, Ireland Palestinian Solidarity Campaign, encouraged its members to take part in an e-Action and send an email to their MEPs. Similarly, the UK-based Palestinian Solidarity Campaign called on people to become active and get in touch with their MEPs to convince them about the rejection of the agreement. As explained in Chapter 1, letter campaigns are protest politics forms of lobbying (adversarial role), based on a confrontational approach that mobilize public opinion. By mobilizing its member organisations, which were supposed to ask their members to be active individually, the ECCP aimed at challenging MEPs on the issue of the ACAA, by showing them that their constituencies were against the approval of the agreement by the EU.<sup>162</sup>

Already in May/June 2011, the ECCP explained in one of its internal briefings that its aim was to block the ACAA and make sure that it was not placed again on the agenda of the INTA. In the document, the ECCP detailed what they planned to do during the ‘lobby day’, which is an annual initiative that the ECCP organises for its member organisations inviting them to Brussels to lobby on a common platform. The representative of ECCP in Brussels arranges meetings with MEPs (according to nationality) and Commission officials with a view to showing the opinions and preferences of European constituencies.<sup>163</sup>

Another initiative that saw the involvement of the national level has been the ‘PASS ACAA’ campaign. More precisely, this campaign consisted in a petition addressed to EU citizens and aimed at pressing MEPs to give their consent to the ACAA during the plenary in October 2012. The PASS ACAA campaign had a website, a Facebook page and a Twitter account, all means through which the organisers mobilised the

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<sup>162</sup> See <http://www.eccpalestine.org/864/> (accessed 20/03/2013). The ECCP changed its website recently, so many blog posts and articles that were published in the previous years have now a more recent date due to the new website.

<sup>163</sup> Internal document seen by the author by courtesy of the ECCP. For reasons of confidentiality, these documents cannot be reproduced or quoted here.

public. Despite various searches, it was not possible to identify who the promoters of this initiative were. However, the analysis of their documents and messages lead to the idea that the campaign was orchestrated from Brussels, as there are referrals to this initiative on the EFI and EJC's websites.<sup>164</sup> Through online social networks and the online petition, the PASS ACAA aimed at collecting as many signatures as possible with a view to giving the petition to MEPs on the day of the vote in Strasbourg.<sup>165</sup>

The motto of the campaign was 'Putting European Patients Before Politics' and, as this suggests, it made a case for supporting the ACAA in light of the benefits that this would grant to EU citizens. It recalled the idea that the agreement is in the interest of EU citizens and national healthcare systems which would benefit from Israeli pharmaceutical products and medical innovation. In the petition, it is also argued that 'the ACAA complies with EU law, EU policy, EU principles and, most importantly, serves the interests of Europeans and their healthcare, first and foremost'.<sup>166</sup> The argument resembled the technical-political frame proposed by the EFI and the EJC, as it recalled the idea that the ACAA is a technical agreement, is not an upgrade of the EU-Israel bilateral relationship and would benefit EU consumers. However, unlike TEVA, the argument was only partially supported by evidence: there were no precise references to the points used to back their claims and even inaccuracies, such as saying that the European Council, instead of the Council of the European Union, approved the ACAA. Both TEVA and the MATTIN Group's frames did not contain these types of mistakes, making their arguments more credible for MEPs and EU officials.

The idea behind this petition, which was handed in to MEPs on the day of the plenary in October 2012, was exactly the same of the ECCP. It relied on MEPs' constituencies to mobilise their interest in re-election and pushing them to vote according to the preferences of PASS ACAA. However, it has to be noted that this form of involvement did not seem to have tipped the balance of the vote in European Parliament, as decisions were mainly already taken and the report of the INTA

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<sup>164</sup> In an article published on the European Jewish Press on June 22, 2012, the PASS ACAA was described as 'a grassroots initiative for Europeans concerned about the politicization of their healthcare'. See Reyness (2012). However, interviews carried out at the national level did not lead to identify this initiative as a spontaneous citizen-based campaign.

<sup>165</sup> See [www.passacaa.com](http://www.passacaa.com) (accessed 15/04/2013).

<sup>166</sup> Ibid.

Committee was in favour of the ACAA, following the assurances of the Commission that the EU would check the legally correct implementation of the agreement.

## **6.6 Conclusions**

This chapter has tested the hypotheses presented in Chapter 1 in the case of the ACAA between the EU and Israel. In particular, it has focused on the roles played and the frames used by NSAs when lobbying the EU, especially the European Parliament. In contrast to Chapter 4, where the European Parliament was only used by NSAs to ask questions to the Commission and the Council, and to Chapter 5, in which the European Parliament had a more symbolic role, in this case it was a crucial actor in the decision-making process. Lobbying was mainly concentrated on this institution, which also corresponds to a relatively late stage in the decision-making process. As explained above, the consent of the European Parliament was necessary for the ACAA to enter into force, according to the new provisions of the Lisbon Treaty, but the European Parliament could not change the content of the agreement. It could only give or withhold its consent on the ACAA, with the latter option rarely used as it is perceived as a challenge to the other institutions.

Only two NSAs, namely TEVA and the MATTIN Group also lobbied the Commission. Both these NSAs played a consensual role based on inside lobbying and direct contacts with EU officials and politicians. As demonstrated above, they relied on meetings behind the scenes with EU officials and MEPs during which they explained their interpretation of the ACAA and the reasons why the EU should or should not approve the agreement. More specifically, TEVA and the MATTIN Group used a technical and legal frame respectively. TEVA supported the ACAA and based its frame on technical aspects. In particular, it disentangled the ACAA from the peace process, stressing its technical nature as a commercial agreement, which was also part of the EU-Israel Action Plan, thus not being an upgrade of the bilateral relationship. The frame further stressed the benefits that would accrue to the EU, with evidence and figures to support the claim. By highlighting the importance of free trade and the advantages for EU consumers and health care providers, TEVA was also relying on key principles that shape EU identity and nature, thus ensuring that its frame would resonate with policy-makers views.

In contrast, the MATTIN Group framed its argument with reference to the legal implications of Article 9(1) of the Protocol. In light of this article, Israel can nominate the Responsible Authority to issue the certificate of conformity required under the ACAA. Given that Israel will nominate the Ministry of Health to carry out this task and that this ministry also has jurisdiction over the OPTs, the EU would violate its own law and international law. Accepting the certificates issued by this authority would amount to the recognition of Israel's jurisdiction over the occupied territories and, therefore, the impossibility of contesting the territorial scope of all other EU-Israeli agreements.

Thanks to their consensual approach based on cooperative and dialogical interactions, both TEVA and the MATTIN Group managed to develop shared views with EU officials and MEPs on the basis of their respective frames. Their frames became part of the debate within the INTA and AFET Committee first, and the plenary later on. Through interactions between the EU and NSAs, knowledge was formed and MEPs and EU officials could make up their minds and define arguments to support their position within the Committees or the plenary. The frames that shaped the debates within the European Parliament are the results of interactions between NSAs and the EU.

The other NSAs presented in the chapter such as the EMHRN, Aprodev, the EJC and the EFI used political-legal or political-technical frames. Not only have these NSAs relied on frames that contained a political element, but they also adopted a different approach from TEVA and the MATTIN Group. They swung between consensual, median and, in certain cases, even adversarial roles, making the definition of common meanings and interpretations more difficult. Their frames were also used in parliamentary discussions, confirming the hypothesis that the European Parliament is open to frames that have political aspects, as it needs them in front of their constituencies for electoral purposes. These frames were, however, not particularly new in terms of what the EU could do and how the argument was presented. While the EFI and EJC copied the frame of TEVA, but in a more simplified version, the other NSAs stressed the aspect of coherence and consistency of EU external relations. It seems plausible to argue that these frames become part of the debate when the NSAs used the access approach more than when they relied on information politics, as the former allowed for the definition of common ideas and meaning that the reliance on newspaper articles makes more difficult. It is also necessary to note

that the political references in the frames were already used in previous debates in the European Parliament when discussing the Israeli-Palestinian conflict. Therefore, there was not much new added to the debate.

Finally, the chapter has also shown that some Brussels-based NSAs rely on the national level to carry out their lobbying. In this case, the attention has been paid to the protest politics approach adopted by the ECCP and the group organising 'PASS ACAA'. With letter campaigns and petitions, they aimed at raising the attention of the public opinion and MEPs' constituencies with a view to exerting pressure on MEPs indirectly via the use of national NSAs. However, these efforts did not seem particularly significant in the case of the ACAA, especially if compared to the cases discussed above. The discussion on the use of the national level and the Europeanization of NSAs based in member states will be developed in the following chapter.

## **Chapter 7 – The ‘use’ of the national level to lobby the EU**

This chapter looks at the third question of this thesis, namely at how the national level is used in NSAs’ lobbying activities related to EU foreign policy. In the previous chapters it has been shown that Brussels-based NSAs or NSAs coming from the ground use the national level to complement their activities at the EU level. This chapter focuses on the activities carried out by NSAs based in member states and investigates what they do when it comes to lobbying on EU foreign policy towards the Israeli-Palestinian conflict. More specifically, two aspects will be investigated here. First, the Europeanization patterns of NSAs based in member states will be analysed. The aim is to understand whether NSAs take the EU dimension into consideration and, on the basis of that, how they do that. Second, this chapter will compare the types of roles and frames used at the national level to those employed at the EU level. These two aspects will be investigated in the case of three EU member states, namely the United Kingdom, Germany and France. The choice of these cases is related to their crucial role in the definition of EU foreign policy towards Israel and Palestine. Not only are they the ‘big’ member states in the EU, with a significant weight when decisions need to be taken, but they are also perceived as such by many NSAs (e.g. Interviewees 2, 4, 60). Similarities among these member states are also matched by different historical and institutional features in foreign policy, especially when it comes to the Israeli-Palestinian conflict (see also Chapter 2). This variation is therefore useful to understand the extent to which domestic conditions influence and shape lobbying and advocacy activities by NSAs. Against this backdrop, this chapter tests the hypotheses presented in the theoretical framework. First, despite foreign policy remains an key area of national sovereignty, the EU has progressively increased its role in this domain, so that it plays an important role in relation to EU foreign policy towards the Israeli-Palestinian conflict (see Chapter 2). Therefore, we expect to observe, at least, one mode of Europeanization identified in Chapter 1, namely internationalisation (lobbying at the national level on EU issues), supranationalisation (delegation to umbrella organisations, which act at the EU level) or externalisation (direct lobbying at the EU level) of lobbying activities. The possibility that NSAs show a lack of interest in EU foreign policy and decide to focus exclusively on national foreign policy is also considered. Second, the roles and frames adopted by NSAs at the national level will be investigated and compared to

those used at the EU level. In Chapter 1 it was hypothesised that NSAs lobbying at the national level are more likely to play an adversarial role and use political frames due to the degree of politicisation of national policy-making and the weight that public opinion can have for elected politicians.

The chapter is structured as follows. First, the policy field and the NSAs active in the three member states will be presented. In section 7.2 the Europeanization patterns (or lack thereof) will be investigated. Sections 7.3 and 7.4 will test the hypotheses presented above on the roles played and the frames used by NSAs based in member states. The final section will summarise the key findings of the chapter.

## **7.1 Policy-making and NSAs in the United Kingdom, France and Germany**

The three member states analysed in this chapter display similar institutional characteristics as far as the foreign policy-making process is concerned. However, they differ in terms of their respective systems of interest intermediation and their historical links with Israel and Palestine. As will be shown in this section, these features determine the differences among the population of NSAs in these countries and their lobbying activities.

Foreign policy in all three member states is characterised by a strong centralisation in the hands of the government. In the United Kingdom, the House of Commons is only informed by the government about the decision taken in foreign policy. Parliamentary powers are limited to put questions to ministers in order to keep them accountable, but MPs do not have a strong say in this policy domain (P. Williams 2004). Foreign policy is thus decided by the party in power and MPs rarely vote against the party-line. The main function of MPs in this policy area is to convey the mood of public opinion and raise issues and problems to the government, without actually having any power to change the course of government's decisions (Interviewee 87). Moreover, foreign policy is centralised in the sense that decisions are taken in London. This means that decisions referring to EU foreign policy are not decided by the Permanent Representation, but instructions come directly from London (Foster 2000).

France has also a strongly centralised foreign policy, which is normally the *domaine réservé* of the President. In Risse-Kappen's (1991) terms, the policy network that

links the state and society is state-dominated, so that the government is in the position to ignore pressure coming from public opinion and the media to a larger extent than in contexts that are society-dominated or in which there is a weak state. Foreign policy is defined and conducted in symbiosis between the *Elisée* and the *Quai d'Orsay*, especially due to the links between the elites that work in the two. The Parliament plays a negligible role (Blunden 2000).

Finally, in Germany the *Bundestag* also has a minimal weight in foreign policy decisions. The power in this domain is given, according to the *Grundgesetz*, to the executive branch (and therefore the Chancellor's cabinet). Party politics plays a role in the system, as the Ministry of Foreign Affairs is normally assigned to a representative of the junior coalition party (as governments are usually based on coalitions). Nevertheless, there is a substantial continuity in foreign policy aimed at consensus-building among the parties and with an extremely limited popular involvement (Harnisch 2013; Risse-Kappen 1991).

While all three states have centralised foreign policy-making, the system of interest intermediation differs. The United Kingdom has been described as a pluralistic system, France is known for a more statist approach to interest intermediation and Germany is between these two models, displaying the features of a corporatist system (Eising 2009). In turn, these differences define the role that state actors and interest groups play in policy-making and how they interact. In a pluralist model, the state simply moderates among different and competing interest groups, each of them representing a diffuse or concentrated interest of society. State actors are therefore open to listening to different voices and interests. In a pluralist system NSAs actively lobby to pursue their interests and are more likely to find a context that is receptive and open to their requests. In a corporatist mode of intermediation, representation normally occurs through peak associations that represent and speak in favour of the factors of production or big sectors of society. These associations tend to be on an equal footing with state actors in terms of bargaining power and the state mediates among these associations and tries to build consensus on shared positions. In the statist model, NSAs are normally involved later in the process and play a minimal role. The state pursues the national interest in view of its democratic legitimacy and defines the boundaries of policies. Like the pluralist model, fragmentation characterises this system, but participation in the policy-making process is more limited. While these features are generally applied to state-business relations, these

are also partially replicated in the interactions between NSAs and state representatives in the domain of foreign policy. According to the representatives of NSAs interviewed for this thesis (Interviewees 4, 60, 103), the United Kingdom is considered the most open system to NSAs. British officials and MPs are used to interacting with them. In contrast, France is perceived as a state without a culture of engagement with NSAs. While many NSAs are active there, the context in which they operate is considered less favourable for their activities. Germany's system of interest intermediation shows that the state is used to deal with interest groups, but there is not the same plurality as in the British system.

In addition to the type of interest representation, the context shaping the interactions between NSAs and state officials is determined by the historical legacies of the three states towards Israel and Palestine, the relations between EU and national policies and interest-related factors. The United Kingdom's presence in the region dates back to its colonial past, especially during its League of Nations' mandate for Iraq and Palestine, during which the establishment of a Jewish homeland was enabled (Hollis 2010). Paraphrasing Geoffrey Edwards (as quoted in Musu 2010, 91), 'there has been an essential duality of purpose in British policy irrespective of the political complexion of the government; this has been to influence the Arabs as far as possible to take a more conciliatory attitude and to influence the Americans to press the Israelis to the same end'. The United Kingdom has been similarly torn when it comes to EU foreign policy, as it is divided between supporting the EU's stance and being in line with the American ally. On the one hand, it supports the EU's role in the region and shares the EU's stance based on the two-state solution and respect for international law, humanitarian law and human rights. On the other hand, however, its strong ties with the United States prevent the United Kingdom from pushing for a completely independent EU foreign policy in the region. Referring to an interview with Sir Malcom Rifkin, Musu (2010, 92) further maintains that

the British position differs from that of some other member states (France in particular) in that it sees increased EU involvement in the political negotiations as a 'distraction' in a domain that should be left to the Americans. The EU's involvement should be limited to those activities that are welcomed by the Arabs, the Israelis and the Americans, first among them the economic support provided to the Palestinian Authority.

Therefore, British policy has been characterised by two objectives. First, it has kept a strong link to Israel in line with the US stance. Second, the United Kingdom has always been careful in keeping friendly relationships with Arab countries for economic and geopolitical reasons. While economic reasons are only one of the drivers of British policy towards Israel and Palestine, it is worth noting that the United Kingdom and Israel have a strong and flourishing relationship. Bilateral trade was £3.85 billion in 2011, making Israel the United Kingdom's largest individual trading partner in the Near East and North Africa region and its 29<sup>th</sup> largest market worldwide. Moreover, many British companies (e.g. HSBC) have significant interests in Israel, also due to its developed market. Thanks to its potential in the R&D sector, commercial relations are also favoured (Foreign Office 2012).

As for France, its foreign policy towards Israel/Palestine has been marked by some *ruptures*, but also by a significant degree of continuity. Like the United Kingdom, France has a colonial past and a strong presence in the region. In the 1950s Arab-French relations went through troubled times, while bilateral relations with Israel improved significantly, especially in terms of military cooperation (above all nuclear) and arms trade. Under De Gaulle's mandate military cooperation with Israel was interrupted, but friendly diplomatic relations were maintained. After the Six-Day war, however, a progressive deterioration of French-Israeli relations began, leading to a clear pro-Palestinian stance until Mitterrand, when the beginning of a more balanced position emerged. Chirac went even further, by supporting a 'philosémite pro-arabe' policy and trying to be seen as a mediator between the parties (Hecker 2010, 117). Since 2000 French politicians have steadily worked to improve bilateral relations between France and Israel, which was also evident under Sarkozy's government (Interviewee 79, 80, 85). In general, despite some points of *ruptures*, French policy has been characterised by an attempt to have balanced relations with both Arab countries and Israel, and to pursue a European foreign policy independent from the United States, also with a view to promoting French interests (Musu 2010).

It has also to be noted that Israel/Palestine is one of the few topics of foreign policy that is able to catch public attention strongly (Interviewees 79, 81), probably due to the composition of French society. France is the country which hosts the largest Jewish community in Europe, but at the same time it is also home to a large Muslim population. Although these aspects do not necessarily matter in electoral terms, French governments have attempted to find a middle ground that meets the need and

requests of both groups. Economically, bilateral trade between France and Israel was around €2.3 billion, with a positive balance of payment for France (Trésor 2012b). Since the beginning of 2000s, the government has been working to strengthen the economic relations with Israel. French business groups tend to adopt a very cautious approach to investing in Israel due to the instability caused by the conflict. Some also perceive it counterproductive for their bilateral relationships with Arab countries. Therefore, the government has tried to boost economic ties, also sponsoring events such as the Day of French-Israeli innovation in December 2011 (Interviewees 80, 85). Some big companies like Veolia and Alstom have been active in Israel, but French FDI is low for the size of the economy and French companies do not seem to exploit Israeli potential in the field of technology and research (Trésor 2012a).

Finally, the German case substantially differs from the other two due to the historical legacies of this country. Its sense of guilt towards Israel shapes German Middle East policy and has led to a special relationship between Germany and Israel, making it difficult for German politicians to be critical of Israel. In the 1950s and 1960s bilateral relations between the two countries were significantly strengthened by signing economic agreements and establishing institutional fora such as the bilateral Chamber of Commerce or the German-Israeli Parliamentary group. In the 1970s, without endangering its special relationship with Israel, Germany used European Political Cooperation (EPC) as a shield to pursue certain controversial policies, such as its rapprochement to the Arab world, which were in its interest (Müller 2011). More in general, the special relationship between Israel and Germany has favoured significant commercial relations. In 2011 the volume of trade between the two amounted to \$6.51 billion, covering 15% of all EU-Israel bilateral trade (International Monetary Fund 2012).

While supporting the EU's position based on the two-state solution, successive German governments have always worked for better bilateral relations with Israel (Asseburg and Busse 2011). Only recently, there have been signals of less unconditional support to Israel and some discontent with Israeli policies. The war in Gaza in 2008/2009 was probably the turning point and the subsequent policies of the Netanyahu administration surely helped to slightly shift German position towards a tougher stance towards Israel (Interviewees 4, 91). As a result of German historical legacies, the space in which NSAs operate is limited, as every position, declaration etc. on Israel/Palestine has to be calibrated to ensure that no connections to German

historical past can be drawn. Political elites prefer avoiding certain topics (e.g. ban or labelling of settlement goods): this might also be one of the reasons for the gap between German political elites and German society/public in terms of their perception of current Israeli policies (Interviewees 108, 109). Germany remains a key partner for Israel and, as such, a key player in EU foreign policy-making towards Israel/Palestine. Not only is Germany in the position to block a decision, but it is also able to influence the decisions of other countries, especially the new member states (Interviewee 60).

Against this backdrop, the rest of this section will be devoted to highlighting some features of the NSAs based in the three member states and draw some comparisons. The data used are taken from the database presented in Chapter 3. This implies that some of the problems and limitations identified in that chapter also apply to this mapping.<sup>167</sup> First, French, German and British NSAs have been identified on the basis of secondary sources, existing databases and through a snowball process. This implies that data might be biased due to the different access to sources. Second, some NSAs have been excluded from the dataset, whenever they were not relevant to this study as they were not engaged in any lobbying and advocacy activity (e.g. some cultural groups). Despite possible mistakes in the inclusion of NSAs in the database, the mapping is as comprehensive as possible. It might still be the case that those NSAs with a low level of activities or those working in a very secretive and non-public way are not included, but interviews and the other sources ensured that the most important NSAs are listed.

On the basis of the mapping, a first aspect that deserves attention is the geographical distribution of NSAs among the three countries. Out of a total of 103 NSAs located in either the United Kingdom, Germany and France, Figure 12 shows that almost 54% are British, 26% French and 20% German NSAs.<sup>168</sup> As shown in Figure 13, in absolute terms the difference between the three cases is determined by business groups, which are between five and six times more numerous in the United Kingdom

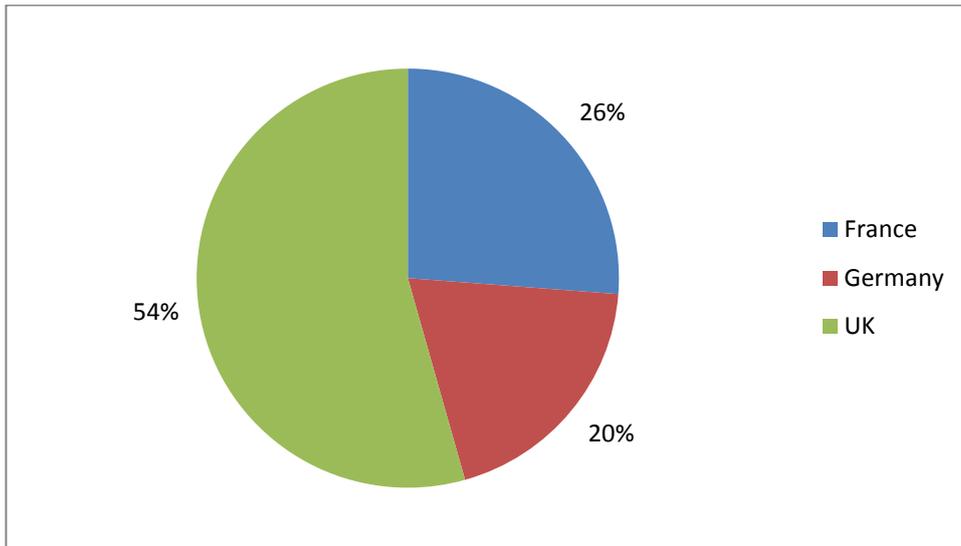
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<sup>167</sup> International or big NSAs with offices in different places have been counted only once in the database (according to their headquarters). This might partially distort the figures, as NSAs are listed on the basis of the location of the headquarters and not for each state where they are present (e.g. Oxfam and Amnesty are present in France and Germany as well, but its headquarters are in the United Kingdom). Whenever the activities of a national branch were particularly important, they have been considered in the qualitative analyses. In the case of umbrella organisations, only the members that are active also individually have been listed in the database. This has been done in order to avoid inflating the number of NSAs. As for those national groups that have local branches, only the national level has been listed.

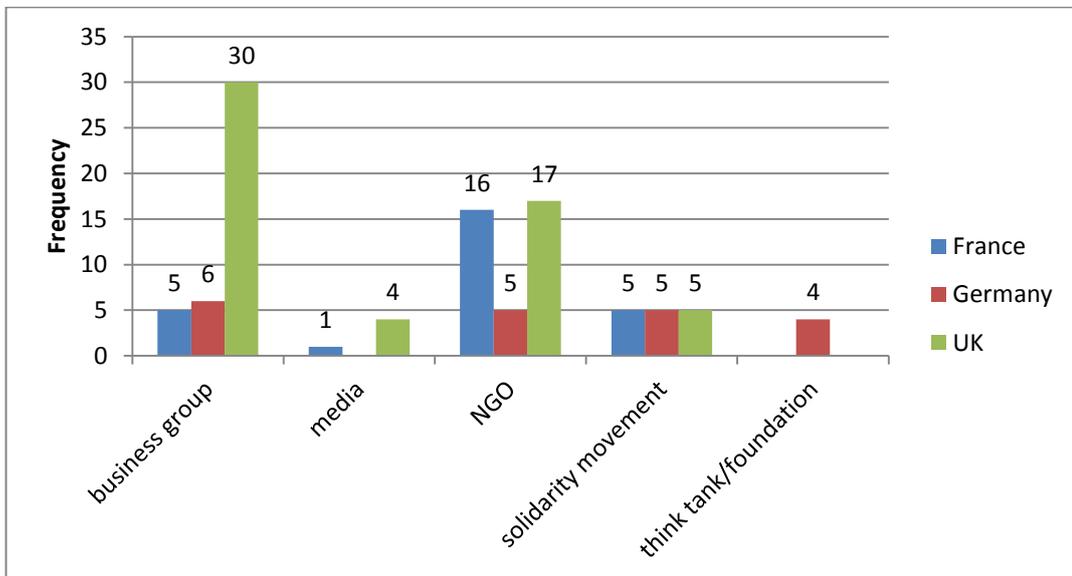
<sup>168</sup> Location is determined on the basis of the headquarters.

than in the other two countries. Such a strong presence of British business groups might be the result of the different access to sources I had, which might have biased the data and would therefore explain this significant difference among the three countries.<sup>169</sup>

**Figure 12 - Percentage of NSAs by location**



**Figure 13 - Frequency of NSAs, divided by category and location**



<sup>169</sup> The number might be inflated due to the availability of some reports (e.g. Profundo 2009) that point out the involvement of UK business actors in Israel/Palestine. Unfortunately, analyses of the same type have not been found for the two other cases, so that figures for French and German groups are probably underestimated. This is especially true for the German case, given the fact that Germany is the bigger trading partner of Israel among EU countries.

As far as the mapping of NSAs is concerned, three further aspects are worth mentioning here.<sup>170</sup> First, NGOs are very numerous in France and the United Kingdom, but the figure, in absolute terms, drops significantly when it comes to Germany. On the basis of the findings of my fieldwork (Interviewees 91, 95, 96, 98, 100, 101, 103, 107, 108), this is related to the difficult context in which German NSAs operate: German history and the political sensitiveness with the topic make it difficult for NGOs to work on issues related to Israel and Palestine. As a result, many German NGOs tend to avoid the topic, which becomes more discussed at the level of solidarity groups, whose role is however perceived as limited (Interviewee 98). Those NGOs working on Israel/Palestine mainly work on the ground through the implementation of projects of cooperation. For example, forumZFD dispatches peace experts to conflict areas like Israel/Palestine and aims to spread the concept of ‘Civil Peace Service’ among citizens (Interviewee 102).

In contrast, British NGOs are widely recognised as very professional, well-organised and capable NSAs that can carry out effective advocacy and lobbying work (Interviewees 4, 96). The majority of them are places where people develop their career, so that working in these organisations normally requires specific skills and capabilities in areas like communication, fund raising, etc. This significant professionalization of these NGOs is likely to be determined by the fact that many international NGOs are headquartered in the United Kingdom. Similarly, French NGOs are numerous and relatively active on issues related to Israel/Palestine, as public opinion is very sensitive to the topic. While some NGOs are relatively big and with ramifications world- or Europe-wide (e.g. EJC, FIDH), the majority of NGOs are not professional groups with expertise in lobbying (Interviewee 81). Moreover, NSAs perceive a significant difference between pro-Israel or Jewish groups and pro-Palestinian groups<sup>171</sup> in terms of their respective access to high-level officials and politicians. For example, the CRIF is seen as a powerful NSA in the French context, with strong ties with the President and his staff and the ability to influence decisions (Interviewees 81, 83; Ghiles Meilhac 2011).

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<sup>170</sup> The lobbying trends of business group are the same detailed in Chapter 3. As Interviewee 85 pointed out, business groups do not need to lobby on issues related to Israel/Palestine because Israel is not such a significant market and because business-related activities run smoothly and face limited obstacles. It is therefore likely that these actors mobilise and lobby only on those issues that are really affecting their interests, thus making their presence less visible when it comes to lobbying/advocacy (see Chapter 3 on this point).

<sup>171</sup> These labels are used here because they were used by the people interviewed. However, see Chapter 3 for a different interpretation of the distinction among NGOs.

The second aspect worth mentioning concerns solidarity movements. In particular, German solidarity movements account for a large part of NSAs dealing with Israel/Palestine, unlike NGOs which, as seen above, are relatively limited in number (Interviewees 91, 98). While the majority of solidarity movements in the dataset are EU/Europe-based, 15 out of 36 are concentrated in the three member states analysed here. Of these, seven are composed of several local sections and based on activism at the local level. As already mentioned in previous chapters, although there are some Europe- or worldwide movements or groups (e.g. BDS movement), solidarity groups tend to focus on and target their national audiences.

Third, the category of media and think tanks requires a clarification. German foundations, which are here considered as think tanks, are a particular form of NSAs that plays a significant role in Germany, but has no equivalent in other European states. While German foundations have often been mentioned in interviews, the same cannot be said for French and British think tanks. German political foundations are important NSAs that, together with activities on the ground, lobby the politicians of their political party and the German public.<sup>172</sup> As far as media-related actors are concerned, the existence of a national public sphere makes their work easier at the national level. While it has been difficult to assess the role of the media, the focus here has been given to those media-related NSAs that are clearly committed to lobbying and advocacy activities (e.g. BICOM), as shown later in the chapter.

To summarise, this section has compared the three member states in terms of their interest representation systems and their political, historical and economic links to Israel and Palestine. It has also provided a brief overview of the main features of the NSAs present in the three countries. While foreign policy-making is centralized in all three member states, the interest intermediation system is different so that different cultures of interacting with NSAs have developed. In turn, this also affects the nature of NSAs and the activities they carry out. While business groups tend to behave in a similar way at all levels, NGOs can encounter some problems in Germany, where the political elites are not particularly willing to deal with certain topics. More in general, solidarity groups are more present at the national level than at the EU level and they work to raise public awareness and affect politicians indirectly. In light of

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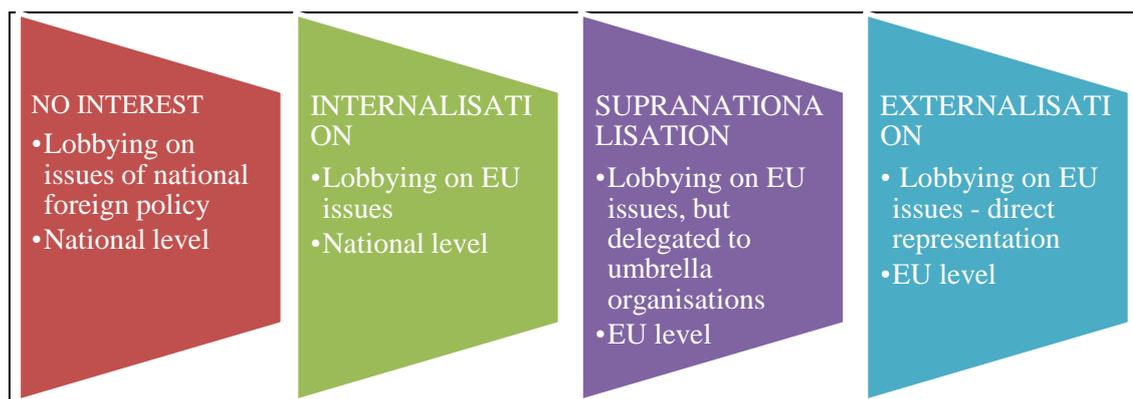
<sup>172</sup> Each foundation can be linked to one political party. The funding system is indeed based on the share of votes that political parties receive. Although there is a clear connection between parties and foundations, the latter are independent from political control.

this background, the next section will analyse whether Europeanization of NSAs based in member states is observable and what form it takes.

## 7.2 EU and national level: two disentangled arenas?

In Chapter 1, I have argued that the level of Europeanization of lobbying and the use of the national level by NSAs are not only an important indicator of the development of lobbying in the EU, but also give us an idea about the level of EU integration. The more lobbying is carried out at the two levels and links between the two are established, the more the EU foreign policy system is integrated. This section sheds light on these aspects by analysing the patterns of Europeanization (or lack thereof) of lobbying of NSAs based in member states. Four patterns have been identified. The first option is a form of non-Europeanization, which implies that NSAs based in member states show a lack of interest in EU foreign policy. The other three modes of Europeanization, as highlighted in Figure 14, are internalisation, supranationalisation or externalisation (Balme and Chabanet 2002; Saurugger 2005). Given the transfer of competences to the EU level and the relevance of the EU foreign policy towards the Israeli-Palestinian conflict, we would expect changes in the patterns of interest intermediation and an increase in the relevance of issues related to EU foreign policy at the national level (Eising 2008; Schmidt 1999; Green Cowles 2001).

**Figure 14 - Modes of Europeanization of NSAs based in member state**



In order to identify the Europeanization patterns and the lobbying activities of NSAs based in member states, an analysis of lobbying activities has been conducted. First, the mapping described in the previous section has allowed for the identification of NSAs. Second, the websites of these NSAs have been analysed to understand their

nature and explore the issues they work on. Third, 30 interviews with NSAs, national officials and experts have been carried out between 2011 and 2012. In addition, umbrella organisations based in Brussels, such as the EMHRN and Aprovev, have also been asked questions related to their member organisations and how they work with NGOs based in member states. The combination of these three steps has made it possible to identify the key trends and features of the population of NSAs active in the United Kingdom, Germany and France and the type of activities they carry out. The remaining of this section, as well as the following sections on roles and frames, analyses the salient aspects emerging from the data collected, by focusing on the aspects that have come up more frequently and have often been mentioned during interviews. This way, the bulk of activities of NSAs in member states is covered and key dynamics and trends will be supported with explicative examples.

The results of the analysis of lobbying and Europeanization patterns show mixed results. Not surprisingly, there is evidence of all the four categories of Figure 14. Many NSAs do not take the EU foreign policy towards the Israeli-Palestinian conflict into consideration, but just focus on national foreign policies. In contrast, other NSAs display, at least, a partial Europeanization of lobbying activities. In some cases, there is an internalisation of EU issues into their lobbying at the national level. In others, NSAs based in member states delegate the activities of lobbying on EU issues to umbrella organisations based in Brussels (supranationalisation). Finally, other actors go directly to Brussels to represent their interests in the EU context (externalisation). It is also interesting to note the crucial role played by Brussels-based NSAs in shaping and directing the activities of many NSAs based in member states when it comes to lobbying on EU issues.

To start with, there are many NSAs that lobby on national policies towards the Israeli-Palestinian conflict. They do not include the EU dimension into their lobbying at the national level, nor do they go to Brussels to interact with EU officials and MEPs directly. As stated in many interviews (Interviewees 4, 78, 82, 95, 103), NSAs based in member states prioritise the national foreign policy of their country and lobby to change it. The national level is rarely conceived as a way to indirectly influence EU policies (Interviewees 78, 82, 84). Paraphrasing McCauley (2011), two explanations can account for this lack of Europeanization: EU opportunities are ‘out of reach’ and ‘out of focus’. The former explanation refers to the lack of resources and to a little understanding of how the EU works; the latter instead points to a form

of disinterest and conscientious distancing of NSAs with regard to EU issues. Both aspects have been confirmed during interviews: on the one hand, many NSAs based in member states do not have enough resources in terms of money and staff or enough knowledge as far as EU institutions and policies are concerned (Interviewees 95, 103, 105, 109). In other cases, NSAs clearly expressed their preference for lobbying the national level (Interviewees 82, 91, 100).

For instance, the German NGO Medico International recently lobbied the German government on the issue of Israeli demolition of infrastructures and buildings in Area C (West Bank) (Interviewee 91). The focus was exclusively on the German position and what the German government should do in this regard, instead of addressing the broader dimension of EU policies concerning Area C. Other examples of lobbying focusing on member states regard the actions taken against business groups working or involved with the settlements, such as Deutsche Bahn or Veolia. In both cases, NSAs' activities targeted the German and French governments respectively, without involving the EU into this issue (Interviewees 84, 103). In another case, the French NGO CRIF lobbied the French government on the kidnapping by Hamas of the Israeli soldier Shalit due to his French-Israeli citizenship (Interviewee 78). Similarly, business groups or business-related NSAs target a specific member state to increase and strengthen the economic relations between the two countries. For example, the German Deutsche-Israelische Wirtschaftsvereinigung (DIW) lobbies in Germany with a view to favouring business relations between Israeli and German enterprises. The DIW is usually consulted before the bilateral consultations between Israel and Germany in order to give indications of what the main issues of concerns for German firms are (Interviewee 93).

Besides the lack of interest, there are also forms of Europeanization in place. As mentioned above, a possible way to lobby on EU issues is internationalisation, namely NSAs based in member states include issues related to EU foreign policy in their lobbying actions at the national level. Internalisation is likely to be determined by two factors. First, many issues that fall within the remit of interest of NSAs based in member states have, by default, a EU dimension, i.e. they are dealt with at the EU level. This is, for example, the case of EU bilateral agreements with Israel and Palestine. This explains why the United Kingdom Palestine Campaign,<sup>173</sup> the French

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<sup>173</sup> [http://www.palestinecampaign.org/Index5b.asp?m\\_id=1&l1\\_id=3&l2\\_id=137&Content\\_ID=2829](http://www.palestinecampaign.org/Index5b.asp?m_id=1&l1_id=3&l2_id=137&Content_ID=2829) (accessed 15/10/2012).

Association France Palestine Solidarité (2012b) and the German KOPI<sup>174</sup> promoted a petition in their respective country against the approval of the ACAA by the European Parliament. Similarly, the French groups Jforum, SIONA and BNVCA with the support of CRIF launched a petition targeting the EU to ask for the abrogation of the Goldstone report after Goldstone partially retracted his conclusions on the war in Gaza on the pages of the Washington Post in April 2011 (CRIF 2011a). Similarly, the German NGOs EED/Misereor, the German Medico International and the French Plateforme des ONG francaises pour la Palestine and Association France Palestine Solidarité (AFPS) attempt, from time to time, to tackle EU issues in their lobbying efforts at the national level. For example, EED/Misereor lobbies the German government on issues related to the settlement goods, the ACAA, the Europol Agreement between the EU and Israel, and the labelling of settlement goods, linking the German and EU dimensions of the issue at stake (Interviewee 100).

Second, and more frequently, internalisation is the consequence of the inputs coming from Brussels-based NGOs (especially umbrella groups), which push NSAs based in member states to lobby their governments and parliaments on issues related to EU foreign policy. Brussels-based NSAs confirm that there is a gap between the lobbying carried out at the national and EU levels, with the former being often unaware of what happens in Brussels and not understanding the complementarity of the two levels (Interviewee 2). In light of their expertise Brussels-based NSAs help national actors to lobby at the national level or they carry out direct lobbying there (see Chapters 4-6). For example, the EMHRN organises, together with APRODEV, a training programme in which national NGOs are taught how to lobby and what they can do at the national level to influence EU policies. They have also prepared a toolkit for NGOs, strategies and recommendations that national NGOs can use in their advocacy work at the national level (Euro-Mediterranean Human Rights Network 2013). This is an attempt to develop a methodology of lobbying that can be employed by NSAs at both the EU and national levels, as Brussels-based NSAs consider the national arena as necessary in order to exert influence on EU foreign policy (Interviewee 2, 4, 60). Another example of Brussels-based NSAs providing NSAs based in member states with inputs on EU policies is offered by the ECCP. The person in Brussels identifies the priorities and sends relevant information to the national groups, suggesting how they can lobby their governments in order to

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<sup>174</sup> <http://www.kopi-online.de/joomla/> (accessed 13/10/2012).

influence their position in the EU. In the case of the ACAA (see Chapter 6), the ECCP prepared an open letter that national solidarity groups were supposed to disseminate among their members, inviting them to send it to their MEPs to show public opposition to the approval of the agreement.

This top-down instruction from Brussels-based to member states-based NSAs is partially related to another mode of Europeanization, namely supranationalisation. As already mentioned in Chapter 3, some NSAs based in member states have recognised the relevance of the EU and have, therefore, decided to pool and share their resources by creating umbrella organisations in Brussels (Interviewee 4). This has generated a sort of division of labour between the national and EU level, whereby Brussels-based NGOs focus on EU issues, while national groups on national concerns (Interviewee 82). Moreover, umbrella organisations are meant to help NGOs and solidarity movements to overcome the problem of being present in Brussels, as they represent national NSAs and forward their requests at the EU level. On the other hand, they collect information at the EU level and pass it on to national groups, thus guaranteeing that the national level is not completely cut off from the events in Brussels. For example, CIDSE asks its member organisations in member states to lobby their parliaments and governments: it provides them with parliamentary questions, letters for campaigns etc.. Lobbying at the EU level is mainly used as an added-value to the work done at the national level (Interviewee 5). Similarly, the EJC also does strong lobby at the national level via its national organisations, as member states are considered central in EU foreign policy (Interviewee 52).

However, coordination between the activities carried out at the two levels and across EU member states is not always easy. On the one hand, NSAs based in member states do not lobby on the same issues that are dealt with in Brussels and focus on national concerns, unless explicitly asked to do differently (Interview 2). On the other hand, NSAs have different priorities and different contexts in which to operate, so that this diversity does not always allow for coordinated and shared lobbying (Interviewee 61).

Finally, some NSAs represent their interests directly in Brussels and lobby the EU on EU-related aspects of foreign policy. This fourth mode of Europeanization, which mainly consists in the opening of an office in Brussels to ensure a constant presence

in the EU, is not the most common option. The majority of NSAs based in member states are relatively small, carry out activities on the basis of volunteers and have limited financial resources. Not only does this lack of resources prevent them from being able to go to Brussels, but it can also hamper their ability to develop expertise as far as EU-related issues are concerned. Due to their familiarity with their government and national context, they prefer to work in their state. Brussels remains a second choice, if any at all (Interviewee 87). Among British, French and German NSAs, NGOs that have an international outreach such as Oxfam, Amnesty International or FIDH have normally an office in Brussels as well. These NSAs are big enough to conduct lobbying at different levels and use the national channel as a way to lobby the EU as well (Interviewees 8, 52, 89). Other cases of partial externalisation are isolated lobbying actions in the EU when specific topics are considered. For example, the Plateforme des ONG francaises pour la Palestine and its member organisations bombarded French MEPs with emails and letters in order to convince them not to vote in favour of the EU-Israel agreement on Community programmes in December 2010 (Hecker 2010).

To summarise, NSAs based in EU member states have Europeanised their lobbying, but only to a limited extent. The majority of them still focus on national foreign policies towards Israel and Palestine and conduct lobbying only with this national dimension in mind. There are some examples of Europeanization patterns in the forms of internalisation, supranationalisation and externalisation, but links between the two levels remain relatively weak and are generally established by Brussels-based NSAs, more than as a bottom-up movement coming from NSAs based in member states.

### **7.3 Adversarial roles at the national level?**

Given the higher degree of politicisation at the national than at the EU level and the need of national politicians to have appeal on their constituencies, two hypotheses have been suggested in the theoretical framework as far as the roles played and the frames used at the national level are concerned. First, NSAs based in member states are more likely to play an adversarial role; second, they rely on political frames to a greater extent than Brussels-based NSAs. In order to test these hypotheses, sections 7.3 and 7.4 will be based on the analysis of lobbying documents, NSAs' websites and interviews, as explained in section 7.2. The main aspects related to the roles played

and the frames used will be identified and examples related to these trends and features will support the analysis. Against this backdrop, this section focuses on the trends related to the roles played with reference to the NSAs and the cases mentioned more frequently by national officials and NSAs.

Like what happens at the EU level, NSAs are considered important actors able to provide information and knowledge to national officials and politicians. In particular, NGOs are seen as crucial sources of information (Interviewees 79, 87, 88, 98, 101, 106, 107, 109), which often provide early warning of coming problems or changes in the situation on the ground. NGOs from Israel and Palestine have frequently been mentioned in interviews: they offer updated information and a first-hand view on the facts taking place on the ground. Similarly, big NGOs that have branches around the world, like Oxfam and Amnesty, are seen as credible partners that both national officials and politicians trust and rely on. Therefore, there is a constant dialogue between national officials/MPs and NSAs (Interviewees 79, 87, 88, 98, 101, 106, 107, 109).

Similarly to what happens in Brussels, interactions between NSAs and officials/politicians often rely on inside lobbying based on face-to-face meetings, email exchanges, etc., with intensification in the number of contacts and interactions when specific events take place. For example, NGOs were particularly active in France on the issue of the flotilla in May/June 2010 and on the vote on Palestinian statehood in September 2011: this translated into more pressure on policy-makers than the normal routine (Interviewee 79).

However, NSAs in member states play an adversarial and median role more often than NSAs based in Brussels. Instead of working behind the scene, NSAs frequently rely on voice approaches which convey information and knowledge in public spheres and involve a larger audience than only policy-makers and officials. The involvement of the public and the increase in the awareness of people about the situation in Israel/Palestine is seen as crucial by many NSAs, to the extent that some of them argued that their main task is the education of civil society, an aspect that some of them consider as more relevant than direct lobbying (e.g. Interviewee 84).

As argued in Chapter 1, a median role is based on information politics, while an adversarial role uses protest politics and litigation. As far as this latter role is concerned, many NSAs express their dissent to EU and national policies through

letter-campaigns, demonstrations, and other forms of public protests. This way, NSAs aim to exert pressure on policy-makers by exploiting the direct link between politicians and their constituencies. The blockade of Gaza is an example of an adversarial role played by NSAs. In particular, solidarity movements and NGOs organised a variety of initiatives aimed at demonstrating their opposition to the blockade of Gaza and pushing for a change of the situation on the ground. For example, the French Plateforme des ONG francaises pour la Palestine organised a campaign called 'Un bateau francais pour Gaza' in order to send two boats as part of this international flotilla (Plateforme des ONG Francaises Pour la Palestine 2012). The UK-based Palestine Solidarity Campaign organised a rally on the 18<sup>th</sup> of January 2011 asking for the end of the siege of Gaza with a view to demonstrating public support to the people in Gaza.<sup>175</sup> Every year, this solidarity group also organises the 'National Lobby of Parliament for Palestine'. People are invited to lobby their MPs on topics that are decided by the PSC, such as the settlements, the expulsion of Palestinians from their homes, the rights of Palestinian prisoners and child prisoners and so on. The aim of these forms of protest politics is to show politicians that they do not have the support of public opinion, a fact that might work against their popularity and their electoral success. Therefore, these confrontational forms of social interactions are based on the NSAs' belief that the power of public opinion and the strength of public opinion can exert pressure on the government, given the politicisation of national political systems (e.g. Interviewees 79, 80, 81, 98, 101).

A strongly confrontational form of social interaction is also used by the BDS campaign, namely the Boycott, Divestment and Sanction movement born in 2005 in Palestine, which soon spread out around the world. By targeting individuals, business groups and states, the BDS movement calls for boycotting Israeli goods, divesting from and sanctioning Israel until it withdraws from the OPTs and acknowledges the rights of the Palestinian people. There are BDS branches in all the three states analysed in this chapter and in each of them, lobbying has been based on confrontational interactions, but has taken slightly different forms and targets. For example, in Germany, where the BDS movement is still very limited, there is a day of protest per year against Galerie Kaufhof, which sells agricultural, Ahava and Soda Stream products coming from the settlements. Protesters stage a peaceful protest by going to the Galerie wearing red t-shirts with writings against settlements and in

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<sup>175</sup> [http://www.palestinecampaign.org/index9b.asp?m\\_id=1&11\\_id=4&12\\_id=99&Content\\_ID=1648](http://www.palestinecampaign.org/index9b.asp?m_id=1&11_id=4&12_id=99&Content_ID=1648) (accessed on 23/10/2012).

favour of Palestine with a view to raising customers' attention and to explaining them why they should boycott certain goods (Interviewee 96; BDS 2012). In contrast, the French branch of the BDS has mostly been active as far as the divestment part of the BDS campaign is concerned. In particular, their actions and leaflets target two French companies, Connex and Alstom, involved in the construction of the railway between Jerusalem and Tel Aviv. Besides providing information concerning the railway and the related problems, the movement also invites French citizens to get in touch with the French government and the public authorities responsible for transport asking for the withdrawal of the contract with Connex, and to write to newspapers and other media outlet to make bad publicity for these two companies (BDS 2009).

Linked to the issue of settlements and the boycott, the German branch of Pax Christi launched a campaign in 2012 called 'Besatzung schmeckt bitter' (Occupation tastes bitter), in which they called for an appropriate labelling of goods and for a boycott of those goods that are not clearly identifiable as Israeli or Palestinian and might come from the settlements. The campaign has some public support, but it has remained a niche issue, without managing to generate a public debate in the media. According to German officials (Interviewees 98, 101, 107), the discourse on goods coming from the settlement is slowly becoming an issue of public concern, but it still raises suspicion not only among officials and policy-makers but also among German citizens due to the legacy of the Nazi period.

Finally, another form of confrontational social interaction characterising an adversarial role is litigation. This approach, which has been found in Chapter 4, is used more frequently at the national level than at the EU level. Unlike the case of Brita GmbH, NSAs do not target a national court to challenge EU legislation or policies, but they only aim to national policies and issues related to the national context. For example, the French AFSP has employed the legal pathway to force certain French companies to divest from the settlements. By targeting business groups, they are also challenging the state for not intervening when human rights and humanitarian law are involved. A judgement against French business groups has clear political implications. The group presented a claim against Veolia and Alstom for their involvement in the construction of the railway between Jerusalem and Tel-Aviv on the basis of violations of the Geneva Conventions and the French Civil Code (articles 6, 1131 and 1133), according to which the economic contracts contrary to

public order and good morals can be cancelled (Interviewee 84; Nieuwhof and Lherm 2007; Association France Palestine Solidarité 2011; Lacorie 2012). Although the case was submitted in 2007, it took some years before establishing that was under the competence of French tribunal to decide on the case. The first judgement given by the Tribunal de grande instance of Nanterre in 2011 maintained that international law is not applicable to private actors, but the AFPS appealed the decision. The case was finally concluded on May 22, 2013, with the Cour d'Appel de Versailles confirming the previous decision (Veolia 2013).

As shown, adversarial roles are played more frequently at the national than at the EU level. This seems to be in line with the idea that the higher level of politicisation at the national level favours a more adversarial role than the EU context, where NSAs prefer to opt for consensual or medial roles.

#### **7.4 Lobbying through political frames?**

This section will focus on the frames used by NSAs based in member states. On the basis of the analysis conducted (see section 7.2 for more details), in all three member states NSAs rely on political frames to a greater extent than NSAs based in Brussels, as hypothesised in the theoretical framework. Legal/technical-political frames are also used, especially by the big NGOs, while technical or legal frames are very rare to be found. In the majority of cases, as indicated above, NSAs based in member states pay more attention to national foreign policies, paying marginal attention to the EU dimension.

Political frames are quite evident when it comes to the topic of settlements. Unlike the discussion in Chapter 4, where the MATTIN Group proposed a legal frame in its interactions with the EU, NSAs working at the national level tend to rely on emotional and ideational aspects that resonate with public opinion and offer arguments that suit the competition among politicians. Therefore, these frames are based on the idea of injustice and discrimination or on the fact that there is inconsistency between the declared and implemented policies. A clear example of this type of frame is provided by the BDS movement, whose name (Boycott, Divestment and Sanctions) has already a strong political connotation that resonates in people's minds. Moreover, the BDS campaign refers to Israel as an apartheid state and urges people and politicians to take action against a state on the basis of its

wrongdoings, as it was done in the case of South Africa.<sup>176</sup> The points presented are not supported by strong empirical credibility, but work mainly on the ideational centrality of shared beliefs. This also explains why the focus on the three member states is slightly different: the context of action shapes the type of issues that can be raised and how this can be done. The British branch tends to support all the three actions of boycott, divestment and sanctions, with a strong engagement from the public. In contrast, the German context poses severe limits to the ability of NSAs to use these types of arguments due to the historical legacies. The image of boycott is still strongly associated with the boycott imposed by the Nazi regime on Jewish shops and products. There is little resonance for this argument not only among politicians and officials, but also among the public. France is a middle-way case, as part of the society is receptive to this campaign, but there are legal constraints to what can be done in practice.<sup>177</sup> Together with the call for boycott, the French NGO AFPS also focuses on divestment by taking actions against French companies that are involved in the settlements such as Veolia and Alstom.

Similarly, Pax Christi launched a campaign against settlement products under the slogan 'Besatzung schmeckt bitter'. It targets the imagery of the public and connects it to the idea of boycotting the products that come from occupied land. In a short document explaining the goals of the campaign, there are references to the problem of labelling and the deprivation of the Palestinian people of their natural resources and proper conditions of living due to Israeli policies. By communicating ideas of injustice and exploitation, emotional links are raised among the people. It also stresses that the boycott of Jewish products in 1933 and the present call for boycott are very different: 'Boycottmassnahmen, die Menschen Unrecht antun, und zivilgesellschaftliche Aktionen, die Menschen Recht verschaffen wollen, sind jedoch zwei unterschiedliche Dinge. Menschen- und voelkrechtswidrigen Umstaenden seine Unterstuetzung zu verweigern, ist eine legitime ethische Entscheidung'<sup>178</sup> (Pax Christi Deutschland 2012). There is a clear reference to the moral value of choosing

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<sup>176</sup> See [www.bdsmovement.net](http://www.bdsmovement.net).

<sup>177</sup> Jurisprudence is however not consistent on this aspect, as some courts prohibited the boycott according to the anti-discrimination act of 1981, as "incitement to discrimination, hatred or violence against a person or a group of persons on the basis of descent, ethnicity and nationality or the fact whether or not one belongs to a race or a religion". In other cases, the courts acquitted the defendants on grounds of freedom of expression (Interviewee 83; BDS 2011)

<sup>178</sup> Boycotts that are unjust and civil society actions aiming at bringing about justice are two different endeavours. Not to support human rights and public international law is thus a legitimate and ethical decision (author's translation).

products in light of the protection of human rights, an argument that fits into the political frame identified in Chapter 1.

Settlements are also considered through the lens of the peace process and links to the negative implications they have on the ground. Not only do settlements lead to the fragmentation of what should be the territory of a future Palestinian state, but they have also created systems that differentiate between the rights of Israelis and Palestinians. Israeli citizens benefit from a series of advantages in terms of infrastructures and services, while Palestinians are often denied basic services and access to their own land. In this regard, the AFSP campaigned against the construction of the 'wall' or 'separation barrier' that Israel started building in 2002 along its border with the West Bank, defining it the 'Mur d'Apartheid' (Association France Palestine Solidarité 2012a). Again, there are clear references to ethical principles and issues are framed in such a way as to raise parallels to the South African apartheid regime in order to mobilise more people. In other cases, NGOs stress the inconsistency of their government's foreign policy when settlements are taken into consideration. For example, in July 2012 Christian Aid asked the British government to 'ban settlement produce by putting in place effective legislation to stop products reaching our markets' on the basis of the condemnation by the international community of settlements as illegal and the United Kingdom's declaration that describes them as 'the greatest obstacle to peace' between Israel and the Palestinians'.<sup>179</sup>

Those NSAs that support Israel in their lobbying activities tend to adopt a political frames referring to Israel's security, to the idea of discrimination against Israel and to anti-Semitism. For example, the CRIF strongly criticised France for its vote in favour of the admission of Palestine at UNESCO in December 2011. It argued that this vote was not in line with President Sarkozy's declaration in the General Assembly, according to which the admission would be conditioned upon the restart of peace negotiations, the renunciation of terrorism and the acceptance of a two-state solution. It further stressed the danger of cultural negationism made by Muslim states that try to appropriate Jewish cultural heritage (CRIF 2011c). Another important point has been the fight against anti-Semitism. The CRIF has been vocal about this risk in France, but it has also referred to it in cases of criticisms towards Israeli policies

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<sup>179</sup> See <http://www.christianaid.org.uk/whatwedo/middle-east/take-action-to-ban-israeli-settlement-produce.aspx> (accessed 20/06/2013).

(CRIF 2011b). More recently, the Iranian nuclear problem has also been an issue on which lobbying has been conducted. The focus is on showing the dangers that it entails for Israel and pushing for a tough stance from the West against Iran. For instance, in the October 2012 Hannover Declaration the DIG declared that

In view of Iran's persistent refusal to comply with the five United Nations resolutions and suspend their uranium enrichment program until the allegations have been clarified, the German-Israeli Association calls for the German Government and European Union to increase pressure on Iran. The Iranian nuclear weapons program is not only a threat to Israel, as Foreign Minister Westerwelle stated, but also endangers the balance of global security and peace in the region. Within the European Union, but not only the European Union - unilaterally if need be, the German Government should urgently call for further stricter sanctions to be declared against Iran on all levels. These should extend to the threat of a trade embargo with the Federal Republic of Germany, the European Union and the United Nations (DIG - Deutsche-Israelische Gesellschaft 2012).

Similarly, some groups ask for a stronger bilateral relationship between their country and Israel, by emphasising the advanced status of Israel. This way, they try to disentangle Israel from the broader context of the conflict, which they do not see as a fair yardstick to deal with Israel (Interviewee 104). For example, the DIW (Deutsche-Israelische Wirtschaftsvereinigung) aims to further develop trade relationship between Germany and Israel, without linking commercial aspects with the advancement of political issues.<sup>180</sup> Similarly, the Association France-Israël states that

France-Israël doit faire connaître les vérités d'Israël et, en même temps, lutter contre l'entreprise de délégitimation qui en fait un coupable permanent devant les nations, [...] agit pour défendre l'image et les droits d'Israël. [...] aujourd'hui, les nations française et israélienne sont menacées par des ennemis identiques : la détestation de l'État-Nation, l'islamo-fascisme et l'extrémisme de droite et de gauche. Le mot d'ordre de France-Israël est donc : « *Quand nous défendons la France nous défendons Israël, et quand nous défendons Israël nous défendons la France !* »<sup>181</sup> (Association France-Israel 2013).

In other words, these examples show how the majority of frames are not supported by empirical, technical or legal elements, but they rely on ethical, moral and

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<sup>180</sup> See their website, [www.d-i-w.de](http://www.d-i-w.de) (accessed 20/06/2013).

<sup>181</sup> France-Israel must let know the truths of Israel and, at the same time, fight against the attempt of delegitimation that makes it a permanent responsible in front of nations [...] act to defend the image and the rights of Israel. [...] today, the French and Israeli peoples are menaced by the same enemies: the hatred of the nation-state, Islam-Fascism and the right and left extremisms. The word of action of France-Israel is therefore: 'When we defend France, we defend Israel; and when we defend Israel, we defend France!' (Author's translation).

emotional aspects that stress ideas of shared values, discrimination and threats to people, with a view to mobilising the public in support of their view. Given that politicians are elected by citizens and they have to ensure that the interests of their constituencies are pursued, political aspects are useful to get the attention of policy-makers and to help them ‘sell’ some policies to their constituencies (Interviewee 106).

Although the majority are political frames, there are also instances of political-technical/legal frames at the national level. For example, a coalition of UK NGOs published a report in March 2008, highlighting the consequences of Israeli blockade of Gaza as far as basic public and medical services for the Gazans were concerned (Oxfam GB 2008).<sup>182</sup> Figures and data back up the argument of the report and the sources of information are properly referenced. Unlike technical/legal frames, however, there is also a clear political claim. To start with, the title is evocative, as it refers to a ‘humanitarian implosion’, giving the idea of a failure of the international community to prevent a humanitarian disaster. In the final recommendations to the British government and the EU, there are the frequent recommendations of exerting pressure on Israel, condemning Israeli policies, etc. which do not frame the discourse differently from the usual view of the debate on the Israeli-Palestinian conflict. Similarly, reports such as ‘Failing Gaza: No rebuilding, no recovery, no more excuses’ and ‘Dashed Hopes: Continuation of the Gaza Blockade’ refer to the lack of development in Gaza. Again, the titles aim to send a political message and to make claims related to the inconsistencies and failures of the policies implemented by the international community to deal with the situation in Gaza. Claims are supported by data and various sources, but they do not offer a new lens through which the issue can be considered (Oxfam International 2009, 2010).

Finally, the only NSA found that uses technical/legal frames at the national level is the German NGO EED/Misereor, which conducts its lobbying on the basis of a legal frame related to the concept of third state responsibility. This legal frame, which recalls that used by the MATTIN Group, revolves around the obligations of the EU and its member states under international law, international humanitarian law and EU law. Therefore, the EED/Misereor interacts with German policy-makers by stressing the need for Germany to comply with international law. The adoption of a legal

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<sup>182</sup> The coalition of NGOs presenting the report was composed of Amnesty International UK, CARE International UK, Christian Aid, CAFOD, Mediciens du Monde UK, Oxfam, Save the Children UK, Trocaire. The latter is the only Irish organisation of the coalition.

perspective triggers interest in officials and policy-makers and, at the same time, offers a shield against criticisms of anti-Semitism or guilt for historical reasons, thus being a way to overcome some of the obstacles of the German context (Interviewee 100).

To conclude, this section has shown that the majority of NSAs based in member states rely on political frames based on emotional or moral issues. This seems to reflect the different nature of national political systems compared to the EU one. By using these political frames, NSAs aim to educate public opinion and make it more attentive to certain issues. This way, they try to lobby national officials and policy-makers indirectly, through the pressure exerted by the public. Political frames are therefore suited for this purpose. MPs are more likely to use these arguments, as they provide features that they can sell to their constituencies. Furthermore, these arguments have a clear political stance that is easily transferable in a political debate, thus making them more suitable for parliamentary settings. For example, Interviewee 106 recalls issues such as the destruction of German-funded constructions in Area C or the issue of the involvement of Deutsche Bahn in the construction of the Tel Aviv-Jerusalem train. These topics were discussed in the Bundestag thanks to the input given by NGOs (a similar view was also confirmed by Interviewee 109, e.g. he mentioned the issue of the 'separation barrier' in 2002-2003). Some NGOs, especially big international ones or coalitions, also employ political-legal/technical frames, where their argument is supported by empirical evidence and detailed analysis, but there is always a political component that tend to reproduce the mainstream approach and discourse on the Israeli-Palestinian conflict. Finally, one exception has been found of an NGO relying on a legal frame related to third state responsibility.

## **7.5 Conclusions**

This chapter has explored the national dimension of lobbying on EU foreign policy towards the Israeli-Palestinian conflict. More specifically, two aspects have been analysed: first, it has been investigated whether processes of Europeanization of the lobbying of NSAs based in member states take place; second, the hypotheses formulated in Chapter 1 in terms of the roles and frames used at the national level have been put to the test.

This chapter has highlighted the importance of NSAs at the national level: they provide information that national officials and MPs can use in their work (Interviewees 87, 98, 101, 107). In particular, NSAs lobbying is seen as a way to raise attention on specific issues, especially inside national Parliaments (Interviewees 87, 106). The EU dimension is only partially taken into account in their lobbying activities. As section 7.2 has shown, the majority on NSAs tend to concentrate their efforts on national foreign policies, paying marginal attention to EU foreign policy. The extent to which Europeanization takes place is limited. We find instances of the three patterns of Europeanization identified in Chapter 1, namely internalisation, externalisation and supranationalisation. This means that some NSAs include, now and then, EU issues in their lobbying, that some of them lobby directly the EU on its foreign policy towards Israel-Palestine and that they have created umbrella organisations that represent their interests in Brussels. There are however some caveats to be made in this regard. Internalisation is often the consequence of inputs that NSAs based in member states receive from Brussels-based NSAs: the latter push the former to include EU issues in their lobbying at the national level. Supranationalisation does not necessarily bring about coordinated efforts between the EU and national levels. It often seems as if the two arenas are completely disentangled, with Brussels-based and member states-based NSAs working on different issues. Finally, externalisation is even more limited and generally confined to big NGOs or business groups. The majority of NSAs do not have the capacity to conduct direct lobbying in Brussels, even less to have a permanent office there. We can therefore conclude that there is a partial Europeanization of NSAs' lobbying: the national and EU levels are therefore only partially integrated, to the extent that sometimes it is as if they were two disentangled arenas.

The analysis of the lobbying actions of NSAs based in member states has shown that they predominantly play an adversarial role and use political frames. Unlike the EU level, the reliance on forms of protest politics such as letter-campaigns or demonstrations, or litigation are more common at the national than at the EU level, where the consensual role tend to be the predominant mode of interaction. While the use of more confrontational approaches is in line with the higher level of politicisation of national arenas, this form does not lead to constructive interactions between policy-makers and NSAs. At the same time, however, political frames with a strong ideational centrality and evoking values, historical events and common

image are likely to resonate at the national level, especially among MPs and public opinion.

## Conclusion

There is a significant number of NSAs that are actively lobbying the EU and member states on the Israeli-Palestinian conflict. Therefore, it is important to analyse their activities to understand what role they play in the EU foreign policy-making process, how decisions are taken by the EU and EU policies are formulated. The initial question of this thesis has been whether NSAs matter in the EU's foreign policy-making process. Starting from this question, this thesis has explored how constructivist insights can help us to form a better understanding of lobbying in EU foreign policy-making, focusing on the case of the Israeli-Palestinian conflict. In order to investigate the role of lobbying in EU foreign policy-making, three questions have been addressed. First, I have asked *what role, if any, NSAs play in EU foreign policy-making*. Second, I have investigated *what type of frames NSAs use in their lobbying actions*. Finally, I have analysed *what relationship exists between the EU and the national venues as far as lobbying is concerned and whether NSAs based in member states have Europeanized their lobbying*.

By doing so, this thesis contributes to the literature on interest groups in the EU, which has flourished in the past two decades. The literature displays two features. First, it has almost neglected the policy domain of EU external relations. Second, it has almost exclusively looked at NSAs through a rational-choice lens, assuming that NSAs lobby the EU to attain their given preferences and EU policy-makers are responsive to those actors as they need information to increase their legitimacy in front of the people and develop successful policies. At the same time, this thesis has also implications for our understanding of EU foreign policy-making, especially in relation to the debates on policy-making process and outcomes.

This thesis has shown that NSAs are important actors in the EU's foreign policy-making process, thus refuting the 'null hypothesis' of no or limited lobbying activities in this policy domain. Moreover, it has also demonstrated that the explanation of NSAs' role needs to go beyond the predominant rational-choice view of influence of NSAs on the EU or of the EU as the political opportunity structure that constraints or facilitates NSAs' lobbying efforts. The contention has been that a constructivist perspective contributes to shedding light on the embeddedness of the actors involved in lobbying and the social interactions that NSAs and the EU

develop. Metaphorically, this idea has been visualised by comparing lobbying to the performance on the stage of a theatre: the actors perform a script and the performance itself is based on the interactions among the different players and the context as well. Actors are interdependent, each of them need the others to perform its part and the final outcome is the result of what develops on the stage, with the boundaries set by the script, but the actions and modes of expressions depending on those performing and on the stage itself. The ‘whos’ (the other actors) and ‘wheres’ (which context) are going to shape the performance itself, the role everyone plays and the frames that are used.

This thesis does not take a black-or-white view, but adopts a more nuanced reading of EU foreign policy and of who plays a role in its policy-making. By shedding light on the actors contributing to EU foreign policy, this thesis provides a more complete story of lobbying and EU foreign policy-making. It has not been argued that NSAs are all powerful or are completely without influence. I have demonstrated, instead, that NSAs play various roles within the EU foreign policy-making process, with some of them being able to develop cooperative social interactions with EU officials and politicians, which can lead to the mutual understanding of the issue at stake and to its re-framing. This empirical evidence demonstrates that the widespread claim that the ‘Israel lobby wins it all’ (cf. Mearsheimer and Walt 2008) does not work. Lobbying is a very complicated issue which requires a nuanced and multifaceted understanding of how NSA-EU relations develop. As will be discussed below, the analytical dimensions of roles, frames and levels, which have been used to explain lobbying in EU foreign policy, give us indications about who the NSAs lobbying the EU are, how they operate and where they lobby.

I have argued that a framework based on constructivist insights offers a more complete explanation and understanding of lobbying, as supported by the empirical observations. A rationalist approach would expect unilateral influence, which NSAs exert on EU institutions. On the basis of the exchange paradigm, the latter grant access to the former when these provide them with information that they need to formulate and implement EU policies. The focus is mainly placed on information as the good that grants NSAs access to the policy-making process and, as a possible consequence, influence on the outcomes. When rationalist approaches consider frames (instead of information), the focus is on the strategic use of frames as ways to influence the policy process in the direction of NSAs preferred outcomes. Moreover,

NSAs are viewed as actors that strategically adapt according to the venues in which they lobby. In contrast, constructivist insights would conceive lobbying as a social process during which preferences and identities change and are modified as a result of social interactions (embeddedness and co-constitution of actors). Moreover, frames are not simply passed from NSAs to EU institutions, but knowledge is the outcome of a process of social construction based on social interactions between the EU and NSAs. Therefore, frames are not simply accepted, but they are re-interpreted and discussed between officials and NSAs to the extent that there is a new understanding and interpretation of EU foreign policy. Finally, constructivists would not expect a strategic adaptation of NSAs, but they would place more emphasis on processes of socialisation and learning.

This concluding chapter is structured as follows. First, it summarises and compares the main findings of the empirical chapters in light of the theoretical framework proposed in Chapter 1, also contrasting them with the expectations of a rational-choice approach. By doing so, it will highlight the theoretical and empirical contributions of this research: a constructivist perspective has the potential for providing a more complete picture of lobbying in EU foreign policy. Second, it will be suggested how the findings of this thesis can be generalised and some implications for further research will be proposed.

### **NSAs in EU foreign policy: roles and frames**

This research has investigated how lobbying works in the case of EU foreign policy towards the Israeli-Palestinian conflict. Despite the broad literature on EU foreign policy, there is no work, to the best of my knowledge, that deal with NSA lobbying. While some research (e.g. Tocci 2011c; Marchetti and Tocci 2011) focuses on the involvement of civil society actors in conflict resolution policies, the input side of the policy-making and how NSAs fit into the picture has been neglected. Unlike the domain of foreign policy, however, a large body of literature discusses the phenomenon of lobbying in EU policy-making, predominantly from a rational-choice perspective, aimed at showing how NSAs influence EU policies (e.g. Klüver 2013a; Coen and Richardson 2009; Beyers, Eising, and Maloney 2010), the tools they use (e.g. Chalmers 2013; Bouwen 2002a), the venues where they lobby (e.g. Klüver 2010; Beyers and Kerremans 2007; Princen and Kerremans 2008), etc. Surprisingly,

the findings of these studies have barely been tested in the case of EU external relations.

This thesis has combined the two bodies of literature and has shown the relevance of NSAs in EU foreign-policy making in the case of the Israeli-Palestinian conflict. Theoretically, it has explored the potential of a constructivist approach to explain lobbying, thus aiming to go beyond the rationalist assumption of strategic interactions. More specifically, I have argued that we need to focus on the analytical dimension of roles and frames to highlight the social interactions that develop among the EU and NSAs and to investigate how there can be a re-framing of EU policies on the basis of these interactions.

Empirically, I have conducted a mapping of NSAs (potentially) interested in lobbying on issues related to EU foreign policy towards Israel and Palestine. The database built contains almost 300 NSAs. This has been complemented by 109 interviews that have shed light on the actors involved in EU foreign policy and the dynamics of the EU's foreign policy-making process in some specific areas. Chapter 3 has also provided an overview of the main trends emerging when NSAs lobby the EU. It has been shown that business groups concentrate their lobbying efforts on specific pieces of legislation, while NGOs and solidarity movements work on 'ongoing' issues related to human rights, development, etc., which makes their lobbying constant and continuous. Moreover, there exists a core group of NSAs active in Brussels, mainly NGOs, which cooperate on various issues and apply a 'division of labour' to increase the number of policy issues they can lobby on. The analysis carried out in Chapter 3, in conjunction with the overview of EU policies towards the Israeli-Palestinian conflict and the institutional actors involved in the policy process, has been the basis for the empirical chapters that have zoomed in on specific policies.

Chapters 4 to 6 have demonstrated the limits of a rational-choice approach in explaining lobbying in these case studies. Indeed, the idea of unidirectional influence exerted by NSAs on the EU and of strategic behaviour does not capture the entire story. The EU is not simply a structure that either constraints or facilitates NSAs' activities and their likelihood of influencing EU policies. In contrast, the empirical observations show that there are strong and significant social interactions between the EU and NSAs that shape how actors define themselves in relation to their

counterpart. Through these social interactions, new frames defining EU-Israel trade relations have been developed.

In chapter 4, rationalist accounts would have looked at the preferences of the MATTIN Group and Brita GmbH in terms of policy outcomes and would have contrasted them with the final outcomes of the policy process. By looking at the type of information provided, they would hypothesise that one NSA is more likely to influence EU foreign policy and EU institutions would simply accept this as it fits with their fixed preferences (in the case of the Commission it is its survival and an easier and efficient implementation of its policies towards Israel). However, this underestimates the thickness of interactions taking place among the EU and NSAs, which have led to an evolution of the MATTIN Group's approach towards the EU as well as to the re-interpretation of EU-Israel relationships through a different lens. Instead of simply adopting the frame proposed by the MATTIN Group, EU institutions and officials have developed social interactions over which frames travel, get developed and are formulated.

A similar line of argument can be made for the case studies in chapter 5 and 6. The expectations of rational-choice approaches would consider that those NSAs that provide the type of information that is most needed would be granted access. In the case of the Goldstone Report (ch. 5), those NSAs lobbying in favour of a more lenient position against Israel would be supposed to 'win' due to the leverage they can exert on policy-makers in relation to the Holocaust and to issues of anti-Semitism. In contrast, we observed a more nuanced process, whereby various actors are differently involved in the process. In particular, EMHRN established cooperative relationships with EP officials and MEPs. These thick and constant social interactions provided a favourable environment for the development of a common and shared understanding of the events surrounding the issue of the Goldstone Report. The idea of impunity has thus become part of the discourse and analysis related to the conflict in Gaza and its consequences. Not only did MEPs and EP officials interact with the EMHRN and develop a new frame together, thus going beyond the idea of copy-pasting NSAs' proposals that rationalist approaches would expect. But there is also evidence that the EMHRN relies on EU's tenets to define itself and its positions, thus bringing some evidence to the idea of circularity and embeddedness of lobbying.

The case study of the ACAA (ch. 6) does not entirely fit the rationalist view either. Although it is true that the agreement eventually received the consensus of the EP, it was a very complicated process, where different positions and views entered the debate and contributed to a less clear-cut ‘victory’ of one side of lobbyists against the other. Although it can be claimed that Teva the groups supporting the approval of the ACAA reached their result, it is interesting to see that the arguments used by MEPs to justify and support their positions were based on a variety of frames that have been taken from NSAs and then re-elaborated and re-interpreted. What emerges is therefore an interpretation of the ACAA that goes beyond the simple acceptance by MEPs of the ideas of NSAs and shows a clear re-elaboration of the different points of view. Empirical evidence shows that conceiving influence as unilaterally going from NSAs to EU institutions misses the relevance of social interactions and embeddedness that shape lobbying activities in EU foreign policy as well as the re-elaboration and social construction of frames that define EU foreign policy towards Israel and Palestine.

Against this backdrop, it has been suggested that the concept of role is useful to encapsulate the relationship between the EU and NSAs, as it defines the features that characterize actors’ behaviours (and performances) and clearly conveys the idea of co-constitution and social embeddedness through the metaphor of the ‘stage’. As explained in Chapter 1, the different types of roles allow us to highlight the level of contention between the EU and NSAs and the modes through which actors interact.

**Figure 15 - Matrix of roles and frames in NSAs' lobbying in the case of EU foreign policy towards the Israeli-Palestinian conflict**

<b>Roles</b>  <b>Frames</b>	<b>Consensual</b>	<b>Median</b>	<b>Adversarial</b>
<b>Technical/legal</b>	MATTIN Group (Rules of origin + ACAA)  TEVA (ACAA)		Brita GmbH (Rules of origin)
<b>Political-Technical/legal</b>	<div style="text-align: center;"> <div data-bbox="735 775 1075 880" style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">             EMHRN (Goldstone +              ACAA)           </div> <div style="margin: 5px 0 5px 100px;"> </div> <div data-bbox="715 913 1107 1019" style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">             Aprodev, CIDSE, CEPR,              EJC, EFI (ACAA)           </div> <div style="margin: 5px 0 5px 100px;"> </div> </div>		
<b>Political</b>	<div style="text-align: center;"> <div data-bbox="735 1205 1091 1310" style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">             ECCP, CEPR (ACAA)              EFI, EJC (Goldstone)           </div> </div>		The majority of the groups lobbying at the national level, especially solidarity movements (cf. Chapter 7)

As summarised in Figure 15, the empirical analysis of the cases of the rules of origin in trade agreements between the EU and Israel, of the Goldstone Report and of the EU-Israel ACAA has shown that the majority of NSAs active at the EU level play a consensual or median role. This means that NSAs rely on either an access approach or a voice approach based on information politics. By adopting a consensual role, NSAs can establish cooperative interactions with EU officials and policy-makers and develop a dialogue that can lead to the achievement of a shared understanding of the situation at stake. This is clearly demonstrated in the case of the MATTIN Group. As shown in the cases of the rules of origin and the ACAA, the MATTIN Group established a dialogue with EU officials and policy-makers, leading to the common understanding of the situation at stake and of how to interpret it. Through

cooperative interactions, the MATTIN Group and the EU created the basis on which frames could travel and get developed. As shown in the empirical chapters, this role was recognised by EU officials and policy-makers. Similarly, TEVA also played a consensual role in the case of the ACAA: it worked behind the scenes, arranged meetings with EU officials and MEPs with a view to convincing them that the parliamentary consent to the ACAA was in the EU's interest. By adopting an access approach, TEVA managed to build working relations with some EU officials and to establish a dialogue through which the parties built up their knowledge and understanding on the ACAA. Both the MATTIN Group and TEVA played a role that does not challenge the legitimacy of EU policies. In contrast, their approach has been based on the idea of contributing to developing a shared understanding of EU policies.

Unlike the MATTIN Group and TEVA, other NSAs swung between the consensual and median roles, i.e. between a form of lobbying that takes place behind the scenes and an approach based on the involvement of the public. In this latter case, dialogue and the definition of a shared understanding on an issue is still possible, but more difficult to achieve. In the case of the Goldstone Report and the ACAA, the EMHRN, EFI and EJC relied on these two approaches in their lobbying actions. As explained in Chapter 5, the EMHRN was widely involved in the parliamentary works on the Goldstone Report, but the interactions leading to a common understanding of the problem occurred in meetings and discussion behind closed doors. EU officials (Interviewee 53) confirmed the contribution of the EMHRN in their work and how this NGO was successful in bringing to the European Parliament a frame based on the concept of impunity, which found positive responses among MEPs. This was however the consequence of direct and constant contacts with the people involved and not so much due to the median role based on press statements (information politics), which leaves less room for manoeuvring and negotiating the meaning of the issue at stake.

In contrast, an adversarial role based on protest politics or litigation leads to confrontational interactions and the mutual delegitimisation between NSAs and the EU. Dialogue and a common understanding of the issue at stake cannot be developed. This is clearly shown in the case of Brita GmbH which relied on a litigation approach. By openly challenging the EU, it aimed at changing EU policies via judicial means. In line with what hypothesised in Chapter 1, this approach did not

lead to any significant interaction between the EU and Brita GmbH bringing about a different understanding of the problem. The more consensual nature of EU policy-making does not seem suitable for approaches based on conflict and the lack of dialogue. While the examples of an adversarial role at the EU level are limited, there are various instances of it at the national level: NSAs based in member states relied on a confrontational stance more than the NSAs based in Brussels, as shown in Chapter 7. Although the higher degree of politicisation at the national level would potentially make the national arena more responsive to a confrontational approach based on public campaigns, actions of boycott and the mobilisation of public opinion, there was no strong evidence that adversarial roles lead to policy change. The role of NSAs was seen in a positive light in the member states analysed, but policy-makers and officials still seemed to prefer those NSAs that were not too challenging and confrontational.

The second aspect of the analytical framework presented in Chapter 1 focuses on frames. Contrary to a rational-choice approach which would mainly concentrate on information, this thesis has shown the relevance of frames. When the latter are considered from a rationalist perspective, they are conceived as strategic instruments used by NSAs to influence EU policies according to NSAs preferences. On the basis of the rationalist methodological individualism, cognitive processes would take place at the individual level and social interactions would not play any role in the framing process. However, the empirical evidence provided in chapters 4 to 6 has offered a different picture. Indeed, it has clearly emerged that frames are not simply taken and accepted by the EU. In contrast, they get developed and travel on the basis of the social interactions that the EU and NSAs establish. Frames become the object of discussion, dialogue and re-interpretation that gives rise to new and shared understanding of EU foreign policy towards the Israeli-Palestinian conflict. Chapters 4 and 6 have indeed confirmed the hypotheses proposed in Chapter 1, namely that technical/legal frames are better suited to favour the re-framing of EU foreign policy, as shown in the case of the MATTIN Group and TEVA. While the Commission and now the EEAS tend to be more oriented towards technical/legal frames, Chapters 5 and 6 have demonstrated that the European Parliament is also receptive to political-technical/legal frames. This can be explained on the basis of the nature of the institutions, namely the more technical nature of the Commission, which is also the

guardian of the Treaties, and the more political features of the European Parliament, which is composed of elected members that need to respond to their constituencies.

Therefore, TEVA and the MATTIN Group provided the EU with frames characterized by a strong empirical credibility and evidence, as they supported their claims with data, figures, legal references and precise analysis of the issues at stake. Their frames also made clear references to key principles and values of the EU. For instance, TEVA relied on the idea of free trade and the benefits of the ACAA to EU consumers and health care providers. The MATTIN Group instead based its argument on the legal obligations of the EU under international law, international humanitarian law and human rights: by conducting policies without clearly excluding Israeli jurisdiction over the settlements in the West Bank, the EU would violate its own legislation and its commitments to international law. Both the EU legal framework and free trade represent two of the constituting elements and principles of the EU itself, so that they cannot be easily ignored. More importantly, these NSAs did not challenge the EU's legitimacy, but they used their frames to develop a common understanding and shared knowledge with EU policy-makers: through these frames, TEVA and the MATTIN Group constructively engaged with EU policy-makers with the aim of providing an alternative view to the predominant lens through which the EU's policy towards the Israeli-Palestinian conflict is considered.

The cases of the Goldstone Report and of the ACAA have shown that political-technical/legal frames can also resonate with policy-makers, especially when the European Parliament is involved. In the former case, the EMHRN used a political-legal frame based on the concepts of impunity and accountability, arguing that the EU should support the Goldstone Report in line with its commitments to respecting human rights. Those violating human rights and international law in the context of the war in Gaza in 2008/2009 should be held accountable for their deeds and impunity should not be supported by the EU. While the frame offered some legal references and the argument is properly supported with evidence and appropriate sources, there was also the political dimension linked to the well-known argument of a rhetoric-practice gap in EU foreign policy. Therefore, this frame did not provide the EU with alternative views on how to deal with the issue at stake. Nevertheless, this argument entered the debate in the Parliament concerning the Resolution on the Goldstone Report issued in 2010, which contained elements that recall the argument presented by the EMHRN. This demonstrates that political-legal (or political-

technical) arguments resonate with MEPs. In the case of the ACAA, similar trends were at work. The political-legal frame used by the EMHRN and other NGOs and the political-technical frame proposed by the EFI and EJC entered the debate in the European Parliament and played a role in shaping the understanding of MEPs on the issue.

In contrast, political frames have not played a significant role when NSAs have lobbied the EU. As the empirical chapters have shown, pure political arguments did not lead to a re-framing of EU foreign policy in the cases analysed. In Chapter 5 it has been demonstrated that the EFI and EJC's lobbying based on the idea that the Goldstone Report was inherently biased against Israel and was an attempt to discredit Israel's stance in the international arena, did not shape the content of the resolution of the European Parliament. This type of frame, based on the use of certain words and concepts of discrimination, democracy as a distinctive feature of Israel, and of anti-Semitic policies, aimed at exerting leverage on emotional aspects. While this type of ideological claim might have persuaded some MEPs, the Resolution passed by MEPs did not contain these references, but it instead referred to the political-legal argument presented by the EMHRN.

Unlike the EU level, NSAs active in member states have relied on political frames to a larger extent. Given the ideational centrality and the constant reference to values and historical legacies, political frames resonate with both national policy-makers' minds and public opinion's views. Thanks to the reliance on public mobilisation, the mood of public opinion is included in many frames used at the national level. Given the more politicized nature of policy-making and the stronger link between politicians and their constituencies at the national level, political frames are more likely to be included in political debates in member states than at the EU level, where political feelings are diverse and member states differ in terms of historical legacies and political context (e.g. minority groups present in one state).

More importantly, the analysis has also highlighted the existence of a link between roles and frames. As the empirical analysis in the previous chapters has shown, at the EU level a consensual role combined with technical/legal frames allows NSAs and the EU to engage in cooperative relations and develop a common understanding of the issue at stake. This in turn can lead to the re-framing of EU policies towards Israel-Palestine on the basis of new views and alternative perspectives. This link

between a consensual role and technical/legal frames emerges in Chapter 4. Although both the MATTIN Group and Brita GmbH made use of a legal frame, they played different roles. The former based its lobbying on a consensual role, while the latter has challenged the EU in court. While the MATTIN Group managed to establish a dialogue with EU officials and policy-makers and to interact in a way leading to the definition of the problem of the territorial scope in EU-Israel agreements, Brita GmbH challenged the legitimacy of EU policies through a judicial remedy, which has not allowed the parties to discuss what the issue at stake was and how to deal with it. This points out how a legal frame in itself is not sufficient to play a role at the EU level, but it needs to be combined with a cooperative approach that does not challenge the EU's legitimacy, but establishes a dialogue between the EU and NSAs. In contrast, at the national level officials and politicians are more receptive to political frames, but the hypothesis presented in Chapter 1 on the adversarial role is not supported by evidence. This role does not appear to be better suited to favour a redefinition of policies. NSAs in member states are more likely to play an adversarial role, but there is no clear evidence that this allows for frames to travel and get developed.

Against this backdrop, the question is why NSAs tend to play a more consensual role and to use technical/legal frames at the EU level compared to NSAs based in member states. This combination seems to favour the development of cooperative relations that can lead to the construction of a shared understanding of what the issue at stake is and how the EU could deal with it. In Chapter 1, it was suggested that a consensual role suits the EU political system better. In a comparison between the EU and the US, Woll (2012) explains that the different lobbying styles between American and European interest groups is determined by the different nature of the two political systems. In the United States, the system favours a more adversarial approach, while the consensual nature of the EU context leads to the adoption of a soft-spoken approach by NSAs. The idea of the EU as a consensual system, where cooperation and compromise prevail and where the level of politicization is lower is also supported by various scholars (e.g. Mahoney 2008; Hix and Hoyland 2011; Lewis 2008), so that a consensual approach fits into the system more easily than a confrontational stance. The same argument could also work when we discuss the preference for technical or legal frames compared to political ones. Again, this is linked to the nature of the EU system in relation to member states: in the former, the

Commission and, to a large extent, the European Parliament need information and knowledge that is technical, legal and that contributes to the formulation of policies that guarantee the EU's output legitimacy (Woll 2012; Scharpf 1999). The level of political contestation and polarization of political parties is not the same as in member states: political arguments resonate less in Brussels than in national capitals (cf. Woll 2012; Radaelli 1999; Follesdal and Hix 2006).

For Woll (2012), the choice of lobbying styles is the result of a strategic choice by NSAs to exert influence in the system: NSAs lobbying the EU use a 'soft-spoken' style which gives them chances to be able to influence EU policies. This would be in line with a rationalist explanation, which assumes that NSAs behave strategically and modify their strategies according to the venue where they lobby. However, evidence in the empirical chapters seems to point in another direction. Strategic adaptation does not seem to take place, but we observe instead a tendency to stick to the same role and frame in all venues/levels where NSAs lobby. Against this backdrop, it is here suggested that the explanation of certain roles and frames at the EU level is the result of the embeddedness of actors and the co-constitutive relationship that shape the interactions between the EU and NSAs. Developing the point on socialization proposed at the end of Chapter 1, I suggest that NSAs are socialized to the rules and the context where they play (Lewis 2005; Checkel 2005b). By using the metaphor of the stage again, the performance of each actor is also shaped by the others and by the setting in which they act. Therefore, NSAs that are predominantly active at the EU level are progressively socialized to adopt a more consensual role and rely on technical/legal frames. Their embeddedness in the system and the constant interactions with certain types of actors shape their identity and preferences, leading to a progressive change and adaptation to the context in which they play most of the time. The MATTIN Group is a good example in this sense, as its lobbying has evolved over the decades. Some EU officials (Interviewees 13, 17) recall the first meetings they had with the MATTIN Group as characterized by an aggressive and accusatory approach. In their view, it was as if the NGO had not understood how the EU works, giving extra work to officials without reaching anything. Furthermore, Interviewee 20 also argues that the frame used was quite complicated and was not pointing in the direction of how the EU could intervene concretely. If we look at the situation now, we can see how the frame proposed by the MATTIN Group has slowly begun to shape the way the EU looks at the policies towards Israel, as the

cases of Europol and the ACAA shows. The MATTIN Group's lobbying has evolved: a constant interaction with EU officials has progressively developed its approach into a more consensual way and its frame has been refined and tailored in line with the interlocutor. Interestingly, this combination of consensual role and legal frame does not change when the MATTIN Group targets the European Parliament and the national level. While it might still work when national officials are involved (e.g. officials working for national customs authorities), MEPs and MPs also need political elements that can be used with their constituencies (Interviewees 45, 87). However, the MATTIN Group's lobbying has predominantly developed through interactions with Commission officials and national officials (where the European and national parliaments were mainly used to put pressure on their governments or the other EU institutions). A strategic choice would imply that the MATTIN Group adapts and modifies its style according to the context in which it operates, which does not seem to be the case.

Similarly, other groups define their identity and their behaviour on the basis of the context in which they are embedded and the interactions they develop. This is particularly evident in the case of Brussels-based umbrella organisations and their member organisations based at the national level. For example, the ECCP is composed of various associations and solidarity movements across Europe and represents them in Brussels. Interestingly, it mainly plays a median role in Brussels, while its member associations use a more confrontational stance. While the ECCP still relies on frames that contain a political element, it has internalized the rules of Brussels and adapted its identity and style accordingly. Finally, the recent lobbying activity on the labelling of settlement products has demonstrated a slow change towards the reliance on consensual modes of interaction and a legal frame when lobbying the EU. On the basis of the EU directive on 'Unfair commercial practices' (European Parliament and Council of the European Union 2005), a group of NGOs has started to lobbying the EU as far as the correct implementation of the directive is concerned when it comes to settlement goods. While Interviewee 87 confirmed the use of an access approach that targets the relevant DGs in the Commission, a proof of lobbying on this issue has been the workshop organised in September 2012 by Crisis Action and supported by the Danish presidency. The event, which was behind closed doors, was an occasion for NGOs and policy-makers to discuss the issue of labelling (Rettman 2012b). It also seems that there has been an impact in this action,

as member states such as France and the Netherlands have recently joined other member states working at the EU level to formulate new ideas and give impetus to the creation of EU-wide guidelines on labelling of settlement products (Rettman 2013).

A similar line of explanation can be applied to the national level, where political frames are largely used. NSAs based in member states have internalized the rules of the game of this 'stage', where the level of politicization and polarization are higher than in the EU political system. The fact that an adversarial role is often employed reflects a socialization of NSAs to the political context, which is more confrontational. Yet, an adversarial role does not seem to lead to a strong involvement in the policy process or to any significant change. If actors were only acting strategically, then they would probably opt for an approach that is more conducive to success. They are therefore likely to have internalized the patterns of interaction of a politicized context, without strategically adapting when their actions are not conducive to any results.

This point about socialisation is only a suggestion about how we might interpret the differences in roles and frames used at the EU and national levels. This thesis, indeed, started as an investigation of influence, but it ended up discovering that the embeddedness of actors and a form of circularity between the EU and NSAs cannot be dismissed. This aspect however requires further research in order to confirm these exploratory findings.

### **The levels of lobbying**

While the previous section has extensively discussed the findings in terms of the first two analytical variables, namely roles and frames, and advanced a possible explanation of these results, this section deals with the third analytical dimension, namely the levels of lobbying. The literature on EU lobbying stresses the relevance of the national level as an important venue where lobbying takes place (Mazey and Richardson 2006; Saurugger 2009). Given that member states are crucial actors in EU policy-making, especially in EU foreign policy, NSAs can use the national channel to lobby on issues related to EU policies.

As shown in Chapters 4 to 6, most NSAs based in Brussels, or predominantly active in this arena (e.g. MATTIN Group), rely on the national channel as a complementary way to conduct their activities. For instance, the MATTIN Group has developed contacts with both national parliaments and customs authorities in member states on the issue of the rules of origin. Similarly, the EMHRN often goes to member states in order to explain its position on specific human rights-related issues and to persuade member states to support a certain position or policy. The case of the Goldstone Report described in Chapter 5 explains these dynamics.

In Chapters 1 and 7, it has been pointed out that the national level also involves discussions about the possible Europeanization patterns of NSAs based in member states. In the theoretical framework, it has been argued that there are three forms of Europeanization, namely internalisation, supranationalisation and externalization (Saurugger 2005; Balme and Chabanet 2002). The empirical evidence presented in Chapter 7 points to a partial Europeanization of lobbying. There is evidence of a partial internalization, i.e. the inclusion of EU issues in the lobbying carried out at the national level. This means that NSAs based in member states lobby their governments and MPs on EU policies and use the national channel to exert influence at the EU level. There are also instances of supranationalisation, as some umbrella organisations have been created in Brussels to conduct lobbying at the EU level on behalf of their member organisations. The EMHRN or Aprodev are examples of this trend. Finally, some NSAs based in member states, such as the big NGOs like Oxfam and Amnesty International, have opened offices in Brussels and are able to conduct direct lobbying in Brussels (externalization). It has to be noted, however, that only a partial Europeanization is visible, as the majority of NSAs based in member states is still more preoccupied with the policies of their respective member state, thus concentrating their lobbying actions on them. The EU is taken into consideration at the national level when Brussels-based NSAs exert pressure in this sense and ask NSAs in member states to conduct lobbying on certain issues that are addressed in Brussels at the same time.

In Chapter 1 it was stressed that the analysis of the national level in terms of lobbying activities and Europeanization patterns would give us indications in terms of the integration of national systems into the broader EU foreign policy system (White 2001). Despite forms of partial Europeanization, the two arenas remain quite distinct. Umbrella organisations, despite representing their member organisations, act

in Brussels and recognize the importance of involving the national level in their activities, while those based in member states are much less aware of the EU level and what they can do. This is also one of the reasons why some NGOs such as the EMHRN have been developing a training programme and toolkit for NSAs based in member states.

### **Implications for the literature and the way forward**

Against this backdrop, this thesis contributes to the literature on lobbying and on EU policy-making. First of all, this exploratory research has shown the importance of investigating the domain of EU foreign policy in the literature on interest groups, as it is a crucial policy area that would allow us to develop new theoretical insights and test current theories. This thesis offers an empirical contribution to this literature, as it explores the almost uncharted territory of lobbying in EU external relations. More importantly, this thesis provides a theoretical contribution to the debate on interest groups by exploring the potential of a constructivist perspective in the analysis of lobbying.

This thesis is an exploratory research that has aimed at showing the potential of constructivist insights and how these can help us form a more complete picture of lobbying in EU foreign policy. Although the exploratory nature of this thesis requires further research for achieving confirmatory results, some of the findings have already wider implications. First of all, the theoretical framework proposed can be used to analyse lobbying in other EU policies. This thesis has indeed shown that two crucial dimensions to understand lobbying are the approach used by NSAs (roles) and the knowledge they bring to policy-making (frames). As demonstrated, it is not information per se that matters, but the frames through which policies or events are understood. Framing does however make a difference when combined with a role that fits with the features of the political system. By playing a consensual role, NSAs and EU policy-makers can interact in a cooperative way that leads to a new understanding of the issue at stake. Dialogue and mutual legitimisation become the basis on which frames can travel and be developed. Therefore, the focus on interactions between the EU and NSAs as well as the framing process adds nuances to the rational-choice understanding of lobbying as an exchange of information.

Second, the key finding that NSAs matter in EU foreign policy-making and that are involved in the policy process contributes to our understanding of how EU foreign policy come about and which actors and factors determine their content. While it has not been argued that NSAs are all powerful and steer decisions, it has been demonstrated that NSAs are actors that matter in EU policy-making and need to be taken into account to have a better understanding of where EU policies come from, why certain issues are on the agenda, and why certain frames prevail over others. Member states and EU institutions remain key players, but complementing the analysis by inserting NSAs into the equation gives us a deeper understanding of the process (see also Klüver 2013).

This thesis has explored the potential of constructivist insights in explaining lobbying in EU foreign policy-making. As said, it started as a research on NSA influence, but it was progressively discovered that the circularity and embeddedness between the EU and NSAs cannot be neglected. In this thesis, the focus has predominantly been on the role that NSAs play in EU foreign policy-making, looking at ‘one side’ of the co-constitutive relationship that constructivism stresses (the impact of NSAs on the EU). The analysis however needs a more in-depth investigation of the other part of this circular relationship, namely how the EU has contributed to shaping the preferences and identities of NSAs. While some initial findings have been presented in the empirical chapters and summarised above, more research on this aspect is necessary.

Second, this thesis has analysed the role of NSAs in EU foreign policy-making from the agenda-setting stage to the decision-making stage. The analysis would however benefit from a clearer distinction between the different policy stages in order to test whether there is a relationship between the three analytical dimensions presented in the theoretical framework and the various stages of the policy-making process. It would also be interesting to develop the analysis at the agenda-setting stage and investigate how issues are placed on the agenda and how the frames and roles are relevant in this regard.

A third aspect that has only been partially developed in the thesis concerns the institutional differences at the EU level, not only among them, but also within them. The implicit assumption is that all DGs and all Committees in the European Parliament behave and interact with NSAs in a similar way. While this might be the

case, as a result of a form of organizational culture, it would be worth seeing whether the new EEAS follows the same logics of the Commission or is more in line with the Council. The Council has been considered as part of the national level/venue, as decisions in the working groups, COREPER etc. are taken by representatives of member states and, quite often, by following the indications from their capitals. The national level has been viewed as the use of the national channel and no distinction in this sense has been made. However, it might be worth exploring this dimension to see if and how NSAs distinguish between lobbying member states in Brussels (Permanent Representations) and in the capitals. Moreover, almost no space has been given to the Delegations on the ground, although it might be that the framing that NSAs on the ground use when lobbying EU officials and member states representatives is different from that used in Brussels or Europe, as the reality of the situation is evident to everyone and there might be a different sensitivity to the problems at stake.

Fourth, the discussion on the Europeanization patterns could be developed. More countries could be added to the analysis. In this sense, it would also be important to understand why certain NSAs in member states Europeanize, while others do not. While some scholars (Klüver 2010; Beyers and Kerremans 2007) link it to the resources at disposal, it might well be that the EU is not perceived as an important actor or NSAs do not have sufficient knowledge to deal with the EU level as well. Most of the interviewees at the national level mentioned at least one or all of these reasons, but a systematic investigation of what drives NSAs' decision to take the EU dimension into account (Europeanization) would also contribute to our understanding of how lobbying in a multi-venue setting works and the extent of integration of the EU political system with that of its member states.

Finally, four new potential line of research could be developed. In particular, it would be worth comparing lobbying in EU foreign policy with the US case. While there is already some research in this field (e.g. Woll 2012; Mahoney 2008; Mahoney and Baumgartner 2008), cases of foreign policy are still limited. Given the different political systems we would expect different roles, but it is less clear how it works with framing. Are political frames necessarily dominating due to the fact that politicians and the incumbent administration in the US need public support or are technical/legal frames likely to be successful as well? To what extent would the electoral dynamics determine policy choices compared to the European context?

This is also linked to a second aspect: the role of diaspora groups. While this thesis has focused on NSAs without distinguishing in terms of their origin and whether they represented diaspora groups, it is worth asking whether this element makes a difference in the patterns of lobbying. The ethnic and cultural attachment to their homeland is the important feature that makes diaspora groups stand out. It would therefore be worth investigating whether variations in the roles played and frames used by NSAs are affected by the ethnic-cultural component and if so, how. More importantly, taking inspiration from Hägel and Peretz's (2005) article on the relations between states and diaspora groups, it would also be worth understanding how the homeland government influences and shapes the activities of diaspora groups to foster its objectives.

Third and related to the previous point, it would also be interesting to explore what differentiates the lobbying efforts of NSAs compared to state actors and whether states and NSAs coordinate their lobbying actions. For example, does Israel rely on the lobbying of NGOs or business groups to pursue certain goals? When and why do the actions of Palestinian NGOs and the Palestinian Authority coincide (or not)? This research pattern would contribute to our understanding of how state and non-state actors interact at the transnational level.

Finally, the discussion on framing would deserve further investigation and could be combined with the literature on risk and uncertainty. More precisely, it would be worth analysing whether the frames rely on real or perceived risks and uncertainty, whether NSAs construct and use certain frames for self-preservation and legitimization purposes and why certain frames are used by EU officials and lead to the understanding of issues through different frames (and hence new knowledge), while others are discarded.

## APPENDIX 1: LIST OF INTERVIEWEES

Updated 14/01/2013

INTERVIEWEE NO.	ROLE	PLACE	DATE
1	Non-state actor representative	Brussels, Ramallah, skype interview	February 2010; November 2010, several phone calls btw March 2010 and March 2011, phone call 22 April 2011; phone 26 June 2012
2	Non-state actor representative	Brussels	12 February 2010; 29 November 2010; 23 June 2011
3	Journalist	London and Brussels	25 November 2010; 17 March 2011
4	Non-state actor representative	Brussels	29 November 2010; 17 February 2011; 21 March 2011; 20 June 2011; 6 February 2012 (email); 28 March 2012
5	Non-state actor representative	Brussels	30 November 2010
6	Non-state actor representative	Brussels	30 November 2010
7	Non-state actor representative	Brussels	2 February 2011
8	Non-state actor representative	Brussels	3 February 2011
9	Non-state actor representative	Brussels	4 February 2011
10	Non-state actor representative	Brussels	8 February 2011

<b>11</b>	EU official	Brussels	10 February 2011
<b>12</b>	Non-state actor representative	Brussels	11 February 2011
<b>13</b>	EU official	Brussels	11 February 2011
<b>14</b>	Non-state actor representative	Brussels	11 February 2011
<b>15</b>	Non-state actor representative	Brussels	14 February 2011
<b>16</b>	Non-state actor representative	Brussels	14 February 2011
<b>17</b>	EU official	Brussels	15 February 2011
<b>18</b>	European Parliament Political Advisor	Brussels	15 February 2011
<b>19</b>	Non-state actor representative	Brussels	16 February 2011
<b>20</b>	EU official	Brussels	16 February 2011
<b>21</b>	Non-state actor representative	Phone interview	17 February 2011
<b>22</b>	Non-state actor representative	Brussels	21 February 2011
<b>23</b>	EU official	Brussels	22 February 2011
<b>24</b>	Assistant of Member of European Parliament	Brussels	22 February 2011
<b>25</b>	Non-state actor representative	Brussels	22 February 2011
<b>26</b>	Non-state actor representative	Brussels	23 February 2011
<b>27</b>	EU official	Brussels	24 February 2011; 18 March 2011
<b>28</b>	EU official	Brussels	25 February 2011
<b>29</b>	EU official	Brussels	25 February 2011
<b>30</b>	EU official	Brussels	25 February 2011
<b>31</b>	Non-state actor representative	Phone interview	10 March 2011
<b>32</b>	Assistant of Member of	Brussels	15 March 2011

	European Parliament		
<b>33</b>	Journalist	Brussels	16 March 2011
<b>34</b>	Non-state actor representative	Brussels	16 March 2011
<b>35</b>	EU official	Brussels	16 March 2011
<b>36</b>	Member of European Parliament	Brussels	16 March 2011
<b>37</b>	Non-state actor representative	Brussels	17 March 2011
<b>38</b>	Journalist	Brussels	17 March 2011
<b>39</b>	EU official	Brussels	17 March 2011
<b>40</b>	Member of European Parliament + Assistant	Brussels	18 March 2011
<b>41</b>	European Parliament Political Advisor	Brussels	18 March 2011
<b>42</b>	Non-state actor representative	Brussels	18 March 2011
<b>43</b>	Non-state actor representative	Brussels	18 March 2011
<b>44</b>	Non-state actor representative	Brussels	18 March 2011
<b>45</b>	European Parliament Political Advisor	Brussels	21 March 2011; 24 June 2011; 19 October 2011; 15 February 2012 (phone); 28 March 2012
<b>46</b>	Former Assistant of Member of European Parliament	Brussels	21 March 2011
<b>47</b>	Member of European Parliament	Brussels	21 March 2011
<b>48</b>	Non-state actor representative	Brussels	22 March 2011
<b>49</b>	Former Assistant of Member of European Parliament	Brussels	22 March 2011
<b>50</b>	EU official	Phone interview	29 April 2011
<b>51</b>	Non-state actor representative	Email correspondence	3 May 2011
<b>52</b>	Non-state actor representative	Skype interview	4 June 2011
<b>53</b>	European Parliament	Brussels	20 June 2011

	Political Advisor		
<b>54</b>	Non-state actor representative	Brussels	22 June 2011
<b>55</b>	Non-state actor representative	Brussels	22 June 2011
<b>56</b>	Israeli official	Brussels	22 June 2011
<b>57</b>	European Parliament Political Advisor	Brussels	22 June 2011 19 October 2011
<b>58</b>	EU official	Brussels	23 June 2011
<b>59</b>	European Parliament Political Advisor	Brussels	24 June 2011
<b>60</b>	Non-state actor representative	London	4 July 2011
<b>61</b>	Non-state actor representative	Phone interview Brussels	12 July 2011 19 October 2011
<b>62</b>	Non-state actor representative	Phone interview	28 July 2011
<b>63</b>	Non-state actor representative	Brussels	17 October 2011
<b>64</b>	Member of European Parliament	Brussels	17 October 2011
<b>65</b>	Former EU official	Phone interview	18 October 2011
<b>66</b>	Assistant of Member of European Parliament	Brussels	18 October 2011
<b>67</b>	Jewish activist	Brussels	19 October 2011
<b>68</b>	EU officials	Brussels	19 October 2011
<b>69</b>	Non-state actor representative	Brussels	20 October 2011
<b>70</b>	European Parliament Political Advisor	Brussels	20 October 2011
<b>71</b>	Non-state actor representative	Brussels	20 October 2011
<b>72</b>	National Diplomat	Brussels	21 October 2011
<b>73</b>	Non-state actor representative	Brussels	21 October 2011
<b>74</b>	Non-state actor representative	Phone interview	25 October 2011
<b>75</b>	Non-state actor	Skype interview	25 October

	representative		2011
<b>76</b>	Non-state actor representative	Phone interview	2 November 2011
<b>77</b>	Non-state actor representative	Phone interview	2 November 2011
<b>78</b>	Non-state actor representative	Paris	8 November 2011
<b>79</b>	National official	Paris	17 November 2011
<b>80</b>	National official	Paris	17 November 2011
<b>81</b>	Expert	Paris	18 November 2011
<b>82</b>	Non-state actor representative	Paris	30 November 2011
<b>83</b>	Expert	Paris	30 November 2011
<b>84</b>	Non-state actor representative	Paris	2 December 2011
<b>85</b>	National official	Paris	6 December 2011
<b>86</b>	Member of European Parliament	Email correspondence	15 December 2011
<b>87</b>	Former Member of Parliament	London	7 March 2012
<b>88</b>	Former diplomat	Oxford	3 May 2012
<b>89</b>	Non-state actor representative	Oxford	3 May 2012
<b>90</b>	EU official	Phone interview	7 May 2012
<b>91</b>	Non-state actor representative	Berlin	26 May 2012
<b>92</b>	Non-state actor representative	Phone interview	31 May 2012
<b>93</b>	Non-state actor representative	Phone interview	4 June 2012
<b>94</b>	Non-state actor representative	Phone interview	4 June 2012
<b>95</b>	Non-state actor representative	Berlin	5 June 2012
<b>96</b>	Non-state actor representative	Berlin	7 June 2012
<b>97</b>	Non-state actor representative	Berlin	8 June 2012
<b>98</b>	National official	Phone interview	12 June 2012

<b>99</b>	Non-state actor representative	Phone interview	18 June 2012
<b>100</b>	Non-state actor representative	Berlin	18 June 2012
<b>101</b>	National official	Berlin	20 June 2012
<b>102</b>	Non-state actor representative	Skype interview	22 June 2012
<b>103</b>	Non-state actor representative	Berlin	22 June 2012
<b>104</b>	Non-state actor representative	Berlin	27 June 2012
<b>105</b>	Non-state actor representative	Berlin	27 June 2012
<b>106</b>	Member of Parliament	Berlin	27 June 2012
<b>107</b>	National official	Berlin	28 June 2012
<b>108</b>	National Political Advisor	Skype interview	13 July 2012
<b>109</b>	Former Member of Parliament + Former Non-state actor representative	Phone interview	29 August 2012

## APPENDIX 2: DATASET OF NON-STATE ACTORS

### LEGEND

#### Category

- 1 = business group
- 2 = NGO
- 3 = solidarity/protest movement
- 4 = think tank/foundation
- 5 = media
- 6 = individual

#### Focus

- 1 = focus on Israel/Palestine
- 2 = broader focus
- 3 = economic interest

#### BXL (presence in Brussels)

- 0 = no
- 1 = yes
- 99 = n/a

#### Transparency Register

- 0 = no
- 1 = yes

#### LOCATION

- 1 = EU/Europe-based
- 2 = Israel/Palestine
- 3 = cross-country/multinational/transnational
- 4 = other
- 99 = n/a

#### Umbrella Organisation

- 0 = no
- 1 = yes

Code	Location of the headquarters
AUT	Austria – AT
BEL	Belgium – BE
BGR	Bulgaria – BG
CYP	Cyprus – CY
CZE	Czech Republic – CZ
DNK	Denmark – DK
EST	Estonia – EE
FIN	Finland – FI
FRA	France – FR
DEU	Germany – DE
GRC	Greece – GR
HUN	Hungary – HU
IRL	Ireland – IE
ITA	Italy – IT
LVA	Latvia – LV
LTU	Lithuania – LT
LUX	Luxembourg – LU
MLT	Malta – MT
NDL	Netherlands – NL
POL	Poland – PL
PRT	Portugal – PT
ROU	Romania – RO
SVK	Slovakia – SK
SVN	Slovenia – SI
ESP	Spain – ES
SWE	Sweden – SE
GBR	United Kingdom
OES (non-ISO)	Other European states – other non-EU
ISR	Israel – IL
PSE	Palestinian Territories
USA	United States - US
RUS	Russia – RU
MID (non-ISO)	Middle East
N/A	N/A

## DATASET

NAME	Category	FOCUS	BXL	Transparency Register	LOCATION	Headquarters	Umbrella organisation
ACAT-France	2	2	0	0	3	FRA	0
Achva-Achdut	1	3	0	0	2	ISR	0
ACRI - Association for Civil Rights in Israel	2	1	0	0	2	ISR	0
ACSUR - Las Segovias	2	2	0	0	1	ESP	0
ACT Alliance	2	2	1	0	3	OES	1
Actieplatform Palestina	3	1	0	0	1	BEL	1
Adalah	2	1	0	0	2	ISR	0
Adanim Tea	1	3	0	0	2	ISR	0
Addamer Prisoners Rights and Support Group	2	1	0	0	2	PSE	0
Adumim Food Additives/Frutarom	1	3	0	0	3	ISR	0
Agrexco	1	3	0	0	3	ISR	0
AgustaWestland	1	3	0	0	3	USA	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Ahava</b>	1	3	0	0	3	ISR	0
<b>Airtechnology Group</b>	1	3	0	0	1	GBR	0
<b>AJC (American Jewish Committee)</b>	2	1	1	1	3	USA	0
<b>Al-Haq</b>	2	1	1	0	2	PSE	0
<b>Al Mezan Centre for Human Rights</b>	2	1	0	0	2	PSE	0
<b>Aldameer Association for Human Rights</b>	2	1	0	0	2	PSE	0
<b>Aljamaheer Association for Development in the Arab and Jewish Sectors</b>	2	1	0	0	2	ISR	0
<b>Alstom</b>	1	3	1	1	3	FRA	0
<b>Alternative Information Centre</b>	5	1	0	0	2	ISR	0
<b>Amnesty International</b>	2	2	1	1	3	GBR	0
<b>Anglo-Israel Association</b>	2	1	0	0	1	GBR	0
<b>Apax Partner</b>	1	3	0	0	3	GBR	0
<b>Aprodev</b>	2	2	1	1	1	BEL	1

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Arab Association for Human Rights</b>	2	1	0	0	2	ISR	0
<b>Arava Export Growers</b>	1	3	0	0	3	ISR	0
<b>Architects and Planners for Justice in Palestine</b>	2	1	0	0	1	GBR	0
<b>ASDA</b>	1	3	0	0	1	GBR	0
<b>Ashmore Investment Management</b>	1	3	0	0	1	GBR	0
<b>Assa Abloy / Mul-T-Lock</b>	1	3	0	0	3	SWE	0
<b>Association belgo palestinienne</b>	3	1	1	0	1	BEL	0
<b>Association France-Israel</b>	2	1	0	0	1	FRA	0
<b>Association France Palestine Solitarite' (AFPS)</b>	3	1	0	0	1	FRA	1
<b>Assopace</b>	2	2	0	0	1	ITA	1
<b>Avocats sans frontieres</b>	2	2	1	0	3	BEL	0
<b>Badil - Resource Center for Palestinian Residency and Refuge</b>	2	1	0	1	2	PSE	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>BAE System</b>	1	3	1	1	3	GBR	0
<b>Bank Leumi</b>	1	3	0	0	3	ISR	0
<b>Barclays</b>	1	3	0	0	3	GBR	0
<b>BDS Boycott, Divestment and Sanctions</b>	3	1	0	0	3	PSE	1
<b>Bertelsmann Stiftung</b>	4	2	1	1	1	DEU	0
<b>BICOM</b>	5	1	0	0	1	GBR	0
<b>BIMKOM - Planners for planning rights</b>	2	1	0	0	2	ISR	0
<b>B'nai B'rith Europe/ B'nai B'rith International</b>	2	1	1	1	3	USA	0
<b>Boeing - Boeing International Corp.</b>	1	3	1	1	3	USA	0
<b>Breaking the Silence</b>	2	1	0	0	2	ISR	0
<b>Brimar</b>	1	3	0	0	3	GBR	0
<b>Brita</b>	1	3	0	1	3	DEU	0
<b>British Israel Investments</b>	1	3	0	0	2	ISR	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>British-Palestine Twinning Network</b>	3	1	0	0	1	GBR	1
<b>Broederlijk Delen</b>	2	2	1	0	1	BEL	0
<b>Brot für die Welt</b>	2	2	1	1	1	DEU	0
<b>B'Tselem</b>	2	1	0	0	2	ISR	0
<b>Bureau de Vigilance Contre l'Antisémitisme - BNVCA</b>	2	1	0	0	1	FRA	0
<b>BusinessEurope</b>	1	3	1	1	1	BEL	1
<b>Caabu - Council for the Advancement of Arab-British Understanding</b>	2	1	0	0	1	GBR	0
<b>CAFOD</b>	2	2	0	0	3	GBR	0
<b>Campagne Civile Internationale pour la protection du peuple palestinien (CCIPPP)</b>	3	1	0	0	1	FRA	0
<b>Campaign Against Arm Trade</b>	3	2	0	0	1	GBR	0
<b>CAPJPO - EuroPalestine</b>	3	1	0	0	1	FRA	0
<b>CARE</b>	2	2	1	1	3	GBR	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Carnegie Europe</b>	4	2	1	0	3	USA	0
<b>Caterpillar Belgium SA</b>	1	3	1	1	3	BEL	0
<b>CCDPRJ - The Civic Coalition for Defending Palestinians' Rights in Jerusalem</b>	2	1	0	0	2	ISR	1
<b>CCFD- Terre Solidaire</b>	2	2	0	0	1	FRA	1
<b>CEIA Construzioni Elettroniche Industriali Automatismi</b>	1	3	0	0	1	ITA	0
<b>CEJI (A Jewish Contribution to an Inclusive Europe)</b>	2	1	1	1	1	BEL	0
<b>Cement Roadstone Holdings</b>	1	3	0	0	3	IRL	0
<b>Centre on Housing Rights and Evictions (COHRE)</b>	2	2	0	0	3	OES	0
<b>Centre Simon Wiesenthal Europe</b>	2	1	0	0	1	FRA	0
<b>CEPS</b>	4	2	1	1	1	BEL	0
<b>Christian Aid</b>	2	2	0	1	3	GBR	0
<b>Christian for Israel</b>	2	1	0	0	3	NDL	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>CIDI - Centrum informatie en documentatie israel</b>	2	1	0	0	1	NDL	0
<b>CIDSE</b>	2	2	1	1	3	BEL	1
<b>Coalition of Women for Peace - Who Profits?</b>	2	1	0	0	2	ISR	0
<b>Collectif Urgence Palestine</b>	3	1	0	0	1	OES	1
<b>Combatant for Peace (CFP)</b>	3	1	0	0	2	n/a	0
<b>COMECE - Commission of the Bishops' Conferences of the European Community</b>	2	2	1	1	1	BEL	0
<b>Comite' pour une Paix Juste au Proche-Orient (CPJPO)</b>	3	1	0	0	1	LUX	0
<b>Concord</b>	2	2	1	1	1	BEL	1
<b>Cordaid</b>	2	2	0	1	3	NDL	1
<b>Corporate Watch</b>	5	2	0	0	1	GBR	0
<b>Council for European Palestinian Relations</b>	2	1	1	1	1	GBR	0
<b>CRIF - Conseil Representatif des Institutions juives de france</b>	2	1	0	0	1	FRA	1
<b>Crisis Action</b>	2	2	1	0	3	GBR	1

NAME	Category	FOCUS	BXL	Transparency Register	LOCATION	Headquarters	Umbrella organisation
<b>DanChurchAid</b>	2	2	0	0	3	DNK	0
<b>Dansk-Palaestinensisk Venskabsforening</b>	3	1	0	0	1	DNK	0
<b>Deutsch-Israelische Gesellschaft</b>	3	1	0	0	1	DEU	0
<b>Deutsch-Palaestinsichen Gesellschaft</b>	3	1	0	0	1	DEU	1
<b>Deutsche Bahn International</b>	1	3	1	1	1	DEU	0
<b>Defence for Children International</b>	2	2	0	0	3	OES	0
<b>Deutscher Koordinationskreis Palaestina Israel (KOPI)</b>	3	1	0	0	1	DEU	1
<b>Deutscher Koordinierungsrat</b>	2	1	0	0	1	DEU	1
<b>Development Company for Israel</b>	1	3	0	0	1	GBR	0
<b>Dexia Group</b>	1	3	0	0	3	FRA	0
<b>diAk</b>	3	1	0	0	1	DEU	0
<b>DIAKONIA</b>	2	2	0	0	3	SWE	1
<b>DiSTeK</b>	1	3	0	0	3	ISR	0

NAME	Category	FOCUS	BXL	Transparency Register	LOCATION	Headquarters	Umbrella organisation
<b>DIW - German-Israeli Economic Association</b>	1	3	0	0	1	DEU/ISR	1
<b>Eden Spring</b>	1	3	0	0	3	OES	0
<b>EDO-ITT</b>	1	3	0	0	3	USA	0
<b>EED (Evangelischer Entwicklungsdienst)</b>	2	2	0	0	1	DEU	0
<b>EEPA (European External Policy Advisor)</b>	2	2	1	0	1	BEL	0
<b>EFPIA</b>	1	3	1	1	1	BEL	1
<b>Egis Rail</b>	1	3	0	0	3	FRA	0
<b>El Al</b>	1	3	1	0	3	ISR	0
<b>Electronic Intifada</b>	5	1	0	0	99	n/a	0
<b>Elnet</b>	2	1	0	0	1	FRA	0
<b>EMHRN</b>	2	2	1	1	1	DNK	1
<b>Eminent Persons' Group/European Former Leaders Group</b>	6	1	99	0	99	n/a	0
<b>Ensan Center for Human Rights and Democracy</b>	2	1	0	0	2	PSE	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>EPC</b>	4	2	1	1	1	BEL	0
<b>EPLO (European Peace-building Liaison Office)</b>	2	2	1	1	1	BEL	1
<b>Euro-Arab Forum</b>	2	2	1	0	1	BEL	0
<b>Young Israeli Forum for Cooperation</b>	2	1	0	0	2	ISR	0
<b>Euro-Med Non-Governmental Platform</b>	2	2	0	0	1	FRA	1
<b>EuroMiddle East Forum</b>	2	1	1	0	1	BEL	0
<b>Europe Near East Forum</b>	2	1	1	0	1	BEL	0
<b>European Coalition for Israel</b>	2	1	1	1	1	BEL	1
<b>European Coordination Committee for Palestine (ECCP)</b>	2	1	1	1	1	BEL	1
<b>European Friends of Israel</b>	2	1	1	1	1	BEL	1
<b>EUROPEAN INSTITUTE FOR RESEARCH ON THE MIDDLE EAST</b>	2	1	1	0	1	BEL	0
<b>European Jewish Community Centre</b>	2	1	1	1	1	BEL	0
<b>European Jewish Press</b>	5	1	1	0	1	BEL	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>European Jews for a Just Peace EJJP</b>	2	1	0	0	1	NDL	1
<b>European Jewish Union</b>	2	1	1	0	1	BEL	1
<b>European Muslim Network</b>	4	2	1	0	1	BEL	1
<b>European Palestinian Campaign for the cultural boycott of Israel</b>	3	1	0	0	1	n/a	1
<b>European-Jewish Congress</b>	2	1	1	1	1	FRA	1
<b>Federatie Nederlande Zionisten</b>	2	1	0	0	1	NDL	1
<b>FIDH - Federation International des droits de l'homme</b>	2	2	1	1	3	FRA	1
<b>Finn Church Aid</b>	2	2	0	0	3	FIN	0
<b>Fortis Investments - BNP Paribas</b>	1	3	1	0	1	BEL	0
<b>Fundacio Internacional Olof Palme</b>	2	2	0	0	3	ESP	0
<b>Frauen in Schwarz</b>	3	1	0	0	1	AUT	0
<b>Free Gaza Movement</b>	3	1	99	0	1	CYP	1
<b>Friedrich Ebert Stiftung</b>	4	2	1	1	3	DEU	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Friends of the Earth Middle East (FoEME)</b>	2	1	0	0	2	ISR/PSE/MID	0
<b>Front Line Defenders</b>	2	2	1	1	1	IRL	0
<b>G4S (Group4Securicor)</b>	1	3	0	1	3	GBR	0
<b>Geneva Initiative</b>	2	1	0	0	2	ISR/PSE	0
<b>German Marshall Fund</b>	4	2	1	0	3	USA	0
<b>Gisha</b>	2	1	0	0	2	ISR	0
<b>GRIP</b>	4	2	1	0	1	BEL	0
<b>Grupo de ONG por Palestina</b>	2	1	0	0	1	ESP	1
<b>Hamoked - Centre for the Defence of the Individual</b>	2	1	0	0	2	ISR	0
<b>Heidelberg Cement</b>	1	3	1	1	3	DEU	0
<b>Heinrich Boell Stiftung</b>	4	2	1	1	3	DEU	0
<b>HSBC</b>	1	3	0	0	3	GBR	0
<b>Human Rights and Democracy Network</b>	2	2	1	0	1	BEL	1

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Human Rights Watch</b>	2	2	1	1	3	USA	0
<b>ICAHD - Israeli Committee against House Demolition</b>	2	1	0	0	2	ISR	0
<b>ICCO - Interchruuch organization for development co-operation</b>	2	2	0	0	3	NDL	0
<b>IENP - Israeli-European policy Network</b>	4	1	0	0	3	DEU/ISR	1
<b>Inform - International Forum on the Middle East</b>	5	1	1	0	1	BEL	0
<b>International Crisis Group</b>	4	2	1	1	3	USA	0
<b>International Solidarity Movement</b>	3	1	0	0	3	PSE	1
<b>Interpeace</b>	2	2	1	1	3	OES	0
<b>Interwand Eibergen BV</b>	1	3	0	0	3	NDL	0
<b>IPPNW</b>	2	2	0	0	3	USA	1
<b>Ir Amim -</b>	2	1	0	0	2	ISR	0
<b>Ireland-Palestine Solidarity Campaign</b>	3	1	0	0	1	IRL	0
<b>Islamic Relief</b>	2	2	1	0	3	GBR	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Israel Aircraft Industries</b>	1	3	0	0	2	ISR	0
<b>Israel Allies Foundation</b>	2	1	1	1	3	USA	1
<b>Israeli Center for Assistive Technology and Aging</b>	4	2	0	1	3	ISR	1
<b>Israel Project</b>	2	1	0	0	3	ISR/USA	0
<b>ISS</b>	1	3	0	0	3	DNK	0
<b>ITTIJAH - Union of Arab Community Based Organisations</b>	2	1	0	0	2	ISR	1
<b>JBC (Bamford Excavators)</b>	1	3	0	0	3	GBR	0
<b>Jcall</b>	3	1	1	0	1	n/a	0
<b>Jerusalem Center for Legal Aid and Human Rights</b>	2	1	0	0	2	PSE	0
<b>Jforum</b>	5	1	99	0	1	FRA	0
<b>Jnews</b>	5	1	0	0	1	GBR	0
<b>Jews for justice for Palestinians (JFJFP)</b>	3	1	0	0	1	GBR	1
<b>John Lewis</b>	1	3	0	0	1	GBR	0

<b>NAME</b>	<b>Category</b>	<b>FOCUS</b>	<b>BXL</b>	<b>Transparency Register</b>	<b>LOCATION</b>	<b>Headquarters</b>	<b>Umbrella organisation</b>
<b>Joods Nationaal Fonds</b>	2	1	0	0	1	NDL	0
<b>Judische Stimme fuer gerechten Frieden in Nahost</b>	3	1	0	0	1	DEU	0
<b>Just peace for Palestine</b>	2	1	0	0	1	GBR	1
<b>Kav Laoved</b>	2	1	0	0	2	ISR	0
<b>Keshev - The Centre for the Protection of Democracy in Israel</b>	5	1	0	0	2	ISR	0
<b>Keter Plastic</b>	1	3	0	0	3	ISR	0
<b>Konrad Adenauer Stiftung</b>	4	2	1	1	1	DEU	0
<b>Kvinna Till</b>	2	1	0	0	1	SWE	0
<b>Lawyers for Palestinian human rights (LPHR)</b>	2	1	0	0	1	GBR	0
<b>Levi Matusof</b>	6	1	1	0	99	n/a	0
<b>Leviev</b>	1	3	0	0	3	GBR	0
<b>Liebherr</b>	1	3	0	0	3	DEU	0
<b>Lockheed Martin</b>	1	3	1	0	3	GBR	0

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<b>Machsom Watch</b>	2	1	0	0	2	ISR	0
<b>Manitou</b>	1	3	0	0	3	n/a	0
<b>Marks&amp;Spencer</b>	1	3	0	0	1	GBR	0
<b>Mattin Group</b>	2	1	0	0	2	PSE	0
<b>Mayanot Eden</b>	1	3	0	0	3	ISR	0
<b>Medbridge</b>	2	1	0	0	1	FRA	0
<b>MEDEA</b>	4	2	1	1	1	BEL	0
<b>Medical Aid for Palestinians</b>	2	1	0	0	1	GBR	0
<b>MEDICO International e.V.</b>	2	2	0	0	1	DEU	0
<b>Meggit Avionics</b>	1	3	0	0	3	GBR	0
<b>Middle East Monitor (MEMO)</b>	5	1	0	0	1	GBR	0
<b>Misereor</b>	2	2	0	0	1	DEU	0
<b>Mossawa Centre</b>	2	1	1	0	2	ISR	0

NAME	Category	FOCUS	BXL	Transparency Register	LOCATION	Headquarters	Umbrella organisation
<b>Mouvement contre le racisme et pour l'amitie' entre les peuples (MRAP)</b>	2	2	0	0	1	FRA	0
<b>Mouvement de soutien a la resistance du peuple palestinien (MSRPP)</b>	3	1	0	0	1	FRA	1
<b>Netherlands Palestine Committee</b>	3	1	0	0	1	NDL	0
<b>New Israel Fund</b>	2	1	0	0	3	USA	0
<b>NGO Monitor</b>	2	1	0	0	2	ISR	0
<b>Norwegian Church Aid</b>	2	2	0	0	1	OES	0
<b>Oberthur Technologies</b>	1	3	0	0	1	FRA	0
<b>One Voice</b>	3	1	0	0	3	n/a	0
<b>Oxfam</b>	2	2	1	1	3	GBR	0
<b>Page Aerospace</b>	1	3	0	0	3	GBR	0
<b>Palestinagrupperna I Sverige - Palestine Solidarity Association of Sweden</b>	3	1	0	0	1	SWE	0
<b>Palestine Solidarity Campaign</b>	3	1	0	0	1	GBR	1
<b>Palestinian Center for Human Rights (PCHR)</b>	2	1	0	0	2	PSE	0

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<b>Palestinian Hydrology Group for Water and Environmental Resources Development</b>	2	1	0	0	2	PSE	0
<b>Palestinian Human Rights Organisation PHRO</b>	2	1	0	0	4	MID	0
<b>Palestinian Human Rights Monitoring Group (PHRMG)</b>	2	1	0	0	2	ISR	0
<b>Palestinian Medical Relief Society (PMRS)</b>	2	1	0	0	2	PSE	0
<b>Palestinian International Business Forum</b>	1	1	0	0	3	SWE	1
<b>Palestinian NGO Network (PNGO)</b>	2	1	0	0	2	PSE	1
<b>PARC (Palestinian Agricultural Relief Committees)</b>	2	1	0	0	2	PSE	0
<b>Parsons Brinckerhoff (PB)</b>	1	3	0	0	3	USA	0
<b>Pax Christi</b>	2	2	1	0	3	BEL	0
<b>PCATI Public Committee against Torture in Israel</b>	2	1	0	0	2	ISR	0
<b>Peace Now</b>	2	1	0	0	3	ISR	0
<b>Penny and Giles Controls</b>	1	3	0	0	3	GBR	0

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<b>Peres Center for Peace</b>	2	1	0	0	2	ISR	0
<b>Physicians for Human Rights Israel</b>	2	1	0	0	2	ISR	0
<b>Piattaforma delle ONG italiane per la Palestina</b>	2	1	0	0	1	ITA	1
<b>Pictet Asset Management</b>	1	3	0	0	3	OES	0
<b>Pizzarotti &amp; Co.</b>	1	3	0	1	3	ITA	0
<b>Plateforme des ONG Françaises pour la Palestine</b>	2	1	0	0	1	FRA	1
<b>Popular Struggle Coordination Committee</b>	3	1	0	0	2	PSE	1
<b>Quaker Council for European Affairs</b>	2	2	1	1	1	GBR	0
<b>Red Solidaria Contra la ocupacion de Palestina</b>	3	1	0	0	1	ESP	1
<b>Redmayne Engineering</b>	1	3	0	0	1	GBR	0
<b>Riwal</b>	1	3	0	0	3	NDL	0
<b>Robert Dyas</b>	1	3	0	0	1	GBR	0
<b>Russell Tribunal on Palestine</b>	3	1	0	0	99	n/a	0

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<b>Sadaka - The Ireland Palestine Alliance</b>	3	1	0	0	1	IRL	0
<b>Sainsbury's</b>	1	3	0	0	1	GBR	0
<b>Save the Children</b>	2	2	1	1	3	GBR	0
<b>Search for Common Ground</b>	2	2	1	0	3	USA	0
<b>Senior Aerospace Baxter Woodhouse &amp; Taylor</b>	1	3	0	0	3	GBR	0
<b>Siemens</b>	1	3	1	1	3	DEU	0
<b>Simone Susskind</b>	6	1	1	0	1	BEL	0
<b>Smiths Detection</b>	1	3	1	0	3	GBR	0
<b>Siona</b>	2	1	0	0	1	FRA	0
<b>Society for Austro-Arab Relations</b>	2	1	0	0	1	AUT	0
<b>Soda Stream/Soda Club</b>	1	3	0	0	3	ISR	0
<b>Solidar</b>	2	2	1	1	1	BEL	1
<b>Somerfield</b>	1	3	0	0	1	GBR	0

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<b>SPS Aerostructures</b>	1	3	0	0	1	GBR	0
<b>Starbucks</b>	1	3	0	0	3	USA	0
<b>State Street Corporation</b>	1	3	0	1	3	USA	0
<b>Swedish Organisation for Individual Relief</b>	2	2	0	0	1	SWE	0
<b>Tahal Group International</b>	1	3	0	0	3	NDL	0
<b>Tesco</b>	1	3	0	0	1	GBR	0
<b>Teva</b>	1	3	1	1	3	ISR	0
<b>The Rights Forum</b>	2	1	0	0	1	NDL	0
<b>Trocaire</b>	2	2	0	0	1	IRL	0
<b>Tuv Nord Group</b>	1	3	0	1	3	DEU	0
<b>UAV Engines Ltd</b>	1	3	0	0	3	GBR	0
<b>UMTB</b>	1	3	0	0	1	GBR	0
<b>Un ponte per</b>	2	2	0	0	1	ITA	0

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<b>Unilever</b>	1	3	1	1	3	GBR	0
<b>Union des etudiants juifs de France (UEJF)</b>	2	1	0	0	1	FRA	0
<b>Union des patron et professionnels juifs de France (UPJF)</b>	2	1	0	0	1	FRA	0
<b>Union juive francaise pour la paix (UJFP)</b>	3	1	0	0	1	FRA	0
<b>United Civilians for Peace (UCP)</b>	2	2	0	0	1	NDL	1
<b>UN Watch</b>	2	1	0	0	1	OES	0
<b>Veolia Environment Europe Service</b>	1	3	1	1	3	FRA	0
<b>Vlaams Palestina Komitee</b>	3	1	0	0	1	NDL	0
<b>Volvo AB</b>	1	3	1	1	3	SWE	0
<b>Waitrose</b>	1	3	0	0	1	GBR	0
<b>War on Want</b>	3	2	0	1	1	GBR	0
<b>Women's Centre for Legal Aid and Counselling</b>	2	1	0	0	2	ISR	0
<b>WIZO (Women's International Zionist Organisation)</b>	2	1	0	0	3	ISR	1

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<b>World Council of Churches</b>	2	2	0	0	3	OES	1
<b>World Jewish Congress</b>	2	1	1	0	3	USA	1
<b>World Vision International</b>	2	2	1	1	3	USA	1
<b>Zionist Federation of Great Britain and Ireland</b>	2	1	0	0	1	GBR	1

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