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Unintended Consequences of State-building Projects in Contested States: The EU in Palestine

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ABSTRACT

The existing literature on state-building has focused mainly on post-conflict cases and 'conventional' examples of statehood, without taking into consideration the particularities of states that remain internally and/or externally contested. The EU's engagement in Palestinian state-building through the deployment of EUPOL COPPS and EUBAM Rafah has generated various types of unintended consequences: anticipated and unanticipated, positive and negative, desirable and undesirable, some of which fulfill and some of which frustrate the initial intention. These have important reverberations for the EU's conflict resolution strategies in Israel and Palestine, the most important being the strengthening of power imbalances and the enforcement of the status quo.

KEYWORDS

State-building; contested statehood; unintended consequences; EUPOL COPPS; EUBAM Rafah; EU; Palestine

As noted in the introductory article, unintended consequences are particularly likely in the area of security and defence, where the EU has limited agency and has to operate in a complex international environment. This is especially the case when the EU deploys Common Security and Defence Policy (CSDP) missions in areas where statehood is contested. Although the literature on state-building has mainly focused on post-conflict cases and has been preoccupied with 'conventional' examples of statehood, little scholarly attention has been paid to state-building projects carried out in states that remain contested. Moreover, while most of the literature focuses on questions of effectiveness and compliance, issues of unintended consequences of state-building interventions have largely been neglected and side-lined. This is an important gap in our knowledge, therefore studying unintended consequences can help reveal and explain broader dynamics that state-building interventions might have in so-called 'high politics' diplomatic activity and conflict resolution efforts.

This article, by focusing on Palestine, analyses the effect and impact of the operationalisation of two EU-led CSDP missions, namely the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and the European Union Border Assistance Mission at the Rafah Crossing Point (EUBAM Rafah); how contested statehood has affected their operationalisation on the ground; and also how their presence has caused a number of unintended consequences, which have important reverberations for the EU's broader conflict resolution strategies. As such, the aim of this article is twofold. On the one hand, it shifts the focus from conventional to

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contested states. Such a shift is important because most cases of contested statehood in the EU's neighbourhood relate to a conflict where the issue of sovereignty is central and the EU has deployed CSDP missions. On the other hand, it unpacks and analyses the unintended consequences of the EU's involvement through CSDP missions, which can significantly affect the EU's role in the broader field of conflict resolution. This aspect has long been neglected in the literature which has primarily focused on issues of 'effectiveness', thus failing to explain processes closely linked to unintended consequences that might account for success or failure.

The article is divided as follows. The first section explores the EU's role as a state-builder, while the second section offers insights from the debate on contested statehood. The third section analyses the EU's role in Palestinian state-building and the fourth focuses on the two CSDP missions that the EU has deployed in Palestine. This is followed by an analysis of the unintended consequences of the operationalisation of these missions on the ground.

The analysis largely draws on Burlyuk's (2017) proposed classification of unintended consequences, as well as the Introduction to this Special Issue, and examines the nature of unintended consequences (the 'what' dimension), the reasons behind their occurrence (the 'why' dimension), and the ways in which the EU responds to them (the 'how' dimension). In other words, the article engages with the three main guiding questions of this Special Issue in the case of CSDP. Material collected through semi-structured interviews with EU, Palestinian and Israeli officials and personal observations throughout the last eight years with regard to specific aspects of the operationalisation of the two missions on the ground also complements the analysis. This first-hand material is supplemented by other primary and secondary sources, such as policy documents and official declarations, as well as literature on peace and state-building, the EU and conflict resolution and CSDP missions. The central argument put forward is that one of the unintended consequences of the EU's involvement in cases of contested statehood is that it can strengthen the existing power imbalances between conflicting parties, therefore enforcing the status quo.

The EU's role as a state-builder

During the 1990s, several peacebuilding missions were launched by the United Nations (UN) and "post-conflict peacebuilding developed into something of a growth industry" (Paris 2004, 3). Over the years, the argument that peacebuilding should pay more attention to state-building goals has gained more prominence. A number of academics started focusing on the problem of weak governance and inadequate state institutions. Fukuyama for example, argued that "weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbours" (Fukuyama 2005, 125). Fearon and Laitin (2004, 7) characterised state-building efforts led by the international community as "practically inevitable" and Krasner focused on the importance of building effective institutions as a basis of economic well-being, respect for human rights and physical security of countries' populations (Krasner 2004, 90).

Most of this literature on peace- and state-building has focused mainly on the dilemmas of these projects including, for example, the domestic and international contexts, the role of

spoilers, security, political economy, institutional design, constitution making and electoral processes (Paris and Sisk 2009). While it has dealt with different case studies around the world, it has been limited to either engaging with the aforementioned dilemmas or criticising the nature (and application) of the liberal peacebuilding model. Even in cases where the nature of the state being built is taken into consideration, this is done as a way to explain the outcomes of peacebuilding rather than to show how the contestation of a state (internal or external) affects the state-building project (see, for example, Barnett and Zürcher 2009; Lemay-Hébert 2013). This very important aspect has been neglected by the literature, but it is of primary importance because contestation can have direct unintended (anticipated and unanticipated) consequences with regard to the external actors involved in processes of state-building – and it can also exacerbate the conflict.

In parallel to the evolution of this literature and the UN's engagement in peace- and state-building projects around the world, the relaunch of European integration after Maastricht placed the EU at the centre of academic debate on peace and state-building. Academics such as Trauner (2009) and Grabbe (2006) argued that the EU can be considered the state-building institution *par excellence*; in 2012, the EU was awarded the Nobel Peace Prize for its contribution to the advancement of peace. Throughout the years, literature on the EU as an international actor has flourished, starting with Christopher Hill's seminal article, "The Capability-Expectations Gap, or Conceptualizing Europe's International Role" (1993). A strand of this literature has focused on the EU's engagement with its 'near abroad' by deploying concepts such as *actorness* (Bretherton and Vogler 1999), *external governance* (Lavenex 2004, 2008) and *Europeanization* (Radaelli 2000; Featherstone and Radaelli 2003; Schimmelfennig and Sedelmeier 2004).

At the same time, the EU's own emergence as a peace project and its liberal peacebuilding framework have also been subject to considerable scholarly interest (Tocci 2008; Blockmans *et al.* 2010; Richmond *et al.* 2011). Most of this discussion has gone hand-in-hand with the development of the literature on the EU and conflict resolution (Noutcheva *et al.* 2004; Tocci 2007; Diez *et al.* 2008; Whitman and Wolff 2012). The European Security Strategy (ESS) of 2003 clearly stated that "spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order" (Council of the European Union 2003, 10). The recent EU Global Strategy (EUGS) argues that "[p]eace and security, prosperity, democracy and a rules-based global order are the vital interests underpinning our external action" (EUGS 2016, 13) and "the EU will engage in a practical and principled way in peacebuilding, concentrating our efforts in surrounding regions to the east and south (8).

The EU's strong belief that "the reinforcement of the rule of law and respect for human rights is an indispensable element in peacebuilding" (European Commission 2005) has translated into a wide range of CSDP missions. In the words of the EUGS:

> The CSDP could assist further and complement UN peacekeeping through bridging, stabilisation or other operations. The EU will also enhance synergy with UN peacebuilding efforts, through greater coordination in the planning, evolution and withdrawal of CSDP capacity-building missions in fragile settings (EUGS 2016, 40).

Due to the fact that these CSDP missions are predominantly deployed in conflict-ridden areas, the literature has mainly focused on either evaluating their operational

effectiveness (i.e. Grevi *et al.* 2009; Emerson and Gross 2007) or analysing them as part of the EU's conflict resolution policies (i.e. Whitman and Wolff 2012). Little attention has been paid so far to the problem of unintended consequences that occur from their operationalisation on the ground.

The issue of unintended consequences should be distinguished from policy failures and from the notion of 'wrong policies'. In the words of Boudon (1982, 6), unintended consequences differ from a 'failure to achieve intended consequences', since 'successful' actions might also have unintended implications. Although a nascent bibliography has developed in the last few years on the question of unintended consequences of international state-building or international security assistance (Daase and Friesendorf 2010; Schneckener 2010; Schroeder 2010), the issue of unintended consequences of EU-led state-building projects and/or civilian missions has largely been left on the margins of discussions of the EU's effectiveness as a conflict resolution player. This is also linked to a more general approach of the literature on EU external relations, which has mainly focused on assessing the EU's external performance and impact abroad (e. g. Sasse 2008; Schimmelfennig 2010; Börzel 2011).

Trying to overcome these limitations and move the debate on the EU's external action forward, Burlyuk (2017) recently developed an analytical framework, which sets out a classification of unintended consequences. Based on different modes of knowledgeability, she argues that an unintended consequence can be unanticipated, but it can also be anticipated but not expected, or anticipated and expected. As such, we can speak about unanticipated, unexpected and expected unintended consequences (Burlyuk 2017, 1012). This is one of the nine dimensions of the 'what' question, which also includes the relationship to the initial intention relevant to the analysis in this article. In a second step, Burlyuk explores the 'why' dimension of unintended consequences. Is it due to ignorance, incorrect assumptions, a willingness to ignore unintended consequences because of an expectation that they will ultimately bring additional, overriding benefits? Or is it due to a lack of concern or lack of willingness to take risks, or indifference to future harm or contextual change?

This article engages with both the 'what' and 'why' dimensions of Burlyuk's framework, but it adds one more dimension, namely the 'how' dimension, which is equally important, as acknowledged in this Special Issue. The 'how' dimension of investigating unintended consequences is two-pronged. On the one hand, the question is whether EU policies trigger unintended consequences (whether anticipated or unanticipated) or whether unintended consequences of earlier EU policies trigger new/adapted EU policies? On the other hand, how do these unintended consequences themselves affect the EU's response? These questions are closely linked to the idea of approaching unintended consequences as a process (see Introduction to this Special Issue).

More specifically, this article explores three questions with regard to the EU's role as a state-builder through the deployment of CSDP missions in Palestine: a) *What* are the types of unintended consequences of the deployment of these mission on the ground? b) *Why* do unintended consequences occur through their operationalisation? and c) *How* does the EU respond to them and how do they affect the EU's role in the conflict?

Two case studies have been chosen with these questions in mind, namely, the CSDP missions that the EU deployed in the context of a broader state-building effort as part of the EU's conflict resolution policies in the Israeli-Palestinian conflict: EUBAM Rafah and EUPOL COPPS. Despite the fact that both are civilian missions without executive

mandates (meaning that they are of an advisory/technical nature and cannot execute policies themselves), their operationalisation on the ground has produced a number of unintended consequences not only operationally, but most importantly with regard to the realities of the contested statehood in Palestine and the status quo of the conflict. The unravelling of those unintended consequences is crucial as it moves both conceptual and empirical insights away from issues of operational effectiveness and helps us understand the micro-politics of the everyday operationalisation of these missions on the ground and how they affect broader conflict dynamics.

Enter contested statehood

The issue of unintended consequences of CSDP missions becomes even more complicated if we consider that most of them are deployed not only in areas where conflict persists but also in cases of contested statehood. According to the definition offered by Papadimitriou and Petrov (2012, 749), contested statehood is a state of affairs where one or more of the following characteristics holds true: a) an internationally recognised state authority (as expressed by full membership of the UN) cannot maintain effective control over its respective territory (or parts thereof), either as a result of an ongoing conflict or its profound disconnection with the local population; b) the de facto governing authority of a contested territory has declared independence, but it does not command full diplomatic recognition by the international community as expressed by full membership of the UN; c) the capacity of an internationally recognised or a de facto government to exercise authority is severely compromised due to the weakness of its state apparatus, either because of poor resources or complications in the constitutional arrangement underpinning its operation.

As mentioned above, the issue of contested statehood and its implications (and consequences – intended or unintended) for EU engagement has remained under-researched. Some scholars have focused on so-called "engagement without recognition" (Cooley and Mitchell 2010; Caspersen 2015; Ker-Lindsay 2015; Ker-Lindsay and Berg 2018). EU studies scholars have focused on the impact of integration and association (Coppieters *et al.* 2004; Diez *et al.* 2008), how domestic actors of contested states understand the EU (Vahl and Emerson 2004, Popescu 2007) and how their representatives interact with it (Bouris and Fernandez Molina 2018), diplomatic issues (Papadimitriou and Petrov 2012), and the EU's state-building efforts but without taking into account the specific parameter of contested statehood (Bieber 2011; Börzel 2011; Bouris 2014). Only a recent article by Bouris and Kyris (2017) analyses how the different parameters of contested statehood mediate the EU's impact on contested states, and even that article is not explicitly about CSDP missions and/or unintended consequences. This gap is what this article addresses by offering an analysis of the operationalisation of the two CSDP missions in Palestine in response to the above three research questions.

Even though most CSDP missions deployed in the EU's neighbourhood are civilian, lack executive mandates, and only have an advisory role, their operationalisation on the ground can potentially cause several unintended consequences. The most important of these is the risk of contributing to the entrenchment of the status quo instead of acting as conflict mediation/resolution tools. This risk is inherent in the security first approach

of state-building projects, which emphasises stability over a genuine reform-oriented process.

The EU and state-building in Palestine

The reasons for Palestine's contested statehood can be traced back to the collapse of the Ottoman Empire, the British mandate and the subsequent British withdrawal from these territories. With Resolution 181 in 1947, the UN decided upon the division of Palestine into two states, an Arab and a Jewish one, and the internationalisation of Jerusalem. In the aftermath of the 1967 War, Israel occupied the West Bank (including East Jerusalem), Gaza, and the Golan Heights. On 15 November 1988, Yasser Arafat, President of the Palestinian Liberation Organisation (PLO), proclaimed the state of Palestine based on UN Resolution 181. In 2012, the UN decided to 'upgrade' Palestine from 'non-member observer entity' to 'non-member observer state' with a majority of 138 states voting in favour. The 'upgrade' reconfirmed that Palestinians enjoy a certain degree of what Geldenhuys (2009) has called 'titular' recognition, that is, recognition of their *right* to statehood.

The first phase of the state-building project in Palestine started after the signing of the Oslo Accords in 1993. Through a series of international agreements (Oslo I and II), Palestine acquired a quasi-police force whose main problem is well put by Lia:

> From a legal and political viewpoint, the Palestinian Police was a far cry from a national police force in an independent state. Its greatest anomaly was the fact that it was established not primarily to provide security and render services for the people among whom its members were recruited and on whose territory it exercised control but to ensure improved security for a foreign state and its citizens (Lia 2006, 269).

In 1995, under the Interim Agreement on the West Bank and the Gaza Strip (commonly referred as Oslo II) the West Bank and Gaza Strip were divided into three areas; A, B and C. It was only in Area A, amounting to 17.7 percent of the West Bank, that the Palestinian Authority (PA) was given full administrative and security control. In Area B, which makes up 21.3 percent of the West Bank, the PA was given only civil control, while Israel would maintain security control. In Area C, Israel would retain full responsibility and control in all aspects. It should be noted that Area C represents almost 61 percent of the total area of the West Bank. Hebron was split into two security zones, H1 and H2; Palestinian police control the H1 area, which is smaller, and Israel remains in control of area H2. Finally, Gaza was split into Yellow and White areas (Turner 2013, 340).

The division of the West Bank into "administrative parcels" (Turner 2013, 340) created "extreme territorial fragmentation, sometimes sarcastically described as Swiss cheese: Israel kept the cheese and left the holes for the Palestinians" (Lia 2006, 283). The division also entrenched the realities of contested statehood in Palestine. Furthermore, although Israel transferred some powers under Oslo II to the recently established Palestinian Police Force (PPF), the main limitation to the latter's jurisdiction (and to that of the PA as a whole) was recognition of the Israeli military government throughout the Palestinian Territories.

To this end, the PA was given the task of controlling a number of population centres, albeit non-contiguous ones. Israel remained the final arbiter of Palestinian life through

its control of all internal and external borders, meaning all entry/exit points into/out of Palestinian areas (Le More 2005, 30-31). Within this "matrix of control" (Halper 2011), Israel's practices of annexing land and creating new borders has continued unrelentingly, directly affecting international and EU state-building efforts.

Yet, the realities of contested statehood and weak state structures and authority provided the EU with state-building opportunities (Bouris and Kyris 2017, 763). The EU soon became the biggest donor to Palestinian state-building, providing over half the funding needed for development and a third of total donor funding for police costs in the period 1994-95 (Lia 2007, 147). At the same time, the EU's involvement left an important precedent and had an unintended consequence. Through its engagement in the state-building project in the Palestinian Territories in general and Security Sector Reform (SSR) in particular, the EU accepted and enforced specific practices or lines of action on which the parties agreed (Bouris and İşleyen 2018). In practice, though, these essentially translated into Israel deciding what kind/form of contribution the EU was 'permitted' to offer with regard to cooperation with the PA in security matters, as well as how and where this would be operationalised (Bouris 2015, 31).

EU-led state-building in Palestine after the Second Intifada

Most of the security infrastructure built during the Oslo years was destroyed by Israel between 2000 and 2002 (Friedrich and Luethold 2007, 19). In 2002, the EU Danish Presidency was instrumental in drafting a 'Roadmap', which would form the basis for renewed Israeli-Palestinian negotiations towards a two-state solution and was later endorsed by the so-called Middle East Quartet.[1] The Roadmap was based on a gradualist approach and divided into three phases; the first envisioned an 'unconditional cessation of violence' (Quartet 2003, 2) by the Palestinian side, the normalising of Palestinian life, as well as the building of Palestinian institutions. SSR gained special attention as it was considered one of the main areas that would both improve Palestinian life and respond to Israel's demands for security (Bouris 2012).

The EU became actively involved in SSR in the Palestinian Territories (Bouris 2012; 2014; Persson 2015; 2018) by deploying two civilian missions: the first, a border assistance mission named EUBAM Rafah and, the second, a police and rule of law mission named EUPOL COPPS which aims at supporting the PA in establishing effective policing arrangements.

EUBAM Rafah

After its unilateral disengagement plan from Gaza completed in September 2005, Israel signed the Agreement on Movement and Access (AMA) with the PA. According to the agreement, Israel would waive its control over Gaza, for the first time since the 1967 war, and all responsibility for the Rafah crossing would be transferred to Egypt and the PA under the observation of a third party. After the US declined, it was decided that the EU would assume the third party role. "Nobody was really satisfied but we didn't have another option so we thought it would be good to give Europeans a role to play", said

[1]The Quartet on the Middle East was established in June 2002 and is comprised of the US, the UN, the EU and Russia.

one Israeli official (Israeli Ministry of Foreign Affairs 2010). The EU agreed to take on the task as it had been trying for years to play a more active role on the ground in the Middle East Peace Process and this was the first time that Israel accepted such a role. The aim was, on the one hand, to win the trust of Israel and, on the other hand, to convince Israel to cede more control with regard to border crossings to the Palestinians (see below).

EUBAM Rafah began operations on 30 November 2005 and sought to "reconcile Israel's security concerns with both the Palestinian demands for an autonomous border management and the requirements of Gaza's economic recovery – which presupposes open borders" (Del Sarto 2007, 70). The mission initially had a one-year mandate, which has been extended to date (Council of the European Union 2005a). Its main aims are to assist the PA in building capacity/training on border management and customs; evaluate and assess the PA's application of the procedures; contribute to building confidence between the parties and institutional capacity in the PA; ensure effective border control; and contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects of border management at Rafah. In the absence of an executive mandate, Palestinian security and customs officials do the actual work at the crossing supervised/mentored by EUBAM Rafah's staff.

Although supervising the Rafah border crossing was "neither a high-profile nor a particularly glorious task … the EU mission [was] nonetheless politically relevant" (Del Sarto 2007, 71) and was significant for EU-Israeli relations and the EU's role in the conflict. "It was extraordinary that [Israeli Prime Minister] Sharon who was cynical towards the Europeans and had no faith in negotiations with Palestinians accepted an EU presence", stated an Israeli official (Israeli Official 2013). The mission was rather successful until the Hamas takeover of Gaza on 13 June 2007.[2] Following this, EUBAM Rafah was temporarily suspended at the Rafah Crossing Point because Israel blocked access to EU observers following the abduction of Corporal Gilad Shalit by Palestinian militants (Sayigh 2007, 11). However, it is still in the region with the operational capacity to be deployed on short notice (EUBAM Rafah 2016). The total personnel of the mission was reduced substantially to four EU staff and eight locals as of January 2017 (Bouris and Dobrescu 2018, 260).

EUPOL COPPS

EUPOL COPPS is the second civilian mission deployed by the EU. It is a police and rule of law mission established with the aim of assisting and facilitating the implementation of the Roadmap, more specifically helping the PA improve its ability to take responsibility for law and order and, above all, improve its capacity in civil police and law enforcement (Council of the European Union 2005b). The mission was deployed soon after EUBAM Rafah and initiated its work on 1 January 2006.

The mission consists of five sections, namely: the police advisor section, programme coordination section, rule of law section (from 2008), administration section, and gender section. The mission's three main tasks are to mentor and advise the Palestinian Civil Police (PCP), coordinate and facilitate EU member states' financial

[2]According to statistics, during the 18 months that the EUBAM was present, a total of 443,975 people crossed through the Rafah Crossing Point (EUBAM Rafah 2016).

assistance to the PCP, and give advice on politically related Criminal Justice elements (Council of the European Union 2005b). As evident from the main tasks of the mission, and like EUBAM Rafah, EUPOL COPPS does not have an executive mandate. Since its establishment in 2006, EUPOL COPPS has gradually expanded its total number of staff as well as its activities. While in the beginning the mission was composed of 48 officials and was supposed to last for three years, it has now been expanded to 112 officials and its mandate extended to June 2019.

The mission faced a number of operational challenges in the beginning, as its deployment took place just a few weeks before Hamas' victory in the Palestinian elections on 25 January 2006. The EU's boycott of the Hamas-led government meant that the European police mission could not cooperate with the Hamas-led Interior Ministry (Asseburg 2010, 78). "We were on standby for that time until the emergence of the Salam Fayyad government", explained José Vericat, former EUPOL COPPS press and public information officer (Vericat 2011). Fayyad was appointed Prime Minister in June 2007 and two years later his government came out with a plan entitled 'Palestine – Ending the Occupation, Establishing the State' (Palestinian National Authority 2009), which focused on the paramount importance of security.

In fact, security has been "the flagship of Fayyad's state-building project" (European Union member state official 2013). As argued by a Palestinian Civil Police official, "without security we will never manage to get our own state" (Palestinian Civil Police official 2013). It should be noted that EUPOL COPPS has played an instrumental role in working together with the PCP and has contributed to improving the situation on the ground,[3] although this still remains far from ideal and numerous researchers argue that authoritarian policing has become entrenched at the expense of the Palestinian population and "local ownership" (Mustafa 2015; Tartir and Ejdus 2018; Müller and Zahda 2018; Tartir 2018).

Unintended consequences of the operationalisation of the missions: the what, why and how dimensions

The aim of this section is to provide a comparative analysis of the most important unintended consequences stemming from the operationalisation on the ground of EUBAM Rafah and EUPOL COPPS. The analysis draws on first-hand observations through fieldwork in the last eight years, as well as discussions with people involved in the political aspects, decision-making and implementation of these missions. The analysis focuses mainly on the unintended consequences impacting the EU's role in the conflict and those linked to the situation of contested statehood, rather than the unintended consequences for local citizens or police officers (for such a discussion, see Tartir and Ejdus 2018; Müller and Zahda 2018). To this end, various types of unintended consequences have been observed: anticipated and unanticipated, positive and negative, desirable and undesirable, some which fulfil and some which frustrate the initial intention.

[3]In 2008, for example, due to improvement in the security domain, Israel decided to permit the opening of 20 police stations in Area B where the PCP had not been present since 2001.

Starting with the 'what' dimension, EUBAM Rafah managed to transform Israeli perceptions positively towards an active EU role on the ground (at least in the beginning). Although the mission has now been inactive for eleven years, it had a number of implications with regard to the EU-Israeli-Palestinian triangle. EUBAM Rafah dealt specifically with border control, which is one of the final status issues, and it was the first time that the EU was so actively involved in important security matters in the conflict (Persson 2013, 165). As such, its deployment had positive implications with regard to the EU's role in the Israeli-Palestinian conflict.

The intended consequence behind EUBAM Rafah's deployment was the hope that it could be used as an example in the future for similar border crossing point arrangements, to boost the EU's active involvement in providing training assistance to the Palestinians, thus diffusing some EU norms, practices and rules, while at the same time addressing Israeli security concerns. As a Palestinian official stated: "We hoped that EUBAM Rafah would serve as a precedent that could counter the Israeli argument that third parties are not effective when it comes to security" (Palestinian Official 2013).

The way the mission operated, though, set an important precedent that was unintended, but anticipated by the EU due to the nature of the AMA: although the Rafah crossing point should have been a bilateral Egypt-PA issue, it was clear from the signing of the AMA that Israel would have the final say (as it would still control the crossing points from/to Gaza) and Palestinians would have to cooperate with it. As such, and moving to the 'why' dimension, EU policymakers in charge of designing and implementing the mission showed a willingness to ignore this anticipated, but unintended consequence in the hope that it would bring additional, overriding benefits. It was the contested statehood conditions, however, that had a direct impact on the operationalisation of EUBAM Rafah: the border crossing could not operate unless the European monitors were present, and since the mission's office was in Israel, Israeli authorities could prevent the monitors from reaching the crossing (Ma'an 2009). In other words, Israel had the 'upper hand' on whether the European monitors would be 'permitted' to reach Rafah and, consequently, whether the border crossing would remain open or closed. This was an unanticipated consequence ('what') based on incorrect assumptions or the belief ('why') that this would not happen. This is also linked to the 'how' dimension of the EU's reactions: the EU rather passively accepted this reality on the ground and did not challenge Israel's decisions partly out of pragmatism but also because of its realisation and admission that it would not have been possible to reverse them.

Additionally, the Agreed Principles for the Rafah Crossing (accompanying the AMA) mention that the "use of the Rafah crossing will be restricted to Palestinian ID card holders and others by exception in agreed categories with *prior notification to the Government of Israel* (GoI)" (EUBAM Rafah 2005, emphasis added). The PA also had to "take Israeli concerns into account" and "consult with the GoI and the 3rd party prior to making a decision to prohibit travel or not" (EUBAM Rafah 2005). A Western diplomat interviewed by the International Crisis Group put it bluntly: "We don't have any objective way to measure the success of reform. What that has meant for many of us is that the main criterion of success is Israeli satisfaction. If the Israelis tell us that this is working well, we consider it a success" (International Crisis Group 2010, 16). Instead of the mission being evaluated on specific benchmarks (either operational or political), the evaluation was rather limited to "what the Israelis would say" (16). This

was another unintended and unanticipated consequence ('what'), which was the direct result of ignorance and indifference to future harm ('why').

As for EUPOL COPPS, one of the challenges that the mission has faced over the years is that, as mentioned previously, it does not have an executive mandate. As a result, it is only allowed to be present where the PCP is permitted to operate, which is directly linked to the division of the West Bank into areas A, B and C and thus to the condition of contested statehood in Palestine. Therefore, EUPOL COPPS has been 'handicapped' by the realities of contested statehood and territorial fragmentation, as well as by Israeli policies on the ground. A mission official argued that "[t]he belief was that if progress was made in Area A then the PCP could expand its operations in Areas B and C, but the Israelis seem reluctant to relinquish control" (EUPOL COPPS official 2013).

Although the limitations in movement, access and presence were anticipated ('what'), due to the realities of the Israeli occupation of the Palestinian territories, the political consequences that the operationalisation of the mission on the ground have had were unintended and unanticipated mainly because of ignorance and indifference to future harm ('why'). When faced with the criticism that the mission is enforcing the territorial fragmentation and borders dictated by Israel (both visible and invisible unintended consequences undermine the EU's role), EU policymakers and the EUPOL COPPS' staff tend not to be willing to acknowledge the political reverberations behind this. "We are a technical mission and we are here to deliver technical results", stated a mission official (EUPOL COPPS official 2013).

Thus, the unintended consequences that the deployment of EUPOL COPPS has had with regard to the EU-Israel-Palestinian triangle are similar to those of EUBAM Rafah. Although the mission does not have an executive mandate, "training the police under occupation [still remains] a very ugly business" (European Council Official 2010). Moreover, the mission has to operate in an environment where everything it does has to be approved first by Israel. "Any equipment we bring in has to be approved by the Coordinator of Government Activities in the Territories" (Hass 2011) said Henrik Malmquist, Head of the mission from 2010 to 2012. While this is just part of a broader criticism that blames the Palestinian security forces in general, and the PCP in particular, for complying with Israeli orders and occupation (Tartir and Ejdus 2018, Müller and Zahda 2018), the asymmetry of power is clear. Israel only has to 'inform' the PA when incursions are going to take place in Area A,[4] while the PA has to inform Israel of all its activities in Area A, request permission for all movements outside its area of operation and coordinate all activities in Area B (with the exception of certain areas where the PA has been allowed to open a police station) (International Crisis Group 2010, 22). Consequently, EUPOL COPPS' cooperation with the civil police has contributed, intentionally or unintentionally, to the strengthening of the status quo and has enhanced the territorial and functional borders that Israel established (İşleyen 2017), instead of pushing Israel to permit the PCP to extend its operations in Areas B and C.

[4]Those incursions are commonly referred as 'picnics' by the Israeli security installation (Hass 2011).

Conclusion

By looking at the EU's role in Palestinian state-building, this article has demonstrated, on the one hand, how the conditions of contested statehood in Palestine have affected the operationalisation of both EUPOL COPPS and EUBAM Rafah and, on the other hand, how this operationalisation has had unintended consequences on the ground. Adopting an unintended consequences lens has helped both conceptually and empirically to shed light on a number of aspects that cannot be analysed and explained properly when the analytical focus is limited to issues of effectiveness, as is the case in most of the literature so far. Such a lens allows us to explain processes and broader dynamics that state-building interventions can have with regard to 'high politics' diplomatic activities and conflict resolution efforts. This is even more important when the 'target' is not a sovereign but a contested state.

Analysis in this article also brought to the fore another aspect of unintended consequences: how these can arise because of a change in the external context in which the original policy was conceived, with the continuation nonetheless of the same policy. Since the majority of CSDP missions have been deployed in cases of contested statehood in the EU's neighbourhood, more research is needed to go beyond assessing the effectiveness of the EU's role in conflict resolution and focus on the operationalisation of these missions on the ground and their overall impact, including unintended consequences. The more recent examples of contested statehood in the EU's neighbourhood (Ukraine and Libya) and the deployment of CSDP missions in both of these cases make the need for more research on the unintended consequences of the missions more urgent.

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