



POLICY PAPER

The Complicated Role of the EU on the Israeli- Palestine Issue: Can the EU Do More?



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1. Background

In the last months, the situation in the West-Bank has been critical, with numerous Palestinians being expelled from their houses (Sliwan, Sheikh Jarrah) and Israel's restrictions on the access to the Jerusalem Mosque esplanade during the end of Ramadan (the Dome of the Rock and Al Aqsa Mosque) located next to the Western wall of the Jewish religion.

Hamas issued an ultimatum to Israel, threatening rocket attacks if Israel did not withdraw from al-Aqsa and Sheikh Jarrah. Israel did not, and over 11 days from May 10th, Gaza militants fired over 4,300 rockets at Israel¹, 90 per cent of which were intercepted by Israel's Iron Dome anti-missile system. Twelve people died in Israel, from rocket or other fire. Israel responded with heavy air and artillery strikes to degrade Hamas's capabilities. 242 Palestinians died during the fighting, including 129 civilians, 66 of whom were children².

The current conflict happened in May 2021, at that time Gaza's economy was already suffering from the COVID-19 outbreak³. The Gaza Rapid Damage and Needs Assessment (RDNA) report published on 6 July, estimated Gaza's economy has been reduced and heavily damaged by repeated armed conflicts and the severe restrictions on movement and access of goods and people. For nearly 15 years, Gaza has been under severe restrictions from the Government of Israel.

These restrictions, due to security concerns, make the movement of goods and people extremely difficult, moreover Palestinians have a limited degree of self-rule in parts of the OPT (Occupied Palestinian Territory). The report goes on to say that Israeli authorities have facilitated the settlements of Jewish Israelis in the OPT and granted them a superior status under the law as compared to Palestinians living in the same territory when it comes to civil rights, access to land, and freedom to move, build, and confer residency rights to close relatives. Israel retains primary control over borders, airspace, the movement of people and goods, security, and the registry of the entire population, which in turn dictates such matters as legal status and eligibility to receive identity cards⁴.

This conflict has been going on for a long time and unfortunately it seems not to have an end and we may ask ourselves as Europeans, what is the stance of the EU? Is it possible for the EU to take a more decisive position? The Israeli-Palestine conflict has proved one of most intractable foreign policy issues for the European Union. Europe has poured diplomatic effort and money into the idea of a two-state solution⁵. In this matter, this policy brief elaborates on the EU's possible contribution to preserve the peace between the two states and its diplomacy's response to this situation.

¹ <https://www.bbc.com/news/world-middle-east-57208911>

² <https://www.ochaopt.org/content/escalation-gaza-strip-west-bank-and-israel-flash-update-11-covering-1200-20-may-1200-21-may>

³ <https://www.worldbank.org/en/news/press-release/2020/06/01/palestinian-economy-struggles-as-coronavirus-inflicts-losses>

⁴ <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>
"The Gaza Rapid Damage and Needs Assessment" | June 2021 report published July 6 and conducted by the World Bank Group in partnership with the European Union and the United Nations.

⁵ Check [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0408\(01\)&from=ES](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0408(01)&from=ES)

2. Current State of Play

Despite the EU has supported Palestine with funded programmes⁶ and has defended the two-state principle, Israel is an important ally for the EU and is demanding unequivocal support from Brussels as a fellow democracy, and condemnation of Hamas, which is already listed as a terrorist group⁷.

Palestinians wish that the EU immerses itself in the complexity of the conflict. But the EU's diplomacy treats both parties as equally responsible. Is it possible for the EU to take a more decisive position? We must remember that the EU-Israel Association Agreement, signed in 1995 and took effect in 2000, has a conditionality clause⁸ that it only applies if the parties commit to safeguard democratic values and respect human rights, something that Governments of Israel does not fulfil by occupying the West Bank, East Jerusalem and Gaza since 1967. Several human rights organizations such as Human Rights Watch, B'Tselem, Amnesty International have reported as apartheid what Israel is doing and have denounced war crimes against humanity perpetrated by the Israeli Army in its recurrent military operations against Gaza⁹.

The EU is Israel's principal trading partner with economic exchanges reached almost \$45 billion in 2019 if added imports and exports¹⁰. Also, the EU is a significant source of Israel's arms imports and provides R&D (research and development) subsidies to Israel Aerospace Industries (IAI), the state-owned manufacturer of Israeli 'drones' and other 'battlefield solutions'¹¹. IAI is now a world leader in the booming drone market, producing the *Heron*, *Hunter* and *Ghost*, among many others¹². Since Israel joined the European Research Area, IAI has landed at least 69 EU research grants¹³. Because the European Commission is ostensibly prohibited from funding military R&D, most of these grants have come from the transport and aerospace budgets, where military and defence contractors play a leading role in developing new materials for aircraft and more efficient engines as part of the EU's "clean skies" programme¹⁴. The EU has also ploughed money into unmanned serial vehicles (UAVs/drones)¹⁵.

EU member-states have become increasingly divided over the Palestine-Israel issue. France, Poland and Sweden, issued statements emphasising both sides' responsibility to restore peace. Representatives of other countries, including Germany and the Netherlands, have denounced the rocket attacks by Hamas but refrained from critical comments about Israel's actions.

The division has paralysed the EU's Foreign Affairs Council, which takes foreign policy decisions by unanimity. The High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, did not find unanimity among the 27 member states to unify a response. Borrell

⁶ https://eeas.europa.eu/diplomatic-network/middle-east-peace-process/337/middle-east-peace-process_en

⁷ Judgment of the General Court (Sixth Chamber, Extended Composition), 16 October 2014 (Appeal Case before the Court of Justice C-599/14 P).

⁸ To be applied in the event of an applicant country's breaching the principles of democracy and human rights.

⁹ <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

¹⁰ <https://www.politicaexterior.com/agenda-exterior-la-ue-y-oriente-proximo/>

¹¹ <https://www.tni.org/es/node/13511>

¹² <http://www.youtube.com/watch?v=YyjYc0HZFkM>

¹³ https://ec.europa.eu/info/research-and-innovation/strategy/strategy-2020-2024/europe-world/international-cooperation/israel_en

¹⁴ <https://www.greenprophet.com/2009/06/israel-iai-clean-sky/>

¹⁵ https://www.europarl.europa.eu/doceo/document/E-9-2020-000833_EN.html

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was forced to issue a high-profile statement - rather than an appeal from the EU as a whole - in favor of a ceasefire to conclude the Foreign Affairs Council session on 19 May 2021¹⁶.

In line with it, Olof Skoog, Head of the European Union Delegation to the United Nations, backed a statement on behalf of the European Union supporting Israel's right to defense itself in a proportionate manner and demanding an immediate ceasefire. It was also reiterated the EU's commitment to achieving a two-state solution and resolves all permanent status issues in order to end the conflict¹⁷.

Furthermore, the European Commission President, Ursula von der Leyen, urged Israel and Hamas to find a political solution to end the conflict¹⁸. Charles Michel, the European Council President, expressed concerns over the upsurge of violence and called for de-escalation¹⁹.

Last but not least, Josep Borrell has affirmed that the EU's position is very weak: "Realistically, we do not have the capacity to mediate. That can only be done by the US, assuming it wanted to"²⁰. However, one can argue that the EU has sufficient mechanisms to review its Israeli policy towards the occupied Palestinian territories, although it has so far refused to use them.

3. Future Prospects

The EU must have a long-term perspective and see how it should respond to this situation. The EU foreign policy cannot function if the veto of a single country can stop an initiative of the other 26 states. As HR Borrell indicated, at the Foreign Affairs Council the mission is to help create a common foreign and security policy. It is a mandate of the treaty that says that all member states will contribute loyally and positively to the definition of a common foreign policy. Also, the EU treaties need to update its approaches and clauses related to foreign policy. Moreover, a more assertive European position needs to be build rapidl. the European External Action Service is a consensus builder among the 27 Member States, rather than an implementer of foreign policy, this tends to reduce the EU's foreign policy to the provision of aid, the terms and conditions of which suffer, in turn, from a lack of medium and long-term political strategy.

On other hand, the EU can make clear that the annexation of Palestinian territories and the systematic violation of human rights has a price in economic terms. The EU could change the rules of its research programme which could prevent the funding of research with potential military spin-offs. This could try to stop the escalation of the war in Gaza and prevent the Israeli offensive on the Palestinian strip.

The EU could also successfully leverage its arms export control regime as a deterrent foreign policy tool. To do this, Member States definitely must also show political courage and agree to update the relevant legal framework.

¹⁶ https://eeas.europa.eu/headquarters/headquarters-homepage/98062/israelpalestine-statement-spokesperson-rise-tensions-and-violence_en

¹⁷ Check EU Statement – United Nations Security Council: “The situation in the Middle East, including the Palestinian question”

https://eeas.europa.eu/delegations/un-new-york/98511/eu-statement-%E2%80%93-93-united-nations-security-council-%E2%80%93-9C-situation-middle-east-including-palestinian_en

¹⁸ <https://webcache.googleusercontent.com/vonderleyen/status/1395618690050187264>

¹⁹ <https://www.aa.com.tr/en/europe/eu-top-official-speaks-with-israeli-president-amid-tensions/2238915>

²⁰ Check the interview with Charles Powell, director of the Elcano Institute:

http://www.realinstitutoelcano.org/wps/portal/rielcano_es/actividad?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/calendario/actividades/conversacion-con-josep-borrell

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