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Greens/EFA group opposes any Israeli annexation and reaffirms the need for a two-state solution

Position paper

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1.

Over many years, the peace process between Israel and the Palestinians has come to a standstill. This is due to the ongoing Israeli occupation, serious shortcomings on the side of the Palestinian leadership but also the attitudes of the international community and in particular the US, the EU and the Arab League. Developments on the ground have seen growth of Israeli settlements in the West Bank continuing unabated. Those are major impediments to the peace process. Facts have been created, that have made it ever more difficult to chart a course towards a peaceful two-state solution with an independent, sovereign and contiguous Palestinian state living side by side with Israel. Under Prime Minister Netanyahu, there has been an unprecedented expansion of settlements and outposts and demolition of Palestinian homes in the West Bank. There are currently around 700.000 settlers in 235 settlement blocks. The Knesset has adopted a steadily increasing number of laws that have eroded the legal distinction between Israel and the West Bank to the extent that the Israeli NGO Breaking the Silence comes to the conclusion, that there is “a one state reality with one discriminatory regime” vis-a-vis the Palestinians in the West Bank.

This situation has been exacerbated, since as part of President Trump’s “US Middle East Plan” annexation policies for the West Bank have been included in the coalition agreement of the new Israeli government. Prime Minister Netanyahu is allowed to initiate legislation to “apply [Israeli] sovereignty” to parts of occupied Palestinian territories, starting 1st July 2020. The coalition deal specifies that annexation plans may be put forward by the Prime Minister via the cabinet or the Knesset, without veto power for coalition partners, and may not be delayed in the Knesset. Such annexation could involve up to 30% of West Bank territory including Israeli settlements and the Jordan valley, potentially leaving a fragmented territory of enclaves.

2.

Annexation (de facto and de jure) is strictly prohibited under international law and constitutes a violation of the UN Charter and the Geneva Conventions. The forceful acquisition of territory was declared

inadmissible by a number of UNSC resolutions. There is a legal obligation for third parties to refrain from acts that may serve to recognise the unlawful situation resulting from annexation and a positive obligation to cooperate with other states to seek through lawful means the end of such an unlawful situation.

With rare exceptions the international community has been overwhelmingly united in calling on Israel not to proceed with annexation. The four current EU members of the UN Security Council have spoken against annexation. While Austria and Hungary have blocked a common EU-level statement (the Austrian government nevertheless condemned possible annexation), HR/VP Borrell has warned that annexation would be a serious violation of international law and that the EU would not let that passed unchallenged. Arab States, including states openly or discreetly cooperating with Israel like Jordan, Egypt and the UAE, have pressed Israel not to proceed, warning of the risk of major destabilisation in the region.

3.

If West Bank annexation was realised, the legal consequences for affected Palestinians will likely worsen. We fear that they might formally become Israeli subjects without being offered full citizenship rights. They might be exposed to house demolitions, expulsions, or other acts of legal discrimination. The expansion of settlements in annexed areas would be more than probable. Others still living in the non-annexed part would encounter a deterioration of their livelihoods in terms of freedom of movement, ownership, access to land and to natural resources. In case of the collapse or the dissolving of the Palestinian Authority, it is very unclear how Israel would deal with the obligation of directly administering the occupied territories. Such a development could very probably result in the worsening of the security situation.

4.

Realisation of the annexation plans might irreversibly undermine a future two-state solution with borders following the pre-war 1967 status quo (with possible changes mutually agreed as part of a final resolution to the conflict). This two-state solution has long been the central objective of international conflict resolution efforts, consistently advocated also by the EU. This focus has been based on the assumption that it would be the most effective, if not the only viable solution to ensure the realisation of the right to self-determination of the Palestinian people and sustainable peace and security for all. Fatah and the Palestinian Authority endorsed the two-state solution since the 1980s. Under the 1993 Oslo Accord, Israelis and Palestinians agreed on a plan to implement the two-state solution in a staged process over 5 years. The Arab Peace Initiative of 2002 endorsed the two-state solution and offered the normalisation of relations between the Arab States and Israel in exchange for the full withdrawal by Israel from the occupied territories and a just settlement of the refugee issue. Prime Minister Netanyahu has made it well understood, that he does not want a two-state solution. The annexation policy could be the tool to indeed make the two-state solution impossible.

5.

The EU and Israel enjoy institutionally close and comprehensive relations. The EU has consistently supported Israel´s right of existence in secure borders. The EU is Israel's main trading partner (1/3 of Israel's trade; the EU imports from Israel around €15 billion worth of goods and services; the EU imports 15 times more goods from Israeli settlements (without preferential tariffs) than from Palestinians in the same territory). Over the past 10 years, the EU and Israel have signed seven new agreements on trade, agriculture, aviation, research, culture, cross border cooperation and police cooperation. The EU-funded Horizon 2020 is Israel's 2nd largest public source of funding for research and Israel has been a net recipient of EUR 140 million in 2013-2020. The EU financing agency, the European Investment Fund, supports Israeli technology SMEs through loan guarantee schemes worth EUR 600 million in 2019. Israel

benefits from a quarter of the Erasmus+ funds for the Southern Mediterranean region.

The EU´s Israel policy in the context of the peace process has been often marked by deep internal divisions. As common decisions require unanimity among the 27 member states, the EU has often been blocked by disagreements. On the other hand, the Commission and the External Action Service do have some leeway on the basis of agreed Foreign Affairs Council decisions and EU legislation. This includes for example the strict application of the legal obligation to implement the policy of differentiation between Israel and annexed/occupied territories currently still far from effectively enforced. Of course, there is also scope for action by individual Member States, particularly if coordinated among a group of like-minded capitals. But the possibility for the EU to be a credible player on the ground depends on the capacity of building a united position.

6.

The Greens/EFA group opposes any Israeli annexation of Palestinian territory. We do share the message of the letter initiated by Avraham Burg, the former speaker of the Israeli Knesset, opposing annexation and advocating an “adequate” response in case it still went ahead. If Israel decided to act on annexation, the EU would have to show the will and the ability to give a response commensurate with the relevancy of the issue, in keeping with its own foreign policy principles and with an effort to enhance the impact of our policy by acting united.

Our principles as Greens in dealing with the issue are based on our commitment to international law and to a viable two-state solution, including the realisation of Palestinian independence aspirations, the security of Israel and Palestine, as well as justice, human rights, peace and security for the whole region. European historical responsibility entails Israel as home of the Jews guaranteeing equal rights to all its citizens as well as respect for rights of all people in the region – Jews and Arabs alike. We want a peaceful solution based on bilateral agreement with international guarantees, recognizing self-determination of people, both the Jewish people and the Palestinian people as well as peaceful coexistence. We reject any policy advocating double standards, or discrimination. We advocate decisive and united action to restrain any illegal steps.

As the prolongation of the status quo is not an option, all political and diplomatic means should be used to bring the two-state solution back on track. In case of annexation we would advocate the following policies. The EU should:

- Show a strong public and diplomatic response, outlining measures to be taken at EU level; promote accountability by supporting/initiating a robust UNSC resolution.
- Reflect EU strategies and policies to renew efforts towards the two-state solution including a coordinated member states strategy of recognition of Palestinian Statehood.
- Consider targeted EU measures against Israeli individuals leading the planning and implementing of annexation and settlement expansion in the West Bank.
- Freeze new initiatives of enhancing EU-Israel relations.
- Take up a comprehensive review, spearheaded by the HR/VP, of EU relations with Israel and an assessment of the legal and policy implications of annexation, including as regards article 2 of the EU-Israel Association Agreement.
- Undertake a review of EU-Israel trade: adopt an effective and faithfully implemented differentiation policy that distinguishes between Israel proper and the annexed and occupied territories, in line with UNSC resolution 2334 and EU policy; also prevent EU-based operators from doing business with and in illegal settlements in the annexed territories; adopt an EU-level business advisory notice in relation to trade with Israel.
- Ensure that the EU bilateral assistance to Israel including existing programmes (H2020, Twinning and CBC) and other EU-funded programmes (European Investment Fund; EIB; EBRD) complies with international and EU law.

- Defend the ICC and insist that the EU continues to support its work in investigating potential violations of the Rome Statute.
- Strengthen EU assistance to Israeli civil society, notably to those advocating for equal rights and documenting human rights violations; enhance EU assistance to Palestinian rights and livelihoods in Israel, in the annexed territories and in the isolated enclaves.

We are fully aware that a peaceful solution of the long standing conflict between Israel and the Palestinians requires more than a reversal of the settlement policies and the prevention of Israeli annexations. It also requires positive steps on the Palestinian side but there is no justification for continued flagrant violations of international law and human rights by Israel. If annexation moves forward now, the conflict might be cemented for many generations.

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