

**Mme Roberta Metsola, President of the European Parliament,
Mr António Costa, President of the European Council,
Mme Ursula Von Der Leyen, President of the European Commission,
Mme Kaja Kallas, High Representative/ Vice President**

Brussels, 4th February 2025

Subject: Memorandum and call for action

Dear President Metsola, President Costa, President von der Leyen, HR/VP Kallas,

We, a group of staff across the European Union institutions, wish to congratulate you on the occasion of your (re)nomination as heads of, respectively, the European Parliament, the European Council, the European Commission and the European External Action Service.

We are conscious that we are living in a very difficult moment in history and that your mandate ahead will be full of obstacles. Like the majority of the European citizens, we are particularly concerned by the winds of war flying over Europe and its neighbours. **Conflicts are proliferating, democracy and human rights are regressing, and the rules-based order which Europe has promoted and protected for so many years is ever more contested.** The unchallenged statements by President Trump, several heads of state, social media tycoons and opinion makers indicate that democratic societies are increasingly turning to authoritarianism, demonstrated by a lack of restraint, dismissal of diplomacy and denial of multilateralism.

In this context, we are putting our hopes in your ability and will to successfully navigate these tormented waters and lead the Union and its citizens toward a peaceful future as long as you uphold the provisions of the Treaty on European Union, notably the obligation of the "**strict observance of (...) international law**" - TEU Title I, Article 3.5. This is particularly important in the context of the conflict in the Middle East encompassing, the occupied Palestinian territory, Israel, Lebanon, Syria and beyond.

As a Nobel Peace Prize laureate, the EU has a strong role to play in bringing about a lasting peace. As concerned staff of the European Union institutions, we have therefore taken the initiative to draft this memorandum that we hope will support your actions.

We lay down here the scope and objective of the memorandum, an assessment of the inconsistency between the EU policy and the international law, and a call for action.

Please find in annex a non-exhaustive list of references of international law frameworks that apply to the case of Israel/Palestine, of EU rules and guidelines for external actions, and of EU rules and guidelines governing EU relationships with Israel, including concerns about their violation.

THE SCOPE AND OBJECTIVE OF THIS MEMORANDUM

We have decided to focus our attention on the occupied Palestinian territory (oPt) because we see it as representative of the normalisation and justification of oppression, injustice, impunity, disinformation, double-standards, discrimination, and the erosion of the European Union's reputation. The occupied Palestinian territory is the test for the EU's ability to uphold international rule of law, being a cornerstone of the European project and a pillar of the United Nations' Charter. As Craig Mokhiber¹ states, the legacy and the letter of international law "*is now at risk, and the front lines are in Palestine*".

¹ Craig Mokhiber is a former former United Nations (UN) human rights official and a specialist in international human rights law, policy, and methodology. On October 28, 2023, he resigned from the post of director of the New York office of the United Nations High Commissioner for Human Rights (OHCHR)

According to The Lancet, “it is not implausible to estimate that up to 186 000 or even more deaths could be attributable to the current conflict in Gaza”². This figure is higher than the combined staff of the European Commission, the European Parliament, the Council of the European Union, and EEAS.

Above all, as everybody knows, **children are paying the highest price** in this war, not as collateral “damage” like in all wars, but as deliberate targets, shot, starved to death, denied medical evacuation, orphaned, injured for life, forever traumatised. According to UNICEF, at least 14500 children have been killed in Gaza³. **A 10-day long “minute of silence” will be needed to commemorate each of them.** Already in March last year, the UN observed that more children have been killed in Gaza than from four years of world conflict⁴.

The list of macabre records broken by Israeli leadership is long, such as the number of health sector operators abducted and/or killed, hospitals destroyed, journalists murdered, women slain, schools bombed, historical monuments destroyed, residential infrastructures tired down to the ground, people kidnapped, detainees tortured - many to death, incapacitated people mauled by dogs, people used as human shields. All of these crimes are well documented, as Israeli forces proudly put their war crimes on full display on social media for the whole world to see. Nonetheless, the EU has failed to condemn with a clear and strong voice any of these acts although they are clear violations of the Geneva Conventions, the international human rights law and the international humanitarian law.

The EU has also failed to acknowledge the respectable opinion of scores of UN experts, scholars, and renowned human rights organisations that have stated that Israel is unquestionably committing genocide, “the crime of all crimes”. In addition to legal analyses by Palestinian human rights organisations, in February and March 2024 both the **UN Special Rapporteur on the right to food**⁵ and the **UN Special Rapporteur on the human rights situation in the occupied Palestinian territory** stated that Israel’s actions have crossed the threshold of **genocide**⁶. In April 2024, the **International Federation for Human Rights (FIDH)** and **Al Haq** stated that “*Israel persists in violating the inalienable rights of the Palestinian people, committing grave international crimes and human rights abuses, including but not limited to the crimes against humanity of apartheid, persecution, and genocide*”⁷. In the same month, the **Lemkin Institute for Genocide Prevention** (named after Raphael Lemkin, who was the main driving force behind the 1948 Genocide Convention) said that “*Israel is committing genocide against Palestinians across Palestine*”⁸. This was echoed shortly after by experts in genocide and Holocaust studies, **Amos Goldberg**⁹ and **Omer Bartov**¹⁰. In August 2024, the **University Network for Human Rights** concluded that Israel’s actions meet the legal threshold of genocide, producing legal obligations for Israel and the international community to end the slaughter¹¹. On 14 November 2024, the **UN Special Committee** finds Israel warfare methods in Gaza consistent with **genocide**, including use of starvation as weapon of war¹². In December 2024, **Amnesty International** concluded that Israel is committing **genocide** against the Palestinians in Gaza¹³, and

² [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01169-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext)

³ <https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support>

⁴ [Gaza: Number of children killed higher than from four years of world conflict | UN News](https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support)

⁵ <https://www.theguardian.com/world/2024/feb/27/un-israel-food-starvation-palestinians-war-crime-genocide>

⁶ <https://www.un.org/unispal/document/anatomy-of-a-genocide-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territory-occupied-since-1967-to-human-rights-council-advance-unedited-version-a-hrc-55/>

⁷ <https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/israel-s-genocide-and-occupation-threaten-palestinian-self>

⁸ <https://www.lemkininstitute.com/active-genocide-alert>

⁹ <https://thepalestineproject.medium.com/yes-it-is-genocide-634a07ea27d4>

¹⁰ <https://www.democracynow.org/2024/12/30/omer-bartov-israel-gaza-genocide>

¹¹ <https://www.humanrightsnetwork.org/projects/genocide-in-gaza>

¹² <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide>

¹³ <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

Human Rights Watch stated that the Israeli authorities are responsible for the crime against humanity of extermination and for acts of **genocide**¹⁴. Moreover, in open letter in June 2024, ten **Holocaust** survivors condemned Israel's Gaza **genocide** and say using the Holocaust to justify genocide in Gaza and repress student protest on college campuses is a complete insult to the Holocaust's memory.¹⁵ It is worth to mention that already back in 2014, following one of the many Israeli brutal aggressions on Gaza, more than 300 Holocaust survivors and their descendants accused Israel of **genocide**¹⁶.

This genocide, being the latest chapter of the ethnic cleansing of the Palestinian people since the Nakba, was allowed by the **full impunity** that Israel has enjoyed in the eight decades of its existence.

We welcome the ceasefire agreements between Israel and Hamas, and Israel and Hezbollah, although violence and killings continue in the West Bank, in the Gaza Strip and in Lebanon.

As leaders of the European Union, you are at a crossroads: you can decide to either protect the European citizens by ensuring that EU policies and actions comply with the rule of law, or to undermine the international system by not taking action before war crimes.

WHY DOES ISRAEL DESERVE SUCH A SPECIAL TREATMENT?

As stated by the UN Experts in September 2024, "*States remain paralysed in the face of the seismic shift represented by the Court's ruling and appear unwilling or unable to take the necessary steps to meet their obligations*"¹⁷.

The European Union (and the Member States) has inexplicably decided not to leverage the set of legal instruments at their disposal to enforce the international law and the European principles, rules and regulations, up to the point to step outside the spirit of the EU Treaties.

Despite ongoing cases in the highest courts against the aggression by the state of Israel in Gaza and against Israeli leaders, the narrative of EU leaders is still focusing on the Israel's 'right to self-defence.' The EU continues to promote normal relations with Israel, despite the latter actions and attitude towards the multilateral institutions.

Despite the stated commitment by the European Union to the **two-state solution**, the majority of the Member States and the EU continue to refuse to recognise the State of Palestine while keeping a business-as-usual approach with Israel, regardless of the overwhelming approval by the Israeli Knesset of a **resolution against Palestinian statehood**¹⁸, clearly demonstrating the absence of a genuine interlocutor for the Two-State Solution on the Israeli side.

Despite the ICJ orders of January and March 2024 for the trial of the State of Israel for genocide, high level Israeli politicians continue to be treated with full honour, like **Minister Israel Katz** who, on 7th May 2024, delivered a speech on racism and discrimination at the 15th EU-Israel High Level seminar on combating racism, xenophobia and antisemitism¹⁹, while his statements about the Israeli attack on Gaza remain highly controversial²⁰.

¹⁴ <https://www.hrw.org/news/2024/12/19/israels-crime-extermination-acts-genocide-gaza>

¹⁵ <https://mondoweiss.net/2024/06/ten-holocaust-survivors-condemn-israels-gaza-genocide/>

¹⁶ <https://www.independent.co.uk/news/world/middle-east/holocaust-survivors-and-their-descendants-accuse-israel-of-genocide-9687994.html>

¹⁷ <https://www.ohchr.org/en/statements/2024/09/un-experts-warn-international-order-knives-edge-urge-states-comply-icj-advisory>

¹⁸ https://www.ec.europa.eu/eeas/israelpalestine-statement-high-representative-knesset-resolution-opposing-establishment-palestinian_en?s=233

¹⁹ <https://ec.europa.eu/newsroom/just/items/830446/en>

²⁰ "We will fight the terrorist organization Hamas and destroy it. All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single battery until they leave the world".

Despite the International Criminal Court (ICC)'s Chief Prosecutor applied for **arrest warrant for Prime Minister Benjamin Netanyahu and former Minister of Defence Yoav Gallant** for crimes against humanity and war crimes on May 2024, a few days later former **Commissioner Várhelyi** flew to meet with the two – then potential – criminals²¹.

Despite the ICC eventually issued the arrest warrant for Prime Minister Benjamin Netanyahu and former Minister of Defence Yoav Gallant in November 2024, many Member States have not openly committed to abide to their **obligations as States Parties to the Rome Statute**²².

Despite the existing EU guidelines on prevention of cooperation and trade with Israeli entities originating from occupied Palestinian territory, the opinion of the ICJ of July 2024, and the ensuing UNGA resolution of September 2024 about the illegality of the Israeli occupation, the director of the EU foreign service's legal department, **Frank Hoffmeister**, issued a legal opinion arguing that while European law required the labelling of settlement products, **a ban on their import and sale was still up for political debate**²³

Despite the assessment by the then **EU's Special Representative for Human Rights, Olof Skoog**, supporting the proposal of then High Representative Borrell to suspend the political dialogue with Israel, and concurrently calling for the end of arms sale to Israel, the Foreign Affairs Council of 18th November 2024 rejected the proposal²⁴.

WE CALL UPON YOU TO ACT ACCORDING TO THE LAW

President Metsola, President Costa, President von der Leyen, HR/VP Kallas,

Together with hundreds of thousands of European citizens, EU staff have denounced the violation of human rights, international humanitarian law, the breaching of the EU agreements, and the appalling tolerance for the genocide, and have demanded the opening of a transparent dialogue with the top hierarchy²⁵. In return, some of them have experienced cases of intimidation, silencing, or threats thereof, arbitrary transfer, attacks and accusation of antisemitism by the hierarchy as well as by fellow colleagues. We believe that this unprecedented wave of suppression - both vertical and horizontal - is very worrisome and creates an environment of self-censorship, suspicion and mistrust. We believe that this is the result of misrepresentation and biased public information but also of lack of knowledge, dialogue and transparency within our institutions, with a clear potential for disregard for international law and moral values.

If the EU and its Member States are serious regarding bringing an end to the Israeli-Palestinian conflict, they must face the fact that it will not end unless the underlying reasons - decades of occupation - is

²¹ <https://www.reuters.com/world/middle-east/eus-varhelyi-meets-with-netanyahu-amid-icc-prosecutors-arrest-warrant-requests-2024-05-29/>

²² <https://www.euronews.com/my-europe/2024/12/03/fact-check-where-do-eu-countries-stand-on-iccs-arrest-warrant-for-netanyahu>

²³ <https://theintercept.com/2024/10/23/eu-israel-settlements-trade-gaza/>

²⁴ <https://theintercept.com/2024/12/23/eu-report-israel-war-crimes-complicity/>

²⁵ (i) 14th October 2023, letter to the Presidents of the European Parliament and the European Commission from the staff of the European Union Representative Office for the West Bank, Gaza Strip and UNRWA (EUREP); (ii) 20th October 2023, letter to the President of the European Commission from almost 800 EU staff in HQs and Delegations; (iii) 15th November 2023, letter to the President of the European Parliament, the President of the European Council, the President of the European Commission, the Higher Representative/Vice President from 2,200 EU staff; (iv) 23rd January 2024, letter to the Belgian presidency of the Council; (v) 26th February 2024, letter to Commissioner HR on impact on EU staff of the plausible genocide in Gaza from Diversité Europe; (vi) 7th June 2024, letter to DG RTD on concerns regarding the business as usual approach with Israel in Horizon Europe, from Diversité Europe-Gaza Task Force; (vii) May and June 2024, letters to President von der Leyen from EUAA staff; (viii) EUSFPJ letter to President von der Leyen from 2250 staff; (ix) joint Gaza Task Force-EUSFPJ demand for dialogue to President von der Leyen; (x) bilateral emails; (xi) individual complaints at the European Ombudsman; (xii) gratitude letter to HR/VP Borrell.

tackled. Economic pressure and political sanctions have been proven to work in breaking one criminal colonial regime, as the experience with apartheid South Africa shows.

We call upon you all to immediately ensure that no allegation of complicity can be levelled against EU Institutions and EU managers and staff with regard to war crimes, crimes against humanity and genocide on the part of Israel, to the illegal settler colonial project, to the Israeli military occupation of the Palestinian territory, and to other military acts of aggression against neighbouring, sovereign countries.

In compliance with international law, European rules, regulations, guidelines and provisions, and obedient to the highest moral standard, we call for:

- a. The Council and the Member States should immediately recognise the **State of Palestine** and its rights to gain full membership in the United Nations.
- b. The Council and the European Commission should reiterate the EU's commitment to the **right to self-determination of the Palestinian people** as reaffirmed in UNGA resolution A/C.3/79/L.49 of 8th November 2024,²⁶ and strongly condemn and avoid complicity in any act of deportation of the Palestinian people²⁷, which is against art.49 of the IV Geneva Convention²⁸.
- c. The Council should take immediate action to deploy a **mission to protect civilians** in the occupied Palestinian territory, including the Gaza Strip, the West Bank and East Jerusalem, in line with the EU Responsibility to Protect (R2P)²⁹.
- d. The Council should **immediately suspend the EU-Israel Association Agreement** until Israel complies with international human rights law. The European Commission, as the 'Guardian of the Treaty,' has the responsibility for ensuring that treaties are respected and correctly implemented (per Article 17 TEU), including Article 2 of the Association Agreement. The Commission must examine and demand justifications for Israel's non-compliance with the Agreement, and propose appropriate measures to the Council. Failing to do so, we call upon the **European Ombudsman** to swiftly look into the matter and recommend a specific course of action to the European Commission, following the same line adopted by the Ombudsman in a case of possible human rights violation by Tunisia.³⁰
- e. The Council should enforce the compliance to the **Council Common Position 2008/944/CFSP** on common rules governing control of exports of military technology and equipment and with the EU's support to the **Arms Trade Treaty (ATT)**, most recently expressed at the 10th Conference of States Parties in August 2024, where, in its general statement, the EU draws the "*attention of States Parties to Article 6 para 3 of the Arms Trade Treaty, prohibiting transfer of conventional arms if such arms would be used to commit genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks directed against civilian objects or civilians protected as such, or other war crimes*"³¹.
- f. The High Representative/Vice President should publish the assessment of the former EU's Special Representative for Human Rights, Olof Skogg, and resubmit to the Council the proposal to **ban arms sales and suspend the political dialogue with Israel**.

²⁶ <https://www.un.org/unispal/wp-content/uploads/2024/11/n2433645.pdf>

²⁷ <https://www.washingtonpost.com/politics/2025/01/26/trump-clean-out-gaza-egypt-jordan-refugees/>

²⁸ <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>

²⁹ https://www.ceas.europa.eu/sites/default/files/eu_r2p_atrocity_prevention_toolkit.pdf

³⁰ <https://www.ombudsman.europa.eu/en/news-document/en/194322>

³¹ https://reachingcriticalwill.org/images//documents/Disarmament-fora/att/csp10/statements/20Aug_EU.pdf

- g. The Council should **impose sanctions, including asset freezes, on Israeli individuals and entities**, including businesses and financial institutions, directly involved in the unlawful occupation and apartheid regime as well as on any foreign or domestic entities and individuals subject to their jurisdiction that supply goods and services that may aid, assist or enable occupation, apartheid, war crimes, crimes against humanity and genocide. We recall that in June 2020, the European Court of Human Rights (ECHR) condemned the decision of a French court for its violation of the right of expression of activists calling for **Boycott, Divestment and Sanction (BDS)**³². In other words, BDS is unquestionably legal and any attempt of criminalisation or demonization of the BDS movement is a violation of the right of expression. Restrictive measures is “*a key tool for the EU to intervene where necessary to prevent conflict or respond to current or emerging crises*”³³. It has been widely used by the Council against 29 countries³⁴.
- h. The European Commission should **immediately suspend all ongoing cooperation** and negotiation for future agreements with and involving Israeli entities within NDICI-GE as well as within the **EU R&I framework programmes**. With regard to Horizon Europe and its predecessors, the Commission should launch a thorough and **independent forensic audit** on both ongoing and past cooperation with Israeli entities, which could result in recovery of funds and accountability, whenever an irregularity is proven.
- i. The European Commission should immediately seek the **Legal Service guidance on options with regard to the demolition of EU and Member States funded structures in the whole of the occupied Palestinian Territory**, and on potential legal measures to forcibly and unilaterally take action against the state of Israel to get refunded, in compliance with the sound financial management principles³⁵ for accountability of European tax payers’ money.
- j. On the basis of the ICJ ruling of 19th July 2024 declaring the Israeli occupation unlawful, and in compliance with the Geneva Conventions referring to the **duties and obligations of occupying powers**³⁶, the European Commission should seek the opinion of the Legal Service on the option to submit a request for refunding to the State of Israel - or unilaterally offset - for all the services, goods and works provided by the European Union and its Member States to the Palestinian communities since the signature of the Oslo Accords. Despite the fact that the Accords should have marked the start of the withdrawal of the Israeli occupation, the Israeli settlements in the West Bank, including East Jerusalem, have expanded exponentially, the military rule has become increasingly widespread, and the control of the Gaza Strip has never ceased. The legal opinion shall assess whether the European Union and its Member States have **financially relieved Israel, the occupying power, from its duty of care of the people under occupation**. The legal opinion should also consider the option to hold the State of Israel accountable for the unprecedented destruction of civilian infrastructures and residential building in the Gaza Strip in the last 14 months. According to joint European Union, World Bank and United Nations **Gaza Strip Interim Damage Assessment**, published on 29th March 2024, around US\$18.5 billion in direct damages has been caused to the built infrastructure of the Gaza Strip by the end of January 2024³⁷. One year later, this bill has likely doubled.

³² <https://www.coe.int/en/web/impact-convention-human-rights/-/criminal-convictions-for-urging-israel-goods-boycott-cancelled>

³³ https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/overview-sanctions-and-related-resources_en

³⁴ <https://sanctionsmap.eu/#/main>

³⁵ https://www.europarl.europa.eu/doceo/document/E-9-2023-000589_EN.html

³⁶ https://www.onlinelibrary.iihl.org/wp-content/uploads/2022/08/ohchr_syria_-_belligerent_occupation_-_legal_note_en.pdf

³⁷ <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>

- k. The European Commission should launch a public **database of the European companies involved in the Israeli settlement on occupied Palestinian territories**, those providing services and goods for the construction of Israeli settlements and infrastructures in the occupied Palestinian territory, for the economic activities in Israeli settlements, for the production of surveillance systems tested on Palestinians, or for venturing with Israeli companies engaged in the said activities. This database should align with the Office of the High Commissioner for Human Rights (OHCHR)' record.³⁸ The latest updated OHCHR database is from June 2023; the next update is expected in early 2025.
- l. The European Commission should **ban all trade and business between the EU and Israel's illegal settlements** in the Occupied Palestinian Territory (OPT), including East Jerusalem. We join the call by a **coalition of 163 human rights organisations, trade unions, and civil society groups** urging the Commission to introduce legislation banning all economic dealings with Israeli settlements and to strengthen its business advisory to prevent further complicity in abuses³⁹.
- m. The EU institutions should disclose information about their respective **pension funds** related to any possible investment in the occupation and/or in the Israeli military industry; in such case, the institutions shall divest from those pension funds, following the example of the KLP, the largest Norwegian pension fund⁴⁰.
- n. The European Commission should **suspend the participation of Israeli entities** (private companies, think-tanks, NGOs, etc.) to European strategic fora. One of such NGOs is **ELNET-European Leadership Network** (<https://elnetwork.eu/>). Likewise, the European Parliament should **suspend the accreditation of Israeli lobbyists**⁴¹.
- o. The European Commission should firmly express outrage toward the **disinformation campaign** launched by Israel against the UN and UN Agencies, like **UNRWA**, *“using commercial advertisement including billboard in several cities around the world and paid Google ads on multiple websites”*⁴², while recalling that since the start of the war on Gaza, **251 UNRWA staff were killed**. The EU should also firmly express outrage on the unilateral Israeli decision to ban UNRWA. As the UNRWA spokesperson alarmingly stated *“Israel’s ban is unprecedented. Never before has a UN Member State tried to undo the mandate of a UN organization”*⁴³.
- p. In cooperation with the Member States, the EU should identify the **most effective and safe means of delivering humanitarian aid to Gaza**, considering securing a maritime corridor in coordination with the Palestinian Authority and Israel, on the basis of the engagements taken at the **Paris conference** in November 2023⁴⁴. The EU should heighten the **medical evacuation** of Palestinian children and serious injured from Gaza while ensuring their return upon recovery⁴⁵ and consider deploying **floating hospitals** to assist especially the Northern Gaza area.

³⁸ <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session31/database-hrc3136/23-06-30-Update-israeli-settlement-opt-database-hrc3136.pdf>

³⁹ <https://www.fidh.org/en/international-advocacy/european-union/letter-by-163-ngos-and-trade-unions-to-president-vonder-leven-on-eu>

⁴⁰ <https://uniglobalunion.org/news/klp-norways-largest-pension-fund-divests-from-companies-tied-to-israeli-settlements/> and <https://www.aljazeera.com/opinions/2024/6/26/as-norways-largest-private-pension-fund-we-are-divesting-from-caterpillar>

⁴¹ <https://researchportal.bath.ac.uk/en/publications/the-israel-lobby-and-the-european-union> and <https://orientxxi.info/magazine/enquete-sur-les-reseaux-d-influence-israeliens-a-bruxelles,2876>

⁴² <https://www.unrwa.org/newsroom/official-statements/state-israel-continues-dis-information-campaign-against-unrwa>

⁴³ <https://news.un.org/en/story/2025/01/1159586>

⁴⁴ <https://www.reuters.com/world/middle-east/maritime-corridor-floating-hospitals-gaza-focus-paris-conference-2023-11-07/>

⁴⁵ https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/eus-first-medical-evacuation-operation-palestinians-transfers-children-egypt-spain-2024-07-24_en

- q. The Council should immediately investigate the alleged **Israeli and EU Member States pillage of the maritime offshore gas reserves in the Gaza waters**, which are the property of the state of Palestine⁴⁶.
- r. In order to **break the cycle of intimidation** and (re)establish the exemplary peaceful, constructive, human, responsible and professional character of the European Union, all EU institutions should swiftly communicate internally on the following EU obligations:
- EU guidelines on the promotion of compliance with international humanitarian law⁴⁷.
 - Rules on cooperation and engagement with members of a foreign government currently under investigation for the most atrocious war crimes, in accordance with Council Decision 2011/168/CFSP of 21 March 2011⁴⁸.
 - Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards⁴⁹.
 - Regulation 216/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data⁵⁰, and more specifically on the adequate protection of personal data by the State of Israel with regard to the automated processing of personal data⁵¹.
 - Responsibility to Protect and Atrocity Prevention Toolkit⁵².
- s. Similarly, the Council should look with concern into the **increasing violation of freedom of expression and opinion in the Member States**, manifested through growing suppression, silencing, and criminalisation of the voices calling for the end of the Israeli occupation and apartheid, and it should recall the Member States of their obligations as duty bearers under the Universal Declaration of Human Rights⁵³.

While we urge you to take action according to the obligations under the international law, we remain available for a constructive, transparent and informed dialogue.

Best regards,

EU Staff for Peace

c.c. Dubravka Šuica, Commissioner Mediterranean, Hadja Lahbib, Commissioner Equality Preparedness and Crisis Management,

⁴⁶ <https://www.aljazeera.com/opinions/2024/3/6/israel-is-pillaging-not-just-gazas-cities-but-also-its-waters>

⁴⁷ <https://eur-lex.europa.eu/EN/legal-content/summary/eu-guidelines-on-the-promotion-of-compliance-with-international-humanitarian-law.html>

⁴⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0168>

⁴⁹ https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-11/guidelines_on_the_eligibility_of_israeli_entities_and_their_activities_in_the_territories_occupied_by_israel_since_june_1967.pdf

⁵⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02016R0679-20160504>

⁵¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0061>

⁵² https://www.ecas.europa.eu/sites/default/files/eu_r2p_atrocity_prevention_toolkit.pdf

⁵³ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

ANNEX

THE INTERNATIONAL LAW FRAMEWORK - *INTERNATIONAL LAW IS A MUST, NOT A MAYBE*⁵⁴.

N.B. The list below does not include UNSC and UNGA Resolutions concerning Palestine from 1947 to September 2024 which have failed to be implemented.

1. On 2nd April 2013, the UN General Assembly adopted the **Arms Trade Treaty (ATT)**⁵⁵, which entered into force on 24th December 2014. The ATT is a multilateral treaty that regulates the international trade in conventional arms. **All EU Member States are state parties**. ATT prohibits states from authorising arms transfers in case of an arms embargo or in case the state has knowledge that the arms would be used in the commission of **violations of international humanitarian law, crimes against humanity and/or acts of genocide**.
2. On 26th January⁵⁶ and 28th March 2024⁵⁷, the **International Court of Justice (ICJ) issued binding orders** related to the petition by South Africa within the context of the Genocide Convention. The ICJ's "*provisional measures*" include requiring Israel to prevent genocide against Palestinians in Gaza, enable the provision of basic services and humanitarian assistance, and prevent and punish incitement to commit genocide. These historical ICJ orders put both states and companies involved in financial engagements in Israel on notice of the risk of genocide, obliging them to act responsibly to avoid potential risk of complicity.
3. To prevent genocide, it is urgent to act well before the International Court of Justice (ICJ) rules that a genocide has been completed. Otherwise, this questions the entire notion of **prevention**. As the ICJ held in *Bosnia and Herzegovina v. Serbia and Montenegro*, a "*State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed*"⁵⁸.
4. Upon request of the UN General Assembly, on 19th July 2024 the ICJ issued an **Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem**. The ICJ found that "*Israel's policies and practices (...) are in breach of international law. (...) Consequently, Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible. (...) and provide full reparation for the damage caused by its internationally wrongful acts to all natural or legal persons concerned. With reference to the legal consequences for other States, the Court considers that, in view of the character and importance of the rights and obligations involved, all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory. The ICJ states that the duty of non-recognition specified earlier also applies to international organizations, including the United Nations, in view of the serious breaches of obligations erga omnes under international law*"⁵⁹.
5. Quoting former High Representative Borrell, we recall that "*The ICJ is the highest court of the United Nations system. All its Members States have the obligation to comply with its decisions. All EU Member States are then bound to them. Disregarding it would be against the rules-based world order we support and promote everywhere. The unconditional respect and the relentless promotion of international law is at the heart of both our identity and our foreign policy*"⁶⁰.

⁵⁴ https://www.eeas.europa.eu/eeas/ukrainemiddle-east-wars-international-law-must%E2%80%94not-maybe_en?s=200

⁵⁵ <https://legal.un.org/avl/ha/att/att.html>

⁵⁶ <https://www.icj-cij.org/node/203447>

⁵⁷ <https://www.icj-cij.org/node/203847>

⁵⁸ <https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>

⁵⁹ <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

⁶⁰ https://www.eeas.europa.eu/eeas/international-court-justice-ruling-regarding-gaza_en

6. On 18th September 2024, with a record vote of 124 nations in favour (**including 16 EU Member States**), 14 against, and 43 abstentions, the **UN General Assembly passed** a resolution calling for Israel to comply with international law and withdraw, within 12 months, its military forces, immediately cease all new settlement activity, evacuate all settlers from occupied land, and dismantle parts of the separation wall it constructed inside the occupied West Bank⁶¹. The Assembly urges States to refrain from recognizing Israel's presence in the Territory as lawful and to ensure that they do not provide aid or assistance in maintaining the situation created by the occupation. This includes taking measures to prevent their nationals, companies, and entities under their jurisdiction from engaging in activities that support or sustain Israel's occupation; to cease importing products originating from Israeli settlements and to halt the transfer of arms, ammunitions, and related equipment to Israel in cases where there are reasonable grounds to suspect they may be used in the occupied Palestinian Territory. Moreover, the resolution **urged States to implement sanctions, such as travel bans and asset freezes**, against individuals and entities involved in maintaining Israel's unlawful presence in the Territory.
7. On 21st November 2024, the International Criminal Court issued **warrants of arrest for Prime Minister Benjamin Netanyahu and former Minister of Defence Yoav Gallant**, *for crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024, the day the Prosecution filed the applications for warrants of arrest*.⁶² The 124 States Parties to the Rome Statute (including all EU Member States) are legally bound to arrest the suspects and transfer them to the Court.
8. With reference to the **Geneva Conventions**, according to common Article 1, the High Contracting Parties undertake to respect and to ensure respect for the Conventions **in all circumstances**⁶³. ICRC's approach is grounded in the general international law rules that place obligations on States in relation to the **wrongful conduct of others**⁶⁴.
9. According to paragraph 139 of the International Court of Justice Advisory Opinion on the legality of the wall, dated 2004, **Israel does not have the right to label as "self-defence"** attacks in response to aggression emanating from an occupied territory it controls, as it has controlled Gaza for the past 17 years⁶⁵.
10. With reference to right to freedom of opinion and expression, we draw your attention to the report of the **UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**, Irene Khan, titled "Global threats to freedom of expression arising from the conflict in Gaza"⁶⁶. Mme Khan observes that "*The conflict in Gaza has unleashed a global crisis of freedom of expression. Rarely has a conflict challenged freedom of opinion and expression so broadly and so far beyond its borders*". Moreover she recommends to refrain from the promotion and adoption of the non-binding working definition of anti-semitism by the International Holocaust

⁶¹ <https://news.un.org/en/story/2024/09/1154496>

⁶² <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>

⁶³ <https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-1>

⁶⁴ <https://blogs.icrc.org/law-and-policy/2021/01/28/gciii-commentary-common-article-1-state-responsibility/>

⁶⁵ <https://www.un.org/unispal/document/auto-insert-178825/>

⁶⁶ <https://documents.un.org/doc/undoc/gen/n24/247/88/pdf/n2424788.pdf> ⁶⁷ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-antisemitism/definition-antisemitism_en

Remembrance Alliance (IHRA)⁶⁷, as it is “*incompatible with international standard on freedom of expression*”. The IHRA definition is largely regarded as unlawful⁶⁸.

EU RULES, GUIDELINES AND LEGAL FRAMEWORKS FOR EU EXTERNAL RELATIONSHIPS

11. Art.3 of the **Treaty of the European Union** reads as follows: “*In its relations with the wider world, the Union shall uphold and promote its values and interests (...). It shall contribute to peace, security, (...) solidarity and mutual respect among peoples, (...) and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter*”.
12. According to the EUR-Lex glossary, “*Respect for human rights and dignity is one of the EU’s core values. Together with the principles of freedom, democracy, equality and the rule of law, it guides EU action both within and beyond its borders. The EU uses the term ‘human rights’ to refer to such rights beyond its borders, such as in the context of its external relations or development cooperation policies*”⁶⁹.
13. On 25th January 2025, the Council approved the EU priorities in the UN Human Rights Fora. The EU reiterated its commitment to the “*universal respect of human rights for everyone, everywhere. For laws and norms to be stronger than conflict, everyone must commit to multilateralism and the international order, based on the United Nations (...). The EU pays special attention to ensuring accountability, and fully supporting the International Criminal Court*”⁷⁰.
14. The EU is global leader on **Responsible Business Conduct** and a frontrunner in implementing the **UN Guiding Principles on Business and Human Rights**, the first globally agreed standard to prevent, address and remedy negative effects on human rights caused by business activities. The EU has adopted a smart mix of voluntary and mandatory measures on business and **human rights and responsible business conduct**, including due diligence requirements for companies to identify and mitigate adverse human rights and environmental impacts associated with their activities and measures to guarantee access to remedy by victims of human rights violations. The **EU Directive on Corporate Sustainability Due Diligence** (Directive 2024/1760⁷¹) entered into force in July 2024. The aim of this Directive is to foster sustainable and responsible corporate behaviour in companies’ operations and across their global value chains⁷². The new rules will ensure that companies in scope identify and address adverse human rights and environmental impacts of their actions **inside and outside Europe**⁷³.
15. With reference to the Arms Trade Treaty, the EU has defined its own legally binding **Common Position on Arms Exports**⁷⁴ laying down common rules governing control of exports of military technology and equipment. These rules require EU Member States to deny an export licence if there

⁶⁷ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-antisemitism/definition-antisemitism_en

⁶⁸ <https://www.brismes.ac.uk/files/documents/Freedom%20of%20Speech%20and%20Academic%20Freedom%20in%20UK%20Higher%20Education-BRISMES-ELSC.pdf>

⁶⁹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:human_rights

⁷⁰ <https://www.consilium.europa.eu/en/press/press-releases/2025/01/27/united-nations-human-rights-fora-council-approves-eu-priorities-for-2025/>

⁷¹ <https://eur-lex.europa.eu/eli/dir/2024/1760/oj>

⁷² https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en

⁷³ https://www.eeas.europa.eu/eeas/business-and-human-rights_en

⁷⁴ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>

is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.

16. The **EU guidelines on the promotion of compliance with international humanitarian law**⁷⁵ are addressed at all those taking action within the context of the EU's relations with the rest of the world, **including staff members**, with a view to limiting the impact of armed conflict on civilians and prisoners.
17. The **EU guidelines on torture and other cruel treatment**⁷⁶ create an operational tool to be used by the EU in contacts with non-EU countries in order to combat torture and other cruel, inhuman or degrading punishment (e.g. beating while in custody). The actions of the EU, strongly supported by all of its countries, aim to prevent and eliminate torture and ill-treatment and **to combat the impunity of those responsible**.
18. In May 2021, the European Union and its Member States reiterated their full support and engagement in the **Responsibility to Protect (R2P)** and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity⁷⁷, a vital approach launched at the 2005 World Summit. The **EU Atrocity Prevention Toolkit** is meant to assist EU-staff in recognising and responding to atrocity crimes (genocide, crimes against humanity, war crimes and ethnic cleansing), in order to implement the global commitment of the R2P⁷⁸.

EU RULES, GUIDELINES AND LEGAL FRAMEWORKS FOR EU RELATIONSHIPS WITH ISRAEL AND CONCERNS OVER THEIR VIOLATIONS

19. Article 2 of the *EU-Israel Association Agreement* states that EU-Israel relations *shall be based on respect for human rights and democracy principles*. The International Court of Justice's findings of serious violations of international human rights law in the OPT underline the need for such a review to be carried out expeditiously. On 14th February 2024, the **Government of Ireland and the Government of Spain** submitted the request to the Commission to undertake an urgent review of whether Israel is complying with its obligations, including under the EU/Israel Association Agreement, which makes respect for human rights and democratic principles an essential element of the relationship; and if it considers that it is in breach, that it proposes appropriate measures to the Council to consider⁷⁹. Most recently, **250 Parliamentarians from 17 Member States** have joined the demand to suspend the Association Agreement⁸⁰.
20. On 19th July 2013, the EU adopted the **Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards**⁸¹ (2013/C 205/05), stating that **entities registered and/or operating in the occupied Palestinian territory are not eligible for EU funds**. This is a paramount instrument that shall guide all kind of cooperation - scientific, academic, technological and commercial - between the EU and Israel. It is paramount also for the implementation of the conclusions of the ICJ's Advisory Opinion on the Legal Consequences

⁷⁵ <https://eur-lex.europa.eu/EN/legal-content/summary/eu-guidelines-on-the-promotion-of-compliance-with-international-humanitarian-law.html>

⁷⁶ <https://eur-lex.europa.eu/EN/legal-content/summary/eu-guidelines-on-torture-and-other-cruel-treatment.html>

⁷⁷ https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-united-nations-general-assembly-responsibility-protect-r2p_en?s=63

⁷⁸ https://www.eeas.europa.eu/sites/default/files/eu_r2p_atrocity_prevention_toolkit.pdf

⁷⁹ <https://www.lamoncloa.gob.es/presidente/actividades/Documents/2024/Carta-a-la-CE-del-presidente-del-Gobierno-y-el-primer-ministro-de-Irlanda.pdf>

⁸⁰ <https://www.cned.be/Plus-de-250-parlementaires-de-17?lang=fr>

⁸¹ https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-11/guidelines_on_the_eligibility_of_israeli_entities_and_their_activities_in_the_territories_occupied_by_israel_since_june_1967.pdf

arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem⁸².

21. On 12th November 2015, the EU published the **Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967 (2015/C 375/05)**⁸³ The interpretative notice is not new legislation. It aims to provide Member States, economic operators and consumers with the necessary information on the indication of origin of products when it comes to products originating in Israeli settlements beyond Israel's 1967 borders. The EU legislation on indication of origin is very clear: "Made in Israel" used for the products coming from Israeli settlements would mislead the consumer and therefore is inconsistent with existing EU legislation. Goods produced in the Israeli settlements are not entitled to preferential tariff treatment under the EU/Israel Association Agreement. Since 2012, the EU publishes the list of non-eligible locations, the most updated one dates June 2024⁸⁴.
22. Since decades, the Commission and the Member States have timorously requested Israel to **refund the demolition of the infrastructures** and the seizures of equipment provided with European tax payers' money⁸⁵. Also the European Parliament has attempted to claim compensation for the demolition of EU funded projects. A few background information to support the claim for refunding are listed below:
 - t. For example, on 22nd February 2023, **Parliamentary Written Question E-000589/2023**⁸⁶ demanded the European Commission to "*promote the creation of mechanisms for ensuring that Israel's destruction of EU-funded projects in the occupied Palestinian territories incurs financial penalties or has repercussions for EU-Israel relations*" and to "*provide Parliament with a list of specific legal options for securing compensation for the demolition of EU-funded projects*". The answer by Mr Lenarčič, on behalf of the Commission, refers to the Council "*to decide on the possible adoption of EU restrictive measures*"⁸⁷.
 - u. On 28th March 2023, the Office of the EU Representative (West Bank, Gaza Strip and UNRWA) has issued a "**One Year Report on Demolitions and Seizures in the West Bank, including East Jerusalem, 1 January – 31 December 2022**"⁸⁸.
 - v. According to published information on *OrientXXI*⁸⁹, in 2017, the **Legal Service of the European Commission issued a confidential legal guidance** on the subject. "*Rappelant le caractère illégal de ces destructions ainsi que les injonctions pesant sur la communauté internationale pour empêcher celles-ci, la note confidentielle que nous avons pu consulter liste une série de contre-mesures envisageables, allant de la demande de compensation financière à la « suspension entière ou partielle des accords internationaux avec Israël »*". A request under Regulation (EC) No 1049/2001 regarding public access to document was submitted by an investigative journalist on 10th October 2023; in an unusually swift reply, on 16th October 2023, the Legal Service denied in full the access to the document on ground of protection of public

⁸² In a similar case, in October 2024 the European Court of Justice ruled that fishing and farming deals struck between the EU and Morocco in 2019 were illegal because overlooked the Moroccan occupation of the Western Sahara (<https://www.euronews.com/my-europe/2024/10/04/eu-top-court-upholds-cancellation-of-eu-morocco-trade-deals-over-disputed-western-sahara>)

⁸³ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XC1112\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XC1112(01))

⁸⁴ https://taxation-customs.ec.europa.eu/eu-israel-technical-arrangement_en

⁸⁵ <https://english.wafa.ps/Pages/Details/91812>

⁸⁶ https://www.europarl.europa.eu/doceo/document/E-9-2023-000589_EN.html

⁸⁷ https://www.europarl.europa.eu/doceo/document/E-9-2023-000589-ASW_EN.html

⁸⁸ <https://www.eeas.europa.eu/sites/default/files/documents/2023/One%20Year%20Report%20on%20Demolitions%20and%20Seizures%20in%20the%20West%20Bank%20including%20East%20Jerusalem%20-%201%20January%20%E2%80%93%2031%20December%202022.pdf>

⁸⁹ <https://orientxxi.info/magazine/enquete-sur-les-reseaux-d-influence-israeliens-a-bruxelles.2876>

security, protection of Union's international relations, in particular with Israel, and protection of financial, economic and monetary policy of the Union or a Member State⁹⁰.

We are not aware of any step undertaken by the Commission or the Member States to compel the State of Israel to refund the European Union and its Member States. Right the opposite, Israel continues to benefit greatly of the EU financial support.

23. The EU approved in November 2023 (one month into the genocide), an **18 MEUR** programme entitled **“Regional EU-Israel cooperation in support of the Abraham Accords, and fight against antisemitism and fostering Jewish life”**⁹¹. *This Action aims to reinforce EU-Israel bilateral relations, in a wider effort to strengthen regional stability in support of the Abraham Accords, in particular in light of the Hamas attack on Israel on 7 October and the subsequent escalation which is exacerbating regional tensions and risks serious spill overs in the neighbouring countries. The Action is structured along three objectives contributing to different strands of EU-Israel cooperation: (i) Support to the normalisation process between Israel and some Arab countries; (ii) Support to the global fight against antisemitism; (iii) Support to strategic policy dialogues and exchanges between the EU and Israel, including the development of technical capabilities and approximation of EU-Israel legislation.* The Action document turns into tragicomedy in the sections “Human Rights” and “Conflict sensitivity, Peace and Resilience” (pag.10 and 11) where the authors overlook the genocidal Israeli operations.⁹²

In an OpEd entitled **“Why EU's €18m for Israel undermines peace”**, published on 4th December, Martin Konecny, Head of the European Middle East Project, noted that the *“optics of a **nine-fold increase of annual funding for Israel**, expedited in the middle of its devastating military campaign in Gaza, stand out in contrast with the attempted suspension, delaying and constraining of EU development aid for the Palestinians under the same commissioner”*.⁹³

The legitimacy of the financing of such a programme through the NDICI-Global Europe instrument is also questionable. The instrument in fact *aims to support countries most in need to overcome long-term developmental challenges and will contribute to achieving the international commitments and objectives that the Union has agreed to, in particular the 2030 Agenda and its Sustainable Development Goals and the Paris Agreement*⁹⁴. While Israel is a high-income economy (OECD country) and does therefore not receive NDICI bilateral financial allocation⁹⁵, DG NEAR managed to secure 18MEUR (eighteen million EUR) from the Southern Neighbourhood envelope for such a controversial programme⁹⁶.

⁹⁰<https://www.asktheeu.org/en/request/13668/response/50548/attach/2/Reply%20EASE%202023%205937.pdf>

⁹¹ https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/C_2023_8324_F1_ANNEX_EN_V2_P1_3131129.PDF

⁹² “All activities under the Action will apply the Human Rights Based Approach (HRBA) in line with the EU Charter of Fundamental Rights and the EU's commitment to the Sustainable Development Goals and to reducing all forms of inequalities. The renewed EU HRBA will help make activities more inclusive and sustainable. The design and implementation of activities will support the realisation of human rights for all, directly or indirectly, whenever relevant” (...). “Conflict sensitivity, peace and resilience are at the core of this Action. The Action will ensure that the complexity of Israeli-Arab relations is thoroughly assessed and taken into consideration, by applying a stringent conflict-sensitive approach, thus increasing its adherence to the “Do No Harm” principle. The Action will in particular be designed with a maximum of attention to conflict sensitivity, especially through the direct involvement of all EU delegations of countries impacted by the programme. Furthermore, at programme level, particular attention will be paid to design a conflict sensitive communication strategy that differentiate within publics of diverse age groups and different socio-economic backgrounds from Arab countries, Israel and the EU, taking into due account local constraints as well as security considerations of the implementing partners and target group”.

⁹³ <https://eumep.org/publications/eu-abraham-accords/>

⁹⁴ https://neighbourhood-enlargement.ec.europa.eu/funding-and-technical-assistance/neighbourhood-development-and-international-cooperation-instrument-global-europe-ndici-global-europe_en

⁹⁵ https://neighbourhood-enlargement.ec.europa.eu/document/download/ff387af9-1857-42d4-9c9f-a5c72fa206b7_en?filename=factograph_SN_Israel_november2024pdf.pdf

⁹⁶ In contrast to such a generosity, vital human rights projects, hardly needed to foster a culture of peace in Israel, to broaden the base of support for the Two-State Solution, to contribute to the end the occupation, and to tackle democracy deficit receive

24. In November 2024, the EU approved **10 MEUR** as Special Measures in favour of Israel to “reinforce EU-Israel bilateral relations by supporting the global fight against antisemitism”⁹⁷. In addition to the same observation as per the point above, it is worth noting that the author of the Action Document has used the **Anti-Defamation League (ADL)** data as reference to assess the surge of anti-semitism worldwide, whereas this organisation is largely seen as unreliable⁹⁸.
25. Israeli entities are deeply involved in the formulation of European policies. This is the case of the **European Leadership Network** (<https://elnetwork.eu/>) that participated, for example, in the preparation and publication of the Guidelines for School Leaders, Teachers and Educators, by the European Commission⁹⁹, in 2024. We are alarmed by the widespread presence, in the heart of the European institutions¹⁰⁰, of lobbies from a country under trial for genocide.
26. We would like to draw your attention to the fact that the **European Investment Bank (EIB)** is obliged to uphold human rights and international law by abiding to its Environmental and Social Principles Standards. However, recent reports highlight the plausible involvement of the EIB and other European financial institutes’ complicity in violation of human rights, international humanitarian law, perpetration of war crimes and genocide. The report “*The companies arming Israel and their financier*”¹⁰¹, issued in June 2024 by a coalition of NGOs, provides an overview of the top 20 European creditors providing loans and underwritings, and the top 20 European institutional investors holding shares and bonds in six major arms producers in the world. The EIB provides funds to Leonardo and Rolls-Royce, and also finance BNP Paribas which have invested more than 5 billion EUR in companies that supply military equipment to Israel.
27. The IV report **Don’t Buy Into Occupation (DBIO)**, issued in November 2024, shows that, between January 2021 and August 2024, **822** European financial institutions (including banks, asset managers, insurance companies and pension funds) had financial relationships with **58** companies that are actively involved with illegal Israeli settlements in the occupied Palestinian territory (OPT)¹⁰². During this period, USD 211 billion was provided in the form of loans and underwriting to these 58 companies. As of August 2024, European investors also held **USD 182 billion** in shares and bonds in these companies. **It is worrying to notice that banks such as ING, KBC, BNP Paribas, Deutsche Bank, Barclays, HSBC (and many more), are actively involved in the illegal Israeli settlement enterprise.** Even more worrisome is to see development banks, such as KfW, included in the list of “complicit”.

HORIZON EUROPE

The EU-Israeli cooperation in technology, education and innovation in the context of the **EU framework programmes for R&I** requires a specific and close look. We first draw your attention to

peanuts from the human rights thematic lines. Here are some past and present examples: (i) A Symbiotic Relationship in the West Bank: Holding Israeli authorities accountable for settler violence (EUR 299.988,00); (ii) The Transfer Cannot Succeed: Holding Israeli Authorities Accountable for Forcible Transfer (EUR 410.000,00); (iii) The Coalition Against Racism: Fighting Racism, Building Solidarity Between Communities in Israel (EUR 186.147); (iv) Always Watching: Protecting Human Rights in the Digital Age (EUR 400,000); (v) Democratizing Israeli Democracy: Accountable, Transparent, Inclusive and Participatory Governance, and Respect for Human Rights in Israel (EUR 299,988.00).

⁹⁷ https://neighbourhood-enlargement.ec.europa.eu/document/download/59b502da-4e49-45a0-8bde-0ad156141316_en?filename=C_2024_8291_F1_ANNEX_EN_V3_PI_3769833.PDF

⁹⁸ <https://www.bostonreview.net/articles/emmaia-gelman-anti-defamation-league/> and <https://www.jewishvoiceforpeace.org/resource/adl-one-pager/>

⁹⁹ <https://op.europa.eu/en/publication-detail/-/publication/e5befda1-1111-11ef-a251-01aa75ed71a1/language-en>

¹⁰⁰ <https://www.trtworld.com/video/digital/the-powerful-pro-israel-lobby-pulling-the-eus-strings-18257010>

¹⁰¹ https://www.fairfin.be/sites/default/files/2024-06/REPORT%20-%20The%20Companies%20Arming%20Israel%20and%20Their%20Financiers%20-%20June%202024_0.pdf

¹⁰² https://dontbuyintooccupation.org/wp-content/uploads/2024/11/2024_DBIO-IV-report.pdf

the website of the ISERD, the Israel-Europe Research & Innovation Directorate, which blatantly portrays the map of Israel englobing in full the occupied Palestinian territory¹⁰³.

28. Various reports and legal cases have shown occurrence of **Israeli universities and research institutes partially located in and involved in activities in the oPt**, in support of the occupation, still benefiting of EU grants¹⁰⁴, in blunt violation of EU rules and guidelines. Despite the liberal image that they try to convene, the *“Israeli universities serve as pillars of Israel's system of oppression against Palestinians. Academic disciplines, degree programs, campus infrastructure, and research laboratories all service Israeli occupation and apartheid, while universities violate the rights of Palestinians to education, stifle critical scholarship, and violently repress student dissent”*¹⁰⁵.
29. In July 2024, more than **2,000 European academics and 45 organisations** have signed a petition asking the European Commission to stop institutional collaboration with Israeli universities and revoke Israel's statute as Horizon Europe associated country¹⁰⁶. On top of these public petitions, other similar bilateral appeals have been submitted to the Commission by European academic institutions.
30. Particularly worrying, in the context of **Horizon Europe** (and its predecessors Horizon 2020 and 7th Framework Programme), is the past and present funding of researches with potential **dual use**.¹⁰⁷ Although the researches per se do not openly show risks of dual use, the involvement of Israeli military companies, actively involved in the current genocide and in the decades-long military occupation and apartheid system against the Palestinian people, should have rang the alarm of the likely application of the Horizon Europe's products in military equipment¹⁰⁸. It is hard to believe in the naivety of the evaluators of the researches' proposal and of the EU managers who signed off these dubious grant contracts. Here are a few examples:
 - i. The **ALRIGH2T project**¹⁰⁹ includes the participation of the **Israeli Aerospace Industry Ltd (IAI)**. This case was flagged by a Member of the **European Parliament on 13th March 2024, with question E-000771/2024**¹¹⁰. Not only does IAI produce surveillance equipment and lethal drones, but it has facilities in the occupied West Bank (and Golan Heights), according to the Investigate project by the American Friends Service Committee¹¹¹.
 - ii. From May 2019 to April 2022, IAI Ltd. has benefited of a grant of 1,4MEUR in the context of the project **RESPONDRONE**. Within the same project, the Israeli Ministry of Defense has benefited of a grant of more than 100,000 EUR¹¹².
 - iii. The **AUTOFLY** project, from April 2022 to December 2023, had one single grant beneficiary, the Israeli tech company **Sightec Israel Ltd** that received a grant of approximatively 2,4MEUR to develop a platform that enables drones to perform complex tasks autonomously¹¹³. The EU

¹⁰³ <https://innovationisrael.org.il/iserd/?id=19#>

¹⁰⁴ <https://www.eccpalestine.org/accountability-for-eu-complicity-with-israeli-illegal-settlements-a-new-legal-victory-highlights-the-eu-commissions-shortcomings/> and <https://www.eccpalestine.org/wp-content/upl>¹⁰⁴
<https://aurdip.org/en/thousands-of-european-academics-ask-for-the-termination-of-european-support-for-israeli-academia/oads/2019/12/ECCP-2019.pdf>

¹⁰⁵ Maya Wind, Towers of Ivory and Steel, 2024 <https://www.mayaywind.com/book>

¹⁰⁶ <https://aurdip.org/en/thousands-of-european-academics-ask-for-the-termination-of-european-support-for-israeli-academia/>

¹⁰⁷ As defined by Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items.

¹⁰⁸ <https://www.statewatch.org/analyses/2024/european-money-for-the-war-in-gaza-how-eu-research-funding-supports-the-israeli-arms-industry/>

¹⁰⁹ <https://cordis.europa.eu/project/id/101138105>

¹¹⁰ https://www.europarl.europa.eu/doceo/document/E-9-2024-000771_EN.html

¹¹¹ <https://investigate.info/company/israel-aerospace-industries>

¹¹² <https://cordis.europa.eu/project/id/833717>

¹¹³ <https://cordis.europa.eu/project/id/190185259>

should have been aware that Sightec had already produced technology to allow drones to fly autonomously from GPS and that two of the Sightec's clients are IAI and **Elta System Ltd.**, both defence industries involved in Homeland Security missions¹¹⁴.

- iv. In the first half of 2020, 50,000 EUR were granted to **Xtend Reality Expansion Ltd.** for a feasibility study of **Skylord Xtender drone system**¹¹⁵. However, one year later Xtend get a contract with the Pentagon to deliver dozens of small unmanned aerial systems.¹¹⁶ On its website, Xtend proudly showcases its partnership with the Israeli Defense Forces and its important contribution to modern warfare¹¹⁷.
 - v. Within the project **INHibitors, Explosives and pRecursor InvesTigation**¹¹⁸, the Israeli partner (The Technion - Israel Institute of Technology) receives the lion share (EUR 522,000) of the total EU grant (EUR 1,548,750), as compared to the other 12 EU members of the consortium. The blurring of the boundaries between civil society and military industrial complex by the Technion were highlighted already back in 2014.¹¹⁹
31. Not only have the EU and its Member States ignored the heartfelt pleas from the European academic and scientific community, but have just continued business as usual. The EU unconditional commitment to cooperate with Israel in technological research is confirmed by:
- a) The signature, in May 2024 (i.e. 7 months into the genocide) of the grant agreement for **10 Angstrom CMOS Exploration** project, for an amount of EUR 23 948 076,88, involving five Israeli companies¹²⁰.
 - b) The undisturbed continuation of the project **Underwater Security**, started on 1st October 2023 for 36 months. **Tel Aviv University, Rafael Advance Defence System Ltd.** (proud of its combat-proven solution)¹²¹ and, again, the **Israeli Ministry of Defense** are among the partners, for a cumulative grant of about 840,000 EUR¹²².
32. The risk that EU funds have been contributing to the genocide in Gaza is nowadays raised publicly. In March 2024, **Euronews** reported that *The European Union has helped fund drone technology used by Israel in its devastating war against Gaza, two monitors have claimed*¹²³. At the end of the year, **Al Jazeera** reported that *“Data collected by the European Commission and analysed by Al Jazeera shows that since October 7, the EU has awarded Israeli institutions more than 238 million euros (\$250m), including 640,000 euros (\$674,000) to Israel Aerospace Industries (IAI), a top aerospace and aviation manufacturer supplying the Israeli army*¹²⁴.
33. Equally disturbing are the findings of the Transnational Institute (TNI) report, released in June 2024, titled *“Partners in Crime: EU complicity in Israel’s genocide in Gaza”*¹²⁵, referring to both the European Union and its Member States strong ties with Israel (and US) in researching, producing, and trading military and dual use surveillance equipment and weapons. The report mentions that *“The EU has enabled and normalised a genocide by adopting a ‘business as usual’ approach (...)”*.

¹¹⁴ <https://www.timesofisrael.com/in-first-delivery-drone-gets-to-destination-in-israel-without-gps-signal/>

¹¹⁵ <https://cordis.europa.eu/project/id/887959>

¹¹⁶ <https://www.defensenews.com/unmanned/2021/05/10/pentagon-orders-small-israeli-drones-for-indoor-special-operations/>

¹¹⁷ <https://defense.xtend.me/>

¹¹⁸ <https://cordis.europa.eu/project/id/101021330>

¹¹⁹ <https://www.newarab.com/analysis/technion-elite-university-israeli-student-soldiers>

¹²⁰ <https://cordis.europa.eu/project/id/101139972>

¹²¹ <https://www.rafael.co.il/>

¹²² <https://cordis.europa.eu/project/id/101121288>

¹²³ <https://www.euronews.com/2024/03/23/eu-funding-drone-technology-used-by-israel-in-gaza-war-claims-monitor>

¹²⁴ <https://www.aljazeera.com/news/2024/12/18/eu-horizon-funding-israel>

¹²⁵ <https://www.tni.org/en/publication/partners-in-crime-EU-complicity-Israel-genocide-Gaza>

34. Moreover, it is worth looking at the findings of a global investigation carried out by the independent Jewish-Australian journalist **Antony Loewenstein** who, in the book “*The Palestine Laboratory*” shows in depth how Israel has become a leader in developing spying technology and defence hardware using Palestinians as a testing ground, and then exporting them around the world, including for using in some of the globe's most brutal regimes. According to Loewenstein, Israeli technology is applied also to drones used by **the European Union to monitor refugees in the Mediterranean who are left to drown**¹²⁶.
35. A recent report on the Italian national TV echoes this finding¹²⁷ “*Frontex sperimenta alle frontiere i droni usati in Palestina*”, in cooperation with **Elbit system and Israeli Aerospace Industry Ltd.**
36. We observe with concern that, against such a perceived laxity in scrutinising the funding to Israeli entities, the **Palestinian recipients of EU funds are thoroughly screened**. In case of use of external service providers’ software, we recall that under the case-law of the Court of Justice of the European Union, when the Council sanctions individuals within the framework of the Common Foreign and Security Policy (CFSP), it cannot rely on listings of third States which might not respect fundamental rights, such as for example the right to an effective remedy upon contestation before an independent and impartial judge.
37. We also share the concern of some Members of Parliament who, in October 2024, questioned the **conditionality of loans** to the Palestinian Authority (PA)¹²⁸. It is worth to recall that the PA is far from being economically, financially and fiscally autonomous from the occupying power.
38. The business-as-usual approach maintained with Israel is in stark contrast with the hasty decision taken by **Commissioner Várhelyi to unilaterally suspend all funding to the Palestinian people**¹²⁹ in the aftermath of October 7th, as well as the Commission’s decision to suspend funding to UNRWA in light of Israeli allegations on the participation of 12 UNRWA staff (out of 30,000) in the October 7th attacks¹³⁰, in moves resembling to collective punishment.

¹²⁶ <https://digi-con.org/the-palestine-laboratory-a-review/>

¹²⁷ https://x.com/reportrai3/status/1878540777573200222?s=46&t=YxHQdUcgJkC4x_tkyB6PRw

¹²⁸ https://www.europarl.europa.eu/doceo/document/E-10-2024-002117_EN.html

¹²⁹ <https://www.euronews.com/my-europe/2023/10/10/commissioner-varhelyi-went-solo-with-suspension-of-eu-funds-for-palestinians-prompting-u-t>

¹³⁰ https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/european-commission-statement-unrwa-2024-01-29_en