

Madrid, 21 July 2023

H.E. Ms. Joan E. Donoghue

President

International Court of Justice

Peace Palace

The Hague

Mr. President,

I have the honor to respond on behalf of the Spanish Government to the invitation by the International Court of Justice, contained in its order No 186 of 3 February 2023 and transmitted by the letter of the Registrar of 6 February to Member States of the United Nations to furnish information on the questions submitted by the General Assembly of the United Nations in its request for an advisory opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

This letter as well as the attached file constitute the national written statement of Spain.

INTRODUCTORY REMARKS

On the competence of the Court

1.1. The request by the General Assembly contained in resolution 77/247 was made under Article 96, paragraph 1, of the Charter of the United Nations, pursuant to which the General Assembly may request the International Court of Justice to give an advisory opinion on any legal question.

1.2 The Spanish position regarding this matter is consistent with its attitude at the moment of the adoption of Resolution 77/247 whereby the General Assembly decided to request the said advisory opinion. Spain abstained in the vote on the Resolution, which was adopted with 98 States voting in favor, 52 abstaining and 17 against. The Spanish abstention is consistent with the understanding -which underlies Spanish foreign policy since the Madrid Conference in 1991- that the materialization of the two-state solution and its sustainability is a political question that can only be the result of a negotiated process between the parties within the framework of applicable UNSC resolutions. Therefore, Spain does not believe that such a solution can be the outcome of the proceedings before the International Court of Justice or any other international body.

1.3 Nonetheless, Spain joined other United Nations Member States on a Declaration published on 16 January 2023 reconfirming its “unwavering support for the International Court of Justice and international law as the cornerstone of our international order”, as well as Spain’s “commitment to multilateralism”. Furthermore, Spain rejected Israeli “punitive measures in response to a request for an advisory opinion by the International Court of Justice, and more broadly in response to a General Assembly resolution”. By doing so, and through this written

statement, Spain shows its commitment to the central role of the International Court of Justice to guarantee a rules-based international order

1.4. The power granted to the Court to give an advisory opinion derived from Article 65 of the Statute is of a discretionary nature. Therefore, it is for the Court to determine whether it should exercise its power of discretion in the present case by deciding or not to provide the requested opinion. The observations below are submitted for consideration in the event that the Court decides to respond to the questions posed by the General Assembly.

Applicable law and other elements of international law

- United Nations Charter
- International humanitarian law and particularly the Regulations annexed to the Fourth Hague Convention of 1907; the Fourth Geneva Convention of 1949
- Human rights law and particularly the International Covenant on Civil and Political Rights;
- Relevant United Nations Security Council Resolutions, particularly:
 - *UNSC resolution 242, dated 1967*
 - *UNSC resolution 338, dated 1973*
 - *UNSC resolution 267, dated 1969*
 - *UNSC resolution 289, dated 1971*
 - *UNSC resolution 446, dated 1980*
 - *UNSC resolution 452, dated 1979*
 - *UNSC resolution 465, dated 1980*
 - *UNSC resolution 476, dated 1980*
 - *UNSC resolution 478, dated 1980*
 - *UNSC resolution 484, dated 1980*
 - *UNSC resolution 904, dated 1994*
 - *UNSC resolution 1073, dated 1996*
 - *UNSC resolution 1379, dated 2002*
 - *UNSC resolution 1515, dated 2003*
 - *UNSC resolution 1850, dated 2008*
 - *UNSC resolution 1860, dated 2009*
 - *UNSC Resolution 2334 dated 2016*
- Relevant jurisprudence:
 - *Western Sahara, Advisory Opinion ICJ Reports 1975, p.68, paragraph 162*
 - *East Timor (Portugal v. Australia), Judgement ICJ Reports 1995, p.102, paragraph 29*
 - *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) ICJ Report 1986*
 - *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding UNSC-R 276 (1970), Advisory Opinion ICJ Reports 1971*
 - *Judgement of the International Military Tribunal of Nuremberg, Report 1946,*
 - *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion ICJ Report 1996 (I)*
 - *Gabcikovo-Nagymaros Project (Hungary v. Slovakia) ICJ Report 1997*

- *United States Diplomatic and Consular Staff in Tehran, Judgement ICJ 198*
- *Barcelona Traction, Light and Power Company, Limited, Second Phase Judgement ICJ Reports 1970*
- *Haya de la Torre, Judgement ICJ 1951, page 82*
- *Western Sahara, Advisory Opinion ICJ Reports 1975*
- *East Timor (Portugal v. Australia), Judgement ICJ Reports 1995*
- *Legal consequences of the construction of a wall in the occupied Palestinian territory. Advisory Opinion ICJ Reports 2004.*

- Relevant United Nations General Assembly resolutions, particularly:
 - *UNGA resolution 181 (II), dated 1947;*
 - *UNGA Resolution ES-10/2;*
 - *UNGA Resolution ES-10/13;*
 - *UNGA Resolution 10/14;*
 - *UNGA resolution ES-10/19 "Status of Jerusalem"*
 - *UNGA resolution 2625 (XXV);*
 - *UNGA resolution 377 (V) "Uniting For Peace".*
 - *UNGA resolution 66/225 "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan over their natural resources"*
 - *UNGA resolution 67/19 "Status of Palestine in the United Nations"*
 - *UNGA resolution 77/208 "The right of the Palestinian people to self-determination"*
 - *UNGA resolution 77/247 "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem"*
 - *UNGA resolution 77/328 "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel"*

ASSESSMENT

General observations

2.1. The law of armed conflict strikes a balance between humanitarian demands and military needs attending to the principles of necessity, proportionality and humanity. Therefore, all related measures must be reasonable in terms of intensity, duration and scale. In the context of an occupation, international humanitarian law ensures consistency between humanitarian aims and the occupier's security needs and reduces the risk of a deterioration in relations between the occupying Power and the occupied. Any examination of necessity and proportionality in circumstances of prolonged occupation when hostilities have ceased must be more rigorous, since stricter conditions govern the imposition of restrictions on the fundamental rights of protected persons.

2.2. Spain, at the national level but also as a Member of the EU, has repeatedly shown concern over the successive cycles of violence throughout decades of conflict, which have contributed to the failure of negotiations and therefore deferred the implementation of the two-state solution. Spain has repeatedly acknowledged the legitimate concerns of Israel with regard to the

continued terrorist violence, which all Spanish governments have unequivocally condemned in the strongest possible terms, as well as Israel's right to self-defense under international law.

2.3. The EU and Spain have also repeatedly condemned the disproportionate use of violence by the Israeli authorities and increasing settler violence and requested Israel to exercise its right to self-defense in a proportionate manner and according to International Humanitarian Law, as well as to protect civilian population in the Palestinian territories, according to its status as an occupying power. Its actions on the grounds of self-defense or national security must respect international humanitarian and human rights law. Respect for such norms is essential in order to improve the humanitarian situation of persons living under prolonged occupation and to bring about a just and lasting peace.

The Spanish national position and the EU consensus

3.1 The General Assembly of the United Nations adopted Resolution 77/247 presents its request to the Court as follows:

'18. Decides, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following questions, considering the rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and the advisory opinion of the Court of 9 July 2004:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

(b) How do the policies and practices of Israel referred to in paragraph 18 (a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?'

3.2. The position of Spain regarding the elements included in the questions presented to the Court has long been anchored in EU policy –which Spain has contributed to shape- and particularly, *inter alia*, the Berlin Declaration from 24-25 March 1999; Council Conclusions on the Middle East Peace Process from July 2014, Council Conclusions on the Middle East Peace Process from November 2014, Council conclusions on the Middle East Peace Process from July 2015, Council conclusions on the Middle East Peace Process from January 2016 and, more recently, in the *Statement of the European Union with the European Union's position for the Association Council's 12th meeting* from 3 October 2022 as well as the Joint Statement of the EU and its Member States from 8 March 2023. These positions have been mirrored by Spain's own national statements and as a Member of the West Bank Protection Consortium. For ease of reference, all these elements are provided to the Court as attachments to this letter.

The right of self-determination and the two-State solution

4.1. The Heads of State and Government of the European Union reaffirmed in the Berlin Declaration in 1999 "*the continuing and unqualified Palestinian right to self-determination including the option of a state*". On that understanding, the EU has for decades championed the two-state solution as a central element of its Common Foreign and Security Policy (CFSP).

4.2. On the occasion of the 12th meeting of the EU-Israel Association Council, the EU reaffirmed this long-standing position on the Middle East Peace Process:

"12. The EU is united in its commitment to achieving a two-state solution –based on the parameters set out in the Council conclusions of July 2014 that allows the State of Israel to live side by side in peace, security and mutual recognition with an independent, democratic, contiguous, sovereign and viable State of Palestine, with Jerusalem as the future capital of both states".

Annexation and settlement policy

5.1. The EU and its Member States in the recent Statement of 8 march 2023 -and the Government of Spain at the national level- have repeatedly rejected expansion of Israeli settlements in the Palestinian occupied territories and particularly all recent measures aiming at an accelerated expansion thereof, and considered them as contrary to the international law, and an obstacle to peace and to the materialization of the two-state solution. This assessment is based in UNSC Resolution 465 (1980) and particularly UNSC Resolution 2334 (2016), in which the Security Council:

"1. Reaffirms that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;

2. Reiterates its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard.

3. Underlines that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

4. Stresses that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperiling the two State solution."

5.2. The EU has consistently rejected the continued settlement expansion and all measures that may be tantamount to a *de iure* or *de facto* annexation of the Palestinian territories. In its Statement on the 12th meeting of the EU-Israel Association Council,

"16. The EU calls on Israel to halt continued settlement expansion, which have reached record highs in the past years, evictions, demolitions and forced transfers".

5.3. In the context of the current escalation of tensions, the aforementioned EU statement and Spanish national statements have condemned constant and increasing settler violence and reminded Israel of its obligations as the occupying power under international law, calling for accountability. In this line, the Statement of the EU and its Member States from 8 March 2023 states that "*Israel must stop settlement expansion, prevent settler violence and ensure the perpetrators are held accountable*".

Israeli continued occupation

6.1. Spanish and European efforts towards peace are rooted in the firm belief that the occupation is a temporary solution that must preserve the viability of a future Palestinian state until the negotiation process brings about a definitive solution to the conflict. In this regard, on 3 October 22, on the occasion of the 12th meeting of the EU-Israel Association Council the EU stated that:

"12. (...) The EU is gravely concerned that the occupation of the Palestinian territory that began in 1967 continues to this day".

Measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem

7.1. The EU has constantly opposed measures that are intended to alter the situation in favor of the Occupying Power, including in Jerusalem. On 3 October 2022, on the occasion of the 12th meeting of the EU-Israel Association Council, the EU stated that:

12. "(...) The EU and its Member States will continue to respect the international consensus on Jerusalem embodied in the relevant United Nations Security Council Resolutions until the final status of Jerusalem is resolved".

(...)

18. The EU recalls the specific significance of the Holy Sites and makes a strong call for upholding the status quo put in place in 1967 for the Temple Mount/Haram al-Sharif in line with previous understandings and with respect to Jordan's special role. Underlining the necessity to respect the status quo also for the Christian holy sites, which are under increasing pressure, the EU reiterates the importance of maintaining peaceful coexistence of all three monotheistic religions and their practitioners.

CONCLUSION

8.1. Spain firmly believes in the need to materialize the two State-solution through a negotiated process, as it is the only answer to the legitimate national aspirations of Palestinians and Israelis. The result of this process needs to be a State of Israel and a State of Palestine living side by side in peace, security and mutual recognition, with Jerusalem as the future capital of both states, according to relevant UNSCR resolutions.

8.2. The Israeli occupation of Palestinian territories is subject to International Law, which it must fully respect, in particular International Humanitarian law and the International Human Rights

Law. Any practice conducive to *de iure* or *de facto* annexation of the Palestinian occupied territories would render such an occupation illegal.

Respectfully yours,



Signed: José Manuel Albares Bueno

Minister of Foreign Affairs of the Kingdom of Spain

ANNEX – EU POSITIONS ON THE MIDDLE EAST PEACE PROCESS

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- 1) The Berlin Declaration. 24-25 March, 1999.
- 2) Council Conclusions on the Middle East Peace Process from July 2014,
- 3) Council Conclusions on the Middle East Peace Process from November 2014,
- 4) Council conclusions on the Middle East Peace Process from July 2015,
- 5) Council conclusions on the Middle East Peace Process from January 2016
- 6) Statement of the European Union with the European Union's position for the Association Council's 12th meeting, 3 October 2022
- 7) Joint Statement of the EU and its Member States from 8 march 2023.

1. Berlin Declaration, 24-25 March 1999

PRESIDENCY CONCLUSIONS - BERLIN EUROPEAN COUNCIL. 24 AND 25 MARCH 1999

I. INTRODUCTION

1. The European Council met in Berlin on 24 and 25 March 1999. Proceedings opened with an exchange of views with the President of the European Parliament, Mr. José-Maria Gil-Robles.

2. The European Council:

reached an overall agreement on Agenda 2000 (see Part I);

agreed a declaration on the appointment of the President of the Commission (see Part II);

adopted two statements on Kosovo (see Part III);

agreed three other statements on the Middle East Peace Process, the successful conclusion of the Trade and Cooperation Agreement with South Africa and on enlargement (see Part IV).

PART I – AGENDA

(...)

PART IV – OTHER DECLARATIONS

MIDDLE EAST PEACE PROCESS

The Heads of State or Government of the European Union reaffirm its support for a negotiated settlement in the Middle East, to reflect the principles of "land for peace" and ensure the security both collective and individual of the Israeli and Palestinian peoples. In this context, the European Union welcomes the decision by the Palestinian National Council and associated bodies to reaffirm the nullification of the provisions in the Palestinian National Charter which called for the destruction of Israel and to reaffirm their commitment to recognize and live in peace with Israel. However, the European Union remains concerned at the current deadlock in the peace process and calls upon the parties to implement fully and immediately the Wye River Memorandum.

The European Union also calls upon the parties to reaffirm their commitments to the basic principles established within the framework of Madrid, Oslo and subsequent agreements, in accordance with UNSC Resolutions 242 and 338. It urges the parties to agree on an extension of the transitional period established by the Oslo agreements.

The European Union calls in particular for an early resumption of final status negotiations in the coming months on an accelerated basis, and for these to be brought to a prompt conclusion and not prolonged indefinitely. The European Union believes that it should be possible to conclude the negotiations within a target period of one year. It expresses its readiness to work to facilitate an early conclusion to the negotiations.

The European Union urges both parties to refrain from activities which pre-judge the outcome of those final status negotiations and from any activity contrary to international law, including all settlement activity, and to fight incitement and violence.

The European Union reaffirms the continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfilment of this right. It appeals to the parties to strive in good faith for a negotiated solution on the basis of the existing agreements, without prejudice to this right, which is not subject to any veto. The European Union is convinced that the creation of a democratic, viable and peaceful sovereign Palestinian State on the basis of existing agreements and through negotiations would be the best guarantee of Israel's security and Israel's acceptance as an equal partner in the region. The European Union declares its readiness to consider the recognition of a Palestinian State in due course in accordance with the basic principles referred to above.

The European Union also calls for an early resumption of negotiations on the Syrian and Lebanese tracks of the Middle East Peace Process, leading to the implementation of UNSCRs 242, 338 and 425.

Source: <https://www.un.org/unispal/document/auto-insert-205180/>

2. Council conclusions on the Middle East Peace Process

FOREIGN AFFAIRS Council meeting

Brussels, 12 May 2014

The Council adopted the following conclusions:

1. *The EU is extremely concerned at recent developments related to the peace process. The EU has fully supported and praises US peace efforts deployed by Secretary of State Kerry and his team. The extensive efforts deployed in recent months must not go to waste.*
2. *A negotiated two-state solution remains the best way to resolve the conflict once and for all. The EU regrets that despite US efforts, greater progress has not been made by the parties to date in the talks. The EU urges the parties to use the coming weeks to find the common ground and political strength needed to resume this process and to make the necessary bold decisions. The EU remains determined to do all it can to support that goal, including through the offer of a Special Privileged Partnership, which will ensure unprecedented economic, political and security support for both parties in the event of a final status agreement.*
3. *The European Union recalls previous Council conclusions which have laid down its vision for a two-state solution resulting in an agreement on all final status issues, ending all claims, and fulfilling the legitimate aspirations of both parties. A one state reality would not be compatible with such aspirations.*
4. *The EU calls on all sides to exercise maximum restraint and to avoid any unilateral action which may further undermine peace efforts and the viability of a two-state-solution, such as continued settlement expansion. The European Union will continue to closely monitor the situation and its broader implications, and will act accordingly.*
5. *The EU has consistently supported intra-Palestinian reconciliation on clear and certain terms. The EU looks forward to continuing its support, including through direct financial assistance, for a possible new Palestinian government composed of independent figures that commits to the principles set out in President Abbas' speech in Cairo on 4 May 2011. Such a government should uphold the principle of non-violence, and remain committed to achieving a two-state solution and to a negotiated peaceful settlement of the Israeli Palestinian conflict accepting previous agreements and obligations, including Israel's legitimate right to exist. The EU's engagement with a new Palestinian government will be based on its adherence to these policies and commitments. Reconciliation on these terms is an important element for the unity of a future Palestinian state and for reaching a two-state solution and a lasting peace. The EU welcomes the prospect of genuine democratic elections for all Palestinians.*
6. *The EU underlines that Mahmoud Abbas, as President of the PLO, remains fully in charge of the negotiation process and is mandated to negotiate in the name of all Palestinians and that the peace negotiations can and must be resumed."*

Source: <https://www.consilium.europa.eu/media/28341/142555.pdf>

3. Council conclusions on the Middle East Peace Process

FOREIGN AFFAIRS Council meeting

Brussels, 17 November 2014

1. *The EU is gravely concerned at the growing tension and increasing violence on the ground. It condemns all recent terrorist attacks and expresses its condolences for the loss of life. It urges all parties to refrain from any action that would worsen the situation by way of incitement, provocation, excessive use of force or retaliation. The EU calls on political leaders from all sides to work together through visible actions to de-escalate the situation. In this regard, the EU is particularly concerned at worrying developments and recurrent violent clashes at the Haram al-Sharif / Temple Mount. The EU appeals for full respect of the Holy Sites. Any change of the status quo would have deeply destabilizing effects. The EU fully acknowledges the role of Jordan as Custodian to the Muslim Holy Shrines in Jerusalem and welcomes the tripartite meeting in Amman on 13 November between King Abdullah, Secretary of State John Kerry and Prime Minister Netanyahu where concrete steps towards a calming down of the situation were agreed upon. The EU looks forward to a swift and effective implementation of such measures.*
2. *Actions which call into question stated commitments to a negotiated solution must be avoided. The EU deeply deplores and strongly opposes the recent expropriation of land near Bethlehem, recent announcements of plans for new settlement construction, in particular in Givat Hamatos, Ramat Shlomo, Har Homa and Ramot, as well as plans to displace Bedouins in the West Bank and the continued demolitions, including of EU and Member States funded projects. It urges Israel to reverse these decisions which run counter to international law and directly threaten the two state solution. Recent settlement activity in East Jerusalem seriously jeopardizes the possibility of Jerusalem serving as the future capital of both states. Recalling that settlements are illegal under international law, the EU and its Member States remain committed to ensure continued, full and effective implementation of existing EU legislation and bilateral arrangements applicable to settlement products. The EU closely monitors the situation and its broader implications and remains ready to take further action in order to protect the viability of the two state solution.*
3. *The EU underlines its concern at the dire humanitarian situation in the Gaza Strip, which still remains to be adequately addressed, by urgently restoring basic infrastructures and services. It welcomes the international community pledges towards the reconstruction of Gaza. In light of the urgent needs of the people in Gaza, all these pledges should be swiftly honoured. The EU urges the parties to fully implement the temporary mechanism for monitoring and verification of reconstruction materials negotiated by the United Nations, Israel and the Palestinian Authority, as an important step towards the necessary urgent opening of all crossing points. Whilst taking positive note of the recent one-off transfers of agricultural products and fish from Gaza to the West Bank, the EU stressed the importance of a change of the Israeli policy allowing Gaza to trade normally and on a permanent basis.*
4. *The EU calls for a fundamental change of the political, security and economic situation in the Gaza Strip, including the end of the closure. The parties should urgently make progress towards a durable ceasefire, based on their agreement in Cairo on 26 August, to reach an agreement that ends the Gaza closure and addresses Israel's legitimate*

security concerns. A return to the status quo prior to the latest conflict is not an option. The EU stands ready to play a key role in international efforts to support a durable ceasefire, including through the rapid reactivation and possible extension in scope and mandate of its EUBAM Rafah and EU POL COPPS missions. The EU urges all the relevant parties to create the conditions to allow it to play such a role.

5. *The EU supports the efforts of the Palestinian national consensus government and President Abbas and strongly encourages the Palestinian Authority to progressively assume its government function in the Gaza Strip, including in the field of security, civil administration and through its presence at the Gaza crossing points. The EU welcomes the convening of the first cabinet meeting in Gaza as a positive step and urges all Palestinian factions to end internal divisions. The EU is concerned by the recent bomb attacks against leading Fatah figures in Gaza.*
6. *The unsustainable situation in Gaza, the recent increase of violence in Jerusalem, and the deteriorating regional context underline the need for a comprehensive peace, ending all claims and fulfilling the legitimate aspirations of both parties, including those of Israelis for security and those of Palestinians for statehood. The EU welcomes Secretary of State Kerry's renewed efforts to help the parties return to the table and calls on the parties and on all major stakeholders, including the Quartet, the League of Arab States and the UNSC, to take the necessary steps to that end. In this regard, the EU reaffirms its strategic interest to see an end to the conflict and is willing to play a major role and actively contribute to a negotiated solution of all final status issues; it recalls parameters agreed in July 2014 Council conclusions. The EU welcomes the early visit to the region of the High Representative/Vice President of the Commission Federica Mogherini, underlining her engagement and that of the EU on this priority issue.*
The EU recalls that the future development of the relations with both the Israeli and Palestinian partners will also depend on their engagement towards a lasting peace based on a two state solution.

Source: <https://data.consilium.europa.eu/doc/document/ST-15542-2014-INIT/en/pdf>

4. Council conclusions on the Middle East Peace Process

FOREIGN AFFAIRS Council meeting

Brussels, 20 July 2015

1. *The EU reaffirms its commitment to a just and comprehensive resolution of the Israeli-Palestinian conflict, based on the two state solution, with the State of Israel and an independent, democratic, contiguous, sovereign, and viable State of Palestine, living side by side in peace and security and mutual recognition. The EU reaffirms that there is no alternative to a negotiated two state solution. The regional context, including the ongoing radicalisation and spread of terrorism, makes it even more urgent to end the conflict. The status-quo is not an option, as the viability of the two state solution is constantly being eroded by new facts on the ground. The EU urges both parties to demonstrate their stated commitment to the two state solution through concrete actions. Actions by either side which call into question their stated commitment to a negotiated solution must be avoided. The EU will actively support the parties to restore confidence and create an environment of trust necessary to engage in meaningful negotiations as soon as possible.*
2. *An immediate priority must be to address the grave situation in the Gaza Strip. One year after the conflict, the humanitarian and socio-economic situation in the Gaza Strip remains dire. In light of the urgent needs of the people in Gaza, all international community pledges should be honoured. The EU furthermore expresses its concern over UNRWA's severe lack of funds and, as a leading donor to UNRWA, calls on all concerned donors to step up their funding.*
The EU believes that compliance with international humanitarian law and international human rights law by states and non-state actors, including accountability, is a cornerstone for peace and security in the region.
3. *The EU welcomes recent steps taken by Israel to ease restrictions in Gaza. However, further positive measures are now needed that enable the full delivery of humanitarian aid, reconstruction and economic recovery on a permanent basis. The EU calls for a fundamental change of the political, security and economic situation in the Gaza Strip, including the end of the closure and a full opening of the crossing points, while addressing Israel's legitimate security concerns. Recent rocket fire by militant groups is unacceptable and underlines again the danger of escalation. All stakeholders must commit to non-violence and peace. The EU calls on all parties to agree on a durable ceasefire that prevents a return to conflict, strengthens Gaza, as it is an integral part of a future Palestinian state, and reinforces the link between Gaza and the West Bank.*
4. *The EU urges all Palestinian factions to find common ground, based on non-violence and reconciliation, and to work together to address the needs of the Palestinian population. Intra-Palestinian reconciliation is an important element for reaching the two state solution. In that regard, the EU calls on the Palestinian factions to make reconciliation and the return of the PA to Gaza a top priority. The PA must take greater responsibility in this regard and assume its government function in the Gaza Strip, including in the field of security, civil administration and through its presence at the Gaza crossing points. The EU is ready to provide full support to these efforts, including through the rapid reactivation and possible extension in scope and mandate of its EUBAM Rafah and EU POL COPPS missions.*

5. *The EU is committed to working with all sides, including through implementation of existing agreements, to allow the socio-economic development of the West Bank, including East Jerusalem, and empower Palestinian institutions in preparation for statehood, based on the rule of law and respect for human rights. The EU stresses that actions such as the easing of restrictions must be part of a fundamental change of policy with regard to the occupied Palestinian territory. It calls on Israel to enable accelerated Palestinian construction, as well as social and economic development in Area C. Such actions will serve to strengthen the prosperity and security of both Israelis and Palestinians. It further calls on Israeli authorities to halt plans for forced transfer of population and demolition of Palestinian housing and infrastructure in the Susya and Abu Nwar communities.*
6. *The preservation of the viability of the two state solution is at the core of EU policy and will remain a priority. In this regard, and recalling that settlements are illegal under international law, the EU reiterates its strong opposition to Israel's settlement policy and actions taken in this context, such as building the separation barrier beyond the 1967 line, demolitions and confiscation - including of EU funded projects - evictions, forced transfers including of Bedouins, illegal outposts, settler violence and restrictions of movement and access. These actions seriously threaten the two state solution. Settlement activity in East Jerusalem seriously jeopardizes the possibility of Jerusalem serving as the future capital of both states. The EU will continue to closely monitor developments on the ground and their broader implications and remains ready to take further action in order to protect the viability of the two state solution. The EU and its Member States reaffirm their commitment to ensure continued, full and effective implementation of existing EU legislation and bilateral arrangements applicable to settlement products. The EU expresses its commitment to ensure that - in line with international law - all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967.*
7. *Securing a just and lasting peace will require an increased common international effort. The EU, notably through the action of its recently appointed Special Representative for the Middle East Peace Process, will work actively on a renewed multilateral approach to the peace process in consultation with all relevant stakeholders, including partners in the Quartet, notably the US, in the region and the United Nations Security Council. The establishment of an International support group is a possible way to contribute to this end; the Council asks the High Representative to explore options for implementation of this initiative with regional and international actors and to report back in early September. The EU's position on parameters, as set out in the Foreign Affairs Council Conclusions of July 2014, provides a basis for achieving consensus on the way forward. The EU is ready to engage in joint work with regional partners on the basis of the Arab Peace Initiative, and welcomes ongoing efforts of the Quartet in this regard.*

Source: <https://www.consilium.europa.eu/en/press/press-releases/2015/07/20/fac-mepp-conclusions/>

5. Council conclusions on the Middle East Peace Process

FOREIGN AFFAIRS Council meeting

Brussels, 18 January 2016

1. *The Council is deeply concerned that the continuing cycle of violence has led to a serious loss of human life in Israel and the Palestinian territory in recent months. The EU firmly condemns the terror attacks and violence from all sides and in any circumstances, including the death of children. The EU calls on political leaders to work together through visible actions to contribute to calm and address the underlying causes of the tensions. The EU recalls the special significance of the holy sites, and calls for upholding the status quo put in place in 1967 for the Temple Mount / al-Haram al-Sharif in line with previous understandings and with respect to Jordan's special role.*
2. *The EU urges all parties to refrain from any action that would worsen the situation by way of incitement or provocation and calls on the parties to condemn attacks when they occur and adhere strictly to the principles of necessity and proportionality in the use of force. It commends both sides for upholding security coordination in the light of an extremely challenging situation. The EU welcomes progress on the Duma investigation and calls for Israel to hold all perpetrators of settler violence to account. The EU also calls on both sides to jointly and resolutely fight incitement and hate speech, for instance by establishing a mechanism to consult on incitement along the lines of their previous commitments.*
3. *The EU is convinced that only the reestablishment of a political horizon and the resumption of dialogue can stop the violence. Security measures alone cannot stop the cycle of violence. The underlying causes of the conflict need to be addressed. The EU reaffirms its support to the Quartet calls for significant transformative steps to be taken, consistent with the transition envisaged by prior agreements, in order to restore confidence and rebuild trust. The EU urges both sides to implement these measures at the earliest juncture possible. A fundamental change of policy by Israel with regard to the occupied Palestinian territory, particularly in Area C, will significantly increase economic opportunities, empower Palestinian institutions and enhance stability and security for both Israelis and Palestinians.*
4. *The EU is united in its commitment to achieving a two-state solution - based on parameters set out in the Council Conclusions of July 2014 - that meets Israeli and Palestinian security needs and Palestinian aspirations for statehood and sovereignty, ends the occupation that began in 1967, and resolves all permanent status issues in order to end the conflict. It strongly opposes all actions that undermine the viability of the two state solution and urges both sides to demonstrate, through policies and actions, a genuine commitment to a two-state solution in order to rebuild trust and create a path back to meaningful negotiations. To this end, the EU will continue to closely monitor developments on the ground and their broader implications and will consider further action in order to protect the viability of the two-state solution, which is constantly eroded by new facts on the ground.*
5. *Securing a just and lasting peace, ending all claims, will require an increased common international effort. The EU, including through the action of its Special Representative,*

will work actively with all relevant stakeholders, including partners in the Quartet, notably the United States, in the region and in the United Nations Security Council, towards a renewed multilateral approach to the peace process. Recalling the spirit of dialogue and cooperation that presided over the Madrid Conference 25 years ago, the establishment of an International Support Group and a further international conference are both possible ways to contribute to this end. The EU recalls its willingness to engage further with regional partners on the basis of the Arab Peace Initiative which provides key elements for the settlement of the Arab-Israeli conflict as well as the opportunity for building a regional security framework.

6. *The EU recalls that compliance with international humanitarian law and international human rights law by states and non-state actors, including accountability, is a cornerstone for peace and security in the region. The EU calls for the protection of children, including ensuring the right to education in a safe and secure school environment. The Council highlights the importance of unhindered work of civil society both in Israel and the occupied Palestinian territory and follows recent developments in this regard with concern.*
7. *Recalling that settlements are illegal under international law, constitute an obstacle to peace and threaten to make a two state solution impossible, the EU reiterates its strong opposition to Israel's settlement policy and actions taken in this context, such as building the separation barrier beyond the 1967 line, demolitions and confiscation - including of EU funded projects - evictions, forced transfers including of Bedouins, illegal outposts and restrictions of movement and access. It urges Israel to end all settlement activity and to dismantle the outposts erected since March 2001, in line with prior obligations. Settlement activity in East Jerusalem seriously jeopardizes the possibility of Jerusalem serving as the future capital of both States.*
8. *The EU and its Member States are committed to ensure continued, full and effective implementation of existing EU legislation and bilateral arrangements applicable to settlements products. The EU expresses its commitment to ensure that - in line with international law - all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967. This does not constitute a boycott of Israel which the EU strongly opposes.*
9. *The EU urges all Palestinian factions to engage in good faith in the reconciliation process which is an important element for reaching the two state solution. The EU will continue its support to Palestinian aspirations for Statehood. It is of the utmost importance that the positive results of the past are not lost and Palestinian institutions must continue to grow stronger, more transparent, more accountable and more democratic. The EU calls upon the government to work towards genuine and democratic elections for all Palestinians. Strong, inclusive and democratic institutions, based on respect of the rule of law and human rights, are crucial in view of the establishment of a viable and sovereign Palestinian State. To this end, the EU calls on all Palestinian factions to find common ground and to work together to address the needs of the Palestinian population.*
10. *The EU calls for all parties to take swift steps to produce a fundamental change to the political, security and economic situation in the Gaza Strip, including the end of the closure and a full opening of the crossing points, while addressing Israel's legitimate security concerns. Recent rocket fire by militant groups is unacceptable and underlines again the danger of escalation. All stakeholders must commit to non-violence and peace. The EU urges the Palestinian sides to make the reconstruction of Gaza an overarching*

national priority especially as regards to health, energy and access to water. The Palestinian Authority must fully resume its governmental functions in Gaza, as it is an integral part of a future Palestinian state. The EU welcomes the steps that Israel has taken to ease some restrictions on Gaza. However the lifting of restriction on movement of people, services and goods - particularly those designated as 'dual-use items' - is needed to allow reconstruction efforts and basic service delivery. The EU calls all parties, state and non-state actors to guarantee unimpeded humanitarian access to Gaza, as foreseen by international humanitarian law, for national, local and international humanitarian organizations, including EU bodies and Member States. The EU remains ready to engage with the parties and relevant stakeholders towards resolving the situation and calls on the international community to swiftly honour its pledges.

- 11. The EU reiterates its offer to both parties of a package of European political, economic and security support and of a Special Privileged Partnership with the EU, which offers substantial benefits to both parties, in the event of a final peace agreement. The EU underlines that the future development of the relations between the EU and both the Israeli and Palestinian partners will also depend on their engagement towards a lasting peace based on a two-state solution.*

Source: <https://www.consilium.europa.eu/en/press/press-releases/2016/01/18/fac-conclusions-mepp/>

6. Twelfth Meeting of the EU-Israel Association Council

(Brussels, 3 October 2022)

Statement of the European Union

- 1. The European Union (EU) welcomes this 12th meeting of the EU-Israel Association Council. The EU attaches great significance to its close relations with the State of Israel and reiterates the importance of further developing our broad bilateral partnership through comprehensive political dialogue and cooperation to unlock the full potential of EU-Israel relations.*
- 2. The EU trusts that the resumption of the Association Council will pave the way for the resumption of other meetings that are essential for further developing a fruitful and comprehensive relationship, notably the Association Committee as well as the EU-Israel Political Dialogue and the informal working groups on human rights and international organisations, which were last held in 2016. The EU notes with satisfaction the regular and numerous meetings of the subcommittees which have been held under the Association Agreement and the cooperation in the framework of the European Neighbourhood Policy Action Plan, whose validity has been extended by the Council in January 2022 for further three years to give the EU and Israel the full opportunity to take forward their cooperation, including through possible negotiation of partnership priorities.*
- 3. The EU and Israel have close and mutually beneficial political, cultural, people-to-people, tourism, trade and investment relations, as well as significant economic, financial, research and innovation and security cooperation, including on crisis management and civil protection. The close partnership has also been reflected through an intensification of high-level visits, in particular the official visits to Israel of the President of the European Parliament in May 2022 and of the President of the European Commission in June 2022 as well as the meeting of the then Alternate Prime Minister and Foreign Minister Yair Lapid with EU Foreign Ministers in the margins of the Foreign Affairs Council on 13 July 2021. The EU welcomes the recent signature of a Memorandum of Understanding on cooperation related to natural gas between the EU, Israel and Egypt, which emphasises the importance of cooperation in the region. The EU underlines the importance of communicating to European and Israeli citizens about the mutual benefits of EU-Israel cooperation with a view to increasing the public awareness on both sides.*
- 4. The EU reiterates its condemnation in the strongest possible terms of Russia's unprovoked and unjustified military aggression against Ukraine, which grossly violates international law and undermines European and global security and stability, and welcomes Israel's vote in the United Nations General Assembly on the relevant resolutions. The EU has responded in a united and resolute manner by adopting sanctions, holding Russia to account, and supporting Ukraine with unprecedented humanitarian, financial and military aid. The EU welcomes Israel's assistance to Ukraine and its citizens, including the supply of defensive military equipment and humanitarian aid. The EU appreciates Israel's commitment to avoid the circumvention of sanctions through its territory and will continue to work together with Israel on this issue.*
- 5. The COVID-19 pandemic has demonstrated the importance of scientific, medical, humanitarian and political cooperation in addressing global challenges. The EU and Israel are important partners in this regard. Since 15 September 2021, digital COVID certificates have been mutually recognised between the EU and Israel. International cooperation and solidarity*

continue to be key to tackle the many facets of the pandemic, from health to the socio-economic impact. The EU welcomes the very active EU-Israel cooperation in research, innovation and the medical sector since the onset of the pandemic and will further build on this cooperation.

6. The significance that the EU attaches to its relations with Israel is also highlighted in the Joint Communication by the European Commission and the High Representative on a Renewed Partnership with the Southern Neighbourhood – A New Agenda for the Mediterranean, adopted on 9 February 2021. A democratic, more stable, greener and prosperous Southern Neighbourhood is a shared strategic priority and fundamental interest for both the EU and its Southern Neighbourhood partners.

7. The EU considers Israel as a key partner for cooperation in the five priority policy areas that the Joint Communication identifies, notably human development, good governance and the rule of law; resilience, prosperity and digital transition; peace and security; migration and mobility; green transition: climate resilience, energy, and the environment. The Joint Communication suggests that the EU steps up its existing cooperation with Israel in the digital, research and innovation areas and identifies opportunities to reinforce cooperation in related areas of mutual interest.

8. The EU welcomes Israel's commitment to, and engagement in, the Union for the Mediterranean, in which 43 partners from the EU and the Mediterranean engage with a view to effectively address common regional challenges notably climate change and water management. The EU appreciates cooperation with Israel in this forum as well as in other international fora. The EU welcomes the close cooperation between the Knesset and the European Parliament notably with regular Inter-Parliamentary meetings.

9. Under the new Neighbourhood, Development and International Cooperation Instrument for 2021-2027 multiannual financial framework, Israel continues to benefit from a yearly allocation in the form of institutional cooperation (Twining projects and other forms of technical support). It also benefits from EU expertise through Technical Assistance and Information Exchange instrument (TAIEX) activities and from other thematic and regional programmes. The EU welcomes the successful completion of several Twining projects and TAIEX activities in various fields in recent years. In 2021, Israel's public administration benefited from 19 projects within TAIEX, which focused on issues such as the impact of the COVID-19 pandemic, on cybercrime, digital policy, youth employment, electricity trade, sustainable production and consumption and the Green Deal and green recovery. The EU encourages further use of the instrument.

10. The EU reiterates its fundamental commitment to Israel's security, including with regard to threats in the region. The EU firmly condemns recent terror attacks in Israel as well as all forms of terrorism and remains committed to the prevention and fight against terrorism and violent extremism.

11. The EU welcomes the normalisation of relations between Israel and a number of Arab states in the region, which is beneficial to all countries involved and a fundamental step for the stabilisation of the region as a whole. The EU is exploring opportunities for regional and trilateral cooperation and joint initiatives opening up new perspective for business, people, trade, travel, research, the environment as well as in a number of other areas. The EU reiterates its commitment to a comprehensive and lasting peace for the entire region and stands ready to work to this end together with its regional and international partners. In this regard, the EU will seek to encourage and build upon the recent establishment of diplomatic relations between

Israel and a number of Arab countries, with a view to enhancing the prospects to reach a comprehensive settlement in the Middle East Peace Process.

12. The EU reaffirms its long-standing position on the Middle East Peace Process, as set out in several Council conclusions. The EU is united in its commitment to achieving a two-state solution - based on the parameters set out in the Council conclusions of July 2014 that allows the State of Israel to live side by side in peace, security and mutual recognition with an independent, democratic, contiguous, sovereign and viable State of Palestine, with Jerusalem as the future capital of both states. The EU and its Member States will continue to respect the international consensus on Jerusalem embodied in the relevant United Nations Security Council (UNSC) resolutions until the final status of Jerusalem is resolved. The EU is gravely concerned that the occupation of the Palestinian territory that began in 1967 continues to this day. The EU welcomes the steps taken recently on both sides to improve cooperation within the framework of their signed agreements, including high level political meetings, and calls on Israel to take further steps to significantly improve the lives of the Palestinian people.

13. The EU considers that it remains of utmost importance to restore a political horizon towards a two-state solution, to witness real and tangible progress on the ground, develop confidence-building measures, improve living conditions for the people and open the path towards relaunching of the peace process. The EU deplores the increase in violence that not only results in tragic loss of lives, but also fuels tensions and animosity. It calls on all sides to genuinely recommit to reaching a two-state solution in order to enhance stability, increase prosperity and strengthen security for Israelis and Palestinians alike.

14. The EU recalls that a lasting solution to the conflict must be achieved on the basis of the relevant UN Security Council Resolutions, the Madrid principles including land for peace, the Roadmap, the agreements previously reached by the parties and of the Arab Peace Initiative. Securing a just and lasting peace, which resolves all permanent status issues, will require an increased common international effort. The EU is ready to fully support Israelis and Palestinians towards a renewed commitment to the peace process, and will work actively, including through the engagement and contribution of the EU Special Representative for the Middle East Peace Process, with all relevant stakeholders, including the United States, regional stakeholders and the United Nations. The EU expects the parties to demonstrate genuine engagement with the EU with a view to reviving the peace process.

15. The EU strongly opposes all actions that undermine the viability of the two-state solution and urges Israel and the Palestinians to demonstrate, through policies and actions, a genuine commitment to a peace process resulting in a two-state solution in order to rebuild trust and create a path back to meaningful negotiations. To this end, the EU will continue to closely monitor developments on the ground and their broader implications and will consider further action in order to protect the viability of the two-state solution, which is constantly eroded by new facts on the ground, including through settlement expansion.

16. Reaffirming its commitment to implement previous Council conclusions, UNSCR 2334 (2016), as well as the applicability of international human rights and humanitarian law in the occupied Palestinian territory, the EU reiterates its strong opposition to Israel's settlement policy and activities, including in and around East Jerusalem, and especially in sensitive areas such as E1. Such actions as evictions, forced transfers, including in Masafer Yatta, demolitions, including of EU funded projects, and confiscations of homes will only escalate an already tense environment and threaten the viability of a two-state solution. Settlements are illegal under international law.

The EU will not recognise changes to the 1967 lines, unless agreed by the parties. The EU calls on Israel to halt continued settlement expansion, which have reached record highs in the past years, evictions, demolitions and forced transfers. It calls on Israel to allow for a tangible improvement of freedom of movement and access for the Palestinians, to enable accelerated Palestinian construction, as well as social and economic development in Area C, and reverse the worsening of living conditions for Palestinians in Area C. The EU firmly condemns settler violence and calls for accountability.

17. The EU is concerned about the Israeli government's announcement to introduce new rules regulating access to the West Bank, which – if implemented – would result in further entry restrictions. The EU will continue to engage with the Israeli authorities and calls for the necessary adjustments to ensure fair treatment of EU citizens and other foreign nationals travelling to and residing in the West Bank.

18. The EU recalls the specific significance of the Holy Sites and makes a strong call for upholding the status quo put in place in 1967 for the Temple Mount/Haram al-Sharif in line with previous understandings and with respect to Jordan's special role. Underlining the necessity to respect the status quo also for the Christian holy sites, which are under increasing pressure, the EU reiterates the importance of maintaining peaceful coexistence of all three monotheistic religions and their practitioners.

19. The EU strongly condemns the indiscriminate launching of rockets by Hamas, the Palestinian Islamic Jihad and other terrorist groups into Israel. The EU recognises Israel's right to self-defence and to protect its civilian population, while underlining that this right must be exercised in a proportionate manner and in full respect of international humanitarian law.

The EU equally recalls the responsibilities of the de facto authorities in Gaza in this regard. The EU calls for the release of the two Israeli citizens held in Gaza and for the return of the remains of the two other Israeli citizens.

20. The EU deplores the loss of civilian lives during the escalation in violence in and around Gaza in August 2022, including a number of children and women. The EU calls for a timely and thorough investigation into these civilian casualties. The EU calls on all parties to take necessary steps to produce a fundamental change to the political, security and economic situation in the Gaza Strip, including the end of the closure and a full opening of the crossing points, while addressing Israel's legitimate security concerns. While welcoming the easing of some restrictions by Israel, the EU calls for further and structured lifting of restrictions to allow for early recovery and reconstruction efforts, basic service delivery, structural improvement of the lives of the millions of people living in Gaza under dismal conditions, as well as for full and unimpeded humanitarian access. The EU will continue to contribute towards the development of Gaza through investments in reforms, support to economic sector and key infrastructures, among others in water and energy sectors, while Israel is expected to facilitate such efforts.

21. The EU is concerned about the increasingly high number of civilian casualties, as a result of actions inter alia by Israeli security forces, and recalls that the use of force must be proportionate and in line with international humanitarian law and only as a last resort when it is strictly unavoidable in order to protect life. Maximum efforts should be undertaken to avoid putting children in harm's way. The EU reiterates its call for a thorough investigation that clarifies all the circumstances that led to Shireen Abu Akleh's death, and that those responsible are brought to justice. The EU remains gravely concerned by the high levels of incitement and provocation on

all sides and across media platforms. The EU reiterates its call on all sides to jointly and resolutely fight incitement to violence and hate speech.

22. The EU will continue to call upon the Palestinian Authority to hold free, transparent, and inclusive elections without further delay. The EU will continue to urge all Palestinian factions to engage in good faith in the reconciliation process, to adhere to previous agreements, renounce violence and terrorism, and recognise Israel's right to exist and to commit to democratic principles, including the rule of law. The EU calls on Israel to fulfil its commitment to allow for Palestinian elections to be held also in East Jerusalem, and to facilitate election observation missions.

23. The EU and its Member States are committed to ensure continued, full and effective implementation of existing EU legislation and bilateral arrangements applicable to settlements products. The EU expresses its commitment to ensure that - in line with international law – all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territory occupied by Israel in 1967. This does not constitute a boycott of the State of Israel, which the EU strongly opposes.

24. The EU reaffirms its proposal, as endorsed in the Council conclusions of December 2013, of an unprecedented package of political, economic and security support to be offered to and developed with both parties in the context of a final status agreement. The EU underlines that the future development of the relations between the EU and both the Israeli and Palestinian partners will also depend on their engagement towards a lasting peace based on a two-state solution. The EU is convinced that this support and partnership, by anchoring both the State of Israel and a future State of Palestine in an ever closer relationship with Europe, will provide a strategic framework for their stable, secure and prosperous development. The EU's continued support to Palestinian state-building requires a credible prospect for the establishment of a viable Palestinian state, based on respect of the rule of law and human rights. The EU will engage with other regional and international actors to explore new perspectives for a comprehensive regional peace process.

25. The EU notes the importance of the full implementation and updating of the Paris Protocol, including regarding full, timely, predictable and transparent transfer of tax and customs revenues. The EU is ready to support relevant measures, including the transfers of customs responsibilities, the full implementation of e-VAT and the creation of other trade-related infrastructures.

26. Promoting peace and stability and achieving de-escalation of tensions in the broader Middle East is a key priority for the EU. Any efforts to build and consolidate confidence should remain inclusive. Iran is central to security in the region, though its direct and indirect support to political and military proxies as well as the ballistic proliferation and transfer of missiles and weapons to state and non-state actors remain an important source of regional instability. The restoration and full re-implementation of the JCPOA has the potential to contribute positively to regional prosperity and security. It could further encourage a constructive approach in the region as well as offer a platform for further efforts to build and consolidate confidence.

27. The EU continues to be very concerned by the ongoing conflict in Syria, now in its twelfth year, and its regional implications, including for Israel. The EU remains committed to the unity, sovereignty and territorial integrity of the Syrian state, and recalls that any sustainable solution to the conflict requires a genuine and inclusive political transition in line with UNSCR 2254 and the 2012 Geneva communiqué negotiated by the Syrian parties within the UN-facilitated Geneva

process. The EU commends neighbouring and other countries for hosting large numbers of Syrian refugees for more than a decade. The EU will continue to do its utmost to provide assistance to those in need inside Syria and also in refugee-hosting countries, until Syrians can voluntarily return home with safety and dignity according to UN standards. The EU hosted the sixth Brussels Conference on Supporting the Future of Syria and the region on 9-10 May 2022, where the international community pledged close to EUR 6.4 billion for 2022 and beyond. The EU remains very concerned about the security situation in the Golan Heights, and will remain firmly committed to pursue accountability for the Syrian regime's use of chemical weapons, human rights violations and abuses and other violations of international law, including humanitarian law.

28. The EU reiterates its commitment to Lebanon's unity, sovereignty, stability, independence and territorial integrity. The EU also stresses the importance of the full implementation of all relevant United Nations Security Council resolutions, including 1559, 1680, 1701 and 1757. The EU underlines its continued support to the role and mission of UNIFIL and commends the role of the Lebanese Armed Forces and UNIFIL in maintaining peace and stability in South Lebanon. The EU welcomes the resumption of discussions between Lebanon and Israel on the delineation of their maritime boundary that are facilitated by the US and hosted by UNSCOL in UNIFIL premises. The EU encourages Israel and Lebanon to clear obstacles and make swift progress in this regard, bearing in mind the positive effects a successful outcome will have for both parties, for the peace and stability in the region and wider cooperation in the field of energy.

29. The EU reiterates its strategic interest in a stable and secure environment in the Eastern Mediterranean and the framework set by the European Council conclusions, aiming at promoting regional stability. Solutions to outstanding issues should be found through peaceful dialogue and in full respect of international law. De-escalation of tensions in the interest of regional stability and promotion of good neighbourly relations in a sustainable way is essential. Regional cooperation in the Eastern Mediterranean, including on energy transition, must be developed in accordance with international law. Last year, the EU acceded the EastMed Gas Forum, to which the EU grants financial support, as an observer. Existing cooperation initiatives in the Eastern Mediterranean, including Projects of Common Interest (PCIs), can provide a basis for building wider regional partnerships. The EU also notes positively ongoing project-based cooperation between Israel and EU Member States, with the aim of advancing peace, security and stability in the region.

30. The EU is determined to win the fight against antisemitism and to promote nondiscrimination in the EU and around the world. Given the significant rise of antisemitism across Europe, the Commission adopted in October 2021 its first-ever comprehensive strategy to combat antisemitism and foster Jewish life, to complement and support EU Member States' efforts. The Strategy sets out measures focusing on: (1) preventing and combating all forms of antisemitism; (2) protecting and fostering Jewish life in the EU; and (3) education, research and Holocaust remembrance. These measures are complemented by the EU's international efforts to address antisemitism globally. The strategy supports EU Member States' efforts in adopting national strategies and actions against antisemitism in line with the 2018 Council Declaration on combating antisemitism, the 2020 Council Declaration on mainstreaming the fight against antisemitism across policy areas and the 2022 Council conclusions on combating racism and antisemitism. Israel is a key partner for the European Union, including in the global fight against antisemitism. The EU will seek to further reinforce the EU-Israel High-Level Seminar on combating racism, antisemitism and xenophobia, co-organised annually, with a focus on

operational follow-up. The EU Framework Decision on combating racism and xenophobia by means of criminal law provides a strong legal framework to combat antisemitic hate crimes and hate speech, including public condoning, denial or gross trivialisation of the Holocaust in a manner likely to incite to violence or hatred. The work of the European Commission Coordinator on Combating Antisemitism and Fostering Jewish Life further reflects the fight against antisemitism is a priority in the EU. The EU is determined to fight antisemitism online, in particular antisemitic hate speech, conspiracy myths, Holocaust denial and distortion. The EU will also promote, in accordance with the right to freedom of expression, a culture characterised by tolerance, inclusiveness and mutual respect, online and offline, in line with the EU Council Conclusions on combating racism and antisemitism of 2 March 2022. Since 2017, the Commission has been using the non-legally binding working definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA), adopted in Bucharest (2016), as a practical guidance tool and a basis for its work to combat antisemitism and it encourages its adoption and use. The EU also cooperates closely with the IHRA on other Holocaust-related issues, including through regular interaction between the European Commission Coordinator on Combatting Antisemitism and Fostering Jewish Life. The EU is committed to exploring further areas of cooperation on Holocaust remembrance, including through the European Holocaust Remembrance Infrastructure (EHRI), given the increasing importance of Holocaust remembrance and civic education in order to counter the development of antisemitic prejudices and stereotypes.

31. The EU remains resolute in its commitment to promote non-discrimination and protect the right to freedom of religion or belief. The EU will promote and protect the right to freedom of religion or belief and condemn any act of discrimination, violence or persecution on religious or belief grounds, including acts of antisemitism, in political and human rights dialogues and in broader cooperation. The EU is committed to continue to be active in the UN fora to promote and protect freedom of religion or belief, in particular in the Human Rights Council and the UN General Assembly. The EU will continue to lead on resolutions on freedom of religion or belief at the UN, and will continue to engage and actively support the work of the UN Special Rapporteur on freedom of religion or belief. The EU reaffirms that freedom of religion or belief and freedom of expression are interdependent, interrelated, and mutually reinforcing rights.

32. The EU recalls that relations between Israel and the EU shall be based on respect for human rights and democratic principles, as enshrined in Article 2 of the EU-Israel Association Agreement. In this context, the values of democracy, respect for human rights, including the rights of persons belonging to minorities, and the importance of a vibrant civil society stand central to the EU-Israel partnership, including as regards the people living under occupation in the Palestinian territory. In this context, the EU would highly welcome the resumption of a regular dialogue with the Israeli side on human rights issues.

33. The EU encourages Israel to respect, protect and fulfil the rights of all persons, including those belonging to minorities, notably the Arab minority, to enhance their integration into Israeli society, to protect their rights, to reduce economic and social disparities and to ensure that all asylum applications are treated in accordance with international law and international standards. The EU encourages Israel also to enhance the participation of all minority groups in policy and governance processes at all levels and to avoid any discrimination in law and practice. The EU calls for a comprehensive and equitable solution with regard to unrecognised Bedouin villages.

34. The EU promotes gender equality and the full enjoyment of all human rights by all women and girls and their empowerment as a priority across all areas of action, in line with international commitment. The elimination of all forms of discrimination and exclusion, and all forms of sexual and gender-based violence, and full and meaningful participation and leadership of women and girls are fundamental for sustainable development, economic growth, peace and security. The EU welcomes steps taken by Israel to increase participation rates in the workforce and improve the conditions of work for Arab women, as well as to combat domestic violence and all forms of sexual and gender-based violence and discrimination.

35. The EU recalls its commitment to promote and protect the full and equal enjoyment of human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The EU has a major partner in Israel when it comes to addressing the inequalities, discrimination, and violence affecting LGBTI persons, including in international fora. The EU commends Israel for enhancing protection and promotion of the human rights of LGBTI persons, including by means of legislation.

36. The EU recalls that compliance with international humanitarian law and international human rights law by states and non-state actors, including accountability, is a cornerstone for peace and security. The EU calls on Israel to adhere strictly to the principles governing the use of force, including necessity, distinction and proportionality, as well as to promote impartiality and effectiveness of the investigatory mechanisms of alleged misconduct of law enforcement bodies or defence forces.

37. The EU is proud of its continued support to civil society that contributes to peace efforts and confidence building between Israelis and Palestinians. The EU is deeply concerned by the recent raids on six Palestinian civil society organisations, as part of a worrying reduction of space for civil society in the occupied Palestinian territory. A free and strong civil society is indispensable for promoting democratic values and for the two-state solution. The EU calls on Israel to refrain from any action that would prevent these organisations from continuing their critical human rights, humanitarian and development work in the occupied Palestinian territory. In case Israel makes convincing evidence available that would justify reviewing the EU's policy towards the six Palestinian civil society organisations, the EU would act accordingly. It is crucial to ensure a safe and enabling civic space, both online and offline, and that anti-terrorism legislation does not lead to undermining civil society and its valuable work and contributions to building fairer and more peaceful societies and to the pursuit of accountability. The EU reiterates its support for human rights defenders, journalists and other media workers.

38. The EU remains concerned about the extensive recourse by Israel to administrative detention without formal charge. Under international law detainees have the right to be informed about the charges underlying their detention and to have the legality of their detention determined without undue delay, as well as the right to legal assistance, due process and a fair trial. The EU calls for the full respect of international human rights obligations towards all prisoners, including in the context of arrest, interrogation and detention.

39. The promotion, protection, fulfilment and respect for the rights of the child are a priority for EU human rights policy. The EU calls on Israel to respect, protect and fulfil the human rights of Palestinian minors faced with arrest and detention, in line with international obligations and standards regarding the detention of children, including in cases of security offences, and ending the practice of administrative detention. Israel should ensure children in Gaza can access

specialised medical treatment outside Gaza without delay and that health and education facilities, ambulances and protected personnel are not targeted in security operations. The EU calls for the protection of children, including ensuring their right to education in a safe and secure school environment.

40. The EU strongly encourages Israel to cooperate fully with United Nations human rights mechanisms. The EU calls on Israel to reverse its publicly stated freeze in relations with the Office of the United Nations High Commissioner for Human Rights, including in relation to the issuance of visas for international staff. The EU welcomes Israel's ongoing cooperation with the Council of Europe and its willingness to further strengthen cooperation with this body.

41. The EU is Israel's largest trading partner and Israel is among the EU's biggest trading partners in the Mediterranean area with the most diversified structure of trade. Total trade in goods was close to EUR 37 billion in 2021 while trade in services was approaching EUR 14 billion in 2020. In spite of some remaining market access impediments, the overall conditions for bilateral trade are good. The EU welcomes the regulatory reform in force since June 1, which has simplified import procedures for a variety of consumer goods, abolishing dozens of national import standards and relying instead on compliance with EU and other international standards.

The EU welcomes the progress in the modernisation of the Pan-Euro-Mediterranean (PEM) Convention and acknowledges the positive role that Israel is playing in the process. The EU expects that the new rules can be applied in the trade between Israel and the EU as soon as possible, before the end of 2022. The EU recalls the importance of the Technical Arrangement between the EU and Israel and of the Court of Justice's case law in case C-363/18 on products originating from settlements and stresses the mutual interest in ensuring its continued good and therefore also more efficient functioning.

42. The EU values Israel's close cooperation with the EU when trade irritants arise and particularly appreciates the pilot project put in place to address the long-standing import authorization practice of the Israeli authorities for medical devices which discriminates among EU Member States. However, the EU continues to be concerned by some market access issues, notably by the lack of data exclusivity protection for biological medicines in Israel as well as cumbersome certification process for EU exports of kosher meat.

43. The EU is interested in continuing to work on trade-related issues under discussion with Israel and in sharing practices in different areas, including on standards for agricultural and industrial goods as well as the protection of geographical indications for agricultural products and other foodstuffs and discussions on trade defence procedures. It is interested in continuing cooperation on agricultural policy, rural development, and organic farming.

44. The EU recalls the commitment by Israel and the Palestinian Authority at the Trade Ministerial Conference of the Union for the Mediterranean of 11 November 2010 on a Package of measures to facilitate the trade of Palestinian products with other Euro-Mediterranean partners. These commitments have been recalled at the Trade Ministerial Conferences of 19 March 2018 and of 10 November 2020. On both occasions, the EU presented a Technical Progress Report on the progress on the Package of measures. The EU encourages Israel and the Palestinian Authority to progress on the facilitation of Palestinian trade, including in the Trade Trilateral Working Group. The EU stands ready to support these efforts and appreciates recent concrete

progress in trade facilitation, notably containerised transport between the West Bank and Jordan via the Allenby/King Hussein Bridge.

45. The EU welcomes the successful counter-terrorism dialogues initiated with Israel in 2015. The last dialogue took place in April 2022. Terrorism is a constantly evolving threat which calls for enhanced international cooperation and improved counterterrorism methods for the prevention and fight against terrorism. Though faced with different challenges, the EU and Israel share the same determination to prevent and counter terrorism. The EU looks forward to taking the EU-Israel counterterrorism dialogue further in developing practical actions, from addressing root causes to establishing and sharing effective and gender-responsive counterterrorism methods, including in the area of non-conventional threats, such as Chemical, Biological, Radiological and Nuclear (CBRN) threats, transport and aviation security, counter-UAS (drones), as well as countering the promotion of violent extremism online and the financing of terrorism. The EU also welcomes the progress made in the negotiations with Israel to allow for the exchange of information between Europol and designated Israeli law enforcement authorities. All counterterrorism measures must comply with international law, including international human rights law and humanitarian law.

46. Building on a fruitful first exchange of views, the EU and Israel will also explore the possibility to further their cooperation on cyber issues, notably the promotion of the application of international law in cyberspace, including international humanitarian law, implementation of the voluntary norms of responsible state behaviour in cyberspace, notably through the establishment of a Programme of Action to advance responsible state behaviour in cyberspace and exchanging information and best practices, and Research and Development cooperation. The EU shares with Israel a common approach with regard to the UN negotiations on a possible new instrument on countering the use of Information and Communication Technologies for criminal purposes.

47. The EU welcomes the positive impact of the comprehensive EU-Israel Euro-Mediterranean Aviation Agreement which was signed in 2013 and was ratified by the European Parliament in June 2020. Before the disruption caused by the COVID-19 pandemic, the agreement led to a substantial decrease in airfares, contributed to a significant increase in the number of passengers flying between the EU and Israel, as well as in the number of airlines offering services and the number of city-pairs being served generating considerable economic benefits and new opportunities. Encouraging early 2022 figures point to a likely resumption of these trends in the post-pandemic era. In this context, Israel's conclusion of a comprehensive agreement with the EUROCONTROL in 2016 is an important accompanying measure to ensure fully integrated coordination on all operational and technical aspects of air traffic management. The EU appreciates the concrete cooperation with the European Maritime Safety Agency based on Israel's participation in the relevant EU-funded programme (SAFEMED) on ship's safety, security and sustainability. In this context, the EU welcomes the upcoming ratification by Israel of the Annex VI to the MARPOL Convention and Israel's recent signature of the Conditions of Use for CleanSeaNet (maritime pollution surveillance by satellite service). The EU counts on the continued support of Israel to establish a Sulphur Emissions Control Area in the Mediterranean Sea in view of its adoption by the International Maritime Organization at the end of 2022 with an ambitious entry into force in 2025. The EU notes that exchanges are also underway on railway transport, the extension of TEN-T to the development of a Mediterranean network, transport

security, the promotion of multimodal transport, sustainable urban mobility, (cooperative) intelligent transport systems and cooperative, connected and automated mobility.

48. The EU calls for active engagement of all partners to ensure that the international climate, biodiversity and environment commitments are effectively implemented, as a basis for achieving the United Nation's 2030 Agenda and its Sustainable Development Goals and the objectives of the Paris Agreement. The EU welcomes Israel's engagement in the implementation of the Paris agreement within the UN framework convention on climate change and commends the progress on policies on renewable energies and adaptation to climate change, and in particular the submission of the revised nationally determined contribution (NDC) and the net-zero pledge by 2050 submitted ahead of the 26th Conference of the Parties (COP26) in Glasgow in November 2021. In this context, the EU invites Israel to draft and adopt long-term strategies for both mitigation and adaptation well in time for the 2023 global stocktaking, to give clear signal on the implementation trajectory towards the goals set. Furthermore, the EU encourages Israel to set a specific target for the provision of climate finance to reach developed countries' commitment to mobilise jointly US\$ 100 billion a year by 2020 through 2025 and to participate actively in the negotiations of the New Collective Quantified Goal as well as to participate actively in the Glasgow – Sharm El Sheikh work programme on the Global Goal on Adaptation as well as dialogue on loss and damage within United Nations Framework Convention on Climate Change (UNFCCC). The EU stands ready to engage in a dialogue to accelerate ambitious policies to drive the green transition and to enhance global ambition, to discuss voluntary contributions to international climate and biodiversity finance and options to make finance flows consistent with the goals of the Paris Agreement and with the new global biodiversity framework. The EU welcomes the continuous dialogue with Israel on areas of mutual interest, with a special focus on climate neutral energy transition, waste management, air pollution, including the establishment of an Emission Control Area in the Mediterranean Sea, sustainable water management, circular economy measures, biodiversity protection and restoration.

49. The EU looks forward to strengthening its partnership with Israel on energy, based on the recently adopted REPowerEU Plan and the strategy for the "EU external energy engagement in a changing world". Our cooperation therefore will focus on energy security, by promoting energy supply diversification, as well as on the climate neutral energy transition, primarily promoting the increasing uptake and system integration of renewable energy, including through increased interconnections, technological innovation and deployment of safe and sustainable low carbon technologies, the wide uptake of energy efficiency measures and renewable hydrogen. Our cooperation was reinforced by the Memorandum of Understanding on cooperation related to Trade; Transport and Export of Natural Gas to the European Union, signed on 15 June 2022 by the EU, Israel and Egypt. Cooperation should promote the transition of the energy sector, while ensuring security and affordability of energy supplies, safeguarding the environment and implementing the Paris Agreement, also in line with the European Green Deal. The exploitation of gas resources in the Eastern Mediterranean in accordance with international law can strengthen energy security and resilience, and further enhance regional cooperation, such as the Eastern Mediterranean Gas Forum, and prosperity, contributing to long-lasting peace and regional stability. All lawful explorations of gas resources in the Eastern Mediterranean should be in full respect of international law, including the United Nations Convention on the Law of the Sea (UNCLOS) and the sovereignty and sovereign rights of the coastal states.

50. In the area of science and technology, the EU warmly welcomes the full association of Israel to the Horizon Europe programme for the period 2021-2027, made official by the joint signing of

the agreement, on 6 December 2021. The EU looks forward to further reinforcing its cooperation with Israel, to address global challenges, facilitate green and digital transitions, accelerate the world shift to a secure and just food system and bring the EU and Israel's innovation systems closer together. Since 1996, Israel's association to the EU framework programmes for research and innovation has been a success story with clear mutual benefits across various priority areas including ICT, health, advanced manufacturing, climate change and energy as well as biotechnology. This cooperation contributes to stronger bilateral economic and trade relations and facilitates engagement in the region. In this context, the EU welcomes Israel's active participation in regional science diplomacy initiatives, such as SESAME, PRIMA and EMUNI.

51. In the field of digital economy and society, the EU welcomes Israel's commitment in the activities of the Euro-Mediterranean Regulators Group (EMERG), the EU initiative aimed at increasing EU-Mediterranean regulatory harmonisation and promoting cooperation among telecommunications regulation authorities, and is ready to work towards an ambitious partnership on digital issues. The EU also welcomes the fact that Israel is a full member of related OECD bodies, in particular the working group for Communications Infrastructure and Services Policy (CISP).

52. The EU recalls that the International Telecommunication Union's (ITU) Radiocommunications Conference, held in Sharm Al Sheikh in November 2019, passed Resolution 12. This Resolution called for a process to deploy 3G technology and establish an adequate timeframe for the allocation of 4G and 5G frequencies for Palestinian operators. The EU calls on Israel and on the Palestinian authorities to reach a timely agreement on the allocation of 4G and 5G frequencies for Palestinian operators, prior to the completion of the Israeli 5G deployments, and to cooperate with international actors working on this topic such as the Office of the Quartet.

53. In the area of education, the EU welcomes the participation of Israel in the international dimension of the Erasmus+ programme 2021-2027 and hopes that it will continue being very successful, as in the previous programming period between 2014 and 2020, which has also contributed to promoting mutual understanding by developing people-to-people contacts through cooperation between higher education institutions and student and staff exchanges, as well as through youth exchanges. The EU also welcomes the benefits brought by the programme to Israeli higher education, including its increased internationalisation, and looks forward to cooperating with Israel through the new Erasmus+ programme in other areas of common interest, such as Vocational Education and Training. In the field of culture, the EU looks forward to a successful conclusion of negotiations for the participation of Israel to the programme Creative Europe.

54. The EU looks forward to a fruitful and constructive meeting of the EU-Israel Association Council.

Source: <https://www.consilium.europa.eu/media/59337/st13103-en22.pdf>

7. Joint Statement of the EU and its Member States

8 march 2023.

The European Union and its Member States are deeply concerned by the increasing violence and extremism in Israel and the occupied Palestinian territory, which are leading to appalling numbers of Israeli and Palestinian victims, including children. The situation in Gaza and the West Bank, including East Jerusalem, is a great cause for concern.

We call on Israeli and Palestinian leaders to de-escalate the situation and to refrain from actions that will increase the already high level of tension. Settlements are illegal under international law. Israel must stop settlement expansion, prevent settler violence, and ensure the perpetrators are held accountable. Military operations must be proportionate and in line with international humanitarian law. There must be an immediate end to terror attacks, which should be condemned by everyone, and to practices that support them. The humanitarian situation in the Gaza Strip requires further easing of restrictions. The status quo of the Holy Sites must be upheld in line with previous understandings and with respect to Jordan's special role. Peaceful coexistence between Christians, Jews and Muslims must be maintained.

All these issues are obstacles to peace.

We commend the efforts of the US, Jordan, and Egypt to de-escalate and support the Aqaba communique. All parties should observe the agreements in Aqaba in good faith.

It is vital to restore a political horizon towards a two-state solution. Only a negotiated agreement offers a chance of security and peace for all.

There is an urgent need for a new perspective for peace. Three weeks ago, the High Representative/Vice President met with Saudi Foreign Minister Prince Faisal and with Arab League Secretary-General Aboul Gheit. They agreed to revive and build on the Arab Peace Initiative, and the EU reaffirmed its proposal of an unprecedented package of economic, political and security support in the context of a final status agreement as endorsed in the Council conclusions of December 2013. In this effort, we work closely with other Arab and international partners. While we cannot force the parties to make peace, we share a responsibility to prepare the ground. Security, the rule of law and peace in the Middle East, are a priority for the EU.

The candidate countries North Macedonia, Montenegro, Serbia, Albania, Republic of Moldova and Bosnia and Herzegovina¹), the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Armenia align themselves with this statement.

Source: <https://www.consilium.europa.eu/en/press/press-releases/2023/03/08/israel-palestine-statement-of-the-high-representative-on-behalf-of-the-european-union-on-the-latest-developments/>