



EuroMed Rights briefing note ahead of the possible EU-Israel Association Council

The EU-Israel Association Council would occur as the Israeli government adopts an increasingly brazen settlement policy aimed at further land takeover, fragmenting the Occupied Palestinian Territory (OPT) and normalising its prolonged occupation. In the State of Israel, the Palestinian minority and civil society organisations are increasingly confronted with discriminatory policies which privilege the State's Jewish over its democratic character, as well as incitement against them. These steps threaten to irreversibly undermine a long-term solution to the conflict.

The entrenchment and normalisation of the occupation

Emboldened by the growing influence of Israeli politicians who support the annexation of the West Bank, the Israeli government has pursued an increasingly aggressive settlement policy. In the first weeks of 2017 alone, the government announced more than 6,000 new housing units in the West Bank and occupied East Jerusalem. This represents the largest approval of settlement construction in [decades](#) and follows the upward trend already observed since July 2016. Between January and September 2016, the Israeli government initiated the construction of [1,723 housing units](#), which represents a 25% increase in comparison to the same period last year.

Fragmentation of the Palestinian territory in 2016

Settlements: more than [2,706](#) units approved or retroactively legalised in the first 9 months in the West Bank including East Jerusalem.

Demolitions: [1,093](#) Palestinian structures in the West Bank including East Jerusalem

Displacement: [1,601](#) Palestinians displaced as a result of demolitions

Gaza exits of people: [14,000](#) monthly exits through Erez i.e. only 2.8% of exits in 2000

Gaza exit of goods: [175](#) monthly truckloads i.e. only 16% of exits in 2007

Incursions into Gaza: 55 by infantry troops, another 71 marked with tank shelling (Al Mezan Center for Human Rights).

Meanwhile, on 6 February 2017, the Knesset enacted the 'Regularisation Law'. This law, which retroactively legalises some 4,000 housing units illegally built on privately owned Palestinian land, represents a dangerous step towards the annexation of the West Bank.

Coupled with this policy, Israel operates a highly restrictive permit regime, which denies virtually all construction and development to Palestinians, particularly in Area C and East Jerusalem. Palestinians who lack any alternative build their houses without a permit, risk having their homes demolished and being forcibly displaced. Indeed, 2016 saw the largest spate of home demolitions in over a decade.

Such moves illustrate a sheer disregard for international law, the right to Palestinian self-determination and the overwhelming international consensus on Israel's unlawful settlement policy. As reiterated by the UN Security Council Resolution 2334, Israel's settlement policy constitutes a flagrant violation of international law and, according to the Rome Statute of the International Criminal Court, is considered a war crime.

Israel's 10-year closure of Gaza, which constitutes a form of collective punishment, continues to separate the territory from the rest of the OPT through blanket and disproportionate restrictions on the movement of people and the transfer of goods. In recent months, the number of Palestinians exiting Gaza – including humanitarian staff and patients – has steadily declined while the exit of goods from Gaza still stands at a mere 16% of what it was prior to 2007. The Gaza closure, maintained through daily military operations and the use of force, targeting *inter alia* fishermen, farmers and protestors, stifles the agricultural and fishing sectors and puts lives at risk. The systematic de-development of Gaza impairs Gaza's basic infrastructure to the point that, according to UNCTAD, it could become [uninhabitable by 2020](#).

Policies which privilege the State's Jewish over its democratic character

In recent years, the Israeli government and the Knesset have adopted a spate of discriminatory policies and laws targeting the rights of Palestinian citizens of Israel. Many of these laws and policies are also undemocratic, and privilege the Jewish character of the State over its stated democratic values. Indeed, Israeli law fails to guarantee the right to equality for all citizens.

Israel's land and planning policies illustrate how the state prioritises the rights of Israeli Jewish citizens over those of its Palestinian citizens. Although Palestinian citizens of Israel comprise 20% of the country's population, Arab local municipalities exercise jurisdiction over only [2.5%](#) of the State's land. On [24 December 2015](#), the Knesset passed an amendment to a law which transfers part of the State's land and planning authority to the World Zionist Organisation (WZO), a private entity with a mandate to act exclusively in the interest of Israeli Jewish citizens. This act is likely to aggravate the State's already discriminatory land and planning policies and the glaring socio-economic inequality between Jewish and Arab citizens.

The institutionalised discrimination against Palestinian citizens of Israel is also evident in the State's policies toward the dozens of unrecognised villages in the Naqab/Negev. On 17 January 2016, the Israeli Supreme Court issued its final decision approving the State's decision to demolish the Bedouin village of Umm al-Hiran and displace its 700 residents. Disturbingly, the residents of Umm al-Hiran would be displaced for the sole purpose of building a Jewish town called "Hiran" over its ruins. This decision comes, despite the fact that in its 2015 ruling, the Supreme Court recognised that the residents of the village were not illegally trespassing on the land but were in fact moved there by Israeli military order in 1956. The demolition of the village is likely to foreshadow similar moves against the more than 70,000 inhabitants of unrecognised Bedouin villages in the Naqab/Negev.

The Citizenship and Entry into Israel Law, which was extended again by the Knesset in June 2016, is another example of this policy. This Temporary Order, which has been renewed every year since 2003, bans family unification between Palestinian citizens of Israel and their spouses who are residents of the OPT. In recent debates, Israeli officials have [stated](#) that rather than being aimed at addressing legitimate security concerns, this law aims primarily to address the so-called "demographic threat" and maintain a Jewish majority in the State. Further, Palestinian citizens of Israel have been confronted with increasingly incendiary rhetoric, including by [Israeli government officials](#) and other efforts aimed at limiting their political representation. Indeed, the June 2016 Expulsion of the Members of the Knesset Law, allows a majority of Knesset representatives to oust democratically-elected minority members of parliament. Such policies stand in sharp contrast with the basic principles of a democratic system and the common values, which underpin EU-Israel relations.

Recent discriminatory and anti-democratic legislation passed by the Knesset

2016 NGO Law – Targets Israeli NGOs that receive more than 50% of their funding from foreign public sources.

2016 - The Expulsion of Members of Knesset Law - Allows a super-majority of parliamentarians to oust democratically-elected minority members of the Knesset.

2016 - Renewal of the Citizenship Law (Temporary Order, 2003) - Prohibits the granting of any status in Israel to Palestinians from the OPT who are married to Israeli citizens, overwhelmingly Palestinian citizens of Israel;

2015 - Amendment to the World Zionist Organization - Jewish Agency (Status) Law – Grants a private entity that acts exclusively in the interest of Israeli Jewish citizens, part of the State's land and planning authority.

Efforts to stifle critical voices

Past years also show an increasingly hostile climate against civil society organisations and voices critical of Israel's policies. Beyond the enactment of the July 2016 NGO Law, which primarily aims to restrict the work of human rights organisations, NGOs have faced an unprecedented wave of smear campaigns and other forms of harassment. These acts have included public defamation campaigns spearheaded by right-wing organisations and settler groups, often with the explicit support of Israeli [cabinet Ministers](#). Indeed, several Israeli public officials have adopted similarly incendiary rhetoric, at times even threatening NGOs with [punitive measures](#) for their criticism of the government's policies.

More disturbing yet are the intimidation campaigns and death threats against human rights defenders. Over the past year, EuroMed Rights' members, Al-Haq and the Al Mezan Center for Human Rights, have been subject to anonymous emails, phone calls and Facebook posts aimed at undermining their work, funding base and credibility within their communities. These tactics culminated in death threats and the harassment of the organisations' staff and family members, some of whom are based in Europe. These threats have expressly been linked to the organisations' work with the International Criminal Court and they are [believed](#) to have been orchestrated by the Israeli government or its supporters.

As recently reiterated during the Paris Peace conference, a vibrant civil society is essential to achieving a lasting peace in the region. Israel's recent efforts to undermine civil society, seriously call into question its commitment to the common values on which EU-Israel relations are based.

Recommendations to the EU and its Member States

Given these serious developments and the Israeli government's apparent lack of commitment to the common values outlined in the 2005 Action Plan, we call on the EU and its member states to formulate a robust European response which puts respect for international law and accountability at the centre of its policy towards the conflict. EuroMed Rights and its Israeli, Palestinian and European member organisations consider that it would be inappropriate to organise an Association Council in the current circumstances. Should the meeting go forward, we call on the EU and its Member States to:

EU-Israel Association Council

- **Obtain assurances regarding the Israeli government's intentions before organising an Association Council:** This should include assurances regarding the government's settlements policy, the Gaza closure and its commitment to human rights.
- **Refrain from enhancing bilateral relations with Israel:** Any form of enhanced relations would, in this context of a deterioration in human rights, send a harmful message reinforcing the status quo and undermining the credibility of the EU's previously adopted positions.
- **Unequivocally condition the further deepening of relations with Israel on its commitment to progress in achieving peace and common values:** As is currently the case in the 2005 Action Plan, these commitments should include democracy, the rule of law and respect for human rights and international humanitarian law. Clear benchmarks should be elaborated to assess progress in these fields.
- **Denounce the Israeli government's violations of international law:** These violations include Israel's illegal settlement policy, the illegal Gaza closure, the ill-treatment of Palestinian prisoners and detainees, the discriminatory treatment of Palestinian citizens of Israel, restrictions on freedom of association and assembly, and the lack of accountability for violations of international law including torture.
- **Refer to the EU's differentiation policy during the meeting and in the EU's concluding statement:** This policy is a key area where the EU can exert its leverage, and was endorsed in the UN Security Council Resolution 2334 in December 2016.

EU-Israel Partnership Priorities

- **Include democracy and respect for human rights and international humanitarian law as priorities in the EU-Israel Partnership Priorities:** Respect for international law and democracy should remain fundamental elements underpinning EU-Israel bilateral relations. These priorities should include respect for international law in the OPT.
- **Insert a territorial clause in the EU-Israel Partnership Priorities:** Such a clause should clearly delimit the scope and application of the Partnership Priorities to Israel's internationally recognised borders.