

“The Israeli Settlements and Europe: Facts and Prospects” Conference Proceedings

The conference of 12 October 2022 was attended by experts in their fields to lay down the facts and developments in the settlements in OPT, and legal experts who provided an overview of the status of settlements under EU domestic and international law.

While EUPAC is grateful for those who participated in the conference and their input, we are keen to continue the work of the conference and seek to follow up its conclusions and recommendations, it is important to devise and pursue a well-considered plan of action to achieve our objectives:

- a) Inform EU citizens about the extent of the Israeli settlement project in the OPT
- b) Highlight that Israeli settlement in OPT is a crime under EU domestic and international laws
- c) Raise awareness of the serious effects the Israeli settlements have on the rights, livelihood and wellbeing of millions of Palestinians living under Israeli occupation in OPT.

Since 1967, Israeli settlements in the OPT have been expanding despite international protestations and statements against them and many UN resolutions have declared them as contrary to the UN charter. The settlements continue with impunity and escape sanctions by the international community despite the fact that they are classed as war crimes under various international treaties and the Rome Statute of 1998.

It is evident that there is a need for a different approach to challenge Israel’s settlements and hold it accountable for its consequences.

The approach of the EU governments and institutions has thus far been to offer sympathy and lip service to the Palestinians, on the one hand; while on the other, continuing to engage with Israel on a business as usual basis. The EU institutions continued their negotiations with Israel on trade agreements and reconstituted the EU-Israel Association Council.

The settlement project is a complete and self-evident crime. Therefore, it is arguable that any cooperation or collaboration, support or condoning and profiting from these crimes is illegal and is liable for prosecution under the laws and regulations in place in the EU. It is a well-recognised principle by many domestic EU laws and regulations that proceeds of crime are illegitimate and forfeit.

It is not sufficient to mark products made in the settlements (labelling). The marking does not remove the fact that those products are products of crime. To be satisfied by marking those goods and allowing them to be sold lawfully inside the EU is tantamount to legitimising and profiting from crimes, albeit, committed outside the EU.

While EUPAC is grateful and appreciates the increasing support to the Palestinian people and their rights, it should not be acceptable that the EU and its institutions are satisfied with minimum and verbal protestations against these crimes.

These EU actions may be seen as condoning, participating in and benefitting from the settlements, and are therefore a breach of international law and the laws of EU Member States. They are, moreover, a breach of the very agreements signed between the EU and Israel.

Many EU countries have what is known as Joint Enterprise laws that apply legal sanctions and penalties on all actors of a crime, especially those who profit from the crimes - including crimes committed outside EU member states.

Additionally, France, Germany, the Netherlands, Norway, Belgium and Austria have in recent years adopted or initiated the adoption of legislation to ensure the respect for human rights in corporate practices and supply chains. Conducting business with Israeli settlements flies in the face of this legislation.

In order to stifle any proper debate or make any criticism of Israeli occupation and practices in the OPT, Israel and its supporters in the EU employ ready-made, baseless and untrue charges in order to scare, harass and silence individuals and institutions that voice objections to Israel's actions.

Israel realises that it cannot justify or defend its practices and policies hence it resorts to further unlawful and undemocratic practices in its offensive measures against critics.

The fear of being branded as antisemitic or anti-Jewish has played to deter many in the EU both on private and official levels from engaging in activities that are against the Israeli occupation and its practices.

This is despite the fact that the settlement project is undoubtedly a war crime.

For the sake of transparency with EU citizens, Member State and European parliamentarians must publish advisories to clarify to citizens and enterprises that economic investment in the illegal Israeli settlements is prosecutable under the existing legal framework in the Member States and according to several bodies of law, both domestic and international.

EUPAC invites relevant bodies to use existing laws to stop illegal dealing with the Israeli settlements, through, *inter alia*:

- Prosecuting complicit actors according to the Actio Popularis principle
- Prosecuting business enterprises that fail to undertake the necessary human rights due diligence procedures in line with the UNGPs and OECD Guidelines and the responsibilities under international human rights and humanitarian law.
- Prosecuting EU citizens serving in the Israeli army in the OPT and in the settlements for complicity in war crimes.

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