



European Responses to an Israeli Annexation in the West Bank: From Statements to Actions?

Conference Summary

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On 30 June 2020, Mitvim - The Israeli Institute for Regional Foreign Policies, The Israeli Association for the Study of European Integration (IASEI) and Friedrich-Ebert-Stiftung conducted an online conference on "European Responses to an Israeli Annexation in the West Bank: From Statements to Actions?", featuring Israeli and European politicians and experts. The conference focused on possible political, economic, and legal responses, and this document summarizes its key points.

Dr. Nimrod Goren, Head of the Mitvim Institute: The EU and almost all its member states have in recent weeks expressed strong opposition to any course of Israeli annexation in the territories. Europe has emphasized that any annexation -- large or small -- is in violation of international law, will lower the chances of peace and will lead to negative implications with regards to relations with Israel. Europe has so far avoided presenting the practical price an annexation would have on Israel-Europe relations, and is focusing on diplomatic and public endeavors to prevent it from happening. And yet, Europe has limited influence on decision-making processes in Israel, on Israeli public opinion and on the policy of the Trump Administration. If it wishes to do more than simply watch from the sidelines as events unfold in coming weeks, Europe will have to move from declarations to actions, and to present the people and leaders of Israel with the tangible implications that annexation would have regarding Israel-Europe relations.

MK Nitzan Horowitz, Chairperson, Meretz; Member of the Knesset's Foreign Affairs and Defense Committee: An Israeli annexation in the West Bank will put an end to the two-state solution, to the vision of Israel as a Jewish and democratic state and to the peace process. It will make Israel a de facto apartheid state. To date, no preparations have been carried out ahead of annexation, whether militarily, administratively, or judicially. There is still ambiguity and possibility for change, including the scope of an annexation move. Therefore, the opposition is working to prevent annexation from taking place, to mobilize public opinion against annexation, and to generate support to this effort from Israel's friends abroad and from our neighbors in the region. The goal is not only to stop the annexation from happening, but also to resume the Israeli-Palestinian peace process and promote the two-state solution, which remains the only viable solution to the conflict. If annexation is eventually prevented, but military occupation persists, then not much will be gained.

Dr. Nils Schmid, Spokesperson on Foreign Affairs, SPD Parliamentary Group in the Bundestag: An Israeli annexation in the West Bank would be a clear breach of international law and lead to an end of any attempt at realizing the two-state solution that has been the general consensus among the international community and among the EU for many years.

Any kind of annexation, even a so-called ‘small solution’ such as annexing parts of the settlement blocks close to Jerusalem, will still be regarded as a breach of international law and would be criticized and opposed by Germany. Germany is avoiding discussions of sanctions because no annexation has taken place yet and will not be the one to initiate European discussions about punitive measures to be taken against Israel if it goes through with it. However, a large majority of its political parties are making known that annexation is a bad idea that will not have German or EU support. The Bundestag is about to adopt a resolution calling not to go ahead with annexation as a warning or a stop sign to Israel. It will not debate the issue of consequences, as this is to be debated at the EU level. At the time being we focus on preventing annexation.

Dr. Nathalie Tocci, Director, Italian International Affairs Institute (IAI); Special Adviser to EU HRVP Josep Borrell: Europeans would have liked to imagine a world in which annexation can be prevented, but we also know there is very little we can do to stop it. Therefore, we are in a political process thinking of consequences, also as a signaling effect to Israel that can be dissuasive. European responses could result in three spheres: economic, political and legal. On the economic front, the most obvious consequences would be restrictive measures, and these would depend on what sort of annexation would take place and its immediate repercussions. With Russia, sanctions were adopted after annexation of Crimea – not a preventive but reactive step, which is never effective in reversing a particular course. On the political front, European states could recognize the State of Palestine, but this would not be a meaningful move. Instead, a more consequential course of action would be to stop financial assistance to the Palestinian Authority should the two-state solution no longer be pursued. On the legal front, a European response could be a revamp of the differentiation agenda, which could include revisiting arrangements such as Horizon Europe and completing different marketing standards to produce originating from Israel and the territories. There is a difference between violation of international law under occupation and illegal annexation, the latter being a more severe breach of international law. This is why the EU's differentiation policy is expected to be stepped up, and why an Israeli annexation will be treated differently than the cases of Northern Cyprus, West Sahara, Abkhazia. The eventual European response will be determined by a number of factors, including how exactly the annexation will take place and its immediate consequences, the political conditions in EU member states, the political climate in the US and the reactions of other players in the region, mainly the Arab countries.

Martin Konecny, Director, European Middle East Project (EuMEP): Indeed, Europe is not likely to adopt immediate, major sanctions against Israel in response to annexation in the West Bank. Israel enjoys an exceptional status according to which it is taboo to inflict sanctions on it or even on settlements. But in the context of annexation, this taboo is being eroded. Regarding Horizon Europe, the decision is in the hands of the European Commission. It is unlikely that Israel would be cut entirely from the program, but a scale down may be possible. To protect its own legal order, the EU would need to further insulate its relations from what Israel conducts beyond the Green Line, which could have a significant impact on bilateral relations. Friction surrounding the issue of differentiation is likely to come from both sides: not only will the EU double down on differentiation, but Israel will also show greater reluctance to accept any territorial differentiation (as was with Creative Europe Agreement rejected by Minister Miri Regev in 2017), resulting in the straining of ties. The European Court of Justice may also come into play due to increased legal friction. We have seen its rulings in the past years regarding Israeli settlements, Western Sahara and two decades ago with regards to Northern Cyprus. Long-term consequences of annexation on EU-Israel relations could be

more significant: it would be harder to update the EU-Israel agreements, while the economic and technological environment keeps on changing.

Dr. Muriel Asseburg, Senior Fellow, German Institute for International and Security Affairs (SWP): Germany is a key player. From 1 July it will hold the presidency of both the EU Council and the UN Security Council. The European Commission is also currently presided by a German. What to expect of Germany? As a friend of Israel, and due to the historical lessons it drew from the Holocaust, annexation is a particular challenge for Germany. While Germany has spoken out clearly against annexation, it has also been signaling to Israel through its actions that annexation will come with no price tag as far as Germany is concerned. Not even recognition of a Palestinian state. German Foreign Minister even marked the difference between annexation of Crimea by Russia and the one to be done by Israel. Not having the EU's "option paper" vis-à-vis Israel ready yet is another failure by the EU to be the geopolitical proactive and forward-looking player the European Commission declared it aspires to be in 2019. EU is divided on the matter. Yet, while sanctions by the EU require unanimity, so do new agreements with Israel. While Europeans will not throw overboard the two-state solution, they will have to open up to other options of conflict resolution.

Hugh Lovatt, Policy Fellow, European Council on Foreign Relations (ECFR): As things stand, it seems that the EU's response to Israeli annexation in the West Bank will fall short of the sanctions that it put in place against Russia's annexation of Crimea. But there will nonetheless be consequences as such actions will likely burden the relations between the EU and Israel, and create obstacles for future relations. The major vector of any EU response would be enhancing the differentiation policy, which can be done by the EU institutions based on existing legal and policy positions, without having to get further approval from all 27 Member States. While Israel is still largely perceived in Europe as a liberal and democratic state, annexation will contribute to the change of this image. Relations with Israel would become much more problematic and the equation of Israel as an apartheid state will grow in the public and the policy discourse. If it would become apparent that a two-state solution to the Israeli-Palestinian conflict is no longer possible, the only other alternative that would be acceptable to the Europeans would be equal rights within one state. Meanwhile, Europe should not remain complacent even if formal annexation does not take place given that the Oslo-configured Middle East Peace Process has already collapsed and de-facto annexation will continue to undermine prospects for reaching a two-state solution.

Noa Landau, Diplomatic Correspondent, Haaretz: On the eve of the target day for Israeli annexation in the West Bank, Israeli decision-makers are still not quite sure what annexation means. Similarly, while the Europeans are discussing responses to a full implementation of the annexation plans, it seems they are not prepared for the more likely scenario in which a smaller, more symbolic annexation takes place (such as annexation of Ma'ale Edumim or Gush Etzion). It is worthy to keep in mind that the prevailing argument that Europeans do not have a way to impact Israeli policy is to some extent incorrect: when the European community wanted to prevent the evacuation of the West Bank Bedouin village of Khan al-Ahmar, it was capable of doing so.

Dr. Maya Sion-Tzidkiyahu, Co-President, IASEI; Director of the Program on Israel-Europe Relations, Mitvim Institute: In a demonstration of the built-in expectations-capabilities gap, the European responses to an Israeli annexation in the West Bank have again proven that the EU is much better at rhetoric and much less capable and influential when it comes to action. The EU has not presented Israel with any heavy economic consequences in

case of annexation, and perhaps this is one of the reasons why the EU is not taken so seriously by some in the government. There are not many sticks the EU is willing to use, and not many carrots to give. And yet, to put such measures in a wider perspective, the EU via its linkage policy since 2009 can take its toll by not advancing the relations with Israel further. If there were any hopes to reconvene an EU-Israeli Association Council (high-level political dialogue between the two sides), they are most likely to disappear with annexation. It may be that the "window of opportunity" for annexation is closing down as the polls in the US indicate Trump may not be re-elected. Other considerations are the economic implications of the coronavirus crisis. The EU can play a role in postponing annexation until this window closes.