**Will Europe address Israeli Colonialism and Apartheid? The Case of Palestinian Jerusalem**

European Coordination of Committees and Associations for Palestine

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<http://www.eccpalestine.org/will-europe-address-israeli-colonialism-and-apartheid-the-case-of-palestinian-jerusalem/>

100 years since the Balfour Declaration

50 years into the Israeli occupation

Israel’s current rule over the Palestinian people has all the features characteristic of colonialism and apartheid as defined in international law.

Colonialism: a system of foreign domination and exploitation that deprives a people of the right to self-determination and other fundamental human rights, for example through measures that violate the territorial integrity of the country, sovereignty over natural resources and the ability for self-governance (Based on: Declaration on the Granting of Independence to Colonial Countries and Peoples (UN General Assembly Resolution 1514 of 1960).

Apartheid: inhumane acts of racial discrimination – such as persecution and forcible transfer – which are committed in the context of an institutionalized regime of racial domination and oppression, and with the intention of maintaining that regime (Based on: Convention on the Suppression and Punishment of the Crime of Apartheid, Rome Statute of the ICC).

Since 1948, Israel has legislated the practice of colonialism and racial discrimination into laws. These Israeli laws are an institutionalized regime of racial domination and oppression of Palestinians (read more about these laws here)

Recommendations to the EU, Member States and their Delegations and Missions in East Jerusalem, Ramallah and Tel Aviv:

* Acknowledge the facts: the illegal Israeli settlements, annexation de facto of occupied Palestinian territory and forcible displacement of Palestinians are expressions of a system of apartheid and settler colonialism.European efforts and investment in Israeli-Palestinian peace making based on a two-state solution are wasted, until Israel apartheid and colonialism are addressed as required under international law.
* Carry out practical measures which ensure that Europe gives no recognition or material support to apartheidand colonialism and support accountability: the following measures can and should be adopted by the EU and member states based on their respective laws and already existing EU instruments:
* Suspend the EU-Israel Association Agreement (trigger its human rights clause) until Israel meets its IHL and human rights obligations:
* Ensure full application of the EU Human Rights and IHL Guidelines;1 and engage Israel for reform of its discriminatory system of laws, and for steps to end and reverse its illegal policies of Jewish settlements and de facto annexation of occupied Palestinian territory, and persecution and forcible transfer of Palestinians;
* Establish that approval of a new Action Plan with clear tasks and benchmarks for both is a condition for the resumption of cooperation under Association Agreement;

In the meantime:

* Exclude from EU financing and participation in EU research programs (Horizon 2020, FP9) all Israeli entities, located or operating in occupied East Jerusalem or elsewhere in the OPT, foremost Israeli ministries, national authorities and companies providing arms, military and dual-use equipment and security services. Among these Israeli Ministry of Public Security, police and their Horizon 2020 project “Law Train”, Elbit, IAI, Israeli banks, as well as the ministries of finance, interior, justice, transport and education, the Jerusalem Municipality and its Development Company, the Israeli Water Authority Mekorot, the Antiquities Authority and the National Parks Authority. EU support, even if indirect, of Israeli entities which drive the illegal settlement policy and the oppressive military and law-enforcement regime that facilitates the former contradicts the purpose of the 2013 EU Financing Guidelines.2 The flagrant violations of IHL and human rights committed by these entities require their exclusion on the grounds of “grave professional misconduct” (EU Financial Regulation, Article 106 (1)(c)). 3
* Ban all import into the European market from Israeli companies operating in the OPT, including East Jerusalem: in light of the failure of all previous efforts to establish with Israel a reliable and workable mechanism for implementation of the EU rules of origin, this measure is necessary to end indirect support of the illegal settlements by the EU and member states – free trade benefits of the Association Agreement for Israeli produce originating from the OPT and revenues from its sale in Europe – and on grounds of European consumer protection.
* Assist the UN initiative for a list of companies whose business activities support the illegal settlements in the OPT, including East Jerusalem, as a public tool for ensuring that companies respect IHL and human rights and terminate unlawful business: applying the UN Principles on Business and Human Rights and the EU Human Rights and IHL Guidelines, European governments and the EU can and should:
* Provide diplomatic and financial support to the publishing, promotion and further updating of the UN database of business companies of concern;
* Engage with UN-listed companies headquartered in EU member states to clarify how they will terminate business activities that contradict IHL and human rights in the OPT;
* Issue and widely publicize business-advisories in this regard; ensure that all companies of concern are informed, including those involved in business with the illegal Jerusalem Light Rail and tourism operators which market occupied East Jerusalem as an Israeli city.
* Facilitate ICC investigation and prosecution of war crimes and crimes against humanity committed in the OPT: in accordance with international obligations, including those under the Rome Statute of the ICC, EU member states and the EU can and should:
* Provide assistance as needed for a speedy conclusion of the ICC’s preliminary investigation, including assistance with fact-gathering, monitoring and documentation in the OPT and Israel by EU delegations and member state missions or third parties.
* Request full refunding of the cost of Palestinian infrastructure financed by the EU or members states and destroyed by Israel
* EU member states whose citizens – aid workers, human rights defenders, students, tourists or pilgrims – are arbitrarily denied access to the OPT, including East Jerusalem, by Israeli border police based on the declared Israeli policy (recently clad into law) of denying entry into Israel to supporters of the Palestinian people can and should apply the principle of reciprocity in their visa policy concerning Israelis.

Download and read the full paper [here](http://www.eccpalestine.org/wp-content/uploads/2017/10/ulotka_meg_mfd_FINAL_monitor-1.pdf).