

# The EU Violates International Law with Respect to Jewish Settlements

In an [interview](#) with the Jerusalem Post, the European Union's ambassador to Israel, Lars Faaborg-Andersen, expressed support for the move by the economic union to encourage its member states to reject and modify the labelling of items originating in East Jerusalem, Judea and Samaria (AKA the West Bank), and the Golan Heights, as having been produced in Israel. Some of this EU legislation will be obligatory. Faaborg-Andersen stated:

*"The EU position is that we do not recognize Israeli authority beyond the Green Line. It is not part of Israel. It is not part of what we understand to be Israel's international recognized borders"*

This view is commensurate with the EU's systematic and substantive flouting of law in [Judea and Samaria](#) and its partial [boycott of Jewish organisations](#) operating in these territories.

The EU's stance is used to carry favour with the Islamic Middle East. The EU/EEC began to support the Arab-Palestinian cause soon after the 1973 OPEC Oil Embargo began, which blackmailed Western states for supposedly supporting Israel. Support for terrorist factions began with the [Venice Declaration of 1980](#), which called for Israel to negotiate with Arafat's PLO, despite the terror organisation's public affirmation that they would ['liquidate' the Jewish State](#) just days before the Declaration, the PLO's ongoing terror against Israeli civilians, as well as their role [triggering civil war](#) in Lebanon.

The [stance adopted](#) by Faaborg-Andersen appears to suggest that the EU expects Israel to accept the new measures without objection, arguing rather absurdly that new labelling will improve the standing of Israeli produce, and be detrimental to the discriminatory anti-Israel boycott movement. However, this new development [may cause](#) a substantive and permanent breach in Israeli-European relations, already strained by the EU's undue interference.

## **International law**

The EU Ambassador's assertion affirms that the Union is in violation of UN Security Council Resolution 242, which allows Israel to administer the territories of East Jerusalem, Judea and Samaria (the West Bank), the Golan Heights, etc., until peace settlements would come into effect. Eugene V. Rostow, one of the [authors of Resolution 242](#) noted:

*“Resolution 242, which as undersecretary of state for political affairs between 1966 and 1969 I helped produce, calls on the parties to make peace and allows Israel to administer the territories it occupied in 1967 until “a just and lasting peace in the Middle East” is achieved. When such a peace is made, Israel is required to withdraw its armed forces “from territories” it occupied during the Six-Day War – not from “the” territories nor from “all” the territories, but from some of the territories, which included the Sinai Desert, the West Bank, the Golan Heights, East Jerusalem, and the Gaza Strip.*

*Five-and-a-half months of vehement public diplomacy in 1967 made it perfectly clear what the missing definite article in Resolution 242 means. Ingeniously drafted resolutions calling for withdrawals from “all” the territories were defeated in the Security Council and the General Assembly. Speaker after speaker made it explicit that Israel was not to be forced back to the “fragile” and “vulnerable” Armistice Demarcation*

*Lines, but should retire once peace was made to what Resolution 242 called “secure and recognized” boundaries, agreed to by the parties.”*

Rostow’s view is clearly echoed by [other drafters of the Resolution](#).

The EU’s stance also needs to be seen in the context of the Armistice line agreements of 1949, between Israel and Jordan, and Israel and Syria, in the aftermath of a ceasefire during Israel’s war of Independence. Jordan and Syria previously occupied the territories currently in dispute.

[Article VI of the agreement](#) between Israel and Jordan states:

*“The Armistice Demarcation Lines defined in articles V and VI of this Agreement are agreed upon by the Parties without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto.”*

Similarly, [Article V of the Armistice Agreement](#), between Syria and Israel, states:

*“It is emphasized that the following arrangements for the Armistice Demarcation Line between the Israeli and Syrian armed forces and for the Demilitarized Zone are not to be interpreted as having any relation whatsoever to ultimate territorial arrangements affecting the two Parties to this Agreement.”*

Thus, all of the boundaries that the EU is pressuring Israel to return to were explicitly rejected as lasting political boundaries by all sides in the conflict. The [1974 armistice agreement](#) between Syria and Israel notes that it does not constitute a peace deal, and that a resolution of the conflict should be made through negotiations.

The [British Palestine Mandatory text](#) affirms that the territory of Palestine is for “the establishment of the Jewish national home”. A clause of exception included, gave the British Mandatory authority some flexibility over territories solely east ([Article 25](#)) of the Jordan River, which would subsequently become the Arab-Palestinian nation ‘Trans-Jordan’. However, Judea and Samaria is west of the Jordan River (hence the Jordanian name ‘West Bank’), which establishes Israel’s claim, as the Jewish national home, to the territory.

The 1920 San Remo agreement effectively made [the right to a Jewish national home](#) in Palestine binding. Territorial borders were not defined but the biblical phrase “[from Dan to Beersheba](#)” was applied by British leaders. The identified territory would necessarily include Judea and Samaria (West Bank).

With respect to Resolution 242, the EU is violating international law on two counts: (1) failing to recognise Israel’s authority in said territories, and (2) by attempting to prevent Israel from coming to peace-deals with defensible borders. Consequently, the EU is harming interests in obtaining peaceful relations by undermining Israeli authority, and prejudging the outcome of highly sensitive negotiations. Since several parties conducted belligerent campaigns against Israel in 1967, the Jewish State has a legal right, as per 242, to obtain defensible secure borders, which would necessitate some modification of the 1949-67 armistice lines.

The EU refutes this principle which endangers Israel’s long-term security, and thus the stability of the region as a whole. Resolutions passed by the Security Council [are legally binding](#) so in effect become a part of international law. Consequently, the EU’s stance is wholly out of line with international law on the issue. However, the EU’s pretend-balance was again regurgitated during the interview, when Faaborg-Andersen claimed:

*“We do not expect the Israeli side to make peace on its own. We understand that it takes two to make peace... what we require is that both parties refrain from taking steps that undermine the peace effort.”*

And yet the EU rarely [reprimands the Arab-Palestinian factions](#) for the most egregious wrongdoing. Instead, they lay blame on the existence of settlements beyond the 1949-67 Armistice Lines, when they do not in fact contravene international law, and have a [negligible impact](#) on the prospect for peace, since they only occupy approximately 1% of Judea and Samaria, while the principle of mutually-agreed land-swaps has been accepted by both the Palestinian Authority and Israel.

## **The Golan Heights**

The EU's stance on the Golan Heights is particularly bizarre, given the fact that the zone was [used by Syrian forces](#) to almost continually harass Israel and its citizens until the 1967 Six Day War, which gave rise to Resolution 242.

Judge Stephen M. Schwebel, a former [president](#) of the International Court of Justice, [noted](#) that:

*“a state acting in lawful exercise of its right of self-defense may seize and occupy foreign territory as long as such seizure and occupation are necessary to its self-defense [...] as condition of its withdrawal from such territory, that State may require the institution of security measures reasonably designed to ensure that that territory shall not again be used to mount a threat or use of force against it of such a nature as to justify exercise of self-defense”*

Syria is technically still in a state of war with Israel. A peace initiative in the 1990s failed, as well as [indirect negotiations in 2008](#) which ended when Operation Cast Lead

began in reaction to intensified missile strikes from Gaza. Further talks are not envisaged. Syria's closer relations with Iran and Hizbullah make possibility of a deal with Israel very improbable. Yet EU policy [endorses](#) handing this territory, so vital to Israel's security, back to Syria. Today, Syria comprises an illegitimate failed-state, with the prospect of becoming a Sunni-Islamist equivalent with the potential to recommence war with the Jewish State. Yet the EU's stance [remains unchanged](#) with respect to its policy approach.

### **Supporting a two-state solution?**

During the recent rise of violence against Israeli civilians, the EU noted the [killing of an Israeli couple](#) but rather than condemn Arab-Palestinian religious incitement as a [principle](#) cause, the statement called for restraint from all sides, and a renewed engagement in a peace process:

*"in the face of such a crime, restraint and calm are needed on all sides to ensure that the violence witnessed yesterday and in recent months does not aggravate the situation further. On the contrary, the continuing loss of life highlights once more the necessity for a political solution to the Israeli-Palestinian conflict."*

The failure to condemn state-sanctioned incitement, which has led to a huge number of attacks against Israeli civilians, is noteworthy because it violates the PLO's undertaking under the [Interim Oslo Accord](#) known as Oslo II. Systematic and continued incitement is indicative of bad faith but the EU would rather blame settlements, which were [to be determined](#) in final status negotiations, whilst simultaneously assisting in the building of illegal Arab-Palestinian enclaves.

Ironically, Federica Mogherini, the EU's Foreign Policy Chief, asserted that Israel should implement steps on the ground

consistent with prior agreements, and to work toward a solution based on the Arab Peace Initiative. The Arab League's Initiative is a highly problematic 'take it or leave it' proposal, which stands in contravention of Resolution 242 by demanding that Israel fully withdraw before a weak non-binding form of [Arab State recognition](#) is implemented, with the demographic nullification of the Jewish State by enshrining a 'right of return' on those claiming to be descendants of Arab-Palestinian refugees, whilst preventing the voluntary settlement of such Arab people that lived in Arab lands for decades. Joel Singer, a negotiator at the Oslo talks, [noted](#) that the Initiative doesn't call on Arab-Palestinian groups "to stop terrorism", much less commend any mechanism to prevent its impact.

Despite insistence to the contrary, the EU, whilst advocating for a two-state solution which it [accuses Israel](#) of undermining, is in fact acting in contravention of the very principles set down in successive plans for a two-state solution, based on Resolution 242. EU behaviour also delegitimises Israel's just claim to a secure existence. Should a new labelling policy be enshrined in EU law, it will represent another [epoch of a broad long-term strategy](#), which demonises the Jewish State in an effort toward Arab appeasement.