

Summary

COMMON DECLARATION OF NGOs

Hearing

at the European Parliament, 20 June 2002

on the theme:

***EU-Israel Bilateral Relations
in the Framework of International and European Law.
The case of the European Community-Israel Association Agreement***

a common NGO declaration was addressed to the EU and its Member States' relevant institutions, recommending them to notify Israel the EU requirement that Israel cease the practices it carries out unlawfully and in violation of essential elements of the European Community-Israel Association Agreement, with regard to the Agreement's provisions on trade and respect for human rights and democratic principles. Should Israel fail to undertake to comply immediately with the EU and its Member States' requirements, it was suggested the Council of the EU should take the appropriate unilateral measures consistent with cases of special urgency, including the suspension of the Association Agreement.

Since then, neither has Israel desisted from its unlawful practices, nor has the EU notified its requirements to Israel.

The declaration was signed by:

APRODEV -Association of World Council of Churches related Development Organisations in Europe

AVOCATS SANS FRONTIERES

CIDSE -International Cooperation for Development and Solidarity

ECCP -European Coordinating Committees of NGOs on the Question of Palestine

FIDH -International Federation for Human Rights

OMCT -Organisation Mondiale Contre la Torture

SOLIDAR

WCC -World Council of Churches

COMMON DECLARATION OF NGOs FULL TEXT

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on the theme:

***EU-Israel Bilateral Relations
in the Framework of International and European Law.
The case of the European Community-Israel Association Agreement***

Brussels, 2 July 2002¹

To the President of the European Parliament, Mr. Patrick Cox
To the External Relations Commissioner, Mr. Christopher Patten
To the Taxation and Customs Commissioner, Mr. Frederik Bolkestein
To the President of the European Commission, Mr. Romano Prodi
To the Danish Presidency of the European Union
To the Secretary General of the Council of the European Union and High Representative for the Common Foreign and Security Policy of the European Union, Mr. Javier Solana
To the Heads of State and Government of the Member States of the European Union
To the Foreign Ministers of the Member States of the European Union
To the Finance Ministers of the Member States of the European Union

Your Excellencies,

We, the undersigned representatives of the following European and international Non Governmental Organisations:

APRODEV (Association of World Council of Churches related Development Organisations in Europe),
CIDSE (International Cooperation for Development and Solidarity),
ECCP (European Coordinating Committees of NGOs on the Question of Palestine),
and SOLIDAR,

Having organized, with the support of the EMHRN (Euro-Mediterranean Human Rights Network), FIDH (International Federation for Human Rights), the OMCT (World Organisation against Torture) and WCC (World Council of Churches), a Hearing on the theme "EU-Israel Bilateral Relations within the Framework of International and European law. The Case of the European Community-Israel Association Agreement", held at the European Parliament on 20 June 2002, thanks to the kind cooperation of the following Members of the European Parliament:

Mrs. Alima Boumédiène-Thiery (Verts / ALE),
Mrs. Lousewies van der Laan (ELDR),
Mrs. Luisa Morgantini (GUE / NGL),
Mr. Roy Perry (PPE – DE),
Mr. Jannis Sakellariou (PSE),

¹ The declaration was read at the closure of the Hearing at the European Parliament on 20 June 2002, and it was addressed in a written form to the fore-mentioned EU institutions and representatives on 2 July 2002.

Mrs. Ulla Sandbaek (EDD),

Would like to express our deep concern at the current implementation of the European Community-Israel Association Agreement. Despite the juridical framework of our analysis, we are deeply aware that law is not an abstract system separated from the political, social, economic and cultural dimensions of society. On the contrary, the doctrine and practice of law are rooted in a wide historical and social context. Our cooperation between development and human rights NGOs reflects our awareness of the inseparable link existing between development and human rights, two essential dimensions of modern human societies. No development is possible without respect for human rights and no respect for human rights is possible without the full recognition of the right to sustainable development.

The unprecedented grave humanitarian situation in the Occupied Palestinian Territories due to the escalation of Israeli military aggression against Palestinian civilian persons and infrastructure; the subsequent escalated cycle of violence and suffering within the Israeli society; and the failure of the international community to take effective measures to ensure respect for international law, including international human rights and humanitarian law, are the reasons why we found it necessary to join our efforts in order to consider and recommend concrete actions to be taken by the institutions of the EU and its Member States.

The State of Israel routinely commits material breaches of the Association Agreement. In particular, it violates its provisions on respect for human rights and democratic principles, not only with regard to Palestinians of the Occupied Territories, but also with regard to the Palestinian Arab minority of Israeli citizenship in Israel. In addition, Israel, a member of the United Nations, systematically violates the UN Charter by failing to comply with its obligation to refrain from the unjustifiable use of force in international relations, by denying to the Palestinian people their right to self-determination and by denying assistance to the United Nations in actions it takes in accordance with the UN Charter. These violations, together with systematic and persistent grave breaches of the Fourth Geneva Convention for the Protection of Civilian persons in Time of War, prevent any sustainable development in the Occupied Palestinian Territories and undermine prospects for stability, prosperity and peace in the Middle East.

We, as European citizens, are not responsible for the behavior of the State of Israel, but we carry full responsibility for the policies of our institutions. In particular, we are deeply aware that the future of the European Union is closely related to the capacity of the EU and the Mediterranean countries to develop successfully the Euro-Mediterranean partnership (the "Barcelona process"), in a manner consistent with the EU's juridical obligations and with its commitments to promote a sustainable development, including the promotion of respect for human rights in third countries.

Therefore, in line with the European Parliament resolution adopted on 10 April 2002, calling on the Council of the EU to suspend the EC-Israel Association Agreement, and in line with the recommendations of the Council of Europe of 25 April 2002, we call upon our competent institutions, in accordance with the procedures mandated in cases of material breaches, to notify Israel of the EU's and the EC's requirement that Israel:

- immediately cease and desist from the practices it carries out unlawfully, and in violation of essential elements of the Association Agreement;
- immediately implement the specific measures necessary to the fulfillment of its obligations pursuant those essential elements.

Should Israel fail to immediately undertake to comply with the above requirements, the Council should decide upon and take the appropriate unilateral measures consistent with cases of special urgency, including the suspension of the Association Agreement, to ensure that:

- Israel's violations of the essential elements are brought to an end, and
- the EC and EU have disengaged themselves from areas of cooperation with Israel that might involve them in any persisting unlawful Israeli practices.

We, the undersigned representatives of church-related and secular European and international NGOs, hereby declare our full commitment to intensify and enlarge our coordination and our support to the European Parliament, in order to gain compliance of the EU and Israel with their juridical obligations related to respect for human rights and democratic principles in their bilateral relations. Our commitment results from our attachment to the success of the European project based on the rule of

law, respect for human rights, including social and economic rights, sustainable development and peace.

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