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The Palestinian Human Rights Organizations Council
(PHROC)

Legal Briefing on the EuroAsia Interconnector

By: Andrea Longo in cooperation with Ingrid Jaradat

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About this briefing:

This briefing of the Palestinian Human Rights Organizations Council (PHROC) assesses whether and how the EU and European States, with their support to the EuroAsia Interconnector, violate their legal obligations in connection with Israel's illegal settlements in the Occupied Palestinian Territory (OPT).

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Substantial input was provided by legal experts and human rights organizations knowledgeable about EU Middle East policy and the geographic and political context of Israel and the Occupied Palestinian Territory, including those who have endorsed the briefing. The final responsibility for the content rests with the authors.

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PHROC: Legal Briefing on the EuroAsia Interconnector

<u>I. PURPOSE</u>	3
<u>II. FACTS</u>	3
A. The Project	3
B. The Israel Electric Corporation	5
C. EU Projects of Common Interest and the Connecting Europe Facility	7
<u>III. LEGAL FRAMEWORK</u>	9
A. The Israeli Settlements	9
B. Third-state Obligations in connection with the Israeli Settlements	11
C. The 2013 EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for EU grants, prizes and financial instruments	13
<u>IV. THE CONDUCT OF THE EU AND EUROPEAN STATES AND THEIR RESPONSIBILITY</u>	14
A. The Chain of Responsibility	14
B. The Violations	15
<i>i. The EU and European States, in particular but not only Greece and Cyprus, are violating their obligation under international law not to recognize the illegal Israeli settlements and not to aid or assist in maintaining them</i>	15
<i>ii. The EU is violating its own 2013 Guidelines on the eligibility of Israeli entities and their activities in the OPT for EU grants, prizes and financial instruments</i>	17
<u>V. CONCLUSION AND POLICY RECOMMENDATIONS</u>	18

I. PURPOSE

The EuroAsia Interconnector is a leading EU infrastructure project that will connect the national electricity grids of Israel, Cyprus and Greece through a 1,208 km subsea HVDC cable. It will allow the bi-directional transmission of electricity between Israel, Cyprus, Greece and wider Europe, enabling each party to be either an exporter or an importer of electricity.

The Palestinian Human Rights Organizations Council (PHROC) believes that the implementation of this project will contribute to the further entrenchment of Israel's illegal settlements, its ongoing *de facto* annexation and planned *de jure* annexation of occupied Palestinian territory. The purpose of this briefing is to provide clarity on whether the EU and European States, with their support to the Interconnector, are responsible and accountable for violations of legal obligations owed in connection with the illegal Israeli settlements.

The briefing will first outline the main facts about the EuroAsia Interconnector project, the EU's and the European States' support to it, and the Israeli main partner (Section II). Then, it will present the legal framework regarding the Israeli settlements in the Occupied Palestinian Territory (OPT), including obligations arising from them on the EU and on European States (Section III). Section IV will demonstrate why and how the EU's and European States' support to the EuroAsia Interconnector invokes – and violates – their international and EU legal obligations in connection with Israel's illegal settlements, specifically that of non-recognition and non-assistance and the obligation under EU law to abstain from financing activities of Israeli entities in the OPT. Finally, Section V will conclude that the violation of these obligations enables Israel's illegal settlement and annexation policies and practices to continue, and that the EU and European States cannot fulfill these obligations, while at the same time, pursuing the EuroAsia Interconnector project with the planned Israel-Cyprus segment. PHROC therefore recommends that the EU and European States should abolish the latter.

The work on this briefing was supported by legal experts as well as by an electrical engineer and members of human rights organizations knowledgeable about EU Middle East policy and the geographic and political context of Israel and the Occupied Palestinian Territory. The former provided expertise about international law as well as EU law; the latter provided technical expertise, insights into the political landscape that gave birth to the EuroAsia Interconnector project, as well as detailed information regarding Israel Electric Corporation (IEC) and its business activities in the OPT, in the light of the company's direct involvement in the Interconnector project.

II. FACTS

A. The Project

The EuroAsia Interconnector is an EU subsea energy infrastructure project envisaged to connect the EU electricity grid in Greece and Cyprus to Israel's electricity grid. It consists of a

1,208 km subsea DC cable with HVDC onshore converter stations at each connection point, with a total capacity of 2000MW.¹ Often referred to as the “Electricity Highway” in the Mediterranean Sea,² the Interconnector is described as allowing **the bi-directional transmission of electricity between Europe and Israel**,³ and as “*enabling each region to either be an exporter or an importer of electricity.*”⁴

The project is divided into two clusters: the Israel-Cyprus one and the Cyprus-Greece one. The Israel-Cyprus cluster will be connecting the Cypriot grid at the Kofinou power plant in Cyprus with the Israeli grid at the Orot Rabin power plant, one of the five power plants located on Israel’s coast and owned by the **Israel Electric Corporation**. The plant is projected to serve the Interconnector as a converter station with Voltage Source Converter equipment, also allowing for reverse transmission of electricity. The construction of this cluster is scheduled to be finalized by the end of 2023.⁵

The EuroAsia Interconnector has received strong support from all relevant EU institutions because it is considered to fall within the EU’s energy policy. Among others, the project is expected to end the energy isolation of Cyprus, ensure Europe’s energy supply, and to contribute to the EU target of 10% electricity interconnection among Member States. Furthermore, it is expected to offer significant socio-economic opportunities in the range of 10 billion Euros and geopolitical benefits to the involved partners, and it has been welcomed as an investment in green energy⁶ - although the electricity will be produced from fossil gas extracted from the Eastern Mediterranean.

Due to the strong backing by EU institutions, the European Commission - with the support of the Cypriot Government and in agreement with the Greek Government - in 2012 appointed **EuroAsia Interconnector Ltd** as the Project Promoter of EuroAsia Interconnector.⁷ The company is registered in Cyprus and led by a steering committee whose members represent the three countries involved in the project: Israel, Cyprus and Greece. For the same reason, the EuroAsia Interconnector has also been listed among EU Projects of Common Interest (PCIs) since 2013.

¹ EuroAsia Interconnector – Official Webpage – *EuroAsia at a glance*: <https://euroasia-interconnector.com/at-glance/>

² *Ibid*

³ “It should be noted that the whole system can run in a bidirectional manner enabling each region to either be an exporter or an importer of electricity depending on the demand and the economic balances.” EuroAsia Interconnector, *Project Overall – Leaflet English*, October 2017, at: <https://euroasia-interconnector.com/wp-content/uploads/2018/01/EuroAsia-Interconnector-Project-Overall-leaflet-English.pdf>; See also Official Webpage - *HVDC Submarine Cables and Land Cables for Link 1: Israel – Cyprus*; April 17, 2018, at: <https://euroasia-interconnector.com/hvdc-submarine-cables-and-land-cables-for-link-1-israel-cyprus-news/>

⁴ Israel Electric Corporation, *Feasibility study status – Executive Summary*; Doing Business with Israel Summit, November 8, 2012, page 13, at: [https://embassies.gov.il/nicosia/NewsAndEvents/Documents/Doing%20Business%20with%20Israel%20\(EuroAsia\).pdf](https://embassies.gov.il/nicosia/NewsAndEvents/Documents/Doing%20Business%20with%20Israel%20(EuroAsia).pdf) See also Official Webpage - *VSC-HVDC Converters*, January 10, 2019, at: <https://euroasia-interconnector.com/vsc-hvdc-converters/>; and *VSC-HVDC Converters News*, April 17, 2018, at: <https://euroasia-interconnector.com/euroasia-interconnector-vsc-hvdc-converters-news/>

⁵ Official Webpage – *Official Support*, at: <https://euroasia-interconnector.com/at-glance/the-big-picture/official-support/>

⁶ See note 1, Official Webpage – *EuroAsia at a glance*

⁷ *Ibid*

Greek, Cypriot and Israeli authorities have backed the EuroAsia Interconnector project since its inception and publication in 2012. For instance, project reports and media coverage show the respective Energy Ministries' and other national authorities' involvement already at the time when EuroAsia Interconnector Ltd was officially registered as a trademark on May 30, 2012.⁸ In August 2013, government representatives of Greece, Cyprus and Israel even signed a Memorandum of Cooperation in the energy sector with a view to verify and bind their support to this energy infrastructure.⁹

The strong interest, backing and involvement of Israel, Cyprus and Greece in the project are also reflected in the composition of the Steering Committee of EuroAsia Interconnector Limited, which includes representatives of: DEH-Quantum Energy, the Independent Power Transmission Operator S.A. of Greece; the Transmission System Operator – Cyprus and the University of Cyprus; and the **Israel Electric Corporation**.¹⁰

B. The Israel Electric Corporation

The Israel Electric Corporation (IEC) is a public and state-owned company that has a monopoly over the Israeli electricity market. Its activities include the generation, transmission as well as transformation, distribution, supply and sale of electricity to all sectors of the economy. The company produces electricity almost exclusively from fossil fuels, including natural gas from the Mediterranean, coal and diesel.¹¹

The IEC's infrastructure consists of: five main power plants located on Israel's Mediterranean coast and gas turbines generating subsidiary electricity; the transmission system, including the high voltage transmission grid of mainly 161 kilovolt lines (most of the IEC's new 400 kilovolt grid has not yet been constructed), which transmits the electricity across the country from the power plants to the main switching stations and sub-stations that convert the electricity to medium levels; and the distribution system, including the distribution grid that connects the sub-stations with transformers and low voltage lines from the transformers to the IEC's customers.¹²

In terms of geographic reach, the IEC's infrastructure and operations cover the **entire area of Israel and all territories occupied and controlled by Israel since 1967**, i.e., the Occupied Palestinian Territory (OPT) composed of the West Bank, including East Jerusalem, and the

⁸ Office for Harmonization in the Internal Market (OHIM), Trade Marks and Design – *Certificate of Registration*, 30/05/2012, at: <https://euroasia-interconnector.com/wp-content/uploads/2018/02/TM-Certificate-EuroAsia.pdf>; See also Official Webpage – *Cyprus and Greece Energy Regulators informed of work in progress*, May 18, 2012, at: <https://euroasia-interconnector.com/news-cyprus-and-greece-energy-regulators-informed-of-work-in-progress5period2012-11/>

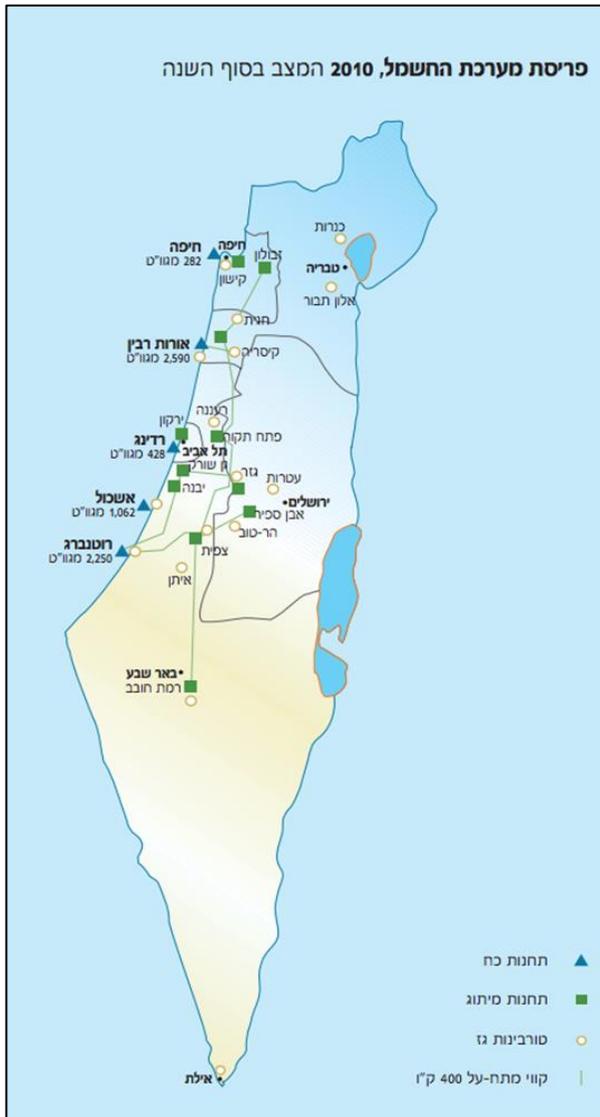
⁹ EuroAsia Interconnector, *Project and Progress, English Report*, October 2017, p. 19, at: <https://euroasia-interconnector.com/wp-content/uploads/2018/01/EuroAsia-Interconnector-Project-and-Progress-English.pdf>

¹⁰ Official Webpage – *Steering Committee Meeting*, April 23, 2012, at: <https://euroasia-interconnector.com/news-steering-committee-meeting6period2012-11/>

¹¹ Israel Electric Corporation, official webpage, at: <https://www.iec.co.il/en/ir/pages/default.aspx>; OECD, Fossil Fuel Support, *Country Note – Israel*, at: <https://www.oecd.org/fossil-fuels/data/>

¹² Israel Electric Corporation, official webpage, *About*, at: <https://www.iec.co.il/about/pages/generation.aspx>; Dan Weinstock and Meir Elran, "Securing the Electrical System in Israel – Proposing a Grand Strategy", *Memorandum 152* (March 2016), p. 31 - 38; The Institute for National Security Studies (INSS), Tel Aviv University, at: <https://www.inss.org.il/he/wp-content/uploads/sites/2/systemfiles/memo152.pdf> (in Hebrew)

Gaza Strip, and the occupied Syrian Golan. For administrative purposes, the **IEC divides this entire area into five geographic regions/districts**. Some components of the IEC's transmission system are located in occupied territory, among them power lines of the high voltage transmission grid and converter sub-stations. The Company also operates at least two gas turbines in the illegal settlement of Atarot located north of occupied East Jerusalem. The IEC's distribution system also has segments of the distribution grid and transformers located in occupied territory.¹³



The IEC's power stations and transmission grid

The IEC map¹⁴ on the left shows:

- The five IEC power plants (the blue triangles on Israel's coast), including the **Orot Rabin plant** that will serve the Interconnector (second from the top);
- The gas turbines, subsidiaries for electricity generation (white dots spread across the whole territory, including one in the Israeli settlement of Atarot, north-west of Jerusalem in the occupied West Bank);
- The main switching stations of the IEC's high voltage transmission grid (green squares);
- The IEC's projected and only partially operative high voltage (400 KV) transmission grid (green straight lines connecting all triangles and squares);
- The IEC's five administrative regions incorporating Israel, the OPT and the occupied Syrian Golan Heights (the grey lines).

Indeed, the IEC's map **does not show** the occupied West Bank and Gaza Strip. As explained on the website of Israel's Public Utilities Authority, the IEC's "Jerusalem region" extends over an area that includes

¹³ State of Israel, Public Utilities Authority-Electricity, *Appendix A: Israel Electric Corporation ("IEC") - Description of Corporate Business*, at: <https://pua.gov.il/English/Documents/Appendix%20A%20-Israel%20Electric%20Corporation.pdf>; see, 7. "Generation and Demand", sub-point (a)(2); 8. "Transmission", sub-point (a): "All of the electricity produced by the Company, or purchased by the Company from IPPs, is transmitted through the Company's high voltage transmission grid which covers the entire State of Israel and those territories under the rule of the State of Israel since June 1967"; and, 9. "Distribution", sub-point (b). See also note 12, Weinstock D. and Elran M, Memorandum 152, p. 36: "The distribution system consists of high voltage power lines, distribution transformers and low voltage lines. [...] There are three levels of high voltage: 1. 12.6 kilo-volt in certain parts of the Dan bloc, Jerusalem and Haifa; 2. 22 kilo-volt in most areas of the State; 3. 33 kilo-volt from Beersheva to the south and beyond the Green Line." (Translation from the Hebrew original)

¹⁴ Israel Electric Corporation, *Statistical Report 2010*, p. 1 (in Hebrew), at: https://web.archive.org/web/20181118123007/https://www.iec.co.il/investors/DocLib/stat_2010.pdf

Israeli territory as well as the entire occupied Palestinian West Bank, including East Jerusalem.¹⁵

In the occupied West Bank, the IEC distributes electricity directly to the illegal Israeli settlements located in the region of Hebron in the South, in East Jerusalem and the central region, the Jordan Valley, and in the North, including the settlement of Ariel.¹⁶

In parallel, the IEC holds Palestinians in the OPT captive to the Israeli electricity market by selling and transmitting electricity from its converter sub-stations to the Jerusalem District Electricity Company (JDECO), a Palestinian shareholder company that handles distribution to Palestinians in and around the West Bank cities of East Jerusalem, Bethlehem, Jericho and Ramallah. The IEC also sells electricity to the Palestinian Authority for distribution by Palestinian companies in the occupied Gaza Strip, as well as in the occupied West Bank outside of JDECO's area of operation.¹⁷

The above facts demonstrate unambiguously that the IEC's electricity infrastructure and operations serving customers in Israel and the Israeli settlements in the OPT constitute **one integrated and inseparable unit by design**, and that the **Orot Rabin power station**, as a component of this unit, **generates and transmits electricity that is distributed to the illegal Israeli settlements in the OPT**.

Since the EuroAsia Interconnector will connect with the Israeli grid at the same Orot Rabin power station to create the Israel-Cyprus cluster, this means that **the EuroAsia Interconnector will link Israel's illegal settlements in the OPT with Europe's electricity grid and establish the electrical circuit that provides the path for the transmission and trade of electricity between Europe, Israel and its illegal settlements**.

C. EU Projects of Common Interest and the Connecting Europe Facility

Enjoying strong political support from all EU institutions for the reasons mentioned in Section II-A, the EuroAsia Interconnector has been included in the EU list of Projects of Common Interest (PCIs) since 2013. Inclusion in the list of PCIs has earned the Interconnector a number of benefits such as, among others, an accelerated planning and permit granting procedure and improved regulatory conditions established by the governments of Cyprus and Greece, as well as increased visibility to investors.¹⁸ Furthermore, PCIs are eligible for financial assistance from the European Investment Bank and for grants from the Connecting Europe Facility.¹⁹

¹⁵ See note 13, Public Utilities Authority-Electricity, *Appendix A*, point 9. "Distribution", sub-point (b)(3).

¹⁶ *Ibid.*

¹⁷ See note 13, *Appendix A*, point 1. *Main activities*, sub-point (a). See also: State of Israel Public Utility Authority-Electricity, *Appendix B: Jerusalem District Electricity Co. Ltd ("JDECO") - Description of Corporate Business*, at: <https://pua.gov.il/English/Documents/Appendix%20B%20-Jerusalem%20District%20Electricity.pdf>, and: AL-Monitor, "Jerusalem electricity company crippled by Israel, Palestinian Authority", at: <https://www.al-monitor.com/pulse/originals/2018/03/palestine-jerusalem-electricity-company-pressure-israel-pa.html#ixzz6ZivAZ8xa>.

JDECO is a Palestinian shareholder company headquartered in occupied East Jerusalem and subject to Israeli regulation.

¹⁸ Official Website – *EuroAsia EU Status*, at: <https://euroasia-interconnector.com/at-glance/the-big-picture/euroasia-eu-status/>

¹⁹ See note 9, *The Project and Progress Report*, p. 15

The Connecting Europe Facility (CEF) was established through Regulation No 1316/2013 and constitutes an EU funding instrument implemented through grants, procurement and financial instruments, including guarantees and project bonds.²⁰ It provides EU financial assistance to trans-European networks in order to support PCIs in the sectors of transport, telecommunications and energy infrastructures.²¹ In particular, it allocates funds for specific actions - *i.e.* “activities which have been identified as **necessary** for the implementation of a project of common interest.”²²

Indeed, the EuroAsia Interconnector has benefited from EU funding. In October 2014, for example, the Greek DEH Quantum Energy Ltd, a member of EuroAsia Interconnector Ltd’s Steering Committee, secured a grant of €1.325 million from the CEF for the implementation of three studies, namely the Technical/Technological Study, the Reconnaissance Survey and the Environmental Studies/EIA.²³

The CEF and the EU’s **Innovation and Networks Executive Agency (INEA)** have also granted EuroAsia Interconnector Ltd €14.5 million for the pre-works studies: the Geotechnical/Geophysical and Nearshore Study, the Submarine Power Cable Installation Study, the Front End Engineering Design Study (FEED) and the Territorial Civil Works Studies.²⁴

Indicative list of actions selected for receiving financial assistance under CEF-Energy as of 29.10.2014

PCI name	Action type	Action name	Applicant(s)	Action location	Maximum EU financial assistance (in EUR)
Northern Seas offshore grid Priority Corridor (NSOG)					
PCI Norway - United Kingdom interconnection (1.10)	Study	NSN Technical Design Studies	National Grid Interconnector Holdings Limited / Statnett SF	UK, NO	31,300,000
France - United Kingdom interconnection between Cotentin (FR) and the vicinity of Exeter (UK) (1.7.1)	Study	Development of the France-Alderney-Britain (FAB) Project	Transmission Investment LLP / Réseau de Transport d'Electricite (RTE)	FR, UK	7,235,000
France - United Kingdom interconnection between Coquelles (FR) and Folkestone (UK) (1.7.3)	Study	ElecLink	ElecLink Limited	FR, UK	1,698,031
North-South electricity interconnections in Western Europe Priority Corridor (NSI West Electricity)					
PCI France - Spain interconnection between Aquitaine (FR) and the Basque country (ES) (2.7)	Study	Studies for a new Atlantic electrical interconnection between Spain and France	Reseau de Transport d'Electricite / RED ELECTRICA DE ESPAÑA S.A.U.	ES, FR	3,250,000
North-South electricity interconnections in Central Eastern and South Eastern Europe Priority Corridor (NSI East Electricity)					
Interconnection between Hadera (IL) and Vasilikos (CY) (3.10.1)	Study	EuroAsia Interconnector - Design, Implementation and Environmental Studies	DEH QUANTUM ENERGY LTD	CY,EL,IL	1,325,000
Internal line between Vernerov and Vitkov (CZ) (3.11.1)	Study	Documentation for zoning permit of the line 400 kV Vernerov-Vitkov, substation 400 kV Vitkov and Project study for substation 400 kV Vernerov	CEPS a.s.	CZ	1,013,024
Interconnection between Gonyu (HU) and Gabčíkovo (SK) (3.16.1)	Study	Preparation of Gonyu (HU) National Border (HU) 400 kV interconnection line	MAVIR Magyar Villamosenergia-ipari Atviteli Rendszerirányító Zrt.	HU	188,959

The table shows the list of actions that received financial assistance under the CEF in 2014 - The EuroAsia Interconnector is the fifth from above.

Via the CEF and the INEA, the EU has also handled the **procurement of works on behalf of EuroAsia Interconnector Ltd**, such as the tendering for the construction of the VSC

²⁰ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 Text with EEA relevance, Article 6.1, at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1316>. For further information, see the Commission’s proposal for a new Regulation establishing the CEF for the period beyond 2020, at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018PC0438&from=EN>

²¹ *Ibid*, Article 1

²² *Ibid*, Article 2(8)

²³ See note 9, the Project and Progress Report, p. 18. See also the *Indicative list of actions selected for receiving financial assistance under CEF-Energy as of 29.10.2014*, p. 1, at: https://ec.europa.eu/energy/sites/ener/files/documents/2014_cef_energy_lists.pdf

²⁴ *Ibid* See also the *List of actions selected for receiving financial assistance under the second CEF Energy 2016 call for proposals*, at: https://ec.europa.eu/energy/sites/ener/files/documents/list_of_all_projects_receiving_eu_support_under_the_current_call.pdf

Converter Stations for the Cyprus-Greece and Israel-Cyprus clusters of the Interconnector which resulted in the award of the contract to the German **Siemens AG** on 27 March 2020.²⁵

In addition to financial support and procurement, the EuroAsia Interconnector has also benefited from EU support – via the **INEA** and the **Agency for the Cooperation of Energy Regulators (ACER)** – of project management and promotion among stakeholders, including private investors and the European Network of Transmission System Operators for Electricity (ENTSO-E).²⁶ EU promotion facilitated, among others, the signing in December 2017 of a strategic alliance agreement for the development and implementation of the Interconnector between EuroAsia Interconnector Ltd and **Elia Grid International (EGI)**, a subsidiary of the Belgian-German Transmission System Operator **Elia Group**.²⁷

All the above shows that the EU has been contributing significantly, through political, financial and technical support, towards the implementation of the EuroAsia Interconnector project since its inception.

III. LEGAL FRAMEWORK

A. The Israeli Settlements in the OPT

Israel's settlement policy consists of the transfer of Jewish-Israeli civilian population into the occupied Palestinian West Bank, including East Jerusalem, and the forcible transfer of the indigenous Palestinian population into segregated areas in order to make room for Israeli settlement infrastructure. The international community, with the support of European states, has condemned this Israeli policy as a flagrant violation of international law through numerous resolutions of the UN Security Council and the General Assembly,²⁸ albeit with little to no avail.

Israeli settlements violate *inter alia* the following norms of international law: the prohibitions on population transfers and the appropriation of immovable property by the Occupying Power under international humanitarian law (IHL, in addition to: the prohibition on the permanent acquisition of territory by force; the Palestinian right to self-determination and permanent sovereignty over natural resource; and the prohibition on apartheid, which are peremptory norms under customary international law from which no derogation can be permitted.²⁹

²⁵ Official Webpage – *Preferred Bidder*, at: <https://euroasia-interconnector.com/preferredbidder/>

²⁶ *EuroAsia Interconnector - Final Detailed Studies Prior to Project Implementation 3.10.1-0004-CYEL-SM-16*, available at https://ec.europa.eu/inea/sites/inea/files/3.10.1-0004-cyel-s-m-16_action_fiche.pdf

²⁷ Official Webpage - *EuroAsia Interconnector concludes strategic alliance agreement with Elia Grid*, December 11, 2017, at: <https://euroasia-interconnector.com/news-euroasia-interconnector-concludes-strategic-alliance-agreement-with-elia-grid1078period2017-12/>

²⁸ See, e.g., UN Security Council resolutions 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), recently reaffirmed by Resolution 2334 (2016).

²⁹ On peremptory norms, see: Vienna Convention on Treaties (1969), Article 53. See also: International Law Commission, *Draft Articles on State Responsibility for Internationally Wrongful Acts*, 2001 (ARSIWA), Article 40, comment 8 and footnote 651.

In particular, the prohibition on the transfer of civilian population of the Occupying Power into the territory it occupies, and on forcible transfer of members of the local, protected occupied population, is a well-established principle of customary IHL³⁰ and codified in the Fourth Geneva Convention.³¹ These acts are also criminalized as grave breaches by the Fourth Geneva Convention, the First Additional Protocol to the Convention of 1977,³² and by the Rome Statute of the International Criminal Court.³³ Population transfer is understood as an assault on the integrity of the occupied territory that entails the intentional demographic manipulation of the population by the Occupying Power, for the purposes of establishing permanent and long term territorial control.³⁴ Such acts of displacement often go along with acts of appropriation, and acts of violence against property and persons, including settler violence,³⁵ which are criminalized under international law.³⁶ Therefore, Israel's entire settlement policy flagrantly violates **customary and treaty IHL** and constitutes a **war crime**.³⁷

Israel's settlement policy and practices also constitutes a serious violation of peremptory norms, foremost the **prohibition on the permanent acquisition of territory by force** and the Palestinian **right to self-determination**. Indeed, population transfer inevitably gives rise to changes in the demographic composition, geography and cultural character of the occupied territory that undermine the ability of the occupied people to determine its own political status and economic, social and cultural development. The International Court of Justice established this clearly in its 2004 Advisory Opinion on Israel's wall in the OPT stating that: "The Court considers that the construction of the wall and its associated régime create a 'fait accompli' on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation" of Israel's illegal settlements in occupied Palestinian territory,³⁸ thus hindering the exercise of the Palestinians' right to self-determination. This finding came long before Israel's plan in 2020 to formalize annexation of parts of the occupied West Bank with the backing of US President Trump's "deal of the century" and applies irrespective of whether or not this plan will be implemented.

³⁰ POISSONIER, G. and DAVID, E., *Israeli Settlements in the West Bank, a War Crime?* - La Revue des Droits de l'Homme [online], 17 | 2020: <https://journals.openedition.org/revdh/7613#toctoIn1> § 34

³¹ Fourth Geneva Convention (1949), Article 49.

³² Additional Protocol (I) to the Geneva Conventions (1977), Article 85(4-a)

³³ Rome Statute of the International Criminal Court (1998), Article 8(2)(b)(viii)

³⁴ "Deportations and transfers of civilian population have severe humanitarian and long-term consequences, destroying the roots and local culture of the deported or transferred population, protracting conflicts and frequently rendering them intractable. Population transfer and deportation is often used as an effective means to secure the controlling position and territory conquered by altering the demographic composition, and to create faits accomplis, that might strengthen the position of the conqueror in future peace negotiations and settlements of disputes." COTTIER, M, in *Commentary on the Rome Statute of the International Criminal Court*, Ed. Otto Triffterer, 2nd ed., p. 362

³⁵ See United Nations Office for the Coordination of Humanitarian Affairs - *OPT annual reports on Israeli settler violence (2018)*, available at <https://www.ochaopt.org/content/high-level-violence-israeli-settlers-rise-israeli-fatalities>

³⁶ See note 33, Rome Statute, Art. 8 (2) (a) (iv) and 8 (2) (b) (xiii)

³⁷ See note 30, POISSONIER, G. and DAVID, E., § 36; See also Amnesty International, "Destination: Occupation. Digital tourism and Israel's illegal settlements in the Occupied Palestinian territories", at: <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF> and Amnesty International USA, "Let's be clear – Israel's long-running settlement policy constitutes a war crime", at: <https://www.amnestyusa.org/lets-be-clear-israels-long-running-settlement-policy-constitutes-a-war-crime/>

³⁸ ICJ *Advisory Opinion on the Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory*, 9 July 2004, §§121-122

Finally, the settlements have resulted in an institutionalized system of racial discrimination and segregation. Indeed, their maintenance and development is enabled by two separate legal regimes which are applied in parallel in the OPT: one a regime of Israeli civil law for the privileged Jewish settlers and settlements, the other a system of military orders that severely restricts the fundamental human rights of the occupied Palestinian population.³⁹ As such, the settlements are part of a system of institutionalized racial discrimination and oppression that **violates the peremptory prohibition of apartheid** and amounts to the **crime against humanity of apartheid** under the Rome Statute.⁴⁰

B. Third-state Obligations in connection with the Israeli Settlements

Serious violations of international humanitarian law and peremptory norms, including war crimes and crimes against humanity, such as those committed by Israel with its settlements in the OPT, entail responsibilities not only for Israel, the perpetrator, but also for the entire international community, including the EU and all European States.

Indeed, the violations committed by Israel with its settlements entail duties and obligations for other States under international treaties to which they are Parties. By way of example, under the Fourth Geneva Convention all signatory States have the obligation to ensure respect of the Convention by the Occupying Power.⁴¹ Under the Rome Statute, all Parties shall cooperate fully with the International Criminal Court (ICC) in its investigation and prosecution of all crimes under its jurisdiction, including war crimes and crimes against humanity such as those committed by Israel.⁴² Finally, the obligation of States to protect and promote human rights under human rights treaties means, among other, that states should ensure – by means of guidance, effective policies, legislation and enforcement measures – that third parties, including businesses, domiciled in their territory and/or jurisdiction respect human rights throughout their operations and do not violate human rights abroad. States should **ensure in particular that businesses operating in “conflict affected areas”, such as the OPT, are not involved in gross human rights abuses.**⁴³

Secondly, due to the serious violations of peremptory norms and IHL committed by Israel with its settlements in the OPT, all States have **additional secondary obligations under customary international law**, which are complementary to their respective obligations under treaties. These are:

³⁹ Report of Human Rights Council’s Independent Fact Finding Mission on the Israeli Settlements in the OPT, A/HRC/22/63 (7 February 2013), §§ 103 and 107, at:

https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf

⁴⁰DUGARD, J. and REYNOLDS, J, *Apartheid, International Law, and the Occupied Palestinian Territory*, EJIL, Vol. 24, no.3 (2013), at: <http://www.ejil.org/pdfs/24/3/2421.pdf>; See also FALK, R. and TILLEY, V.: *Israeli Practices towards the Palestinian People and the Question of Apartheid*, UN ESCWA Report (2017), at: https://www.middleeastmonitor.com/wp-content/uploads/downloads/201703_UN_ESCWA-israeli-practices-palestinian-people-apartheid-occupation-english.pdf

⁴¹ See note 31, Common Article 1 to the four Geneva Conventions of 1949. See also note 36, ICJ Wall Opinion, § 163.

⁴² See note 33, Rome Statute, Articles 86 – 102.

⁴³ UN Guiding Principles on Business and Human Rights, section A, principles 2 and 7; at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

- a. The duty to “cooperate to bring an end to such violations” through lawful means, including sanctions;
- b. The duty to “not recognize as lawful” the illegal situation created by such violations and to “not render aid or assistance” in maintaining that situation.⁴⁴

The International Court of Justice observed in this regard that Israel, by violating the right to self-determination of the Palestinian people and certain of its obligations under IHL with the construction of the wall, is in breach of obligations *erga omnes*, explaining that “... *such obligations are by their very nature the concern of all States and ... in view of the importance of the rights involved, all States can be held to have a legal interest in their protection*”⁴⁵, and that consequently,

“... *the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the [Fourth] Geneva Convention ... are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention... Finally, the Court is of the view that the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.*”⁴⁶

With regard to the obligation of non-recognition and non-assistance, this requires all States to refrain from acts that would expressly or implicitly legitimize and consolidate situations created through violations of international norms from which no derogation is permitted (peremptory norms, *jus cogens*), such as Israel’s settlements. In addition, the obligation also extends beyond aid and assistance to Israel in the commission of its serious violations of international law: it prohibits all acts that facilitate the continuing existence of the illegal settlements created by these violations.⁴⁷ This means, among others, that European States and the EU must give no support, in the form of promotion, licensing, financing or otherwise, to any economic activities that convey explicit or implicit recognition to the illegal settlements and/or facilitate their continuing existence.⁴⁸

⁴⁴ See note 29, ILC ARSIWA (2001), art. 41(1) and (2); see also ILC Draft Articles on the Responsibility of International Organizations for Internationally Wrongful Acts (2011), art. 42(1) and (2), at https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf

⁴⁵ See note 38, ICJ Wall Opinion, § 155 (emphasis added)

⁴⁶ *Ibid*, ICJ Wall Opinion, §§ 159-160 (emphasis added); see also § 163.

⁴⁷ DAWIDOWICZ M., *The Obligation of Non-Recognition of Unlawful Situation*, in Crawford, Pellet and Olleson (eds), *The Law of International Responsibility* (2010). See also: Al-Haq, *State Responsibility in Connection with Israel’s Illegal Settlement Enterprise in the Occupied Palestinian Territory* (2012), at: http://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/2012/Legal_Memo_State_Responsibility_FINAL_16_07.pdf

⁴⁸ See note 39, Report of Human Rights Council’s Independent Fact Finding Mission, §§ 117; See also note 37, Amnesty International – *Chapter 6: Settlements and Third State Responsibility*.

C. The 2013 EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for EU grants, prizes and financial instruments⁴⁹

In 2013, the EU Commission adopted binding guidelines for the award of EU grants, prizes and financial instruments to Israeli entities and their activities in the OPT. In the words of the EU, these Guidelines were adopted “*to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel’s sovereignty over the territories occupied by Israel since June 1967*”, i.e., the OPT, including East Jerusalem, and the occupied Syrian Golan.⁵⁰ In other words, the EU Commission adopted the Guidelines in order to ensure that EU financing does not contradict the EU’s commitment to its obligation under international law to not recognize, aid or assist Israel’s illegal settlements and *de facto* annexation of occupied Palestinian territory. Thus, EU financing mechanisms and instruments are to respect the positions established by the International Court of Justice Advisory Opinion on Israel’s Wall (2004)⁵¹, further developed by the UN Security Council with its Resolution 2334 of 2016⁵² and repeatedly upheld by the EU in numerous resolutions of the Foreign Affairs Council⁵³ and in two decisions of the Court of Justice of the EU.⁵⁴

Section B of the Guidelines, establishing their scope of application, refers to EU grants, prizes and financial instruments such as loans, guarantees and investment. Article 6 establishes that the Guidelines apply:

- “(a) for grants - to all applicants and beneficiaries, irrespective of their role (sole beneficiary, coordinator or co-beneficiary). This includes entities participating in the action on a no-cost basis and affiliated entities within the meaning of Article 122(2) of the Financial Regulation [...]
- (b) for prizes - to all participants and winners in contests;
- (c) for financial instruments - to dedicated investment vehicles, financial intermediaries and sub-intermediaries and to final recipients.”

Section D of the Guidelines lays out the conditions of eligibility of activities carried out by Israeli entities for EU financial support. Of interest to the present case is the following:

The Guidelines provide that **no EU financial support in the above forms must be granted to activities, projects and operations of Israeli entities taking place**

⁴⁹ Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards - Official Journal of the European Union, 19 July 2013.

⁵⁰ *Ibid*, Section A – General Issues, §§ 1-2.

⁵¹ See note 38, ICJ Wall Opinion.

⁵² United Nations Security Council Resolution 2334 of December 23, 2016

⁵³ See, for example, the Foreign Affairs Council conclusions on the Middle East Peace Process adopted in December 2009, December 2010, April 2011, May and December 2012

⁵⁴ Case C-386/08 *Brita* [2010] ECLI:EU:C:2010:91, §§ 47 and 53, at:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=72406&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=215012> ; Case C-363-18, *Psagot* [2019] ECLI:EU:C:2019:954, §§ 29 and 37, at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=220534&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=214976>

partially or entirely in the OPT. Israeli entities to which this applies are defined as Israeli authorities and public bodies, Israeli public and private companies and corporations, as well as to other private Israeli entities, including NGOs and non-profits (Section D, clause 12 (a) and (b)).

From the above it follows that, according to the rules of the Guidelines, **none of the above financing tools must be used by the EU to support Israeli activities, projects or operations that do not distinguish between Israeli territory and the OPT in their territorial reach.** It also follows that these financing tools **must not be used by the EU to support *Israeli entities* whose entire operations do not distinguish between Israeli territory and the OPT.**

IV. THE CONDUCT OF THE EU AND EUROPEAN STATES AND THEIR RESPONSIBILITY

This section will assess whether the EU and European States, through their support to the EuroAsia Interconnector, are responsible for violation of legal obligations owed in connection with Israel's illegal settlements. Responsibility will be analyzed and assessed in the light of the facts and legal framework laid out in Sections II and III respectively.

The analysis below will: **A.** shed light on the legal link between EU and European States' involvement with the EuroAsia Interconnector and the illegal Israeli settlements, and, **B.** identify the violations of international and EU law committed through their involvement with the Interconnector.

A. The Chain of Responsibility

The following chain of facts – when considered as a whole – demonstrates that the EuroAsia Interconnector will inevitably link Europe's electricity grid, operations and market with Israel's illegal settlements in the OPT and benefit the latter:

- **First**, the Israel Electric Corporation (IEC) is a member of the EuroAsia Interconnector Ltd Steering Committee. As such, the IEC plays a significant leading role in representation of the project and decision-making about its implementation. Moreover, upon completion of the project, the IEC – as the party holding a monopoly over the generation, transmission and sale of Israeli electricity – will also be an essential business partner and a primary beneficiary of the trade of electricity between Israel and Europe via the Interconnector;
- **Second**, as demonstrated in section II-B, the IEC's electricity infrastructure and operations in Israel and the illegal Israeli settlements in the OPT constitute **one integrated and inseparable unit**. In other words, the IEC does not and cannot distinguish between its electricity generation, transmission and distribution activity serving customers *within* Israel and *beyond*, in the illegal settlements in the OPT;

- **Third**, since the Interconnector transmission system will run in a **bidirectional manner**, the transmission system operators of Cyprus, Greece and other European countries, as well as the Israeli state-owned IEC, can either be **exporters or importers of electricity**;
- **Fourth**, the Orot Rabin power plant, which is a component of the IEC's infrastructure and operations serving the illegal Israeli settlements, is also the connection point with the EuroAsia Interconnector. The Orot Rabin plant will thus **link Israel's illegal settlements in the OPT with Europe's electricity grid and establish the electrical circuit that provides the path** for the transmission and trade of electricity between these illegal settlements, Israel, Cyprus, Greece and wider Europe.

Thus, the IEC's **Orot Rabin power plant eliminates the spatial and legal distance** between the EuroAsia Interconnector on the one hand, and Israel's illegal settlements in the OPT, on the other. As a consequence, EU and European States' involvement in the Interconnector invokes their legal obligations in connection with these illegal settlements.

B. The Violations

As demonstrated by the above chain of responsibility, involvement in the EuroAsia Interconnector invokes legal obligations of the EU and European States in connection with the serious violations of international law committed by Israel with its settlements in the OPT. Among these legal obligations is the obligation of non-recognition and non-assistance described in Section III-B. In addition, Section III-C drew the attention to EU obligations deriving from the EU's Guidelines on grants, prizes and financial instruments for Israeli entities and their activities in the OPT.

The question whether and how these obligations are violated by the EU and European States will be assessed below, in the light of the concrete political and material support rendered to the EuroAsia Interconnector by EU institutions, agencies and Member States. It will be demonstrated that:

- i. The EU and European States, in particular but not only Greece and Cyprus, are violating their obligation under international law not to recognize the illegal Israeli settlements and not to aid or assist in maintaining them;
- ii. The EU is violating its own 2013 Guidelines on the eligibility of Israeli entities and their activities in the OPT for EU grants, prizes and financial instruments.

i. The EU and European States, in particular but not only Greece and Cyprus, are violating their obligation under international law not to recognize the illegal Israeli settlements and not to aid or assist in maintaining them

As explained in Section III-B, the obligation of non-recognition and non-assistance means, among other, that European States and the EU must give no support, in the form of promotion, licensing, financing or otherwise, to any economic activities that convey explicit or implicit

recognition to the illegal Israeli settlements in the OPT and/or facilitate their continuing existence.

The EuroAsia Interconnector, as demonstrated earlier, is **a project that links Europe to Israel's illegal settlements**. Moreover, the Interconnector – when operational – **will also facilitate the very existence and ongoing expansion of these settlements**. This holds true for each of the two envisaged scenarios: If electricity is exported from Europe to the IEC, the latter will distribute it to the illegal settlements. If Israeli IEC electricity is imported by Europe, **any** re-reinvestment by the IEC of revenues derived from the sale of electricity to Europe in its electricity grid and operations will **necessarily** benefit the illegal settlements, because these settlements are incorporated into the IEC's grid and operations.

With their support for the EuroAsia Interconnector, European States and the EU are, therefore, clearly in breach of their obligation to not recognize Israel's illegal settlements as lawful nor assist in maintaining them.

Indeed, EU institutions and agencies, as well European States, in particular but not only Cyprus and Greece, have **implicitly recognized the lawfulness of Israel's illegal settlements and assisted their maintenance** with the political and material support provided toward the realization of the EuroAsia Interconnector as described in Section II-A and II-C.

Acts of such implicit recognition and practical assistance include, for example:

- The appointment by the European Commission and the governments of Cyprus and Greece of the official project promoter EuroAsia Interconnector Ltd in 2012 as a company that includes and gives a lead-role, as member of its Steering Committee and as essential implementing business partner, to the IEC, whose infrastructure and operations serve the illegal settlements;
- The 2013 grant by the European Commission and Parliament of favorable PCI status to the EuroAsia Interconnector, a project that includes the IEC's electricity infrastructure and operations serving the illegal settlements;
- EU financing of preparatory studies and procurement of works through the CEF and the INEA, and the favorable regulatory regime enacted by Cyprus and Greece for the planning and licensing of works, which have enabled progress toward the realization of the Interconnector project that includes and is projected to serve the illegal Israeli settlements;
- The promotion of the project by EU institutions, agencies and Member States, which amounts to active encouragement of private investors to finance, and of business enterprises, such as the German Siemens AG and the Belgian-German Transmission System Operator Elia, to carry out activities which are required for the construction and operation of the Interconnector that includes and serves Israel's illegal settlements.

Furthermore, the EU and European States supporting and promoting the EuroAsia Interconnector also give recognition to the illegal Israeli settlements by facilitating and deriving

benefit from revenues generated by European companies and corporations through electricity works and trade that are implicated in Israel's illegal settlements and the serious violations of international law and human rights underpinning them as described in Section III-A.

Indeed, by actively encouraging European companies and corporations, including private investors and Transmission System Operators, to engage in business activities with, and generate revenues from electricity works and trade associated with the EuroAsia Interconnector, the EU and European States not only violate the obligation of non-recognition and non-assistance; they also undermine the compliance of business enterprises with their obligation to respect human rights throughout their operations and to abstain, thus, from business involvement with Israel's illegal settlements.

Consequently, the EU and European States' political and material support for the EuroAsia Interconnector amounts to a **clear violation of their obligation to not recognize and not render assistance to the illegal Israeli settlements and, therefore, engages their legal responsibility.**

ii. The EU is violating its own 2013 Guidelines on the eligibility of Israeli entities and their activities in the OPT for EU grants, prizes and financial instruments

In addition, by providing political and material support to the EuroAsia Interconnector, the EU has also violated its own 2013 Guidelines, which were adopted in order to ensure that EU institutions and financial mechanisms comply with the EU's position and international law on non-recognition and non-assistance and do not fund activities of Israeli entities in the OPT (see Section III-C).

On several occasions, including in 2014 and 2016 (see Section II-C), the EU provided funding in the form of grants via the CEF and the INEA to preparatory studies necessary for the implementation of the EuroAsia Interconnector. These grants were not allocated to an Israeli entity, but rather to the Cypriot EuroAsia Interconnector Ltd, the official project promoter, and to the Greek DEH Quantum Energy Ltd, a Steering Committee member of the former. Nevertheless, these grants also benefited in part the interests of the Israeli member of the project's Steering Committee, i.e., the IEC and its operations in the illegal Israeli settlements. The latter is true, in particular because:

1. The IEC holds a monopoly in Israel over the generation, transmission and trade of electricity and plays, therefore, an essential and indispensable role in both the realization of the Cyprus-Israel cluster and the operation of the entire Interconnector project;
2. As such, the IEC has a leading position in the EuroAsia Interconnector Ltd Steering Committee, with significant influence on decision-making about project development, including design and implementation of studies financed by EU grants and applications

for EU grants, even when the latter are awarded to or requested by the EuroAsia Interconnector Ltd or by Steering Committee members other than the IEC.⁵⁵

Consequently, the IEC, with its operations serving the illegal Israeli settlements, is a primary beneficiary of **all EU financial support awarded in the form of grants or financial instruments to the official project promoter EuroAsia Interconnector Ltd, members of its Steering Committee, or to other parties, including companies and corporations, for works on the Interconnector's Cyprus-Israel cluster.**

However, as a matter of fact, the 2013 EU Guidelines explicitly prohibit the award of EU grants, prizes and financial instruments to activities, projects and operations of Israeli entities that take place, in whole or in part, in the OPT (clause 12a and 12b). As explained in Section II-B, the IEC is an Israeli entity whose entire electricity infrastructure and operations do not and cannot distinguish between customers in Israel and the illegal settlements in the OPT. **Accordingly, the IEC is certainly not eligible for EU financial support under the Guidelines.**

Therefore, the award of the 2014 and 2016 EU grants as well as any other similar EU financial support to the EuroAsia Interconnector project are clearly in breach of the 2013 EU Guidelines.

V. CONCLUSION AND POLICY RECOMMENDATIONS

The EuroAsia Interconnector is an EU energy infrastructure project that is expected to achieve EU energy policy objectives, including a secure and sustainable supply of electricity for Europe and an end to the energy isolation of Cyprus. Accordingly, the EU and European States, in particular but not only Greece and Cyprus, are providing the Interconnector with political thrust as well as material support in the form of funding, procurement, favorable regulatory regimes, administrative and management assistance and promotion among a large network of stakeholders.

However, this briefing shows that the EuroAsia Interconnector, if implemented as planned, will necessarily include and benefit Israel's illegal settlements in the Occupied Palestinian Territory, and that the EU and European States – with the above support to the Interconnector project – violate their legal obligations in connection with these illegal Israeli settlements, thus incurring legal responsibility.

Specifically, the analysis in this briefing demonstrates that, by promoting the EuroAsia Interconnector, the EU and European States, foremost but not only Greece and Cyprus, are responsible and accountable for **violation of their obligation under international law not to**

⁵⁵ An illustrative example of the IEC's prominent participation and role in design and implementation of the EU-financed studies is the 2012 IEC presentation of the feasibility study financed through the INEA available at: [https://embassies.gov.il/nicosia/NewsAndEvents/Documents/Doing%20Business%20with%20Israel%20\(EuroAsia\).pdf](https://embassies.gov.il/nicosia/NewsAndEvents/Documents/Doing%20Business%20with%20Israel%20(EuroAsia).pdf)

recognize Israel's illegal settlements as lawful and not to aid or assist in maintaining them.

In addition, the EU is found to be **in breach of its own 2013 Guidelines that prohibit EU financing of activities of Israeli entities in the Occupied Palestinian Territory.**

These violations have resulted in a situation in which the EU and European States are promoting an Interconnector project that treats the illegal Israeli settlements as a legitimate partner and will, when operational, enable their continued existence and expansion, as well as the continuation of the serious violations of international humanitarian and human rights law committed by Israel with its illegal settlements.

An overview of Israel's violations of international law with its illegal settlements as established by authoritative sources, including UN fact finding missions and the International Court of Justice, and condemned in numerous international resolutions, is presented in this briefing. Consequently, by promoting the EuroAsia Interconnector with Israel's illegal settlements, the EU and European States also give legitimacy to – and, thus, encourage – the continuation of Israel's forcible population transfer, a war crime, Israel's annexation of occupied Palestinian territory *de facto* and *de jure*, its denial of the right to self-determination to the Palestinian people, and the entrenchment of an Israeli apartheid regime in the Occupied Palestinian Territory.

In the light of the serious character of these violations committed by Israel with its settlement enterprise in defiance of international resolutions and expert opinions,⁵⁶ and in the light of the EU's official position of non-recognition of Israel's illegal settlements and annexation of occupied Palestinian territory, EU institutions and Member States should treat their failure to meet the above obligations as a matter of serious concern.

In this vein, the analysis in this briefing leads to the conclusion that the EU and European States cannot perform their international obligation of non-recognition and non-assistance in connection with Israel's illegal settlements, and that the EU cannot comply with its 2013 Guidelines, while at the same time pursuing the EuroAsia Interconnector project, because:

- i) The Cyprus-Israel cluster is an essential component of the project as planned;
- ii) The IEC is the only entity authorized and able to act as lead-implementer and operator of that cluster in Israel; and,
- iii) The IEC does not and cannot – by design – separate and exclude the illegal Israeli settlements in the Occupied Palestinian Territory from its electricity infrastructure and operations serving Israeli customers.

Consequently, **the EU and European States should act in conformity with EU and international law and abandon the EuroAsia Interconnector project.** Such a step would not preclude the realization of the Cyprus-Greece Interconnector, whose construction has thus

⁵⁶ See, for example: <https://opiniojuris.org/2020/06/11/an-open-letter-to-the-israeli-government-condemning-annexation/> . By mid-June 2020, this letter was endorsed by 240 scholars of international law, including Israeli jurists

far been pursued by the EU and the governments of the two States in the context of the EuroAsia Interconnector.

As immediate measures, **EU institutions and Member States should halt all promotion of the EuroAsia Interconnector among their stakeholder networks of private investors, companies and TSOs, and stop EU procurement for works on the Cyprus-Israel cluster.**

European States, including Cyprus, Greece, Germany and Belgium, **should also provide guidance and ensure that companies and TSOs under their jurisdiction**, such as Siemens AG and Elia Group, **respect human rights**, including the right to self-determination of the Palestinian people, **and abstain from or terminate all business involvement with Israel's illegal settlements in the Occupied Palestinian Territory through works for the EuroAsia Interconnector.**

Palestinian Human Rights Organizations Council comprising:



Addameer Prisoners' Support and Human Rights Association
Sahar Francis
General Director



Aldameer Association for Human Rights
Alaa Skafi
Acting General Director



Al-Haq
Shawan Jabarin
General Director



Al Mezan Center for Human Rights
Issam Younis
General Director



The Palestinian Centre for Human Rights
Raji Sourani
General Director



Defence for Children International Palestine Section
Khaled Quzmar
General Director



Ramallah Center for Human Rights Studies
Khalid Nassif
General Director



Hurriyat - Centre for Defense of Liberties and Civil Rights
Helmi Al-Araj
General Director



Jerusalem Center for Legal Aid and Human Rights
Issam Aruri
General Director



Independent Commission for Human Rights (Ombudsman Office) - Observer
Ammar Dwaik
General Director



Muatin Institute for Democracy and Human Rights - Observer
Mudar Qasis
General Director