

16 September 2013

To: The Ministers of Foreign Affairs of the European Union

Cc: Mr Herman van Rompuy, President of the European Council
Mr José Manuel Barroso, President of the European Commission
Ms Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy
and Vice-President of the European Commission
Ms Máire Geoghegan-Quinn, European Commissioner for Research, Innovation and
Science

Re: Ensuring full application of European Commission guidelines on funding of Israeli
entities in the Occupied Territories

Dear Foreign Minister,

With great concern we have taken note of recent calls to delay, modify or even suspend the European Commission guidelines on funding of Israeli entities in the territories occupied by Israel since June 1967, developed in furtherance of the clear EU Foreign Affairs Council position adopted on 10 December 2012:

“The European Union expresses its commitment to ensure that – in line with international law – all agreements between the State of Israel and the European Union must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967.”

We urge you to uphold this commitment by supporting the guidelines and their full application by EU institutions, notably in regard to the ongoing negotiations about Israel’s participation in Horizon 2020.

In recent weeks, Israel has expressed strong objections to the guidelines. Israeli Prime Minister Netanyahu has said: “We will not accept any external dictates regarding our borders.” This both misrepresents the EU position and the international legal consensus regarding the Occupied Palestinian Territories. As EU High Representative Catherine Ashton stated, in no way will the guidelines prejudice the outcome of peace negotiations between Israelis and Palestinians.

The guidelines rather reflect the EU’s long-held position that the settlements are illegal and that the Union will not recognize changes to the pre-1967 borders other than agreed by both parties. Their strict application serves to re-iterate that the EU does not recognize and will not support settlements and other illegal facts on the ground that increasingly dictate a unilateral reality inimical to a two state agreement. It is these facts on the ground, not the guidelines, which threaten to make a negotiated solution to the Israeli-Palestinian conflict impossible.

The Palestinians have agreed to enter negotiations without explicit Israeli or US guarantees that these negotiations will be based on the pre-1967 borders. As you will recall, the guidelines’ release in mid-July was an important incentive for the Palestinians to agree to a resumption of direct talks without such explicit guarantees. If the EU were to delay or

suspend the guidelines, or not fully apply them to the agreement with Israel on Horizon 2020, this could further undermine the Palestinians' trust in the negotiation process and their ability to continue the talks. In other words, delaying or suspending the guidelines is likely to undermine negotiations, which we want to see succeed, not help them.

Furthermore, political considerations aside, the EU is obligated under its own existing law to effectively prevent the application of its agreements and programmes to illegal settlements outside Israel's recognised borders. In fact, the guidelines are the required minimum for the EU to fully and effectively implement its own legislation and to prevent its taxpayers' money from being used to support activities in settlements.

We welcome your efforts in the Middle East Peace Process and fully support the EU's goal of a negotiated two-state solution. A delay or suspension of the guidelines won't help achieve this solution. On the contrary, it would undermine the negotiations by alienating the Palestinians and by reinforcing Israel's intransigence. In addition, it would damage the EU's credibility and erode its vital foundations as a law-based community.

We urge you to be steadfast and support EU institutions in fully applying the guidelines.

Yours sincerely,

Members of the European Eminent Persons Group:

Frans Andriessen, former Vice-President of the European Commission

Laurens Jan Brinkhorst, former Vice-Prime Minister of the Netherlands

John Bruton, former Prime Minister of Ireland

Benita Ferrero-Waldner, former European Commissioner for External Relations and Former Foreign Minister of Austria

Jeremy Greenstock, former UK Ambassador to the UN; Co-Chair of the EEPG

Teresa Patricio Gouveia, Former Foreign Minister of Portugal

Wolfgang Ischinger, former Deputy Foreign Minister of Germany and current Chairman of the Munich Security Conference; Co-Chair of the EEPG

Miguel Moratinos, former Foreign Minister of Spain and former EU Special Representative for the Middle East Peace Process

Pierre Schori, former Deputy Foreign Minister of Sweden

Clare Short, former UK Secretary of State for International Development

Javier Solana, former EU High Representative for Common Foreign and Security Policy and Former NATO Secretary-General

Peter Sutherland, former EU Commissioner for Competition and former Director-General of the World Trade Organization

Andreas Van Agt, former Prime Minister of the Netherlands

Hans Van den Broek, former Foreign Minister of the Netherlands and Former EU Commissioner for External Relations

Hubert Védrine, former Foreign Minister of France; Co-Chair of the EEPG