



European Coalition for Israel Annual Policy Conference European Parliament, Brussels, 21st April 2016

Andrew Tucker speech “EU-Israeli cooperation in a new global environment”

Members of the European Parliament, distinguished guests, ladies and gentlemen,

It is a pleasure to be able to speak to you this afternoon on this important issue of EU-Israeli Cooperation in a new global environment. I am conscious that as the last speaker you have heard many important things, and you will be tired. But I would ask you to bear with me as I share a few thoughts about this from the perspective of international law and policy.

I believe the greatest challenge facing the EU today in relation to the Middle East, but equally its greatest opportunity to be an influence for good, is to demonstrate moral clarity.

In his book entitled *The Case for Democracy – the power of freedom to overcome tyranny and terror*, Natan Sharansky explores this question of moral clarity. Sharansky was a Russian “refusenik” who spent nine years in Soviet prisons for allegedly spying for the Americans. He was released from prison in 1986, was reunited with his wife and later became a Minister in the Israeli government. Since 2009 he has been the Chairman of the Jewish Agency, which is responsible for the Jewish people in the diaspora and their return to Israel. This book was published in 2004 and is now in my opinion more relevant than ever.

Sharansky’s main argument, based on his experience in the Soviet Union, is that Western governments have a duty to assist other governments to make the transformation from a “fear society” to a “free society”. Sharansky argues that

genuine freedom, democracy and peace depend on moral clarity and security. In the case of Israel and Palestine, this means that genuine peace will only be possible to the extent there is genuine freedom within Palestinian society. “The most reliable measure of a state’s intentions towards its neighbors is its treatment of its own citizens”, he says. So long as the Palestinian leadership promotes a culture of death, terror and fear within its own society, we cannot expect peace between Israel and the Palestinians, and Israel should not be pressured to make concessions. The moral clarity that Sharansky is talking about means that, instead of continually pressuring Israel to make concessions, the international community should be pressuring the Palestinians to make the transition from a fear society to one based on liberty and freedom.

I was reminded of this on a recent visit to Gush Etzion – a community located near Hebron in the so-called West Bank - on the wrong side of the Green Line. This community of Jews has been destroyed three times by Arab militia (1929, 1936 and 1948). The existing community was formed after Israel took back control of the West Bank in 1967. Arabs have never developed that particular areas as their own, and the Jews living there today purchased the land legitimately. In February, a resident of Gush Etzion, Eliav Gelman, a father of two children whose young wife was carrying their third child, was tragically killed when a Palestinian terrorist attacked the person next to him with a knife at the Etzion Junction. At the same time we visited his family in their time of mourning, the Palestinian leadership was glorifying the killer and all those who shed Jewish blood. I realized that the Palestinian demands for statehood will mean that Eliav’s family will have to vacate this area if Palestinian demands for statehood are recognized. The Palestinian leadership has made it clear that there is no place for Jews in their new Islamic state. By supporting the Palestinian demands, Europe is in fact requiring Israel to make peace with a society that is based in a culture of rejection and violence. That may result in temporary cessation of hostility, but will never be a recipe for genuine, lasting peace.

When thinking about Europe’s foreign policy concerning Israel, it is important to recall some basic facts:

- All EU member states are members of the United Nations, which is based on fundamental values such as: the sovereign quality of states; respect for existing agreements; and friendly relations between states;
- EU is committed to promotion of the rule of law;
- EU is a signatory witness to the Oslo Accords – in which Israel’s rights to negotiate concerning the status of Jerusalem and settlements were explicitly acknowledged; and

- Many EU states were party to the agreements in 1922 in connect of the League of Nations to enable the establishment of a Jewish homeland in Palestine.

In order for Europe to demonstrate its capacity for moral clarity, it must show its commitment to the core values that underlie the EU itself. In other words, Europe must be clear about its own identity before it can seek to influence others. What are these values? The include:

- Consistency
- Transparency
- Respect for the rule of law
- Integrity – which means living up to prior commitments.

When it comes to international law, we should also remember that there are many aspects of international law to be taken into account, and to some extent it will be necessary to achieve a balance between what might be regarded as competing and possibly contradictory principles. International law is often not as clear-cut as some people would like it to be. In this complex world there are often no black-and-white answers. Nowhere is that more apparent than in relation to the dilemma's facing Israel. And Europe is starting to have to face similar dilemmas. For example:

1. There is a tension between respect for past agreements on the one hand, versus the demands of new and unexpected situations on the other hand;
2. There is also a tension between international law concerning borders and rights of territorial sovereignty, national security and integrity on the one hand, and the demands of human rights of its citizens on the other.

Unfortunately Europe is not always demonstrating such moral clarity -

- **It is not a sign of moral clarity** when Europe on the one hand condemns Russia's interference in Ukraine's territorial sovereignty - while on the other hand dismissing Israel's legitimate claims to territorial sovereignty in East Jerusalem and the West Bank.
- **It is not a sign of moral clarity** when Europe on the one hand denies Israel's right to preventative arrest, elimination of (potential) and actual terrorist, use of force to eliminate terrorist cells that threaten its security – while on the other hand claiming its own right under international law to do exactly the same when it is faced with equivalent threats

- **It is not a sign of moral clarity** when Europe insist that EU funds may only be used to serve peaceful purposes within its own borders – while on the other hand turning a blind eye to the use of EU funds to support Palestinian terrorism.

So with these things in mind, I would suggest there are five things that Europe can do to demonstrate its capacity to show leadership and moral clarity in relation to the question of the Israel/Arab conflict:

1. First, Europe needs to expose the BDS movement for what it is – an illegal assault on the fundamental right of the Jewish people to self-determination - a right acknowledged by all European nations, and in respect of which Europe has entered binding commitments.
2. Second, Europe should support Israel's right as a sovereign State to use force to counter terrorism that threatens the security of its citizens.
3. Third, Europe should help the Palestinian refugees by unwinding the UNRWA and insisting that the Arab States that caused the 1948 and 1967 wars that resulted in Arab refugees to absorb those refugees.
4. Fourth, Europe should put conditions on EU funding of the Palestinian Authority:
 - a. compliance with the Oslo Accords
 - b. PA compliance with human rights in its territories
 - c. Cooperation between Israelis and Arabs in Areas B and C.
5. Finally, European nations should reject Palestinian demands for recognition of Palestine as a State, and support Israel's right to negotiate peace with its neighbors, so long as the Palestinians have not reformed their own society. This means for example rejecting the proposed UN Security Council resolution which would entail agreement with Palestinian claims to sovereignty over East Jerusalem and the West Bank.