

POLICY BRIEFING

ISRAEL, THE OCCUPIED PALESTINIAN TERRITORIES, AND LEBANON – THE EU'S RESPONSE



1. Introduction

European Movement Ireland works to build a pro-European movement, working towards a more democratic and inclusive European Union (EU). This briefing forms part of a policy series, which aims to promote dialogue on important EU issues. In this paper, European Movement Ireland assesses the EU’s response to Israel’s military assault on Gaza and Lebanon and its obligations to uphold international law.

The European project was founded as a peace project to pursue peace and equality within and outside of the EU. The Union’s founding values are the bedrock of the EU.¹ [Article 21](#) of the Treaty on European Union (TEU) asserts that EU foreign and security policy is guided by *‘the principles that have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.’*

However, the EU’s faltering response to the unprecedented violations of international law over the past 13 months, in the context of Israel’s military assault on Gaza and expansion into Lebanon, has called into question its role as a normative power and values-based actor. The EU now faces one of its most serious litmus tests: to fulfil its legal and moral responsibilities by pressuring Israel to end its ongoing grave violations of human rights and ensuring accountability for all perpetrators of violations against civilians in the Occupied Palestinian Territories (OPT), Israel and Lebanon.

2. Violations of international law

On 7 October 2023, Hamas brutally attacked and killed approximately 1,200 Israelis and took 252 people in Israel hostage. As of August 2024, [140 hostages](#) had been released or rescued, leaving an estimated 100 hostages still captive in Gaza, at least half of whom the [Israeli authorities](#) believe to still be alive. Family members of the Israeli hostages have continued to [protest against the Netanyahu government](#) on a weekly basis, demanding the release of the remaining hostages.

Israel responded to Hamas’ 7 October attacks with a complete siege of Gaza² - cutting off fuel, water and food - and relentless bombardment of civilians and civilian infrastructure. In the past year, at least [43,972 Palestinians have been killed, including 17,000 children](#) and thousands more are unaccounted for. Moreover, 70% of those [killed in Gaza](#) by “strikes, shelling and other conduct of hostilities” in the period between November 2023 and April 2024 were children and women. Close to [100,000 Palestinians have been injured](#), many with traumatic and lifechanging injuries and [90% of the population](#) (1.9 million) has been displaced multiple times. With international media [blocked](#) from entering Gaza, Palestinian journalists have been relentlessly targeted by the

¹ As set out in Article 2 of the [Lisbon Treaty](#), as well as in the [EU Charter of Fundamental Rights](#).

² The Gaza Strip has a total area of 360km². It is 25km long and has a population of just over 2 million. Together with the West Bank and East Jerusalem, it makes up the Occupied Palestinian Territories.

Israel Defence Forces (IDF) and at [least 137 media workers and journalists](#) have been killed (as of November 2024). Healthcare and humanitarian workers have also been targeted by Israel and over [986 have been killed](#). In the same period, escalating settler violence and IDF military operations have led to the [killings of 697 Palestinians](#) in the West Bank.

According to leaders of [UN and humanitarian agencies](#), “the entire Palestinian population in north Gaza is at imminent risk of dying from disease, famine and violence”. In what has been described by the [UN High Commissioner for Human Rights](#) as the “darkest moment of Gaza’s conflict”, Israel resumed its brutal bombardment of civilians in [north Gaza](#) in early October 2024, killing hundreds of civilians, restricting food aid and blocking first responders access to rescue people trapped under the rubble. Since early October, Israel has issued a series of “[evacuation orders](#)” with the intent of forcibly displacing the remaining 400,000 inhabitants of north Gaza, who have nowhere safe to go. On 5 November, [Israel announced](#) that Palestinians will not be permitted to return to their homes in north Gaza, nor will they allow aid to enter this part of the Gaza strip. The [UN has warned](#) that such acts, if implemented, would amount to war crimes.

In parallel, confrontations between Israel and Hezbollah³ have escalated since September. Israel’s assault on Lebanon has resulted in the deaths of over [3,000](#) people and the forced displacement of 1 million people, the equivalent of 20% of Lebanon’s population, over the past 13 months. Despite condemnation from the UN and the international community, Israel has repeatedly attacked the United Nations Peacekeeping Forces in Lebanon (UNIFIL). UNIFIL is made up of approximately [11,000 military and civilian personnel](#) from 50 nations, including [380 troops from Ireland](#), as well as troops and personnel from 15 [other EU Member States](#).

3. International law and EU accountability

On 26 January, in response to a case submitted by South Africa, the International Court of Justice (ICJ) [concluded](#) that there was a real and imminent risk of genocide in Gaza. In its binding [provisional measures](#), the ICJ ordered Israel to take immediate and effective steps to prevent genocide and to facilitate the provision of humanitarian assistance. More recently, on 14 November, the UN [confirmed](#) that “Israel’s warfare in Gaza is consistent with the characteristics of genocide, with mass civilian casualties and life-threatening conditions intentionally imposed on Palestinians there...”⁴ [States Parties](#) to the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention),⁵ particularly those states with strong political and economic ties and that supply arms to Israel, have [obligations](#) to prevent genocide.

³ Hezbollah is a political party and an armed group, which emerged in the early 1980s following Israel’s invasion of Beirut in 1982. The EU distinguishes between the political and armed factions of Hezbollah, the latter of which it has designated as a terrorist group. For further information see: EURACTIV, “EU adds Hezbollah’s military wing to its terrorist list”, 22 July 2013 <https://www.euractiv.com/section/justice-home-affairs/news/eu-adds-hezbollah-s-military-wing-to-its-terrorist-list/>

⁴ The report covers the period from October 2023 to July 2024 and examines events in the OPT and Syrian Golan Heights. For further information see: UN Office of the High Commissioner for Human Rights, A/79/363 Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 20 September 2024, <https://www.ohchr.org/en/documents/thematic-reports/a79363-report-special-committee-investigate-israeli-practices-affecting>

⁵ All EU Member States have acceded to the Genocide Convention. For further information see: https://www.eeas.europa.eu/eeas/united-world-against-genocide UND_en#:~:text=In%20the%20past%20twelve%20months,not%20ratified%20the%20Convention%20yet.

On 19 July, the ICJ declared Israel’s occupation of Palestinian territory as [unlawful](#) under international law and ordered Israel to immediately cease its settlement activities and withdraw from Palestinian territories. On 18 September, the UN General Assembly endorsed the ICJ’s [advisory opinion](#) when it voted overwhelmingly in favour of a [resolution](#) demanding an end to Israel’s unlawful occupation of Palestinian territories within 12 months.

The ICJ is the highest court of the UN. Compliance with the ICJ advisory opinion is not optional; third states, including EU Member States, are required to uphold its opinions.⁶ Failure to do so, not only risks rendering the EU complicit in Israel’s ongoing atrocities in the OPT, but also delegitimises the UN multilateral system and the international human rights framework that it seeks to uphold.

[UN experts](#) have warned that the ICJ advisory opinion obliges all states, among other actions, to “immediately review all diplomatic, political, and economic interactions with Israel to ensure they do not support or provide aid or assistance to its unlawful presence in the occupied Palestinian territory”. This also entails cancelling or suspending economic and trade agreements that may contribute to Israel’s unlawful presence and apartheid regime in the OPT. Furthermore, UN experts [affirmed](#) that states are required to halt the [supply of arms and other equipment](#) to Israel. In its opinion, the Court underlined that Israel must respect the Palestinians’ right to self-determination⁷ – which is not contingent upon negotiations with Israel – and that states must support efforts to realise this right. The ICJ also reminds states⁸ that they are obliged to ensure that Israel complies with international humanitarian law (IHL). The EU is Israel’s largest trading partner, accounting for [31.3% of the country’s trade in goods](#) in 2023, and amounting to [almost double](#) Israel’s trade volume with the US (17.2%) and as such it has significant leverage over Israel. The [EU Israel Association Agreement](#) is conditional on respect for human rights and democratic principles as one of the “essential elements” of the Agreement (Article 2).⁹ In light of the sustained and egregious violations of international law by Israel and thus the clear violation of the “essential elements” clause, the EU is required to review breaches of its own Agreement. As it stands, the EU is currently [non-compliant with the ICJ advisory opinion because](#), from July of this year, Member States are under obligation “not to render aid or assistance in maintaining the situation created by Israel’s illegal presence in the OPT”. Therefore, the EU’s [current policy of differentiation](#) of trade between the settlements and Israel is deemed [insufficient](#) as the ICJ advisory opinion requires a blanket ban on trade with illegal settlements. Urgent action is required to bring the EU’s trade and other policies [into alignment](#).

⁶ Even though these opinions are not directly binding, they express the view of the ICJ on the interpretation, effect and application of international law, where it is the most authoritative judicial institution in the world. For further information see: Professor Takis Tridimas and Professor Panos Koutrakos, *Additional Opinion on the compatibility of the Occupied Territories Bill with EU law*, 16 August 2024, <https://static1.squarespace.com/static/66ebfaf18c630b29195edbc5/t/67068bbe06730e004753146e/1728482239309/OTB+Legal+Opinion+2024+%281%29.pdf>

⁷ The UN General Assembly resolution 3236 (XXIX) of 22 November 1974, recognised “that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations”. For further information, see: UN General Assembly, 29th session, 22 November 1974, [nr073838.pdf](#)

⁸ The ICJ advisory opinion reminds states parties to the fourth Geneva Convention of their obligation to ensure the respect for international humanitarian law. All 27 EU Member States have ratified the four Geneva Conventions. For further information, see: European Commission, “International Humanitarian Law”, https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en.

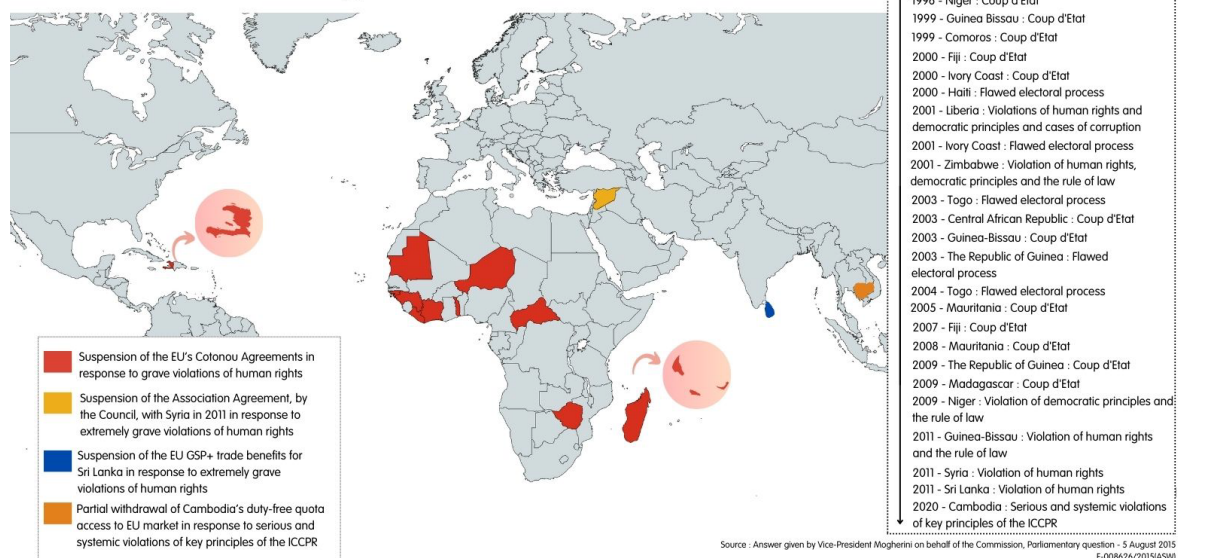
⁹ Article 2 states that “relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement”.

The EU indeed has a [precedent of](#) using Article 2 to suspend trade agreements with countries that are in breach of the human rights clause, and in several instances has suspended agreements on far less serious grounds. While the EU has been hampered by the unanimity requirement for foreign policy decisions, the trade dimension of the Association Agreement could, however, be suspended by a [qualified voting majority](#) which means unanimity is not necessarily required if the political will to do so exists amongst a majority of EU Member States.

Notwithstanding the ICJ Advisory Opinion, the EU and its Member States, all of whom are State Parties to the Geneva Conventions have obligations to prevent and punish violations of international humanitarian law.

Image: Map of suspended EU trade agreements in response to human rights violations.

Suspension of EU agreements in response to human rights breaches



Source: European Council of Foreign Relations.

4. Humanitarian response

As of May 2024, humanitarian aid in Gaza has fallen [significantly](#) short of the critical needs of over two million people, as ongoing restricted access has hampered the ability to deliver a humanitarian response at the scale needed. The [risk of famine persists](#), with the IPC Famine Review Committee [warning](#) on 8 November that a strong likelihood of famine is imminent in Gaza. Large-scale and sustained multi-sectoral humanitarian assistance and unhindered humanitarian access is critical to save Palestinian lives.

Founded in 1949, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) plays an indispensable role in the provision of support to Palestinian refugees

in the OPT and across the Middle East. UNRWA [supports critical services](#) such as education, health and social services to some 5.9 million Palestinian refugees, including at-risk groups such as children, older people and people with disabilities. UNRWA is responsible for [58 refugee camps](#) for over 1.6 million Palestinian people across Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank, including East Jerusalem.

In January 2024, several key donors suspended contributions to UNRWA following Israeli [allegations](#) that a small number of agency personnel were involved in the 7 October Hamas attacks. An investigation into these allegations, which is still ongoing, was launched immediately by the UN Office of Internal Oversight Services (OIOS). An independent review was also undertaken to assess UNRWA's neutrality. The [recommendations](#), submitted in April, [concluded](#) that UNRWA has a significant number of mechanisms in place to guarantee compliance with humanitarian principles, including the principle of neutrality. UNRWA has already begun to implement these recommendations. Despite the majority of its donors resuming their funding, UNRWA still faces a critical funding deficit and requires a further [\\$1.27 billion \(as of November 2024\)](#) to meet the immense humanitarian needs until the end of the year.

On 28 October, the Israeli Knesset [approved](#) two bills aimed at banning the agency from operating in Israel. The decision is part of a decades long campaign by Israel's authorities [to dismantle UNRWA](#), in part connected to the fact that the agency is viewed by the Israeli authorities as a symbol for the Palestinians' [right of return](#)¹⁰. If implemented, the bills would effectively render UNRWA's lifesaving operations in OPT impossible. Moreover, banning a UN-mandated agency is an unprecedented attack [against multilateralism](#). It also disregards the [ICJ provisional measures](#) calling for full cooperation by Israel with the UN and obliging Israel to ensure unhindered humanitarian access. [The EU](#) condemned Israel's decision, reiterating its full support for UNRWA, while the Irish government [said](#) that it would be "inconceivable to allow UNRWA to collapse". In October, the Irish government along with Norway, Slovenia and Spain, [condemned](#) the approval of the Knesset's bills.

5. The role of civil society

Palestinian civil society organisations also play a crucial role in promoting human rights, social justice, and sustainable development across the West Bank, Gaza and East Jerusalem. These organisations provide vital support in areas such as healthcare, education, women's rights, human rights protection and humanitarian aid to the Palestinian population. For years civil society organisations in the OPT have been forced to work in a particularly adverse context and face significant challenges to maintain their funding. Israeli restrictions on freedom of movement, border closures, and administrative barriers further disrupt their work. Additionally, the frequent raids on Palestinian NGO offices, arbitrary arrests and detention of human rights

¹⁰ The right of return is a principle of international law enshrined in UN General Assembly Resolution 194 and the International Covenant on Civil and Political Rights. For the Palestinians it is particularly significant as it is linked to their right to self-determination.

defenders, as well as smear campaigns¹¹ aimed at discrediting them, undermine their capacity to function effectively. Civil society organisations in Gaza [have also been decimated](#) in the context of Israel's escalating attacks in the past 13 months, losing members of their families, communities and staff.

The EU has historically been the [largest donor](#) to the Palestinian people. Almost €1.2 billion has been allocated under the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe for 2021–2024. €78 million was allocated in humanitarian assistance in 2023. The Irish government [provided](#) €36 million in development and humanitarian assistance in 2023 to the OPT, including €10 million to UNRWA, and a further €26 million so far in 2024 (as at end of October).¹² Since October 2023, Ireland has provided an additional €50 million in development and humanitarian support, as exceptional support in response to unprecedented needs resulting from the conflict.¹³

While the EU's development and humanitarian support is welcome and more vital than ever, it cannot be used as a substitute for the political and diplomatic action urgently required to bring about a halt to Israel's ongoing atrocities in Gaza, the West Bank and Lebanon.

6. The EU's response

The EU's response since 7 October 2023, has undoubtedly been weakened by internal fragmentation and the unanimity requirement for foreign policy decisions. Although the EU rightly condemned Hamas and other armed groups for the atrocities committed on 7 October 2023, it has yet to equally recognise and condemn the atrocity crimes being committed by Israel. The use of the veto by several Member States, including by Austria, the Czech Republic, Germany and Hungary, has hampered the EU's ability to take the decisive action commensurate to its legal obligations. For instance, the European Council took [over five months](#) to call for a ceasefire.

Furthermore, in response to the February 2024 letter from the Spanish and Irish governments' request for an urgent review of the EU-Israel Association Agreement, the European Commission is yet to [launch a formal investigation](#) into whether Israel is in breach of Article 2 of the Agreement. On 18 November, the failure of Member States to support [Josep Borrell's](#), the bloc's outgoing High Representative of the Union for Foreign Affairs and Security Policy, [proposal](#) to ban the import of products from illegal settlements and suspend the political dialogue component of the Association Agreement, is dereliction of the EU's duty to act in compliance with its legal obligations.

The vacuum of consistent and coherent EU leadership on this issue has also been illustrated by the fact that Josep Borrell, has regularly released his [own statements](#) condemning Israeli actions,

¹¹ In 2021, six leading human rights organisations were designated as "terrorist organisations" by Israel leading to their funding being suspended by the EU. After Israel failed to substantiate their claims with evidence, their funding was reinstated. Nevertheless, such allegations and suspensions of funding has had lasting impacts on the organisations. For further information see, Frontline Defenders, Global Analysis 2022, <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2022>

¹² Email on file from Department of Foreign Affairs Official to authors, 6 November 2024.

¹³ Email on file from Department of Foreign Affairs Official to authors, 6 November 2024.

often published in the absence of EU-wide condemnations due to a lack of consensus amongst the different Member States.

However, ongoing inaction in the face of massive civilian suffering and mounting evidence of the risk of genocide is no longer acceptable. If the Union continues to evade its responsibilities in relation to reviewing its economic, financial and military support to Israel, it is inevitable that an increasing number of Member States will take bilateral action, as already evidenced by countries such as Ireland, Spain, Italy and France¹⁴. In May, Ireland and Spain (alongside Norway), [recognised the State of Palestine](#), an important prerequisite to any future two-state solution.

In the Irish context, prior to the dissolution of the Dáil on 8 November ahead of the General Election, the Tánaiste and Minister of Foreign Affairs and Minister of Defence, Micheál Martin, expressed the [government’s backing](#) of the Occupied Territories Bill (OTB), which was also endorsed by all political parties. Although the Bill was first tabled in 2018, the Irish government had failed to pass it due to concerns that it would possibly be in breach of EU law. However, in light of the ICJ advisory opinion, the Irish government sought [updated legal advice](#), which confirmed that the Irish government is entitled to ban trade with Israeli settlements under EU law.¹⁵

7. Conclusion

Israel is being investigated by the world’s highest court, the ICJ, for genocide relating to its war on Gaza since October 2023. In November 2024, a [UN report concluded](#) that Israel’s warfare, including the use of starvation as a weapon of war, is consistent with the characteristics of genocide, stating that “Israeli officials have publicly supported policies that strip Palestinians of the very necessities required to sustain life — food, water, and fuel”.

The EU founding treaties endorse the protection of human rights and respect for the UN Charter, and the EU prioritises compliance with international law in its external action. All EU countries have ratified the 4th [Geneva Convention](#) and the Genocide Convention. In view of Israel’s ongoing military assault and siege on Gaza and Lebanon, the EU must take immediate action to adhere to the ICJ Advisory Opinion and to ensure Israel’s respect for IHL in order to halt the complete destruction of the Palestinian people and their territory. It is imperative that the EU uses all leverage at its disposal, not only to bring about an end to the unprecedented suffering being inflicted on civilians in the OPT and Lebanon, but to also guarantee the long-term safety and security of Israeli civilians.

The EU must always seek to uphold international law and the protection of civilians in conflict, without distinction. If the EU is to act in a manner that is consistent with its own values and international obligations, and if it wishes to be viewed as a credible actor on the global stage,

¹⁴ In October 2023, [Spain](#) halted all arms trade with Israel and along with Ireland has urged the EU to review the Association Agreement with Israel and to enact an arms embargo. In October 2024, [France](#) and [Italy](#) also confirmed that they had ceased arms sales to Israel.

¹⁵ While trade is generally an EU competence, exceptions can be made for reasons of public morality, public policy, public security, and the protection of human health and life. For further information see, Trocaire, “What you need to know about the Occupied Territories Bill”, 25 October 2024, <https://www.trocaire.org/news/what-you-need-to-know-about-the-occupied-territories-bill/>

urgent action is needed to reform the requirement for unanimity in EU foreign policy particularly when it pertains to human rights. In the absence of this, Member States should take bilateral action to pressure Israel to halt the widespread killings of civilians and devastation in the OPT and Lebanon.

The continued failure by the EU to assume its moral and legal responsibility to respond to Israel’s ongoing grave human rights violations, will not only have an impact on the Palestinian, Israeli and Lebanese civilian populations but will also have longer-term political and strategic costs for the bloc.

European Movement Ireland welcomes the leadership role that the Irish government and likeminded Member States have played to date at the EU level, when it has called for a decisive response and for the EU to adhere to its international obligations. The EU’s foreign policy response resonates strongly with the Irish public as demonstrated by European Movement Ireland’s [2024 poll](#), where 64% of respondents stated that they were dissatisfied with the EU’s response to Israel’s war on Gaza.¹⁶ European Movement Ireland calls on the new Irish government, once in place, and the recently elected cohort of Irish MEPs to continue to demonstrate this leadership.

European Movement Ireland urges the Irish government and the EU to put the protection of civilians and human rights at the centre of their response.

To the EU:

- Continue to call for an immediate and permanent ceasefire in Gaza, Israel and Lebanon, as well as the release of all hostages still being held by Hamas and all Palestinians detained unlawfully by Israel.
- Explicitly recognise the violations of international human rights and humanitarian law committed by Israel and ensure the EU’s support and compliance with international accountability efforts, including those led by the International Criminal Court (ICC), the ICJ, the UN Security Council and the UN General Assembly.
- As requested by the Governments of Ireland and Spain, immediately review, with a view to suspending all, or parts of, the EU-Israel Association Agreement in light of Israel’s breaches of the Agreement’s human rights clause ([Article 2](#)) and the ICJ’s advisory opinion. Exhaust all options to enable the review of the Association Agreement such as addressing the trade component of the Association Agreement that only requires a qualified voting majority in line with the EU’s Common Commercial Policy.
- Increase pressure on Israel to stop its violations of international law and to adhere to the ICJ’s binding decisions and advisory opinion, including through withholding arms transfers and military assistance to Israel where there is a clear risk that such arms will be used in violation of international law.
- Continue to endorse calls to safeguard UNRWA’s mandate and to halt Israel’s decision to limit its operations.

¹⁶ In response to the question “Are you satisfied with the EU’s response to the Israel-Gaza conflict”, 64% responded “no”, 19% “yes” and 18% “don’t know”. For more information see: EM Ireland EU Poll, March 2024, <https://www.europeanmovement.ie/em-ireland-eu-poll/>

- Establish long-term, flexible funding mechanisms that allow Palestinian civil society to design and implement programmes without overly restrictive conditions. This will empower organisations to address local needs more effectively and sustainably, particularly in sectors like human rights and humanitarian support.
- Call for the protection of civil society actors and enabling and safe environment in the OPT and Israel. Urge Israel to ensure the protection of Palestinian civil society actors, including journalists, and to refrain from threats and reprisals for their work.

To the Irish government:

- Continue to work with likeminded Member States and urge the Commission and the Council to immediately review, with a view to suspending, the EU-Israel Association Agreement.
- Ensure the rapid enactment of the Occupied Territories Bill once the new government is in place.

European Movement Ireland welcomes the inclusion of calls across the main political parties' general elections manifestos on the need for an immediate and permanent ceasefire in Gaza and Israel and accountability for violations of international law, among other measures. The organisation looks forward to working with the new government, Irish MEPs and the Oireachtas on this issue and on EU affairs more broadly.

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