

Can Mogherini Repair EU-Israel Relations?



Gerald Steinberg – January 17th, 2015

Political relations between the European Union and Israel are in bad shape, to greatly understate the case. The diplomatic airwaves are filled with mutual criticism and recrimination, often overwhelming the many shared concerns and perspectives. The EU's policies towards Israel appear to focus almost exclusively on the unresolved conflict with the Palestinians. For its part, Israel rejects the EU approach to the region as dangerously simplistic and overly reliant on biased political lobbies and non-governmental organizations. Israel, as a very active democracy, also resents the efforts of EU officials to impose their views as a form of neo-colonialism. Neither side has much influence on the other – the relationship is mired in a web of reproach and distrust.

However, the formation of a new commission and the appointment of Frederica Mogherini as the EU foreign minister (High Representative in Eurospeak) present important opportunities for positive change. Ms. Mogherini is not burdened with the failures of her predecessors or the need to defend a destructive record. She can also make new appointments to bring fresh views and policies regarding Israel and the conflict into the structure of the European External Action Service.

The need for a radical change in the EU approach was recently highlighted by Dennis Ross, the primary American expert on Arab-Israeli peace efforts. Ross pointedly criticized the counterproductive role of Europe through fervent support for the unilateral Palestinian statehood strategy, and for the obsessive focus on condemning Israel. Instead, Ross called on Europe to “focus on how to raise the cost of saying no or not acting at all when there is an offer on the table, rather than backing the Palestinians as they seek to avoid mutual concessions with their UN and ICC gambits.” Mogherini should heed Ross, and start to map out these changes.

Indeed, the EU's role in the Palestinian campaign to “bring Israel to the dock” at the International Criminal Court (ICC) is another destructive policy. This strategy did not suddenly arise out of Palestinian “frustration” at the failure of the peace talks, the setback at the UN Security Council, or other recent events, and many European pundits speculated. Rather, this line of attack was explicitly adopted during the negotiations of the Rome Statute that led to the establishment of the ICC, and has been moving steadily since then. In 1997, towards the end of this process, the members of the Arab League pushed through language that stretched the definition of war crimes to cover issues related to occupation and population transfers. The purpose was clearly to prepare the grounds for exploiting the [ICC for “legal warfare” \(lawfare\) to target Israel](#). At the time, Europe could have opposed this maneuver to single-out Israel, but Brussels as well as the EU member states went along.

Since then, this lawfare has been joined by a powerful army of non-governmental organizations (NGOs), largely funded by Europe. While the NGO allocation processes in the European Union under frameworks such as the EU Instrument for Democracy and Human Rights (EIDHR) remain [top-secret](#) and exempted from Freedom of Information laws (another sore point in relations with Israel), the annual total for anti-Israel campaigning related to lawfare and demonization of Israel is estimated at approximately 100 million Euros.

The [Europe-funded NGOs](#) leading this strategy include Palestinian groups such as Al Haq and the Gaza-based Palestinian Center for Human Rights (PCHR), Israeli groups, such as B'tselem, Yesh Din, Adalah, and many more, as well as radical NGOs based in Western Europe. These NGOs have bombarded the ICC prosecutor, the media, diplomats and policy makers with press releases, glossy “reports”, and legal memoranda repeating allegations of Israeli war crimes and violations of

international law.

The move to activate the ICC weapon against Israel is closely tied to the upcoming UN Human Rights Council “investigation” of the July 2014 Gaza war, in which 4560 rockets and missiles were fired from Gaza – every one a Palestinian war crime. Having failed after a similar report in 2009 by Judge Richard Goldstone was widely dismissed, in large part because it was based [on twisted or unverifiable NGO allegations](#), another attack is underway. At the UN, the Common EU Statement criticized the UN resolution as “unbalanced” and having “prejudged the findings even before [the commission] was formed.” But then the EU governments that are members of the UNHRC abstained, again demonstrating the lack of political will to act in a principled manner when it comes to Israel.

Beyond the ICC, political warfare targeting Israel, funding of hostile NGOs, and the simplistic support of the Palestinian narrative, there are other issues that promote conflict between the EU and Israel. It will take a major effort and many years to reverse course and restore cooperation, but Ms. Mogherini has the opportunity to initiate long-overdue change to these failed and often destructive policies.