

To:

**Ursula von der Leyen**, President of the European Commission  
**Josep Borrell**, High-Representative of the EU for Foreign Affairs and security policy/Vice-President of the European Commission



Brussels, 25 July 2024

Dear President von der Leyen,  
Dear High Representative Borrell

The landmark Advisory Opinion of the International Court of Justice (ICJ) on the legality of Israeli policies in the Occupied Palestinian Territory (OPT) provides groundbreaking conclusions that the European Union must decisively act upon.

The ICJ revealed the full extent of Israel's international law violations in the occupied territory. The Court stated for the first time that Israel has illegally annexed large parts of the Palestinian territory. It concluded that Israel's continued presence in the OPT is unlawful and that it must be brought to an end as rapidly as possible. The Court also found that Israel's policies towards the Palestinians in the West Bank and East Jerusalem constitute a breach of Article 3 on racial segregation and apartheid under the International Convention on the Elimination of All Forms of Racial Discrimination.

The Court stated that all States are under an obligation not to recognise, aid or assist the illegal situation arising from the Israeli occupation and to ensure that Israel complies with international law. In this regard, the Court emphasizes that states must refrain from trade relations or investments that maintain the illegal situation created by Israel in the OPT.

The Advisory Opinion has significant implications for the EU, whose policies and external action must be guided by international law, as enshrined in Art. 21 TEU.

It comes at a time when the catastrophic war in Gaza triggered by Hamas's October 7 attack has put renewed focus on the need for a two-state solution, and there is a pressing responsibility for the EU to uphold the international legal order in the face of multiple threats.

As High Representative Borrell [stated](#), "international legal institutions are not there to implement the law. They are there to state the law. To implement the law, it has to be done by political actors."

Therefore, we call on you to take action and rapidly implement the findings and implications of the ICJ Advisory Opinion, by initiating the following immediate actions:

1. Update the EU position on the Israeli-Palestinian conflict and align it with the Court's findings.
2. Propose an EU ban on trade with settlements, based on paragraph 278 of the Advisory Opinion which calls on states to "take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the [OPT]".
3. Review Israel's compliance with Article 2 of the Association Agreement, as already requested by Ireland and Spain in February. Article 2 states that EU-Israel relations "shall be based on respect for human rights and democratic principles". The Court's findings of serious violations of international human rights law in the OPT underline the need for such a review to be carried out expeditiously.

4. Conduct a wider, thorough assessment of the implications of the Advisory Opinion for EU and Member States policies and external action, in order to bring them into full accordance with international law in light of the ICJ's finding. This report should be made public and presented to the relevant bodies in the European Parliament.

The ICJ's historic opinion must be regarded as a pivotal moment for the EU to recalibrate its policy towards Israel so as to bring about the end of its unlawful occupation, enable the two-state solution to the conflict ensuring freedom and safety for both peoples, and resolutely defend the international legal order.

We look forward to your response.

Yours Sincerely,

Tineke Strik, Greens/EFA  
Matjaz Nemec, S&D  
Barry Andrews, Renew Europe  
Saskia Bricmont, Greens/EFA  
Aodhán Ó Ríordáin, S&D  
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