



Belgium and the Israeli-Palestinian Conflict

The Cautious Pursuit of a Just Peace

BRIGITTE HERREMANS

Evolution of Belgium's Position

Ever since Godfrey of Bouillon's passage in the Holy Land during the crusades, there has been an interest in the Christian holy sites in the territory that is now called Belgium. When France and the United Kingdom (UK) divided the Middle East upon the implosion of the Ottoman Empire after the First World War, the Belgian state expressed an interest in exercising the mandate over Jerusalem. Other than that, Belgium's interest in historic Palestine was mainly driven by the hope of finding new markets. Another factor was the influence of the pro-Arab lobby that had been active since Belgium's economic investments in Egypt in the 19th century. The Belgian state has opened a consulate in Jerusalem in the middle of the 19th century, mainly to offer protection to Christian pilgrims. Since that time, Belgium is assigned with the protection of the Christian holy places in Jerusalem, together with France, Italy and Spain. When the UK took control over historic Palestine in 1917 and started its official mandate in 1920, it effectively curtailed Belgium's aspirations.

Upon the UK's announcement that it would return its mandate over historic Palestine to the League of Nations, Belgium favoured the establishment of a unitary state, rather than a partition of the land into a Jewish and an Arab

state. Consequently, Belgium abstained when the United Nations Special Committee on Palestine presented its partition plan on the 25th of June 1947. The Chief of Staff of the Ministry of Foreign Affairs declared that the partition plan contained weak elements, such as the corridors between the Jewish and Arab state. Yet, on the 29th of November, Belgium voted in favour of the UN General Assembly (UNGA) resolution. The Belgian representative to the UN, Fernand Van Langenhove, declared that Belgium did not want to bear the responsibility for any chaos as a result of a negative vote or abstention, and had therefore decided to add its vote to the majority (Brachfeld, 1994).

Originally, Belgium was sceptical towards the establishment of a Jewish state. Belgian Minister of Foreign Affairs Paul-Henri Spaak declared on 3 June 1948 that the establishment of a Jewish state could be dangerous as Belgium could not guarantee the effective partitioning of Palestine as stipulated by the resolution. He also thought that many Belgian citizens were not sufficiently convinced of the legitimacy of the Jewish cause, i.e. the establishment of a Jewish state in Mandatory Palestine (Brachfeld, 1994). For Belgium, the main priority in 1948 was a cessation of hostilities. When Israel applied for UN membership, Belgium abstained from the vote (UNGA, 1948). However, in January 1949, the government de facto recognized the new state. De jure recognition ensued in January 1950, with the important caveat that this entailed recognition of Israel's territorial limits as set by the 1949 Armistice Lines. Belgium especially wanted to avoid the recognition of Israel's claims on Jerusalem and believed it should remain international territory (De Raeymaecker, 1979).

After 1950, relations with Israel were friendly. In the following fifteen years, Belgium would abstain from taking a critical stance towards the Israeli government. It also supported Israel during the Suez conflict. Belgium condemned Egyptian President's Nasser colonization of the Suez Canal as it considered his policy a threat to Western interests in the Middle East. Therefore, the Belgian state backed French and British diplomatic initiatives within the UN. However, it was hesitant about the appropriateness of an Anglo-French and Israeli military incursion, out of fear that this would drive Nasser closer to the USSR. Unlike the US, Belgium did not openly oppose the Anglo-French action. Disappointed by the position of the US, Belgium continued to support its NATO partners in the UN (Dumoulin, 1999). It believed that a common Western position would end Nasser's initiatives and dissuade the USSR. The Belgian delegation abstained from voting in most of the Security Council resolutions that

aimed at ending the conflict (Hellema, 2011). Mr Spaak's stated motives were to uphold the UN's role in guaranteeing peace and security while maintaining Belgium's friendship with Israel, France and the UK.

Since the June 1967 Six-Day War, Belgium has pursued a more balanced policy, increasingly acknowledging the Arab countries' position. Prior to the outbreak of the Six-Day war, Belgium had expressed its concern over access to the Straits of Tiran, and strongly defended Israel's right to free passage. During the hostilities, Pierre Harmel, Minister of Foreign Affairs at the time, spoke in parliament, presenting both sides of the issue and stressing the importance of Israel's right to exist (Senate, 1967). After the hostilities had ceased, Mr Harmel emphasized the importance of the UN's role, fearing the super-powers would impose their solution.

Belgium pronounced itself in favour of the implementation of Security Council Resolution 242, calling for Israel's withdrawal from 'the' occupied territories, in accordance with the French version of the resolution which unequivocally requires Israel's withdrawal from all territory occupied during the 1967 war. It was happy that the resolution included the need to guarantee freedom to navigate international waterways, and the right to sovereignty of states of the region within international borders, while at the same denouncing acts of aggression. As it has been the victim of occupation and war over the course of its own history, Belgium strongly opposed the acquisition of territory by force. During the debate over this resolution, Mr Harmel declared that Israel must relinquish its expansionist ideas and its pursuit of military occupation. Henceforth, Belgium would systematically condemn violations perpetrated by the Israeli and the Arab side, resulting in a policy of equilibrium (De Raeymaecker, 1984).

From 1970 onwards, Belgium increasingly took the Palestinian perspective into account, starting with the Palestinian refugee issue. Mr Harmel stated in the General Assembly of the UN that the solution would be to establish a 'national home'. Yet, Belgium did not go as far as to pronounce itself in favour of Palestinian self-determination. It also abstained at the UNGA vote on the inalienable rights of the Palestinian people, as the resolution did not refer to Israel's right to exist (UNGA, 1970).

Following the introduction of the European Political Cooperation in 1970, positions were increasingly adopted within a European framework. When the Yom Kippur war broke out on 5 October 1973, Belgium did not wait for a common position. Minister of Foreign Affairs Renaat Van Elslande declared

during a debate at the UNGA that the violation of the armistice agreement by the Egypt and Syria was regrettable. At the same time he recognised that the situation was complex and that Syria and Egypt could not no longer accept Israel's refusal to withdraw from the territories it occupied. He pleaded for the UN to resolve the stalemate and play a role of facilitator, in order to end the hostilities and start a diplomatic initiative on the basis of UNSC resolution 242 (De Raeymaeker, 1984).

The eruption of the oil crisis in 1973, with the imposition of an oil embargo by OPEC countries, forced the European Economic Community (EEC) to take Arab countries' demands into greater account. The Foreign Ministers felt compelled to issue the Brussels Declaration, containing the main elements for a fair and just solution (EEC, 1973). Belgium claimed that it had a neutral position, pursuing the policy of equilibrium between Israel and the Arab states that it had adopted in 1967 (De Raeymaeker, 1984). Yet, the Belgian position became more vocal on the rights of the Palestinian people. In an influential speech in the Belgian Parliament in 1975, Mr Van Elslande stated that the Palestinian question was not merely humanitarian, but that the Palestinians had a right to their own state (Senate, 1975). The European Council adopted this position only in 1977.

As one of the nine members of the EEC, Belgium supported the Venice Declaration in 1980, calling for the recognition of the Palestinian right to self-determination and the right of the Palestinian Liberation Organisation (PLO) to be involved in peace initiatives. The European position increasingly focused on solving the Israeli-Palestinian question through the establishment of a Palestinian state, and condemning Israel's policies with regard to East Jerusalem and settlements. This critical stance was further developed during the 1982 Lebanon war and the first Intifada (1987-1993).

The end of the Cold War and the stabilizing of East-West relations brought about stronger Belgian focus on international law. Belgium emphasized the importance of international rules as a factor of stabilisation, especially for smaller states. For without this stability, such states would be at the mercy of arbitrary hegemonic decisions. This line of thought has always been deeply embedded in Belgian political thinking. Secondly, US influence over Belgian foreign relations significantly diminished as Belgium anchored its foreign relations in a European framework. It insisted on the EU's autonomy at a global level, hence the country's interest in a strong European Defence policy (Coolsaet, 2013).

When the Middle East peace process started in the early 1990s, the Belgian government saw its position affirmed that a global solution to the conflict is necessary and that the EU needs to play an active role in this process. During the mandate of Minister of Foreign Affairs Willy Claes, Belgium also played a proactive role in bringing the parties together and arranging discrete discussions between Israelis and Palestinians on the possibility of establishing Jerusalem as the capital of two peoples, with Brussels as a source of inspiration. It strived to be a facilitator between Israel and the Arab world, organising sessions which brought Palestinian and Israeli academics to the same table (Coolsaet, 2008).

In the years following Mr Claes's term, Belgium focused less on bilateral diplomacy and personal relations, and more on highlighting international law as a stabilizer of international relations. Minister of Foreign Affairs Charles Michel and Prime Minister Guy Verhofstadt were staunch proponents of an 'ethical diplomacy'. This was most obvious during the US-led war against Iraq, which Belgium condemned as a unilateral act. It feared that if great powers acted outside the framework of the UN, this would entail global instability, of which smaller powers would be the first victims. After Belgium's outright condemnation of the US' unilateral policy, Belgian relations with both the US and Israel became more strained (Coolsaet, 2013).

The relations with Israel were especially tense during the time of the debate on the application of universal jurisdiction in 2002, which would have potentially enabled the indictment of former Prime Minister Ariel Sharon in Belgium for his role in the massacres of Sabra and Shatila (Danckaers, 2006). After the weakening of Belgium's so-called 'genocide law', under domestic and international pressure, Mr Michel intensified his dialogue with Israel in order to repair relations. Furthermore, Mr Michel introduced the concept of *équidistance*, or a balanced approach. This aims at treating both parties equally and allowing the EU to play its mediating role (Senate, 2003). Mr Michel pronounced himself strongly against the suspension of the EU-Israel Association agreement, despite his earlier calls to review that agreement. (GVA, 2002).

His successor Karel De Gucht advocated establishing a link between Israel's respect for international law and upgrading the bilateral relations between the EU and Israel. After the start of the Gaza war in December 2008, he strongly defended freezing the planned upgrade of relations with Israel. As a response to the Gaza war and Israel's lack of commitment to the peace negoti-

ations, the EU did freeze the upgrade in 2009. Gradually, however, Belgium abandoned its proactive approach with a strong emphasis on ethical dimensions and international law. One of the main reasons for this evolution was the protracted domestic political crisis that started in 2007 and that paralysed the role of Belgium in the international arena. Ever since, Belgium's foreign policy has become more cautious and reactive.

Minister of Foreign Affairs Yves Leterme and his successor Steven Vanackere developed a pragmatic line, tying Belgian foreign policy almost exclusively to the EU's policy and insisting on the need for a European consensus. The absence of pro-active initiatives has pervaded Belgian diplomacy ever since. It felt disorientated in the light of the developments at the European level, with the establishment of the European External Action Service (EEAS) and the internal state reforms that increasingly regionalised international competences (Coolsaet, 2014).

The gap between Belgium's declarations and the operational policy has grown under Minister of Foreign Affairs Didier Reynders. It can be deduced from many official documents, such as statements on settlement expansion in the so-called E-1 area, that Belgium regards Israel as the primary responsible for the deadlock in the Middle East Peace Process (MEPP) (MOFA, 2012). However, it refused to increase pressure on Israel out of fear over damaging diplomatic relations. Although Mr Reynders' statements are based on international law, he is discretely strengthening the relations with Israel. The ethical dimension has been substituted by an economic diplomacy, focussing to a large degree on the interests of Belgian companies.

In line with its current cautious diplomacy, Belgium is reluctant to condition the strengthening of bilateral relations with Israel on respect for international law. For example, the Belgian government has supported the conclusion of new agreements within the existing EU-Israel Action Plan. This has expired in 2009 as the upgrade of diplomatic relations remains frozen. Nevertheless, ahead of the Association Council in 2012, the EU has offered Israel upgraded trade and diplomatic relations in more than 60 areas. This wide-ranging boost to bilateral relations stopped just short of the full upgrade (Greenwood, 2012). Officially, the freeze remains in force. Yet, the EU does no longer want to link Israel's respect to international law with the strengthening and deepening of the relations, as it did in 2009. In 2013, the EU has even welcomed Israel as a full fledged member in the Western European and Others group at the UN office in Geneva, a clear breach of the upgrade freeze (Rettman, 2013).

Furthermore, many Belgian officials indicate that there rarely is an in-depth debate on cooperation with Israel in new areas. It is mostly the Commission that takes the lead in preparing and signing the agreements, while other institutions such as the European Parliament, but also the member states, are expected to follow through. Small member states like Belgium lack the capacities and resources to weigh in on the highly technical and legal discussions. Moreover, line ministries are often not aware of the consequences of Israel's application of agreements with the EU to the oPt. The negotiation of the protocol Agreement on Conformity, Assessment and Acceptance of industrial goods (ACAA) illustrates the consequences of poor consultation at the level of EU institutions and the level of the members states. ACAA allows Israeli exporters to access the Single Market without further conformity assessment requirements and vice versa. Yet, ACAA was highly controversial as it compelled the EU to accept the authority of Israeli institutions in the occupied Palestinian territory (oPt), performing conformity assessments of settlement goods (Greenwood, 2012).

The problem of Israel's territorial application was first exposed in connection with the implementation of the Association Agreement, that entered into force in 2000. The Association Agreement forms the legal basis for relations between the EU and Israel, incorporating free trade agreements and offering perspectives for Israel's integration in European economic and social structures. As soon as 1999, the Belgian Senate passed a resolution in which it asked the government to plead within the EU for the correct application of the agreement, also in the area of political dialogue and human rights, with respect for the territorial application (Senate, 1999). The Chamber adopted this position in a resolution in 2000 (Chamber, 2000). Since that time, Belgian policy makers and officials have been sensitive to this question and have supported measures to limit the territorial application of all EU-Israel agreements to territory that came under Israel's administration prior to 1967.

Belgium does consider itself as a part of the bloc of progressive member states. It supports for instance the correct labelling of settlement goods. Both Mr Reynders and the Minister of Economy and Consumer Affairs pronounced themselves in favour of this measure (Reynders, 2012; Senate, 2013). Belgium had planned a concerted initiative within a Benelux framework but this initiative has failed as the Dutch government deferred issuing labelling guidelines for retailers after tensions within the government coalition (Modderkolk, 2013). Most EU member states currently adopt a cautious policy in deference to the

peace negotiations. With a view to restarting the talks, American Secretary of State John Kerry has pressured the EEAS to put off its decision to enforce the labelling of settlement goods throughout the EU (Ravid, 2013). This move has severely undermined the enthusiasm in the more active member states to pursue their efforts.

Main Elements of Belgium's Relations with Israel

Belgium's national interests with regard to Israel and the oPt have never been clearly defined, even if the Belgian state has important economic and energy-related ties with the region. Trade relations between Belgium and Israel are in fact quite intensive. Historically, the diamond sector is the most important economic sector. According to the figures of the Belgian Foreign Trade Agency, in 2011, Israel ranked 22nd in the league table of Belgium's main clients. Belgian exports to Israel amounted to over 2.3 million Euros. Precious stones and metals (primarily diamonds) represented more than half of the total Belgian exports to Israel. In terms of imports, Israel was Belgium's 23rd most important supplier in 2011. Belgian imports from Israel grew by 11.8% from 2010, amounting to over 2,1 million Euros in 2011.

Bilateral relations on the diplomatic, political, economic and cultural level have developed intensively since Belgium's de jure recognition of Israel. Some of the main agreements concern Aviation cooperation (1952); Extradition (1956); Commerce with the Benelux (1958); Suppression of visa obligations (1964); Cultural cooperation (1967); Consular functions (1968); Social security (1971); Double taxation (1972); Mutual recognition of driver's licenses (1982); Public health (1991); Industrial research and development (1998) and a memorandum of understanding on political consultation (2013).

The remembrance of the Shoah and the struggle against anti-Semitism play a central role in Belgium's relations with the Jewish world. In 1995, the Holocaust denial Law was passed, making it illegal to publicly deny, minimize, justify or approve of the Holocaust (Abicht, 2013). The Belgian government also made reparations towards Belgian Jewish victims of the Shoah in 2002 (Royal Decree, 2002). Belgium held the presidency of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research in 2012. That same year, Prime Minister Di Rupo apologized for the complicity of Belgian authorities in the persecution and murder of Jews during the Shoah. In January 2013, the Senate adopted a resolution calling

for the acknowledgement of the responsibility of the Belgian authorities in the persecution of Jews during the Second World War (Senate, 2013). Soon after; a Holocaust museum opened in the Dossin Barracks in Mechelen.

Main Elements of Belgium's Relations with the Palestinians

Belgium has not recognized Palestine on a bilateral level. When the Palestinian Authority (PA) launched its initiative for the international recognition of the Palestinian state in 2011, this created a lively debate in the country. The Senate's Foreign Affairs Committee adopted a resolution calling for the immediate recognition of the state of Palestine within the pre-1967 borders (Senate, 2011). However, Mr Vanackere declared that the bilateral recognition must be linked to the establishment of a Palestinian state (Senate, 2011) which, in the government's view, can only be the result of bilateral negotiations between Israel and the Palestinians.

Belgium has voted in favour of Palestine's admission as a full member to the United Nations Educational, Scientific and Cultural Organization in November 2011. Belgium considered this as an acknowledgement of the progress that the PA has made on the state-building level. Belgium has also supported the PLO's bid to obtain an upgraded 'observer State' status at the UN in 2012. Yet, originally, Mr Reynders planned to abstain. His stated aim was to contribute to a common EU position, as some Member States had indicated that they would not vote in favour. He argued that this would be a constructive abstention, allowing the EU and the US to increase the pressure on the parties to resume negotiations. In the end, however, a large number of member states decided to vote in favour (Senate, 2012). Pressure from the Prime Minister's office and other Ministries obliged Mr Reynders to reverse his original position.

At the end of October 2012, in a letter addressed to President Abbas, Mr Reynders announced his intention to revise the status of the Palestinian delegation in Brussels. This decision, implemented in November 2013, reflects the evolution of the Palestinian institutions as well as the Union's position in support of a two-state solution. The Palestinian delegation is currently called "Mission of Palestine in Belgium" and the chief of this mission carries the title of "Ambassador – Chief of Mission of Palestine". However, it does not receive the full status of a diplomatic mission as Palestine is not yet recognised as a

state. Hence it does not receive all privileges and immunities granted by customary international law (MOFA, 2013).

The occupied Palestinian territory is the 4th most important partner country out of the 18 partner countries of the official bilateral development cooperation. Belgium considers the aid to the Palestinian people and to PA in particular as a key element with a view to building the institutions of the future state. Belgium concentrates its efforts in the fields of education and local governance. In November 2011 it signed a new cooperation agreement with the PA, contributing 71,4 million Euro's to education and municipal governance between 2012-2015 (previously 50 million Euro in the same domains) (Ministry of Development, 2013). In the security sector, Belgium also provides support for the training of Palestinian police, in the framework of EuroCOP. In light of the financial efforts of the donors and the Palestinian fiscal crisis, Mr Reynders has expressed his concern over Israel's decision to stop transferring customs duties (Senate, 2013).

Historically, Belgium is a very important donor for the United Nations Relief and Works Agency (UNRWA) for Palestine refugees. It remained so even after the start of the peace process in 1993, when a lot of states reduced their contributions. Over the last years, Belgium has made special efforts to assist UNRWA, even when it was faced with its own budget cuts. It believes that the social assistance and education that the agency provides for Palestine refugees is essential to offer them a decent life (MIN DEV, 2011). The Ministry of Development contributed 9,4 million Euro to UNRWA in 2012.

Belgium's Pursuit of Peace in Israel and Palestine

Up until today, the balanced approach remains a guiding principle in Belgium's policy towards the region. Even if the ethical dimension has gradually lost its importance, respect for international law is strongly anchored in Belgium's foreign relations. Successive governments have always included the MEPP in their foreign policy. It has been a top three priority in coalition agreements in the last decades.

As a small member state, Belgium does not see itself taking a lead position in the MEPP. It is conscious of the fact that the EU can only have leverage if the member states act together. Furthermore, it has been perceived by Israel as being pro-Palestinian due to the so-called 'genocide law' and the stance of Mr De Gucht against the upgrade. Belgium did not take the lead in any initiatives

to revitalize the MEPP (in contrast with the United Kingdom or France). It anchors its policy in the EU and strongly defends the Council Conclusions of 2009 and 2012, strengthening the EU's position on its non-recognition of Israel's sovereignty over the oPt. (FAC, 2012).

Mr Reynders has favoured the resumption of peace negotiations without preconditions. In a letter to the American administration, he advocated that President Obama launch an initiative to restart the negotiations (Policy note, 2013). Consequently, Belgium applauded the resumption of talks under the aegis of Mr Kerry. After a visit to Israel and the oPt in November 2013, Mr Reynders stated that both parties want to further peace and believe in the two-state solution (Reynders, 2013). As a stimulus to promote dialogue and to dissuade both Israel and the PA to engage in 'unilateral steps' (respectively settlement construction and initiatives within the UN), Mr Reynders reinforced the bilateral ties with both parties.

As for spoilers to the peace process, such as Hamas, Belgium defends the European position. It considers that there is no alternative to the isolation policy as long as Hamas does not respect the three Quartet conditions (renouncing violence, recognizing Israel and subscribing to the previous PLO-Israel agreements). Nevertheless, there is a general understanding that the policy has not yielded the desired results. Hence, some officials have unofficially promoted a different approach, in line with the Swiss and Norwegian initiatives to engage with Hamas, in order to reverse the isolation policy. Belgium welcomes the possibility of reconciliation between Fatah and Hamas, in line with the EU position favouring reconciliation under the leadership of Abbas. Some parliamentarians such as the President of the Chamber André Flahaut (Socialist) and the President of the Foreign Affairs Committee in the Chamber Xavier de Donnea (Liberal), have pleaded in Parliament for engagement with Hamas.

Belgium and the EU as Normative Actors

Traditionally the US is seen as the real player in the MEPP, while Europe is depicted as the payer of aid to the Palestinians. Obviously; the EU is not comfortable with that description. It is clear that the EU cannot use hard power very effectively, as it lacks the carrots and sticks that the US has available. However, it can be effective as a normative actor. Its institutional foundations, its focus on international law and positions and commitments can

drive a process that promotes compliance with international law in the Israeli-Palestinian conflict. Over past few years, the EU has not only made clear to Israel that it has positions and commitments that it cannot let go of. It has also taken steps to bring its various relations with Israel in alignment with these positions. Belgium has supported this process from the beginning.

Its own treaties oblige the EU to maintain consistency between its policies and activities. On many occasions, the EU has taken positions, in line with international law, regarding the wrongfulness of Israeli acts such as the extension of its sovereignty over the oPt. NGOs and pressure groups have argued that if the EU wants to conform to its own norms, it cannot let Israel's wrongful practices decide how EU legislation is implemented. The EU-Israel Association Agreement is a good case in point. Under the Association Agreement, the EU cannot accept that Israel treats the settlements in the oPt as a part of its sovereign territory as this would result in the EU customs granting preferential treatment to settlement products.

The problem with the Association Agreement is that it does not contain the necessary provisions to enable European authorities to fully and effectively implement existing EU legislation. Article 83 of the agreement states that it is applicable to the 'territory of the State of Israel'. Israel maintains that this provision entitles its authorities to apply the agreement to the oPt, in accordance with its national legislation, and to treat settlement products as eligible for preferential treatment. Consequently, EU customs would have to themselves identify settlement goods that Israeli authorities have certified as originating in Israel in order to refuse preferential treatment. The Commission has designed a technical arrangement in 2005 in order to solve the deficient implementation of EU legislation. Theoretically, this arrangement enables EU customs to exclude settlement goods from preferential treatment through the comparison of postal codes on Israeli proofs of origin and postal codes on a list of non-eligible locations (Shamas, 2014).

NGOs and critical policy makers have demonstrated that the technical arrangement does not actually enable the EU to fully and effectively implement its legislation. Member states' customs authorities lack the operational resources and capacities to check each and every single Israeli proof of origin covering settlement products. The only adequate solution would be for Israeli authorities themselves to distinguish between Israeli goods and goods originating in the settlements (APRODEV et al., 2012).

Gradually, it became clear that European institutions needed to change their approach when drawing up agreements with Israel. In order not to create the same problem of inconsistency and deficient implementation of its own law, the EU needed to obtain Israel's explicit and unequivocal agreement to limit the territorial application of all EU-Israel agreements to the territory that came under Israel's administration prior to 1967. Here, the Law of Treaties offered a solution. The Vienna Convention stipulates that a treaty covers the entire territory of each contracting party, unless the parties agree otherwise (Vienna Convention, 1969). The EU realized it could not put an end to the problems that resulted from Israel's application of the agreements to its settlements unless it incorporated an explicit territorial limitation in every EU-Israel agreement.

During the Foreign Affairs Council of December 2009, the Council reiterated its readiness to further develop bilateral relations with Israel, while insisting that it will not recognize any changes to the pre-1967 borders (EU FAC, 2009). Its own norms prevent the EU from giving legal effect to the acts of third states that it has determined to be internationally wrongful. This fact has required the Union to make changes to its legislation to ensure that it does not provide support to settlement entities nor accept the labeling of settlement products on its markets as 'Israeli'. In the labeling case action may also be required at the member state level (Shamas, 2014).

The EU has become increasingly diligent in its approach. In 2011, the EU stated its intention to take the necessary steps to ensure the correct territorial application of EU instruments (Association Council, 2011). In May 2012, the Council declared its commitment to ensure the full and effective implementation of EU legislation. The Council further committed itself in December 2012 to ensure that all future agreements 'unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967' and reasserted its commitment to 'ensure continued, full and effective implementation of existing EU legislation and bilateral arrangements applicable to settlement products' (FAC, 2012). This combination of positions established a clear basis for member state action to prevent the designation of settlement goods as 'Israeli'.

This process also led to the 2013 Commission Guidelines that aim 'to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel's sovereignty over the territories occupied by Israel since June 1967' (*Official Journal of the EU*, 2013). The resolve of the EU to make the arrangements necessary to fully and

effectively implement the Guidelines was successfully tested in the negotiation of the agreement with Israel setting out the terms of its participation in the Horizon 2020 program.

Belgium has actively supported the diligent implementation of these corrective measures within the European institutions. This is also the case during the negotiations of the Europol agreement with Israel. In the course of those negotiations, Belgium has insisted that the agreement incorporate the provisions necessary to enable Europol to fully and effectively implement its obligations under EU Law. Concretely, EU legislation does not permit Europol from processing information clearly obtained through violations of human rights. To respect EU's positions and commitments on the non-recognition of Israel's sovereignty over the oPt, Europol may not process information under the agreement stemming from activities of Israeli Authorities in the oPt. It is clear that Europol cannot accept Israel's application of the principle of territoriality nor Israeli human rights standards as the basis for the implementation of its own obligations. Negotiations are therefore still ongoing (Shamas, 2014).

Conclusion

Respect for international law is strongly embedded in Belgium's foreign policy. Even if it has developed strong relations with Israel since the 1950s, the Belgian state has also taken the rights of the Palestinians into account. It has developed strong and friendly relations with both parties. Belgium has progressively anchored its policy towards the region in a European framework. However, it did not only follow the European consensus – it also at times took a pioneering role in adopting positions that other member states only accepted later, as when it defended the Palestinian right to self-determination as soon as 1975. From the start of the expansion of EU-Israel relations, Belgium policy makers and officials have also understood the importance of limiting the territorial application of all EU-Israel agreements to territory that came under Israel's administration prior to 1967. Even if its foreign policy has been quite cautious and reactive over the last years, Belgium considers itself as a progressive member state. It has actively supported the corrective measures that the EU has taken to ensure that its practice and relations with Israel respect its positions and commitments in conformity with international law and to ensure its own law is implemented correctly. Hence, it has contributed to the EU's growing effectiveness as a normative actor.

References

- ABICHT LUDO, Professor of philosophy and expert on Judaism and the Middle East, Interview, 30 January 2013.
- APRODEV, BROEDERLIJK DELEN et al., Trading Away Peace: How Europe Helps to Sustain illegal Israeli Settlements, 31 October 2012.
- BELGIAN GOVERNMENT, Coalition agreement, 1 December 2011, pp. 168-170. http://premier.be/sites/all/themes/custom/tcustom/Files/Regeerakkoord_1_december_2011.pdf, last visited 22 January 2014.
- BRACHFELD SIMON, Relations entre la Belgique et Israël, 1994.
- CHAMBER, Legal document 50 0399/003, Voorstel van resolutie betreffende het standpunt van België in de verhoudingen tussen de Europese Unie en de Staat Israël, 29 June 2000.
- CHAMBER, Parliamentary actions, Foreign Affairs Committee, 9 February 2011, pp. 53-129.
- COOLSAET RIK, Willy Claes: Minister van Buitenlandse Zaken, pp. 115-120, in CEULEERS JOEL, Little Red Man: Willy Claes, 2008.
- COOLSAET RIK, Professor of international relations at the University of Ghent, interview 1 February 2013.
- COOLSAET RIK, Geschiedenis van het Ministerie van Buitenlandse Zaken van België/Histoire du Ministère belge des Affaires étrangères, Brussel, Mardaga, 2014 (forthcoming), pp.122-123.
- DANCKAERS TINE, De Muur Door Brussel, MO* magazine, 26 March 2006.
- DUMOULIN MICHEL, Spaak, 1999, Racine, pp. 537-540.
- DE RAEYMAEKER OMER, België en de Israëlisch-Arabische conflicten, Ideeën en Studies, nr. 330, Leuven University Press, 1979.
- DE RAEYMAEKER OMER, Belgium, in JOHN ALLEN DAVID; PIJPERS ALFRED, European Foreign Policy-Making and the Arab-Israeli Conflict, 1984, Martinus Nijhoff, pp.67-81.
- EEC, Declaration of the Nine Foreign Ministers on the Situation in the Middle East, 6 November 1973.
- EU FOREIGN AFFAIRS COUNCIL, Council Conclusions on the Middle East Peace Process, 10 December 2012.
- EU FOREIGN AFFAIRS COUNCIL, Council Conclusions on the Middle East Peace Process, 8 December 2009.

- EU TAXATION AND CUSTOMS UNIT, EU-Israel technical arrangement http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/preferential/israel_ta_en.htm, last visited 21 January 2014.
- GAZET VAN ANTWERPEN, *Michel: EU moet Associatieverdrag met Israël in vraag stellen*, 7 April 2002.
- GREENWOOD PHOEBE, EU move to upgrade relations with Israel, *The Guardian*, 23 July 2012.
- HELLEMA DUCO, COOLSAET RIK, STOL BART, *De Belgisch-Nederlandse betrekkingen vanaf 1940*, 2011, Boom, pp 94-96, pp 156-158.
- OFFICIAL JOURNAL OF THE EU, Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards, 19 July 2013.
- MINISTRY OF DEVELOPMENT, fact sheet, Ontwikkelingssamenwerking Palestijns gebied, http://diplomatie.belgium.be/nl/Beleid/Ontwikkelingssamenwerking/Landen/Partnerlanden/Palestijns_gebied/, last visited 22 January 2014.
- MINISTRY OF DEVELOPMENT, Press release, België bevestigt haar steun aan UNRWA, 1 September 2011.
- MODDERKOLK HUIB, Kabinet stelt etikettering van nederzettingsproducten uit, *NRC Handelsblad*, 4 May 2013.
- MINISTRY OF FOREIGN AFFAIRS, A short history of the relations between Belgium and Israel, <http://www.diplomatie.be/telaviv/default.asp?id=30&ACT=5&content=42&mnu=30>, last visited 22 January 2014.
- MINISTRY OF FOREIGN AFFAIRS, Press release, Minister Reynders erg bezorgd over de voorgestelde nieuwe Israëlische nederzetting in Oost-Jeruzalem en in de Westelijke Jordaanoever, 2 December 2012.
- MINISTRY OF FOREIGN AFFAIRS, Policy Note, 13 November 2013, p 10, http://diplomatie.belgium.be/nl/over_de_organisatie/ministers/minister_didier_reynders/beleidsdocumenten/, last visited 22 January 2014.
- MINISTRY OF FOREIGN AFFAIRS, Factsheet Belgium-Israeli trade, <http://www.diplomatie.be/telaviv/default.asp?id=32&mnu=32>, last visited 22 January 2014.
- MINISTRY OF FOREIGN AFFAIRS, Press release, Statuut van de Palestijnse vertegenwoordiging in Brussel opgewaardeerd, 9 November 2013.
- RAVID BARAK, After U.S. request, EU delays decision to label products from Israeli settlements, *Ha'aretz*, 19 May 2013.

- REYNDERS DIDIER, Interview Centre Communautaire Laïque Juive, Le boycott d'Israël est un non-sense, 3 October 2012, <http://www.cclj.be/article/2/3639>.
- REYNDERS DIDIER, Press release, Processus de paix: le dialogue est possible et utile, 13 November 2013.
- RETTMAN ANDREW, EU punishes Israel on settlements, rewards it on UN club, EU Observer, 27 November 2013
- ROYAL DECREE concerning the functioning and secretariat of the commission for the restitution of the members of the Jewish community of Belgian whose goods were looted or abandoned during the war 1940-1945, 4 September 2002, <http://www.combuysse.fgov.be/hoofdframewetnl.html>.
- SENATE, Parliamentary actions session 1966-1967, Declaration Mr Harmel, 8 June 1967.
- SENATE, Parliamentary Actions session 1974-1975, Declaration Mr Van Elslande, 15 January 1975, p. 760.
- SENATE, Legal document 2-221/4, Proposition de résolution relative à la position de la Belgique dans les relations entre l'Union européenne et l'État d'Israël, 21 december 1999.
- SENATE, Parliamentary actions 2-137, Answer Mr Michel, Question Michel Maertens, 2 July 2001.
- SENATE, Declaration Mr Vanackere, Foreign Affairs Committee Chamber and Senate, 16 September 2011.
- SENATE, Resolution concerning the recognition of the Palestinian State, September 2011.
- SENATE, Parliamentary actions, Answer Mr Reynders, Question Philippe Mahoux, 29 November 2012.
- SENATE, Resolution 5-1370/4, Calling for the acknowledgement of the responsibility of the Belgian authorities in the persecution of Jews in Belgium during WW II, 24 January 2013.
- SENATE, Parliamentary actions, 5-201, Answer Minister Reynders, Question Bert Anciaux, 23 January 2013.
- SENATE, Parliamentary actions, 5-944, Answer Sabine Laruelle, Question Sabine Vermeulen.
- SHAMAS CHARLES, Senior partner at the Mattin group, interview 21 January 2014.
- UN GENERAL ASSEMBLY, A/RES/181(II), Partition of Palestine, 29 November 1947.

UN GENERAL ASSEMBLY, A/RES/273 (III), Admission of Israel to membership in the United Nations, 11 May 1949.

UN GENERAL ASSEMBLY, Resolution 1856, 1 October 1970.

VIENNA CONVENTION, Art 29, Territorial Scope of Treaties, 23 MAY 1969.