

The Honourable John Kerry  
Secretary of State  
United States of America

**Re. The United States' interference in the implementation of  
EU guidelines in the context of peace negotiations**

Dear Mr. Secretary,

On 17 July 2013, the Palestinian Human Rights Organisations' Council (PHROC) welcomed the European Union's (EU) adoption of 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" (guidelines).

PHROC made reference to the fact that these guidelines enforce the longstanding position of the international community that Israeli settlements are illegal; that the guidelines ensure that the EU and its Member States comply with their legal obligation not to recognise Israeli sovereignty over the territories occupied by Israel in 1967 and ensure respect for the Geneva Conventions; and that the guidelines implement previous commitments made by the EU regarding the exclusion of Israeli settlements from the scope of application of agreements between the EU and Israel. PHROC therefore encouraged the full and transparent implementation of the guidelines planned for 1 January 2014.

The implementation of the guidelines on 1 January 2014 is imperative due to its implications on the ongoing and closely connected negotiations between Israel and the EU regarding Israel's participation in the EU program Horizon 2020. To this end, the implementation of the guidelines will ensure that, by rule, the EU does not violate its own legal obligations by preventing Israeli entities established in the occupied territory and activities of Israeli entities conducted in the occupied territories from receiving EU support under the Horizon 2020 program.

As Palestinian human rights organisations closely following the renewed peace negotiations and strongly concerned by the pressure exerted by the United States on all relevant parties, including the Palestinian Authority, to postpone the implementation of or amend the guidelines, we stress that the guidelines represent an internal document concerning the EU and its Member States' compliance with their own international and European law obligations. Any efforts by an external party to amend, discourage, or delay the implementation of the guidelines would be tantamount to encouraging law-abiding states to violate their legal obligations. Most certainly, states' compliance with international law is never up for negotiation. We also stress that the United States, as a High Contracting Party to the Fourth Geneva Convention and bound to act in accordance with third state obligations related to violations of peremptory norms of international law and otherwise customary international law, should itself ensure that its cooperation with Israel is in line with the obligation of non-recognition and duty to actively cooperate to bring the violations that settlements constitute to an end. On this note, we recall that the United States - Israel Binational Science Foundation requires that its projects be conducted only in Israel proper.

Hence, the United States should be lending its official and unwavering support for the implementation of the guidelines on 1 January 2014 without any change to its content. On this note, we would also like to reiterate our position that peace negotiations are a legitimate means to settle the conflict peacefully, as long as peace and peace negotiations

are anchored in international law and ensure that Palestinians enjoy their inalienable rights, including the right to self-determination. As Palestinian organisations dedicated to the promotion and protection of Palestinian rights, we therefore consider the EU guidelines to not only be a positive step in terms of adherence to international law but also complementary to the ongoing negotiations.

Yours Sincerely,

	<p><b>Addameer Prisoners' Support and Human Rights Association</b> Sahar Francis General Director</p>		<p><b>Aldameer Association for Human Rights</b> Khalil Abu Shammala General Director</p>
	<p><b>Al-Haq</b> Shawan Jabarin General Director</p>		<p><b>Al Mezan Center for Human Rights</b> Issam Younis General Director</p>
	<p><b>Badil Resource Center for Palestinian Residency and Refugee Rights</b> Najwa Darwish General Director</p>		<p><b>Defence for Children International Palestine Section</b> Rifat Kassis General Director</p>
	<p><b>Ensan Center for Human Rights and Democracy</b> Shawqi Issa General Director</p>		<p><b>Hurryyat - Centre for Defense of Liberties and Civil Rights</b> Helmi Al-araj General Director</p>
	<p><b>Jerusalem Center for Legal Aid and Human Rights</b> Issam Aruri General Director</p>		<p><b>Ramallah Center for Human Rights Studies</b> Iyad Barghouti General Director</p>
	<p><b>Women's Centre for Legal Aid and Counselling</b> Maha Abu Dayyeh General Director</p>		<p><b>The Palestinian Center for Human Rights</b> Raja Sourani General Director</p>
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