

The cost of Europe's divisions in the Middle East

December 2024

By Karim Karaki and Chloe Teevan, with Alfonso Medinilla, Cecilia D'Alessandro, Jamie Slater, Lidet Tadesse Shiferaw, Pol Vijverman, Sophie Desmidt and Wassim Ramadan

Summary

The EU's response to Israel's wars in the Middle East reveals an inconsistency in its approach to international humanitarian law. While the EU swiftly and unequivocally condemned war crimes committed by Hamas on 7 October 2023 and by Russia during its invasion of Ukraine, its reaction to what international courts have now recognised as Israeli war crimes is hesitant and ambiguous.

As the humanitarian situation in Gaza becomes ever more unbearable, this equivocal diplomatic stance challenges the EU's proclaimed commitment to a rules-based international order and raises serious questions about the uniformity of its principles in applying humanitarian law across different geopolitical contexts. The EU's perceived selective condemnation also risks eroding its diplomatic credibility, particularly in the Middle East, North Africa, and across the wider Global South.

Introduction

On 21 November, the [International Criminal Court issued arrest warrants](#) against Israel's prime minister Benjamin Netanyahu and former defence minister Yoav Gallant for crimes against humanity and war crimes in the prosecution of Israel's war against Hamas in Gaza, as well as [Hamas leader Ibrahim Al-Masri](#) for the mass killings and related crimes of 7 October 2023. The EU once again demonstrated its divisions [in the wake of these arrest warrants](#). [Several member states](#) (including Italy, Ireland and Belgium) stated that they would arrest Benjamin Netanyahu if he travelled to their territory. [France](#) and [Hungary](#) stated they would not, and most other member states remain unclear on their stance.

As outgoing EU foreign policy chief [Josep Borrell](#) mentioned at the [second meeting of the Global Alliance for the Implementation of the Two-State Solution](#) organised by [Belgium](#) and the EU on 28 November, the Southern Neighborhood is a key focus of the new European Commission. This is illustrated by the appointment of Dubravka Šuica as the commissioner for the Mediterranean – a newly created post in the incoming European Commission. Her tasks will include the development of a [Pact for the Mediterranean and an EU strategy for the Middle East](#), with a view to the day after the war in Gaza. Yet, the EU's divisions (and some of its member states' perceived [unwillingness](#) to act) highlight its [incapacity](#) to respond effectively to Israel's wars in the Middle East following the 7 October 2023 Hamas attacks, undermining its ability to support a diplomatic process aimed at promoting peace and protecting civilian lives.

Further, the EU's divisions and prevarications in the face of recognised Israeli war crimes in the Middle East stand in stark contrast with its unequivocal condemnation of war crimes committed by Hamas on 7 October and by Russia in its invasion of Ukraine. This also calls into question the EU's advocacy for a rules-based international order and its respect of humanitarian law following Russia's invasion of Ukraine. This inconsistency has undermined [its position, credibility and legitimacy](#) in the Middle East and North Africa region, and the [wider Global South](#).

Useless wars and atrocious war crimes – for what?

On 7 October 2023, Hamas committed [war crimes, potentially amounting to crimes against humanity](#), killing [1,139](#) persons in Israel, including 657 Israeli civilians and 38 children. On this day, 252 people were abducted and taken to Gaza as hostages, [of whom nearly 100 remain in captivity](#). In response, Israel's latest wars have not only targeted Hamas and Hezbollah but also devastated the lives and livelihoods of the people of Gaza and Lebanon (see table 1 below). The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory has [qualified](#) Israel's conduct in the Gaza Strip as war crimes, and potentially crimes against humanity; and the International Court of Justice (ICJ) has [ruled](#) that it is plausible that Israel's actions in Gaza Strip could amount to genocide.

Table 1: Estimated deaths, injuries and damage in Gaza and Lebanon

Deaths in Gaza (as of 28 November 2024)	At least 44,249 people according to Ministry of Health (MoH), Gaza (OCHA 2024a)
Internally displaced people in Gaza (as of 29 November 2024)	1.9 million (OCHA 2024b)
Deaths of children in Gaza (as of 30 September 2024)	More than 11,000 (more than in any other recent conflict in a single year) (Oxfam 2024)
Deaths of journalists and media workers in Gaza, the West Bank, Israel and Lebanon (14 November 2024)	At least 137, making this the deadliest period since CPJ began collecting statistics in 1992 (CPJ 2024)
Reported injured in Gaza (as of 28 November 2024)	More than 104,746 according to MoH Gaza (OCHA 2024a)
Damage and destruction in Gaza (as of 2 October 2024)	More than 200,000 housing units and 87% of school buildings have been damaged and destroyed. Only 17 out of 36 hospitals remain partially functional (OCHA 2024c)
Deaths and displacement in Lebanon (as of 1 December 2024)	3,961 people killed, including at least 266 children, and 16,520 injured (OCHA 2024d)

Furthermore, approximately [1.84 million people](#) across the Gaza Strip are experiencing acute food insecurity, with nearly 133,000 people facing catastrophic food insecurity. With the recent Israeli [ban on UN Relief and Works Agency \(UNRWA\)](#) activities in Israel, which deems UNRWA a terror group and bans its activities in Israel within 90 days, the situation is [likely to get worse](#).

Despite the assassinations of Yahya Sinwar and Hassan Nasrallah, former leaders of Hamas and Hezbollah respectively, Israel's stated war goals – [returning hostages, undermining Hamas and Hezbollah's ability to endanger Israeli security](#) and a [new regional order](#) – and lasting peace in the region seem as unreachable as ever. While a first step in the right direction, the [Israel-Hezbollah ceasefire deal](#) concluded on 26 November 2024 is unlikely to solve mounting regional tensions. [Countless experts](#) have warned that rather than securing peace and security in the region, Israel's wars and the destruction they have wrought are creating fertile breeding grounds for further unrest and instability.

A division with serious geopolitical consequences

The Israeli wars in the Middle East do not come in a geopolitical vacuum, but at a time when [Russia and China are promoting a new world order via the BRICS and other fora](#), while the re-election of Donald Trump further shakes up the existing rules-based international order.

The EU and its member states have done little, if anything, to promote the conditions for a negotiated settlement. Despite [half-hearted calls for a ceasefire in Gaza and improved humanitarian access](#), on the whole EU member states have [failed to present a united front](#) and have appeared weak, faltering and hypocritical to the world. While [they condemned the brutal Hamas terrorist attacks in the strongest possible terms](#), they have largely failed to condemn Israel's war crimes and disrespect for international law due to divisions between member states.

The inability of EU member states to speak with one voice and vote together was very apparent in the various UN votes on the conflict.

Table 2: UN votes on Israel and the Occupied Palestinian Territories since 7 October 2023

Resolution	Global for	Global against	Global abstained	EU for	EU against	EU abstained
18 September 2024 Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory : resolution / (A/RES/ES-10/24) (UN 2024c)*	124	14	43	12	2 (Czechia, Hungary)	12
10 May 2024 Admission of new Members to the United Nations (State of Palestine) (UN 2024d)	143	9	25	14	2 (Czechia, Hungary)	11
19 December 2023 The right of the Palestinian people to self-determination (UN 2023a)	172	4	10	27	0	0
19 December 2023 "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" [A/C.2/78/L.44] (UN 2023b)	158	6	13	27	0	0
12 December 2023 Protection of civilians and upholding legal and humanitarian obligations – GA Resolution (A/RES/ES-10/22)**	153	10	23	20	2 (Austria, Czechia)	4
7 December 2023 "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan" (UN 2023c)	149	6	19	25	1 (Hungary)	1 (Czechia)
27 October 2023 Protection of civilians and upholding legal and humanitarian obligations*** ()	120	14	45	15	4 (Austria, Czechia, Hungary, Croatia)	7

* Results of vote [here](#)

** UN news item [here](#)

*** UN news item [here](#)

Some EU member states have taken symbolic political actions, but these actions have remained isolated. Countries such as Belgium, Spain and Ireland have [recognised Palestine as a state](#) and expressed [the intention to intervene](#) in the context of South Africa's genocide case against Israel, while Spain and Ireland called for the EU to suspend its association agreement with Israel. Spain also [banned exports and imports](#) of weapons to and from Israel.

Others – like Germany, which [accounted for 30% of Israel's arms imports in 2023](#) – have [slowed down](#) their weapon sales to Israel, but insist they will continue to sell weapons that allow Israel to 'defend' itself. France called [for a halt on arms deliveries](#) to Israel for use in Gaza and Lebanon, and unsuccessfully attempted to [ban Israeli companies from the Euronaval Salon](#) defence fair in Paris.

Yet, the EU and its member states have not taken more concrete actions to halt the conflict, such as a weapons embargo or meaningful economic, diplomatic and political sanctions.

The cost of division and accusations of double standards

It takes a life to build trust and a day to destroy it. On the whole, the EU has failed to uphold international humanitarian law in Gaza and Lebanon, which stands in stark contrast to its [values and commitments](#), and its [response](#) to Ukraine, which promoted the country's right to self-determination and condemned Putin's war crimes in the wake of the Russian invasion of Ukraine.

This has prompted accusations of [double standards from UN Secretary-General António Guterres](#) and partners [across the Global South](#). Several countries have not only called for a ceasefire but have also taken concrete actions to condemn acts committed in this war. Examples include [South Africa's genocide case against Israel](#), which is supported by [14 countries](#), and the [Nicaragua legal case against Germany, accusing the country of "facilitating the commission of genocide"](#).

The new EU commissioner for the Mediterranean has been mandated to strengthen Palestinian authority and help rebuild Gaza, which would take about

[80 years](#). But this will be an uphill battle and one that can only be addressed by being brave and bringing coherence between words and actions. At the very least, the EU-Israel Association Council should be convened, and real pressure placed on Israel to respect the [Association Treaty](#) and wider obligations under international law, or face real consequences up to and including suspension of the treaty. The EU will pay the price of its silence and inaction in its attempts to build strategic and long-term partnerships with the rest of the world.

References

Akgül-Açıkmeşe, S., Kausch, K., Özel, S. and Soler i Lecha, E. 2023. [Stalled by Division: EU Internal Contestation over the Israeli-Palestinian Conflict](#). JOINT Research Papers No. 19. JOINT.

Apelblat, M. 2024. [EU meeting in Brussels on two-state solution takes place without press presence](#). News article. The Brussels Times.

BBC. 2024. [What we know about Israel-Hezbollah ceasefire deal](#). London: BBC.

Bela, V. 2024. [Xi and Putin vow stronger China-Russia cooperation for 'fair world order' at Brics summit](#). Hong Kong: South China Morning Post (SCMP).

Bermingham, F. 2024. [EU told 'double standards' for Ukraine and Gaza hurt relations with Indo-Pacific](#). Hong Kong: South China Morning Post (SCMP).

Brookings. 2024 . [Analyzing Israel's strategy in Gaza](#). Washington DC: Brookings.

Cook, L. 2024. [UN chief urges the EU to avoid 'double standards' over Gaza and Ukraine](#). AP News.

CPJ. 2024. [Journalist casualties in the Israel-Gaza war](#). News alert. Committee to Protect Journalists.

Dekonink, B. 2024. [Emmanuel Macron appelle à « cesser les exportations d'armes » utilisées à Gaza et au Liban](#). Les Echos.

Dempsey, J. [Judy Asks: Has the War in Gaza Irreversibly Damaged Europe's Credibility?](#) Commentary. Carnegie Europe.

EC. 2021. [Communication from The Commission to The European Parliament and The Council on the EU's humanitarian action: new challenges, same principles.](#)

Brussels: European Commission.

EC. 2024a. [Mission Letter from Ursula von der Leyen to Dubravka Šuica Commissioner-designate for the Mediterranean.](#) Brussels: European Commission.

EC. 2024b. [Speech by President von der Leyen at the European Parliament Plenary on the need for unwavering EU support for Ukraine, after two years of Russia's war of aggression against Ukraine.](#) Brussels: European Commission.

EEAS. 2000. [Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part.](#) Brussels: European Union External Action.

EEAS. 2024. [Global Alliance for the Implementation of the Two-State Solution: opening remarks by High Representative/Vice-President Josep Borrell.](#) Press release. European Union External Action.

European Council. 2024a. [EU position on the situation in the Middle East.](#) Brussels: European Council.

European Council. 2024b. [Statement of the Members of the European Council on the situation in the Middle East.](#) Brussels: European Council.

FPS Foreign Affairs, Foreign Trade and Development Cooperation. 2024. [Belgium and the EU organise the second meeting of the Global Alliance for the Implementation of the Two-State Solution \(28 November, Egmont Palace\).](#) News article. Kingdom of Belgium, Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation.

ICC. 2024. [Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for](#)

[*Benjamin Netanyahu and Yoav Gallant*](#). Press release. International Criminal Court.

ICJ. 2024a. [*Summary of the Order of 26 January 2024*](#). International Court Of Justice.

ICJ. 2024b. [*Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip \(South Africa v. Israel\)*](#). International Court Of Justice.

ICJ. 2024c. [*Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory \(Nicaragua v. Germany\)*](#). International Court Of Justice.

Islam. S. Europe's [*Gaza betrayal has broken the trust of millions of people in the global south*](#). Opinion. The Guardian.

Konečný, M. 2024. [*EU's Gaza War response: A tale of contradiction and division*](#). Den Haag: Clingendael Spectator.

Landauro, I, Humphries, C. and Fouche, G. 2024. [*Spain, Ireland and Norway recognise Palestinian statehood*](#). Reuters.

Le Figaro/AFP. 2024. [*Entreprises israéliennes bannies du salon Euronaval : Israël dénonce une «honte» pour la France*](#). Le Figaro/AFP.

Lynch. D. 2024. [*Gaza: Working under fire*](#). Features. The Medical Independent.

Murray, M., Riham, A. and Chambers, M. 2024. [*Scholz says Germany will supply Israel with weapons to defend itself*](#). Eds. More, R. and Chopra, T. Reuters.

OCHA. 2024a. [*Humanitarian Situation Update #239 | Gaza Strip*](#). United Nations Office for the Coordination of Humanitarian Affairs.

OCHA. 2024b. [*Lebanon: Flash Update #42 – Escalation of hostilities in Lebanon, as of 7 November 2024*](#). Report. United Nations Office for the Coordination of Humanitarian Affairs Lebanon.

OHCHR. 2024a. [7 October. UN experts call for end of violence and accountability after year of human loss and suffering and blatant disregard for international law](#). Press release. The Office of the High Commissioner for Human Rights.

OHCHR. 2024b. [UN Commission finds war crimes and crimes against humanity in Israeli attacks on Gaza health facilities and treatment of detainees, hostages](#). Press release. The Office of the High Commissioner for Human Rights.

Oxfam. 2024. [More women and children killed in Gaza by Israeli military than any other recent conflict in a single year – Oxfam](#). Press release. Oxfam International.

Pinedo, E. 2024. [Spain cancels purchase of police ammunition from Israeli firm](#). Eds. Khalip, A. and Singleton, S. Reuters.

Politico. 2024. [Netanyahu arrest warrant: Where can he still go in Europe?](#) News.

Rachman, G. 2024. [Israel dreams of a new order in the Middle East](#). London: Financial Times.

Radford, A. 2024. [Who supplies Israel with weapons?](#) CNN.

Roth, A. 2024. [Israeli parliament votes to ban Unrwa from Israel within 90 days](#). News article. The Guardian.

Scazzieri, L. 2023. [Europe and the Gaza conflict](#). CER Insight. Centre for European Reform.

The New Arab. 2024. [Israel's 7 October death toll revised down by social security data](#). News article.

The New York Times. 2024. [A U.N. report says rebuilding all the homes destroyed in Gaza could take 80 years](#). New York City: The New York Times.

UN. 2023a. [The right of the Palestinian people to self-determination – General Assembly Resolution \(A/RES/78/192\)](#). United Nations.

UN. 2023b. [Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources : resolution / adopted by the General Assembly](#). United Nations.

UN. 2023c. [Israeli practices and settlement activities affecting the rights of the Palestinian people and other Arabs of the occupied territories](#). United Nations.

UN. 2024a. [UN rights expert calls for immediate release of all Israeli hostages. News article](#). United Nations.

UN. 2024b. [South Africa vs Israel: 14 other countries intend to join the ICJ case](#). United Nations.

UN. 2024c. [Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory : resolution / adopted by the General Assembly](#). United Nations.

UN. 2024d. [UN General Assembly presses Security Council to give 'favourable consideration' to full Palestinian membership](#). United Nations.

van den Berg, S. and Al-Mughrabi, N. 2024. [ICC issues arrest warrants for Israel's Netanyahu, Gallant and Hamas leader](#). Reuters.