

Presenter: Eugene Kontorovich, Northwestern University School of Law

Title: **“A Soft Boycott: The EU’s Regulatory ‘Differentiation’ of Israel from Other Countries”**

Panel: Jurisprudence

A series of recent and pending European Union decisions have led some to suggest the EU is developing a policy of “differentiation” between Israel and the territories that came under its control under 1967. However, the EU’s actions must be seen in a broader perspective, which includes its treaty and trade relations with other countries that it regards as occupying territory, such as Morocco, Turkey, Armenia, and Russia. As the same time that the EU has been “differentiating” Israeli settlements, it has failed to pursue “differentiation” anywhere else, and in some places even pursued the diametrically opposite policy, which we might call “homogenization.” Thus the EU’s “differentiation” of Israel may properly refer to differentiating its treatment of Israel from other relevant contexts.

This presentation will examine the differences in the EU’s treatment of Israel from other situations involving claims of occupation and illegal settlement. These difference in treatment suggest the EU is not as much seeking to “differentiate” the West Bank from Israel, as it is trying to differentiate Israel from the rest of the world, and to create a unique set of international rules for the former.