

Advisory Note to Supporters of the Occupied Territories Bill

- Upcoming Seanad vote on 28th November 2018

Background

- On the 11th July, the Seanad voted in favour of the Occupied Territories Bill 2018 on trade with settlements illegally established on occupied territory, including Israeli settlements on occupied Palestinian territory.
- That vote was on the *principle* of banning trade with illegal settlements which means that the Bill now proceeds to the amendment stages in the Seanad. The first of these, “Committee Stage,” takes place on **November 28th 2018**.
- It is as crucial as it was in July for Senators to support the Bill at this stage. Without sufficient support at each stage the Bill will be defeated. The vote in favour of the Bill in July passed with *a margin of only five votes* so there is no room for complacency!
- The same coalition of NGOs continue to support the Occupied Territories Bill. They are: Sadaka – the Ireland Palestine Alliance, Trócaire, Christian Aid, the Irish Congress of Trade Unions (and a large number of trade unions in an individual capacity), the Global Legal Action Network and the Irish Palestine Solidarity Campaign.

General Key Messages

- Israel’s settlement building is a flagrant violation of international law. The Occupied Territories Bill is about honouring the international law that Israel breaches through its construction of settlements and the Irish criminal legislation¹ which gives effect to that international law.
- Israeli settlement building on the land which is supposed to form a Palestinian State makes it impossible to establish a Palestinian State as part of a negotiated two-State solution (the policy position of the Irish Government, the EU and the wider international community). This indeed is the stated aim of the current Israeli Prime Minister Benjamin Netanyahu.
- The Occupied Territories Bill is not an attempt to enact into Irish law the policy of Boycott, Divestment and Sanctions (“BDS”) against Israel called for by Palestinian civil society. Rather, it is a modest measure that seeks to apply to Israel the kind of measures which are automatically applied to other countries which breach international law.
- Precedent has shown us that constructive developments at a European level in relation to the Palestinian issue are initiated in the first instance through individual state action (such as recognition of the PLO, labelling of settlement goods, etc.). Ireland is well placed to take the lead on banning goods produced in illegal Israeli settlements.

¹The Geneva Conventions Acts and the International Criminal Court Act.

Key Messages for Senators who voted in favour of the Bill

- Please thank these Senators for their support. Remind them that the country is behind them in their support for this Bill and of the necessity to ensure that they and their colleagues turn up on the 28th, particularly with the numbers so tight in July. It also helps if you ask them to keep you informed of progress in relation to the Bill.

Key Messages for Senators who abstained

- Please urge these Senators to turn up and support the Bill this time around. Remind them of the support in the country for the Bill and of the amount of coverage it has received. The above General Key Messages will be of particular use for these Senators.

Key Messages for Fine Gael (also for the two independent Senators who opposed the Bill)

- Minister for Foreign Affairs Simon Coveney's faith in the Trump Administration's proposed "peace plan" is misguided. Since President Trump took office, Israel's settlement building has increased to a rate not seen in decades. Furthermore, President Trump justified his decision to recognise Jerusalem as a "recognition of reality", demonstrating that it is "facts on the ground", not international law, which dictates his Administration's approach to the so-called Middle East peace process.
- Opposition to this Bill undermines the Palestinian non-violent movement for freedom and justice. The Occupied Territories Bill, which seeks to promote a core principle of the non-violence movement, i.e. respect for international law, has been received with great hope in Palestine. Its enactment would provide a much-needed boost to the Palestinian non-violence movement at a time that is otherwise characterised by despair.
- **The Government's position that the Occupied Territories Bill is definitively contrary to EU law is not sustainable.** In addition to the legal opinions relied on by Senator Frances Black and other supporters of the Bill in July and the opinion of former Attorney General Senator Michael McDowell, the NGOs supporting the Bill have recently procured an opinion (yet to be published) from [Takis Tridimas](#), a Professor of EU law in King's College London and a highly prominent advocate before the European courts. His opinion is that the Bill is compatible with EU law and will be published prior to the vote on 28th November 2018.

Sadaka – the Ireland Palestine Alliance

October 2018