



**Embargoed until 00:01 Irish Time, Wednesday 4<sup>th</sup> September**

## **EU law experts: Attorney General was wrong, Ireland can pass the Occupied Territories Bill**

*Civil society campaign to Pass the Occupied Territories Bill launched as Taoiseach signals intention to revisit issue and requests updated Attorney General guidance*

In a newly published legal opinion, two of the world's leading experts on EU trade law have stated that Ireland is fully entitled to pass the Occupied Territories Bill and ban trade with illegal Israeli settlements, criticising previous Attorney General advice relied upon to block it as "erroneous" and "at odds with settled EU case law".

The legal opinion is written by Professor Takis Tridimas, a leading EU law specialist who has served as legal advisor to the European Commission and European Parliament and whose work is frequently cited by the European Court of Justice and the Irish Supreme Court, and Professor Panos Koutrakos, three-time European Commission *Jean Monnet Chair* in EU law and Editor of the *European Law Review*.

It is published as a new campaign of civil society organisations, trade unions, academics and political figures is launched today, Wednesday 4th September, calling on the Government to pass the Occupied Territories Bill and on all political parties to commit to supporting it ahead of the upcoming general election.

The Bill, first tabled in 2018 by Independent Senator Frances Black, would ban trade with the illegal Israeli settlements built on occupied Palestinian land. It was passed in full by the Seanad before being introduced to the Dáil by Fianna Fáil, where a majority of TDs also voted in favour. Despite this, the current and previous Governments have refused to pass it based on advice from previous Attorneys General that, because trade rules are generally set at EU level, a national ban would breach EU law.

However, on Friday [Taoiseach Simon Harris announced](#) that he has asked the new Attorney General for "fresh advice" on this question in light of a recent historic ruling from the International Court of Justice (ICJ). In July the highest court in the world declared that the Israeli settlements on occupied Palestinian land were illegal and that all countries were obliged not to trade with them.

[The ICJ found](#) that all states must now: "*abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory*", and "*take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory*".

Professors Tridimas and Koutrakos state that while the Occupied Territories Bill was always compatible with EU law, last month's ICJ ruling adds even further strong support and that the Bill is now "necessary... as it gives effect to the duties" outlined by the ICJ. They argue that long-standing advice from previous Attorney General Seamus Woulfe, [leaked in 2020](#) and one of the few such documents to be scrutinised in the public domain, has a series of major omissions and flaws.

The experts state that: *"It is striking that the AG should have ignored the judgements in [two cases] where the European Court of Justice expressly held that Member States may deviate from EU law, including... on public policy grounds in order to protect fundamental rights... The analysis and conclusion in the AG Opinion that the Occupied Territories Bill is inconsistent with EU law [is] not only unconvincing but also at odds with settled ECJ case-law."*

**Independent Senator Frances Black said:** *"In the six years since I first tabled the Occupied Territories Bill, the situation in Palestine has rapidly deteriorated. While the world is focused on the horrific, genocidal war in Gaza, across the West Bank we're also seeing one of the biggest land grabs in decades – more homes destroyed, families displaced, settlements built. How can we repeatedly condemn this as illegal but continue to trade in the goods produced? It's clear hypocrisy and it must stop."*

**Conor O'Neill, Head of Policy & Advocacy at Christian Aid Ireland and a spokesperson for the Campaign to Pass the Occupied Territories Bill said:** *"The ICJ ruling is historic, not just in what it says about Israel's repeated violations of international law and Palestinian rights, but what it means for the rest of us. The Court has made crystal clear that all countries, including Ireland, must immediately stop trading with Israel's illegal settlements. Failure to do so makes us complicit. We launch this campaign today to say that statements of condemnation are not good enough, morally or legally. It's time for action."*

The Campaign to Pass the Occupied Territories Bill is being launched at Buswells Hotel on Wednesday 4<sup>th</sup> September at 11am. Senator Frances Black and representatives of the campaign will present the findings of the new legal opinion and the urgent need to ban all trade with illegal Israeli settlements.

**Caoimhe de Barra, CEO of Trócaire, said:** *"Trócaire and other NGOs have been campaigning on this issue for many years now and we cannot wait any longer to enact the Occupied Territories Bill. Over 40,000 people have been killed in Gaza in the last 11 months, the suffering is on a scale the world hasn't seen this century. It is time for Ireland to take a stronger stance. We need to introduce sanctions, we need to enact the Occupied Territories Bill and we need to do it now."*

**Éamonn Meehan, Chair of Sadaka-the Ireland Palestine Alliance, and a spokesperson for the Campaign to Pass the Occupied Territories Bill, said:** *"The ICJ has ruled the occupation by Israel of Palestinian territory to be 'an unlawful act of a continuing character'. In 2022 the UN reported that the settlements contributed \$628 billion to the Israeli economy between 2000 and 2020. By failing to ban trade with settlements we are complicit in criminal activity by Israel and in the impoverishment of Palestinians who are a protected population under the laws of occupation and whose resources are being stolen. The Government's interpretation of EU law makes it impossible for Member States to fulfil their international legal obligations. In fact, following the clarification by the ICJ of the laws governing occupation, it may be illegal not to pass the OTB. There is no legal obstacle to enacting this bill, only a lack of political will. We plan to bring this campaign to every constituency and every candidate in the run-up to the General Election."*

## **ENDS**

To receive an advanced copy of the legal opinion, further information or to attend the campaign launch event please contact Katie Cox (087 656 1068) [kcox@christian-aid.org](mailto:kcox@christian-aid.org)

## **Notes for Editors**

- The Campaign to Pass the Occupied Territories Bill is made up of civil society organisations, trade unions, academics and political figures including Senator Frances Black, Christian Aid Ireland, Trócaire, Sadaka-the Ireland Palestine Alliance, Global Legal Action Network (GLAN), Action Aid Ireland, Amnesty International Ireland, the Ireland Palestine Solidarity Campaign (IPSC) and the Irish Congress of Trade Unions (ICTU).
- The Occupied Territories Bill was first tabled by Senator Frances Black and would ban trade with the illegal settlements Israel has built on occupied Palestinian land. A copy of the bill, as well as a short briefing note on the its main provisions, is available here: <http://www.francesblack.ie/single-post/settlement-goods>
- The Bill was passed in full by the Seanad in December 2018. It was then brought by Fianna Fáil into Dáil Éireann, where a strong majority also voted in favour in January 2019, but was blocked by the then minority Fine Gael Government.
- The Bill was supported by every other political party and included in the 2020 general election manifestos of both Fianna Fáil and the Green Party, but omitted from the negotiated Programme for Government at Fine Gael's insistence. It remains stalled at 'Second Stage' in the Dáil, but it could be quickly passed into law with support from this or the next Government.
- There are now more than 750,000 Israeli settlers living in over 140 illegal settlements on occupied Palestinian territory in the West Bank and East Jerusalem. In addition, there are a further 191 illegal settler outposts with 23 of those established in 2023 alone. Before the signing of the Oslo Accords in 1993, which was supposed to deliver an Independent Palestinian State on this territory, the number of illegal settlers was less than 150,000.

### **Biographical information on the authors of the legal opinion**

**Professor Takis Tridimas** is a leading scholar in the field of European Union law. He is one of the most frequently quoted authors by Advocates General of the European Court of Justice and, on matters of EU law, by Irish courts. He was senior legal adviser to the EU Presidency and Chairman of the Committee set up to draft the Treaty of Accession of 2003. He has acted as advisor or counsel to the European Central Bank, the European Parliament, the European Commission and the EU Court of Auditors. He has been a Professor of European Law at King's College, London since 2013.

**Professor Panos Koutrakos** is the Editor of the European Law Review and three-time European Commission Jean Monnet Chair in EU law. Professor Koutrakos joined City University London in January 2013 as Professor of European Union Law and has written extensively on the law of the external relations of the European Union, covering trade, economic and political relations as well as the Union's security and defence policy. He also writes on the law of the single market, with emphasis on the free movement of goods and services.