

DÁIL ÉIREANN

AN COMHCHOISTE UM FHIONTAR, TRÁDÁIL AGUS FOSTAÍOCHT JOINT COMMITTEE ON ENTERPRISE, TRADE AND EMPLOYMENT

Dé Céadaoin, 14 Iúil 2021

Wednesday, 14 July 2021

Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Richard Bruton,	Róisín Garvey,
Paul Murphy,	Paul Gavan,
Louise O'Reilly,	Marie Sherlock.
Matt Shanahan.	

Teachta / Deputy Maurice Quinlivan sa Chathaoir / in the Chair.

Trade Between Ireland and the Palestinian Territories: Discussion

Chairman: At the outset, I thank members and witnesses for participating in today's meeting in line with the exceptional circumstances we have to deal with under Covid-19. I remind them that apart from me and members of the committee secretariat, all other members and witnesses are required to participate remotely and from within the Leinster House complex only.

The purpose of the meeting is to discuss trade between Ireland and the Palestinian territories. Some time ago, following correspondence, we agreed to a request from the group, Sadaka, to address the issue. I remind everyone that today's meeting is about trade between Ireland and the Palestinian territories and I request that other issues are not discussed. From Sadaka, the Ireland Palestine Alliance, I am pleased to welcome Mr. Bertie Ó hAinmhire, board member, who is accompanied by two guest speakers, Mr. Hugh Lovatt, from the Middle East and North Africa programme of the European Council on Foreign Relations and Mr. Martin Konečný of the European Middle East Project in Brussels.

Before we start I wish to explain some limitations to parliamentary privilege and the practice of the Houses in respect of reference witnesses may make to other persons in their evidence. The evidence of witnesses physically present or who give evidence from within the parliamentary precincts is protected, pursuant to both the Constitution and statute, by absolute privilege. However, today's witnesses are giving their evidence remotely, from a place outside of the parliamentary precincts, and, as such, may not benefit from the same level of immunity from legal proceedings as a witness physically present does. Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if witnesses' statements are potentially defamatory in respect of an identifiable person or entity, I will direct them to discontinue their remarks. It is imperative that they comply with any such direction. To commence our consideration of this matter, I now invite Mr. Ó hAinmhire to make an opening statement on behalf of Sadaka.

Mr. Bertie Ó hAinmhire: Gabhaim buíochas leis an gCathaoirleach. I am joining you today, a Chathaoirligh, from beautiful Cois Fharraige in the heart of the Conamara Gaeltacht. In my brief contribution, I will therefore address you mostly as Gaeilge, in Irish, but I have already provided members with documentation that includes a summary of my contribution in English.

Thar ceann Sadaka, ba mhaith liom a rá go bhfuil muid thar a bheith buíoch den Chathaoirleach agus go deimhin den choiste as an deis seo. Tá mé féin fíor-bhuíoch freisin as an deis labhairt leis an gcoiste agus comhfhreagras a dhéanamh leis an gcléireach trí Ghaeilge. Ní minic a tharlaíonn sé sin ach tá tiomantas an choiste le moladh.

Ciallaíonn an focal Sadaka “cairdeas” nó “carthanas” agus tá sé mar sprioc ag Sadaka ta-caíocht a mhéadú agus a láidriú ar mhaithe le saoirse agus cearta daonna na bPalaistíneach. Sin an fáth go bhfuilimid ann. Teastaíonn uainn dul i bhfeidhm, an oiread agus is féidir, ar Rialtas na hÉireann agus ar an Aontas Eorpach ar mhaithe le pobal na Palaistíne. Beidh an béim inniu ar an dlí idirnáisiúnta agus ar chearta daonna i gcomhthéacs cúrsaí trádála agus gnó. Tá aoi-chainteoirí den scoth againn, mar a dúirt an Cathaoirleach féin, go bhfuil cáil idirnáisiúnta orthu: Hugh Lovatt ón European Council on Foreign Relations; agus Martin Konečný ón European Middle East Project. Tá mionsonraí faoin mbeirt acu curtha ar fáil don choiste cheana féin agus tá áthas orainn go bhfuil siad linn.

Cruthaíonn an méadú seasta ar na lonnaíochtaí mídhleathacha san Palaistín bagairt ollmhór ar an bpobal Palaistíneach. Baineann an rud céanna leis an straitéis gaolmhar atá ag na hIosraelaigh, ina glactar seilbh ar thalamh agus ina dhéantar scrios ar thithe. De réir na Náisiún Aontaithe, an Aontais Eorpach agus go deimhin, na Cúirte Bhreithiúnais Idirnáisiúnta, tá na lonnaíochtaí seo de chuid Iosrael iomlán mídhleathach faoin dlí idirnáisiúnta. Ar ndóigh, tá muid sa tír seo in aghaidh na lonnaíochtaí san Palaistín agus tá sé ráite ag an Rialtas arís agus arís eile go bhfuil muid ag seasamh go láidir leis na rúin éagsúla atá rite ag Comhairle Slándála na Náisiún Aontaithe maidir leis na lonnaíochtaí céanna.

Faraor, ní dhearnadh mórán riamh le stop a chur le fás na lonnaíochtaí mídhleathacha seo. Cé go n-admhaíonn an tAontas Eorpach go bhfuil na lonnaíochtaí ina ndris chosáin roimh an tsíocháin, leanann an tAontas Eorpach ag trádáil le hIosrael i gcónaí. Níl aon amhras ann ach go gcuidíonn an brabach ón trádáil seo go mór chun na lonnaíochtaí mídhleathacha seo a choinneáil beo agus inmharthana. Mar sin, cinntíonn an trádáil seo go leanann an briseadh dlí idirnáisiúnta agus tá seo thar a bheith tábhachtach. Tá tógáil agus méadú na lonnaíochtaí ar an mBruach Thiar mar bhagairt ollmhór ar aon réiteach san Palaistín. Tá sé tábhachtach go ndéanfaimid machnamh inniu ar na céimeanna gur féidir linn a thógáil sa tír seo agus taobh istigh den Aontas Eorpach chun stop a chur leis an scéal tubaisteach seo.

Tá cuimhne againne uilig ar stailc thuas i mBaile Átha Cliath i Dunnes Stores, a thosaigh i 1984 agus a lean ar feadh ceithre bliana. Mar thoradh ar an stailc sin, chuir an Rialtas ag an am cosc iomlán ar iompórtáil earraí ón Aifric Theas agus tá a fhios againn céard a tharla ina dhiaidh sin. Nach ba dheas an rud é dá gcuirfí tús le gluaiseacht mar an gcéanna arís anois i gcás na Palaistíne agus dá dtiocfadh an ceannródaíocht céanna ón Rialtas seo.

I will hand over to Mr. Lovatt in order that he can make his opening statement.

Mr. Hugh Lovatt: I thank the committee for inviting us to speak. I am a senior policy fellow with the European Council on Foreign Relations, ECFR, based in London. I will deliver some brief remarks which build on our written submission to the committee. The submission was co-authored with my colleague, Mr. Konečný, the director of the European Middle East Project in Brussels. We are talking today about trade between Ireland and Palestine. Above all this, however, is a story about trade with Israel and its settlements. Israel continues to pursue a decades-long policy of deepening its control over the occupied territories, expanding its settlement activities in contravention of international law and systematically violating the human rights and self-determination of the Palestinian people. This creates challenges for the EU and Ireland when it comes to trade not just with Palestinians but also with Israel.

These challenges have been compounded by Israel's *de jure* annexation of East Jerusalem in 1980 and its *de facto* annexation of the West Bank, which the Dáil has recognised. There is ample evidence that Israeli settlements are directly benefiting from financial relations with the EU and Ireland via the trading and business relationship with Israel. Left unchecked, this situation risks undermining Irish and EU efforts to place international law and respect for human rights at the centre of their foreign and trading relations and foreign policy. This risks pushing further away the prospect of an independent and viable Palestinian state, hurting the long-term prospects of reaching a sustainable peace between Israelis and Palestinians. It also compromises bilateral trade in respect of Israelis and Palestinians.

Against that backdrop, then, Ireland has an obligation to correctly align its external practices with its international law-based duties. We are of course aware of the Control of Economic Activity (Occupied Territories) Bill 2018 that is currently on hold. Working with its European

partners, however, Ireland could be doing much more in this regard in the meantime. We argue that Ireland should become the champion of what has been called the EU's "differentiation policy". This policy aims to fully and effectively exclude the occupied Palestinian territories, including the Israeli settlements illegally located in them, from the context of bilateral relations with Israel. Doing so can help to ensure that trade and business ties with Israel fully and effectively respect international law and United Nations Security Council Resolution 2334, which was passed in December 2016. This differentiation policy builds on well established legal principles that it is worth touching on briefly. The first is the duty of non-recognition of forcible acquisition of foreign territory. In the case of Israel, this includes the non-recognition of the domestic administrative regime which it has unlawfully extended to the settlements. In effect, Israel is treating those settlements as an integral part of sovereign Israel and seeking to reflect this in its bilateral trade policy. This duty of non-recognition has been embedded in the international legal order for nearly a century. It is, therefore, a well established principle and has played an important role in disincentivising wars and territorial conquest.

The second duty I touch upon is the duty of third states to ensure that they do not assist or provide material support in the maintenance of an internationally unlawful situation. In the case of Israel, this of course includes the expansion of illegal settlements, its annexation of Palestinian territory, whether *de jure* or *de facto*, the forcible dispossession and displacement of the Palestinian population in the occupied territories and the development by Israel since the beginning of this occupation in 1967 of a dual legal system that discriminates against Palestinians in the occupied territories to the benefit of their settler neighbours.

The third responsibility in this regard is to respect the internationally recognised right of self-determination of the Palestinian people within their territorial unit. This is, as will be recalled, the West Bank, including East Jerusalem, and the Gaza Strip. Differentiation is also based on the proper application of EU law and existing regulations and domestic public policy decisions. It is worth underlining that the goal of EU differentiation policy is first and foremost to protect the integrity of the EU's domestic legal order from Israel's internationally unlawful acts. In effect, this is concerned with erecting an EU legal firewall between Israel and the settlements. EU differentiation should not, therefore, be considered as a politically coercive action in the same way as sanctions or punitive measures. Differentiation recognises Israel within its internationally recognised borders based on the 1967 lines. By ensuring the correct implementation of international law and existing domestic requirements, however, it is true that EU trade can challenge Israel's annexation of Palestinian territory. That annexation aims to erase any political or economic distinction between Israel and its settlements and treat them as an integral part of Israel. It is also important to note that these differentiation measures fall far short of what the EU has done in respect of Russia's occupation and annexation of Ukrainian territory.

By ensuring that bilateral relations with Israel neither recognise its illegal settlement activities nor allows it to benefit from them, Ireland and the EU can help defend the territorial basis for a future two-state solution and counter the current slide towards a one-state reality of unequal rights based on the permanent subjugation of Palestinians under Israeli military control. Undertaking this course of action would also support Palestinian economic prospects and statehood aspirations, which continue to be undermined by Israeli settlement activity. All this aligns with the recommendations made in the report recently published by the Joint Committee on Foreign Affairs and Defence.

As outlined in our written submission, differentiation has been applied in six main areas. I will not refer to them all now, but the details can be found in our written submission. They

obviously focus a great deal on trade and business issues, while also extending into areas such as taxation, social security and research and development. While there has been some notable progress, many deficiencies remain. The EU's differentiation policy has not been applied coherently or enforced sufficiently by the EU as a whole or by its member states. Ireland has an opportunity to help rally like-minded states to ensure the full and effective implementation of differentiation measures across the spectrum of bilateral relations with Israel at both EU and national level. I will finish by noting that Ireland has made substantial and positive progress in applying the EU's differentiation policy. We particularly welcome its public confirmation in January that its bilateral agreements with Israel do not apply to the territories occupied by Israel in 1967. This public confirmation is very important and good to have. However, there is far more to be done and there is no shortage of ideas. We have outlined some in our-----

Chairman: I thank Mr. Lovatt for his contribution but he has gone over time. I invite members who wish to contribute to indicate by using the raise hand function. It is important that they take their hands down when they have finished speaking. The first person who has indicated is Deputy O'Reilly, who has 14 minutes.

Deputy Louise O'Reilly: I thank our witnesses, who are very welcome. I also thank them for the work they continue to do. It is important work which the committee very much appreciates, as do I. I have a few questions. Time is tight. We have received and read the submissions made by the witnesses. The Chair has to be strict on time but we received the submissions in good time. I will ask a couple of questions.

We hear from the Taoiseach and from the Minister for Foreign Affairs about European aid to Palestine. They talk a lot about this aid, the form it comes in, its cost and the mechanisms involved in delivering it. However, we rarely hear comprehensive detail as to why exactly that aid is so badly needed. For the record, information and benefit of the committee, will the witnesses please provide information about the impact on the Palestinian economy of the Israeli Government's actions, including sanctions and war? Will they put on the record the impact these have had on businesses and the economy and why this impact results in the need for aid?

Mr. Hugh Lovatt: I will give a brief answer and then turn over to my colleague, Mr. Konečný. I will underscore that the EU and its member states are the largest provider of aid to the Palestinians. This aid does much important work but we need to recall that Palestine does not need to be dependent on aid. The reason it is dependent on aid is the ongoing restrictions on its access to natural resources and on its ability to export. All of these restrictions are to be seen against the backdrop of the occupation. If we want to move towards a more viable policy, we need to tackle the root causes rather than providing a technical, aid-focused bandage. I will turn to Mr. Konečný for a fuller answer.

Mr. Martin Konečný: Few societies in the world have been subjected to such comprehensive and debilitating economic restrictions as Palestine. This is a well-known fact. There have been many studies into the issue. One study, which has been cited by the World Bank, estimates that the cost of all the Israeli restrictions on the Palestinian economy amounts to 85% of the Palestinian Authority's, PA's, annual GDP. That is just one of the estimates. The restrictions are all-encompassing. It starts with access to land and water. As the committee will know, 60% of the West Bank comprises area C, which is under direct Israeli control. This area contains most of the agricultural and grazing land, water and natural resources. Palestinian access to these resources is greatly limited by the occupation's restrictions.

Another aspect relates to trade in goods and products between Palestine and the EU. There

is an extensive interim association agreement on free trade between the EU and the PA, which offers very preferential terms to Palestinian exporters but this agreement is neutralised or nullified in practice by the Israeli restrictions that are in place. Whenever someone wants to export something from Palestine, it needs to go via the Israeli checkpoints and needs to be offloaded, loaded again and controlled. It is the same case in Israeli ports. Trade, therefore, faces a lot of disadvantages and delays. There is no level playing field between the Palestinian exporters who face all of these restrictions and the Israeli settlement exporters and businesses who export to the world and the EU and who enjoy extensive government subsidies and support. This is something to bear in mind when thinking about this issue. It is reflected in something we mentioned in our submission, which is the estimate that the volume of imports to the EU from settlements is approximately 15 times greater than the volume of imports from Palestinians in the occupied territories, even though there are many more Palestinians than settlers. I have not even mentioned Gaza, which is under an even more stringent set of restrictions. I will pause there.

Deputy Louise O'Reilly: I have a few more questions. Reference was made to the Dunnes Stores strikers. Although I was very young, I was on the picket line with those workers. That provided us with an opportunity to show real leadership. We were ahead of our time. Trade unionists, such as myself, and broader society should be proud of the leadership we showed. We have been told repeatedly that Ireland punches well above its weight at EU level. Do the witnesses have any views on the options or opportunities that are available to us within the EU to bring about an outright ban on trade with illegal settlements? That is what is needed. Is it a realistic prospect? We should bear in mind that, when Mary Manning refused to handle those oranges, she was not told that it would start something big and change the world, despite it being very doable. In fact, she was told there was no point, that a political decision cannot be overturned, that it would never work and that she was just one woman and that this was just a small country hanging off the edge of Europe. Despite that, look at what we did. I take great heart from that campaign and that strike. Do the witnesses see such opportunities for us within the EU given that we have a deserved reputation for punching well above our weight?

Mr. Hugh Lovatt: On the Deputy's last question, we all know the political conversation regarding banning certain products is difficult at both national and EU level. However, I believe that Ireland has an important role to play in building a coalition of member states that can be supportive of such action. It is important to note that, at present, there has been no conversation on policy at the level of the member states about the banning of settlement products. Merely starting that conversation is important. Ireland can do that. That is the first point.

Second, there are different ways to approach this. The Irish Parliament has suggested one way, which might be undertaken at national or EU level, but we must remember that the EU is a community of laws, Bills and regulations. The EU regulates a number of other areas, including that of products tainted by child labour, and the import of seal products and other products. Why not also regulate products that are derived from actions that violate the core tenets of international law? Advancing a more regulatory approach is another possibility at either the top level, between member states, or at the level of national parliaments and the European Parliament.

Deputy Louise O'Reilly: I agree with Mr. Lovatt that there is ample opportunity for us to show the type of leadership that the Dunnes Stores strikers showed. I commend him for his words on that.

I want to refer briefly to the Control of Economic Activity (Occupied Territories) Bill 2018,

which has been approved by the Seanad. It has also been approved by the Dáil. It has not been enacted off the back of advice given by the Attorney General that it is contrary to EU law, but I will put on the record as well the fact that there is strong independent legal opinion which disputes that. In particular, it is felt that the passing of this legislation could be defeated in the courts and that this would render it not worthwhile. I would welcome the views of the experts on the legislation, the likelihood of a defeat in the courts but also the likelihood of success were it to be challenged in the courts if we want to take a positive view of it.

Mr. Martin Konečný: If I can start, we would have to see if the issue is brought to the European Court of Justice. As the Deputy will be aware, there have been different legal opinions on the issue in Ireland, from the Attorney General and from independent legal experts. I would add that when it comes to the possibility of adopting such a ban at the EU level, it would be politically difficult because of the divisions among member states. It would, for example, be unlike the case of the occupied Crimea annexed by Russia where the EU was able to quickly reach a consensus on a ban.

There is a group of lawyers and citizens who have come up with a different idea and who have asked for a ban which would be based on the Commission's legal obligations to respect international law. This is in order that it would not be formulated as a sanction. They have come up with the idea of a so-called European citizens' initiative, which would take the form of a petition supported by many citizens in favour of this idea. It was rejected by the Commission and went to the European Court of Justice. Now, it is back with the Commission. When it comes to this possibility at the EU level, it is a pending case to watch closely.

I would follow up on what Mr. Lovatt mentioned previously that the Control of Economic Activity (Occupied Territories) Bill 2018 in Ireland has sparked discussions on possible similar legislation in several other parliaments around the EU. That, on its own, is an important effect of the ban starting the discussion, as Mr. Lovatt has mentioned.

Mr. Bertie Ó hAinmhire: I wonder could I make a quick point with regard to Deputy O'Reilly's question. The Control of Economic Activity (Occupied Territories) Bill 2018, if it was enacted, could result in a complete ban on imports of goods and services produced in illegal settlements, as the Deputy said. It was passed by the Oireachtas, but blocked by the Government with a money message. However, there are a number of independent experts, including the late Professor James Crawford, a professor of international law, who argued that it is lawful for individual member states to ban trade with settlements. While it is accepted that the EU trade rules are generally uniform across member states, exceptions are granted on grounds of public morality, public policy, public security, the protection of health, etc. There is a suggestion why not enact the legislation as per the will of the people and the will of the Oireachtas and, if necessary, let the courts decide afterwards if this is legitimate or not.

Deputy Louise O'Reilly: I thank Mr. Ó hAinmhire for that. It is an interesting perspective that there are varying views right across the board. There are many experts who would say that this Bill is entirely workable. Indeed, the Members of the Oireachtas agree because we have backed it.

I am struck by the idea that conversations are starting in other EU countries, I wonder how far advanced they are. Obviously, other countries are not as far advanced as ourselves in terms of nearly passing the legislation. I wonder are other countries at an advanced stage of what they are doing or are they still at the exploratory stages. Can we expect to hear from other EU countries on this issue in the near future?

Chairman: Does Mr. Martin Konečný want to respond to that briefly? The Deputy's time is up. We might come back to it later.

Mr. Martin Konečný: I can. There are conversations. As the Deputy will be aware, it took quite a few years to happen in Ireland. This does not happen quickly anywhere. There are discussions in countries such as Belgium, Portugal and even France. The most advanced now is outside of the EU, and that is in Chile where this has already gone through several rounds in the parliament. We will see what happens later this year.

Chairman: Deputy O'Reilly's time is up. The next member who has indicated to speak is Deputy Bruton.

Deputy Richard Bruton: I thank the witnesses for coming in. There is widespread discontent with the policies being pursued in the settlements in the occupied territories. The issue is what way should Ireland go about addressing this. I would like whether the witnesses support what the Irish Government is trying to achieve in making progress on this ongoing and difficult situation, which is causing so much hardship.

Mr. Hugh Lovatt: When it comes to the Irish Government's approach, there are obviously two conversations, one of which is more relevant to our current exchange. The first one is, obviously, what is the political and foreign policy approach and the second is the trade. My understanding is that the Irish Government has tended to say moving forward with perhaps more robust measures against the settlements could undermine reaching a sustainable peace agreement between the Israelis and Palestinians and could undermine Ireland's potential to play a mediating role. That was the position of the previous Government as well.

My view is clearly we need to acknowledge at the political side of things that there is a complete deadlock in negotiations but at the same time that the situation on the ground is continuing to deteriorate because of Israel's ongoing settlement policy in wanting to expunge the Palestinian leadership of its responsibilities. My belief is that before entering into a process of negotiations, and for them to be meaningful, we need to be able to create the foundations for sustainable negotiations and a core part of this is, in my view, to challenge Israel's trajectory of annexation and settlement policy. This is where the sort of policy of the requirement to trade with Israel and the Palestinians in conformity with international law has a normative and positive impact on the conflict. I see this differentiation policy and also the idea of banning settlement services and goods as something that is not only aligned with international law but can be supportive of prospects for long-term peace. Even if it provokes some backlash from the Israeli Government over the short term, it has important benefits over the longer term.

Deputy Richard Bruton: What worries me is that members of Mr. Lovatt's organisation has described our ambassador in Israel as a Zionist. That is not helpful to developing policy in this arena. While there can be clearly different views about what the best approach should be, it is not right that when an Irish civil servant presents the Irish Government case that should be the reaction. I do not know whether Mr. Lovatt has comments on that situation.

Mr. Hugh Lovatt: I am not sure which organisation the honourable member is referring to but that certainly is neither my position nor the position of the European Council on Foreign Relations. We have never made such comments.

Deputy Richard Bruton: I understand that members of Sadaka have made such a contention. That is not helpful to any way of progressing this.

Mr. Bertie Ó hAinmhire: If I could on behalf of Sadaka reply to that, I am not aware of any member of Sadaka speaking on behalf of Sadaka making statements of that nature. Sadaka has a fairly clear position which is outlined on our website.

Deputy Richard Bruton: That is certainly reassuring because I am told and I saw a tweet in which that was said by someone who is, as I understand it, a member but I take Mr. Ó hAinmhire's evidence. The fundamental issue is with regard to the issues being sought in that the legal adviser to the Government, the Attorney General, has said they are not possible. Are there elements of the case Mr. Ó hAinmhire wants to advance that are accepted as being in line with the legal advice of the Attorney General or is this down to differences of legal opinion? We are not qualified to adjudicate on such matters. I certainly am not. Are there elements of what Mr. Ó hAinmhire is contending that are accepted within the legal approach that the Government advice presents?

Mr. Bertie Ó hAinmhire: Shall I reply to that?

Chairman: Yes. If Mr. Ó hAinmhire wants to.

Mr. Bertie Ó hAinmhire: Legal opinions can differ, as we all know. The advice Sadaka had received at the time was fairly strong in that this was something that could have been done. While it is accepted, as I said earlier, that EU rules are generally uniform across member states and that the EU Commission has competence in the trade area under Article 113, on grounds of public morality and policy, the occupied territories Bill could have been passed. Even at this stage because this Bill is on the table, we would be suggesting-----

(Interruptions).

What we would suggest at this stage is why not enact the legislation which is the will of the Oireachtas and the people of Ireland after a long campaign and, if necessary, subsequently let the courts decide on its legitimacy? If the courts decide it is not legitimate and not in keeping with EU law, we have to accept it. After all the work that went into it and the conflicting advices, we feel it is worth letting it go now and letting the experts decide.

Mr. Hugh Lovatt: I would also say, from a tactical point of view, is that one could see merit in advancing it to be able to provoke a positive response at the level of the EU or the European Commission, when the European Commission, as we know, tends to only intervene when there is a confusion or differing interpretation at the member state level. Ireland doing this at a national level, perhaps followed by parliaments in a few other member states, could add further incentive for the Commission to take more meaningful progress.

Chairman: Deputy Bruton's time is up. The next person who has indicated to speak is Senator Róisín Garvey.

Senator Róisín Garvey: I thank the witnesses for coming in. I have been a strong supporter of Palestine for many years. I have done fundraising and attended many protests in Clare, etc. With regard to the occupied territories Bill, the labelling is the big one for me in terms of trying to think of something we can handle. Much of the stuff being asked for is at EU level. I am not sure, as a Senator on an enterprise, trade and employment committee, what I can do to help. I do not know if the witnesses were talking to the European affairs people. I would love if the West Bank, as opposed to the Israeli goods labelling, was enforced from that 2015 Act in which they were going to bring in labelling, but that has never happened. I know that is at an

EU level but I wonder if there is something we could do at an Irish level with regard to saying unless it is labelled, how do we know? Many of us want to boycott goods coming in from the West Bank but because of lack of labelling, we cannot. I could take it up with our MEPs but I am not sure what we can do help. That is the first thing.

The second thing is with regard to the occupied territories Bill. Is that not being implemented because of EU law or fear of breaking EU law? What can we do around that if the Oireachtas and everybody is supporting it? I am not clear on that either. I will not pretend to be *au fait* with that. I know that labelling is a huge issue in terms of giving ordinary people a choice to show their support in that way by boycotting or purchasing.

Chairman: Does one of the witnesses want to come in there?

Mr. Martin Konečný: What we are suggesting in our submission is for Ireland to become a champion of differentiation policy mainly in the EU, which does not mean only at the EU level, it means encouraging other member states to jointly progress this policy at the national level. We believe the Parliament can play a role in encouraging the Government to be more proactive in this because there is space for Ireland to do more on this. When it comes to the national level and specifically labelling, the first step would be to ask the Government to assess and evaluate what kinds of imports from settlements there are to Ireland. In my understanding, in Ireland it is more limited than in some other member states. We did research specifically into settlement wines being imported into the EU a year and a half ago and we found many of these products in countries such as Germany, Britain, the Netherlands, Belgium and France, but not in Ireland. Maybe the potential of labelling in Ireland is more limited than elsewhere. First, one would need to look at the scope of the settlement products. However, our main recommendation today is for Ireland to play a stronger role in promoting differentiation in the EU. This is something that can be done while the occupied territories Bill is on hold. In the meantime, there is a whole set of things that can be progressed in the EU.

Mr. Bertie Ó hAinmhire: Can I come in to add to what Mr. Konečný has said? Due to the nature of Israel's settlement enterprise which, as the Dáil has recognised, has resulted in *de facto* annexation of the settlements as part of the Israeli state, it has made it increasingly difficult to disassociate business activity within the Israeli state from that which takes place in the illegal settlements. We need clear procedures and systems to make that differentiation.

Senator Róisín Garvey: I will happily arrange for the witnesses to meet our two Green Party MEPs, if they would like, to help get some more supports at a European level, if that is helpful. That is a good suggestion by Mr. Konečný but if the labelling is not done right, how can we possibly figure out what is coming in from the illegal settlements?

Chairman: Do some of the witnesses want to answer that?

Mr. Martin Konečný: There is definitely scope for national authorities and it is usually the food authority, to prioritise the issue of the correct labelling of settlement products and put more emphasis on that in terms of inspections and checks of goods they are doing throughout the country. We have seen that some other countries have prioritised this issue and as a result, the proportion of correctly labelled products from Israel and settlements has increased. That would be possible and may be a worthwhile issue to pick up in Ireland as well.

Senator Róisín Garvey: I will follow up on that. I would like to take clear action on this as opposed to having many great people coming in and not having follow-up actions. I can

ask the food authority to give me a comprehensive list of what it thinks is coming in from the occupied territories at least, in order that we know. That is what Mr. Konečný is suggesting in that they should be able to do that. I was not clear as to how it would be able to do that. Maybe everything is coming in as “product of Israel” and is not labelled. Does Mr. Konečný reckon the food authority can still differentiate?

Mr. Martin Konečný: Yes and how exactly has it implemented and enforced the labelling requirements introduced by the EU?

Senator Róisín Garvey: Okay. I have to go to another meeting that I have to speak on but I thank the witnesses for their time. I will follow up with them directly. I would like to get their email addresses if that is okay.

Chairman: The next member that has indicated to speak is Senator Marie Sherlock.

Senator Marie Sherlock: Cuirim fáilte roimh Mr. Bertie Ó hAinmhire, Mr. Hugh Lovatt agus Mr. Martin Konečný. Táimid an-bhuíoch as a bhfocail ar maidin agus as a bhfeachtas agus a n-obair ar son daoine Palaistíneacha chun deireadh a chur leis an ansmacht sa Phalaistín.

I thank the speakers. We are very grateful to Sadaka and to Mr. Lovatt and Mr. Konečný for all their work in this area. There is a large amount of frustration with the failure to enact the occupied territories Bill. I have a question about the enforceability or the practical implications of the Bill or the arrangement the witnesses are proposing. With regard to the UN database of companies involved in settlements, is that something the witnesses are proposing specifically for the Israeli settlements or is it for all occupied territories across the world? Perhaps they could give us more detail on that.

Mr. Martin Konečný: I thank the Senator for the question. The UN database already exists. It is a database of companies involved in the Israeli settlements in the occupied Palestinian territory. It was put together and made public at the beginning of last year. It is not the only such list. The UN has previously published lists of companies involved in human rights violations in Myanmar and the Democratic Republic of Congo. A number of civil society organisations have suggested that it would be good to apply such measures to further conflict zones and occupied territories around the world.

Our main point, and we mention it in our submission, is that the Irish Government has been ambivalent about the database, while countries such as Belgium and Sweden openly welcomed it. We see a contradiction there between the usual very strong Irish position on the illegality of the settlements and the ambivalent stance on the database. The database is supposed to be updated annually, but there is a question now as to whether this will happen. That is why support from European governments for the continuation of this project at the UN is very important, not least from the point of view of the companies that have been listed. If a company ceases its activities which contribute to the settlements, it has a right to be delisted. Conversely, companies that get involved in activities supporting settlements should be added to the database. That is why it is so important to continue the updating process.

Senator Marie Sherlock: I have a question regarding the recommendation on requiring domestically domiciled businesses to conduct enhanced human rights due diligence in conflict-afflicted areas. Can the witnesses talk about some of the best practice in other countries with regard to that type of legislation and what lessons we might take from other countries for this country?

Mr. Hugh Lovatt: I am happy to take that. Much of this legislation builds on the UN guiding principles, which I am sure the Senator is aware of, but seeks to take that to the next level. The effort to pass legislation requiring enhanced human rights due diligence, especially due diligence reporting, is still a new area that is being legislated and is developing. When we look at initiatives in some Scandinavian countries, Finland has been talking about it. Germany, Denmark and Norway have looked at it. There are some criticisms of it. In my view, some of the legislation does not go far enough. Some of the technical criticism is that it only applies to medium or larger businesses and so exempts a stratum of smaller businesses. I presume that is because of the burden of the reporting requirements. The second technical criticism is that these reporting requirements are still mostly voluntary. I would add my personal assessment, which is that there is a question of follow through. It is one thing to say the company has to do its human rights due diligence reporting, but what is the standard of that reporting and how does the business actually reflect its due diligence in its practices? That is a more difficult area. It is not just about writing a report, but ensuring it is correctly applied on trading relations in businesses.

The Senator asked about best practices. There are examples of legislation that have been discussed, but my view is that these are still very much imperfect. When it comes to specific situations of occupation and annexation, including Israel's annexation and occupation of Palestinian territory, these Bills can do more to specifically target those instances of unlawful practices. It is not just about doing. Most of the legislation is about also looking at whether the chains involved in producing material conform to human rights standards. This is also a question of whether it conforms to international law and international humanitarian law, IHL, standards.

The final point is that when it comes to settlements, if one is doing effective due diligence, the only outcome or conclusion of due diligence for a foreign business is that it has to withdraw from those settlements. I do not believe there is any way to mitigate a foreign company's business relations with the settlements in a way that can avoid Israel's internationally unlawful practices. In other words, if a business wants to respect international law and human rights, the only way to do that in the case of the settlements is to withdraw one's business practices.

Chairman: Senator Sherlock's time is up. Deputy Paul Murphy has seven minutes.

Deputy Paul Murphy: I thank the witnesses for the presentations and for the work they are doing. The EU approach to the Israeli settlements is a microcosm of its general approach to Israel, which is one that is based on gross hypocrisy. In the global context, it is happy to cry crocodile tears whenever the latest atrocity takes place, but it facilitates and gives substantial economic benefits to the Israeli state not just in terms of settlements but on a range of fronts, including trade and research funding. That is epitomised in the question of the settlements. The EU says they are illegal, which is fine and the correct word, but it continues to do massive trade with them. It is an important issue to pursue. It is a wedge issue. What is the witnesses' perception of what the impact would be if the Irish Government were to respect the will of the Dáil and Seanad and pass and implement the occupied territories Bill? What would be its impact across Europe and internationally? Sometimes the argument is made that Ireland is too small and that given the amount of trade it has it would not make a difference.

Mr. Martin Konečný: It has already had an impact, even though it has not been adopted. As we mentioned, it has inspired similar attempts in several other countries. If it was adopted in Ireland, the impact we have seen already would be several times stronger because there would be a real example of legislation that has been put in place. I do not believe it would convince all 27 member states to adopt similar legislation because of the well-known differences between

them, but it would convince several other parliaments to adopt this. Perhaps we will see this in any case, as I mentioned earlier. If Ireland showed leadership with this Bill, it would definitely spark several other countries to follow. There is no question about that.

We know the legislation is kind of on hold in Ireland but it is not that we must wait and do nothing in the meantime. We know the Government in Ireland has not been in favour of this legislation but it can be a champion of the differentiation policy at EU level and with other member states. It is something on which it can do much more than it has been doing.

Deputy Paul Murphy: I thank Mr. Konečný. That is very helpful. I am a supporter of Boycott, Divestment, Sanctions, BDS, in general and it has broad support in Irish society. Many people would like to boycott products or companies that have activity in the settlements. Will the witnesses speak a little about the activity of companies that have significant Irish operations and what they are doing in the illegal settlements? For example, I know Veolia has an interest, although I do not know exactly what it does in the settlements. There is also G4S and other companies where the witnesses could describe the activities they engage in within those settlements.

Mr. Martin Konečný: We can look at the UN database that we spoke about a few minutes ago. These are mainly Israeli companies but there are several international companies, including those mentioned by the Deputy. Some French companies, such as Alstom and Egis, have been involved with projects like light rail in Jerusalem. There are some British and Dutch companies as well. None of the companies is headquartered in Ireland but, as the Deputy mentioned, there may be links and some of those companies may be active in Ireland. There are some cases of European companies known to be actively involved with the occupation and contributing to the viability of the settlements and they are not listed in the database for various reasons. That is partly because the criteria are relatively narrowly defined and this is the first version of the database and it is yet to be updated. For example, HeidelbergCement is a German company involved in the extraction of natural resources through a daughter company. There is also the significant case of a Spanish company, CAF, which is involved with Jerusalem light rail.

Mr. Hugh Lovatt: Perhaps the Deputy would allow me to make a more general point. Beyond the individual responsibility of companies the core question is how third states transpose international rules-based requirements when it comes to the practices of their domiciled businesses. Domiciled businesses must first and foremost respect the law of the country in which they are domiciled. The question, therefore, is how the Irish Government and authorities would regulate the practices and behaviour of businesses. This is a bigger point.

There are different ways to do this and enhanced due diligence and reporting requirements could be one way. We could also look at supply chains. Another possibility, which we have seen the Dutch Government pursuing, is a more proactive engagement with its companies. Short of banning business relations with settlements, a government could at the very least actively provide advice or even seek to dissuade domiciled companies from engaging in business practices that are at risk of entangling them in internationally unlawful activities. It is something the Irish Government could be more proactive in doing.

Mr. Bertie Ó hAinmhire: When the database was developed in Geneva, it was a highly significant development to name those in the corporate world that are complicit with the war crimes that are Israel's settlement enterprise. The challenge now for Ireland is to ensure the database is used as an active document that should be fully financed and regularly updated. It

is one of Sadaka's strong advocacy policies with representatives of the Oireachtas.

The database enables us to make active choices about who to give our business to. All the companies on the list are actively profiting from the denial of human rights to the Palestinian people and Sadaka is strongly of the view that Ireland should do everything possible to defend and protect this database and develop it further.

Deputy Matt Shanahan: I thank the witnesses for the important advocacy work they are doing. I am not somebody who would be completely *au fait* with what has been going on in Israel for the past while. Like many, I have been detached, to a degree, in looking at it and feeling we are not empowered to do much about it. I am shocked by the GDP figures supplied by Sadaka, particularly the idea of 100 times the value being evident in settlements than from the Palestinians. As has been mentioned, Ireland has shown leadership in the past and from communities before any action was taken by the Government.

What will the housing and settlement policy be under Mr. Naftali Bennett? Do the witnesses foresee a change in it? What about the influence of the US if the EU is slow to try to adopt new initiatives there?

As I have said, I am not fully aware of what the witnesses have been doing but the database they have mentioned should be publicised. Irish people are perceptive and receptive to such matters. There are many people involved with supply chain and component manufacturing and it is hard to see their participation in the end product. It is something that must be thought about. With regard to the Palestinian GDP trajectory, the witnesses have indicated that the EU is the largest supporter in innovation. Outside the EU, who is supporting budgets to advance innovation in Palestinian GDP?

My final point refers to the occupied territories Bill. To what extent is our multinational and foreign direct investment sector a component in the Government's resistance to advancing the legislation?

Mr. Hugh Lovatt: I will attack some of the first questions before handing over to colleagues. On the Israeli Government's settlement policy, we are in the early days in the life of the Israeli Government, which has such a heterogenous political composition. My view is that because of the difficulties in the Israeli Government, which needs a balance between centre left and right-wing ideology, there will be a continuation of the settlement policy under Mr. Netanyahu. Over the past few weeks we have seen that continuation.

Settlement policy is not just about the building of these settlements, which is continuing in the West Bank and East Jerusalem, but it is also about the forcible dispossession of Palestinians. That continues in the likes of Silwan, Sheikh Jarrah or Humsa in the Jordan Valley or elsewhere. Some of the mood music may change in the future if, hypothetically, there is US pressure. Perhaps they will try to row back some of the more egregious examples of Israeli settlement building and eviction of Palestinians. While there could be some tweaks to that on the margins, the full thrust of Israel's settlement policy will remain unchanged. It has remained unchanged since 1967, irrespective of who has been Prime Minister.

On US influence, my advice to European governments would be that at a moment in which the prospects for meaningful negotiations are not just deadlocked but have frankly evaporated and at a moment in which the US has limited bandwidth and is not seeking to prioritise this conflict beyond some minimum conflict management measures, there is clearly an opening for

the EU and its member states to take a more forward leaning and proactive role. The preference is to focus on the bigger picture political issues and the need to revive negotiations. My advice is to focus on the fundamentals. When it comes to Israel, the fundamental issue is the need to check its settlement activities and the effect this can produce on the domestic conversation within Israel. My plea to European governments is to invest some effort and political capital in that. Perhaps the US Government will, at least privately, be receptive to seeing Europe taking a more forward leaning role and investing political capital to take real action in support of the future revival of negotiations.

Deputy Matt Shanahan: How can the database of companies be publicised and how can consumers become aware of it? How can they also become aware of the importance of looking at labelling and requesting labelling that shows exactly who is involved in the supply chain and if products are coming from the occupied territories?

Mr. Martin Konečný: That is a good question because the database is a list that exists in one UN report that a lot of people would have difficulty tracing on the Internet. A more popular version has been published by an organisation called Visualizing Palestine. In that version one can easily see the different companies and their activities. The tools and information are available on the Internet and it is about bringing that closer to the public and the broad citizenry. That is where civil society is already playing a role and parliamentarians can also do so with their constituencies.

Deputy Matt Shanahan: Who else is providing funding support to Palestinian Authority budgets? Is anyone doing it outside of the EU? I also want to invite the witnesses to comment on our strong foreign direct investment sector and the extent to which that is probably retarding our ability to advance the occupied territories Bill.

Mr. Hugh Lovatt: I cannot offer any comment on the FDI sector. Perhaps someone Irish would be better placed than me so Mr. Ó hAinmhire might comment. On foreign support, this mostly goes to budgetary support for the Palestinian Authority and then there is also support for the humanitarian sector. The EU and its member states lead on this. We need to recognise that funding support has decreased across the board, especially among Arab donors. Money from the US is mostly suspended for domestic legislative reasons. It is a worrying backdrop that this financial support is declining.

Mr. Bertie Ó hAinmhire: On the occupied territories Bill, our clear understanding was that the Government had strong advice from the previous Attorney General that it was not in keeping with EU law and that the same advice was provided by the new Attorney General. The then Government had indicated that it was going to use a money message, which may not have been entirely relevant but that was the means it was going to use to not advance the Bill.

On the UN database, I understand that it was developed in Geneva at the UN Human Rights Council and there is a feeling that there may be some pressure not to proceed, not to fund it further and not to develop it. It needs to be updated on a regular basis. This is one area in which Ireland could be involved at EU level and at the UN Human Rights Council in Geneva to ensure the database is defended, developed and updated.

Chairman: On the occupied territories, it was good to hear Mr. Konečný talk about how it would be exponentially more popular across the world if Ireland was to implement this properly. It is important that we all remind ourselves that it is the expressed will of the Dáil and our Parliament and that we try to get this enacted as best we can.

Senator Paul Gavan: I thank all of the participants. It has been a useful debate. We have heard some good facts, which were horrific at the same time, on the volume of goods from the occupied territories that are making their way across the EU. I visited Palestine five years ago and saw for myself that Israel is implementing apartheid there. Israel is an apartheid state and it is important to put that on the record. Like so many others, I am hugely frustrated about the occupied territories Bill in particular because we know there is good legal advice stating that it is in line with EU law. There is no consensus on the Attorney General's opinion.

I have to be frank and call out Fine Gael because we know that party opposed the occupied territories Bill. The Tánaiste is on record as saying that he opposed the Bill on political and legal grounds. How is it acceptable in this day and age for the Fine Gael party to stand against a Bill that has the full support of the Irish people and which would do something concrete and would help us lead the way in tackling apartheid? I am old enough to remember the Dunnes Stores strikers, I stood with them as a teenager and I remember the stance they took against apartheid. I remember that there were political parties and participants that were reluctant to come on board back then too. It is shocking that we are still in that state of play today.

I am intrigued by the issue of the UN database because, as many other speakers have indicated, this is important and it is a powerful means of information to help share facts relating to companies that are investing in illegal settlements. What are the witnesses' views on why the Irish Government has not expressed support for this to date? Surely this is the least we can do.

Mr. Hugh Lovatt: I can make a general comment and speculate as to one reason. It is clear that the Israeli Government has exerted considerable political effort, in partnership with some Israeli right-wing civil society organisations, to delegitimise the database by depicting it as a blacklist, which it is not, or by depicting it as BDS, which it is not and by levelling accusations at it and at the proponents of it as variously supporting anti-Semitic and anti-Israel actions and so on. That has created a political climate in which many governments are reluctant to wade too deeply into this for fear of exposing themselves to what has become a politically divisive conversation, which it is not. It should be clear why this is so. Nevertheless, that is the result of Israeli efforts to make this a divisive issue.

To go back to the point I made earlier, there is also a fear that we have seen echoed on other actions, whether it is recognising Palestine or banning settlement products, that this is harmful to the prospect of peace negotiations and that somehow this undercuts the prospects of peace. We need to take a step back and appreciate the political context in which there is no prospect of meaningful negotiations at the moment. Those are two issues but I will reserve judgment on the Irish Government's motivations for someone else.

Mr. Bertie Ó hAinmhire: My understanding is that Ireland was part of the EU position adopted in Geneva when this resolution was put before the Human Rights Council. The EU abstained on the resolution and that is the reason it has not been so outspoken since.

Senator Paul Gavan: It is shocking to hear that at a time when we needed real leadership to combat what was happening in the occupied territories our Government was not prepared to take a stand on this issue. I will again ask the panel about the stance of the EU because gross hypocrisy is going on. The EU and Israel have signed an energy infrastructure agreement, which will effectively lock in the occupied territories in terms of future trade. I appreciate what Mr. Lovatt said about the powerful lobbying the Israeli Government, or apartheid regime, has undertaken. However, if the EU is not going to deliver is there not a greater onus on the Irish Government to act at a national level, specifically, by supporting Senator Black's occupied ter-

ritories Bill?

Mr. Martin Konečný: Yes. There should be few illusions about how far the EU can go in its policy over the next number of years. In the longer term, possibly, the political dynamics between member states will change but we still see distinct space in the EU both at EU and member state level - not all states but perhaps half of them - to progress the policy of differentiation. This is where the focus should be in terms of a practical effort to move some matters forward. It is not a silver bullet that will help end the occupation on its own but starting from where EU politics are at this point, there is space to do something meaningful which will add weight to all the proclamations and statements the EU and national governments are making about the illegality and unhelpfulness of the Israeli settlements. We recommend that is what is focused on.

Mr. Bertie Ó hAinmhire: To clarify, I am looking at a reply to a parliamentary question that indicates:

The terms of the Resolution as adopted by the UN Human Rights Council were very broad, with the associated risk that this could potentially lead to unfair and counter-productive outcomes. The EU Members of the HRC therefore abstained on the vote on the Resolution. Despite these reservations, Ireland fully cooperated with requests for assistance [from] the Office of the High Commissioner...in the task [that] they had been assigned.

Mr. Martin Konečný: I will add that that EU position dates from 2016 at a point when it did not know what the database would look like. The way the UN office handled the database has alleviated concerns that it would be too broad. That is why countries like Belgium and Sweden, even before the publication of the database and it was clear where it was heading, expressed support for it. We still have not heard such a position from the Irish Government which, again, is strange given its otherwise very outspoken and clear position on the settlement.

Senator Paul Gavan: Let us hope that our Government takes urgent action on that. My final question and I appreciate-----

Chairman: I apologise to the Senator but his time is up.

Deputy Matt Shanahan: I will follow up on a couple of matters. In one sense, I imagine it must be frustrating for the witnesses contributing today if they are trying to see some advancement. It is important to try to take something away from these actions that can be progressed. It is very important to state that perception is reality to people. Communication is very important. If people are not informed or communication is not available to them, one cannot move public opinion. I often think that politicians follow people, not the other way around. Some politics lead but a lot of politicians follow. Dunnes Stores was a case in point.

I will go back to the database issue. Senator Garvey offered some access to two Green Party MEPs. It is very important to progress that today in respect of labelling issues, in particular, and to try to bring it up within the EU. Is there ring-fenced funding to keep the present database updated and supported? The occupied territories Bill is obviously part of this policy of differentiation. Perhaps the Bill is too far for the Government to go at this point in time but there is no reason we could not enact something to support a policy of differentiation. Again, this will require communication and I do not know who can lead or fund that.

Certainly, the Irish people are very well aware of discrimination and inequity. They do not like it no matter where they see it, whether it is racism or anything else. We are one of the most inclusive societies. People would be publicly appalled if the disparity in GDP and the throt-

ting down of the Palestinian economy by the Israelis was widely known. Is there some way the witnesses can look at trying to get large-scale public advancement and communication, and marketing and advertising, out there to try to inform public opinion? That is probably the best way of getting politicians to follow.

Mr. Bertie Ó hAinmhire: Sadaka has been very involved, especially through our website, in informing people of up-to-date developments on this front. We will continue to do that.

Deputy Matt Shanahan: I thank Mr. Ó hAinmhire but the problem I am pointing to, and I class myself as somebody who is reasonably well informed, is that I am not necessarily going to land on the Sadaka website. I am talking about some kind of larger scale or very targeted communications to try to put these inequities out there and highlight them to people, even by getting simple messages about the ratios of Palestinian versus settler GDP into the consumer space, forcing people to think about what they buy, how they act, how they can influence what is going on and trying to inform them. We need more than a political discussion. We need a really public campaign on that.

Mr. Hugh Lovatt: I will add that, in general, when one looks at public opinion, it is notable that people in many European countries are way ahead of where their governments are. There is far more support for measures targeting Israeli settlements than perhaps some governments would seem to indicate. That also applies to the US, which is another conversation. There is a support base so the question is, if the public is there, is it time for governments to build on that and to lead?

Deputy Matt Shanahan: I have made the point and do not have an answer for what I am asking. I am just trying to highlight it. Mr. Lovatt is correct that the public is far ahead of the politics on this but it is a question of trying to create the pressure that will force politicians to follow.

Deputy Louise O'Reilly: I apologise but I will have to leave the meeting after my contribution. I am conscious of the need to put information into the public domain. I do not want to overuse the Dunnes Stores strike example but it is my genuine belief that in that case people switched from just looking for the best value oranges or products to actually looking at where those products came from. It was a very important moment in our history. Deputy Shanahan made a good point on what role we might have in putting that sort of information into the public domain. I share what I think is his belief in that once people know, are informed and have the information, they will come down on the side of the Palestinian people. I cannot see how they would not.

The EU position on the databases dates from 2016. Obviously, a lot has happened since then. Is it possible to revisit that position? Would there be any value in doing so? Belgium and other countries have come out in support of the database. Is there anything the committee could advise the Government to do in this regard? That is a decision for the committee to make at a later date. This might be a case where the people are, in the main, ahead of most politicians. The committee may be able to use its position to advise the Government to follow the lead of Belgium. From that would come a really necessary mainstream conversation. I have been to many pro-Palestinian meetings, protests and so on during my time working for a union and up to now. We have to stop speaking to ourselves and begin speaking to the public on this issue. It is a message to which many people would be very receptive. The strike evidenced that. I refer to the fact that people in local shops are checking from where the products they purchase come. That is certainly the case in my local shop. It is important to make as much of that information

as possible available. Is there value in the committee deciding at a later stage to engage with the Government and request that it follow the lead of Belgium and other countries, given that there does not seem to be a significant amount of hostility from the Government towards doing so?

I am mindful of the comments of Senator Gavan. We know from where the blockages are coming. It would be silly not to acknowledge that we know it comes specifically from one party, but with support from the other two parties in government. I will not give a free pass to those two parties. Is there value in Ireland doing what Belgium has done? Would that be a worthwhile endeavour? I wish to take from this meeting actions that the committee can consider.

Mr. Hugh Lovatt: Does Mr. Konečný wish to respond first? There are some comments I wish to make.

Mr. Martin Konečný: I will try to be brief to allow time for Mr. Lovatt to reply. Doing what the Deputy has suggested would be very useful. What the Government can do specifically is maybe not simply to express support for the database, which would be useful, but, most importantly, look for practical solutions with regard to ensuring the continued updating of the database. That includes the issue of the budget for the UN to be able to do this. It is about the Irish Government, along with other governments, reaching out to other member states and the UN secretariat in Geneva to jointly look for a solution in terms of how this globally important work can be continued. I am sure practical solutions can be found as long as there is a little bit of political will.

Another issue worth considering is whether to focus only on the database or to also focus on the broader set of issues we are raising in this conversation and in our paper. It may be the case that discussing with the Government how the differentiation policy can be advanced more broadly, looking at several specific issues, of which the database is one, could be even more interesting and productive.

Mr. Hugh Lovatt: I will add two quick points specifically on the database. There is a question to be put to the Government and the relevant Ministries regarding how they reflect the findings of the database when it comes to their engagement with companies that are domiciled in Ireland. Members may recall that the Irish Government has published business advisory for companies which warns of the reputational, financial and legal risks of doing business in the settlements. The UN database is, in many ways, the embodiment of those warnings. As a result, there is a question about whether the database should now be an opportunity for the Government to take a more proactive stance toward the companies, as has been discussed.

The blockage is mostly political and, in that context, Ireland has an important role to play in mainstreaming the understanding and acceptance of the database, both with other member states and at EU level, but also at the UN, using its seat on the UN Security Council. Being able to embrace the database and state it is perfectly legitimate and acceptable and it is actually the minimum we should be doing would be a powerful message in itself.

Mr. Bertie Ó hAinmhire: The Deputy mentioned the idea of Ireland punching above its weight. That is true. Ireland has shown leadership. This is a question of leadership. Rather than just rowing in with the consensus at EU level, it is about taking a stand and pushing on certain issues.

On differentiation, I have noticed many parliamentary questions have been tabled on the

issue recently. The question here really relates to the fact that we in Ireland indicate strongly that we do not trade with areas occupied in 1967. How is that being done or implemented? What processes and systems are in place to do that? We have not managed to get any detail on systems that are in place. As already stated, the trading system in the occupied territories is so complex that we need good systems and procedures to ensure the policy is implemented.

Senator Paul Gavan: I have been listening to the remarks of Mr. Lovatt and Mr. Konečný and I am very clear as to what they are saying in terms of the potential to become a champion of the differentiation policy. Let us try to end the meeting on a positive note, if we can, in terms of the specifics in that regard. I am very taken by what Mr. Ó hAinmhire just said. We just do not know how Departments work in terms of procedures and systems to ensure the differentiation is applied properly. We just do not have that information. I am seeking a positive we can take from the meeting in terms of how to encourage the Government to really be proactive because I am not convinced the necessary conversations are currently happening from our side across Europe. What steps do we need to take in terms of Ireland becoming a champion of the differentiation policy? What are the concrete suggestions relating to those steps that we can take away from this meeting and bring to the Government?

Mr. Martin Konečný: I know from my contacts with diplomats and observing proceedings in Brussels that the Irish Government is already supportive of the policy of differentiation. That is probably what it would tell the members, as parliamentarians. However, leadership is about more than just expressing support. Leadership is when a member state takes the initiative and convenes a meeting with other member states on a certain issue or tables a written proposal for discussion with other member states or when a Government representative at the most senior level, such as a foreign minister, personally takes the issue forward and discusses it with fellow ministers, the European Commission or the UN High Representative. I have not seen that level of leadership so far. When there are discussions in the EU, member states need to take the lead in order for movement to occur. Nothing moves in the EU without member states taking the lead and championing certain issues and moving them forward. We have seen that if member states, even those smaller than Ireland, take a certain issue seriously, they can make a significant difference and advance a certain agenda. Practically speaking, that is to what I refer in terms of leadership.

As regards concrete steps within the differentiation basket, we have listed several of them in our written submission but those are just examples. There are more things that could be considered. We do not want the discussion to be stuck on the details at this stage. It is important to advance the discussion on all possible options to advance differentiation. We would be happy to discuss some of the specific options now, if that would be useful.

Senator Paul Gavan: It would be useful. I have one last point. It is clear that the EU has taken strong steps on Russia's action against Crimea. I am at a loss to understand why the EU cannot take those same steps with regard to the apartheid regime that Israel is implementing in the occupied territories.

Mr. Hugh Lovatt: I will pick up on a few of Mr. Konečný's points. We can continue to expand and deepen the conversation on practicalities. The idea of crafting a coalition of like-minded states is at the heart of any action. This is not just about bringing together like-minded governments but also about bringing together like-minded ministries and exchanging best practices at a ministerial working level. Other states have also encountered technical challenges with implementing differentiation and have come up with some solutions. Likewise, Ireland has perhaps come up with some solutions which it can also share as best practice with other

member states. It is also a matter of building a coalition of the willing at the parliamentary and committee levels and trying to connect these various initiatives that are taking place, both in this House and elsewhere. Labelling is an example of where that happened because a number of foreign ministers came together who actively pushed successive high representatives to come up with a solution and guidelines. Why not replicate that elsewhere?

At a national level, there needs to be a more proactive Government policy to audit or review the full spectrum of national level relations with Ireland. This is not all about EU-level agreements. Ireland has some agreements with Israel, including a taxation agreement. The Government's policies are good. In large part, that is thanks to the efforts of the Irish Parliament, which has pressed the Government to clarify its positions. The next stage, as Mr. Konečný said, now that the Government has made its positions clear and indicated that its remit does not apply to the settlements, is the question of how that policy is given effect and what mechanisms there are to ensure that. Even coming up with those technical actions is important not just in an Irish context but also with regard to sharing best practice and solutions with other member states, which may also be looking at similar issues.

Mr. Martin Konečný: There are already some good practices for Ireland to share with other member states. As we mentioned, Ireland has explicitly made clear that bilateral agreements between Ireland and Israel only apply to Israel within its internationally recognised, pre-1967 borders, and that they do not apply to the settlements. A few member states have stated that, but not many. It is important to increase the number of member states which are explicit about this. To give another specific example which is more at the EU level, there is no common advice for European businesses about whether to invest and have other economic links in settlements. A number of member states, including Ireland, have such an advisory on government websites. We counted 18 member states with such an advisory. Those were jointly agreed several years ago. The EU has not published such an advisory. This is a tiny, simple step that could be taken at EU level, but all of this requires demand and requests from member states. It is only then that things will happen.

Senator Paul Gavan: That call for a coalition of the willing is one that we can all take up. An audit and review of exactly where we are with regard to goods would be invaluable. I thank the witnesses.

Chairman: Nobody else has indicated to speak. This concludes our consideration of the matter. I thank Mr. Ó hAinmhire, Mr. Lovatt and Mr. Konečný for their contributions. It was appreciated. As Chair of the committee, I will write to the Tánaiste, who is the Minister responsible for this committee, and outline some of the matters discussed today, including expressing our support for the database, how to update it, and asking the Government to take the lead on and champion this issue by giving effect to policies already agreed by both the Dáil and other organisations. I thank everybody for their contributions. It was really useful.

I thank members for their participation in today's meeting in the circumstances that we have to deal with due to Covid-19. I apologise to the people who I interrupted. We are on a tight schedule. I thank everybody for their support and help since the beginning of the year, under exceptional circumstances. I will see everyone in September if not before.

The joint committee adjourned at 11.16 a.m. *sine die*.