

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS COSAINT

## JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

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*Déardaoin, 13 Bealtaine 2021*

*Thursday, 13 May 2021*

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Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

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Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Cathal Berry,	Catherine Ardagh,
John Brady,	Gerard P. Craughwell,
Sorca Clarke,	Joe O'Reilly,
Gary Gannon,	Diarmuid Wilson.
Brian Leddin.	

I láthair/In attendance: Deputy Richard Boyd Barrett.

Teachta / Deputy Charles Flanagan sa Chathaoir/in the Chair.

## **Situation in Palestine: Discussion (Resumed)**

**Chairman:** I have received apologies from Deputy Stanton. This meeting clashes with Question Time with the Minister for Defence in the plenary session of the Dáil in the national convention centre and some of our members are engaged in that business. I welcome Deputy Boyd Barrett, who is not a member but a welcome participant.

Before we formally commence, I wish to convey my condolences to those injured and killed in the attacks on both sides of the conflict in Gaza, Israel and elsewhere in the region over the past few days. At our meeting on Tuesday, I called on those with influence in the region to use that influence to stop the violence and indiscriminate attacks. I repeat that call this morning on the basis that it is my firm belief that the way forward must involve dialogue and engagement by the international community with both sides of the conflict and the application, of course, of international law, being mindful of UN resolutions.

We are joined this morning by the ambassador of Israel to Ireland, H. E. Mr. Ophir Kariv, Ms Jackie Goodall and Ms Audrey Griffin of the Ireland Israel Alliance, Ms Natasha Hausdorff of UK Lawyers for Israel, and Mr. Alan Shatter, a former Oireachtas Member, a former member of this committee in a previous Dáil and no stranger to these proceedings. The witnesses are all very welcome and I thank them for meeting with us this morning. Today's meeting is the second in a series reviewing the position in the occupied Palestinian territories in respect of displacements and the demolition of public and private buildings. At our meeting on Tuesday, we heard from the ambassador and head of mission of Palestine and representatives of Sadaka. A further meeting is scheduled for Tuesday of next week. The committee has also sought written submissions from several interested parties and bodies. Following our meetings and consideration of all submissions, it is our intention as a committee to publish a report.

The format of the meeting this morning is that we will hear opening statements from H. E. Mr. Kariv, Ms Goodall, Ms Hausdorff and Mr. Shatter, in that order, before proceeding to a question and answer session involving members and witnesses. As we are limited to two hours, I ask that witnesses be conscious of the time constraints when initially addressing the committee. Due to the changing circumstances in the region, I will allow some latitude to discuss the ongoing crisis. However, I remind guests and members that the main purpose of the meeting is to inform committee members in respect of displacements and the demolition of public and private buildings in order for the committee to report on those matters. I ask that members and witnesses be conscious of our terms of reference when speaking. In the first round of questions, each member will have seven minutes for questions and answers. After six minutes, I will indicate that there is one minute remaining. Should time permit, we will open up the meeting at the end to deal with other outstanding issues. However, as stated, the session must conclude within two hours, having regard to the Covid restrictions under which we are operating.

I remind witnesses of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a 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 that person or entity. Therefore, if any statements are potentially defamatory in regard to an identifiable person or entity, witnesses will be directed to discontinue their remarks. I need not remind our guests that it is imperative that any such direction be complied with immediately. For witnesses attending remotely from outside the Leinster House campus, there are some limitations to parliamentary privilege. As such, they may not benefit from the same level of immunity from legal proceedings as do witnesses who are physically

present in the building. Witnesses participating in this committee session from a jurisdiction outside the State are advised that they should also be mindful of their domestic law and how it may apply to the evidence given.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against any person outside the House or an official either by name or in such a way as to make him or her identifiable. I also remind members that they are only allowed to participate in this meeting if they are physically located on the Leinster House complex or in the national convention centre, where some parliamentary sittings are taking place during the Covid pandemic. For anybody watching this meeting online, some members and witnesses are accessing the meeting remotely. Due to the unprecedented circumstances and the large number of people attending remotely, I ask that everybody bear with us in the event of any issue of a technical nature arising. I thank those responsible for the technical logistics for their work so far. I hope matters proceed smoothly over the next two hours.

It gives me pleasure to call on Ambassador Kariv to make his opening statement to the committee. He has the floor and he is welcome.

**H.E. Mr. Ophir Kariv:** I thank the committee for the invitation to participate in this discussion. The subject of today's meeting is an important one. In addition to discussing the historical, legal and humanitarian aspects of the issue at hand, today's discussion can also be a starting point to explore the ways in which Ireland can constructively contribute to progress in the Middle East peace efforts in general and to Palestinian welfare in particular.

The area referred to today as the West Bank was first delineated in 1949 in the armistice agreement signed by Israel and Jordan following the Israeli war of independence. That war was launched by the Arab world, including the Palestinians, to prevent implementation of the two-state solution, known as the partition plan, proposed by the UN General Assembly in 1947, accepted by the Jewish national leadership and rejected by the Arabs. In that war, the newly-established state of Israel thwarted the co-ordinated attempt of five Arab armies and Palestinian militias to exterminate the nascent state. In part due to inspiration by then Palestinian leader, the Nazi collaborator Haj Amin al-Husseini, not a single Jew remained in areas under Arab control in what used to be mandatory Palestine. At the same time, Arabs living in Israel constitute today 20% of its population and enjoy full and equal civil rights. After the war, that area was annexed by Jordan in an act recognised by only two states.

Israel gained control over the West Bank in 1967 following another war of self-defence forced on it by several Arab armies, including Jordan, which annexed that territory. Following the Oslo Accords between Israel and the Palestine Liberation Organisation, PLO, the Palestinian National Authority was created and for the first time in their history, Palestinians achieved self-administration. While Arab citizens of Israel are the only Arabs in the Middle East to enjoy full and equal civil rights in a real democracy, the only time the Palestinian national movement managed to produce any tangible achievements has been through direct negotiations with Israel.

Area C, the geographical area we are discussing today, constitutes approximately 60% of the territory of Judea and Samaria, or the West Bank. At the same time, it is home to less than 10% of Palestinians living in the West Bank, while over 90% live under full civil administration of the Palestinian National Authority in Areas A and B. Those areas were agreed on and defined in the signed Oslo Accords. These accords also specify that Area C remains under full Israeli control, both security and civil. In the lack of progress in negotiations due to the years long

Palestinian refusal to renew them, those agreements continue to serve as the legal and practical framework for everyday life in those areas.

The final status of these areas is one of the main issues to be negotiated in the framework of a final peace agreement which is for all our mutual benefit. Israel has repeatedly shown its readiness to make painful compromises for the sake of genuine peace and we want to achieve a just and lasting peace with our Palestinian neighbours. In the interim, in accordance with international law and the signed agreements, Israel continues to administer Area C through the military commander of Judea and Samaria. Under the provisions of international law and the signed agreements, the Israeli authorities are also responsible for civil administration in Area C, including safety, planning and construction. Therefore, all activities in these spheres have to be co-ordinated with the relevant Israeli authorities. Israel is committed to carrying out its responsibilities in Area C to maintain law and order according to international law and the existing agreements.

We call on all stakeholders, including non-governmental organisations, NGOs, and foreign governments, to conduct their activities in this area in a responsible and lawful manner and to make sure all activities and projects are adequately co-ordinated with the relevant Israeli authorities. We have the same interest to take care of, develop and promote Palestinian welfare.

The Chairman referred to the current situation in our region. We just saw another night of barrages of indiscriminate rocket fire from the Gaza Strip by the Hamas terrorist organisation. Our citizens, millions of Israelis, had to spend the night in shelters and safe rooms. I know this first-hand from my family who live there and spent last night there. I hope the committee will find room to condemn the terrorist attacks of Hamas with no reservations. These attacks are unacceptable and I hope the committee believes that as well.

**Ms Jackie Goodall:** I thank the Chair and committee for the invitation to speak this morning. I will introduce Ms Audrey Griffin, who is a member of the Ireland Israel Alliance, and Mr. Alan Shatter, who is also a member and supporter of the organisation. Ms Natasha Hausdorff will speak on behalf of UK Lawyers for Israel.

On behalf of the members of the Ireland Israel Alliance, I offer my deepest condolences to all of those affected by over 1,200 Hamas rockets, and counting, raining down on Israel since Monday, a day when the people of Israel celebrated Jerusalem Day. My condolences not only extend to Israeli citizens – Jews, Arabs and other minorities - but to the many Irish citizens with close family and friends in Israel and also members of the Palestinian communities, thousands of whom work in Israel daily ]to provide a better living for their families and the majority of whom want nothing more than to live in peace.

The Ireland Israel Alliance was established in 2018 because a growing number of Irish citizens were becoming increasingly concerned that the narrative circulating in the Irish public arena regarding the Israeli-Palestinian conflict was disproportionately focused against Israel. Our objective is to bring more balance to that narrative and to make a constructive contribution to the debate. We support a two-state solution and we encourage and support peaceful coexistence between Arabs, Jews and other minorities living within Israel and in the Palestinian territories.

Sadly, however, we continue to witness from certain sectors of society in Ireland a wholly biased anti-Israel narrative. It is to be variously found on our streets and television screens, in our national press and especially on social media, resulting in giving those who wish to see Israel destroyed the oxygen to breed discord and hate. When Mark Twain visited the Holy Land in

1867, he wrote that it was “a ... [desolate] heart-broken land.” Travelling on horseback through the Jezreel Valley he noted there was “not a solitary village throughout its whole extent” and that a person could travel for “ten miles ... and not see ten human beings”.

That said, there has been a continuous Jewish presence in Israel for 3,000 years, backed up by extensive and ongoing archaeological evidence. The Jewish people have a deep connection and love for the land from which they were twice exiled. Now back in their ancient homeland, they have always been, and continue to be, willing to share it. However, every single offer of peace so far has been rejected by the Palestinian leadership.

We firmly believe that the existence of Jewish communities within Palestinian areas is not an obstacle to peace, but an opportunity for coexistence and reconciliation. A prime example is Gaza. I visited Israel in 2005 when I witnessed approximately 8,000 Jewish people forcefully removed under the direction of Israel’s then Prime Minister, Ariel Sharon, in a well-meaning but failed attempt at land for peace. Today, not one single Jewish person lives in Gaza, never mind a Jewish community.

Shortly after Israel’s disengagement from Gaza and its takeover by the internationally recognised terrorist group Hamas, their militants started killing their Palestinian rivals by throwing them off 15-storey buildings and mutilating their bodies in the most barbaric ways. In addition, greenhouses and irrigation systems left by the departing Gaza Jewish communities were smashed and destroyed.

Do not get me wrong. We are not anti-Palestinian; quite the contrary. Sadly, many of Israel’s enemies are both anti-Israel and anti-Palestinian, because they are more interested in persistent efforts to demonise, delegitimise and socially isolate the sovereign and democratic state of Israel than in trying to improve the lives of the Palestinian people and encourage Palestinian economic development within Palestinian areas.

The Ireland Israel Alliance took a delegation to visit Jewish towns and developments and joint Jewish-Israeli-Palestinian industrial estates in the West Bank and Jordan Valley in 2019. There we witnessed Palestinian and Jewish communities working and studying together and enjoying peaceful and harmonious coexistence. Interestingly, we discovered in a business we visited in the Barkan industrial estate that the manager in charge was a local Palestinian who managed a workforce of both Israelis and Palestinians. The truth is that these communities desperately want peace, an end to the conflict and economic stability.

One of the Jewish families we visited in the Jordan Valley told us they regularly visit Palestinian villages, have Palestinian friends and often attend each other’s family celebrations, including weddings and bar mitzvahs. However, many of these hardworking and peaceful Palestinians are afraid to publicly admit this because of intimidation and harassment from the Palestinian Authority. Palestinian leaders do not need to care about the welfare of Palestinians, because they will use any opportunity to avoid having elections. Palestinian leaders benefit from the dependency of Palestinians on massive external aid which provides opportunities for the diversion of funds to their own pockets, not to mention their notorious “pay for slay” policy that incentivises and rewards the murder of Jewish Israelis. Incitement to violence has long been a favoured tactic of the Palestinian leadership, as we are currently witnessing. When demands for violence using the code “peaceful popular resistance” in the name of protecting Jerusalem are broadcast by Palestinian media, the Palestinian public understands exactly what is required of them.

The Jordan Valley is a vast area and represents the best of Israeli ingenuity. Apart from the Palestinian city of Jericho, the remaining 200,000 acres of desert land were largely vacant until Israelis started developing the region in 1968. Despite the challenges of lack of sufficient water resources and intense heat, it produces a wide variety of fruits and vegetables and is known as a world leader in the Medjoul date market, with 6,200 acres farmed by Israelis and 3,000 acres farmed by Palestinians. In the Barkan industrial zone in the northern West Bank alone, there are some 164 factories employing about 7,200 workers, of whom about 4,000 are Palestinians, many of them in management positions. The employment of Palestinians in Israeli businesses in the West Bank promotes peace and reconciliation through the good relations created between Israelis and Palestinians working together.

In 2018, the Ireland Israel Alliance submitted a report to the Joint Committee on Foreign Affairs and Trade, and Defence regarding the Occupied Territories Bill, legislation which seeks to boycott Israeli settlements in the West Bank and parts of Jerusalem. Proponents of the Bill seem to believe that this will promote the prospect of peace in the Middle East and benefit Palestinians. In our view, it would have exactly the opposite effect. Not only that, but a draconian and discriminatory Bill that threatens Irish citizens who trade with Israeli businesses in the West Bank and parts of Jerusalem with fines of up to €250,000 and a five-year prison term is hardly the way to encourage good relationships between Israeli people and Irish people. It serves only to cause more suspicion and division.

In the context of the barrage of over 1,200 rockets fired indiscriminately into Israeli civilian territory and the multiple Israeli casualties since Monday, I will finish with a personal story of a visit our delegation took to the Ziv Medical Center in the north of Israel, 11 km from the border with Lebanon and 30 km from Syria. The staff are multi-ethnic, reflecting the wonderful mosaic of people from different religious and ethnic backgrounds, including Muslims, Christians, Jews, Bedouin and Druze. This gives the lie to the absurd claim that Israel is an apartheid state. We met the hospital's general director, Dr. Salman Zarka, himself a Druze, who spoke to us about the unique security challenges the hospital faces.

During the Second Lebanon War of 2006, the hospital took direct hits from Hezbollah missiles while staff continued to treat 1,500 wounded Syrians, sometimes under fire. At the height of the Syrian civil war, the hospital provided unique humanitarian aid to some 5,000 Syrians, many of them unaccompanied children. By 2013, the battle in Syria spread to Israel's border and the wounded started to arrive. Under international law, it is acceptable to close your border in times of war. However, Israel is known for providing humanitarian aid to people all over the world. The hospital decided to provide medical help to wounded Syrians and set up a field hospital at the border with an intensive care unit. Later, it evacuated them to the Ziv hospital before sending them back to Syria.

Before we left, Dr. Zarka told us that they are praying and hoping for peace but that they have to be ready for war. Dr. Zarka's comments resonate with everyone I spoke to during our time in Israel, and also with those Israelis, both Jewish and Arab, that I communicate with on a daily basis. The people of Israel, and many Palestinians, are crying out for peace, literally.

I therefore ask members of this committee to ensure that any decisions they make of relevance to the Israeli-Palestinian conflict or which could detrimentally impact upon Israel do not exclude Ireland from playing a practical role in reigniting a viable peace process and that decisions made by the committee are ones that encourage and promote peace and not division, remembering that truth does not always belong to those who shout loudest.

**Ms Natasha Hausdorff:** I appear before the committee not as a representative of the state of Israel but as a legal practitioner and the legal director of UK Lawyers for Israel, UKLFI, charitable trust. I thank the committee for this opportunity to address the slew of falsehoods delivered to this committee two days ago. It is with great concern that I address, first and most important, how Irish aid is being hoodwinked to devote funds to a political campaign and funnelled into illegal building projects which fuel the conflict and perpetuate Palestinian suffering. Second, I will address the underlying legal status of the disputed territory. Third, I propose to explain the specific instance of the recent property dispute in Sheikh Jarrah and the context in which illegal squatters face eviction.

This hearing takes place in shocking circumstances, in the context of a campaign of terror waged by Palestinian terrorist groups as part of an internal Palestinian power struggle and with the aim of Israel's destruction. What all the presentations on Tuesday left out is Palestinian terrorism, which has been the hallmark of the last few days and has blighted Israel's 73 years of existence. It has been incited and encouraged by the same fabrications that were aired in this committee two days ago. To describe Israel as colonialist is an outrage. Jews, who had been persecuted around the world, found shelter among their brothers in their homeland and paid dearly in blood to survive years of onslaught by invading Arab armies, many having themselves been ethnically cleansed from those same Arab countries, are now being called colonialist for the crime of their continued existence.

It cannot be overstressed that Irish aid funding for illegal building projects in Area C does a great deal of harm. The Palestinian Authority has full planning control over Areas A and B, where more than 70% of the land is suitable for development and empty. There are indeed opportunities for development, such as the impressive building projects in Rawabi, the first planned Palestinian town, which I have had the privilege of visiting many times. Aid could be going to planned initiatives which would help ordinary local people.

With regard to the building projects at Khirbet Humsah, firing range 203 in the Jordan Valley, also called Humsa Al Bqai'a, and the firing range 917 in the Hebron hills, these are not Palestinian communities. These areas have always been state land since the time of the Ottomans and were designated by the IDF as training grounds because of uninhabitable conditions. No peace-promoting purpose is served by building illegally in the middle of a firing range, removed from basic municipal services such as water, electricity, sewerage systems and links to other communities. It is illegal outposts built without planning permission or permits that are subject to removal and demolition, just as they would be if I or members of the committee sought to build on the Curragh in County Kildare or the Salisbury Plain firing range in England without planning permission and a permit.

It is important that we are clear about the underlying legal status of the territory through the proper application of universal principles of international law. There is a fundamental principle of customary international law which establishes the borders of newly emerging states at independence, as in Israel's case in 1948. It is universally applied. In the 19th century the principle was applied in South America, later it was applied in Asia and Africa and, still later, at the disintegration of the former communist federations. It has been applied to all the states that emerged in all these cases, as well as to states emerging from former mandates. The universal rule for determining the borders of newly emerging states at the moment of independence dictates that the new state takes on the boundaries of the pre-existing administrative unit as its interactional borders. The principle is called *uti possidetis juris*. It is the default rule to provide certainty, avoid frontiers being challenged, avoid wars breaking out and promote peace and stability.

Those are the reasons the International Court of Justice, ICJ, recognised as being behind the development of this fundamental principle.

Another fundamental principle of international law is equal application. One cannot have a general rule and an exception for a country that one just does not like very much or to which one has some ideological and-or political opposition. That is not how any responsible legal system can operate. The question then is what does this principle, universally applied, tell us about the legal status of the territory in Israel's case. In 1948, the administrative lines of the eastern side of the British Mandate for Palestine ran along the Jordan river all the way to the south, originally dividing it from the separate administrative unit of Transjordan, which became the Hashemite Kingdom of Jordan. By the way, Jordan's borders also follow the principle of *uti possidetis juris*. Israel, as the only state to emerge from the British Mandate for Palestine territory in 1948, automatically assumed as its borders the administrative lines of the former mandate territory, and that included eastern Jerusalem and the West Bank which were areas occupied by Jordan in 1948 during Israel's war of independence. These same areas were recovered by Israel in 1967.

The legal status of that territory applying this principle is that Israel has been the sovereign since 1948 and Israel's borders were those of the British Mandate for Palestine territory which preceded it, except where otherwise agreed upon by Israel and its relevant neighbour. Indeed, Israel's peace treaties with its neighbouring states to date, namely, Egypt and Jordan, reinforce that reading because the treaties ratify borders between Israel and its neighbours explicitly based on the boundaries of the British Mandate for Palestine. There has been no agreement of any kind on the transfer of sovereignty since 1948. In the 1990s, Israel entered into agreements with the Palestinian Liberation Organisation to divide up administrative control. Areas A and B were to be under the territorial control of the PLO and Area C remained under Israeli territorial control. All the agreements have been explicit about not addressing issues of national sovereignty. That has been left open for future final status agreements. Therefore, we are left with the original general doctrine regarding the new state incorporating the territory of the previous administrative unit.

I noted several references on Tuesday to the case of Crimea. Ukraine still has sovereignty over Crimea, despite Russia's invasion, and that goes back to the principle of *uti possidetis juris* and the administrative boundaries of the Ukrainian Soviet Socialist Republic. When it became independent, it did so in the entire administrative unit of the former Soviet republic. If Ukraine were to one day recover Crimea from Russia, as Israel did with eastern Jerusalem and the West Bank from Jordan in 1967, no one here would accuse Ukraine of being in occupation of Crimea.

Much has been made, for political purposes in recent days, of the property dispute in Jerusalem's Sheikh Jarrah neighbourhood. Israel's critics have distorted the facts, perverted international law and attempted to intimidate the courts and law enforcement officials into adopting a bigoted approach, demanding that the state defy court orders and deny the property owners their legal rights on the basis of the race of the relevant parties. The current dispute in Sheikh Jarrah involves several properties of tenants whose leases have expired and, in a few cases, squatters with no tenancy rights against owner landlords who have successfully won court orders evicting the squatters and overstaying tenants.

Litigation of these properties has been an ongoing subject for decades and the case has gone all the way to the Supreme Court. The owners in these disputes acquired their rights through an uninterrupted chain of transactions from predecessors in title in the 19th century. These legal rights were acquired under Ottoman law and have remained good through all subsequent government regimes, namely, the British Mandate for Palestine, Jordanian occupation and purport-

ed annexation, and Israeli. No one seriously disputes the validity of the transactions through which the current owners acquired rights from their predecessors in title. The tenants in these disputes acquired their leasehold rights through a chain running from the Jordanian Custodian of Enemy Property in the 1950s. Their rights as leaseholders, not owners, were reaffirmed in several court rulings that culminated in 1982 with Israel's civil courts issuing rulings adopting settlement agreements between the leaseholders' predecessors in title and the owners.

The only break in the owners' uninterrupted chain of title is the seizure of these properties from 1948 to 1967 by the Jordanian Custodian of Enemy Property. This is when Jordan, which had illegally occupied eastern Jerusalem and the West Bank during its invasion of Israel in 1948, ethnically cleansed these areas of all Jews. Jordan transferred custody over all Jewish-owned property to the Jordanian Custodian of Enemy Property. However, it never transferred title to any party and it never extinguished the owners' rights. Instead, the custodian leased some of the properties to Arabs, who were the predecessors to the current overstaying tenants.

When Israel regained the territory in 1967 and Jordan's occupation of eastern Jerusalem ended, Israel adopted legislation which vindicated the private property rights of persons of all ethnicities. The Legal and Administrative Matters Law 1970 preserved the rights of private parties who received title from the Jordanian Custodian of Enemy Property. Notwithstanding the illegality of Jordan's occupation, those who received rights from the Jordanian custodian were all Arabs, since Jordanian law denied property rights to Jews. Ironically, if the Jordanian Custodian of Enemy Property had assigned title to the predecessors of the current Arab hold-over tenants over the lands it seized from Jewish owners, Israeli law would have respected the resulting title.

The reason the holdover tenants in Sheikh Jarrah lack ownership today is not because the State of Israel has denied Palestinians any rights they acquired but, rather, because the Government of Jordan declined to give Palestinian Arabs title to the land Jordan had seized. Israel has not granted anyone ownership of any of the affected properties and Israeli law respects and upholds the property rights of persons of all ethnicities. Israel has even respected the property rights created by prior regimes that explicitly discriminated against Jews in their property law, namely, the Ottoman Empire, the British Mandate of Palestine and the Jordanian occupation regime. That is the reality. The claim of illegality is fabricated. I welcome questions from the committee.

**Chairman:** I thank Ms Hausdorff. I am very keen to bring members in as soon as possible but, first, I am pleased to welcome former Deputy Shatter and invite him to make his contribution. I remind Mr. Shatter that we are limited to a strict time format and ask that he confine himself to five minutes.

**Mr. Alan Shatter:** I thank the Chairman for introducing me. Having been a founder member of this committee and having sat in many such meetings, it is a little surreal to be making a submission to it. I would like to explain my capacity in making that submission. I was a founding member of the Oireachtas Ireland-Israel parliamentary friendship group, as Ms Goodall mentioned. I am a member and supporter of the Ireland Israel Alliance. I am also chairperson of Magen David Adom Ireland, which is a support group for the Israeli ambulance and emergency services and a member of the International Committee of the Red Cross. It is one of the most integrated organisations in Israel, with 22,000 members across all communities, Jewish, Muslim, Christian and Druze. It provides emergency healthcare and assistance across the whole span of Israeli society and is currently on the front line in providing medical help and assistance in the context of the current conflict.

I am involved in the Ireland Israel Alliance because I believe there is a need to further deepen good relationships between Ireland and Israel. I believe Ireland, from its own perspective, has a unique contribution it could make to reigniting what is a moribund Israeli-Palestinian peace process. Sadly, to date, not only does Ireland not make that contribution but, in stances on occasion taken, it places itself in a position where it lacks credibility to engage in a constructive manner in the peace process. I have for many years been an advocate and supporter of a two-state solution. I have met with many of the Israeli political leaders and many of the Palestinian leaders, including President Abbas on a number of occasions and the late Saeb Erekat, who was one of the principal negotiators. Tragically, the successful agreed implementation of a two-state solution remains a distant dream and we now find ourselves with yet another tragically unnecessary conflict, with lives being unnecessarily lost and further division created.

I followed Tuesday's meeting of this committee with great interest. I noted that, understandably in the current unfortunate circumstances, it went beyond the original subject matter of the meeting, as the Chairman mentioned. I am going to touch on a couple of aspects of that. I also have to say that I found the meeting particularly depressing as an observer because no hard questions were asked in response to presentations made. No matter what side they are on, and I do not believe members of the foreign affairs committee should be on any side other than Ireland's side, it behoves members to ask the hard questions and tease out propositions that are presented before it. No mention was made of UN Resolution 181, which envisaged in 1947 the creation of both a Jewish and an Arab state. It also envisaged something that seems to have been forgotten, namely, Jewish and Arab minorities peacefully living in each state. It never envisaged the Jewish people living in an Arab state and being pejoratively labelled as settlers or that the Arab state to emerge from the 1947 resolution would be *judenfrei*, that is, free of all Jews and with no Jews permitted to reside in it. Of course, that resolution referred to a Jewish state and an Arab state and made no reference at the time to what we all now perceive to be, and hope some time in the future will be, a Palestinian state.

No mention was made at the committee meeting of Resolution 181 or its importance as a bedrock resolution to where we are today. No mention was made of the divisions between Fatah and Hamas and that, for 14 years, Gaza and the West Bank have been ruled by two entirely separate political entities, often in violent confrontation with each other. No mention was made that Hamas remains committed to Israel's total destruction, an objective supported by Iran. There was no mention that President Abbas and members of the Palestinian Authority regularly and ludicrously claim the Jewish people have no historical connection to Jerusalem, to today's Israel and to parts of the Palestinian-administered territory. There was no questioning of the contention that no Jewish person should reside in the West Bank, or what is known to many Jewish people as Judea and Samaria. There is something vaguely ludicrous about wrongly accusing Israel of being an apartheid state while advocating that there should be no Jewish community located on any part of what might in the future be Palestinian territory or in any part of what is currently referenced internationally as either the West Bank or Judea and Samaria.

There was no questioning of Iran's role in fomenting division and in regard to the current conflict. There was no mention of the shooting of three 19-year-old Israeli students, one of whom has since died, at a bus stop. That happened ten days ago, before the current rocket firing commenced. There was no mention of Hamas celebrating that event. There was no mention of a Palestinian education system, partially paid for by Irish taxpayers, that brainwashes young children to hate, celebrates atrocities and encourages martyrdom. That system is creating generations who will oppose any reasonable peace resolution that may at some time in the future emerge. The manner in which schoolchildren have been taught is creating a series of inflexible

generations who will never engage in any support for a compromise solution. There was no mention of the Palestinian Authority's pay for slay programme, a very basic issue on which I would have thought the Palestinian ambassador would be questioned.

There was no mention of paid Hamas operatives regularly rioting at the Gaza border with Israel. There was no mention of the projectiles regularly fired from Gaza into Israel, putting lives at risk and causing fires and major environmental damage to forests originally planted on barren land. No mention was made of the intensifying of the firing of such projectiles on Wednesday of last week as a preliminary to the Hamas rockets that are currently hitting Israel.

**Chairman:** I am reluctant to intervene but I must do so on the basis of the time constraint under which we are operating. The invitation to our guests referred expressly to that constraint. Mr. Shatter may wish to remain with us for the course of the question and answer session, during which he may well have an opportunity to reply to a specific question on the part of a member. He may wish to avail of the opportunity to submit in written form the remainder of his presentation. Unfortunately we will not be in a position to proceed with an oral presentation because of time but if he submits it to our committee I assure him it will receive appropriate and due consideration in the context of our report. However, on the basis that almost 50% of the time of this meeting has already elapsed, I feel I should go to members who have been waiting with their questions since before the commencement hour of 9.30 a.m. I ask Mr. Shatter to understand and appreciate this; if he stays on the line we will revert to him before the end of our meeting.

With that, I am going to go to members for their questions, brief submissions and observations. We will have engagement for a little more than an hour. We will start with Senator Wilson.

**Senator Diarmuid Wilson:** I thank the ambassador and the other speakers for their presentations. It is good to see Mr. Shatter back in the Oireachtas, albeit remotely, and at a committee he was so active in for so many years. I will be brief. As Ms Griffin and Ms Hausdorff have said, we are meeting in shocking circumstances at a very serious time for the Israeli and Palestinian people. I send my sympathies to the victims on both sides and hope that it comes to an end very quickly.

During his presentation, the ambassador said the Irish Government can constructively participate in the peace process which can hopefully lead to a two-state solution. Will he elaborate on that? While he is doing so, perhaps he could indicate how we as a country, especially given the UN Security Council seat we currently hold, can assist in bringing the difficulties we are witnessing at the moment in Israel and Palestine to a conclusion as quickly as possible. My substantive question is how does the ambassador answer the charge that Israeli demolitions in the West Bank, and other activities, are a *de facto* annexation of the territory of the Palestinian people.

**Chairman:** I am proceeding now to Deputy Brady and Senator Joe O'Reilly and will then revert to our guests to answer those questions.

**Deputy John Brady:** First, I wish to respond to Mr. Shatter's comments that he found the meeting the other day with Sadaka and the Palestinian ambassador deeply depressing. I find the entire situation going on within Gaza at this point, where we have seen up to 69 people butchered, deeply depressing. I also find it depressing that not one of our speakers this morning could express any sympathy or remorse for any loss of life, either in Israel or in the Palestin-

ian Territories. I find that deeply, deeply depressing. I offer my sympathies to the families of everyone who has lost their life.

The blockade of Gaza and the indiscriminate bombing are a collective punishment. We have seen residential buildings being targeted by Israel; we have seen police stations, a university, power lines, post offices and media towers being hit. The charge that has been made is that this is all an act of self-defence. How is butchering 69 people in indiscriminate bombings within Gaza self-defence? Of course, 17 children were killed. I am holding a photograph of two of them here, Maryam and Zayed. Together with their mother Rima, who was pregnant, they were butchered in Gaza as part of Israel's self-defence. How can the witnesses justify that? They should have a good look at those children. A total of 17 children were killed. Are these Hamas terrorists? The witnesses might answer that question. How does Israel reconcile its actions within Gaza under international law? Under the Geneva Convention what Israel is perpetrating is a war crime.

I fundamentally believe all people have equal rights and the annexation that is ongoing in East Jerusalem, the evictions in Sheikh Jarrah and Silwan and constant settlement expansion, are the root causes of what is happening at this point in time. Do the witnesses blame Israel's own actions, in terms of the settlement expansions, the land-taking, the home demolitions, the evictions and the removal of Palestinians from areas Israel covets as the actual cause of the current crisis?

I have studied the maps of Palestine. I am sure everyone has looked at the map of 1967. It shows a continuous West Bank. What is left now after the illegal settlements and the annexation is a series of bantustans which look like South African ones, and we are familiar with the apartheid system that was in place in there. Is the apartheid system from South Africa the model Israel is using as a blueprint at this point? Since 1967 there have been more than 250 illegal Israeli settlements established throughout the West Bank and East Jerusalem, inhabited by more than 650,000 settlers, with more than 250,000 occupying settlements in East Jerusalem. It is very clear from these illegal settlements, the application of laws and the pillaging of Palestinian resources that Israel has annexed massive parts of the West Bank. Does Israel intend on staying within the lands it occupies and has annexed since 1967? Its political leaders have stated they will never, ever leave those lands. Do our guests see a two-state solution as viable? If they do, I ask that they define what that solution would look like and what borders it would contain. Why is it apparently legal for Jews to come and claim property in Israel while Palestinians do not have the same rights to claim homes and villages lost in 1948, and subsequently?

The Knesset is voting to legalise settlement outposts in the West Bank and to re-establish four settlements which Israel previously removed. How is that not annexation and how is it not a provocation and a cause of the conflict playing out at the moment? Having mentioned the Knesset, I raise the enactment of the Basic Law: Israel as the Nation-State of the Jewish People, which came in on 19 July 2018. It sets forth the constitutional order of Israel and articulates the ethnic-religious identity of the state as exclusively Jewish. It alters the constitutional framework of the state, making changes that violate established international norms and bears distinct characteristics of apartheid. There is no democratic constitution in the world, that I can see, that designates the constitutional identity of the state on racial grounds, as serving one ethnic group on this basis, namely, this discriminatory law. How does the ambassador believe that all citizens of Israel can enjoy equal rights?

I refer to the International Criminal Court, which is carrying out an investigation of war crimes perpetrated by Israel. Will Israel co-operate with that investigation? Pretending that

the court does not have jurisdiction is not going to be much of an argument. Ireland strongly believes that the International Criminal Court is the body that should adjudicate on all matters such as what is being, and has been, done by Israel. It is imperative that the court has complete freedom to conduct its investigation.

I wish to raise a few other points. A number of reports have been published recently, one by Human Rights Watch and another by Al-Haq and B'Tselem-----

**Chairman:** I am sorry to cut across Deputy Brady, but I must remind him of the time.

**Deputy John Brady:** They find Israel guilty of the crime of apartheid.

I wish to make another point, Chairman. I have a specific question for Mr. Shatter. If he thinks that Israelis and Palestinians are equal in rights and dignity, does he believe that they should be treated as equals rather than force half the population to live under apartheid?

My final question is for Ms Hausdorff. Has the organisation she represents ever written cease-and-desist letters to any Irish organisation, individual or public representative?

**Chairman:** I remind members to adhere to the agreed time allocation. I call Senator Joe O'Reilly.

**Senator Joe O'Reilly:** I welcome our guests led by the ambassador and, in particular, I welcome our former colleague, the former Deputy and Minister, Mr. Shatter.

At the outset, all Irish people are watching their television screens in horror these days. Our sympathy goes to everybody who is bereaved. However, to get to the real issue, would our guests, led by the ambassador, accept the contention that there is a particular onus on Israel as the most powerful in the situation to move for peace immediately, as has been requested by President Biden and across the world? In that context, would they accept that the moral responsibility to move for peace is added to by what happened at the Al-Aqsa Mosque, the police involvement there, the recent spate of demolitions and the takeover of properties?

I am conscious of the time and the Chairman can interrupt me if I go over, but I wish to briefly go through some figures. In 2020, demolitions increased to 535, with 169 in Area C. The home demolitions and displacements in 2020 brought about the movement of 941 persons - 462 women, 442 children, 267 students and 124 refugees. Under accelerated settlements expansion, the construction of 3,512 settlement units was tendered. Israel appropriated 20 dunams, or 5,000 acres, of the Palestinian occupied lands. I will refer to 2021 before leaving the figures. The 2021 monthly number of structures demolished or seized averaged 117 compared with 71 in previous years, with 305 individuals affected and 172 minors. Of course, there are the outstanding cases that came into focus recently.

My first question is about Israel taking the initiative on peace. I put in that context the fact that there is an outbreak of civil disobedience and trouble, which is so tragic, between Arab and Israeli people in Israel itself. Would all logic not suggest that the best option for Israel is Irish policy? There is no threat to the Israeli state in Irish policy. Irish policy is a two-state solution. Would the witnesses not accept that the best position for Israel is to achieve a Palestinian state and a two-state solution, from an Israeli point of view of pure self-interest?

Would the witnesses accept - this a real concern and our primary focus today is demolitions - that the demolitions, their nature and the way they are being carried out are putting the two-

state solution at risk? If there are demolitions and settlements in villages and areas, that would make it impossible to get a unified, coherent two-state solution with a separate Palestinian state. There is a problem there. Would they accept the contention that is made that this is almost a policy? If it is not a policy, would they accept that under international law and moral law the settlements and demolitions should stop?

The obvious situation we require here is peace. We can only do so much. We are active at the UN Security Council. I believe the witnesses would accept that the statements from Ireland have been very balanced all the time, in the sense that all we have asked for, even no later than last evening by the Minister for Foreign Affairs, is the implementation and maintenance of international law and the maintenance of UN resolutions and recommendations.

There is also the issue of justice, structures and so forth in the Palestinian territories. Something was mentioned the other day and it is fair to put it to the witnesses. They would probably argue that we should have put more to the other side, and that is their view, but the entire infrastructure being built is prejudicial not only to a two-state solution but even to the proper coexistence of people at present, with distinct roadways and a general distinct segregation system for people.

In summary, this country speaks from a perspective of peace and goodwill. First, do the witnesses think that Israel must move on peace, do the big thing there and almost unilaterally create peace? Second, do they accept that the demolitions and settlements should stop and that they are ultimately a threat to a two-state solution? Third, do they accept that there should not be a set of laws or infrastructure in the occupied territories that are likely to result in the alienation and segregation of people and prejudice a two-state solution? I appreciate the witnesses' presence and their willingness to confront the issues publicly, given the dreadful backdrop we have which is something that traumatises any reasonable person.

**Chairman:** I will call on the panel now, commencing with the ambassador to whom direct questions were put. The members of the panel can respond to Senators Wilson and Joe O'Reilly and Deputy Brady. I ask them to be as brief and direct as possible in their responses. Then I will call Deputy Gannon, Senators Craughwell and Ardagh and Deputy Boyd Barrett.

**H.E. Mr. Ophir Kariv:** I thank the members for their questions. It is a long list of points and I hope I took them all down. I apologise in advance if I miss anything. The Chairman can draw it to my attention if I do.

Senator Wilson raised the Irish contribution to the process in general and to ending the current conflict in Gaza. Yes, we believe Ireland can make a positive and constructive contribution to the peace efforts. This can be done on several levels. On the ground, we believe we can cooperate with Ireland in projects contributing to the welfare of Palestinians and capacity building of Palestinians. We have been doing that to an extent. There is at least one such project in Gaza, co-ordinated with the Israeli authorities, which Ireland and, I believe, France, are carrying out together. This is an important point because projects which are being co-ordinated with Israel will find an open door on our side.

Another level on which I believe Ireland can help is contributing to both sides from its own experience in solving such complex conflicts. I remind everyone that the Israeli-Palestinian conflict goes back many years and has many dimensions, including national, geographical, historical and sometimes even religious aspects. We hope it does not turn into a religious conflict. Ireland and Irish people know all too well the meaning of such complex and sensitive conflicts.

It is true that these are different stories and the conflicts are not identical but the main points of knowing how to listen to both sides and taking into account the interests, feelings and sensitivities of both sides are essential.

I would be very careful in drawing parallels between the Israeli-Palestinian conflict, Irish history and the conflict on the island of Ireland. The one aspect we can draw on confidently is that of complexity. Anyone approaching this type of conflict must bear this in mind. Things are not simple, black and white or one-dimensional. It is very easy to look at them this way but that misses the point entirely. In Ireland, perhaps more than in any other European country, this type of approach should be appreciated.

Another level on which I believe Ireland can help in contributing to both sides derives from its own experience in solving such complex conflicts. I remind everyone here again that the Israeli-Palestinian conflict is one that goes back many years and has many dimensions, whether they are national, geographical, historical and sometimes even religious, although we do hope it does not turn into a religious conflict. Ireland and Irish people know all too well the meaning of such complex and sensitive conflicts. It is true that these are different stories, and the conflicts are not identical. However, I think the main aspects of knowing how to listen to both sides and taking into account interests, feelings and sensitivities of both sides is essential. I will be very careful in drawing parallels between the Israeli-Palestinian conflict, Irish history and the conflict on the island of Ireland. One part of it, however, on which we can draw confidently is the issue of complexity. Anyone who approached this kind of conflict must bear this in mind. Things are not simple, black and white or one dimensional. It is very easy to look at the situation that way, but it misses the point entirely. Again, especially in Ireland, perhaps more than in any other European country, this approach should be appreciated.

If we speak about Irish contributions, these would be practical contributions on the ground in co-ordination with Israel and, in the broader dimension and perspective, the approach of assisting in finding ways to perhaps eventually find a way to achieve reconciliation and a political settlement which meet the needs of Israelis and Palestinians.

When it comes to ending what is happening now in Gaza and Israel, we need a clear stand. The fact is that Hamas started the barrages of rockets into Israel, and not just Israel, but specifically population centres and civilians and continues to do so. The international community, including Ireland, should speak with a clear voice that puts things in their place. Hamas is a terrorist organisation, and is designated as such in Europe. It has hijacked the people of Gaza. My heart goes out to the average Gazan. Do not get me wrong. I want to clarify this point. My heart goes out to the people of Gaza who are practically being held hostage there by Hamas. By the way, when it comes to casualties, we should remember that some 30% of Hamas and Islamic Jihad rockets are falling in Gaza itself since this round of conflict started. That has caused many casualties, including children. The international community should be very clear on this issue when it comes to dealing with this terrorist organisation. I am sorry, but when it comes to Hamas there is no other way to look at it.

**Chairman:** Deputy Brady had a specific question for Ms Hausdorff regarding title and legal issues. I ask Ms Hausdorff to respond. Again, I am very conscious of the time.

**Ms Natasha Hausdorff:** I will respond to a couple of Deputy Brady's questions. Many issues were already addressed in my opening remarks, so I will restrict myself to the new material. The current situation is not a spontaneous escalation. This has been planned. Hamas has been stockpiling weapons and rebuilding its terror network with Iranian backing since the last

conflict in 2014. This is why we see more sophisticated weaponry, including Iranian Fajr-5 rockets and heavy mortars, and tactics being developed to attempt to overwhelm Israel's Iron Dome missile defence system which protects the civilian population from bombardment. It is important to stress to the members of the committee the indiscriminate nature of Hamas missile attacks. An estimated one third of these missiles have been falling short in Gaza killing Palestinian civilians. Yes, Hamas is killing its own people and, devastatingly, this is nothing new. It is also blaming Israel for these killings, which is also nothing new.

The committee does not have to take my word for that. It can take it from the Al Mezan Center for Human Rights, which is based in the Gaza Strip, which reported the deaths of those children and the al-Masri family before Israel's response in Gaza began. That is not to mention the Hamas missile which fell short destroying electricity infrastructure and leaving 100,000 people without electricity and cutting off a hospital. We must be absolutely clear about the origins of this latest round of violence. It arises from a power struggle between the Palestinian terrorist groups of Hamas, Islamic Jihad and Fatah. An internal conflict within Hamas between Mohammad Deif and Yahya Sinwar has been brewing. Tensions were sparked by Mahmoud Abbas's decision to cancel the Palestinian elections because he believed he was going to lose. He is currently in his 16th year of his final four-year term.

The month of Ramadan is usually tense due to extreme incitement by Arab leaders. Over the course of this month, the conflict began with random attacks on Jews in Jerusalem by gangs of Arabs. That quickly escalated, as it was encouraged over social media, to violent riots, first on the Temple Mount and then across Israel. More recently, elements of the Israeli-Arab population have started to set fire to cities where Arabs and Jews live together. A minority of Arabs in Haifa, Acre, Ramle and Lod are now promoting rogue elements in the Jewish population there to respond. This has been resoundingly condemned by the Israeli leadership, which has been calling for restraint. Social media has played a significant role in Hamas incitement of the Arab population, encouraging Arabs to buy knives for the equivalent of €1.25 to cut the throats of any Jews they can find.

Senior Hamas leader, Fathi Hammad, declared on 7 May that he wanted the people of Jerusalem to cut off the heads of Jews with knives. In the days leading up to the riots on the Temple Mount compound, Palestinians stockpiled stone slabs, rocks and fireworks around the site. Thousands of worshippers leaving Friday prayers hurled rocks at Israeli police officers guarding the site, who responded to contain the violence. These rioters were hurling rocks onto the Western Wall plaza and on to Jewish worshippers who had to be evacuated. These rioters claimed they were Hamas and shouted that Tel Aviv should be bombed. Hamas and-----

**Deputy John Brady:** As we are tight for time, rather than hearing another round of propaganda from some of the speakers-----

**Ms Natasha Hausdorff:** This hardly propaganda, Chair. These are the facts.

**Deputy John Brady:** -----will they answer some of the specific questions that I put regarding the land that is being annexed-----

**Chairman:** I ask Deputy Brady to please desist. He will have an opportunity. I ask that Ms Hausdorff-----

**Deputy John Brady:** -----the International Criminal Court investigation and the other issues I raised?

**Chairman:** I ask Deputy Brady to desist, please.

**Ms Natasha Hausdorff:** If I may be permitted to answer Deputy Brady's questions, in particular his reference to international law-----

**Chairman:** In the limited time available to us, I acknowledge the importance of what Ms Hausdorff has said and is saying. However, I direct her, as a lawyer, to the question as posed, with particular reference to confiscations and demolitions in the occupied territories, particularly Areas B and C. I want to give Ms Goodall an opportunity to contribute. A specific question was also directed at Mr. Shatter and there are at least three members who wish to contribute and who have not done so yet. I ask Ms Hausdorff to respond briefly, as a lawyer, to the question on the legal title issue in respect of the confiscations and the justification for them.

**Ms Natasha Hausdorff:** My opening remarks already addressed the legal status of the territory. The assumption of an occupation or that the presence of Israeli Jews living in the West Bank is in some way an offence to international law is nonsensical.

To address Deputy Brady's questions on international law with respect to Israel's recent conduct, it is clear that the IDF adhere to standards well beyond those required by international law. The measures taken by the Israeli army to prevent civilian casualties are well known and they have been practised through the recent conflicts with the Hamas terrorists in the Gaza Strip. They include devoting time to calling individual householders, informing them of strikes that are planned. They include sending messages via text and also dropping leaflets. There is also the now renowned knock-on-roof tactic. That is why, when one looks at the videos coming out of the Gaza Strip over the last few days, one does not see civilians running from strikes because they have already been given the warning. It is Hamas rockets that fall indiscriminately upon the Palestinian civilians who have no shelters because the Palestinian terrorists put their bombs in shelters and their civilians on top of their bombs of them. That is the inversion that was already aired earlier today.

So far as the breaches of international law that were alleged with respect to Israel's conduct in terms of passing its nation's state law, the fact that this is being challenged is, in my submission, a perfect indication of why nation state law is so important as a constitutional affirmation of Israel's status as a sovereign Jewish nation state. The eagerness of so many to denounce as undemocratic a measure that is considered mundane elsewhere is instructive. This was a crucial part of Israel's constitutional process and reflected the key components of the declaration of independence.

With respect to settlements, I must question the logic of many of the questions that were posed over Jews living in communities in Judea and Samaria. If settlements were important to the Palestinians, they would have brought their leadership to the negotiation table sooner rather than later. As for the West Bank, anyone can drive from the southern to the northern end of the Jordan Valley without encountering a checkpoint. Route 90 is accessible to everyone. Therefore, claims that this committee has heard, that a family from Jericho cannot go and float in the Dead Sea, are just false. There is no impediment to accessing the northern part of the Dead Sea. In fact, the fact that this committee has been lied to is something that I suggest ought to be taken very seriously indeed.

When one looks at the report by Human Rights Watch that has been referenced, which I have read, the report itself-----

**Chairman:** I ask Ms Hausdorff, as a witness to our committee proceedings and a guest, to desist from using such language and saying that people were lied to at this committee. In fact, I ask her to withdraw that word in the interests of ensuring that everyone has an opportunity. The person at whom she levelled the allegation is not here to respond.

*(Interruptions).*

**Chairman:** I ask Ms Hausdorff to withdraw the word “lied”, that somebody lied to this committee.

**Ms Natasha Hausdorff:** What synonym should I use for such falsehood?

**Chairman:** It is fundamentally unfair to call into question the evidence of somebody who is not here to make a contribution or rebuttal. I will leave it at that and ask Ms Goodall to respond to the questions, as directed to her. I will then call on members of the committee.

**Ms Jackie Goodall:** I want to go back to the comment made by Deputy Brady that none of us here offered any sympathies to the Palestinians. For the record, I would like to ensure that it is known that in my opening statement, I offered sincere condolences not only to all Israeli citizens, Jews and Arabs alike, but also to all of the Palestinian communities that are affected, many of whom come into Israel on a daily basis to work to provide for a better living for their families, and also, just as the ambassador did, to the people in Gaza. There are many innocent Palestinians in Gaza who do not wish to see this war. They also want peace but they are under the control of a radical Islamist terrorist regime. It is very important that people actually understand that and the fact that its official policy is to establish an Islamist state from the River Jordan to the Mediterranean Sea. We often hear the phrase, “From the river to the sea.” What does that actually mean? It means the establishment of an Islamist state from the River Jordan to the Mediterranean Sea.

I would also like to refer to Deputy Brady’s comment about the deaths that have occurred. I believe he used the phrase, “the butchering of children in Gaza”. I remind the Deputy that Hamas fires indiscriminately from heavily populated areas in Gaza - underneath hospitals, in mosques and in private houses. They are firing those rockets from heavily populated areas in Gaza, indiscriminately, into heavily populated areas in Israel. That is a double war crime. I have been researching this whole area for many years and I know it to be fact that Israel does everything in its power not to cause any civilian casualties. All of the rockets that are fired from Israel result in very direct hits, targeting military rocket launchers and terrorists. It does not fire at civilians. I would like that to be put on the record.

**Chairman:** I will go back to members of the committee. I have not forgotten that a question was directed at former Deputy Shatter. I will go back to him in the next round. I call on Deputy Gannon, followed by Senator Craughwell and Deputy Boyd Barrett. I ask members to be direct and concise with their questions because we are constrained by time and we need to maximise the opportunity of the time given to us by our witnesses this morning.

**Deputy Gary Gannon:** I thank the contributors. My questions are shadowed by the statement of the Israeli defence minister that Israel will not stop its military operation in Gaza until “complete quiet” has been achieved.

My first question is to the ambassador. Does he accept that much of the violence is motivated by the forced expulsions and the violence that has been seen at the Al-Aqsa Mosque? What does he expect to happen if Israel continues its policy - which has been in existence for

decades - of removing people from land they have held? Does he accept that Israel is provoking the situation?

My second point relates to the rules of engagement for the potential invasion of Gaza as set out by Israel, and some of the conflict or recent days and weeks which has resulted in 69 deaths in Gaza. How does the ambassador distinguish between “shielding”, which is a legalistic term that has implications, and urban warfare? In a densely populated zone such as Gaza where over 2 million people live, how does he distinguish between shielding, which he has used to justify and explain the deaths of innocent civilians and combatants, and urban warfare? If a Hamas militant is in a building, would that building automatically be made a legitimate target in Gaza? Is the same standard applied to places where the IDF is in Israel?

My next question is to the former Minister for Defence, Mr. Shatter, and it concerns some of the rhetoric used by the current Israeli Minister of Defence, Mr. Benny Gantz, since his 2019 election campaign. He might be aware of his 2019 election campaign video, which highlighted his credentials as a wartime general and referred to the actions taken by Israel in Gaza in 2014, of which he was a lead component. His election video had a counter of the number of what he referred to as Hamas terrorists who died, which extended to 1,412. Even by the IDF’s own count, many of those were unrecognised victims. Does Mr. Shatter believe that is an appropriate way for a minister of defence to behave or are such actions tantamount to provocation to inevitable war?

Ms Hausdorff referred to the 1967 Jordanian agreements and indicates the leaseholds held by the Palestinian residents being expelled from Sheikh Jarrah are only there since 1967. If those leaseholds mean they do not have territorial rights to the land, does the witness believe these people have the right to return to the land from which they were displaced before that period?

**Senator Gerard P. Craughwell:** We should all accept there is no such thing as one-sided war and no one side is ever on its own. We should also acknowledge today that Ireland has significant interest in what goes on in the Middle East and has troops on the ground out there on all sides. My thoughts are with them.

As far as I am concerned, Hamas is a terrorist group in the worst sense of the word insofar as it will throw anybody and anything in front of its desire for a victory in whatever part of the world it wishes to exist at any time. I have absolutely no time for Hamas and what it does. I ask the UN Security Council where Hamas is getting its weapons. There are images of Palestine in bits and these people have tens of millions of euro in weapons for use against Israel.

I also state at this time that Ireland has now re-established what I would call good old-fashioned relationships with the United States so we are in a better position than we ever have been. In Ireland, we lived with terrorism for 40 years and my own family suffered threats from terrorism. I served in two armies and I know what it is like to be on the ground.

No war against terrorism can be won in the air and the likes of Hamas cannot be fought in the air. Hamas is fully aware of the fact that when Israel sends rockets and jets to fire missiles in order to take out Hamas, civilians will also be taken out. I am looking at reports now of 69 people killed, 17 of whom were children, and 390 people wounded, 86 of whom were children and 39 of whom were women. No one side is responsible for this and no matter how much we might want, on either side of the argument, to clap ourselves on the back and say “it was not our fault”, it is everybody’s fault.

The ambassador is the most honourable man I have met in this country and his desire to represent his state is commendable. I ask him if he is willing to go back to Israel and remind his government that the Irish people are his friends. The Irish people have learned that one cannot win a terrorist war so one must work for peace. It would be the most noble act for Israel to withdraw now from conflict; one side can call a truce and step back from the brink. I ask that Israel does that.

The representations today were robust and I understand that willingness to defend the actions of people that we care for. Deputy Brady showed some photographs of children and they should never be the victims in war. I abhor war and hate everything about it. I ask the witnesses to use their good offices to negotiate for peace at all levels. I understand the annoyance and frustration felt by the witnesses when they hear Palestine represented in Ireland, as it is like no other side exists sometimes. The Hamas group must be taken out.

Israel has one of the best-trained armies in the world and it should be possible to be far more focused in taking out those who threaten its country. The people of Palestine have suffered but as has been pointed out in the submissions, I cannot imagine what it would be like to go to bed in Tel Aviv or some part of Israel tonight knowing that rockets are being fired indiscriminately into places of safety. A home should be a safe place.

I am not taking sides but I understand both sides and the fear of people living in Israel with the threat of terrorism hanging over them. I wish the people of Palestine would see that issue with Hamas.

**Deputy Richard Boyd Barrett:** I am addressing the ambassador and the supporters of the Israeli project, state or whatever it is. I am one of the people who think that state is a colonialist enterprise and that it is an apartheid state. From its very beginning, it achieved its aims through the ethnic cleansing of Palestinian people, something well documented by Professor Illan Pappé in his book, *The Ethnic Cleansing of Palestine*, which indicates that between 1947 and 1948, 700,000 to 900,000 Palestinians - innocent people - were driven from their homes in less than a year. They were driven from homes in villages and towns.

Some of those people were driven to places like Sheikh Jarrah, which is now at the centre of another attempt at ethnic cleansing by the Israeli state as it continues its advance to displace Palestinian people and take control of territory designated under the UN partition plan that has been mentioned as Palestinian territory. That territory is within the green line and designated as Palestinian territory. Israel continues to annex that territory, achieving that through the ethnic cleansing of Palestinians. Violence is used along with a twisted version of the law as the means to achieve those aims.

If my narrative is not true, please explain the basic law of the Israeli state, which is an apartheid law and which establishes supremacy for people of Jewish origin, establishing the state as a Jewish state. Therefore, the 20% of inhabitants that are Palestinian are deemed, from a legal perspective, as second class citizens. They are not on the same level as the Jewish population or treated as such. Furthermore, if what I say is not true, will Israel allow all of the Palestinians and their descendants displaced in 1947 and 1948 to return to their homes and villages, as international law demands? If, as Israel claims, the 600,000 to 700,000 settlers who have established themselves contrary to international law, contrary to the demands of Oslo and contrary to the appeals of the international community are really just about establishing Jewish settlements and Israel subsequently intends to hand over that territory for a Palestinian state, surely there is a *quid pro quo* for all the, probably now, 4 million or 5 million people and their descendants,

many of whom are living in refugee camps in Lebanon and Syria in the most desperate conditions and completely disenfranchised. Surely, if Israel believes that Jew, Arab and Christian and indeed people of no religion, which by the way I certainly do, can and should live side by side with equal rights, then grant all those Palestinians and their descendants the right to return. Then Israel's Orwellian narrative of trying to justify the continued annexation and ethnic cleansing of Palestinian territory might have some credibility. Unless Israel actually confers equality in the basic laws of the state, whether one calls it Israel or Palestine, it is a fact that the ambassador's state is an apartheid state and it is a fact that it confers rights and privileges on one group because of its religion and nationality which it denies to others. If I am wrong, let the ambassador tell us now that Palestinians will have the right to return to their homes and villages and that they will have equality. Of course, the ambassador will not concede that. There is no chance the ambassador will concede that.

For us to say that is not in any sense, by the way, as Israel often charges, motivated by anti-Semitism. As I told one of the ambassador's predecessors, I lived in the Negev, in a moshav. I went there completely without prejudice. In fact, if anything, my prejudice was very much one of sympathy, as I still hold, for the historic plight of the Jews and the persecution they faced. When I lived there, I worked side by side with Palestinians who I met in the first few days who were living in refugee camps and who had been displaced. They and their families had been displaced in 1947 and 1948 and had lived in refugee camps ever since. I saw the horrific treatment of those people, the endemic racism, the anti-Arab racism that is rife - rife - in mainstream Israeli society, the systematic discrimination and the fundamental denial of the right of the Palestinian families I met living in refugee camps to be able to return to the towns and villages from which they were displaced using terror by Zionist militias in 1947 and 1948, using atrocities such as Deir Yassin where 200 people were murdered in their beds and the screams of those who were killed were broadcast in order to terrorise other Palestinians into leaving their home, as nearly 1 million did over a year. If I am wrong, let Israel give the Palestinians the right to return. Then Israel can show it is serious about peace and then, maybe, have some sort of peaceful negotiation. Israel should stop trying to drive people out of places in which they live now, including Sheikh Jarrah. They we could seriously talk about peace-----

**Chairman:** Thanks, Deputy Boyd Barrett.

**Deputy Richard Boyd Barrett:** Israel or Palestine is a place that deserves peace but the ambassador's state has shown no interest in actual peace and reconciliation with the Palestinian people.

**Chairman:** We are experiencing some technical difficulty with Deputy Boyd Barrett but it happens to coincide with the expiry of the Deputy's time in any event. I am reverting now to our witnesses and guest. There was an outstanding question to former Deputy Shatter and I will call on him first to deal with that and respond. Then I will revert to the ambassador, H.E. Mr. Kariv, and Ms Hausdorff. Conscious of the time, Mr. Shatter please.

**Mr. Alan Shatter:** Thank you, Chairman. There was a couple of questions directly put to me. I listened carefully to the contributions, particularly what I would describe as the toxic contributions from Deputies Brady and Boyd Barrett which are regrettable. They included nothing positive to contribute to a peaceful resolution and will do nothing to benefit the welfare of Palestinians or to end conflict. I have heard the same speech for many years delivered by Deputy Boyd Barrett. Deputy Brady regularly produces the type of commentary I heard this morning in the toxic tweets that he engages in. Let me deal with the particular questions.

Deputy Brady asked me do I believe that Israelis and Palestinians should be treated as equals. I have a simple answer to that. The answer to that is, “Yes”. I believe that Israelis and Palestinians should be treated as equal. I would like to see the implementation of a viable two-state solution. I would like to see Hamas ceasing to be a terrorist organisation that oppresses Palestinians.

It is noteworthy that not a single contributor who is critical of Israel referenced the oppressive nature of the Hamas regime in Gaza, the arrest by Hamas of Gazan peace activists, their imprisonment for daring to talk peace to Israelis, the persecution of the gay community in Gaza and the threats Hamas issues to those who may take to protest on the streets in Gaza against Hamas. There is a selective concern on the part of Deputies Brady and Boyd Barrett in particular for the welfare of Palestinians. I have stood in Gaza following one of the conflicts talking to business people who before conflict had provided products, both to the people of Gaza and exports into Israel, who were terrified to publicly express their views but who wanted nothing but peace, wanted to restore their businesses and who were complaining about the corruption within Hamas in exploiting the tunnels to charge people tax to bring in product that they could not otherwise get because some of these products the Israelis were not allowing in because they were used to build weapons or tunnels.

I said what I heard on Tuesday was depressing. What I have heard today is no less depressing because this is not about implementing a two-state solution or a peace process. What this is solely focused on is something that Deputy Brady’s party and, indeed, Deputy Boyd Barrett and some others have been engaged in for many years which is a campaign to de-legitimise and demonise the Israeli state. Ironically, Sinn Féin, that advocates the self-determination of the Irish people, is apparently entirely opposed to the self-determination of the Jewish people and both Deputy Boyd Barrett and Deputy Brady strenuously seek to avoid the reality that the UN resolution of 1947 envisaged the creation of Israel as a Jewish state, the one and only Jewish state in the world that has 52 Muslim states, and in a world in which many of those states exclude other religions and do not display the level of religious tolerance and understanding that applies in Israel to all of those who want to say prayers or worship within their own religions.

Deputy Gannon put a question to me about some election video by Mr. Benny Gantz in 2018 being the provocation that has produced the current conflict. There are moments in time when propositions presented are so ludicrous that one really has to step back. One of the depressing things on Tuesday was no reference at all at any stage in a single question put to a single speaker to the then 800 rockets that had been fired into Israel. As we stand this morning, there have been in excess of 1,300 rockets indiscriminately fired into Israel. What it appears some members of the committee, including Deputy Brady, are advocating is that Israel has no right to defend itself, that Jewish people have no right to defend themselves, that the Israeli Government has no right to defend all the citizens of Israel, be they Jews, Christians or Muslims, and that, simply, it is open season for Hamas to fire as many rockets as it wishes and to rely on Iranian expertise and finance to process that. I reject that as a proposition. If I could say to Deputy Brady, who spoke at some length, one of the big tragedies is that Sinn Féin has learned nothing from the peace process. Sinn Féin as a party, through its militant proxies in the Provisional IRA, was engaged in death and mayhem on this island for 30 years. We eventually had the Good Friday Agreement which John Hume described as Sunningdale for slow learners. What was learned was the need to understand the background to conflicts in their totality and the different understandings of those engaged in conflict who disagree. Sinn Féin has something it could offer to those engaged in militant terrorism, namely, explaining the importance of ending violence, talking, people learning to live with each other and understand each other, and creating trust and

moving to reconciliation. What Sinn Féin, in the context of Deputy Brady and other members of his party who regularly tweet do, including Deputy Andrews who has tweeted regularly the words “From the river to the sea”-----

**Deputy John Brady:** Sorry, Chair, it is not appropriate for someone to call the questioning of human rights abuses toxic. It is absolutely appalling. The Chairman should intervene.

**Mr. Alan Shatter:** I did not interrupt the Deputy. They are advocating a policy-----

**Deputy John Brady:** This is completely unacceptable.

**Chairman:** I am going to intervene. Deputy Brady is out of order. We have had a strict rota of speakers. I ask former Deputy Shatter to bring his remarks to a conclusion because I am very keen to hear from the ambassador before we conclude and I am conscious of time.

**Mr. Alan Shatter:** If the Chairman could let me conclude with two sentences.

**Chairman:** I ask Mr. Shatter to conclude with two sentences, after which I am anxious to hear from the ambassador. I ask members to desist.

**Mr. Alan Shatter:** They are advocating a policy that reflects that of Hamas, which is to bring about the total disruption of the Israeli state, the elimination of the only Jewish state that exists in the entire world and they are doing it for one simple reason. This is Sinn Féin’s pay-back for the assistance given by the PLO and the PFLP in training Provo terrorists throughout the 1970s and 1980s who wrought murder and mayhem on the island of Ireland.

**Chairman:** Thank you, Mr. Shatter. I ask the ambassador to deal with some of the outstanding questions.

**Deputy Richard Boyd Barrett:** On a brief point of order, and it is a genuine one-----

**Chairman:** No, I am not taking a point of order.

**Deputy Richard Boyd Barrett:** It should be noted that the camera went off for my entire contribution. That was very odd because my camera was on.

**Chairman:** That is not a point of order.

**Deputy Richard Boyd Barrett:** It is not on the television feed.

**Chairman:** We attempted as a committee to accommodate people who are not members of this committee. The Deputy had his opportunity.

**Deputy Richard Boyd Barrett:** I appreciate that but it is not the point I am making.

**Chairman:** I do not have control over the camera.

**Deputy Richard Boyd Barrett:** My camera went off during my contribution for some bizarre reason.

**Chairman:** I do not have control over the cameras but the Deputy’s contribution was heard and we are in the course of hearing replies to a number of questions raised by the Deputy.

**Deputy Richard Boyd Barrett:** It is interesting, though.

**Chairman:** We heard some talk earlier about the two-state solution being moribund and heard it described as a distant dream. Perhaps in his reply, the ambassador might give his perspective on the two-state solution and whether there is a real danger, with the ongoing expansion of settlements, confiscations and demolitions, that the two-state solution is not only becoming less viable but is perhaps being prejudiced. I thank him for his contribution. I ask him to respond to the questions and perhaps leave us with some concluding comments. Time may not allow him to deal with all the questions but we will take written responses to some of the issues raised. I ask him to deal with them as best he can in the few minutes available.

**H.E. Mr. Ophir Kariv:** I will start with the Chairman's question. As I also mentioned in my opening remarks, a peaceful solution between Israelis and Palestinians is in the vital interest of both sides. That should be understood and internalised. It is very difficult. Unfortunately, during the last few years, we have seen the Palestinians avoiding going back to negotiating table. As for the prospects for a solution, Israel has shown before that it is prepared to go very far and pay a very dear price when real peace is on the agenda. We saw that in the peace agreement with Egypt and the huge territories that we gave back, including the uprooting of Israeli communities in the Sinai at the time and we saw it in Gaza where we unilaterally evacuated some 10,000 Israeli civilians there and uprooted whole communities. We are willing to go very far to reach a sustainable and final agreement with the Palestinians that will enable both peoples to live in safety and security and, at the same time, fulfil their wishes and desires. This is not easily achieved.

Some of the contributions we heard from committee members can work constructively towards this end. On the other hand, we heard some spats of hate - I am sorry for the wording. I do not know what they aspire to achieve. We discussed how Ireland can contribute to a solution or progress. While some contributions and attitudes expressed today were constructive to that end, others were totally destructive. As I said, and Mr. Shatter also mentioned, it is sometimes very surprising and disappointing to hear such attitudes coming out of Ireland, of all places, where people have some painful experience of dealing with such complex conflicts.

The bottom line is that I think hope is there. There is no other choice but hope for a solution between Israelis and Palestinians. Israel will continue to do its utmost. At the same time, maybe to the disappointment of some members, Israel will continue to preserve its interests and defend its citizens. It is important that I emphasise again that we are working within international law and according to international law. There might be disagreements around it but this is one of the major principles we are following.

I ask for the Chair's guidance on whether there are any other specific points he would like me to answer in the very short time that I understand we have. I would love to stay longer.

**Chairman:** I am very conscious of the time and that there are some outstanding questions. I ask the ambassador and the other guests that their answers be directed to the clerk of the committee in writing because they will assist the committee in the context of our report. I ask Ms Hausdorff if she would like to make some concluding comments and I will then bring matters to a conclusion.

**Ms Natasha Hausdorff:** Rather than demonising the Jewish state, delegitimising Israel and using the hateful and false accusations that have unfortunately been levied at this meeting today, which perpetuate the conflict and serve to encourage terrorism, there is something that Ireland can do positively to contribute to a better future.

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The Judea and Samaria Chamber of Commerce and Industry is a community of more than 500 Israeli- and Palestinian-owned businesses located in the West Bank. It is dedicated to the cause of regional economic development, for the benefit of both populations. Putting aside the fabrications, the falsehoods and the hateful rhetoric, the key to peace is injecting economic opportunity and the development of business relations as have been referenced in the earlier contributions between ordinary Israelis and Palestinians. That is what I would encourage Ireland to be furthering in its own initiatives in the region.

**Chairman:** On behalf of the committee, I would like to express our appreciation to our guests for joining us, for dealing with our questions and for responding to the submissions. I would like to conclude matters by once again calling for the cessation of violence and calling for condemnation of all violence, referring specifically to the rockets from Gaza and to the violence being perpetrated in East Jerusalem and beyond. I call for dialogue, it being the only way forward, as has been mentioned by a number of our members and witnesses. I call for engagement, not only within the region, but by and with international actors. This is the only way forward.

I thank members and guests for their engagement. We will have further opportunity to engage next Tuesday at 12.30 p.m. We will meet with the West Bank Protection Consortium, WBPC, and with officials from the Department of Foreign Affairs in Dublin. I now propose to adjourn our proceedings until then. I thank the ambassador and guests.

The joint committee adjourned at 11.35 a.m. until 12.30 p.m. on Tuesday, 18 May 2021.