

(Second Supplementary Order Paper)

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DÁIL ÉIREANN

Dé Máirt, 25 Bealtaine, 2021
Tuesday, 25th May, 2021

An Lárionad Coinbhinsiúin, Baile Átha Cliath
Convention Centre Dublin

2 p.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh Leasuithe ar Thairiscint: Notice of Amendments to Motion

159.“That Dáil Éireann:

- notes that recent weeks have seen the most serious escalation of violence in Israel and the occupied Palestinian territory (i.e. the West Bank, including East Jerusalem and the Gaza Strip) since 2014, with a tragic impact on innocent civilians and loss of life, including the deaths of at least 65 children;
- condemns the targeting of civilian infrastructure, and the loss of civilian life, and recalls the obligations on all parties under international humanitarian law and international human rights law to protect civilians;
- welcomes the announcement of the ceasefire of 21st May, and calls on all parties to support its implementation;
- emphasises the importance of immediate and unimpeded access for vital humanitarian assistance for those in need;
- affirms that a just and lasting peace requires addressing the poverty, inequality, injustice and underlying root causes of these cycles of violence, and meaningful accountability for breaches of international law; and
- recognises that the forced displacement of the protected Palestinian population and the presence and expansion of Israeli settlements, in the West Bank, including East Jerusalem, undermines the prospects of peace, not just in recent weeks but over decades, and represent flagrant violations of international law;

further notes that:

- the annexation of territory, whether *de jure* or *de facto*, is a violation of the fundamental principle of international law enshrined in Article 2(4) of the United Nations (UN) Charter which states ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations’, and UN Security Council (UNSC) Resolution 2334 (December 2016) on Israel underscores ‘the inadmissibility of the acquisition of territory by force’, echoing the original phrase from UNSC Resolution 242 in November 1967;
- the Geneva Conventions of 1949, and their protocols, bind Ireland as a High

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Contracting Party, and provide that parties to the Conventions must respect and ensure respect for the Conventions;

- the transfer by an Occupying Power of parts of its own civilian population into the territory it occupies is prohibited under the Fourth Geneva Convention;
- in its 2004 advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice held that the construction of the wall and its associated regime ‘create a “*fait accompli*” on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation.’;
- Israel has altered and purports to alter the character and status of Jerusalem, by annexing the territory *de jure*, and has extended its ‘law, jurisdiction and administration’ to the occupied Syrian Golan and the UNSC has condemned both steps as having ‘no legal validity’ and constitute ‘a flagrant violation of the Fourth Geneva Convention’ in UNSC Resolutions 476 and 478 (Jerusalem) and 497 (Syrian Golan);
- there are now over 600,000 Israeli settlers living in illegal settlements established in the West Bank, including East Jerusalem, and the Israeli Government continues the expansion of these settlements;
- the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, in his report to the UN General Assembly 73rd Session on 22nd October, 2018, concluded ‘Statements of political intent, together with Israel’s colonizing facts on the ground, its legislative activity, and its refusal to adhere to its solemn obligations under international law or to follow the direction of the international community with respect to its 51-year-old occupation, have established the probative evidence that Israel has effectively annexed a significant part of the West Bank and is treating this territory as its own’; and
- the Minister for Foreign Affairs stated on 23rd April, 2020, regarding developments in Israel, that ‘Annexation of territory by force is prohibited under international law, including the UN Charter, whenever and wherever it occurs, in Europe’s neighbourhood or globally. This is a fundamental principle in the relations of states and the rule of law in the modern world. No one state can set it aside at will’;

recalls that Ireland distinguishes between the territory of the State of Israel and the territories occupied since 1967, including illegal Israeli settlements, land appropriated for future settlements, and territory incorporated by the wall and its associated regime;

condemns the recent and ongoing forced displacement of Palestinian communities in the occupied Palestinian territory;

further condemns the annexation by Israel of East Jerusalem and its settlement activity there and in other areas of the West Bank, as serious breaches of international law and as major obstacles to peace that undermine the viability of the two-State solution;

declares that Israel’s actions amount to unlawful *de facto* annexation of that territory; and calls on the Government:

- not to recognise as lawful any situation created by any such serious breach of international law, nor to imply such recognition, and to not render aid or assistance to the responsible state in maintaining the situation so created and to cooperate to bring the serious breach to an end;
- to urge Israel to bring to an end all settlement activity and not to impede the collective right to self-determination of the Palestinian people as a whole; and
- to focus its efforts on bringing an end to settlement activity and to regularly update Dáil Éireann.” — *John Brady, Chris Andrews, Martin Browne, Pat Buckley, Matt Carthy, Sorca Clarke, Rose Conway-Walsh, Réada Cronin, Seán Crowe, David Cullinane, Pa Daly, Pearse Doherty, Paul Donnelly, Dessie Ellis, Mairéad Farrell, Kathleen Funchion, Thomas Gould, Johnny Guirke, Martin Kenny, Claire Kerrane, Pádraig Mac Lochlainn, Mary Lou McDonald, Denise Mitchell, Imelda Munster,*

Johnny Mythen, Eoin Ó Broin, Donnchadh Ó Laoghaire, Ruairí Ó Murchú, Louise O'Reilly, Darren O'Rourke, Aengus Ó Snodaigh, Maurice Quinlivan, Patricia Ryan, Brian Stanley, Pauline Tully, Mark Ward, Violet-Anne Wynne, Alan Kelly, Brendan Howlin, Ged Nash, Seán Sherlock, Duncan Smith, Aodhán Ó Riordáin, Holly Cairns, Catherine Murphy, Róisín Shortall, Jennifer Whitmore, Gary Gannon, Cian O'Callaghan, Mattie McGrath, Richard O'Donoghue, Michael Collins, Carol Nolan, Michael Healy-Rae, Danny Healy-Rae, Thomas Pringle, Catherine Connolly, Joan Collins, Marian Harkin, Michael Fitzmaurice, Michael McNamara.

Leasuithe:

Amendments:

1. To insert the following after “settlement activity and to regularly update Dáil Éireann”:
 - “— publicly declare that the State of Israel is guilty of war crimes for its killing of innocent men, women and, most horrifically, 63 children in the Gaza Strip over recent weeks;
 - acknowledge that:
 - the recent escalation of violence was provoked by the attempt to ethnically cleanse 28 Palestinian families from the Sheikh Jerah area of Jerusalem and replace them with illegal Israeli settlers;
 - these latest atrocities and war crimes perpetrated by the State of Israel are not isolated incidents but are part of an ongoing and systematic campaign by the Israeli State to ethnically cleanse the Palestinian people from their land and deny them basic rights under international and human rights law – a campaign that has been pursued relentlessly since the foundation of the State in 1948; and
 - Israel, in its basic laws and practices, is an apartheid state, similar to the former apartheid state of South Africa, as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid (UNGA Resolution 3068 (1973)) and that Israel’s apartheid character has been confirmed by both the main Israeli human rights organisation, B’Tselem and the main United States based human rights organisation, Human Rights Watch;
 - publicly assert that the Israeli apartheid system, through its ongoing ethnic cleansing, brutal state repression and murderous military violence – including four savage military assaults on Gaza in recent years, has no place among the international community of nations; and
 - therefore to:
 - expel the Israeli Ambassador and all Israel diplomatic staff from Ireland;
 - apply a comprehensive package of economic, political and cultural sanctions against the State of Israel, similar to that applied to apartheid South Africa; and
 - maintain sanctions and promote them within the EU and internationally until the entire Israeli apartheid system is dismantled and all the Palestinian people enjoy national self-determination and full and equal rights, including the right to return of all Palestinian refugees expelled since 1948 and all their descendants, as required by international law (UN Resolution 194).” — *Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.*
2. To delete all words from “condemns the targeting of civilian infrastructure” up to and including the words “international human rights law to protect civilians” and substitute the following:

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“— condemns the violent acts of Hamas and other militant groups, including the firing of rockets and incendiary devices from Gaza into Israel, the disproportionate and indefensible response of Israel bombing civilians and essential infrastructure in the Gaza Strip, the loss of life in both Israel and Palestine, and recalls the obligations on all parties under international humanitarian law and international human rights law to protect civilians and children while providing humanitarian supports to help rebuild Gaza.” — *An tAire Gnóthai Eachtracha*.