

# Ireland and the UN General Assembly Occupied Territories Bill (OTB). Bring an End to Israel's Illegal Occupation

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*On September 18th the UN General Assembly (UNGA) adopted a resolution by large majority on the advisory opinion of the International Court of Justice (ICJ) on the legal consequences of Israel's Gaza offensive and the ongoing occupation. The UNGA affirmed the ICJ ruling in July which triggered the legal obligation of all states to end complicity in and bring an end to Israel's illegal occupation and apartheid regime. Significantly, the resolution called for sanctions on Israel for the first time in 42 years, specifically referencing the obligation to abstain from economic relations with Israel as it pertains to the Occupied Territories and to take "steps to prevent trade or investment relations that assist in the maintenance of the illegal situation" in the Occupied Palestinian Territory.<sup>1</sup>*

To this end, the perfectly suited Occupied Territories Bill (OTB) has been languishing in limbo between second Dáil approval and committee stage since January 2019.

In an interview with RTÉ in mid-September, **Tánaiste Micheál Martin** reiterated that enacting the OTB would place Ireland in breach of EU law, emphasising that, like it or not, the EU has overriding authority when it comes to trade. Here he is basing his assertion on the much disputed 2019 Attorney General's advice, advice which ignores European Court of Justice case law allowing member states to deviate from EU law on public policy grounds to safeguard fundamental rights.

Micheál has held fast to this dubious position, stalling concrete action on Israel's unparalleled crimes in the Occupied Territories for nearly five years, including a year of unimaginable genocidal carnage. The ICJ ruling has forced the government to go back to the Attorney General to ask for a second opinion, but that was now over a month ago. What is the hold up?

At the time of writing, the government is being forced to respond to revelations by *The Ditch* detailing a secret phone call between former finance minister Paschal Donohoe and his Israeli counterpart.<sup>2</sup> These have Donohoe assuring the Israelis the OTB could be blocked from progressing by using the "money message" procedure (a tool that allows the Government to block legislative proposals that have majority support by saying they will incur a cost to the state to implement). The Government has flatly denied that any such phone call took place<sup>3</sup>, which leaves one to wonder why high-level Israeli officials would be lying to each other about such matters in internal emails.

What about the status of Ireland's application to join South Africa's case at the ICJ? To great fanfare in March, Martin announced Ireland's intention to add our weight to the case against Israel. Yet there is still no sign of the formal declaration of intervention. Spain announced their application in early June and made the formal declaration in late June. What is the hold up?

When Micheál Martin was first questioned on revelations in *The Ditch* about flights full of weapons for Israel transiting Irish airspace, he said the government was not aware of the flights and there wasn't much the country could do about it.<sup>4</sup> A month later they were still "working to confirm the accuracy of reports", refusing to disclose to the Dáil if more than nine of these flights had occurred, and telling the press future cargo flights of munitions for genocide "may" be stopped in future.<sup>5</sup> These flights are illegal irrespective of the ICJ ruling that obligates us to stop them. What is the hold up?

This foot-dragging stands in stark contrast to how Ireland behaves in relation to Washington's perceived rivals. Ireland happily goes along with EU sanctions (which do not have a solid foundation in international law) against Venezuela, Zimbabwe, Nicaragua, Mali, Iran, Yemen, Syria, Russia and all the other baddies. These sanctions are imposed by the Council of the EU, a secretive round-table of almost exclusively right-wing leaders and ministers. There is no due process, evidence is not presented, and accused parties do not have a right to present a defence. Conversely, when the principal judicial organ of the United Nations rules that Israel has placed Gazans at risk of genocide, that all states must end the brutal occupation and apartheid, the Irish government goes looking for second legal opinions.

Micheál went to Israel to point at broken ceiling plaster to help gin up support for a genocide, never shutting up about Israel's non-existent right to defend itself. Meanwhile he presents Ireland as some kind of humanitarian leader despite the fact that any remotely positive change in government policy comes from them being caught out, being dragged kicking and screaming by the international courts, and the constant pressure from the Irish people. The Irish government may be subservient to genocidal US-led imperialism, but we the people of Ireland are not.

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#### **Notes**

1. United Nations General Assembly, "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory", Tenth emergency special session, Agenda item 5, 13th September 2024, press release accessed at: <https://archive.ph/n4Ily>
2. "Donohoe had secret call with Israeli finance minister to say government would 'block' Occupied Territories Bill", *The Ditch* website, 25th September 2024, accessed at <https://archive.ph/B1W7H>
3. "Donohoe had no phone call over Occupied Territories Bill, Dáil told", RTÉ News website, 26th September 2024, accessed at: <https://archive.ph/8WVPQ>

4. O'Toole, M. (2024) 'Tánaiste unveils two new additions to Ireland's Naval Service Fleet', Irish Mirror, 5th September 2024, accessed at: <https://archive.ph/MNuVg>
5. Whelan, S (2024) 'Airlines flying arms in airspace may be refused - Martin', RTÉ News, 23 September 2024, accessed at: <https://archive.ph/WCETu>

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