

Submission by Sadaka-the Ireland Palestine Alliance to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach, on the Illegal Israeli Settlements Divestment Bill, 20 March 2024.

1. Sadaka-the Ireland Palestine Alliance seeks to engage and inform public representatives and policymakers, presenting them with information and arguments based on international law. We focus on key aspects of Israel's denial of fundamental rights and freedoms to the Palestinian people and the need for an adequate response from the international community.
2. A key element in the strategy to make permanent Israel's 57-year long occupation of Palestinian territory is the construction of settlements. There are now more than 700,000 Jewish Israeli settlers living in 144 settlements in the Occupied Palestinian West Bank, including East Jerusalem. These settlements are illegal under international law, including under the Fourth Geneva Convention and UN Security Council resolutions 242, 446, 465 and 478. They are an obstacle to the self-determination of the Palestinian people, destroying Palestinian communities, stealing their land and resources such as water, demolishing their homes and infrastructure; and controlling the movement of Palestinian people while deliberately denying them access to their productive resources. The relentless expansion of settlements brings destruction, terror, violence and death to Palestinian communities, towns and villages. The number of settlers has increased almost seven-fold since the Oslo Accords were signed in 1993.
3. As Israel's key strategy in maintaining its occupation, settlements also bring Israeli military forces with checkpoints, road closures, permanent walls, fences and barricades. Palestinians have no access to settlements or their facilities and infrastructure except as day labourers; they may not purchase property in settlements; and much of the infrastructure, such as roads, built to connect the settlements to Israel, is off-limits to Palestinians. It is accepted, including by the United Nations, that Israel has created an apartheid regime with a dual legal system and which has institutionalised discrimination against Palestinians.
4. Settlers are increasingly violent, in particular since the inclusion in the current government of Israel of representatives of extreme right-wing religious Zionist parties. They also have access to vast quantities of arms and are protected by Israeli military forces.
5. The government of Israel regards occupied Palestinian territory as part of greater Israel and is intent on controlling all the territory from the Mediterranean Sea to the Jordan River, as stated by Israel's prime minister, including at the UN in New York. Mr Netanyahu and his ministers have stated on many occasions that they will never allow a Palestinian state to exist beside Israel, in defiance of the United Nations and in opposition to the stated policy of the United States, the European Union and most other countries, including Ireland.
6. In addition to the violence and dispossession this occupation imposes on the Palestinian people, these illegal settlements bring enormous economic benefit to

Israel while destroying the Palestinian economy. The 2022 report by the United Nations Conference on Trade and Development (UNCTAD) notes that the economy of Israel benefitted by \$628 billion between 2000 and 2020 from economic activity in the settlements, while the Palestinian economy lost more than \$50 billion in the same period.

7. I refer the Committee to the work undertaken by the Oireachtas Joint Committee on Foreign Affairs and Defence in its *Report on Demolitions and Displacements in the occupied Palestinian Territory (July 2021)*, in particular the recommendation that Ireland should agree a set of proposals, including diplomatic and economic measures, “*where further violations and breaches of international law occur in respect of demolitions, evictions, displacements, settlement expansion and de facto annexation.*” It is worth noting that the situation in the occupied Palestinian territory has deteriorated significantly since that report was published. I also refer the Committee to the motion on *de facto annexation* adopted by Dáil Éireann in May 2021. Both provide detail on Israel’s settlement enterprise on occupied Palestinian territory and I recommend them to this Committee.
8. In the context of Israel’s national settlement enterprise, it is entirely unacceptable that Irish taxpayers money is invested in Israeli banks and in other businesses which support the settlements and which benefit from them, and which also support the actions of Israel’s armed forces in its current onslaught on Gaza, which the ICJ has recognised as plausibly a genocide.
9. Many of these enterprises are listed in the UN Database of activity in illegal Israeli settlements. However, it is likely that Irish taxpayers money is invested in other enterprises not listed by the UN database but which actively support, and benefit from, these illegal settlements. This situation must be brought to an end.
10. Sadaka understands that the Government is not opposed to the principle behind the draft bill under review here but has concerns about its constitutionality and operability in its current form.
11. There is, however, clearly no constitutional or operational impediment to forcing ISIF to divest from companies operating in illegal settlements *per se* as demonstrated by the enactment of the *Fossil Fuel Divestment Act* which prohibits ISIF from investing in “fossil fuel undertakings” and which has resulted in ISIF divesting a total of €68 million from thirty eight companies.
12. The *Fossil Fuel Divestment Act* followed a process in which the Government engaged with the opposition parties in the legislative drafting process. There is no reason why the same process cannot be followed here.
13. In this context, Sadaka-the Ireland Palestine Alliance, is currently examining the implications under the *Proceeds of Crime Act* raised by ISIF’s investments in companies both operating in the illegal Israeli settlements and supplying materials to the Israeli army for use in its ongoing attack on Gaza. From that research it would seem that the bill under consideration here is modest relative to the possible legal

consequences for ISIF under existing legislation. I say this in the interest of full disclosure to the Committee of work underway by colleagues who are lawyers in relation to ISIF investments.

14. In conclusion, whatever the issues may be with the specific wording of the bill under consideration in its current form, it is no longer acceptable for the Irish Strategic Investment Fund (ISIF) to maintain investments in businesses which render aid and assistance, and which benefit from, an illegal settlement enterprise which is based on the subjugation of an indigenous people, the destruction of their communities, and the theft of what is legitimately and legally theirs. These investments include, but should in no way be limited to, those listed on the UN Database of enterprises engaged in activity in the settlements.
15. Ireland has a long-standing position (re-stated frequently in recent months) of supporting a two-state solution. Settlements are *the* major impediment to the creation of a Palestinian state on the 1967 borders. While supporting the establishment of an independent Palestinian state, Ireland also invests in businesses which sustain and benefit from the very settlements which render impossible the establishment of a Palestinian state. This unacceptable situation, where Irish taxpayers money is invested in businesses which aid and abet, and benefit from, an illegal settlement enterprise in an occupied territory, must be brought to an end as a matter of urgency.