



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Simon Harris T.D.

Tánaiste and Minister for Foreign Affairs and Trade,
Department of Foreign Affairs and Trade,
Iveagh House
80 St. Stephen's Green, Dublin 2.

31 July 2025

Sent by email: simon.harris@oireachtas.ie, tanaiste@tanaiste.gov.ie

**Re: the passage of the Israeli Settlements in the Occupied Palestinian Territory
(Prohibition of Importation of Goods) Bill 2025**

Dear Tánaiste,

The Irish Human Rights and Equality Commission (the 'Commission') is following with interest the development of the Israeli Settlements in the Occupied Palestinian Territory (Prohibition of Importation of Goods) Bill 2025 (the 'Bill').

The Commission welcomes this initiative and regards it as part of the continuing leadership that Ireland has shown since the brutal attack on Israel by Hamas and other militant groups in October 2023, and Israel's wholly disproportionate assault on the population of Gaza in response.

As I have previously stated¹, the Government needs to ensure that Ireland meets its obligations under international law. The International Court of Justice's (the 'ICJ') advisory opinion makes clear the extent of Israel's breach of international law and it also makes clear the imperative on Ireland, like all states, not to be complicit in entrenching the unlawful actions of Israel in the Occupied Palestinian Territory,

¹ <https://www.irishtimes.com/opinion/2025/05/14/ireland-says-israel-is-carrying-out-war-crimes-in-gaza-now-it-must-act/>



Furthermore, the Advisory Opinion must be considered in the broader context of the widespread condemnation of Israel's egregious breach of the human rights of the Palestinian population, particularly in Gaza, including authoritative statements by those bodies who have a responsibility to protect the foundations of the international human rights system.

The following have made unequivocal statements with respect to Israel's violations of customary international law (see Annex 1): UN Secretary General Antonio Gutierrez, the International Criminal Court, the International Court of Justice, the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, and the UN Human Rights Council.

You and your government colleagues have indicated your belief that, notwithstanding that international trade is an EU competence, there remains a 'narrow pathway' to take action at a national level. The Commission exhorts the Government to show courage and leadership in maximising the space provided by this pathway, and to enact a statute that reflects the grievous nature of the human rights infringements by Israel against the Palestinian population in the Occupied Palestinian Territory. It is essential that the Act, when passed, gives real meaning to the international law imperative on Ireland to take strong action in response to the unlawful actions of Israel in the Occupied Palestinian Territory. This is an opportunity for Ireland to show to the world what reasonable and well considered legislation can deliver in this context.

In the General Scheme the Government's stated intention is to introduce '*an Act to provide for compliance by the State with its international legal obligation, as identified by the International Court of Justice in its advisory opinion of 19 July 2024*'.

However, in that opinion the ICJ was clear when it stated that:

"278.The Court considers that the duty of distinguishing dealings with Israel between its own territory and the Occupied Palestinian Territory encompasses, inter alia, the obligation to abstain ... from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory ... and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory..."



The ICJ makes no distinction between trade in goods and services, and we believe that both – and not only goods – should be covered by the Bill. Indeed, Ireland’s submission to the ICJ in the context of its preparation of the Advisory Opinion made no such distinction.

“56. In Ireland’s view, these obligations require all states, as well as international organisations competent in the field of external trade (which for Ireland is the European Union), to review their trading relationships with the settlements in the Occupied Palestinian Territory and to take steps to prevent trade that assists in the maintenance of the situation created by the settlement activity, or that implicitly recognises or serves to entrench Israel’s settlement or annexation of that territory.” (July 2023)

International law and Ireland’s stated position on it is clear. At issue is what interpretation would be given by the European Court of Justice in the event that the inclusion of services was challenged in that court.

It is our view that this can only be resolved by enacting the Bill, including services, in line with Ireland’s position on the interpretation of international law, and defending this position if necessary.

It is important that, once in force, the Act should be able to deliver on its intended effect. That said, we recognise that, in the short term, there may be challenges to policing the operation of the Act in relation to illegal Israeli services originating from the Occupied Palestinian Territory. At most, however, we believe this amounts to an argument to delay commencement of the provisions of the Act dealing with trade in services from illegal Israeli settlements until the necessary architecture is in place to facilitate the State rigorously implementing these provisions. It does not present an impediment to enactment of the legislation.

At a time when human rights and the international rules-based system are under persistent threat, and when both you and the Taoiseach have noted that the collective punishment of the people of Gaza by Israel amounts to genocide, we urge the Government to take a brave and principled stance and to enact the strongest possible and most effective Israeli Settlements in the Occupied Palestinian Territory Act.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

I would appreciate an opportunity to meet with you to discuss these issues.

Yours sincerely,

Liam Herrick

Chief Commissioner

Irish Human Rights and Equality Commission

In line with our publications policy, this letter will be published on our website. This policy only pertains to IHREC-issued communications, and not to correspondence received by us.



Annex 1: Statements by UN bodies with respect to violation of fundamental rights by Israel

UN Secretary General: On 8th of April 2025 UN Secretary General Antonio Gutierrez stated in [remarks to the press](#) that “As the occupying power, Israel has unequivocal obligations under international law – including international humanitarian law and international human rights law....None of that is happening today.”

International Criminal Court (ICC): On 21st November 2024 the UN-backed International Criminal Court [issued arrest warrants](#) for Israeli Prime Minister Benjamin Netanyahu and former defence minister Yoav Gallant. The [Court’s Pre-Trial Chamber I] found reasonable grounds to believe that Mr. Netanyahu...and Mr. Gallant...bear criminal responsibility for the following crimes as co-perpetrators for committing the acts jointly with others: the war crime of starvation as a method of warfare; and the crimes against humanity of murder, persecution, and other inhumane acts,” said the ICC.

International Court of Justice (ICJ): On 19th July , 2024, the International Court of Justice (ICJ) issued an advisory opinion regarding the legal consequences of Israel's policies and practices in the Occupied Palestinian Territory (OPT), including East Jerusalem. The ICJ found Israel's continued presence in the OPT to be unlawful and obligated Israel to end its occupation as quickly as possible. The ICJ also ordered that Israel take all measures within its power to prevent and punish the direct and public incitement to commit genocide against people in Gaza, and enable the provision of urgently needed basic services and humanitarian assistance but has still to determine whether Israel has violated the genocide convention.

UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967: on 25th March 2024 the UN Special Rapporteur published a report ([Anatomy of a genocide](#)) in which she concludes “that there are reasonable grounds to believe that the threshold indicating that Israel has committed genocide has been met. One of the key findings of the report is that the Israeli executive and military leadership and Israeli soldiers have intentionally distorted *jus in bello* principles.

UN Experts: On March 6th 2025 a group of over 20 UN Special Rapporteurs and experts made a [statement](#) that “Israel has resumed weaponising starvation in Gaza by its decision to break



from the ceasefire agreement and block humanitarian aid. This flagrantly breaches international law and any prospects of peace.”

UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel: On May 6th 2025 the UN Independent Commission [published a report](#) in which they found significant evidence that Israeli security forces seized and used educational facilities as military bases or staging areas for military activity. The Commission emphasizes that such conduct violates the provision of customary international humanitarian law that requires parties to a conflict to distinguish between civilian objects and military objectives.

UN Human Rights Council: on 4th April 2025 the UN Human Rights Council [adopted a motion](#) that inter alia; affirmed that the transfer by the occupying Power of parts of its own civilian population to the territory that it occupies, and the forcible transfer of the protected Palestinian population, constitute grave breaches of the Fourth Geneva Convention and relevant provisions of customary international law, and, expressed grave concern at the continuing construction by Israel of its illegal settlements and the illegal wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law.