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Cahill Bryan HQ-MINISTER

From: Ciaran Lynch [Ciaran.Lynch@Oireachtas.ie]
Sent: 06 January 2014 11:49
To: [redacted]; #HQ-TANAISTE - Email
Cc: Rosalind Pyne
Subject: Re: Increasing Palestinian Violence

Dear Tanáiste,

I am writing to you with regard to the below email I received from [redacted] and concerns he has expressed in relation to violent incidents in both Gaza and Israel. Mr William's also makes a proposal in respect of Irish Aid education funding in the region being based upon a model being similar to that the 'Educate Together' model.

I would be most grateful if you would examine these concerns and respond to me when you have had time to consider these matters.

Regards

Ciarán

Ciarán Lynch TD
Constituency Office
29 St. Patrick's Mills
Douglas
Cork
Tel: 021 4366200
Fax: 021 4366202
ciaran.lynch@oir.ie
www.ciaranlynch.ie

[redacted] ---05/01/2014 22:42:28---Dear Ciaran Lynch TD, I am deeply concerned that in the last month there has been increasing Pa

From: [redacted]
To: "ciaran.lynch@oir.ie" <ciaran.lynch@oir.ie>
Date: 05/01/2014 22:42
Subject: Increasing Palestinian Violence

Dear Ciaran Lynch TD,

I am deeply concerned that in the last month there has been increasing Palestinian attacks on [redacted] have been foiled but I would like to outline some for you.

With ongoing peace talks, there seems to be a concerted effort to increase violence in the hope of provoking an Israeli response. Those of us who seek a peaceful solution must speak out, efforts by the Palestinians to derail peace talks must halt.

On the 21st of December a group of Gazan men were caught attempting to blow up part of the border fence between Israel and the Gaza Strip.

On December 22nd an attempt was made to blow up a bus in Bat Yam a town just south of Tel Aviv. The bomb was found to contain a large volume of explosives and filled with nails and other pieces of metal to cause maximum injuries

Again on December 22nd, Three Palestinians attempted to stab an Israeli Police Officer outside Jerusalem,they were luckily caught and arrested

On December 23rd an Israeli Police officer was stabbed and suffered moderate injuries.

December 24th an Israeli civilian who was repairing the fence between Gaza and Israel when he was shot by sniper fire, the man later died of his wounds.He was a member of the Bedouin Israeli community.

December 24th also saw the opening of the new Sderot train station, This train station is the largest bomb proof station in Israel and possibly the world. You most likely know Sderot has been at the brunt of Hamas' 12,000 rockets fired at Israeli civilians.

A rocket was fired from Gaza and hit the Ashkelon bus terminal.

December 26th sees more rockets from Gaza which the IDF respond to, The Israeli government also moves more Iron Dome battery units to the south to shoot down incoming rockets targeted at Israeli civilians

Two katyusha's were fired from Lebanon into Northern Israel on December 29th.

On the 3rd January a Palestinian girl was caught trying to stab an Israeli police officer in Jerusalem.

No doubt you wont have heard about these attacks in the Irish media, in reality we never do hear about Palestinian violence unless there is an Israeli response. Politicians across Europe pay lip service when they declare that Israel has a right to defend herself, but as soon as she does, we see mass hysterics and moral outrage.We never witness that outrage over the 3,000 dead Palestinians in Syria. One wonders Why ? In reality it is simple,Israel is not to blame for their deaths.

If you truly believe in peace and really believe in the two state solution, you must speak out against this violence. It can no longer be ignored and there is concerns in Israel that a 3rd intifada is about to be declared. If the violence continues we can be sure there will be growing pressure from within Israel to create a much large reaction to the violence. Isn't it better a halt is put to these incidents now ?

What is alarming is the many of those that are stabbing police officers are young. What are these children being taught in school ? For years Israel has spoken about the ongoing incitement against Israel on Palestinian childrens tv and in Palestinian school books.

Please watch these videos of how Palestinian children are brainwashed in schools or on TV, We as Irish tax payers money fund this hate via Irish Aid, yet there is no moral outrage here.

http://www.youtube.com/watch?v=Q8yVQTkpMBs
http://www.youtube.com/watch?v=Nn2X8PzIZf0

I very much hope you will speak about this violence to the Palestinian Ambassador to Ireland, to the Minister for Foreign Affairs and to Minister Joe Costello and urge him to fund coexistence between Jewish and Arab kids in Educate Together style schools or the Peres Peace Centre, instead of funding hate.

Regards

BERNARD J. DURKAN TD
Kildare North Constituency

Dáil Éireann, Leinster House,
Kildare Street, Dublin 2.
Tel: 01 6183732
Fax: 01 6184515
E Mail: bernard.durkan@oir.ie

2

Mr Eamon Gilmore TD
Tanaiste and Minister for Foreign Affairs
Department of Foreign Affairs
80 St. Stephen's Green
Dublin 2

7 January 2014

Our Ref: BJD/NK

Dear Minister,

Please find enclosed a letter from [redacted] outlining his concerns regarding increasing Palestinian violence which is self-explanatory.

I would be grateful if you would bear in mind his comments and I look forward to your response.

Yours sincerely,

Bernard J Durkan TD

FINE GAEL

Increasing Palestinian Violence.
[redacted]
to:
bernard.durkan@oir.ie
05/01/2014 22:38
Hide Details
From: [redacted]
To: "bernard.durkan@oir.ie" <bernard.durkan@oir.ie>,
Please respond to: [redacted]

Dear Bernard Durkan TD

I am deeply concerned that in the last month there has been increasing Palestinian attacks on Israel, thankfully many have been failed but I would like to outline some for you.

With ongoing peace talks, there seems to be a concerted effort to increase violence in the hope of provoking an Israeli response. Those of us who seek a peaceful solution must speak out, efforts by the Palestinians to derail peace talks must halt.

On the 21st of December a group of Gazan men were caught attempting to blow up part of the border fence between Israel and the Gaza Strip.

On December 22nd an attempt was made to blow up a bus in Bat Yam a town just south of Tel Aviv. The bomb was found to contain a large volume of explosives and filled with nails and other pieces of metal to cause maximum injuries.

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If you truly believe in peace and really believe in the two state solution, you must speak out against this violence. It can no longer be ignored and there is concerns in Israel that a 3rd intifada is about to be declared. If the violence continues we can be sure there will be growing pressure from within Israel to create a much large reaction to the violence. Isn't it better a halt is put to these incidents now ?

What is alarming is the many of those that are stabbing police officers are young. What are these children being taught in school ? For years Israel has spoken about the ongoing incitement against Israel on Palestinian childrens tv and in Palestinian school books.

Please watch these videos of how Palestinian children are brainwashed in schools or on TV, We as Irish tax payers money fund this hate via Irish Aid, yet there is no moral outrage here.

I very much hope you will speak about this violence to the Palestinian Ambassador to Ireland, to the Minister for Foreign Affairs and to Minister Joe Costello and urge him to fund coexistence between Jewish and Arab kids in Educate Together style schools or the Peres Peace Centre, instead of funding hate.

Regards

[redacted]

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Cahill Bryan HQ-MINISTER

From: [redacted]
Sent: 13 January 2014 20:13
To: #HQ-TANAISTE - Email
Subject: Condolences

Dear An Tanaiste,

I am outraged that no sympathy has been sent to the people of Israel from the Irish Government on the death of former PM Ariel Sharon.

I believe our Ambassador didn't even attend the funeral. We were most likely the one EU nation to not be represented.Just like we were the ONLY nation to express sympathy to Hitler upon his death.

Israel is a friendly trading nation and it is an outrage that you, and An Taoiseach have said nothing. I expected such blatant political movements from Michael D Higgins as he has no respect for diplomatic protocol. I had hoped for better from you.

It is my hope that you will express your sympathy tomorrow without any further delay. I don't wish to see Alan Shatter having to do it. He should not be used as the court Jew and put out to be eaten by the antisemitic wolves who are waiting for him to mention Sharon.

I await a FULL and detailed reply from you

Regards
[redacted]

[redacted]

22 January 2014

Our Ref: MEU0140009

[redacted]

The Tánaiste and Minister for Foreign Affairs and Trade, Mr. Eamon Gilmore T.D., has asked me to thank you for your recent email relating to the death of former Prime Minister of Israel, Ariel Sharon.

It is important to be aware firstly that there is no standard diplomatic convention of offering condolences or making statements in the case of the death of former political leaders in other countries, who are in effect retired private citizens. Most countries, including Ireland, do not normally do so. Exceptions are made in various cases, most notably where the person had some connection with Ireland, where they were themselves of exceptional standing, or as a particular mark of friendship and sympathy.

On this latter basis, the Taoiseach sent a letter of condolences on behalf of the Irish Government and people to his counterpart, the Prime Minister of Israel Mr. Netanyahu. The Irish Ambassador to Israel attended the funeral service in Jerusalem. A senior Protocol Officer of the Department of Foreign Affairs and Trade visited the Israeli Embassy in Dublin to sign the Book of Condolences there, and Irish Ambassadors did likewise in a number of other capitals.

I hope this answers your concerns in relation to this matter.

Finally, it is disappointing that in a letter concerned with extending courtesy toward a deceased leader in another country, you were unable to do the same in relation to the President of Ireland.

Yours sincerely,

Robert O'Driscoll
Private Secretary

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Cahill Bryan HQ-MINISTER

From: [redacted]
Sent: 22 March 2014 13:42
To: #HQ-TANAISTE - Email
Subject: UN Human Rights Council March 27th-28th.

Dear Tanaiste Eamon Gilmore.

I have CC'd our Ambassador to the UN into this email.

From March 27th-28th the Palestinian Authority and Syria have joined together and tabled 5 motions against Israel. Syria a country that has seen over 100,000 dead, a refugee crisis and a dramatic rise in religious persecution. Yet Syria still feels that it can lecture other nations about human rights.

The UN has become weakened by Arab and Muslim governments using their power at the UN Human Rights Council to push an anti Israel agenda. They do this to hide their own human rights abuses and yet governments like Ireland, side with these brutal regimes while condemning Israel. This is beyond a joke and Ireland must vote against these resolutions.

Israel is not perfect, nor is the UN but we can't allow it to be hijacked by those who wish to push an agenda that seeks to deligitimise Israel.

I call on Ireland to vote against these motions and to publicly speak out against attempts to hijack the UN Human Rights Council, by countries like Syria.

To add insult to injury, Israeli diplomats are on strike and are unable to put their position across. In the interest of protecting the integrity of the UN Human Rights Council,Ireland must vote No to these 5 biased motions

Regards
[redacted]

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Cahill Bryan HQ-MINISTER

From: [redacted]
Sent: 30 May 2014 04:14
To: #HQ-TANAISTE - Email
Subject: Explanation

Dear Tanaiste,

Can someone in the DFA explain why Ireland is the only country in Europe to not have sent an expression of sympathy and condemnation as a result of the slaughter of 4 Jews in Belgium.It says a lot about the mentality of the DFA when every other European state has condemned the attack including Turkey and yet Ireland said zilch.

I would like a full explanation as to why this happened ? It simply is not good enough to use the EU elections as an excuse when all EU states also had elections this weekend and in reality it would have been a civil servant and not the Tanaiste himself who would have condemned the attack. What would it have taken to write all of 5 minutes ?

Ireland was very quick to sign the book of condolences for Hitler yet when Jews in 2014 are killed Ireland remains silent. Very telling about the DFA's mentality.

I would like a reply ASAP and a detailed reply as to why this happened.

Regards
[redacted]

Sent from my iPhone

OFFICE OF THE TÁNAISTE
MINISTER FOR FOREIGN AFFAIRS AND TRADE
DUBLIN

[redacted]

5 June 2014

Our Ref: EUR0140096

Dear [redacted]

On behalf of the Tánaiste and Minister for Foreign Affairs and Trade, Mr. Eamon Gilmore T.D., I refer to your communication of 30 May regarding the shootings at the Jewish Museum in Brussels.

Please be advised that the Tánaiste wrote to the Deputy Prime Minister and Minister for Foreign Affairs of Belgium Didier Reynders on 26 May to extend the deepest sympathies of the Government and the people of Ireland to Minister Reynders and to the families of the victims, and to express his sadness and shock at the tragic loss of life.

Yours sincerely,

Robert O'Driscoll
Private Secretary

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Cahill Bryan HQ-MINISTER

From: Irish israel [irish4israel@gmail.com]
Sent: 17 June 2014 19:19
To: #HQ-TANAISTE - Email
Subject: Kidnapped Israeli's

Dear Minister Gilmore,

It is now 5 days since the 3 Israeli teenagers were kidnapped, as of yet we have seen no public condemnation from you.

Will you be making a public statement ? Putting out a tweet as have most Western Foreign Ministers ? or once again are we to be left with egg on our face as one of the last nations that have to be dragged kicking and screaming to public condemn acts of terror.

On behalf of our 10,000 members,Irish4Israel strongly condemns this kidnapping and equally condemns your silence. As a friend of the Palestinians Ireland is in a unique position to push for their release.

Let me remind you one of the kidnapped is an American citizen and yet we have heard nothing from the DFA publicly AGAIN, just like we heard nothing publicly from you when 4 Jews were shot dead in Belgium, no tweet,No Facebook status,Nothing.
Instead we learnt you had sent a private letter to the Belgians. We were the only nation in Europe to condemn this act of violence in private and not publicly.

Will it be the same with these three teenagers ?

Regards
[redacted]
Irish4Israel
#BringBackOurBoys

Sent from my iPhone

[redacted]
Irish4Israel
irish4israel@gmail.com

18 June 2014

Our Ref: MEU0140068

Dear [redacted]

On behalf of the Minister for Foreign Affairs and Trade, Mr. Charles Flanagan T.D., I wish to acknowledge receipt of your email of 17 June 2014.

Yours sincerely

Robert O'Driscoll
Private Secretary

ALAN SHATTER TD
Dublin Rathdown Constituency
Dáil Éireann, Leinster House,
Kildare Street, Dublin 2.
Tel: 01-6183911
E-mail: alan.shatter@oireachtas.ie
Twitter @AlanShatterTD
Web: www.alanshatter.ie

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23 June 2015

Charles Flanagan TD,

Minister for Foreign Affairs and Trade,

Iveagh House,

80 St. Stephens Green,

Dublin 2.

Dear Charlie,

Please see attached email received by me from [redacted] concerning Israel.

I would appreciate your response to the serious issue raised.

Best wishes,

.....

ALAN SHATTER TD

FINE GAEL

Fwd: Ireland's recent vote at the UN.
Alan Shatter
to:
Alan Shatter
16/06/2015 07:48
Hide Details
From: Alan Shatter [redacted]
To: Alan Shatter <Alan.Shatter@oireachtas.ie>,

Please run off hard copy of this for me

Sent from my iPhone

Begin forwarded message:

From: [redacted]
Date: 26 May 2015 18:07:01 GMT+01:00
To: "[redacted]
Subject: Ireland's recent vote at the UN.

Dear Alan Shatter TD,

Recently a vote took place at the UN, part of the resolution accused Israel of experimenting on Syrians and other Arabs.

The Israeli "occupation authorities," were accused of "continuing to experiment on Syrian and Arab prisoners with medicines and drugs and to inject them with pathogenic viruses." This charge aroused no revulsion apparently among the participants. Not one representative of any country of the European Union was outraged, protested or walked out of the deliberations.

It seems all EU countries including Ireland voted for this. As you can imagine I am deeply alarmed. There is a campaign to get the UK to distance itself from this resolution.

Would you be able to find out for me , why Ireland voted for this resolution and does the DFA believe Israel is experimenting on Arab prisoners ?

Here is some more information.
http://blog.unwatch.org/index.php/2015/05/21/un-israel-is-worst-violator-of-health-rights-in-the-world/

http://sarahhonig.com/2015/05/25/the-new-judeophobic-zeitgeist/#more-7689

I would appreciate if you could get back to me as soon as possible.

Regards
[redacted]

Sent from my iPhone

Mr. Alan Shatter T.D.
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

26 June 2015

Our Ref: MEU0150083

Dear Deputy,

On behalf of the Minister for Foreign Affairs and Trade, Mr. Charles Flanagan T.D., I wish to acknowledge receipt of your letter of 23 June 2015.

Your letter is receiving attention at the moment.

Yours sincerely,

Eimear Friel

Eimear Friel
Private Secretary

Mr. Alan Shatter T.D.
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

10 July 2015

Our Ref: MEU0150083

Dear Alan,

Thank you for your letter of 23 June concerning a recent vote at the World Health Assembly in Geneva.

I enclose a copy of the Decision in question, which was supported by all EU Member States. As you will see it is a largely procedural request to the Director General of the WHO for reports, and does not contain any of the alleged objectionable language cited by [redacted]. It is my understanding that no such language was ever part of the draft.

With kind regards,

Yours sincerely,

Charles Flanagan T.D.
Minister for Foreign Affairs and Trade

World Health Organization

SIXTY-EIGHTH WORLD HEALTH ASSEMBLY
Agenda item 20

A68/B/CONF./2
19 May 2015

Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan

Draft decision proposed by Cuba, Nicaragua, Pakistan, Tunisia, Venezuela (Bolivarian Republic of)

The Sixty-eighth World Health Assembly,

PP1 Mindful of the basic principle established in the Constitution of the World Health Organization, which affirms that the health of all peoples is fundamental to the attainment of peace and security, and stressing that unimpeded access to health care is a crucial component of the right to health;

PP2 Taking note of the report of the Director-General on Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan, and noting also the Report of a field assessment of health conditions in the occupied Palestinian territory;

Requests the Director-General:

(OP.1) to report on the health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan, to the Sixty-ninth World Health Assembly, through a field assessment conducted by the World Health Organization, with special focus on:

(a) barriers to health access in the occupied Palestinian territory, including as a result of movement restrictions and territorial fragmentation, as well as progress made in the implementation of the recommendations contained in the World Health Organization 2014 report Right to health: Crossing barriers to access health in the occupied Palestinian territory, 2013;

(b) physical injuries and disabilities, and damage to and destruction of medical infrastructure and facilities as well as impediments to the safety of health care workers;

(c) access to adequate health services on the part of Palestinian prisoners;

(d) the effect of prolonged occupation and human rights violations on mental and physical health, particularly the health consequences of the Israeli military detention system on Palestinian prisoners and detainees especially child detainees,

and of insecure living conditions in the occupied Palestinian territory, including east Jerusalem;

(e) the effect of impeded access to water and sanitation, as well as food insecurity, on health conditions in the occupied Palestinian territory, particularly in the Gaza Strip;

(f) the provision of financial and technical assistance and support by the international donor community, and its contribution to improving health conditions in the occupied Palestinian territory;

(OP.2) to provide support to the Palestinian health services, including capacity-building programmes;

(OP.3) to provide health-related technical assistance to the Syrian population in the occupied Syrian Golan;

(OP.4) to continue providing necessary technical assistance in order to meet the health needs of the Palestinian people, including prisoners and detainees, in cooperation with the efforts of the International Committee of the Red Cross, as well as the health needs of handicapped and injured people;

(OP.5) to provide support to the Palestinian health sector in preparing for emergency situations and scaling up emergency preparedness and response capacities and in reducing shortages in life-saving drugs and medical disposables;

(OP.6) to support the development of the health system in the occupied Palestinian territory, including development of human resources.

= = =

BERNARD J. DURKAN TD
Kildare North Constituency

Dáil Éireann, Leinster House,
Kildare Street, Dublin 2.
Tel: 01 6183732 / 01 6183191
Fax: 01 6184515
E Mail: bernard.durkan@oir.ie
www.facebook.com/BernardDurkan
www.twitter.com/BernardDurkanTD

Mr Charles Flanagan TD
Minister for Foreign Affairs
Department of Foreign Affairs
80 St. Stephen's Green
Dublin 2

22 June 2015

Our Ref: BJD/CM

Dear Minister,

Please find enclosed a letter from [redacted] in relation to UN facilities which is self-explanatory.

I would be grateful if you would bear in mind his comments and I look forward to your response.

Yours sincerely,

Bernard J Durkan TD

Dear Members of the Joint Oireachtas on Foreign Affairs,

I read this article and I am alarmed. The international community including this Committee must condemn Hamas and other terrorists in Gaza for abusing UN facilities to store weapons.

http://www.ynetnews.com/articles/0,7340,L-4669541,00.html

I would like your opinion on this.

Isn't it time the international community actually tried to put at least some pressure on Hamas ? All you ever seem to do is attack Israel for all the Middle East's problems.

Gay people being pushed off buildings, Christians being forced from their ancient homeland. Yazidi's being sold as sex slaves , the world's richest terror organisation ISIS on the rampage. Yemen falling apart as Saudi bombs from above, Libya ceasing to function as a state. Persecution of Christians in Iraq,Syria,Egypt and Iran. Lets ignore the Muslim only roads in Saudi Arabia , those road that ONLY men can drive on. Druze are being killed in Syria, but let's just focus on Israel, the only country with religious freedom, gay rights, Women's rights, independent media, a thriving trade union movement and civil society.Where Arabs serve in the Knesset and sit as Supreme Court judges. Let's just pick on Israel, where Hezbollah grows stronger in the North and Hamas rearm in the South . Jihadist grow in the Sinai and a three hour drive from Tel Aviv would bring you right into occupied territory of the Islamic State.

Yes blame Israel for everything because it gets you the press time, Blame Israel because your hypocrisy on Facebook will get lots of likes and plenty of Retweets. Blame Israel because to do anything else would be brave. Blame Israel because why change hundreds of years of European history . Be it blame the Israelis or Blame the Zionists in reality it always comes back to blaming the Jews for all the problems.

Regards

[redacted]

UNRWA chief: Gaza militants hid weapons in our facilities

Head of UN relief agency criticizes Palestinians for stockpiles found in facilities during Operation Protective Edge, but also takes issue with Israel.

Elior Levy
Published: 06.17.15, 13:23 / Israel News
He couldn't imagine that it would be one of the most challenging years of his life. Just three months after first sitting in his new office in Jerusalem, Operation Protective Edge began in the Gaza Strip and Krähenbühl was expected to lead the complex effort to find safety for hundreds of thousands of Palestinian who left their homes due to warnings and bombings from the Israeli Air Force.

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"I don't think that you can ever foresee the need to deal with these kinds of events. When I joined UNRWA, I thought that I would deal mainly with the traditional issues of education and health service for refugees," he said in an interview to Ynet.

But reality has its own plans, and Krähenbühl found himself in the middle of the chaos.

Pierre Krahenbuhl (Photo: Ido Erez)

"The first thing that hit me when the conflict erupted was that at the end of the day, after all the analyses in the media, armed conflict affects real people. Whether they are in Gaza or southern Israel. Their lives, their safety, and dignity are in the middle, and that's what guided me through the whole conflict last year," he said.

The relationship between the Israeli public and the organization have always been contentious, but during the conflict relations seemed to reach a major low point.

During the fighting pieces of militant weapons where found in at least two UNRWA facilities, placing the organization in an embarrassing position. "We where the ones who found the weapons stockpiles in our facilities while conducting sweeps," Krähenbühl said.

"The reason the world found out was because we were the ones who told everyone," he said. According to him, sweeping the incidents under the rug was never an option.

"We knew that there would be harsh responses against UNRWA among the Israeli public when we publicized the find, but imagine what would happen if we weren't the ones who publicized it. The publication of the incident should serve to show that we will not stand for it, and will not just forget about it."

UNRWA school damaged during the conflict (Photo: Reuters)

"The scale of destruction affected me"

Krähenbühl was born in Switzerland 49 years ago. Before heading UNRWA, he served as director of operations at the International Red Cross for more than a decade. In his previous position, he garnered much experience in conflict zones like Iraq, Syria, Afghanistan, Libya, and Colombia.

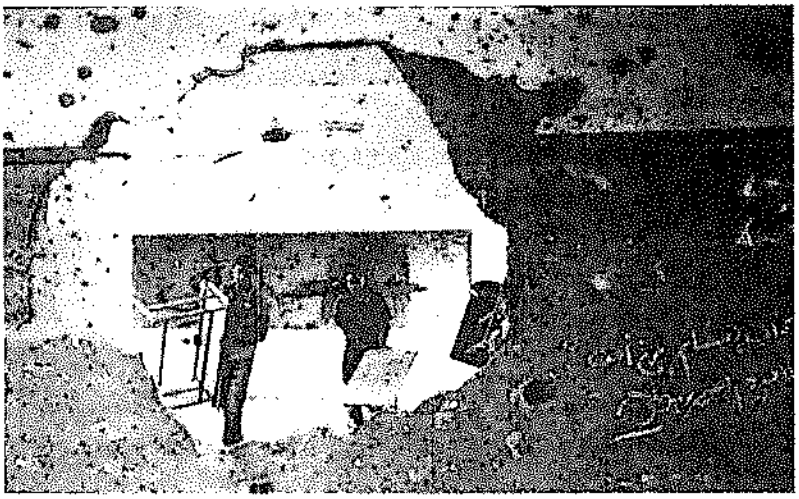
It's fair to assume that his experience in such fragile areas shaped his diplomatic abilities. "I'm not a judge, it's not my job to judge what is a war crime or violation of international humanitarian law," he answered when asked if he believes that war crimes took place during the conflict.

"But as a man who worked many years in conflict zones, it would be fair to say that the scale of destruction that I saw in Gaza and its effects on people had a strong influence on me."

He is very cautious with his words, and made an effort throughout the interview to clarify that his criticism is for both sides.

However, with Israel currently fighting a defensive battle against the predicted negative effects of the UN's investigative report on the conflict, it seems he does not entirely agree with Israel's version of events.

"It's obvious that in conflict every party, whether a state or not, is obligated to follow international law. It's often said that Gaza is so tightly populated that when civilians are wounded, it should be forgiven, but I see it differently. It's exactly in this situation that more caution should be exercised, to make sure civilians aren't hurt," he says.



School damaged during Operation Protective Edge (Photo: AFP)

It's clear that the event which had the most effect on him was an IDF strike that hit an UNRWA school in Jabalia, which served as a temporary shelter during the conflict, and took the lives of 20 Palestinians. The strike took place after Palestinian militants fired at IDF troops who where in the vicinity of the school.

The troops returned mortar fire, and as a result the school was hit. In the aftermath of the strike, the military prosecutor announced that the attack was not conducted according to IDF regulations. The prosecutor has since opened a military police investigation into the matter in order to understand the circumstances surrounding the incident.

"The day after the strike I visited the injured children in the hospital, and I saw in their parent's eyes what it means to not be able to protect your child. When I see whole neighborhoods in Gaza that where destroyed by the army, or an UNRWA school that was hit even though we sent the location of the school to the army many times - notifying them that civilians were present, then it is obvious that we would issue statement censuring these actions during the fighting. With that said, when we weren't sure - we did not censure," he added.

The message coming out of the defense establishment in internal briefings and analyses with international officials is that the ratio of civilians to combatants killed was one to one. The army has brought forward examples of other operations by Western states in urban areas, where the ratio was eight civilians for every combatant killed.

It seems that UNRWA is less than impressed by these figures. "The price of the last operation was very high. 540 children killed and 3,000 wounded children don't sit well with the Israeli statement that all the precautions where taken (in order to minimize collateral damage). so now the IDF needs to conduct the necessary investigations. I'm sure that they will do this," he said.

Krähenbühl has criticism for Hamas as well; during the operation he entered the Gaza Strip three times, and on one of those trips did not hesitate to criticize Hamas in front of the world media.

"I was the only high level international official to denounce the rocket fire to Israel, and not from a place where it is comfortable to speak from like Jerusalem or Geneva, but from inside Gaza itself. I can testify about myself that I take international law very seriously, and if I know rockets are purposely being fired at areas where civilians can be hurt, then I will condemn it," he said.

UNRWA had plans prepared even before the operation on how to protect the civilian population of Gaza in the case of conflict. The experience came mainly from the days of operation Cast Lead in 2008, when UNRWA took 50,000 people into its facilities.

However, Operation Protective Edge, which was the largest conflict in Gaza so far, led 300,000 people to seek refuge in some 90 UNRWA facilities throughout the Strip.

"It's a massive number of people," Krähenbühl said. "It's 1.5 times the population of Geneva, the city where I was born," he says.

According to Krähenbühl, if the operation were to happen in Geneva, the city's population would be able to evacuate to other European countries, but in Gaza the residents didn't have any where to go, and that's why the UNRWA facilities were the safest place for them.

On the matter of evacuation he sounds satisfied. However, naturally the process wasn't organized. "It was total chaos; people did not evacuate their homes in an organized manner during the bombings. They left their things for the first place that looked safe," he said.

No one anticipated that the conflict would go on for such a long time, and as the days passed problems began arising from the dense conditions the people where living in.

"You can fit between 80 to 100 people inside one of our school classrooms, but what then? How do you supply basic hygiene products?"

These problems gave way to fighting that often became violent between the evacuees, with UNRWA employees finding themselves in the middle.

Today, a year after the operation, UNRWA continues to house 5,000 Palestinians whose homes where destroyed in its complexes.

Mr. Bernard Durkan T.D.
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

24 July 2015

Our Ref: MEU0150085

Dear Bernard,

Thank you for your letter of 22 June concerning representations you had received from [redacted] relating to the conflict in Gaza last summer.

The small number of cases in which militant groups used disused UN buildings in Gaza to store weapons were made known by the UN itself, and were widely reported and widely condemned. In my own statements on the conflict, I consistently condemned attacks into Israel by Hamas and other groups. In particular, the European Union has, on the basis of these actions, classed Hamas as a terrorist group, with all of the active sanctions and penalties that that implies.

The strong and substantive criticisms which I also made of Israel at the same time were entirely based on the excessive use of force which was clearly evident, and the number of civilian casualties which resulted from it. You will be aware yourself of the considerable public outcry which this caused last summer. The various statements that I made about the conflict last summer are publicly available on my Department's website at (www.dfa.ie).

With kind regards,

Yours sincerely,

Charles Flanagan T.D.
Minister for Foreign Affairs and Trade

9

Irish4Israel
Suite 5112, Unit 1,
77 Sir John Rogerson's Quay.
Dublin 2.

irish4israel.office@gmail.com

Dail Eireann
Leinster House,
Kildare Street
Dublin 2.

Dear Deputy Charles Flanagan TD,

In the light of the impending motion in the Dail to recognise a state of 'Palestine', we would respectfully ask you to consider the following points:

1. Such a recognition would bring the achievement of an actual independent Palestinian state no closer, and would be of symbolic value only. Nevertheless, it would constitute a direct intervention by a third party in a conflict which is extremely complex in nature and can be resolved only through direct negotiations without preconditions between the two parties involved, the state of Israel and the Palestinian Arab leadership.
2. The Irish peace process of the 1990s was successful precisely because it stuck to the model of direct negotiations between the parties involved – the Ulster unionist and nationalist representatives and the Irish and British governments. To be sure, outside intervention was helpful, but only to encourage and facilitate the process. Imagine the consequences if, for example, a group of Irish-Americans had succeeded in getting the US Congress to pass a resolution to recognise a virtual united Ireland as a symbolic gesture of support to the Republican cause. The peace process would immediately have been aborted and no Good Friday Agreement would have taken place.
3. The current Palestinian leadership is divided between the Palestinian Authority (PA), based on the Fatah party, chaired by Mahmoud Abbas and exercising autonomous rule over about 2.2 million Palestinian Arabs in Judea-Samaria (the 'West Bank'), and Hamas, a radical Islamic organisation internationally recognised as a terrorist entity, which rules 1.75 million Palestinian Arabs in the independent Gaza Strip. The two have been in bitter conflict since the Hamas coup and resultant civil war in summer 2007 when all Fatah personnel were expelled from Gaza. Although Hamas has a presence in the West Bank, there is no realistic prospect of reconciliation between the Fatah and Hamas factions. It is therefore legitimate to ask: what Palestinian state would the Dail be recognising – the Fatah state, the Hamas state or both? In the last case the two-state solution would be replaced by the three–state solution, with the two Palestinian states in a state of suspended civil war. Is this a scenario that Irish Parliamentarians are happy to usher into existence?
4. In both the West Bank and the Gaza Strip, the last Palestinian elections were held 11 years ago, in 2006. The electoral mandates of both factions of the Palestinian

leadership, for a four-year term, thus expired 7 years ago. The commitment of both factions of the Palestinian leadership to democratic norms must therefore be open to question. In addition, their commitment to the rule of law is in serious doubt. In 2014, Hamas eliminated opponents in ISIS-style public executions, dragging their bodies through the streets. In the West Bank, credible reports have emerged of torture of political opponents in the PA prison in Jericho. Are these the kind of states to which Irish Parliamentarians wish to give their blessing?

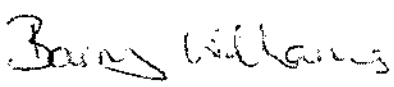
5 Why do two states, one for the Jewish people and one for the Palestinian Arab people, not exist already? An independent Palestinian state could have come into being in 1948 alongside Israel, had not the Arab leadership chosen to launch an invasion of five armies to eradicate the infant Jewish state. Two-state proposals have been advanced many times, from the British Peel Commission report of 1937, through the Clinton Parameters at Camp David 2000, to the offer in 2008 by Israeli Prime Minister Olmert to Chairman Abbas of an Israeli withdrawal from 94% of Judea-Samaria with compensation of Israeli land equivalent to 5.8% and a land bridge to the Gaza Strip. All such proposals have been rejected by the Palestinian leaderships.

6 Are Jewish settlements in Judea-Samaria the real obstacle to a two-state solution? Arabs launched three wars against Israel before a single Jewish home was built in that territory. (Jews who had lived there before 1948 were killed or driven out, while the 2,000-year-old Jewish community of Hebron had already been massacred in 1929.) The existence of settlements did not prevent the Oslo Accords of 1993-5. Israeli governments have always indicated that this issue would be on the table in direct negotiations.

7 Finally, if Irish Parliamentarians are serious in giving due recognition to the legitimate security concerns of Israel, they must consider the likely implications of a Palestinian Arab state next door to Israel, if such were to be established without a negotiated and binding peace agreement. It is probable that fresh elections would bring Hamas to power in the West Bank. Given the often-repeated explicit commitment of Hamas to the destruction of Israel, such an outcome would turn the West Bank into a greatly magnified version of Gaza, with large-scale rocket fire and other terrorist attacks launched at the heart at the most densely populated parts of Israel, including Ben Gurion International Airport. This part of Israel is between 9 and 14 miles wide – the width of County Dublin. No Israeli government could afford to tolerate such a state of insecurity for its citizens. The inevitable result would be a new war that would be in nobody's interests and would cause devastating damage to ordinary people on both sides. It would again be a case of one side fighting a war it cannot win, against another side that cannot afford to lose.

We urge you to consider, in place of this motion of recognition, supporting an amendment that encourages both sides to undertake negotiations without preconditions for a final peace settlement, offering any assistance the parties may find helpful based on the Irish experience of peacemaking.

Yours Sincerely



Barry Williams
President of Irish4Israel

Private Secretary
Minister for Foreign Affairs
and Trade
Transmitted for attention
and direct reply

NIALL COLGAN

Private Secretary

Barry Williams
President of Irish4Israel
Irish4Isreal
Suite 5112, Unit 1
77 Sir John Rogerson's Quay
Dublin 2

15 February, 2017

Dear Mr Williams,

I am directed by the Tánaiste and Minister for Justice and Equality, Ms Frances Fitzgerald, T.D., to acknowledge receipt of your recent letter regarding Palestine

As this matter is more appropriate to the Department of Foreign Affairs and Trade, your correspondence has been referred to that Department for their appropriate attention.

Yours sincerely,

Niall Colgan
Private Secretary to the Tánaiste
and Minister for Justice and Equality

Minister's Office
16 FEB 2017
DEPT. OF FOREIGN AFFAIRS
AND TRADE

Irish4Israel
Suite 5112, Unit 1,
77 Sir John Rogerson's Quay.
Dublin 2.

irish4israel.office@gmail.com

Dail Eireann
Leinster House,
Kildare Street
Dublin 2.

Dear Deputy Frances Fitzgerald TD,

In the light of the impending motion in the Dail to recognise a state of 'Palestine', we would respectfully ask you to consider the following points:

1. Such a recognition would bring the achievement of an actual independent Palestinian state no closer, and would be of symbolic value only. Nevertheless, it would constitute a direct intervention by a third party in a conflict which is extremely complex in nature and can be resolved only through direct negotiations without preconditions between the two parties involved, the state of Israel and the Palestinian Arab leadership.
2. The Irish peace process of the 1990s was successful precisely because it stuck to the model of direct negotiations between the parties involved – the Ulster unionist and nationalist representatives and the Irish and British governments. To be sure, outside intervention was helpful, but only to encourage and facilitate the process. Imagine the consequences if, for example, a group of Irish-Americans had succeeded in getting the US Congress to pass a resolution to recognise a virtual united Ireland as a symbolic gesture of support to the Republican cause. The peace process would immediately have been aborted and no Good Friday Agreement would have taken place.
3. The current Palestinian leadership is divided between the Palestinian Authority (PA), based on the Fatah party, chaired by Mahmoud Abbas and exercising autonomous rule over about 2.2 million Palestinian Arabs in Judea-Samaria (the 'West Bank'), and Hamas, a radical Islamic organisation internationally recognised as a terrorist entity, which rules 1.75 million Palestinian Arabs in the independent Gaza Strip. The two have been in bitter conflict since the Hamas coup and resultant civil war in summer 2007 when all Fatah personnel were expelled from Gaza. Although Hamas has a presence in the West Bank, there is no realistic prospect of reconciliation between the Fatah and Hamas factions. It is therefore legitimate to ask: what Palestinian state would the Dail be recognising – the Fatah state, the Hamas state or both? In the last case the two-state solution would be replaced by the three–state solution, with the two Palestinian states in a state of suspended civil war. Is this a scenario that Irish Parliamentarians are happy to usher into existence?
4. In both the West Bank and the Gaza Strip, the last Palestinian elections were held 11 years ago, in 2006. The electoral mandates of both factions of the Palestinian

leadership, for a four-year term, thus expired 7 years ago. The commitment of both factions of the Palestinian leadership to democratic norms must therefore be open to question. In addition, their commitment to the rule of law is in serious doubt. In 2014, Hamas eliminated opponents in ISIS-style public executions, dragging their bodies through the streets. In the West Bank, credible reports have emerged of torture of political opponents in the PA prison in Jericho. Are these the kind of states to which Irish Parliamentarians wish to give their blessing?

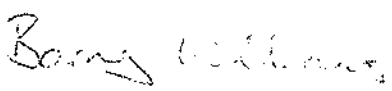
5 Why do two states, one for the Jewish people and one for the Palestinian Arab people, not exist already? An independent Palestinian state could have come into being in 1948 alongside Israel, had not the Arab leadership chosen to launch an invasion of five armies to eradicate the infant Jewish state. Two-state proposals have been advanced many times, from the British Peel Commission report of 1937, through the Clinton Parameters at Camp David 2000, to the offer in 2008 by Israeli Prime Minister Olmert to Chairman Abbas of an Israeli withdrawal from 94% of Judea-Samaria with compensation of Israeli land equivalent to 5.8% and a land bridge to the Gaza Strip. All such proposals have been rejected by the Palestinian leaderships.

6 Are Jewish settlements in Judea-Samaria the real obstacle to a two-state solution? Arabs launched three wars against Israel before a single Jewish home was built in that territory. (Jews who had lived there before 1948 were killed or driven out, while the 2,000-year-old Jewish community of Hebron had already been massacred in 1929.) The existence of settlements did not prevent the Oslo Accords of 1993-5. Israeli governments have always indicated that this issue would be on the table in direct negotiations.

7 Finally, if Irish Parliamentarians are serious in giving due recognition to the legitimate security concerns of Israel, they must consider the likely implications of a Palestinian Arab state next door to Israel, if such were to be established without a negotiated and binding peace agreement. It is probable that fresh elections would bring Hamas to power in the West Bank. Given the often-repeated explicit commitment of Hamas to the destruction of Israel, such an outcome would turn the West Bank into a greatly magnified version of Gaza, with large-scale rocket fire and other terrorist attacks launched at the heart at the most densely populated parts of Israel, including Ben Gurion International Airport. This part of Israel is between 9 and 14 miles wide – the width of County Dublin. No Israeli government could afford to tolerate such a state of insecurity for its citizens. The inevitable result would be a new war that would be in nobody's interests and would cause devastating damage to ordinary people on both sides. It would again be a case of one side fighting a war it cannot win, against another side that cannot afford to lose.

We urge you to consider, in place of this motion of recognition, supporting an amendment that encourages both sides to undertake negotiations without preconditions for a final peace settlement, offering any assistance the parties may find helpful based on the Irish experience of peacemaking.

Yours Sincerely



Barry Williams
President of Irish4Israel

Mr. Barry Williams
President
Irish4Israel
Suite 5112
Unit 1
77 Sir John Rogerson's Quay
Dublin 2

20 February 2017

Our Ref: MEU170038

Dear Mr. Williams,

On behalf of the Minister for Foreign Affairs and Trade, Mr. Charles Flanagan T.D., I wish to acknowledge receipt of your letter of 14 February 2017.

Your letter is receiving attention at the moment.

Yours sincerely,

Cormac Hynes
Private Secretary

An Roinn Airgeadais
Department of Finance

Ref: 17/0523/MF

27 March 2017

Mr Barry Williams
President
Irish4Israel
Suite 5112, Unit 1
77 Sir John Rogerson's Quay
Dublin 2

Minister's Office
29 MAR 2017
D. PT. OF FOREIGN AFFAIRS AND TRADE

Dear Mr. Williams,

I wish to acknowledge receipt of your recent letter regarding your expression of concern over the Dáil motion to recognise a state of Palestine.

I am forwarding your correspondence to the Office of the Minister for Foreign Affairs and Trade, Charles Flanagan, T.D, for information and direct reply.

Yours sincerely,

Mr. Justin Dolan
Private Secretary to the Minister for Finance

Private Secretary
Department of Foreign Affairs & Trade
For attention and direct reply
JUSTIN DOLAN
Private Secretary
Minister for Finance

Irish4Israel
Suite 5112, Unit 1,
77 Sir John Rogerson's Quay.
Dublin 2.

irish4israel.office@gmail.com

Dail Eireann
Leinster House,
Kildare Street
Dublin 2.

Dear Deputy Michael Kennedy TD

In the light of the impending motion in the Dail to recognise a state of 'Palestine', we would respectfully ask you to consider the following points:

1. Such a recognition would bring the achievement of an actual independent Palestinian state no closer, and would be of symbolic value only. Nevertheless, it would constitute a direct intervention by a third party in a conflict which is extremely complex in nature and can be resolved only through direct negotiations without preconditions between the two parties involved, the state of Israel and the Palestinian Arab leadership.
2. The Irish peace process of the 1990s was successful precisely because it stuck to the model of direct negotiations between the parties involved – the Ulster unionist and nationalist representatives and the Irish and British governments. To be sure, outside intervention was helpful, but only to encourage and facilitate the process. Imagine the consequences if, for example, a group of Irish-Americans had succeeded in getting the US Congress to pass a resolution to recognise a virtual united Ireland as a symbolic gesture of support to the Republican cause. The peace process would immediately have been aborted and no Good Friday Agreement would have taken place.
3. The current Palestinian leadership is divided between the Palestinian Authority (PA), based on the Fatah party, chaired by Mahmoud Abbas and exercising autonomous rule over about 2.2 million Palestinian Arabs in Judea-Samaria (the 'West Bank'), and Hamas, a radical Islamic organisation internationally recognised as a terrorist entity, which rules 1.75 million Palestinian Arabs in the independent Gaza Strip. The two have been in bitter conflict since the Hamas coup and resultant civil war in summer 2007 when all Fatah personnel were expelled from Gaza. Although Hamas has a presence in the West Bank, there is no realistic prospect of reconciliation between the Fatah and Hamas factions. It is therefore legitimate to ask: what Palestinian state would the Dail be recognising – the Fatah state, the Hamas state or both? In the last case the two-state solution would be replaced by the three–state solution, with the two Palestinian states in a state of suspended civil war. Is this a scenario that Irish Parliamentarians are happy to usher into existence?
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leadership, for a four-year term, thus expired 7 years ago. The commitment of both factions of the Palestinian leadership to democratic norms must therefore be open to question. In addition, their commitment to the rule of law is in serious doubt. In 2014, Hamas eliminated opponents in ISIS-style public executions, dragging their bodies through the streets. In the West Bank, credible reports have emerged of torture of political opponents in the PA prison in Jericho. Are these the kind of states to which Irish Parliamentarians wish to give their blessing?

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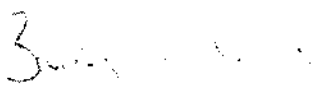
We urge you to consider, in place of this motion of recognition, supporting an amendment that encourages both sides to undertake negotiations without preconditions for a final peace settlement, offering any assistance the parties may find helpful based on the Irish experience of peacemaking.

Yours Sincerely



Barry Williams
President of Irish4Israel

Mr. Barry Williams
President
Irish4Israel
Suite 5112
Unit 1
77 Sir John Rogerson's Quay
Dublin 2

2 June 2017

Our Ref: MEU170038

Dear Mr. Williams,

On behalf of the Minister for Foreign Affairs and Trade, Mr. Charles Flanagan T.D., I wish to thank you for your letter of 15 February 2017 concerning the recognition of Palestine. The Minister has noted your views and had them passed on to the Middle East Unit in the Department.

The Minister recently answered a Parliamentary Question (No. 51 on 12 April 2017) in the Dáil on this issue, which sets out the position on the matter. The Minister's reply was as follows:

> As I have reported to the House, I am keeping under continuous review whether the immediate recognition by Ireland of a state of Palestine, prior to its real achievement on the ground, could be a helpful step towards the goal of resolving the conflict. And, if so, when that might have the greatest impact.
>
> My two visits to the region have contributed to that ongoing consideration, and I have discussed the question with both local leaders and EU colleagues.
>
> The motions passed by the Dáil and the Seanad in this regard in 2014 are obviously important factors, but ultimately this is a decision for the Government, and there are many factors to take into account, both positive and negative.
>
> I am also acutely conscious that the situation on the ground has continued to deteriorate, and efforts to reanimate the political process have not yet been successful. I have condemned a number of recent negative actions, including announcements of settlement construction.
>
> I am continuing to weigh these and other factors in relation to recognition on an ongoing basis.

The Minister has asked me to assure you that Ireland will keep this matter under review, monitoring closely any developments on the ground.

Yours sincerely,

Cormac Hynes
Private Secretary

10

Cahill Bryan HQ-TÁNAISTE

From: Rosemary Whelan <Rosemary.Whelan@Oireachtas.ie> on behalf of Charles Flanagan <Charles.Flanagan@Oireachtas.ie>
Sent: 22 February 2017 16:21
To: #HQ-MINISTER - Email
Subject: Fw: Urgent Concern - Violation of Vienna Convention

----- Forwarded by Rosemary Whelan/Polstaff/Oireachtas on 22/02/2017 16:20 -----

From: Irish4Israel Office <irish4israel.office@gmail.com>
To: "charlie.flanagan@oir.ie" <charlie.flanagan@oir.ie>,
Date: 22/02/2017 16:12
Subject: Urgent Concern - Violation of Vienna Convention

22nd Feb, 2017

Dear Mr. Flanagan, Minister for Foreign Affairs

Violation of Vienna Convention on Diplomatic Relations (1961)

I am writing to you regarding the failure of Gardaí and security personnel to ensure the safety of Israeli Ambassador Ze'ev Boker on a visit to Trinity College, Dublin on the 20th of February, 2017. This was in clear violation of Ireland's obligations under Articles 22(2) and 29 of the Vienna Convention on Diplomatic Relations and Optional Protocols (1961) which was affirmed as part of Irish law per the Diplomatic Relations and Immunities Act (1967). Forbye, the failure of Gardaí and security personnel led to the cancellation of the event.

On the day in question a relatively small number of pseudo-Palestinian activists demonstrated in the arts block of Trinity College with no apparent intervention by Gardaí – a point also noted by the Irish Times – which led to the cancellation of the event. Never mind the affront this debacle represents to the basic principles of freedom of speech and respectful disagreement, this series of events represents a grave violation of Ireland's obligations under international law governing diplomatic relations. One suspects that if a similar occurrence had involved an Irish diplomat abroad, the Department for Foreign Affairs would have wasted little time in raising the matter with the pertinent receiving State, why then does Ireland not extend the same protections to ambassadors on Irish soil?

I draw your attention firstly to the pertinent Articles of the Vienna convention on Diplomatic Relations which I shall address in turn:

1. Article 22(2): "The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."
1. Article 29: "The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity."

Firstly, as Israel has a permanent diplomatic mission to Ireland and longstanding diplomatic relations with Ireland, we as a nation are compelled to secure the welfare of this diplomatic mission and actively prevent any efforts to subvert it. The obstruction of an event to promote the positive relations that currently exist between Ireland and Israel, and the failure of Gardaí or other pertinent personnel, hampers the mission at a time when anti-Semitism is on the rise globally lest we forget. Why is it that this was allowed happen, when such an occurrence would never conceivably happen on Israeli soil?

Secondly, the failure of security forces to disassemble this misconceived protest allowed obstructionists to shut down this event intended to further our Irish-Israeli relations and engage with the budding Irish diplomats of tomorrow. This obstruction of Mr Boker was an attack on his person, his freedom of speech and his dignity; Mr Boker has had a long and distinguished career representing Israel abroad and has faithfully continued this as Israeli Ambassador to Ireland. However, how can Mr Boker be expected to do this when he is no longer protected by the Vienna Convention due to the omissions of Gardaí and security

personnel? Article 29 explicitly protects his person, dignity and freedom as an ambassador and tasks us as a nation with ensuring his protection yet we have failed; one suspects we would not quickly forgive the failures of other nations in this regard.
And finally, this failure represents just as much a failure to protect Mr Boker's right to freedom of speech as well as a failure in our obligations to protect him. Thomas Paine famously said that "[t]hose who expect to reap the blessings of freedom, must, like men, undergo the fatigue of supporting it." I ask now, Minister, have we fatigued already? Has the fight for our most basic of liberties proven too great a task? If we fail to guarantee Mr Boker's freedom and dignity on Irish soil, how can we expect others to guarantee the same for our ambassadors abroad?
Yours sincerely,

Barry Williams

President of Irish4Israel.

Cahill Bryan HQ-TÁNAISTE

From: #HQ-MINISTER - Email
Sent: 24 February 2017 13:09
To: 'irish4israel.office@gmail.com'
Subject: Acknowledgement - MEU170042

Mr. Barry Williams
President of Irish4Israel
irish4israel.office@gmail.com

24 February 2017

Our Ref: MEU170042

Dear Mr. Williams,

On behalf of the Minister for Foreign Affairs and Trade, Mr. Charles Flanagan T.D., I wish to acknowledge receipt of your email of 22 February 2017.

Your email is receiving attention at the moment.

Yours sincerely

Cormac Hynes
Private Secretary

OIFIG AN AIRE DLÍ AGUS CIRT AGUS COMHIONANNAIS
OFFICE OF THE MINISTER FOR JUSTICE AND EQUALITY

Private Secretary
Department of Foreign Affairs and Trade
Iveagh House
80 St Stephen's Green
D02 VY53

February 2017

OUR REF: 0223161447

Dear Private Secretary,

Please find enclosed copy of correspondence from Mr Barry Williams regarding the Vienna Convention and the protection of diplomats both in the State and abroad.

The issues raised in the correspondence are more appropriate to your Department.

Yours sincerely.

Niall Colgan
Private Secretary to the Tánaiste
and Minister for Justice and Equality

Minister's Office
06 MAR 2017

94 Sráid Stephen's, Baile Átha Cliath 2 94 St. Stephen's Green, Dublin 2
Teileafón/Telephone: (01) 602 8202 Iomlaoid Logall: 1890 221 227 Faics/Fax: (01) 661 5461 Ríomhphost/Email: info@justice.ie

Memo

From : Irish4Israel Office <irish4israel.office@gmail.com>

To: info@justice.ie,
cc: frances.fitzgerald@oir.ie,
Date : 22/02/2017
Subject: Violation of the Vienna Convention on Diplomatic Relations.

22nd Feb, 2017
Dear Mrs Frances Fitzgerald, Minister for Justice.

Violation of Vienna Convention on Diplomatic Relations (1961)

I am writing to you regarding the failure of Gardaí and security personnel to ensure the safety of Israeli Ambassador Ze'ev Boker on a visit to Trinity College, Dublin on the 20th of February, 2017. This was in clear violation of Ireland's obligations under Articles 22(2) and 29 of the Vienna Convention on Diplomatic Relations and Optional Protocols (1961) which was affirmed as part of Irish law per the Diplomatic Relations and Immunities Act (1967). Forbye, the failure of Gardaí and security personnel led to the cancellation of the event.

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attack on his person, his freedom of speech and his dignity; Mr Boker has had a long and distinguished career representing Israel abroad and has faithfully continued this as Israeli Ambassador to Ireland. However, how can Mr Boker be expected to do this when he is no longer protected by the Vienna Convention due to the omissions of Gardaí and security personnel? Article 29 explicitly protects his person, dignity and freedom as an ambassador and tasks us as a nation with ensuring his protection yet we have failed; one suspects we would not quickly forgive the failures of other nations in this regard.

And finally, this failure represents just as much a failure to protect Mr Boker's right to freedom of speech as well as a failure in our obligations to protect him. Thomas Paine famously said that "[t]hose who expect to reap the blessings of freedom, must, like men, undergo the fatigue of supporting it." I ask now, Minister, have we fatigued already? Has the fight for our most basic of liberties proven too great a task? If we fail to guarantee Mr Boker's freedom and dignity on Irish soil, how can we expect others to guarantee the same for our ambassadors abroad?

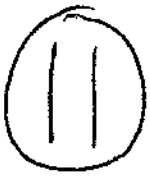
Yours sincerely,

Barry Williams

President of Irish4Israel.

Cahill Bryan HQ-TÁNAISTE

From: Simon Coveney <simon.coveney@oireachtas.ie>
Sent: 21 November 2017 15:01
To: minister@
Subject: Fw: An Open Letter to Senator Paul Gavan.



----- Forwarded by Simon Coveney/Members/Oireachtas on 21/11/2017 15:01 -----

From: Irish4Israel <irish4israel@gmail.com>
To: <simon.coveney@oireachtas.ie>
Date: 21/11/2017 14:56
Subject: An Open Letter to Senator Paul Gavan.
Sent by: "Irish4Israel" <irish4israel=gmail.com@mail124.wdc01.mcdlv.net>

Responding to comments made in the Seanad by Senator Gavan.

An Open Letter to Senator Galvin

Apartheid South Africa		Israel
Minority Rule – a white minority oppressed a Black majority	☐	☒ **Full democracy** with right to vote for everyone over 18
Race based system of oppression with notion of racial superiority	☐	☒ **Full rights** to all races, cultures & religions protected by Supreme Court
No Right to Vote for Black people	☐	☒ **Full Democracy** to all Israeli citizens
Bantu Education Act - Inferior education with quotas on higher education	☐	☒ **Full access** to all education
The Group Areas Act - Separate Development	☐	☒ Anyone can live wherever they want
Prohibition of Mixed Marriages Act– restrictions on cross colour sexual relationships	☐	☒ No restrictions
Censorship & Suppression of Communism Act	☐	☒ Free Press & Communists represented in Parliament

[illegible]

I am writing [illegible] your [illegible] in the Sunday on November 9th.

[illegible] the Balfour [illegible] people to sell [illegible] they have yearned to return to for [illegible] they would return to Jerusalem and now [illegible]

[illegible] as the only willing for Muslims to be taken out [illegible] British Jews myself, and their opposition [illegible] nationalism. I also know how the British Jewish [illegible] Muslims [illegible] against far right elements and [illegible] looked at the pictures and all I

[illegible] President Jewish Labor being surrounded by Police, as anti Israel [illegible] to arrest [illegible] were made about these comments. If [illegible] they are wrong and those who made them should face the full [illegible] of the [illegible] Israel Israelis. However to suggest those comments are [illegible] Zionism is completely ridiculous. Zionism is an [illegible] the right of the Jews to live in their homeland. That is [illegible]

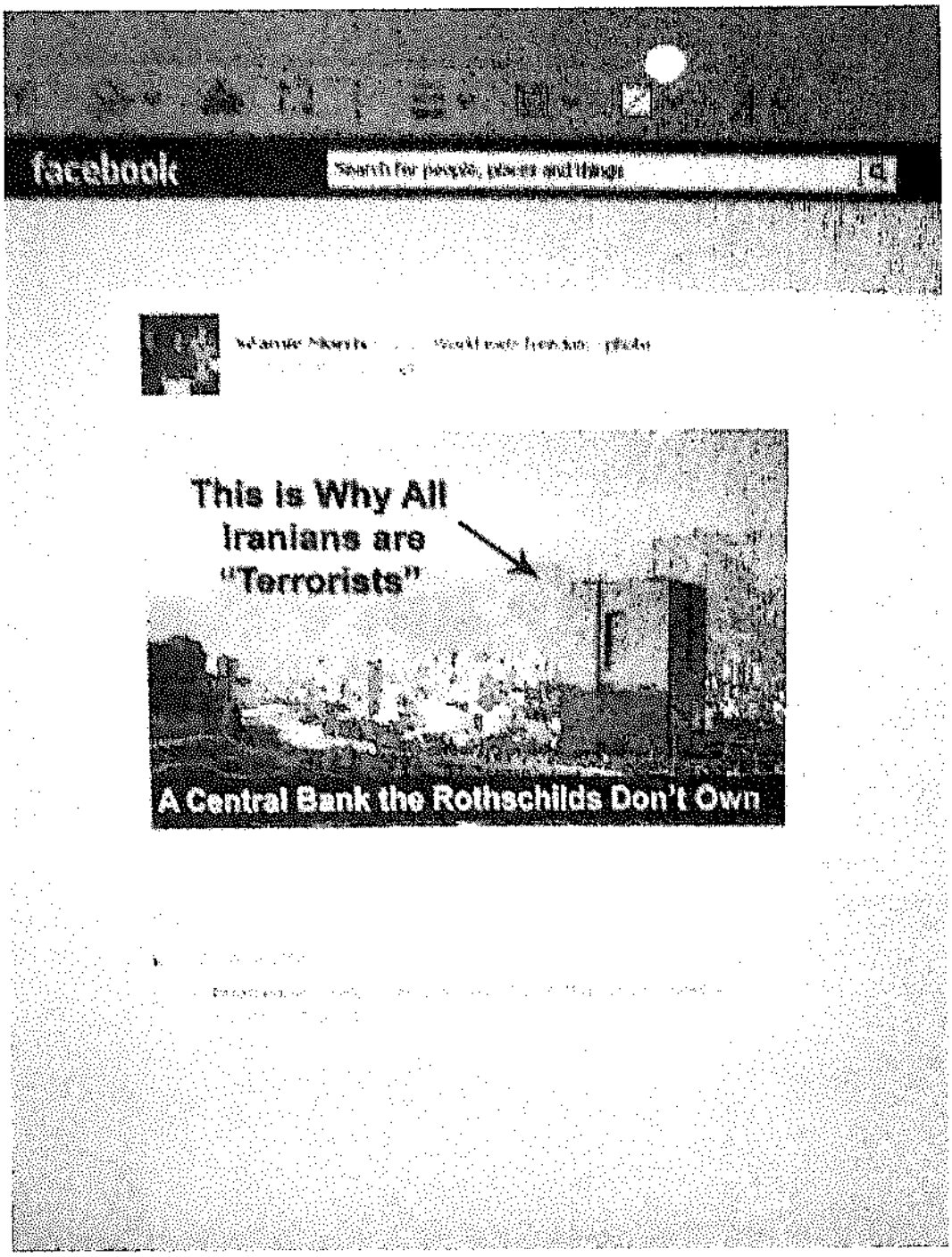
[illegible] your anti [illegible] that when your party attends anti [illegible] rallies [illegible] you will seek out racists and Semitism and racism. How many [illegible] "From the River to the Sea, Palestine will be free". This is a [illegible] seeks from the Jordan river to the [illegible] This chant is [illegible] chanted in Ireland [illegible] your party has ever objected to that.

[illegible] here the Israeli flag has been burnt. [illegible] where the Hezbollah and Hamas flag, two Islamic Terrorist [illegible] the Popular Front for the [illegible] involved in hijacking planes and [illegible] "pro-Palestinian" rallies in Ireland which [illegible] Why you and your party now object to the flying [illegible] chants of "From the River to the Sea, [illegible]

[illegible]


BBC
GAZA
Jesmine
Abercrombie & Fitch
SLAUGHTER
GAZA
Jesmine

[illegible] West Bank
[illegible]


facebook
This is Why All Iranians are "Terrorists"
A Central Bank the Rothschilds Don't Own

[illegible] Sinn Fein [illegible] to have taken on an almost [illegible] Democratic Socialist Party is the only [illegible] in our national parliament. This is [illegible] a tragic situation that needs to be solved. The [illegible] Palestinian state will not bring one into existence - it [illegible] and this is what Ireland must encourage. If [illegible] signs lined clearly on one side it will be [illegible] recognition will [illegible] negotiations even [illegible]

[illegible] to take in electing your party [illegible] "Free Palestine will be free" is [illegible] on display with the flags of Hamas [illegible] Sinn Fein conspiracy [illegible] displaying their [illegible] media.

Regards
[illegible]
[illegible]

www.irish4israel.ie

[illegible] understanding Israel's security needs, to counteracting [illegible] of Irish society, and to ensure that the conflict resolution [illegible] the Irish media.

Share this

Suite 5112
Unit 1
77 Sir John Rogerson's Quay, Dublin 2
Ireland

(12)

Cahill Bryan HQ-TÁNAISTE

From: [redacted]
Sent: 15 December 2017 13:21
To: #HQ-TÁNAISTE - Email; #HQ-TÁNAISTE - Email
Cc: simon.coveney@oir.ie
Subject: Well Done

Dear Minister Coveney,

A short email from a constituent to thank you for your balanced and fair comments to Paul Murphy on Wed 13th.

It is so important we try and regain some trust with the Israelis who for too long have sadly seen us as the most hostile English speaking country in the world to them.

We have much to gain from working with Israel economically and there is huge tourism potential if only we could get a direct flight.

Ireland needs to stop this anti Israel bias and I would urge you to do as much as you can to remain balanced. A positive step would be to stop funding NGO's that are anti Israel. These organisations frame themselves as pro human rights but they are mostly just NGO's that wish to attack Israel. This funding is a huge issue for Israel and if Ireland changes its policy towards these NGO's we will see opportunities open up for us to promote peace, which currently don't exist. We only need to look to Sweden to see how shut out they are from this conflict , this is what is happening to Ireland too and I support the Israelis on this attitude as why should they engage with a country that spends tax payers money attacking their country and its legitimacy.

Finally I would urge you to do all you can to ensure we don't unilaterally move to recognise a state of Palestine prior to peace negotiations. It is ironic that those who have criticised Trump's move would be to the front calling for us to recognise Palestine. These people can't have it both ways.

Thank you once again and keep up the good work.

Regards

[redacted]

(13)

Cahill Bryan HQ-TÁNAISTE

From: Simon Coveney <simon.coveney@oireachtas.ie>
Sent: 03 May 2018 16:52
To: #HQ-TÁNAISTE - Email
Subject: Fw: Anti Israel Motion at Kerry Council pushed by FG
Attachments: Control of Economic Activities Bill.docx; facebook.png

----- Forwarded by Simon Coveney/Members/Oireachtas on 03/05/2018 16:51 -----

From: Irish4Israel Office <irish4israel.office@gmail.com>
To: leo.varadkar@oir.ie, simon.coveney@oir.ie,
Cc: finegael@finegael.ie
Date: 03/05/2018 14:50
Subject: Anti Israel Motion at Kerry Council pushed by FG

Dear An Taoiseach, An Tanaiste and FG HQ

Irish4Israel wishes to urgently draw to your attention the planned activity by the anti Israel lobby group Sadaka. In the leaked email below sent to a public representative you will see Sadaka are attempting to get local authorities to pass motions urging the Seanad to pass a bill put forward by Senator Frances Black.

Senator Black's bill as we outlined previously is incompatible with EU, WTO law and puts American companies in Ireland at risk as outlined below.

Irish4Israel has noticed a trend in the last two years where anti Israel motions are put forward onto most councils as emergency motions. This is deliberately done to ensure there is no public opposition organised against the vote. Councillors of more respectable parties are caught unaware and don't have the full facts and often don't know how to vote on such issues.

While we appreciate there is no Whip system at local level it is deeply alarming to read the email below which states FG Councillors in Kerry are joining FF to spearhead this motion. From the email below we believe this motion is potentially going to come up in all local authorities in Ireland and **we believe it is important that FG HQ speaks to its councillors to urge them to not engage in such foreign affairs issues at local level**. They achieve nothing but embarrassing international articles about Ireland.

We are also writing to you as we are deeply concerned about the below email that was forwarded to us by an elected representative in Ireland, this representative is concerned that Pobail an organisation that receives HSE, Udaras Na Gaeltachta and EU money is lobbying for another organisation and that this is a conflict of interest. We recently saw a charity in Dublin having to remove their repeal logo and questions must be asked as to why Sadaka is attempting to use other organisations to covertly push its agenda. Has Pobail registered with SIPO to engage in this form of lobbying ?

Irish4Israel has long believed Irish Foreign policy should not be set by local Authorities, As you can see from the below email from Sadaka forwarded by Pobail, they wish to attempt to do all of the ground work privately so as to ensure there is little objection from people like us and Councillors who may feel uncomfortable with the legality of this motion, will feel isolated if they don't endorse it. This is to ensure an easier passing of the motion. In recent years we have seen the anti Israel movement use Sinn Fein and other hard left wing councillors to introduce emergency motions on the night of the council meeting, this is done **deliberately** to ensure the public has no idea this foreign policy issue is being raised at a local level, but

most importantly it is done to ensure there is no public objection.

Unfortunately due to the use of emergency motions, we have no idea where this motion is coming up except in Donegal and Kerry, we feel it is important for us to contact you and stress that a) foreign policy issues should not be decided at local level and b) the use of emergency motions to push through such motions is anti democratic it is done deliberately to ensure there is no opposition. In the last local elections we saw a rise in the number of seats won by the hard left and Sinn Fein who seem to use local authorities to make large and at times internationally embarrassing gestures. It is our belief these issues should be decided by the Foreign Minister, EU and the Irish Joint Oireachtas Committee on Foreign Affairs. The Middle East issue is not simple or black and white one, it is in fact very complex. Imagine if local governments in Israel started passing motions on the status of Northern Ireland during the attempts to revive the peace process in Northern Ireland ?

If both Fianna Fail and Fine Gael and respectable Independents opposed this bill in the Seanad, it makes little sense as to why FF and FG councillors in other counties would now be pushing this at a local level, which the below email states is happening. Both this current government and governments under FF have stated they oppose boycotts. Boycotts wont bring people together, it in fact drives people further apart and causes mistrust. This motion wont bring peace to the Middle East, neither will it if it is passed in the Seanad. The current Prime Minister of the Palestinian Authority Mahmoud Abbas has also spoken out against boycotts of Israel as he believes this will impact on the Palestinian local economy far greater than it will on the Israeli economy.

To stress two key points. The United States has legislation that prohibits any company that operates in the USA ,complying with a boycott of what it deems a "friendly nation" this includes Israel, if this bill was passed and enforced these companies would be unable to comply with US law and Irish law, Their CEO's would risk huge fines and imprisonment for succumbing to pressure to boycott. Ireland relies heavily on US foreign direct investment. It would also be required of Irish firms looking to operate in the USA to show proof they are not complying with Senator Blacks bill, therefore costing Irish firms money as the onus will be on those Irish firms to provide evidence they are not engaging in a boycott.

The bill proposed by Senator Black is unworkable, if you travelled to Israel for a holiday and bought a bottle of wine that happened to be produced in the Golan and brought it back to Ireland, you would get a larger fine than if you imported fireworks across the border from Northern Ireland. Are we going to pay customs officials to seize bottles of wine or chocolate or honey produced in the Golan Heights ? If an Irish soldier based in the Golan takes a few days holidays and rents a house in the Golan, he will have committed a crime under this proposed bill too.

We urge you to please read the legal objections that have been outlined, we sought out an international trade lawyer to draw up these legally sound objections and see below the email sent by the tax payers funder group Pobail to elected representatives . **We kindly request you contact all Councillors within the party and urge them to not support this motion if it comes up as an emergency motion.**

Regards
Barry Williams
Irish4Israel
(See attached file: Control of Economic Activities Bill.docx)

Cahill Bryan HQ-TÁNAISTE

From: #HQ-TÁNAISTE - Email
Sent: 09 May 2018 17:49
To: 'irish4israel.office@gmail.com'
Subject: Acknowledgement - MEU180141

Mr. Barry Williams
Irish4Israel
irish4israel.office@gmail.com

9 May 2018

Our Ref: MEU180141

Dear Mr. Williams,

On behalf of the Tánaiste and Minister for Foreign Affairs and Trade, Mr. Simon Coveney T.D., I wish to acknowledge receipt of your email of 3 May 2018.

Yours sincerely,

Clare Brosnan
Private Secretary

(14)

Cahill Bryan HQ-TÁNAISTE

From: Simon Coveney <simon.coveney@oireachtas.ie>
Sent: 02 July 2018 11:19
To: #HQ-TÁNAISTE - Email
Subject: Fw: Legal Objections to Senator Black's Bill
Attachments: Observations on Frances Black's Bill v2.docx; Status of West Bank without bible references.docx

----- Forwarded by Simon Coveney/Members/Oireachtas on 02/07 2018 11:18 -----

From: Barry Williams [redacted]
To: simon.coveney@oireachtas.ie,
Date: 01/07/2018 11:20
Subject: Legal Objections to Senator Black's Bill

Dear Minister Coveney,

Please find attached our legal arguments against Frances Blacks bill to come up for a vote on July 11th.

We have outlined in our observations how this bill contravenes EU and WTO law and will also have an impact on Ireland's Brexit negotiations.

We have also supplied you with a document outlining the status of the West Bank as we believe there will be a lot of misinformation about its status and a lot of buzz words and slogans used which lack sound historical knowledge .

It is my sincere hope Fine Gael , Fianna Fáil and solid Independents will come together to oppose this bill.

If I can be of any further help, please do let me know .

Regards
Barry Williams
@BarryWilliamsIE

Irish4Israel

(See attached file: Observations on Frances Black's Bill v2.docx)
(See attached file: Status of West Bank without bible references.docx)
Sent from my iPhone

Sent from my iPhone

CONTROL OF ECONOMIC ACTIVITY (OCCUPIED TERRITORIES) BILL 2018 (FRANCES BLACK'S BILL)

Summary

1. This Bill is illegal, undermines Ireland's position in the Brexit negotiations, and is liable to have adverse impacts on some businesses with operations in Ireland. It is also motivated by a highly simplistic view of Israeli settlements in parts of the territory that had previously been allocated for the reconstitution of the Jewish national home.

2. This Memorandum sets out some of the legal problems and adverse impacts of the Bill. An Annex outlines the history of the West Bank (Judea and Samaria), providing some of the essential context relating to the Israeli settlements which is ignored by those proposing this Bill.

Contraventions of EU law

(a) The EU's common policy for external trade

3. The EU has exclusive competence for the common commercial policy – i.e. the external trade policy of the EU. Art. 3(1)(e) of the Treaty on the Functioning of the EU[1] (TFEU) provides:

   "The Union shall have exclusive competence in the following areas: ... (e) common commercial policy."

4. Since the EU has exclusive competence for the common commercial policy, Art. 2(1) of the TFEU applies:

   "When the Treaties confer on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts."

5. Furthermore, Art. 207(1) of the TFEU provides: *"The common commercial policy shall be based on uniform principles ...."*

6. Accordingly, EU member states are not permitted to adopt unilateral restrictions on imports into the EU. This is very clear and well-established.

7. The EU Court of Justice has repeatedly held that an act falls within the common commercial policy *"if it relates specifically to international trade in that it is essentially intended to promote, facilitate or govern trade and has direct and immediate effects on trade"*[2] The

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN

[2] Cases C-137/12 *Commission v Council (conditional access / illicit devices to receive broadcasts)*; C-389/15 *Commission v Council (revised Lisbon Agreement on Appellations of Origin)*; Opinion 2/15 *(free trade agreement with Singapore)*; Opinion 3/15 *(Marrakesh Treaty for access to published works for visually*

Bill clearly comes within this definition, since it is plainly intended to govern trade with Israeli settlements in disputed territories and (if enacted) would have direct and immediate effects on such trade. Furthermore EU trade sanctions for alleged violations of international law have in the past been based on its competence to conduct the common commercial policy.[3]

8. EU Regulation 2015/478 on common rules for imports applies to imports of products originating in Israel and territories under Israel's control (other than certain textiles covered by Regulation 2015/936).[4] Its Recital 2 reaffirms that *"The common commercial policy should be based on uniform principles."*

9. Art. 1(2) of EU Regulation 2015 provides that

> *"Imports into the Union of the products referred to in paragraph 1 shall take place freely and accordingly shall not be subject to any quantitative restrictions, without prejudice to the safeguard measures which may be taken in Chapter V".*

10. The Bill would constitute a restriction on imports contrary to Art. 1(2) of EU Regulation 2015/478 unless it is covered by an exception in the Regulation.

11. Art. 17(2) of the Regulation provides that

> *"Without prejudice to other Union provisions, this Regulation shall not preclude the adoption or application by Member States of:*
> *(a) prohibitions, quantitative restrictions or surveillance measures on grounds of public morality, public policy or public security ...."*

12. However, the EU Court of Justice has repeatedly held that a restriction on free movement derogating from a common policy is justified on grounds of public policy only where there is a *"genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society"*[5]. Imports from businesses operating in the vicinity of Israeli settlements do not satisfy this condition.

13. In any event, this exception is without prejudice to other Union provisions, and unilateral action by Ireland would still be contrary to the other provisions of EU law mentioned in this memorandum, even if Art. 17(2) of Regulation 2015/478 applies.

14. Even a threat to implement restrictions on imports in the future is equivalent to a quantitative restriction, since it deters companies from developing such business. The EU Court of Justice has held that *"All trading rules enacted by Member States, which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade are to be considered as measures having an effect equivalent to quantitative restrictions".*[6]

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impaired); C-414/11 *Daiichi Sankyo v DEMO (TRIPs Agreement)*; C-411/06 *Commission v European Parliament (movement of hazardous wastes)*; C-347/03 *Friuli-Venezia Giulia and ERSA (EU-Hungary agreement on wines)*, etc.

[3] eg EU Regulations 877/82 (Argentina), 2340/90 and 3150/90 (Iraq), 945/92 (Libya), 1432/92 and 990/93 (Serbia)

[4] See Art. 1(1) of EU Regulation 2015/478. EU Regulation 2015/936 has replaced EU Regulation 517/94. The countries covered by EU Regulation 2015/755 do not include Israel or territories administered by Israel.

[5] Cases 30/77 *Bouchereau* (1977) ECR 2000 para 35; C-304/14 *CS* para 38; C-193/16 *E* para 23

[6] eg Case 8/74 *Dassonville* (1974) ECR 838 para 5

15. Similar provisions to those discussed above are contained in EU Regulation 2015/936 which applies to the textiles excluded from EU Regulation 2015/478.

(b) The EU's Common Foreign Policy

16. TFEU Art. 215 empowers the EU Council to adopt trade sanctions pursuant to a decision of the EU Counsel under Title V Chapter 2 of the Treaty on European Union (TEU). Unilateral trade sanctions by an EU member state in an area where the EU is already active would undermine the EU's policy. Indeed, Art. 24(3) of the TEU explicitly provides that

> *"The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area.*
>
> *The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.*
>
> *The Council and the High Representative shall ensure compliance with these principles."*

17. Separate trade sanctions by Ireland against Israel would undoubtedly impair the EU's effectiveness as a cohesive force in international relations contrary to this provision.

18. Moreover, the EU Commission has adopted an *Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967.*[7] This presupposes that such goods are permitted to be sold in the EU provided they are appropriately labelled. Unilateral action by an EU member state would contradict this policy.

(c) The EU's internal market

19. The Bill would also restrict importation into the Irish Republic of goods that are in free circulation in other member states of the EU. This would breach Art. 34 of the TFEU, which provides: *"Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States."*

20. There is an exception in Art. 36 of the TFEU for prohibitions *"justified on grounds of public morality, public policy or public security"* but this has been interpreted restrictively in order to secure the fundamental principle of free circulation of goods in the internal market. A measure is justified on grounds of public policy only where there is a *"genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society"*[8]

21. The Bill would similarly restrict the supply of cross-border services within the internal market, in so far as it would prevent persons established in another EU member state supplying "settlement services" to persons in Ireland. This would contravene Art. 56 of the

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[7] 2015/C 375/05 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015XC1112%2801%29

[8] See cases cited in note 5 above.

TFEU, which prohibits restrictions on the provision of cross-border services within the internal market.

22. The Bill would also restrict the free movement of Irish citizens from other EU states to Ireland, since they would be liable to prosecution in Ireland if they have supplied "settlement goods" or "settlement services" in another EU state where this is permitted: see s. 5(1) of the Bill under which it has extra-territorial application to Irish citizens. This would be contrary to Art. 45 of the TFEU which prohibits restrictions on the free movement of workers in the internal market.

23. In so far as s. 5(1) of the Bill would apply to those holding joint citizenship of Ireland and another EU state, it would also contravene the prohibition of discrimination in Art. 18 of the TFEU and their rights as EU citizens to move and reside freely with the EU member states under its Arts. 20(2) and 21, as well as the prohibition of restrictions on freedom of establishment in another EU member state in its Art. 49.

24. All of these provisions have exceptions for measures justified on grounds of public policy,[9] but as stated above, this exception only applies where there is a *"genuine and sufficiently serious threat to the requirements of public policy affecting one of the fundamental interests of society"*.

Brexit negotiations

25. The Bill would compromise the position of Ireland and the EU in the Brexit negotiations. The Joint Report of the EU negotiators and the UK government on progress during phase 1 of the Brexit negotiations[10] states in its Art. 51: *"Both Parties will establish mechanisms to ensure the implementation and oversight of any specific arrangement to safeguard the integrity of the EU Internal Market and the Customs Union."* Measures by the Irish Republic unilaterally restricting imports into Ireland are not consistent with the integrity of the Customs Union or the EU Internal Market and conflict with this commitment.

26. The Joint Report further provides in its Art. 52 that *"Both Parties acknowledge that the 1998 Agreement recognises the birth right of all the people of Northern Ireland to choose to be Irish or British or both and be accepted as such."* By imposing criminal liability on Irish citizens who reside in Northern Ireland for economic activities in Northern Ireland complying with the law of Northern Ireland, the proposed Bill would undermine that entitlement.

27. If the Irish Republic makes exceptions to these principles, it will be difficult for it (and the EU) to resist other exceptions being made by the British government, and this would undermine the Republic's position generally in these sensitive negotiations.

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[9] TFEU Arts. 45(3), 52(1), 62; EU Directive 2004/38 Art. 27 (which is particularly stringent).

[10] https://ec.europa.eu/commission/publications/joint-report-negotiators-european-union-and-united-kingdom-government-progress-during-phase-1-negotiations-under-article-50-teu-united-kingdoms-orderly-withdrawal-european-union_en

World Trade Organisation

28. The Bill would also contravene Article XI of the General Agreement on Tariffs and Trade[11] 1947 (the GATT) which precludes prohibitions or restrictions on the import of *"any product of the territory of any other contracting party"*. The EU, Ireland and Israel are all contracting parties to the GATT.

29. Art. XXVI.5(a) of the GATT provides that *"Each government accepting this Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility"*. The phrase *"any product of the territory of any other contracting party"* in Article XI must be intended to cover the territories specified in Art XXVI.5(a). Israel has international responsibility for the territories which it administers beyond the 1949 armistice lines, including the part of the "West Bank" which it administers in accordance with the Oslo II Accord pending a final status agreement. The substantive provisions of the GATT and other related agreements therefore apply to these territories as well as the territory of Israel within the 1949 armistice lines.

30. Art. XX(a) of the GATT permits measures "necessary to protect public morals", but it cannot seriously be claimed that this Bill meets this condition.

31. In any case, even where necessary to protect public morals, measures are only permitted by this provision *"subject to the requirement that such measures are not applied in a manner which would discriminate between countries where the same conditions prevail"*. The Bill is carefully drafted to apply only to Israeli settlements, even though other countries have created settlements in occupied territories, including Turkey in Northern Cyprus, Morocco in Western Sahara, and China in Tibet. The Bill does not avoid this requirement by defining "relevant occupied territory" in its s.3 by reference to decisions of specified international courts, since the same conditions may prevail in other territories even though they have not yet been subject to a decision by a specified international court. Alternatively, to comply with this requirement, the Minister would have to designate a series of other territories, undermining the relations of Ireland and the EU with major trading partners.

32. For these reasons, the Bill would also contravene the requirements of non-discrimination in Articles I.1 and III.4 of the GATT.

Impact on businesses in Ireland

33. If enacted, the Bill could well be problematic for international companies that have been attracted to Ireland in recent years. For example, Airbnb, which has its European headquarters in Dublin, assists Israelis living in the West Bank to provide accommodation services and so would be criminally liable under Irish law if the Bill is enacted. On the other hand, if Airbnb were to comply with the boycott enforced by this legislation, it would face sanctions under the laws of various US States as well as US Federal law. In these circumstances, Airbnb and other multinational companies that might be affected would probably move their operations out of Ireland, resulting in a loss of jobs and taxes.

[11] https://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm

Annex

Outline of the History of Judea and Samaria (the West Bank)

Brief summary

Judea and Samaria were a central part of the historic homeland of the Jewish people[1] from 1200 BC onwards. Although largely expelled during the Roman period[2], and although the territory was renamed Palestina by the Romans, the Jewish people never abandoned their claim and intention to return to their historic homeland.

In the centuries prior to 1918, and after a succession of other rulers, the area was part of the Turkish Empire. Following Turkey's defeat in the First World War, the vast majority of its former territory in the Middle East was allocated for the creation of new Arab States under Mandates adopted by the League of Nations, the forerunner of the UN.

At the same time, the League of Nations Mandate for Palestine recognised the historical connection of the Jewish people with Palestine, allocated the territory of Palestine between the Jordan River and the Mediterranean for the purpose of reconstituting a national home for the Jewish people, and entrusted the UK as mandatory to put this into effect. In particular, the administration of Palestine was required by the Mandate to facilitate Jewish settlement throughout this territory.

The rights of the Jewish people recognised in the League of Nations Mandate were preserved by Article 80 of the UN Charter, which has been accepted by all members of the UN.

Israel declared its independence in 1948 on the departure of British forces, without determining its boundaries. Parts of Judea and Samaria were invaded and occupied by Transjordan (now Jordan), but Transjordan's claim to the territory it occupied (which it called the "West Bank") was only accepted by two other countries (the UK and Pakistan) and was subsequently abandoned. The 1949 armistice agreement between Jordan and Israel expressly stated that the line of demarcation ("the Green Line") between their forces was dictated by military considerations and was without prejudice to boundary lines or territorial claims.[3]

In 1967 the area of Judea and Samaria occupied by Jordan came under Israeli control when Israel responded to attacks by Jordan in the "Six Day War". Following this war, UNSC Resolution 242 affirmed the requirement to establish a just and lasting peace, which should be based in part on "withdrawal of Israel armed forces from territories occupied in the recent conflict". However, it did <u>not</u> say "from *all the* territories occupied in the recent conflict" or "to the positions they held prior to 5 June 1967" as had been proposed in earlier drafts and discussions, thus signifying that a full withdrawal by Israeli forces was not expected. In any event, the reference to withdrawal

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[1] The term "Jewish" is derived from "Judah", one of the twelve ancient tribes of Israel, but has come to refer to the whole of the Israeli people and we use it in this sense

[2] Beginning circa 63 BCE. Major expulsions followed the unsuccessful Jewish revolts of 67 CE and 132-136 CE

[3] http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/israel-jordan%20armistice%20agreement.aspx Arts II.2 and VI.9

of Israel armed forces was coupled with other conditions in UNSC Resolution 242 that have not yet been fulfilled.

In the Oslo Accords of 1993 and 1995, the Government of Israel and the PLO representing the Palestinian people agreed to divide the administration of Judea and Samaria between a Palestinian Authority ("the PA") and the Israeli government until agreement could be reached on its permanent status.[4] Under these agreements, Areas A and B of Judea and Samaria are now administered by the Palestinian Authority, while Area C, which includes the Israeli settlements, is administered by Israel. In particular, jurisdiction in respect of the Israeli settlements is reserved exclusively to Israel.[5]

Importantly, the Oslo Accords specifically stipulated that certain unresolved issues would be subject to further negotiations. These subjects were: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis.[6] Subsequent negotiations have not yet resolved these issues. While settlements are one of the outstanding issues, it should be noted that there are a number of other major issues, and it would not be correct to suggest that the settlements are the only or main obstacle to a solution.

To summarise: Judea and Samaria were the heart of the historic Jewish homeland and were part of the territory allocated for its reconstitution following the First World War, alongside much larger territories designated for Arab States. The armistice lines separating the West Bank from recognised Israeli territory are not legal borders, but merely reflect the outcome of the illegal invasion by Jordan in 1948. Israel's boundaries and the status of Jewish communities in Judea and Samaria are matters to be settled by negotiation between the parties, not by diktat of the Dail. And even if Israel breached international law by establishing settlements in the West Bank, the operation of businesses in their vicinity is not inherently illegal and very often is highly beneficial to the Palestinian population.

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[4] Declaration of Principles on Interim Self-Government Arrangements, Washington DC, 13 September 1993; Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington DC, 28 September 1995 http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT.aspx.

[5] See Article XVII of the Interim Agreement on the West Bank and the Gaza Strip

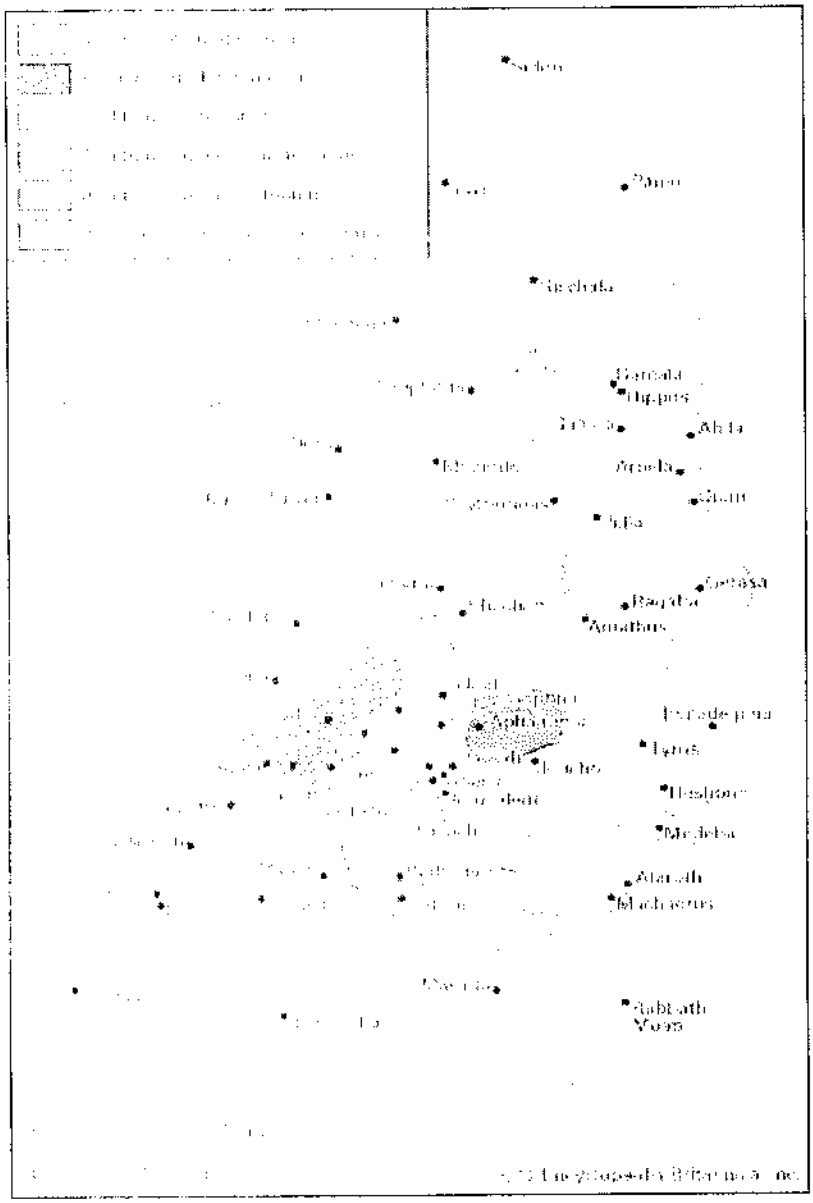
[6] See Articles XVII.1 and XXXI.5 of the Interim Agreement on the West Bank and the Gaza Strip

In a little more detail

1) Classical period

The presence of the Jewish People in the strip of land west of the Jordan river from ca 1200 BC onwards is recorded by the historian Josephus and the Bible, and corroborated by other ancient records as well as modern archaeological findings.

A Jewish kingdom was re-established by the Maccabeean dynasty, following a successful revolt against the Seleucid successors to Alexander the Great. The extent of the Maccabeean kingdom is shown below:



The area subsequently came under the control of the Roman Empire. Following Jewish revolts in 67-70 AD and 132 – 135 AD Jerusalem was destroyed and many of the Jewish inhabitants were forced into exile. The Roman Empire also ordered that the name of the country be changed to Palaestina (or Palestina).

However, the exiled Jews maintained their hope to return to the Land of Israel. Prayers for their return and the rebuilding of Jerusalem have been a central part of Jewish liturgy since the Roman period.

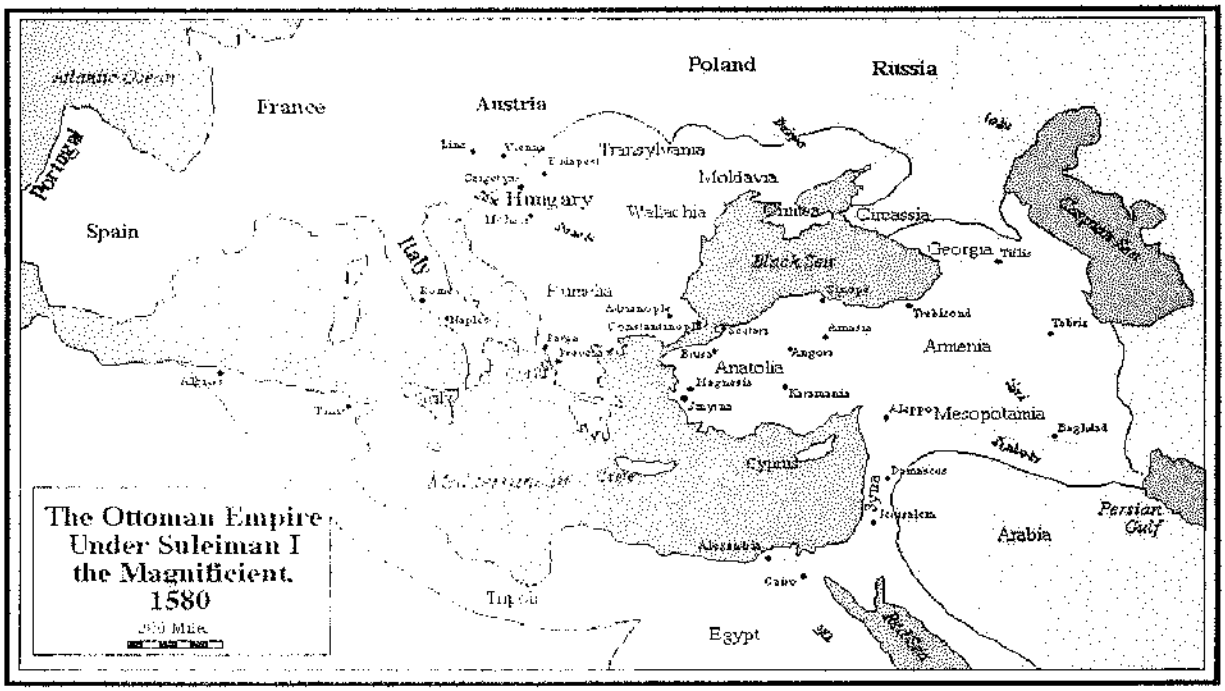
2) The changing rulers of the Land of Israel – 70 – 1517 AD

Subsequently, a succession of different regimes ruled the Land of Israel, still called Palestina. These included Roman and Byzantine rule until 614 AD; Persian rule from 614 – 629 AD; Byzantine rule from 629 - 638 AD; Rashidun and Umayyad Caliphs from 638 – 750 AD; Abbasid Caliphs from 750 – 970 AD; Fatimid Caliphs from 970 – 1099 AD; Crusaders from 1099 – 1187 AD (and until 1291 AD in Acre); and Mamluk rule from 1291 – 1517 AD.

3) Ottoman rule - 1517 – 1917 AD

In 1517 AD, the Land of Israel was conquered by the Ottoman Turks. The Turkish Empire would rule the region for almost 400 years, with some interregnums, as part of an extensive empire until its demise as a consequence of the First World War.

The following illustration shows the extent of the Ottoman Empire in the 16th century:



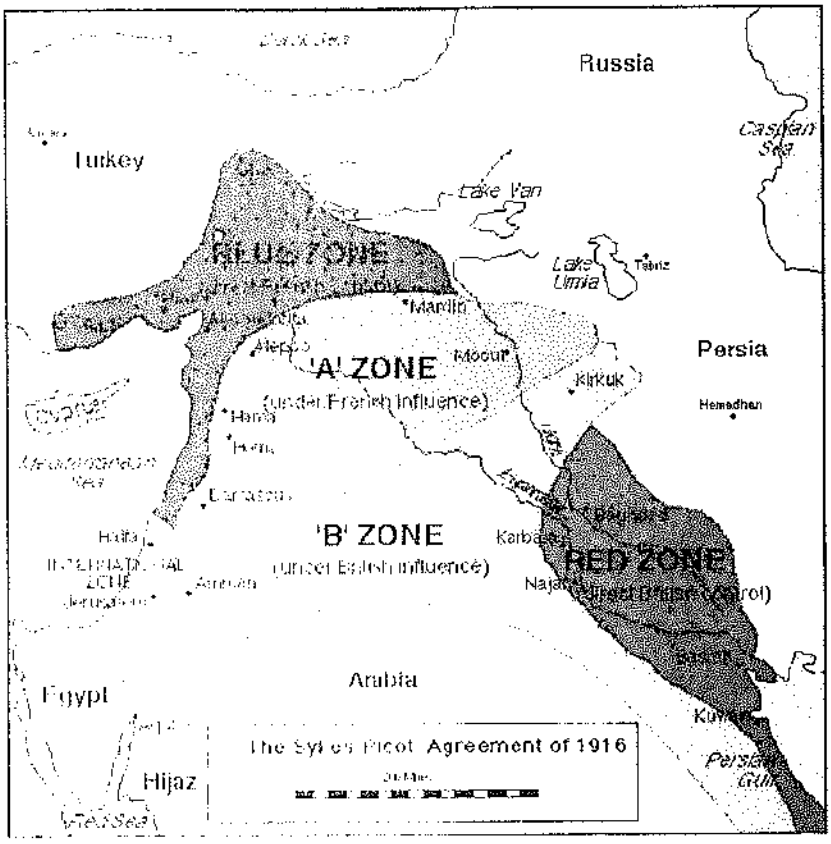
Throughout centuries of exile, significant numbers of Jews had sought to return to the Land of Israel, but their efforts to rebuild communities there had generally foundered. However, in the second half of the 19th century, these efforts gained momentum. Jews were already the largest religious community in Jerusalem by the middle of the 19th century[7] and became a substantial majority of its population by the end of that century. New Jewish settlements were established in many other locations in Palestine in the late 19th and early 20th centuries.

[7] http://ziontruth.blogspot.co.uk/2006/03/jewish-majority-in-jerusalem-in-1853.html?m=0; http://ziontruth.blogspot.co.uk/2016/07/the-jewish-majority-in-jerusalem-in.html

4) The First World War and the Sykes - Picot Agreement, 1916 AD

In 1914, Turkey joined the Central Powers in their war against Britain, France and Russia. In 1916, anticipating Turkey's defeat in the war, representatives of the British and French empires made an agreement, with the concurrence of the Russian Empire, to divide control over the Middle East between them.

According to this agreement, known as the "Sykes – Picot Agreement" after its negotiators, spheres of influence and control in much of the Middle East were to be divided between the two empires according to following map:



However, at the time of this agreement neither Britain nor France was in control of most of the territory covered by it, and it was never implemented.

5) The Balfour Declaration, 2 November 1917 AD

In late 1917, British forces advanced into Palestine, pushing the Turkish forces back. With the agreement of her allies, France,[8] Italy[9] and the USA,[10] and with the blessing of the Pope,[11] the British government decided to support the establishment of a Jewish national home in Palestine.

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[8] http://www.balfourproject.org/french-support-for-the-zionist-cause/

[9] Palestine Royal (Peel) Commission Report (Cmd 5479, 1937) https://palestinianmandate.files.wordpress.com/2014/04/cm-5479.pdf page 22

[10] http://americanjewisharchives.org/publications/journal/PDF/1987_39_01_00_brecher.pdf

[11] Sergio Minerbi, *The Vatican and Zionism: Conflict in the Holy Land, 1895-1925* (OUP, 1990) pp 63-64, 111

Accordingly, on 2 November 1917, the British government, represented by Arthur James Balfour, conveyed the following statement to the Zionist Federation, which was seen as representing the majority of Jewish people:

> "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

Foreign Office.
November 2nd, 1917.

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

The establishment of a national home for the Jewish people in Palestine was also supported subsequently by the Turkish government,[12] the Arab leadership,[13] Japan and other countries.[14]

6) The League of Nations and the San Remo Conference, 1920 AD

British forces continued their advance through Palestine and into Syria during the last few months of the war in 1918. In 1919 the Treaty of Versailles established the League of Nations. Article 22 of the Covenant of the League of Nations provided that territories which had ceased to be under the sovereignty of the States that formerly governed them

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[12] https://www.meforum.org/articles/2017/the-ottoman-balfour-declaration

[13] Weizmann-Feisal Agreement 3 January 1919
http://www.nfa.gov.il/nfa/foreign-affairs/peace-initiatives/documents/pages/the%20weizmann-feisal%20agreement%20-%20jan-1919.aspx, Art III

[14] https://mosaicmagazine.com/essay/2017/06/the-forgotten-truth-about-the-balfour-declaration/

should be administered by established countries under Mandates to be defined by the Council of the League of Nations until they could become independent.

In 1920 representatives of the Principal Allied Powers, which were also the permanent members of the Council of the League of Nations, met at San Remo to consider the Mandates that should be adopted in relation to former territories of the Turkish Empire. They agreed that France should be appointed the Mandatory for Syria and that Britain should be appointed Mandatory for Mesopotamia and Palestine, with the terms of the mandates being formulated by the Allies and submitted to the Council of the League of Nations for approval.

In the case of Syria and Mesopotamia, the Allies agreed that these territories should be provisionally recognized as independent states; they subsequently became the States of Syria, Lebanon and Iraq. In the case of Palestine, the Allies agreed that the Mandatory would be responsible for putting the Balfour Declaration into effect.

7) The League of Nations Mandate for Palestine, 1922 AD

The Mandates were then formulated and duly approved by the Council of the League of Nations.

The Preamble to the Mandate for Palestine reaffirmed the Balfour Declaration and the historical connection of the Jewish people to the Land of Israel by stating:

> "Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country;
>
> "Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country."

Article 2 of the Mandate confirmed that

> "The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

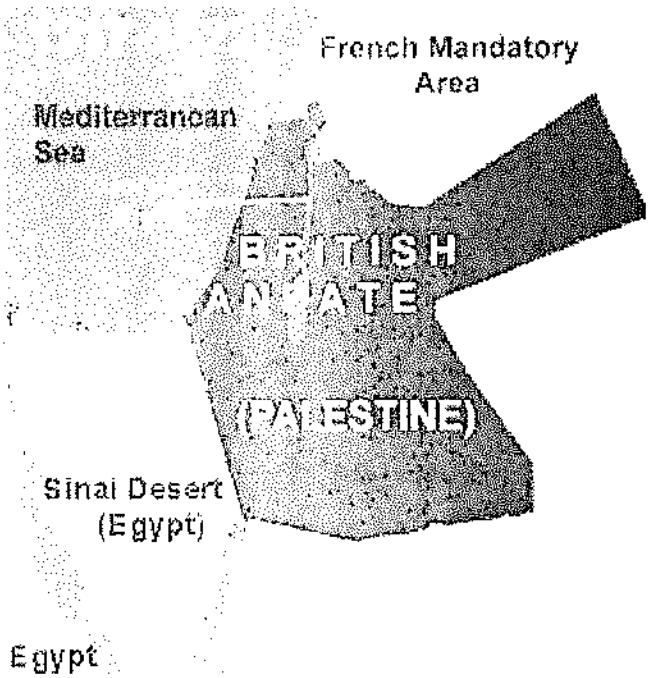
Amongst other provisions to give effect to the Balfour Declaration, Article 6 of the Mandate provided that

> "The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with

the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

8) Disapplication to Territory East of the Jordan

The Mandate for Palestine applied to areas that lay to the East and West of the Jordan River, as can be seen in the following illustration:

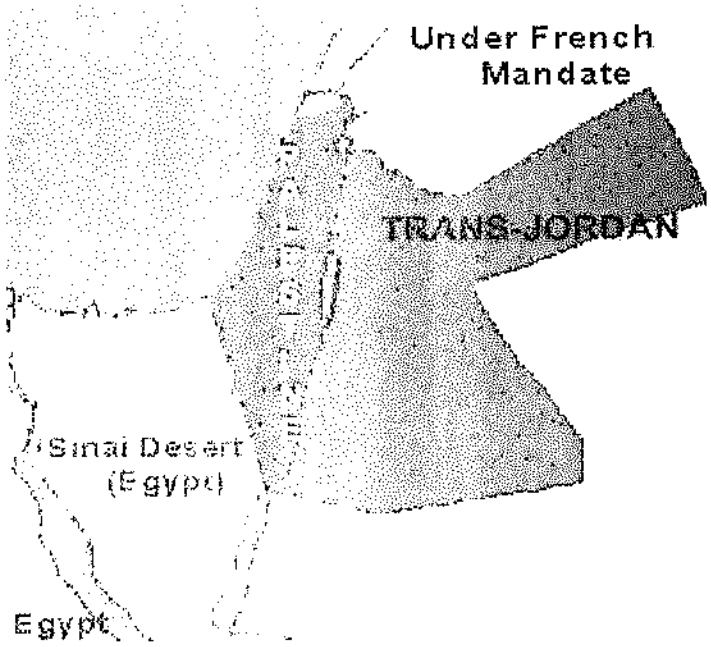


However, article 25 of the Mandate provided that

> "In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

Thus the provisions of the Mandate giving effect to the Jewish National Home could be withheld in the area of the Mandate East of the Jordan river. On the other hand, by so providing, the Mandate made it clear that its full provisions (including the facilitation of settlement by Jews on the land) should be implemented throughout the territory West of the Jordan river.

Britain exercised Article 25 by establishing a separate regime in the territory East of the Jordan, called Trans-Jordan, that was subsequently granted independence as the Hashemite Kingdom of Jordan in 1946. The following map illustrates this division:



9) Overall effect of the arrangements in the Middle East following World War I

The overall effect of the arrangements in the Middle East following the First World War was that the vast majority of the former Turkish territory was allocated for the creation of Arab States – Iraq, Jordan, Syria, Lebanon – and the narrow coastal strip West of the Jordan river was reserved for the reconstitution of the Jewish National Home.

10) Implementation of the Mandate

Significant development of the Jewish National Home in Western Palestine was achieved under the Mandate. A substantial number of Jews settled there, endemic malaria was eliminated, and the Jewish communities created a viable economy, universities, social organisations and institutions of a modern state. Many Arabs also immigrated into Western Palestine, attracted by the thriving economy.

However, in the 1930s Britain restricted Jewish immigration into Palestine in the hope of appeasing Arab violence. This blatant violation of the Mandate occurred when the Jewish home was most needed for refugees from Nazi persecution.

A British Royal Commission (the Peel Commission) recommended the partition of Western Palestine into a Jewish state and an Arab state.[15] However, this proposal was abandoned when it was found that the Arab state would not be financially viable.[16]

11) The United Nations and the Partition Plan, 1947

Following the Second World War, the League of Nations was replaced by the United Nations. Chapter XII of the United Nations Charter made provision for the remaining

[15] Cmd 5479, 1937 http://palestinianmandate.files.wordpress.com/2014/04/cm-5479.pdf
[16] Woodhead Commission Cmd 5854 (1938) https://archive.org/details/WoodheadCommission

Mandates of the League of Nations to be replaced by UN Trusteeships. Article 80 of this Chapter stated:

> "Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

No trusteeship agreement for Palestine was concluded. Accordingly, the rights of the Jewish people recognized in the Mandate were preserved. These included the right to settle throughout Western Palestine, provided that the rights and position of other inhabitants were not prejudiced.

Instead of a trusteeship agreement, the UN General Assembly adopted Resolution 181 on 29 November 1947, which recommended the division of Western Palestine into a Jewish State, an Arab State, and a central area (corpus separatum). This last area, comprising all of Jerusalem and Bethlehem, would remain under international administration for 10 years, after which its future would be determined taking into account a referendum of its inhabitants. Since the overwhelming majority of the inhabitants of Jerusalem by this time were Jewish, this should have allocated all of this area to the Jewish state. The proposed boundaries are shown below:

This non-binding recommendation was reluctantly accepted by Jewish representatives, but rejected by Arab representatives, and not adopted or implemented by the UN Security Council. The Arabs of Palestine prepared to seize the whole of Western

Palestine by military force with the assistance of surrounding Arab countries. Britain announced its intention to terminate its administration of Palestine with effect from 15 May 1948.

12) Israel's Independence

On 14 May 1948, on the eve of the departure of the last British officials and forces, representatives of the Jewish communities in Western Palestine declared the independence of a new State of Israel, without specifying its borders.

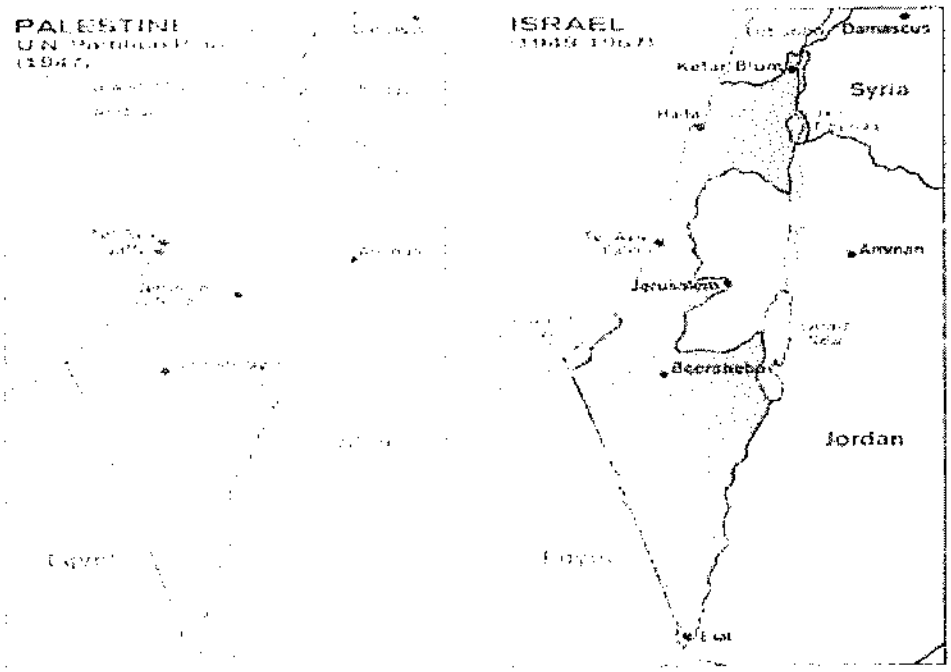
The new State was immediately attacked by the surrounding Arab countries as well as Arab forces inside Western Palestine, striving to wipe it out. Jordanian forces, accompanied by Iraqi forces, invaded from the East, conquering parts of Judea and Samaria West of the Jordan River, which they would then call "the West Bank".

Despite its numerical inferiority, the Israeli army managed to hold off its attackers on all the different fronts, although existing Jewish communities in Judea and Samaria, as well as Jerusalem, were overran by the Jordanian and local Arab forces.

13) Armistice Agreements

Active hostilities between Israel and the surrounding Arab States were terminated by a series of armistice agreements. The first of these, which consolidated the truce in Jerusalem between the Israeli and Jordanian forces, was reached on the 30th of November 1948. The line demarcating the separation between the forces was drawn in green and became the precursor of what would later become known as the "Green Line".

Following this initial agreement, further armistice agreements were reached in Rhodes in 1949 between Israeli and Jordanian, Egyptian, Syrian and Lebanese representatives. The following maps show the armistice lines as compared to the recommendations of UN resolution 181



The armistice agreements with Jordan, Egypt and Syria expressly provided that the demarcation lines drawn would under no circumstances be considered as "borders"[17].

In particular, Article II.2 of the armistice agreement with Jordan stated:

> "It is also recognised that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations"

Article VI.9 of the same agreement provided:

> "The Armistice Demarcation Lines defined in articles V and VI of this Agreement are agreed upon by the Parties without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto."

Despite these provisions, Jordan purported to annex the West Bank in 1950, but this was only recognized by the UK and Pakistan (and possibly Iraq) and was subsequently retracted.

14) The Six Day War

In May 1967 the President of Egypt, Gamal Abdel Nasser, mobilized Egyptian forces in Sinai on Israel's southern border; demanded that the UN force (which was supposed to keep the peace) leave Sinai; closed the Gulf of Aqaba to shipping bound for Israel, thereby blockading Israel's port at Eilat; and signed a mutual defense pact with Jordan. Israel had stated that it would regard a blockade of Eilat as an act of war.

On 5 June 1967 Israel carried out pre-emptive strikes against the Egyptian forces. Israel asked Jordan not to intervene, but Jordanian forces bombarded Israeli towns and advanced in a pincer movement around West Jerusalem. Israel successfully counter-attacked, liberating the whole of the West Bank from Jordanian rule.

15) UNSC Resolution 242

Several months after the end of the Six Day War, on 22 November 1967, the UN Security Council adopted its Resolution 242. This called for a

> "just and lasting peace which should include the application of both the following principles: (i) Withdrawal by Israel armed forces from territories occupied in the recent conflict; and (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

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[17] See Article V(2) of the Armistice Agreement with Egypt of 24 February 1949; Article V(1) of the Armistice Agreement with Syria of 20 July 1949; and Articles II.2 and VI(9) of the Armistice Agreement with Jordan of 3 April 1949.
http://mfa.gov.il/mfa/foreignpolicy/israel+and+the+nations/yearbook1/Pages/TABLE%20OF%20CONTENTS.aspx#III

Earlier drafts of the Resolution had demanded that Israel withdraw its forces "from all the territories occupied by it as a result of the recent conflict" or "to the positions they held prior to 5 June 1967"[18] but this language was not accepted, thus signifying that a full withdrawal by Israeli forces to the armistice lines established in 1949 would not be required.

On the contrary, the Resolution also referred to the right of every State in the area to live in peace within "secure and recognized boundaries", which was inconsistent with complete withdrawal to the 1949 armistice lines, especially in respect of the West Bank.

In any event, the reference to withdrawal of Israel armed forces was coupled with other principles in UNSC Resolution 242 that have not yet been implemented.

Furthermore, Resolution 242 did not mention or recognize the rights of a "Palestinian People" or a "Palestinian State".

It should also be noted that this Resolution was adopted under Chapter VI of the UN Charter and is not legally binding.

16) Israeli administration and the Oslo Accords

In the years following 1967 Israel administered the West Bank and the Gaza Strip. Under Israeli rule, enormous advances were made in health, education and standard of living of the Arab inhabitants of these areas.[19]

During this period the Israeli government also allowed Israeli citizens to settle in Judea and Samaria (the West Bank) if they wished to do so, in some cases in places where there had been a Jewish community in 1948 prior to the Jordanian invasion, and in other cases in new communities. Although there were occasional errors, care was taken to ensure that new Israeli settlements were not established on land owned by Arabs.

As administrator of this territory, Israel was entitled and bound to permit Jewish settlement in accordance with Article 6 of the League of Nations Mandate and Article 80 of the UN Charter. Many of the Israeli settlements were also justified to ensure security, which enabled the improvements mentioned above and avoided the deterioration that has occurred since the removal of Israeli settlements from the Gaza strip.

Even though Palestinian Arabs had not constituted a separate national entity in the past, Israel agreed with the Palestine Liberation Organization ("PLO") in the Oslo Accords of 1993[20] and 1995[21] to the creation of a new "Palestinian Authority" ("the PA") to be elected by the Arabs of the Gaza Strip and the West Bank.

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[18] Washington Institute, "UN Security Council Resolution 242: The Building Block of Peacemaking" http://www.washinstitute.com/Assets/Uploaded/Documents/pdfs/UNSecurityCouncilResolution.pdf.pdf pages 71-74, 77-80

[19] See eg Efraim Karsh "What Occupation?" Commentary, July-August 2002 http://www.arsh.com/pages/?id=%28%2?.html

[20] Declaration of Principles on Interim Self-Government Arrangements http://avalon.law.yale.com/20th_century/isra01.asp

[21] Interim Agreement on the West Bank and the Gaza Strip http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT.aspx

The 1995 agreement divided the West Bank (excluding Jerusalem) into three parts:

1) Areas A, which include all of the large Palestinian towns, were placed under the jurisdiction of the PA.

2) Areas B, which include many Palestinian villages, were placed under the jurisdiction of the PA subject to Israel retaining overriding responsibility for security.

3) Area C, the remainder of the West Bank, where jurisdiction was not generally transferred to the PA. In particular, jurisdiction over the Israeli settlements in Area C was retained by Israel.

The Oslo Accords specifically left issues relating to various matters to be resolved in further negotiations. These matters were: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis.[22] The Accords provided that no jurisdiction, powers or responsibilities were transferred to the PA in respect of these matters.

Notably, the Accords did **not** require Israel to close down the Israeli settlements, or to refrain from establishing new ones, or to halt economic activity in the vicinity of Israeli settlements.

17) UNSC Resolution 2334

UN Security Council Resolution 2334 of 2016 called upon all States to distinguish in their relevant dealings between the territory of the State of Israel and the territories occupied since 1967. However, it did not call upon States to prevent trade with Israeli businesses operating these territories.

The EU meets this requirement by not treating territories administered by Israel beyond the "Green Line" as part of Israel for the purpose of its agreements with Israel.

In any case, this Resolution was adopted under Chapter VI of the UN Charter and is not legally binding.

18) Businesses in the vicinity of Israeli settlements

For the reasons set out above, the Israeli administration in the West Bank should be regarded as successor to the duly appointed Mandatory of the League of Nations, rather than as successor to the intervening illegal occupier, Jordan. As successor to the Mandatory, the Israeli administration is entitled and bound to facilitate the settlement of Jews in Judea and Samaria in accordance with the requirements of Art.6 of the Mandate, which were preserved by Art. 80 of the UN Charter. On this basis, Jewish settlements are lawful unless they were established on land owned by Arabs. As mentioned above, save in a few cases where mistakes were made, Israel has ensured compliance with this condition.

[22] See Article XVII of the Interim Agreement on the West Bank and the Gaza Strip

However, even if Israel is regarded instead as an occupier of this territory, and even if Israel can be said to have contravened provisions of International law, such as Art. 49(6) of the 4th Geneva Convention or Art. 8(2)(b)(viii) of the Rome Statute of the International Criminal Court, by facilitating the settlement of its citizens there, it still does not follow that the operation of a business in the vicinity of an Israeli settlement is unlawful.

The operation of a business in the West Bank does not normally result in the State of Israel causing the transfer of population into this territory, as would be required for the above provisions to apply. Indeed, the distances from major Israeli population centres within the Green Line are in general so short that there is no need for Israelis to settle in the West Bank in order to work in businesses there. The UK Supreme Court specifically rejected the assumption that the operation of an Israeli business in the vicinity of an Israeli settlement must be illegal, in the absence of any evidence that the Israeli government had caused any transfer of its population into the West Bank through the operation of a business there.[23]

Furthermore, far from prejudicing the rights of Palestinians, many Israeli businesses in the West Bank are enormously beneficial to them, since the Palestinians who work in these businesses enjoy much higher wages and other benefits than they get from Palestinian employers. They also promote peace by creating good relations between Palestinians and Israelis working together.

[23] *Richardson v LCP* [2014] UKSC 8 para 3