



ActionAid Ireland submission for Pre-Legislative Scrutiny of the General Scheme of the Israeli Settlements in the Occupied Palestinian Territory (Prohibition of Importation of Goods) Bill 2025

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Introduction

ActionAid Ireland is part of a global federation working in over 70 countries to achieve social justice, gender equality, and the eradication of poverty. Guided by feminist leadership principles and a human rights-based approach, we support women and children living in poverty and exclusion to claim their rights and challenge the systems and power imbalances that perpetuate injustice. In the occupied Palestinian territory, we work through local partners in Gaza and the West Bank to empower women and young people to confront the multiple layers of oppression they face, striving for a future where all Palestinians can live with rights, dignity, and freedom from violence.

The decades-long occupation has created a culture of systematic rights violations that cannot be addressed by humanitarian aid or development interventions alone. As an organisation committed to international law and universal human rights, we believe sustained political and economic action is essential to dismantle the structures of oppression and uphold the Palestinian people's right to self-determination. Ireland has both an opportunity and an obligation to lead by example. By adopting meaningful economic measures, Ireland can play a critical role in challenging the culture of impunity that sustains these injustices.

Obligations under international law

Ireland has both a moral imperative and a legal obligation to act. The International Court of Justice¹ (ICJ) has unequivocally affirmed that all States must "abstain from entering into economic or trade dealings" and "prevent trade or investment relations" with illegal Israeli

¹ <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

settlements. Most significant is the ICJ's Advisory Opinion of 19 July 2024², which addressed the legality of Israel's *very presence* in the occupied Palestinian territory, and which Ireland supported.³ The Court declared the prolonged presence of Israel in the whole of the territory, including its colony regime – composed of its military presence, settlements, associated infrastructures and control of Palestinian natural resources – as illegal in its entirety on the basis of sustained violations of two peremptory norms of international law: the right to self-determination of the Palestinian people and the prohibition on the acquisition of territory by force (annexation). The Court also recognized, among others, the violation of the non-derogable norm prohibiting racial segregation and apartheid. This Advisory Opinion leaves no room for half-measures.

The International Criminal Court⁴ (ICC) has also made clear that the transfer of a civilian population into occupied territory constitutes a war crime. In this context, continued trade and economic engagement with illegal settlements risks rendering Ireland complicit in grave violations of international law, including the unfolding genocide in Gaza.

While the Bill proposed by the Government represents a vital step, it falls short of what is required to ensure full compliance with Ireland's legal obligations. By failing to include a ban on services – a sector that constitutes approximately⁵ 70% of Ireland's trade with Israel – the legislation risks undermining its stated purpose and leaving the majority of trade relations with illegal settlements untouched. This submission therefore urges the Committee to recommend that the final legislation covers both goods and services, as required by international law and as a necessary step toward accountability and justice.

Current context in the occupied Palestinian territory

The urgency of this legislation must be understood in the context of the catastrophic situation facing Palestinians today. The Israeli government's genocidal war against the Palestinian people in Gaza has caused man-made suffering beyond comprehension.⁶ Human rights organisation experts are clear that the blocking of essential humanitarian supplies into Gaza constitutes a genocidal act, unlawful collective punishment, and the war crime of starvation of civilians as a weapon of warfare.⁷

In Gaza, after more than a year of intense military assault and blockade, the scale of human suffering is unprecedented. As of the 2nd of July 2025,⁸ over 57,000 Palestinians have been killed and nearly 134,000 injured. The killing of civilians in Gaza – including at least 17,400

² Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024, I.C.J. Reports 2024

³ [Attorney General to represent Ireland at ICJ case on Israel and Occupied Palestinian Territory The Hague](#)

⁴ <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule130>

⁵ <https://www.cso.ie/en/releasesandpublications/ep/p-its/internationaltradeinservices2023/>

⁶ [Amnesty concludes Israel is committing genocide in Gaza](#)

⁷ [Israel's Crime of Extermination, Acts of Genocide in Gaza | Human Rights Watch](#) and [Anatomy of a Genocide - Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese \(A/HRC/55/73\) \(Advance unedited version\) - occupied Palestinian territory | ReliefWeb](#)

⁸ <https://www.unrwa.org/resources/reports/unrwa-situation-report-178-situation-gaza-strip-and-west-bank-including-east-jerusalem>

children – is unprecedented. More women and children have been killed by the Israeli military in Gaza than any other conflict of the past two decades.⁹

Entire communities have been devastated, with over 80% of Gaza's population now under displacement orders, forced to flee repeatedly with nowhere safe to go.

The collapse of Gaza's health, water, and food systems has left millions on the brink of survival. Only five hospitals remain partially functional for obstetric and newborn care. One in three pregnancies is considered high-risk¹⁰, while preterm births and underweight newborns are surging in a context where specialist care is no longer available. Women and girls are bearing the brunt of this humanitarian collapse: nearly 700,000¹¹ are unable to manage their periods with dignity due to a lack of basic sanitary supplies, and gender-based violence is escalating amid displacement and shelter overcrowding.

As of June 2025, the entire population of Gaza – 2.1 million people – is facing acute food insecurity¹², with nearly half a million in IPC Phase 5 (catastrophe), where famine conditions are imminent. Prices for basic food items have skyrocketed¹³ by as much as 7,000% compared to pre-October 2023 levels. Fuel and clean water shortages¹⁴ further exacerbate the crisis, currently¹⁵ just 40 per cent of drinking water production facilities remain functional in Gaza (87 out of 217). Without fuel, every one of these will stop operating within weeks.

In the West Bank, intensified military operations, movement restrictions, mass demolitions, and settler violence have created an atmosphere of fear and instability. Humanitarian actors face constant barriers to accessing affected communities, leaving many without assistance.

ActionAid, through its partners in Gaza and the West Bank, is working to provide essential support – including hygiene and dignity kits, hot meals, food baskets, cash transfers, psychosocial support, and maternal health services. Despite extraordinary efforts to adapt to the blockade and collapsing local markets, the humanitarian response remains severely constrained by access restrictions and the destruction of critical infrastructure.

Shortfall of the proposed bill: the case for including services

Third States who are enabling the Israeli military's attacks in Gaza, and the international community, must move beyond mere condemnation and fulfil their obligations under the Genocide Convention, international humanitarian law and the Arms Trade Treaty, to secure

⁹ [More women and children killed in Gaza by Israeli military than any other recent conflict in a single year – Oxfam | Oxfam International](#)

¹⁰ [UNFPA](#)

¹¹ <https://palestine.unfpa.org/sites/default/files/pub-pdf/2025-05/Advocacy%20Brief%20-%20Silent%20Struggles%20-%20The%20Menstrual%20Hygiene%20Crisis%20in%20Gaza.pdf>

¹² <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1159596/>

¹³ [WFP Market Monitor](#)

¹⁴ <https://actionaid.org/news/2025/close-collapse-water-system-having-inhumane-consequences-people-gaza-actionaid-warns>

¹⁵ [Gaza's Taps Running Dry: Fuel Crisis Deepens Daily Struggle for Families - UNICEF UK](#)

a permanent and lasting ceasefire, end impunity and prevent further crimes perpetrated by the Israeli State.

The Israeli authority's expansion in Gaza and the West Bank and its announcement that it plans to seize 75% of the Gaza Strip in the next two months and push Palestinians into just a quarter of its territory¹⁶, as well as further annex the West Bank, including East Jerusalem, are flagrant violations of international law. Third States must act to stop any attempts to seize land in the occupied Palestinian territory and demand the full withdrawal of Israeli troops from Gaza, as per the previous ceasefire agreement.

The violence and the expansion of illegal settlements in the occupied West Bank must be stopped. ActionAid is deeply alarmed at the excessive use of lethal force employed by the Israeli army in a clear violation of international law. Palestinians in the West Bank are severely impacted by settlers' attacks, the expansion of illegal settlements, demolitions, mass arrests, increased movement restrictions and limited access to livelihoods and essential services, particularly health care.

The current draft of the Bill represents a vital step towards compliance with Ireland's international legal obligations. However, by excluding trade in services, it risks falling short of its stated purpose but also of Ireland's binding obligations under international law. In addition to the ICJ who clearly stipulate that there is no distinction between trade in goods and services, 400¹⁷ legal experts in Ireland have affirmed that there is no legal basis for excluding services from the scope of this kind of legislation. As it stands, the legislation would leave the majority of Ireland's trade relations with illegal settlements in Israel untouched and ultimately, undermine the credibility of the Government's stated commitment to fulfilling its international obligations in full.

The ICJ, in paragraph 278 of its landmark 2024 Advisory Opinion, held that "all States are under an obligation... to abstain from entering into economic or trade dealings" and to "prevent trade or investment relations" with illegal Israeli settlements. This is hugely significant. The ICJ, as the primary judicial organ of the UN system, made clear that not only is the occupation illegal, not only are the settlements illegal, but that all countries – including Ireland – are under a binding obligation to cease trade and investment relations with them.

Crucially, the ICJ does not distinguish between trade in physical goods and trade in intangible services. As referenced, CSO data shows that approximately 70% of Ireland's trade with Israel is in services, reflecting a broader global trend where services dominate international trade. To exclude services from the legislation would therefore be to exclude the majority of Ireland's trade with the illegal settlement economy.

¹⁶ [IDF aims to capture 75% of Gaza Strip in 2 months in new offensive against Hamas | The Times of Israel](#)

¹⁷ https://www.irishlegal.com/articles/open-letter-irelands-international-law-obligations-concerning-palestine?utm_source=facebook&utm_medium=social&utm_campaign=auto_share&fbclid=IwY2xjawLUw_hleHRuA2FibQlxMQBicmlkETF3dG1FMml1Q2NYUnpJdERLAR6D4yvXlf28SqCQi2z8WJ61MfHDoVROLAWnaitkhkscfjSxwoswFBXE_k2xCg_aem_3WX-fEjtcFhOmCbH86Q7WQ

The implications of this omission are very real. Companies such as Airbnb, which operates its European headquarters out of Dublin, continue to profit from settlement activity¹⁸. Airbnb still lists properties located in illegal Israeli settlements. These listings directly facilitate the economic viability of settlements built on stolen Palestinian land, normalising their existence and encouraging international tourism that entrenches the occupation. If services remain outside the scope of this Bill, companies like Airbnb would be legally permitted to continue these practices from their Irish operations, profiting from war crimes with impunity.

The Irish government has recognised Ireland's obligations as clarified by the ICJ. Both the Taoiseach and the Tánaiste have spoken publicly about these obligations, which are explicitly referenced in the heads of bill. But if the purpose of this legislation is to give effect to those obligations, it cannot do so selectively. A partial trade ban that exempts services – the majority of trade – would be a failure of both legal principle and moral consistency.

Concerns have been raised about the compatibility of including services with EU law. However, legal scholars¹⁹ and the Irish Government's own legal advice²⁰ have affirmed that national-level restrictions of this nature are permissible under the "public policy" derogation in EU law. The public policy derogation, while interpreted narrowly, applies in this case because the settlements themselves are illegal under international law, and Ireland is seeking to meet its obligations to prevent trade with them. Importantly, legal experts have affirmed that this derogation applies not only to goods but also to services, noting: "Public policy provides a derogation not only from the free movement of goods, but also [...] the freedom to provide services. [...] The prohibitions on settlement services [...] are also justified by reasons of public policy."

Ultimately, the choice before the government is whether to take the necessary step to ban both goods and services, fulfilling Ireland's obligations in full, or to adopt a compromised position that leaves a large part of the settlement economy unchallenged. Ireland has an opportunity to lead, as it once did against apartheid in South Africa.

Anything less risks undermining the legislation's integrity and leaving Ireland complicit in sustaining the settlement economy and the system of oppression it enables.

Recommendation

ActionAid Ireland urges the Committee on Foreign Affairs and Trade to recommend in its report to government, an amendment of the bill to include a full ban on trade and investment in both goods *and* services linked to illegal Israeli settlements in the Occupied Palestinian Territory.

¹⁸ <https://www.business-humanrights.org/en/latest-news/airbnb-faces-multi-jurisdictional-legal-actions-over-alleged-profiting-from-rentals-in-illegal-israeli-settlements/>

¹⁹ <https://www.passtheotb.ie/s/OTB-Legal-Opinion-2024-1.pdf>

²⁰ <https://www.ontheditch.com/It-would-be-a-political-choice-attorney-general/>