Final

Dáil Resolution on Annexation

May 2021

Dáil Éireann:

*Notes*that recent weeks have seen the most serious escalation of violence in Israel and the occupied Palestinian territory (i.e. the West Bank, including East Jerusalem and the Gaza Strip) since 2014, with a tragic impact on innocent civilians and loss of life, including the deaths of at least 65 children.

*Condemns*the targeting of civilian infrastructure, and the loss of civilian life, and recalls the obligations on all parties under international humanitarian law and international human rights law to protect civilians.

*Welcomes the announcement of the* ceasefire of 21 May and calls on all parties to support its implementation.

Emphasises the importance of immediate and unimpeded access for vital humanitarian assistance for those in need.

*Affirms*that a just and lasting peace requires addressing the poverty, inequality, injustice and underlying root causes of these cycles of violence, and meaningful accountability for breaches of international law.

*Recognises*that the forced displacement of the protected Palestinian population and the presence and expansion of Israeli settlements, in the West Bank, including East Jerusalem, undermines the prospects of peace – not just in recent weeks but over decades – and represent flagrant violations of international law;

Whereas:–

The annexation of territory, whether *de jure* or *de facto*, is a violation of the fundamental principle of international law enshrined in Article 2(4) of the UN Charter which states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” UN Security Council Resolution 2334 (December 2016) on Israel underscores “the inadmissibility of the acquisition of territory by force,” echoing the original phrase from UNSC resolution 242 in November 1967.

The Geneva Conventions of 1949, and their protocols, bind Ireland as a High Contracting Party, and provide that parties to the Conventions must respect and ensure respect for the Conventions.

The transfer by an Occupying Power of parts of its own civilian population into the territory it occupies is prohibited under the Fourth Geneva Convention.

In its 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the occupied Palestinian territory, the International Court of Justice held that the construction of the wall and its associated régime “create a ‘fait accompli’ on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation.”

Israel has altered and purports to alter the character and status of Jerusalem, by annexing the territory *de jure,*and has extended its “law, jurisdiction and administration” to the occupied Syrian Golan. The UN Security Council has condemned both steps as having “no legal validity” and constitute “a flagrant violation of the Fourth Geneva Convention” in UNSC Resolutions 476 and 478 (Jerusalem) and 497 (Syrian Golan).

There are now over 600,000 Israeli settlers living in illegal settlements established in the West Bank, including East Jerusalem, and the Israeli government continues the expansion of these settlements.

The UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 in his report to the UNGA 73 on 22 Oct 2018 concluded: “Statements of political intent, together with Israel’s colonizing facts on the ground, its legislative activity, and its refusal to adhere to its solemn obligations under international law or to follow the direction of the international community with respect to its 51-year-old occupation, have established the probative evidence that Israel has effectively annexed a significant part of the West Bank and is treating this territory as its own.”

The Minister of Foreign Affairs stated on 23 April 2020 regarding developments in Israel, that: “Annexation of territory by force is prohibited under international law, including the UN Charter, whenever and wherever it occurs, in Europe’s neighbourhood or globally. This is a fundamental principle in the relations of states and the rule of law in the modern world. No one state can set it aside at will.”

Dáil Éireann:–

*Recalls* that Ireland distinguishes between the territory of the State of Israel and the territories occupied since 1967, including illegal Israeli settlements, land appropriated for future settlements, and territory incorporated by the wall and its associated regime.

*Condemns*the recent and ongoing forced displacement of Palestinian communities in the occupied Palestinian territory.

*Condemns*the annexation by Israel of East Jerusalem and its settlement activity there and in other areas of the West Bank, as serious breaches of international law and as major obstacles to peace that undermine the viability of the two-State solution.

*Declares* that Israel’s actions amount to unlawful *de facto*annexation of, that territory.

*Calls on* the Government not to recognise as lawful any situation created by any such serious breach of international law, nor to imply such recognition, and to not render aid or assistance to the responsible state in maintaining the situation so created and to cooperate to bring the serious breach to an end.

*Calls on* the Government to urge Israel to bring to an end all settlement activity and not to impede the collective right to self-determination of the Palestinian people as a whole.

*Calls on* the Government to focus its efforts on bringing an end to settlement activity and to regularly update Dáil Éireann.