



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

9th July 2025

Introduction

Fórsa trade union (Fórsa) welcomes the opportunity to make a submission to the Joint Committee on Foreign Affairs and Trade's public consultation on the Israeli Settlements in the Occupied Palestinian Territory (Prohibition of Importation of Goods) Bill 2025 (Bill).

Who we are

Fórsa represents 89,000 workers in the public and civil service including health, education, and local authorities, as well as staff in the commercial state sector, state agencies, private companies and the community and voluntary sector. Our membership is made up of committed advocates for quality public services, social justice, and human rights.

Fórsa position

Fórsa firmly supports a comprehensive ban on all trade, of both goods and services, with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem (OPT). This position is consistent with the Advisory Opinion of the International Court of Justice (ICJ) issued on 19 July 2024, in respect of Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (ICJ Advisory Opinion), which unequivocally reaffirmed the illegality of the Israeli occupation and settlements and underscored Ireland's legal obligation to prevent trade relations that sustain this illegal situation.

Fórsa's 2024 biennial conference saw two motions come to the conference floor in support of a version of the Bill that included services, i.e., the 2018 version of the Bill. These motions have set the basis for the union's position on the Occupied Territories Bill.

Additionally, over 8,000 Fórsa members and supporters have signed our petition calling for the inclusion of services alongside goods within this Bill, a powerful mandate that reflects widespread public sentiment and a strong demand for legislation that truly aligns Ireland's trade policies with international legal obligations and moral responsibility. This represents a clear demand from workers across the country and is an overwhelming indication of public sentiment in relation to the content of the Bill.

It is the view of the union that the current General Scheme's omission of services significantly undermines the legislation's intended impact and risks allowing Ireland to continue trading with an illegal occupation. Services represent approximately 70% of Ireland's trade with Israel and excluding them creates a substantial loophole incompatible with Ireland's international obligations¹.

In order to be meaningful and effective, the Bill must seek to ban trade of goods and services with illegal Israeli settlements in Occupied Palestinian Territory. This legislation is essential to ensure that our trade practices align with the principles of international law and uphold the fundamental human rights principles enshrined under the Universal Declaration of Human Rights (UDHR).

We have a proud history of principled trade restrictions. Ireland was the first European country to ban trade with Apartheid South Africa in the 1980s, setting a new precedent for others, and we believe this

¹ Trocaire (2025) Trócaire | Available at: <https://www.trocaire.org/news/what-you-need-to-know-about-the-occupied-territories-bill/>

is an obligation to once again lead by example and make it clear that Ireland will not profit from any form of occupation. The Government must now show leadership on this issue.

International Court of Justice's Advisory Opinion

The International Court of Justice (ICJ) in July 2024 unequivocally reaffirmed that the Israeli occupation and settlements are illegal. It also made it clear that Ireland has a firm legal obligation not to trade in goods and services that maintain this illegal occupation.

Paragraph 278 of the ICJ Advisory Opinion explicitly outlines “not to render aid or assistance in maintaining the situation created by Israel’s illegal presence in the OPT” referencing the prevention of trade or investment relations that sustain Israel’s illegal occupation². Crucially, the ICJ does not make any distinction between trade in physical goods like fruit and vegetables on the one hand, and trade in intangible services like tech, tourism, and information technology (IT) on the other.

The inclusion of trade of goods would only mean partial compliance with the ICJ’s decision. We must fully meet our international legal obligations by taking all possible steps to prevent any trade relations that sustain illegal occupation. The current Bill must be broadened beyond goods to include services (which cover investment relations) as explicitly stated by the ICJ in paragraph 278 of their ICJ Advisory Opinion.

Ireland must fully uphold its international legal obligations by prohibiting all forms of trade and investment that maintain the illegal occupation, through the inclusion of trade of services in the Bill. The Bill must explicitly address investment relations linked to illegal settlements.

Meanwhile, the current Bill states that “to provide for compliance by the state with its international legal obligation, as identified by the International Court of Justice in its Advisory Opinion of 19 July 2024, to take steps to prevent trade relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory”. This clearly omits Ireland’s responsibility to also prevent ‘investment relations’ that assist in the maintenance of the illegal occupied territories, and we strongly believe the Bill must be revised to include any form of trade relations which Ireland is currently involved in with illegal Israeli settlements in occupied territories, if we are to be fully compliant with the decision of the International Court of Justice. Partial compliance is as good as no compliance.

It is unacceptable for Ireland to profit, directly or indirectly, from trade linked to illegal settlements. Ireland must ensure its trade policies do not support or sustain violations of international law or human rights abuses of any form. This legislation is a critical step to uphold the principles of justice, human rights, and international solidarity in Ireland’s foreign and trade policy.

Support for the inclusion of services

It must be noted, however, over 400 of Ireland’s most prominent legal experts and academics have recently confirmed in a letter to the Taoiseach and Tánaiste that there are no “insurmountable legal obstacles” in Irish, European or International law preventing the adoption of legislation prohibiting the import of both goods and services from illegal settlements.

² Summary of the advisory opinion of 19 July 2024 | INTERNATIONAL COURT OF JUSTICE. Available at: <https://www.icj-cij.org/node/204176>

Moreover, EU law provides for public policy exceptions permitting Member States to restrict trade and services that contravene human rights standards. Fórsa believes Ireland must exercise this discretion decisively. EU law's 'public policy' derogation clearly allows Member States to restrict trade or services that violate human rights or public morals, and Ireland must use this legal tool decisively³.

The Bill should be explicit about including services, and the Government should assert this position robustly at EU level, even if it means challenging current trade norms or setting a new precedent.

Omission of trade of services

We would begin by setting this section of the response to this consultation in the context of Ireland's responsibility to comply with the decisions and advisory opinions of the International Court of Justice, the principle judicial organ of the United Nations. The primary purpose of the legislation being discussed in this consultation is outlined as follows "An Act to provide for compliance by the State with its international legal obligation, as identified by the International Court of Justice in its advisory opinion of 19 July 2024, to take steps to prevent trade relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory; and for that purpose to prohibit the importation of goods originating in Israeli settlements located there; and to provide for related matters."

It is important to note that the General Scheme of the Bill intends to make provision in Irish domestic law for the obligation on Ireland and all member states to take steps to prevent trade relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory, an obligation identified by the International Court of Justice in its Advisory Opinion of 19 July 2024.

Conclusion

The omission of trade of services from this Bill directly contradicts the intended impact of the legislation and thereby continues to perpetuate an environment that assists in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory.

The International Court of Justice's July 2024 Advisory Opinion is definite. Ireland must prevent all trade relations that sustain illegal Israeli settlements in Occupied Palestinian Territory.

Since the main purpose of the Bill is to prohibit importation into the State from Israeli settlements in the Occupied Palestinian Territories, the omission of the trade of services greatly undermines the effectiveness of this legislation and therefore makes Ireland complicit in directly profiting from a form of illegal occupation.

Furthermore, omitting services not only undermines the Bill's effectiveness but also contradicts Ireland's legal obligations and responsibility under international law.

Fórsa welcomes that both the Taoiseach and the Tánaiste have spoken strongly about Ireland's "obligations" as clarified by the ICJ. Complying with these obligations is also explicitly stated as the basis of the current form of the legislation before the Committee.

³ Israel, the Occupied Palestinian territories, and Lebanon – ... European Movement Ireland. Available at: <https://www.europeanmovement.ie/wp-content/uploads/2024/11/EM-Ireland-Policy-Briefing-Israel-the-Occupied-Palestinian-Territories-and-Lebanon-%E2%80%93-the-EUs-Response.pdf> Page 4, Suspension of EU Agreements in response to human rights breaches.

But we cannot say we are going to give effect to those obligations, while exempting the parts that might be more challenging to introduce.

The Committee must take every possible measure to ensure that the Bill is not watered down, essentially rendering it ineffective.

While Department officials and the legal counsel have rightly outlined in the recent panel discussion that limiting trade is in the European Union's competence, and trade rules are generally set in Brussels, national level restrictions of this nature have been permitted where they can be justified under the 'public policy' derogation in EU law. This allows Member States such as Ireland some discretion, and so we believe it can also be applied in this case.

Recommendations

Fórsa supports a ban on all trade with the illegal Israeli settlements, both goods and services, and we urge the Government to meet the standard set in the original Occupied Territories Bill and in the ICJ Advisory Opinion of last year.

Fórsa maintains that it is crucial that Ireland upholds its international responsibilities by ensuring that our country is not complicit in human rights violations through any form of trade with these illegal settlements.

Fórsa urges the Committee to adopt an uncompromising stance in its recommendation to the Government to include the trade of services in the Bill without delay. We should absolutely refuse to profit from illegal occupation. Workers, legal experts, and human rights defenders demand nothing less than a comprehensive, effective Bill that ends trade with illegal settlements once and for all.

In conclusion, Fórsa strongly urges the Committee to:

1. Recommend an amendment to the Bill to include a clear prohibition on trade in services from illegal Israeli settlements in Occupied Palestinian Territory, alongside goods
2. Affirm Ireland's commitment to international law and adherence to human rights principles under the UDHR by meeting the standards set by the ICJ and in line with the opinion of leading lawyers and academics across the country, and
3. Ensure that this legislation is robust, comprehensive, meaningful and effective, leaving no room for Ireland to profit from or be complicit in the illegal occupation of Palestinian territories.