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The Occupied Territories Bill: A Superficial Gesture or a Moment of Solidarity?¹

Suzanne Mulligan

CONTEXT

On the 23rd of December 2016 UN Security Resolution 2334 was passed by fourteen votes to nil; four Security Council members with veto powers voted in favour (China, France, Russia, and the United Kingdom), while the United States abstained. The Resolution concerned Israeli settlements in Palestinian territories, including East Jerusalem, and it stated that Israel's occupation of Palestinian territories represents a "flagrant violation" of international law, and they have "no legal validity". And while the Resolution was welcomed by much of the international community, Israel responded with a series of diplomatic actions; the Israeli Government recalled its Ambassadors to New Zealand and Senegal, the Foreign Ministry was instructed to cancel foreign aid to Senegal, and Ambassadors from over ten countries, including the United States, were either summoned or reprimanded by Israel.

Towards the end of 2018 the Seanad passed a bill called "Control of Economic Activity (Occupied Territories) Bill 2018". Its purpose is to prohibit Ireland from trading in goods and services from within illegally occupied territories. This arises from "the State's obligations ... under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law; and for that purpose to make it an offence for a person to import or sell goods or services originating in an occupied territory or to extract resources from an occupied territory in certain circumstances".²

1 http://www.catholicethics.com/forum-submissions/the-occupied-territories-bill-a-superficial-gesture-or-a-moment-of-solidarity?utm_source=March+1st%2C+2019&utm_campaign=CTEWC+Constant+Contact+&utm_medium=email

2 <https://www.oireachtas.ie/en/bills/bill/2018/6/>

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On 23rd January 2019, the day before the Bill was due before the Dáil, two Irish Bishops, Dr. Noel Treanor and Dr. Alan McGuckian SJ, published a letter in the *Irish Times* calling on the Irish Government to support the vote. In their letter, Bishops Treanor and McGuckian explain: “these settlements, condemned as illegal by the United Nations, European Union, and the Government of Ireland, stand in the way of a permanent peace between Israelis and Palestinians. As a country, we cannot continue to condemn these settlements as illegal under international law and then trade with them, making them economically viable ... Trade with settlements in Occupied Territories legitimises their existence and ignores international law”.³

Furthermore, several former Israeli ambassadors wrote to the *Irish Times* outlining their concerns on the matter: “The Israeli occupation of territories beyond the 1967 borders, now in its 51st year, is not only unjust but also stands in violation of numerous UN resolutions”. They continue: “We are convinced that Israel’s ongoing occupation of the Palestinian territories is morally and strategically unsustainable, is detrimental to peace, and poses a threat to the security of Israel itself. It has been enabled by the leniency of the international community, whose rhetoric regarding the dire situation in Palestine has not been matched by appropriate diplomatic action”.⁴

This was an historical moment for Dáil Éireann. The Occupied Territories Bill had already passed the Seanad. If passed and enacted by the Dáil, Ireland would become the first country in the world to introduce legislation of this nature. In the end it passed by 78 votes to 45, but the Government has yet to enact the legislation, wanting instead to put the Bill through a type of economic “stress test” (Detailed Scrutiny) before proceeding. There is real concern that the Government may yet block this legislation.

The response by the Israeli Government was swift and predictably scathing. Ireland was accused of being “hypocritical” and “anti-Semitic”. And although there is significant public support for this Bill within Ireland, some Irish commentators have raised concerns about it also. There are implications as regards EU law, and it is unclear how the legislation would be “policed”. Nevertheless, the Occupied Territories Bill is a modest attempt on the part of Irish Parliamentarians to respond positively to the plight of the Palestinian people, and to raise global awareness of the ongoing injustices borne by millions in this region. It is also an effort to

3 <https://www.irishtimes.com/opinion/letters/control-of-economic-activity-occupied-territories-bill-1.3767032>

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do something practical – albeit politically and economically challenging – that would demonstrate solidarity with Palestine. The outcome is still unclear, and at the time of this writing there has been no indication from the Irish Government as to when (if at all) the legislation will be introduced.

THE ANTI-SEMITIC CLAIM

The Israeli Government described the Occupied Territories Bill as one of the most anti-Semitic pieces of legislation in the world. Let us be clear on a number of points.

Despite its association with Israel and the illegal occupation of Palestinian lands, Israel is nowhere mentioned in the Bill. In fact, this Bill would be applicable to any territories illegally occupied by foreign states.

Second, it does not call for a boycott of Israel, nor does it deny the existence of the State of Israel. Rather, it seeks to differentiate between Israel and the Occupied Territories, borders that are *already* defined under international law. One may recognise the State of Israel, trade with it, travel through it, while at the same time identifying the illegal acquisition of territories in its surrounding localities.

Third, what is being condemned here is the illegal taking of land. The moral and legal focus is on a particular government, its policies and its structures, and the extent to which they are oppressive of a people. The anti-Semitic claim is not credible. One is not condemning an entire people based on ethnicity or religion, but rather the activities of a government that stand in direct violation of international law.

CATHOLIC SOCIAL TEACHING

Commitment to justice in the world is an integral part of the Christian faith. From its infancy, the Christian Church has been called to go out into the world and to transform it for the better. Throughout the centuries this has been realized in a variety of ways, and from the late nineteenth century the core values of the Church's social mission were formulated into what we now refer to as Catholic Social Teaching. With its strong Biblical roots, we encounter a body of teaching which challenges us to be counter-cultural, to go to the margins, to stand along-side the forgotten of our societies. Like Christ, we must confront all forms of injustice, oppression and discrimination, be they structural or attitudinal.

In the Hebrew Bible the word “*teshuvah*” means “repentance”. It shares the same root as the word for “return”. Many in the Jewish tradition connect this with the obligation towards justice in the world, namely that it is through our commitment to social justice

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and human rights by which we “return” to our truest selves, and therefore ultimately to God. Put simply, one’s commitment to the covenant must be shown to be real and effective through one’s daily commitment to justice. And as David Hollenbach explains, “When God’s righteousness begins to be present in human history through human action that promotes greater justice, the glory of God’s kingdom begins to be visible. Acting *ad majorem Dei gloriam*, for the greater glory of God, thus calls for action that makes both the transcendent righteousness of God and the unsurpassed justice of God’s reign more fully visible among us”.⁵

SOLIDARITY

In *Sollicitudo Rei Socialis* John Paul II outlines the meaning and implication of the idea of solidarity. Solidarity “is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all”.⁶ The message is clear: empathy, concern, or indeed compassion alone are not enough. We are called to work towards the betterment of society and our world. The virtue of solidarity, in other words, is not passive; it pushes us outward towards engagement, right relationship, and social commitment.

And in *Pacem in Terris*, John XXIII noted the global parameters of this calling. “The fact that one is a citizen of a particular state does not detract in any way from his [or her] membership in the human family as a whole, nor from his [or her] citizenship in the world community”.⁷ There are, of course, varying degrees of responsibility. And we must grapple with conflicting claims of identity, loyalty, culture, religion, and history. Nevertheless, as Hollenbach argues, “Christian ethics forbids actions and policies that in effect treat those of other countries who are in grave need as nonpersons”.⁸ Solidarity should not be equated with narrow nationalism, a sort of keeping to one’s own. Properly understood, and in partnership with related concepts such as the common good, the virtue of solidarity helps to counteract exclusionary and isolationist tendencies (either locally or globally) and contribute to reform of unjust structures. And so, in *Evangelii Gaudium* Pope Francis insists: “solidarity must be lived as the decision to restore to the poor what belongs to them. These convictions and habits of

5 David Hollenbach, “The Glory of God and the Global Common Good: Solidarity in a Turbulent World”, *CTSA Proceedings*, 72 (2017), p.58.

6 John Paul II, *Sollicitudo Rei Socialis*, n.38.

7 John XXIII, *Pacem in Terris*, n.25.

8 David Hollenbach, “Who is responsible for refugees”, *America*, January 4-11, 2016. Available at: <https://www.americamagazine.org/issue/rights-refugees>

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solidarity, when they are put into practice, open the way to other structural transformations and make them possible”.⁹

Many might question what, if any, responsibility the Irish Parliament has towards the Palestinian people. Why try to enact a Bill that is difficult to enforce and politically unpopular? And why do it for a people with whom we are not geographically, culturally, or historically connected? Perhaps the best answer is because we can. There is a real opportunity for Ireland to show solidarity with the people of Palestine, and indeed others in similar situations. It is an opportunity to address the double-standard approach evident in so much of our political decision-making. And it in no way diminishes the responsibility to act for justice in other contexts and in other localities. The intent of this Bill is an admirable one: to remedy the ethical inconsistency of vociferous condemnation devoid of meaningful action.

A CRISIS OF CONSCIENCE?

The debate over the Occupied Territories Bill in Ireland raises broader questions about global responsibility and moral inconsistency in international decision-making. This is something that the former Israeli Ambassadors allude to in their letter, as do Bishops Treanor and McGuckian. We might call it a global crisis of conscience. The Palestinian/Israeli question is one example of it, but we could also think of climate justice, the refugee crisis, or the trafficking and sale of human beings. Take, for example, the plight of refugees. Their suffering is caused largely by war and conflict. Countries such as France, the United States, and England accrue vast sums of money from the sale of armaments to conflict zones, corrupt governments, and rebel groups. Yet many of the countries that profit from the sale of armaments are unwilling to take in refugees fleeing the violence, and in so doing refute their moral responsibility towards these people.

Returning to the Occupied Territories Bill, one might draw parallels with the response to Apartheid in South Africa. It took time, but eventually the international community recognized the need to ally condemnation with meaningful action. Denunciation of Apartheid alone was proving ineffective – concrete measures were also required. And so countries began to boycott South African sporting events, ceased trading with it, and so on. It caused short-term pain for South Africa to be sure, but without these measures the international community would have facilitated the continuation of a regime that was intrinsically corrupt. In the case of Israel, by trading with illegally occupied territories we not only make them economically viable, we bestow upon them a moral

9 Pope Francis, *Evangelii Gaudium*, n.189.

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and legal status. To condemn on the one hand while enabling on the other is hypocritical.

This Bill is certainly a modest step, and it might achieve nothing in the long term. But equally it just may inspire/provoke other nations to follow suit, and re-awaken a sense of our moral duty to oppressed communities around the world. Christian faith tells us that while we can hope for a better world we must shoulder the responsibility of working for God's Kingdom in the *here and now*. The Occupied Territories Bill, if enacted, will certainly not change the world or create a utopia. It is modest in its ambition. But it may be a humble, tentative first step towards the achievement of a more just and peaceful society. And as Pope Francis reminds us, "the dignity of the human person and the common good rank higher than the comfort of those who refuse to renounce their privileges. When these values are threatened, a prophetic voice must be raised".¹⁰

10 Pope Francis, *Evangelii Gaudium*, n.218.

Mother Earth. At the heart of our problems today, Pope Francis seemed to be saying, is that we have forgotten the utter dependence we all have on the earth, our mother. In fact, Pope Francis says that Western society, in particular, has allowed itself to believe its own super human myth: that we are masters over the earth. As Pope Francis puts it, society has developed 'an irrational confidence in progress and human abilities'. This is seen in our fascination with technological advances like space travel, our ability to travel right across the world, communicating simultaneously with billions of people, generating electricity from separating atoms, and even manipulating DNA. All of this is truly astonishing, but it has blinded us to a much more profound truth about existence: for all our scientific advancements, we remain totally dependent on one small planet.

– LORNA GOLD, *Climate Generation*, (Dublin: Veritas) p. 112.