

That Dáil Éireann:

expresses its deepest concern at the continued deterioration of the situation in Gaza and the resulting catastrophic humanitarian disaster with over 25,000 killed, thousands missing, almost 2 million people displaced, and massive destruction of housing and vital infrastructure, including hospitals and education facilities;

deeply deplores the major food insecurity on a massive scale, with United Nations (UN) agencies warning of imminent famine which will affect 400,000 people, the near collapse of the health system in large parts of Gaza with 65 per cent of hospitals now shut and the World Health Organisation (WHO) warning of widespread death from preventable diseases;

reiterates its condemnation of the ongoing bombardment of Gaza by Israel;

further reiterates its calls for an immediate ceasefire, the immediate release of all hostages; and the urgent need for full, safe, and unhindered access for the delivery of humanitarian aid;

Notes:

- the International Court of Justice (ICJ) proceedings instituted by South Africa under the Genocide Convention, and commends South Africa for its action in this regard: determining that it is valid to ask the ICJ to investigate whether there is a risk of genocide; and notes that other states have indicated their intention to participate in the case;
- that under Article I of the Genocide Convention Contracting Parties are obliged to prevent genocide;
- that the Genocide Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
  - (a) Killing members of the group;
  - (b) Causing serious bodily or mental harm to members of the group;
  - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - (d) Imposing measures intended to prevent births within the group;
  - (e) Forcibly transferring children of the group to another group.”
- that Ireland is a Contracting Party to the Genocide Convention;
- that the International Court of Justice has held that “a State’s obligation to prevent [genocide], and the corresponding duty to act, arise at the instant that the State learns

of, or should normally have learned of, the existence of a serious risk that genocide will be committed”;

- that the International Court of Justice on 26 January 2024 recognised:
  - o the right of Palestinians in Gaza to be protected from acts of genocide;
  - o that some rights claimed by South Africa are plausible;
  - o that there is an urgency in that there is a real and imminent risk that irreparable prejudice will be caused to the rights found by the court to be plausible before it gives its final decision;
  
- that the International Court of Justice on 26 January 2024 issued a binding order for provisional measures in the case taken by South Africa against Israel under the Genocide Convention, ordering Israel to:
  - o to take all measures within its power to prevent the commission of acts within the scope of Article II of the Genocide Convention;
  - o to take measures to prevent and punish direct incitement of genocide;
  - o take immediate and effective measures to ensure the provision of urgently needed basic services and humanitarian assistance;

Calls on the government:

- to call on Israel to immediately implement fully the provisional measures order, and to support efforts in the United Nations to promote, and take all necessary bilateral actions to ensure, this immediate implementation;
  
- to file a declaration of intention to intervene in this case with the International Court of Justice;
  
- to commence the process of preparing for participation in the case, including drafting comprehensive written observations to submit at the relevant phase(s).
  
- To support the International Court of Justice in its exercise of jurisdiction in this case , in particular to defend the Court, and by association the international rule of law, from any attacks on its performance of this duty, through any appropriate means necessary.