

Ireland could be doing much more to tackle antisemitism

● Actions will speak louder than a shouting match with Israel if we want to fix relations



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Genocide is the most serious crime that can be levelled against any state. According to international law, it is more serious, for instance, than war crimes, or crimes against humanity or even ethnic cleansing. For that reason, claims of genocide come with a very high burden of proof.

Irish-Israeli diplomatic relations reached their nadir last Sunday with Israel's decision to close its embassy in Dublin. Of all the red lines that Israel's foreign minister Gideon Sa'ar

said Ireland has crossed, the Irish proposal to redefine a word that originated from the unique and systematic extermination of six million Jews is one of extraordinary sensitivity both to Israelis and to Jewish people in general.

With Taoiseach Simon Harris saying he "utterly rejects the assertion that Ireland is anti-Israel", the row between the two countries has now become focused primarily on the question of genocide and how it is best defined and applied in international law.

The word genocide is of recent origin. It was coined in 1944 by a Polish lawyer called Raphael Lemkin, a Jewish Holocaust survivor who made it his life's work to have the crime enshrined in international law.

There are few words, apart from that of Holocaust itself, which resonate so deeply in the Jewish psyche.

Moreover, a word that was invented by a Jew and grew out of the Holocaust is now being used to condemn Israel's military response to the first

large-scale massacre of Jews to take place since the Holocaust.

As Ireland, South Africa and Israel are all signatories to the international Convention on Genocide, our Government is entirely within its rights to join South Africa in the genocide proceedings at International Court of Justice (ICJ).

The ICJ has repeatedly stated that the definition of genocide, as enshrined in the Genocide Convention, embodies the principles of customary international law. One of its explicit requirements is clear evidence of a deliberate intent to destroy a protected group, either in whole or in part.

For Israeli actions in Gaza to be classified as genocide under the Convention, Ireland and South Africa must demonstrate that Israel has a deliberate and specific intent (*dolus specialis*) to destroy Palestinians based on their real or perceived identity. For obvious reasons, that is a high legal threshold to reach.

But the statement released last

week by Tánaiste Micheál Martin indicates that Ireland seeks to go even further than this in its ICJ action.

Not only is the Government pursuing the claim of genocide against Israel, it also intends to ask the Hague Court to change the meaning of the current definition of the crime of genocide.

Past attempts to expand the legal definition of the term — to include the targeting of religious, political or social groups — have failed.

Specifically, the Tánaiste's statement said: "Ireland will be asking the ICJ to broaden its interpretation of what constitutes the commission of genocide by a state."

However, in seeking to broaden the definition of genocide in the middle of legal proceedings, the Government may well have weakened its own case. It is, in effect, tantamount to admitting that under existing international law, Israel may not be committing genocide. Otherwise, why would the Government wish to change the definition? At a minimum, it shows that

its own belief in the case against Israel for genocide is less than rock solid.

It also seems evident that the change in the definition of genocide that Ireland is seeking represents an attempt to make the term better fit what the Irish state believes Israel is doing in Gaza.

At the moment, Irish foreign policy with respect to Israel seems to be formulated largely by three men: the Taoiseach, the Tánaiste and — more surprisingly — by President Higgins. The latter has no recognised constitutional authority to determine Irish foreign policy: it is something that he has simply assumed, with, at least, the tacit acquiescence of the other two.

As the legal proceedings at the ICJ play out in the background, the escalating diplomatic hostilities continue to take centre stage.

Yet despite the dramatic deterioration in Irish-Israeli relations, there may still be a practical way to de-escalate current diplomatic tensions.

Ireland has a long-standing and proud reputation of being the most pro-European country in the EU. Recently, however, we have also acquired a reputation for being the most anti-Israeli country in the EU.

Ireland's record on racism is second to none. Yet, oddly, Ireland's track record regarding the oldest form of racism, antisemitism, suffers in comparison to that of our European neighbours.

According to a recent report on the European Commission's own campaign against antisemitism, only two of the EU's 27 member states are conspicuous by their absence from that campaign — Malta and Ireland. What better way to answer claims of Irish antisemitism than for Ireland to sign up immediately to Europe's antisemitism campaign?

To coin a phrase, actions speak louder than megaphone-delivered words ever will.

► **Éilís O'Hanlon, page 23; Letters, page 31**