

The General Delegation of  
Palestine to Australia,  
New Zealand and the  
Pacific



Intern Policy Research  
Report

**Australian Foreign Policy: Israeli Settlements,  
East Jerusalem and International Law**

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## **Executive Summary**

This report examines the policy positions of consecutive Australian governments, as well as the four major parties (Liberal, Labor, Greens and Nationals) on the issues of Israeli settlements in the Occupied Palestinian Territories and the legal status of East Jerusalem. These policy positions are examined through comparison with international legal rulings and the position held by the international community to determine areas of disparity.

The research draws attention to key international legal rulings by the United Nations and the International Court of Justice, examining the arguments made by international law experts and bodies, as well as the voting patterns of the international community. In analysing the positions of current and previous Australian governments, the report draws on a literary study of key statements and policy announcements made by each administrations, as well as the government's voting records on UNGA resolutions relevant to the conflict. The analysis begins following the 1967 Six-Day war, with Israel's occupation of Palestinian Territories, its annexation of East Jerusalem and the beginning of its settlements policy.

The report highlights the consistency of international legal rulings, in determining the illegality of Israeli settlement activity and the annexation of East Jerusalem (an attempt to alter its legal status). This unanimity is similarly noted in the voting of the international community, with the vast majority of countries voting to adopt resolutions that condemn Israeli actions. However, Australian policy positions itself in the small minority of countries voting against such resolutions, often describing its position as one of 'balance' or 'neutrality'. Observable trends include the Liberal government policy of voting 'abstain' or 'against' on resolutions critical of Israeli settlements; whereas Labor governments tend to be more critical of Israeli actions in their voting and determine the settlements are 'contrary to international law' and 'an obstacle to the peace process', without using the term 'illegal'. A broad spectrum of responses is observable when examining the views of current political parties with political left parties more supportive of Palestinian rights.

The report finds that while historically Australia's unwillingness to be critical of Israeli actions appeared more justified as neutrality. However, over time this position has shifted to one of more staunch support for Israel, with several governments being described, or describing themselves, as being pro-Israel. This position is typical in the international community and presents Australia as out of touch with international legal rulings. Moreover, attempts to shift policy in either direction are met with strong resistance, explaining the reluctance of political parties to make significant statement on the conflict.

The report recommends:

- an informational campaign to inform the public about the disparity between Australia's position and that of the international community, encouraging individuals to discuss the issues with their local MPs
- continuing to work with all political parties to ensure they are aware of the international legal rulings and any updates in the conflict, encouraging MPs to hear information from both sides.

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## List of Abbreviations

<i>Symbol</i>	<i>Definition</i>
ALP	Australian Labor Party
BDS	Boycott, Divestment and Sanctions
ICJ	International Court of Justice
MP	Member of Parliament
OIC	Organisation of Islamic Cooperation
OPT	Occupied Palestinian Territories
PLO	Palestinian Liberation Organisation
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council

## INTRODUCTION

*"The American government is probably the only government that has been as supportive of Israel as this government has been."* Alexander Downer, 7 February 2006<sup>1</sup>

Questions over the legality of Israel's actions in regards to settlements in the Occupied Palestinian Territories, as well as their stance on East Jerusalem, have long been challenging topics for the international opinion. While the majority of states vote in condemnation of Israel's actions, a handful of states stand by Israel in support. Australia is one such state. Indeed, the long and sometimes puzzling history of Australia and Israel's strong relations extends back to before Israel became independent.

Recent governments have sought to test the bond of this friendship in different ways. The previous Labour government challenged Australia's pro-Israel image through shifting Australia's UN General Assembly voting to 'in favour' of Israeli settlement illegality and abstaining on the issue of Palestinian UN observer status. By contrast, the current Coalition government has extended its support for Israeli actions, when Foreign Minister Julie Bishop angered Palestinians by questioning the illegality of Israeli settlements. A few months later, the Prime Minister was forced to weigh in after Attorney-General George Brandis described the term 'Occupied' when referring to the Palestinian Territories as "freighted with pejorative implications".

What follows is an exploration of the nature of Australian foreign policy towards Palestine and Israel, focusing on the issues of Israeli settlements in the Occupied Palestinian Territories and the legal status of East Jerusalem, to examine where exactly Australia stands.

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<sup>1</sup> Alexander Downer, "Censure Motion", House of Representatives Hansard, 7 February 2006, [http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2006-02-07/0037/hansard\\_frag.pdf;fileType=application%2Fpdf](http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2006-02-07/0037/hansard_frag.pdf;fileType=application%2Fpdf)

This report will begin by examining legal ruling from international bodies such as the United Nations and the International Court of Justice to determine whether international law and the international community have come to any consensus on these issues. The report will then chart the development of policy over consecutive Australian governments, through a study of key statements and policy announcements, as well as the country's voting records on UNGA resolutions. This analysis will extend from the Six-Day war of 1967 to the current Australian political parties, before coming to conclusions regarding Australia's position in comparison to international law and the future of Australian foreign policy in these areas.

## SECTION 1: INTERNATIONAL LAW

The clearest way to examine Australia's position on Israeli settlements and the legal status of East Jerusalem is through comparison with international law. As such, this section explores the key legal rulings with regards to the occupation of Palestinian Territories and the annexation of East Jerusalem. While Israel claims that rulings against it are flawed, numerous declarations by international bodies, particularly the UNSC and ICJ, highlight the weight of evidence against them, as well as the clear international agreement on these issues.

### Occupation

The Occupied Palestinian Territories (OPT) refers to the territories occupied by Israel during and following the 1967 Six-Day War. At the time these territories included the West Bank, Gaza Strip, East Jerusalem, Golan Heights and Sinai Peninsula.<sup>2</sup> Israel's occupation of the Palestinian Territories now represents the longest military occupation in the modern era.<sup>3</sup>

The term 'occupation' was first used in relations to Palestinian Territories in UN Security Council resolution 242 in November 1967 that called for the "withdrawal of Israel armed forces from territories occupied in the recent conflict" and emphasised the importance of "territorial integrity and political independence".<sup>4</sup> Since this initial reference, the UN Security Council, UN General Assembly and International Court of Justice (ICJ) have

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<sup>2</sup> Adam Roberts, "Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967", *The American Journal of International Law* 84:1 (1990) 59, <http://www.jstor.org/stable/2203016>

<sup>3</sup> Ardi Imseis, "On the Fourth Geneva Convention and the Occupied Palestinian Territory", *Harvard International Law Journal* 44: 1 (2003) 67, [http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g\\_sent=1&collection=journals#73](http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g_sent=1&collection=journals#73)

<sup>4</sup> UN Resolution 242, Text accessible via UNISPAL, <http://unispal.un.org>

regularly referred to the territories as the “Occupied Palestinian Territories” and Israel as an “occupying power”.<sup>5</sup>

The significance of the term ‘occupied’ with relations to this conflict is the ability to apply international laws relating to military occupation on the situation and to have Israel bound to comply with their terms. Among the significant laws are the 1899 and 1907 Hague Conventions and the Fourth Geneva Convention (discussed below).<sup>6</sup>

### Annexation of East Jerusalem

During the 1967 Six-Day War, Israel seized control of the West Bank, including the area of East Jerusalem. Israel swiftly extended the municipal boundaries of West Jerusalem, which it already controlled, to cover East Jerusalem and some surrounding territory of the West Bank. With these broader city limits, the whole of Jerusalem came under Israeli jurisdiction. As such, Occupied East Jerusalem came under Israeli legal jurisdiction and civil and municipal administration, actions that are deemed to imply annexation.<sup>7</sup>

On 4 July 1967, a UN General Assembly emergency session declared Israeli’s attempt to “change the status of the city” to be “invalid” and called on Israel to cease these actions. The resolution was adopted with 99 in favour, 0 against, 20 abstaining and 3 absent.<sup>8</sup>

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<sup>5</sup> For example: ICJ, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, International Court of Justice, 9 July 2004, accessed 27 July 2014, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

UN Resolution 446, UN Resolutions 68/81 and 68/82, Text accessible via UNISPAL, <http://unispal.un.org/>

<sup>6</sup> Adam Roberts, “Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967”, *The American Journal of International Law* 84:1 (1990) 62, <http://www.jstor.org/stable/2203016>

<sup>7</sup> Jonathan Kuttab, “The Legal Status of Jerusalem”, *Palestine-Israel Journal* 2:2 (1995) <http://www.pij.org/details.php?id=650>

<sup>8</sup> “UNGA Resolution 2253 (ES-V)”, 4 July 1967, UN General Assembly, <http://www.jewishvirtuallibrary.org/jsource/UN/unga2253.html>

However, in 1980 the Israeli Knesset (legislature) extended its claim by declaring, “Jerusalem, complete and united, is the capital of Israel”.<sup>9</sup> The Basic Law: Jerusalem, Capital of Israel, also referred to as the Jerusalem Law, ignored the ruling that Israel’s claims had been invalidated and constituted annexation.

#### Fourth Geneva Convention

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, commonly referred to as the Fourth Geneva Convention, codifies customary international law.<sup>10</sup> As part of international humanitarian law, it governs the actions of occupying forces and the treatment of civilian populations within occupied territories. Formed on 12 August 1949, the Convention was ratified by Israel on 7 June 1951.<sup>11</sup> As a party to the Convention, its terms thereby apply to Israeli actions.

As explained previously, Israel’s military actions during and following the 1967 Six-Day War are regarded by international law as an occupation of Palestinian Territories, including the West Bank, East Jerusalem and the Gaza Strip. However, Israel has never officially acknowledged the applicability of the Convention to the Occupied Palestinian Territories.<sup>12</sup>

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<sup>9</sup> The Knesset, “Basic Law: Jerusalem, Capital of Israel”, 30 July 1980, [http://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm)

<sup>10</sup> Ardi Imseis, “On the Fourth Geneva Convention and the Occupied Palestinian Territory”, *Harvard International Law Journal* 44: 1 (2003) 66, [http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g\\_sent=1&collection=journals#73](http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g_sent=1&collection=journals#73)

<sup>11</sup> ICRC, “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949”, Treaties and States Parties to Such Treaties, accessed 14 August 2014, [https://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp\\_viewStates=XPages\\_NORMStatesParties&xp\\_treaty\\_Selected=380](https://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treaty_Selected=380)

<sup>12</sup> Peter J. Morgan, “Recent Israeli Security Measures under the Fourth Geneva Convention”, *Connecticut Journal of International Law* (1987-1988) 485, [http://heinonline.org/HOL/Page?handle=hein.journals/conjil3&div=28&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/conjil3&div=28&g_sent=1&collection=journals)

The most relevant passage of the Fourth Geneva Convention to the Israel-Palestine conflict is Article 49(6), pertaining to the movement of civilian populations. The Article states, “[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.<sup>13</sup> This widely cited article is considered evidence of the illegality of Israeli settlement activities, a government sponsored policy of establishing settlements of Jewish residents within the territories they occupy.<sup>14</sup>

### **Israeli Claims**

The official Israeli government position on the Fourth Geneva Convention is to deny that it has *de jure* (enforceable by law) application to the Occupied Palestinian Territories. The Israeli government has tended to refer to the areas using the term ‘administered territories’, rather than occupied, highlighting the lack of acceptance of international rulings on the situation.<sup>15</sup>

The main argument utilised by scholars to justify Israeli actions is through questions surrounding the pre-war status of the Palestinian Territories. Prior to the 1967 war, Israel had not accepted the control of these territories by Egypt and Jordan, and therefore, the legitimacy of sovereignty of the area comes under question.<sup>16</sup> Israel argues that accepting the Convention’s applicability might appear to grant reversionary rights to Egypt and Jordan as sovereigns, rather than as occupiers.<sup>17</sup>

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<sup>13</sup> ICRC, “Deportations, transfers, evacuations”, Treaties and States Parties to Such Treaties, accessed 14 August 2014, <https://www.icrc.org/ihl/WebART/380-600056>

<sup>14</sup> Ann Mosely Lesch, “Israeli Settlements in the Occupied Territories, 1967-1977”, *Journal of Palestine Studies* 7:1 (1977) 26-27 <http://www.jstor.org/stable/2536527>

<sup>15</sup> Adam Roberts, “Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967”, *The American Journal of International Law* 84:1 (1990) 62, <http://www.jstor.org/stable/2203016>

<sup>16</sup> BBC, “The Geneva Convention”, 10 December 2009, accessed 15 August 2014, [http://news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682640.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682640.stm)

<sup>17</sup> Adam Roberts, “Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967”, *The American Journal of International Law* 84:1 (1990) 64, <http://www.jstor.org/stable/2203016>

However, this interpretation of the Fourth Geneva Convention is refuted on several grounds. The paragraph of Article 2 referred to for the above argument determines that the Convention applies in the territory occupied is that of a “High Contracting Party” (i.e. a sovereign state). However, this is of little relevance given that the previous paragraph determines that the Convention applies in all cases of a declared war or armed conflict, as is clear in the case of the 1967 war. Furthermore, there is precedent in the application of the Fourth Geneva Convention, and other laws of war, even where the circumstances do not exactly match those outlined in the Conventions.<sup>18</sup>

Moreover, Israeli international lawyer Ruth Lapidot seeks to cast doubt over the ratification of the Convention by Israel – whether Israel is bound to its terms – by making the distinction between declaratory and constitutive treaties. She states that declaratory treaties, those that are based on customary rules, ‘automatically’ become internal law. By contrast, constitutive treaties, those that prescribe new rules, require an act of ‘transformation’, typically in the form of a parliamentary statement or an internalisation of laws through statute writing.<sup>19</sup> In this manner, Lapidot contends that Israel has not undertaken the ratification process that would make it bound to these new rules.<sup>20</sup>

Again, the suggestion that the Fourth Geneva Convention is not customary law is refuted by scholars. Ardi Imseis suggests that the Convention is widely accepted as an extension of the 1907 Hague Regulations, supplementing and codifying customary international law regarding wartime occupations.<sup>21</sup> While the internal legal system of Israel may not

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<sup>18</sup> Adam Roberts, “Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967”, *The American Journal of International Law* 84:1 (1990) 65, <http://www.jstor.org/stable/2203016>

<sup>19</sup> Ruth Lapidot, “The Expulsion of Civilians from Areas which came under Israeli Control in 1967: Some Legal Issues”, *European Journal of International Law* (1990) 103, <http://www.ejil.org/pdfs/2/1/2027.pdf>

<sup>20</sup> Ruth Lapidot, “The Expulsion of Civilians from Areas which came under Israeli Control in 1967: Some Legal Issues”, *European Journal of International Law* (1990) 103, <http://www.ejil.org/pdfs/2/1/2027.pdf>

<sup>21</sup> Ardi Imseis, “On the Fourth Geneva Convention and the Occupied Palestinian Territory”, *Harvard International Law Journal* 44: 1 (2003) 66, [http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g\\_sent=1&collection=journals#73](http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g_sent=1&collection=journals#73)

directly apply these principles, Israel remains bound to the international community.<sup>22</sup> In regard to territories occupied by Israel, the UNGA takes the position that the rights of occupied communities are covered by not only the 1907 Hague Regulations and the Fourth Geneva Conventions, but international human rights law as well.<sup>23</sup> Israel is therefore internationally responsible for maintaining these laws in territories it occupies.

With regard specifically to the status of East Jerusalem, Israel has long denied that its action to apply Israeli administration and jurisdiction to the area constitute annexation. Instead, they contend that their intention was merely to ensure the protection of holy places and provision of services to its inhabitants.<sup>24</sup> Moreover, Israel uses the similar argument that the sovereignty of the area prior to the 1967 war is questionable. However, the international community has continually ruled that the actions of Israel do constitute annexation and they should withdraw.<sup>25</sup>

### **International Law**

There have been numerous responses from international bodies following Israeli claims regarding their settlement activities and their annexation of East Jerusalem.

With regard to the legal status of East Jerusalem, UN Security Council resolution 478 responded to Israel's declaration, that Jerusalem was the unified capital of Israel, with a

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<sup>22</sup> Eyal Benvenisti, "The Applicability of Human Rights Conventions to Israel and to the Occupied Territories", *Israel Law Review* 26 (1992) 35, [http://heinonline.org/HOL/Page?handle=hein.journals/israel26&div=10&g\\_sent=1&collection=journals#45](http://heinonline.org/HOL/Page?handle=hein.journals/israel26&div=10&g_sent=1&collection=journals#45)

<sup>23</sup> Eyal Benvenisti, "The Applicability of Human Rights Conventions to Israel and to the Occupied Territories", *Israel Law Review* 26 (1992) 28, [http://heinonline.org/HOL/Page?handle=hein.journals/israel26&div=10&g\\_sent=1&collection=journals#45](http://heinonline.org/HOL/Page?handle=hein.journals/israel26&div=10&g_sent=1&collection=journals#45)

<sup>24</sup> Ian S. Lustick, "Has Israel Annexed East Jerusalem?", *Middle East Policy* 5:1 (1997) 35, [https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu.polisci/files/Lustick\\_Has%20Israel%20Annexed%20Jerusalem\\_1997.pdf](https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu.polisci/files/Lustick_Has%20Israel%20Annexed%20Jerusalem_1997.pdf)

<sup>25</sup> "UNGA Resolution 2253 (ES-V)", 4 July 1967, UN General Assembly, <http://www.jewishvirtuallibrary.org/jsource/UN/unga2253.html>

strong affirmation that the Basic Law was a “violation of international law”.<sup>26</sup> The UNSC made the decision not to recognise the action, or the early 1967 actions that altered the status of Jerusalem. Moreover, states were instructed to remove any diplomatic missions situated in Jerusalem out of the city, symbolising their refusal to accept the city as Israel’s political capital. The resolution was adopted with 14 votes, the United States choosing to abstain.<sup>27</sup>

Numerous additional resolutions by the UNSC have affirmed that actions taken to alter the legal or demographic characteristics of the city of Jerusalem are deemed illegal, including the confiscation of land and property ownership transfers.<sup>28</sup>

This leads into the response to Israeli settlement activities, where international legal bodies including the UN and ICJ have been similarly ardent. Two prominent UNSC resolutions (446 and 452) have condemned Israeli settlement activities as having “no legal validity” and being a “serious obstruction” to the peace process.<sup>29</sup> Moreover, they have declared the policy to be a violation of the Fourth Geneva Convention, whilst reiterating its applicability to the conflict. A third UNSC resolution (465) deplores the Israeli government’s support and implementation of the settlement policy and urges other countries not to provide any assistance in carrying out settlement activities.<sup>30</sup>

Moreover, the International Court of Justice in 2004 was requested by the UN General Assembly to investigate the legal consequences of constructing the Wall (or Security Barrier) in the OPT. In its ruling, the Court determined that the all states that were parties to the Fourth Geneva Convention were obliged to “ensure compliance by Israel with

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<sup>26</sup> UN Resolution 478, Text accessible via UNISPAL, <http://unispal.un.org>

<sup>27</sup> UN Resolution 478, Text accessible via UNISPAL, <http://unispal.un.org/>

<sup>28</sup> Al Jazeera, “UN resolutions on Jerusalem”, 25 March 2010, accessed 15 August 2014, <http://www.aljazeera.com/focus/2010/03/201032584536420174.html>

<sup>29</sup> UN Resolution 446, Text accessible via UNISPAL, <http://unispal.un.org/>  
UN Resolution 452, Text accessible via UNISPAL, <http://unispal.un.org/>

<sup>30</sup> UN Resolution 465, Text accessible via UNISPAL, <http://unispal.un.org/>

international humanitarian law as embodied in that Convention”.<sup>31</sup> This again determined that the Convention applied to Israel’s actions in the OPT.

In the reasoning of their decision, the Court asserted that the Palestinian Territories were occupied by Israel.<sup>32</sup> More significantly, it determined that Israeli settlements were “in breach of international law”, referencing earlier UNSC resolutions on the matter.<sup>33</sup> The affirmation by another international organisation that Israeli settlement activities were illegal adds significant weight to the earlier arguments of the UN and enhances the international legal opinion.

### **International Community**

The international community has a significant degree of unanimity in voting on UNGA resolutions relating to the status of Jerusalem. In the initial resolution condemning Israel’s annexation of East Jerusalem in the Six-Day War, the measure was adopted with 99 in favour, 0 against, 20 abstentions and 3 states absent. The United States and Australia were both among those countries abstaining.<sup>34</sup>

Similarly, following Israel’s declaration of Jerusalem as a united capital, the UNGA again adopted a resolution deploring any change in the status or character of Jerusalem.<sup>35</sup> Israel was the only state voting against the resolution, with 137 in favour (including Australia), 4 abstentions and 15 not voting.<sup>36</sup> Again, this sizeable majority indicates that

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<sup>31</sup> ICJ, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, International Court of Justice, 9 July 2004, accessed 27 July 2014, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

<sup>32</sup> ICJ, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, International Court of Justice, 9 July 2004, accessed 27 July 2014, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

<sup>33</sup> ICJ, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, International Court of Justice, 9 July 2004, accessed 27 July 2014, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

<sup>34</sup> UN Resolution 2253 (ES-V), Text accessible via UNISPAL, <http://unispal.un.org>

<sup>35</sup> UN Resolution 37/123C, Text accessible via UNISPAL, <http://unispal.un.org>

<sup>36</sup> UNGA Resolution 37/123C, Voting records accessible via UNBISNET, <http://unbisnet.un.org>

the weight of international opinion deems East Jerusalem's status to be occupied and therefore Israel's annexation is determined to be invalid.

A significant majority of countries also support the rulings of the United Nations and International Court of Justice with regards to the illegality of Israeli settlement activities in the OPT. In recurring resolutions on these matters in the UNGA, the final votes are overwhelming in support. In 2013, for instance, recurring resolution 68/81 on the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories, the vote passed with 169 countries voting yes, 6 against and 7 abstentions. Similarly, resolution 68/82 criticising Israeli settlement activities passed overwhelmingly with 167 voting yes, 6 against and 9 abstentions. These numbers are roughly consistent with figures over the previous 15 years, represented in the graphs below.

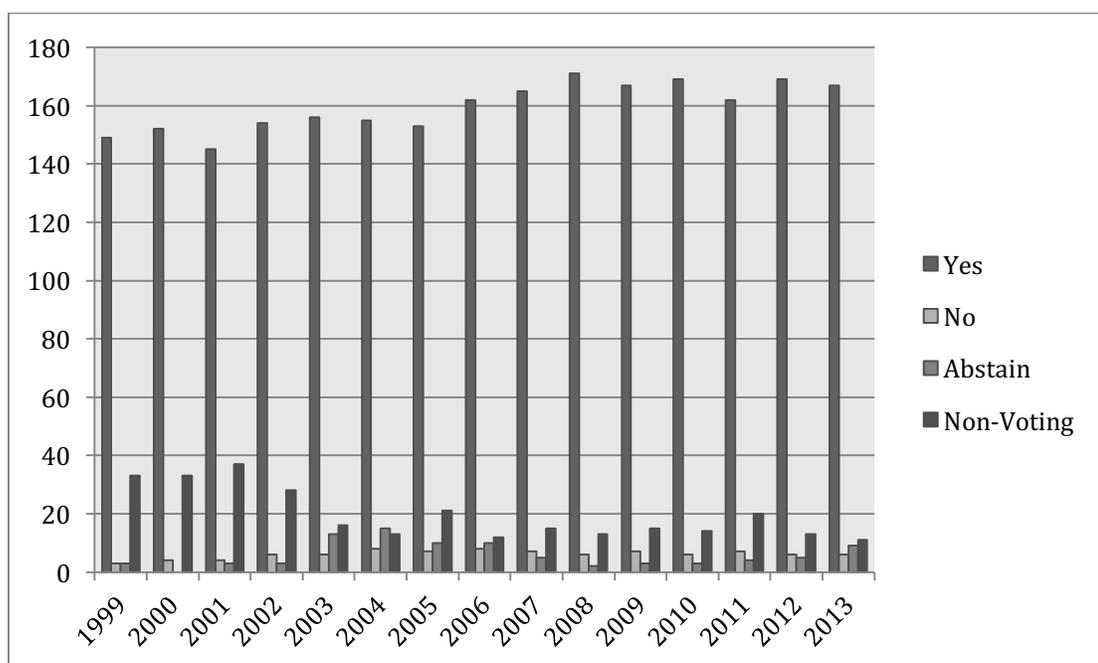


Figure 1.1: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: resolution voting (1999-2013)

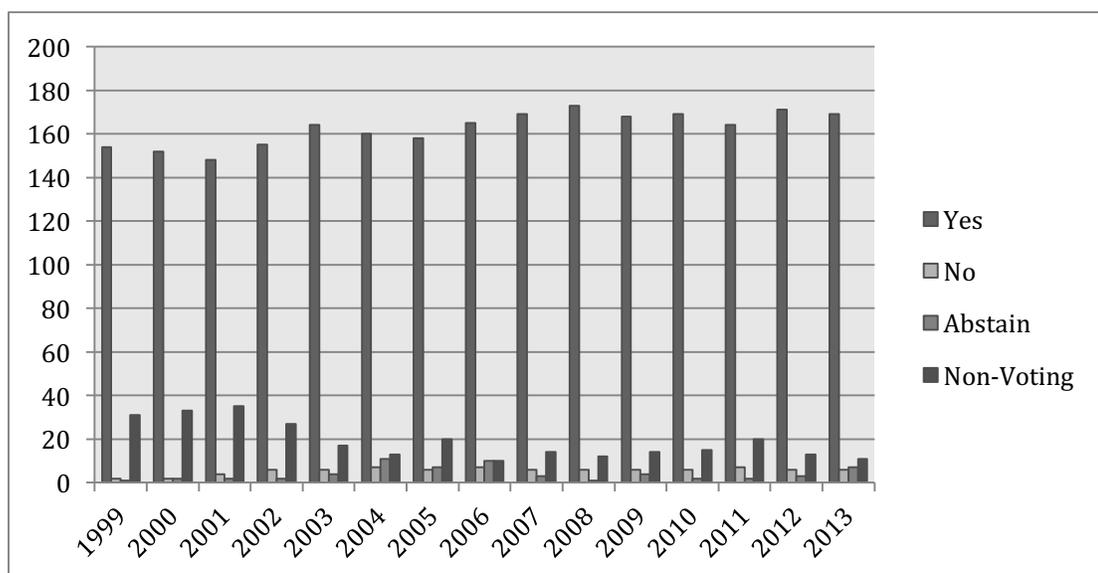


Figure 1.2: Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories: resolution voting (1999-2013)

It is clear from this that the vast majority of countries support the international legal position that Israel is bound to comply with the Fourth Geneva Convention, and as such, that Israeli settlement activity is deemed by the international community to be illegal. The countries that continue to vote against resolutions affirming the illegality of Israeli settlements are limited.

Aside from Israel, the most consistent supporter of the Israeli position has been the United States. The United States has not supported UN resolutions declaring settlements illegal, with the exception to UNSC resolution 465. The Israeli Ministry of Foreign Affairs claims the Carter administration had conceded that this action represented a “communication failure”, rather than a policy shift.<sup>37</sup>

Other countries that have commonly voted against or abstain to such resolutions are typically small islands states such as Micronesia, Marshall Islands, Panama and Palau, or isolated states such as Cameroon and South Sudan. The other notable countries that do not maintain the illegality of Israeli settlements are US allies, Canada and Australia.

### **Conclusion**

The international legal decisions explored above make it clear that Israeli settlement activity is illegal and that any actions, including annexation, that alters the status of East Jerusalem is similarly illegal. The amount and consistency of these rulings further support this case and detract from Israeli claims that certain international laws do not apply to the situation in the Occupied Palestinian Territories. Furthermore, the vast majority of countries are supportive of these verdicts, leaving only a small number of countries, including Australia, in disagreement. The next section will explore the exact

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<sup>37</sup> Israel Ministry of Foreign Affairs, “Security Council Resolution 465 – 1980 – on the situation in the territories”, 1 March 1980, <http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook4/Pages/69%20Security%20Council%20Resolution%20465%20-1980-%20on%20the%20s.aspx>

positions that have been taken by consecutive Australian governments, since the issues came to the forefront following the 1967 Six-Day war.

## SECTION 2: AUSTRALIAN FOREIGN POLICY HISTORICALLY

While Australia's position appears to contrast international law and the international community, successive Australian governments have explained their policies in different language. Some have utilised a tone of 'neutrality' and 'even-handedness', whilst others have endorsed stronger ties with Israeli governments. The following section provides a record of the policies, tone and transformations of Australian governments on the issues of Israeli settlements in Occupied Palestinian Territories and the legal status of East Jerusalem since the 1967 Six Day War. This reveals trends associated with Liberal or Labor governments, but also gradual shifts in Australia's perceptions of the Israel-Palestine conflict.

### **The Holt, Gorton and McMahon Governments (Liberal) 1966-1972**

In the early years following the 1967 Six Day War, the Liberal governments of Holt, Gorton and McMahon operated their foreign policy from a position claimed as "one of neutrality and sympathetic interest in a settlement of the conflict. We are friends of both the Arab states and Israel and wish to remain so."<sup>38</sup> Although in the led up to the 1967 war the Holt government issued a call for all parties to work together to prevent conflict,<sup>39</sup> in the days immediately preceding the war, Acting Prime Minister John McEwan indicated some Australian support for Israel, through criticising Arab forces blockade of the Gulf of Aqaba.<sup>40</sup>

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<sup>38</sup> Nigel Bowen, "Ministerial statement: Australian foreign policy", House of Representatives Hansard, 9 May 1972, accessed 6 August 2014, 2224-2225, [http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1972-05-09/toc\\_pdf/19720509\\_reps\\_27\\_hor78.pdf;fileType=application%2Fpdf#search=%22hansard80/hansardr80/1972-05-09/0158%22](http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1972-05-09/toc_pdf/19720509_reps_27_hor78.pdf;fileType=application%2Fpdf#search=%22hansard80/hansardr80/1972-05-09/0158%22)

<sup>39</sup> Paul Hasluck, "Statement: Middle East", 25 May 1967, in *Current Notes on International Affairs*, Department of External Affairs, 38:6 (June 1967) 224.

<sup>40</sup> Marty Harris, "Australia and the Middle East conflict: a history of key Government statements", Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

Statements made by the government around this time were primarily in response to events or escalations, although there was a gradual integration of final solution issues into Australia's policy comments. On 16 June 1967, External Affairs Minister Hasluck identified issues to resolve in the Israel-Palestine conflict, the list including respect for territorial integrity, recognition of Israel, a resolution on the issue of Palestinian refugees and the status of Jerusalem, and security guarantees, among other issues.<sup>41</sup> Australia's United Nations Representative Laurence McIntyre similarly emphasised the importance of "respect for the territorial integrity and political independence of all the states concerned".<sup>42</sup>

On the issue of the status of Jerusalem, External Affairs Minister Hasluck refused to speculate on any specifics, but noted that the solution should take into account the religious significance of the site to Christians, Muslims and Jews.<sup>43</sup> In UN resolutions on the issue of Israel seeking to change the status of Jerusalem, Australia voted consistently to abstain from UN resolutions determining Israeli actions "invalid" and calling for them to cease changes in Jerusalem's status.<sup>44</sup>

Israel's policy of civilian settlements in occupied territories had begun in the years following the Six Day War under the Eshkol government, although it drew little comment from the Australian government. Australia abstained on most prominent UNGA resolutions that called for a halt to Israeli settlements and the destruction of Palestinian property, as well as reiterating the importance of the Fourth Geneva Convention to this

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<sup>41</sup> Paul Hasluck, "Middle East", 16 June 1967, accessed 7 August 2014, 1-2, <http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/7451>

<sup>42</sup> Laurence McIntyre, "Statement to the Fifth Emergency Session of the UNGA", 29 June 1967, in *Current Notes on International Affairs*, Department of External Affairs, 38:6 (June 1967) 241-244.

<sup>43</sup> Laurence McIntyre, "Statement to the Fifth Emergency Session of the UNGA", 29 June 1967, in *Current Notes on International Affairs*, Department of External Affairs, 38:6 (June 1967) 241-244.

<sup>44</sup> UNGA Resolutions 22/53 and 22/54, Text accessible via UNISPAL, <http://unispal.un.org/UNISPAL.NSF/udc.htm>

situation.<sup>45</sup> At the time, such a position was not uncommon in the international community.

### **The Whitlam Government (Labor) 1972-1975**

With the introduction of the Whitlam government, a notable shift occurred in Australia's foreign policy towards Israel and Palestine. Whilst previous governments had claimed to have "even-handedness" in their policy approach, Prime Minister Whitlam perceived them to be pro-Israel.<sup>46</sup> In response, Whitlam repositioned Australia to be more in line with the Non-Aligned movement, notable for its disagreement with the Israeli occupation and illegal activities.<sup>47</sup>

The Whitlam government subsequently generated a shift in voting patterns on UNGA resolutions critical of Israeli actions. They continued to abstain from sections of resolutions that expressed grave concern over Israeli settlement activities and the destruction of Palestinian property. However, the government contrastingly voted yes to the sections of resolutions that noted the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories and called on Israel to "respect and to comply with the provisions".<sup>48</sup> This limited critique of Israeli settlement actions during occupation is perhaps reflective of the extent to which the Whitlam government was willing and able to stretch Australia's position, opting for a soft, rather than hard critique.

However, the focus of the Whitlam government was instead on the two major questions of the time: the right of Palestinians to a state of their own, and the growing acknowledgement of the PLO. On the first question, it was made clear by Australia's UN

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<sup>45</sup> UN Resolutions 24/43, 25/46, 27/27 and 28/51, Text accessible via UNISPAL, <http://unispal.un.org/>

<sup>46</sup> Ben Saul, "It's about time Australia put pressure on Israel", *The Drum*, 25 July 2014, accessed 26 July 2014, <http://www.abc.net.au/news/2014-07-25/saul-its-about-time-australia-put-pressure-on-israel/5623530>

<sup>47</sup> Colin Rubenstein, "A Distant Affinity: The History of Australian-Israeli Relations", *Jerusalem Center for Public Affairs*, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>48</sup> UN Resolution 30/92, Text accessible via UNISPAL, <http://unispal.un.org/>

Ambassador, and later the Prime Minister himself, that “the Palestinian people have a right to a sovereign independent state”.<sup>49</sup> On the latter question, Australia chose to ‘abstain’ from voting on the UNGA resolution to grant the PLO observer status; however, it later acknowledged its acceptance of the adoption of the resolution.<sup>50</sup> As Marty Harris notes in his summary of changing Middle East foreign policy, this is indicative of the gradual shift in the acceptance of the PLO as a legitimate representative, which took place over successive governments.<sup>51</sup>

### **The Fraser Government (Liberal) 1975-1983**

After its strong criticism of the Whitlam government’s handling of foreign policy towards the Israel-Palestine conflict, the Coalition government acted to ‘rebalance’ policy through highlighting Australia-Israeli relations.<sup>52</sup> This back and forth swing in policy position between governments indicates the differing perceptions of Liberal and Labor parties on what constitutes a neutral policy position. Moreover, it highlights the difficulty of even creating gradual change, due to the possibility of future governments rejecting the shift.

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<sup>49</sup> Gough Whitlam, “Response to a Question without notice: Palestine Liberation Organisation”, House of Representatives Debates, 1039–1040, 5 March 1975, accessed 17 August 2014, [http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1975-03-05/toc\\_pdf/19750305\\_reps\\_29\\_hor93.pdf;fileType=application%2Fpdf#search=%22terror?%20palestin?%22](http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1975-03-05/toc_pdf/19750305_reps_29_hor93.pdf;fileType=application%2Fpdf#search=%22terror?%20palestin?%22)

<sup>50</sup> UN Resolution 32/37 (XXIX), Text accessible via UNISPAL, <http://unispal.un.org>  
UNGA Resolution 32/37 (XXIX), Voting records accessible via UNBISNET, <http://unbisnet.un.org>

<sup>51</sup> Marty Harris, “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>52</sup> Marty Harris, “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

In early speeches, Foreign Minister Peacock reemphasised the importance of Israel's right to exist and to be secure, and further criticised the PLO's failure to acknowledge Israel's rights and its uncompromising stance in negotiations.<sup>53</sup>

The most significant policy in the Fraser government's early years came with their encouragement of the 1978 Camp David Accords, agreed between Egypt and Israel. The agreement called for an end to settlements in the Sinai and West Bank, while deliberately making no mention of the status of East Jerusalem. Prime Minister Fraser praised "[Egyptian] President Sadat's courageous initiative" with the agreement, speaking in broader terms about the importance of negotiations, although making no specific reference to the issues of settlements or the question of East Jerusalem.<sup>54</sup>

Most notable, however, was when the government "expressed its opposition to the declaration by the Israeli Knesset that all Jerusalem, including occupied East Jerusalem, is the united capital of Israel."<sup>55</sup> This recollection by Foreign Minister Tony Street came following comments made about the annexation of the Golan Heights, which the Minister deemed to be contrary to UNSC resolution 242. Similarly, Australia voted in favour of UNGA resolution 37/123 which deplored any changes to the status of Jerusalem, indicating a clear awareness of the illegality of Israel's action in this case.<sup>56</sup>

A development in Australia's shifting foreign policy position towards the Israel-Palestine conflict was the Fraser government's increasing references to the right of Palestinians to a state of their own. In March 1980 and April 1982, there was evidence of support for a

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<sup>53</sup> Andrew Peacock, "Position Paper on the Middle East", 3 March 1974, quoted in J Knight and G Patz (eds), "Australia and the Middle East: papers and documents", Australian Institute of International Affairs, (Canberra, 1976), 103–106.

<sup>54</sup> Malcolm Fraser, "Zionist Council of Victoria: 30th Independence Day of the State of Israel", PM Transcripts, 10 May 1978, accessed 26 September 2014, <http://pmtranscripts.dpmc.gov.au/browse.php?did=4705>

<sup>55</sup> Tony Street, "Golan Heights", 15 December 1981, in *Australian Foreign Affairs Record, Department of Foreign Affairs* 52:12 (December 1981) 602–603.

<sup>56</sup> UN Resolution 37/123C, Text accessible via UNISPAL, <http://unispal.un.org>  
UNGA Resolution 37/123C, Voting records accessible via UNBISNET, <http://unbisnet.un.org>

Palestinian state,<sup>57</sup> and, following the 1982 Sabra and Shatilla massacres, it became a consistent advocacy point for the government.<sup>58</sup> On 6 October 1982, Foreign Minister Street explicitly stated that:

“Israel must recognise the legitimate rights of the Palestinians – rights which should include a homeland for the Palestinians alongside Israel. Israel, pre-eminently among nations, should understand the significance of a national homeland for a dispersed people.”<sup>59</sup>

The right of Palestinians to an independent state was first reintroduced, following the 1967 war, in the UN resolution 32/36 of September 1974 under the Whitlam government. Australia had abstained to the resolution,<sup>60</sup> which recognised Palestine’s right to “self-determination” and “national independence and sovereignty”.<sup>61</sup> The shift by the Fraser government was therefore a turning point in acknowledging fuller rights for Palestine and rebalancing policy.

### **The Hawke Government (Labor) 1983-1991**

In government, Hawke continued the trend of recognising “that both Palestinians and Israelis are entitled to homelands and States of their own.”<sup>62</sup> Moreover, the Labor Party platform recognised that lasting peace required both parties to recognise the just claims of

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<sup>57</sup> Andrew Peacock, “The Middle East in world politics: the Eighth National Conference of the Australian Institute of International Affairs”, 28 March 1980, in *Australian Foreign Affairs Record*, Department of Foreign Affairs 51:3 (March 1980) 71–75.

<sup>58</sup> Colin Rubenstein, “A Distant Affinity: The History of Australian-Israeli Relations”, Jerusalem Center for Public Affairs, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>59</sup> Tony Street, “United Nations”, 6 October 1982, in *Australian Foreign Affairs Record*, Department of Foreign Affairs 53:10 (October 1982) 618.

<sup>60</sup> UNGA Resolution 32/36 (XXIX), Voting records accessible via UNBISNET, <http://unbisnet.un.org>

<sup>61</sup> UN, “Question of Palestine and the General Assembly”, <http://domino.un.org/unispal.nsf/ga.htm>

<sup>62</sup> ALP, “Australian Labor Party Platform, constitution and rules: as approved by the 35th National Conference”, 1982, 85, [http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload\\_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22](http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22)

the other, including those rights of self-determination for Palestine, Israeli sovereignty and their right to exist, and the withdrawal of Israeli forces for occupied territories.<sup>63</sup>

Early in Hawke's first term a foreign policy review led to the decision that:

“The Government calls on Israel to freeze the settlement program in the West bank [sic], and reiterates its belief that these settlements are contrary to international law and a significant obstacle to peace efforts.”<sup>64</sup>

This conclusion matched the language used within the Labor Party platform at the time and was also reflected in Australia's mixed UNGA voting record over the period. The government voted ‘in favour’ of some resolutions that reaffirmed the applicability of the Fourth Geneva Convention to Israel and that criticised Israel's continued settlement activity; Australia abstained or voted against other resolutions, showing some continued support for Israel.<sup>65</sup>

Other events that occurred during the Hawke government included the first official trip by a current Prime Minister to visit Israel, making comments encouraging both sides to

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<sup>63</sup> ALP, “Australian Labor Party Platform, constitution and rules: as approved by the 35th National Conference”, 1982, 85, [http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload\\_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22](http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22)

<sup>64</sup> L Bowen, “Middle East: policy review”, 30 September 1983, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>65</sup> UNGA Resolutions 39/95, 40/161, 41/63, 42/160 and 43/58, Voting records accessible via UNBISNET, <http://unbisnet.un.org/>

make progress towards peace.<sup>66</sup> This reciprocated a trip by serving Israeli president Chaim Herzog to Australia in January 1987.<sup>67</sup>

In response to the First Intifada, beginning in late 1987, Foreign Minister Hayden described that “this deplorable situation can only be to the detriment of Israel’s future as a liberal democratic state”.<sup>68</sup> He also expressed sympathies for the violence experienced by Palestinians. Later, new Foreign Minister Gareth Evans expressed condemnation for some Israeli actions, in particular “the use of live ammunition against Palestinian demonstrators.”<sup>69</sup>

### **The Keating Government (Labor) 1991-1996**

In comparison to Hawke, the Keating government was less interested and intent in their relations with Israel and Palestine, choosing to focus instead on foreign policy in the Asia-Pacific.<sup>70</sup> As acting Prime Minister in May 1991, Keating had repeated in a speech to the Zionist Federation of Australia the Labor Party platform that Israeli settlements were “contrary to international law” and represented a “significant obstacle to peace”.<sup>71</sup>

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<sup>66</sup> Colin Rubenstein, “A Distant Affinity: The History of Australian-Israeli Relations”, Jerusalem Center for Public Affairs, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>67</sup> Colin Rubenstein, “A Distant Affinity: The History of Australian-Israeli Relations”, Jerusalem Center for Public Affairs, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>68</sup> Bill Hayden, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>69</sup> Gareth Evans, “Peace in the Middle East: speech to the annual conference of the Executive Council of Australian Jewry”, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>70</sup> Colin Rubenstein, “A Distant Affinity: The History of Australian-Israeli Relations”, Jerusalem Center for Public Affairs, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>71</sup> Paul Keating, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

In government, Keating similarly reiterated the basic principles of support for an Israeli state and a two-state solution.<sup>72</sup>

The most notable comments made on the issue of Israeli settlements came following Foreign Minister Gareth Evan's visit to Israel, as part of a tour of the Middle East. Evans noted that the conditions faced then with regards to the Israel-Palestine conflict differed from those that the previous government had to consider. Evans stated that:

“[T]wo other factors making it harder every day for moderate Palestinians and other Arabs to hold the line against their extremist brethren. Those factors were the continuation unabated of the massive program of settlement building in the Occupied Territories, and the continuation unabated in those territories of occupation policies perceived as highly oppressive in human rights terms.”<sup>73</sup>

Leaders of the Australian Jewish community reacted to the critical nature of these comments with dismay and after meetings following the statement, Evans backed down from his comments. He acted to assure the community that there was no change to government policy and “also conceded that his comments lacked balance”.<sup>74</sup> These whiplash responses to shifts in Australian policy highlight the precarious nature of all government comments on contentious issues within the Israel-Palestine conflict.

Significant measures towards a resolution of the Israel-Palestine conflict occurred during the Keating government era. Australia welcomed negotiations towards the Oslo Accords in September 1993, which included the initial withdrawal of Israeli forces and plans for

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<sup>72</sup> Colin Rubenstein, “A Distant Affinity: The History of Australian-Israeli Relations”, Jerusalem Center for Public Affairs, 14 November 2007, accessed 4 August 2014, <http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>

<sup>73</sup> Gareth Evans, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>74</sup> Hilary Rubinstein, “Foreign Countries: Australia”, *American Jewish Year Book*, 94, (1994) 360-361, [http://www.ajarchives.org/AJC\\_DATA/Files/1994\\_11\\_Australia.pdf](http://www.ajarchives.org/AJC_DATA/Files/1994_11_Australia.pdf)

later negotiations on Jerusalem and settlements, among other issues.<sup>75</sup> Similarly, the government welcomed the Interim Agreement (Oslo II) that determined the creation of the Palestinian Authority and areas A, B and C within the occupied territories, designating which authority governed specific areas.<sup>76</sup>

### **The Howard Government (Liberal) 1996-2007**

Coming into power in 1996, the Coalition government were quick to emphasise their desire to enhance Australia's bilateral relations with Israel. In June 1996, Foreign Minister Downer described the relations as "a high priority for this government", in a speech to the Zionist Federation of Australia entitled "Australia, Israel and the Middle East: A Time to Build", and suggested closer cooperation on multilateral issues.<sup>77</sup> On a personal level, John Howard also described himself in 2002 as "an unapologetic and longstanding friend of Israel".<sup>78</sup>

The strengthening of Australia-Israel relations was moderated with some language favouring the Palestinian goal of a state of their own. In April 2002, the Howard government made it clear that the goals of any long-term solution would include the existence of a Palestinian state. This continued in the tradition held by previous Labor governments of Palestinian state recognition and saw an enhancement of the language used from 'could' to the explicit 'should'.<sup>79</sup>

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<sup>75</sup> Marty Harris, "Australia and the Middle East conflict: a history of key Government statements", Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>76</sup> Marty Harris, "Australia and the Middle East conflict: a history of key Government statements", Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>77</sup> Alexander Downer, "Australia, Israel and the Middle East: A Time to Build", Speech to the Zionist Federation of Australia, 2 June 1996, accessed 10 August 2014, <http://www.foreignminister.gov.au/speeches/1996/zionistf.html>

<sup>78</sup> John Howard, "Honouring Prime Minister John Howard – 2002", AIJAC, 30 January 2002, accessed 17 September 2014, <http://www.ajiac.org.au/news/article/honouring-prime-minister-john-howard-2002>

<sup>79</sup> Marty Harris, "Australia and the Middle East conflict: a history of key Government statements", Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014,

The Howard government was also significant in seeing the first meeting between an Australian Prime Minister and the PLO Chairman, and Palestinian Authority President, Yassar Arafat. In a joint press conference following their meeting in Gaza, Prime Minister Howard described Arafat as having a “very strong personal commitment” to the peace process.<sup>80</sup> However, the government would later be very critical of Arafat’s actions, in blaming him for the collapse of the Camp David Summit in July 2000. Howard asserted that Israeli Prime Minister Ehud Barak “went 90% of the way”,<sup>81</sup> while “Yassar Arafat didn’t show the courage and leadership needed”.<sup>82</sup>

Under Howard, Australia’s UNGA voting pattern eventually shifted to one strongly supportive of Israel, generally voting ‘abstain’ or ‘against’ on resolutions regarding the applicability of the Geneva Convention and Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem.<sup>83</sup> By voting against resolutions, the government contrasted the common bipartisan trend of abstaining on this question, another indication of Howard’s strong Israeli relations.

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[http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>80</sup> John Howard, “Joint Press Conference with Yasser Arafat, Chairman of the Palestine Liberation Organisation”, 1 May 2000, accessed 21 August 2014, <http://pandora.nla.gov.au/parchive/2001/Z2001-Feb-1/www.pm.gov.au/news/interviews/2000/PLO0105.htm>

<sup>81</sup> John Howard, “Address at Australia/Israel & Jewish Affairs Council and United Israel Appeal”, 22 November 2000, accessed 21 August 2014, <http://pandora.nla.gov.au/parchive/2001/Z2001-Feb-1/www.pm.gov.au/news/speeches/2000/speech551.htm>

<sup>82</sup> John Howard, quoted in “Australia and the Middle East conflict: a history of key Government statements”, Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>83</sup> Marty Harris, “Israel-Palestine: Australia changes government, changes UN vote”, *The Interpreter*, 26 November 2013, accessed 11 August 2014, <http://www.lowyinterpreter.org/post/2013/11/26/Changing-votes-at-the-UN.aspx?COLLCC=3243141447&>

Jonathan Swan, “The Politics of Palestine”, *SMH*, 28 December 2013, accessed 15 August 2014, <http://www.smh.com.au/federal-politics/political-opinion/the-politics-of-palestine-20131227-2zz0q.html>

Foreign Minister Downer went further in criticising the UNGA, for the volume of resolutions condemning Israeli actions in comparison with other countries,<sup>84</sup> and the UN secretariat, of being bias in its use of resources in targeting Israel.<sup>85</sup> Downer's suggestion was that these resolutions were not conducive to finding a resolution to the Israel-Palestine conflict.

Particularly notable, the Howard government voted against seeking the ICJ advisory opinion on the security barrier.

“We voted against the idea... because we thought it was neither appropriate nor helpful to the peace process... In taking this stance, the Australian Government emphasised that it did not want to see the barrier become a de facto border, and urged the Israeli Government to consider moving the barrier closer to the 1967 line.”<sup>86</sup>

Downer spoke of his “regret” for the outcome of the opinion<sup>87</sup>, which determined that the construction of the wall was in breach of international law and that Israel was bound by

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<sup>84</sup> Alexander Downer, “Australia-Israel relationship over recent times: How it has evolved under the Howard Government”, Speech to United Israel Appeal, 30 November 2005, accessed 16 August 2014, [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130\\_united\\_israel\\_appeal.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130_united_israel_appeal.html)

<sup>85</sup> John Kerin, “Downer blasts UN for “bias” on Israel”, Australian, 8 September 2005, accessed 18 September 2014, [http://parlinfo.aph.gov.au/parlInfo/download/media/pressclp/74FH6/upload\\_binary/74fh66.pdf;fileType%3Dapplication%2Fpdf](http://parlinfo.aph.gov.au/parlInfo/download/media/pressclp/74FH6/upload_binary/74fh66.pdf;fileType%3Dapplication%2Fpdf)

<sup>86</sup> Alexander Downer, “The Australia-Israel relationship over recent times: How it has evolved under the Howard Government”, 30 November 2005, accessed 14 September 2014, [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130\\_united\\_israel\\_appeal.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130_united_israel_appeal.html)

<sup>87</sup> Alexander Downer, “Regret Over ICJ Opinion on Israel’s Security Barrier”, 5 July 2004, accessed 10 August 2014, [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/releases/2004/fa0104\\_04.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/releases/2004/fa0104_04.html)

the Fourth Geneva Convention.<sup>88</sup> Downer's concern was that the ICJ had become "politicised".<sup>89</sup>

The Howard government's rejection of the outcome of the ICJ advisory opinion further placed Australia as an outlier in its policies on Israeli settlements. In 2004, when a UN resolution demanded that Israel comply with the ICJ ruling, 150 states voted to adopt the resolution, whereas Australia was one of only 6 countries to vote against (along with Israel, Micronesia, Marshall Islands, Palau and the United States).<sup>90</sup>

### **The Rudd and Gillard Governments (Labor) 2007-2013**

In the early years of the Rudd government, Australia saw a reversal of its voting position on several key recurring resolutions. On the question of the applicability of the Geneva Convention to Occupied Palestinian Territories, including East Jerusalem, the Labor government shifted the vote from "abstain" to "in favour". Similarly on the question of Israeli settlements, the vote shifted from "against" to "in favour", a radical reversal that explicitly acknowledged that settlements are illegal.<sup>91</sup> These changes were maintained for the length of the Labor Party's time in office.<sup>92</sup>

However, outside of the UN vote, the Rudd and Gillard governments' statements on Israeli settlements were far more subdued. Policy statements refrained from using the phrases 'illegal' or 'contrary to international law', which had been consistently used by

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<sup>88</sup> ICJ, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", International Court of Justice, 9 July 2004, accessed 27 July 2014, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

<sup>89</sup> AAP, "Australia backs US over Israel barrier", SMH, 21 July 2004, accessed 10 August 2014, <http://www.smh.com.au/articles/2004/07/21/1090089212804.html>

<sup>90</sup> UN, "General Assembly Emergency Session Overwhelmingly Demands Israel's Compliance with International Court of Justice Advisory Opinion", UN General Assembly, 20 July 2004, accessed 11 August 2014, <http://www.un.org/press/en/2004/ga10248.doc.htm>

<sup>91</sup> Marty Harris, "Israel-Palestine: Australia changes government, changes UN vote", *The Interpreter*, 26 November 2013, accessed 11 August 2014, <http://www.lowyinterpreter.org/post/2013/11/26/Changing-votes-at-the-UN.aspx?COLLCC=3243141447&>

<sup>92</sup> Marty Harris, "Israel-Palestine: Australia changes government, changes UN vote", *The Interpreter*, 26 November 2013, accessed 11 August 2014, <http://www.lowyinterpreter.org/post/2013/11/26/Changing-votes-at-the-UN.aspx?COLLCC=3243141447&>

the previous Labor governments of Hawke and Keating. Instead, the government's policy was to call for Israel to "freeze all settlement activity", emphasised as a key feature of the Roadmap to Middle East peace.<sup>93</sup>

Internal disagreements between Prime Minister Gillard and Foreign Minister Bob Carr emerged on the issue of the Palestinian bid for UN observer status. While the Prime Minister had given strong indications that Australia would oppose the Palestinian bid, Carr fought to shift the voting position.<sup>94</sup> In his memoir "Diary of a Foreign Minister", Carr indicated the significance of the vote for Australia, through focusing on garnering Arab states' support for Australia's own bid for a seat at the UN Security Council.<sup>95</sup> Left faction Labor MPs, as well as some from the right, lobbied the Prime Minister to vote yes on the resolution. Former Prime Minister Bob Hawke and former Foreign Minister Gareth Evans additionally lobbied for support of the resolution.<sup>96</sup>

In a compromise to prevent caucus dispute, Australia's final position was to abstain from voting on the resolution, which was adopted with 138 yes votes, 9 against and 41 abstentions.<sup>97</sup> The change was largely viewed as symbolic support for a Palestinian state, in which a no vote would have been interpreted as dismissing this ideal.

Foreign Minister Carr's memoir, published after his time in the position, also revealed further disagreements over policy on the Israel-Palestine conflict. Carr launched strong criticisms against the influence of the "Israeli lobby" on the Prime Minister and on Middle East policy. He described the lobbyists as having a "direct line to the office" of

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<sup>93</sup> Marty Harris, "Australia and the Middle East conflict: a history of key Government statements", Parliamentary Library Background Notes, 13 August 2012, accessed 4 August 2014, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict#_Toc332632590)

<sup>94</sup> Daniel Flitton, "Gillard rolled on Palestine", SMH, 28 November 2013, accessed 11 August 2014, <http://www.smh.com.au/federal-politics/political-news/gillard-rolled-on-palestine-20121127-2a60x.html>

<sup>95</sup> Bob Carr, *Diary of a Foreign Minister* (New South Wales: UNSW Press, 2014).

<sup>96</sup> Alexandra Kirk, "Gillard compromise: Australia to abstain re Palestinian UN status", ABC PM, 27 November 2012, accessed 17 August 2014, <http://www.abc.net.au/pm/content/2012/s3642175.htm>

<sup>97</sup> UNGA Resolution 67/19, Voting records accessible via UNBISNET, <http://unbisnet.un.org>

the Prime Minister.<sup>98</sup> Carr expressed frustration that the government experienced significant resistance from the lobby to issuing, for example, “a routine expression of concern about the spread of Israeli settlements on the West Bank”.<sup>99</sup> Carr’s concern was regarding the “extreme right-wing” views of the Melbourne lobby group and the power they had to block statements on Palestine that used comparably routine language to conservative governments overseas.<sup>100</sup> This again indicates the strong resistance any government experiences to a shift in their policies on Israeli settlements or Jerusalem.

### **Conclusion**

It is clear from this chronicle of Australian policy since the 1967 war that no bipartisan consensus existed on the questions of Israeli settlements or the legal status of East Jerusalem. Although Labor governments appeared more critical of Israeli settlement actions, neither party aligned strongly with the international community outlook. While a position of abstaining on UN resolutions on this issue was more commonplace in the 1970s, Australia’s rate of policy change had not kept pace with international expectations and Australia now stands in a small minority of states in their support for Israel.

What is notable in all these governments was the hesitancy with which any politician spoke out about the Israel-Palestine conflict. The lack of substantive comments on either issue, but particularly the question of Jerusalem is significant, with governments having preferred to reiterate that these are issues up for negotiation between the two sides. The backlash for any comments that did appear to shift Australia’s position was strong and therefore, changes of policy that did occur often came by gradually and over successive governments.

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<sup>98</sup> Bob Carr, “Bob Carr ‘frustrated’ by Israeli lobby and lack of First Class fares”, 7.30, ABC, 9 April 2014, <http://mondoweiss.net/2014/04/aussie-assertion-ministers>

<sup>99</sup> Bob Carr, “Bob Carr ‘frustrated’ by Israeli lobby and lack of First Class fares”, 7.30, ABC, 9 April 2014, <http://mondoweiss.net/2014/04/aussie-assertion-ministers>

<sup>100</sup> Bob Carr, “Bob Carr ‘frustrated’ by Israeli lobby and lack of First Class fares”, 7.30, ABC, 9 April 2014, <http://mondoweiss.net/2014/04/aussie-assertion-ministers>

For current political parties, this posits the choice between maintaining a status quo for their party line and opting to push through resistance to make foreign policy changes that might align Australia more closely with other countries. Once changes like this are made, it is then a question for the following government to maintain the policy shift or revert to their own party's position on the issue.

### SECTION 3: CURRENT POLITICAL PARTIES

The current political parties offer a spectrum of opinions of the Israel-Palestine conflict. Whilst the Liberal government was expected to be more supportive of Israel, the extent of their policy and language changes has been unprecedented. The Labor and Greens parties offer more promising prospects for Australia's alignment with the international community on the issues of Israeli settlements and the legal status of East Jerusalem. The following sections reveal how each party has responded to developments in the conflict and in the government's position and the language and positioning of the parties on each issue.

#### **Liberal Party of Australia (in Government)**

In government, the Liberal Party has placed great emphasis on the importance of negotiations between Israel and Palestine towards a comprehensive solution, with Australia continuing support for a "just and lasting two-state solution".<sup>101</sup> However, the Abbott government has also shifted the policy positions to align more closely with Israel, in addition to making statements that cause controversy and contrast the international consensus and previous Australian government standpoints.

In late 2013, the Abbott government shifted Australia's voting position on recurring UNGA resolutions relating to Israeli settlements activities and the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territories. On the illegality of Israeli settlements, the vote was changed from 'in favour' to 'abstain', and the same change was made regarding the Fourth Geneva Convention.<sup>102</sup> In explaining the decision for the shift, Foreign Minister Bishop stated that it

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<sup>101</sup> George Brandis, quoted on "East Jerusalem: Islamic leaders condemn Australia's move to no longer refer to region as 'occupied'", ABC, 21 June 2014, accessed 11 August 2014, <http://www.abc.net.au/news/2014-06-20/islamic-leaders-condemn-australias-comments-on-east-jerusalem/5539218>

<sup>102</sup> Marty Harris, "Israel-Palestine: Australia changes government, changes UN vote", The Interpreter, 26 November 2013, accessed 11 August 2014, <http://www.lowyinterpreter.org/post/2013/11/26/Changing-votes-at-the-UN.aspx?COLLCC=3243141447&>

“reflected the government’s concern that Middle East resolutions should be balanced... The government will not support resolutions which are one-sided and which pre-judge the outcome of final status negotiations between the two sides”.<sup>103</sup>

The Abbott government has placed a lot of emphasis on having a ‘balanced’ position and prior to the election Julie Bishop made it clear that the Liberal party would shift Australia’s position to what it claimed was the “previously bipartisan support for Israel”.<sup>104</sup> In this light, the change in voting patterns was regarded as largely unsurprising by the Australian media, despite attracting criticism from other political parties and Palestinian organisations for the lack of transparency in making the decision.<sup>105</sup>

In January 2014, Foreign Minister Julie Bishop gave a candid interview with the Times of Israel, discussing the Israel-Palestine conflict as a whole. On the topic of Israeli settlement activities, Bishop stated

“I don’t want to prejudge the fundamental issues in the peace negotiations. The issue of settlements is absolutely and utterly fundamental to the negotiations that are under way and I think it’s appropriate that we give those negotiations every chance of succeeding.”<sup>106</sup>

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<sup>103</sup> Julie Bishop, quoted on “Julie Bishop says Australia’s shift on Israel UN resolutions is a bid for balance”, The Australian, 25 November 2013, accessed 29 August 2014, <http://www.theaustralian.com.au/national-affairs/Foreign-affairs/julie-bishop-says-australias-shift-on-israel-resolutions-is-a-bid-for-balance/story-fn59nm2j-1226767760779>

<sup>104</sup> Julie Bishop, quoted on “Ten things to know about foreign policy under Julie Bishop and Tony Abbott”, The Guardian, 3 June 2013, accessed 27 August 2014, <http://www.theguardian.com/world/2013/jun/02/foreign-policy-julie-bishop-coalition>

<sup>105</sup> Jonathan Swan, “Tony Abbott quietly shifts UN position to support Israeli settlements, upsetting Palestinians”, SMH, 25 November 2013, accessed 29 August 2014, <http://www.smh.com.au/national/tony-abbott-quietly-shifts-un-position-to-support-israeli-settlements-upsetting-palestinians-20131124-2y434.html>

<sup>106</sup> Julie Bishop, quoted on “Australia FM: Don’t call settlements illegal under international law”, The Times of Israel, 15 January 2014, accessed 28 August 2014, <http://www.timesofisrael.com/australia-fm-dont-call-settlements-illegal-under-international-law/>

Going further on the question of illegality, Bishop replied “I would like to see which international law has declared them illegal.”<sup>107</sup> Given the broad international consensus on Israeli settlements demonstrated previously, this statement positions Australia into the very small minority of countries that do not regard the settlements as illegal.

Furthermore, it contrasts statements given by previous governments, explored in the previous section that have mostly referred to Israeli settlements as ‘contrary to international law’ or ‘an obstacle to peace’ and referenced the necessity of Israel complying with the Fourth Geneva Convention.

Regarding the legal status of East Jerusalem, the statements of Attorney-General George Brandis in Senate Estimates in June were regarded as a major policy change.<sup>108</sup> Brandis questioned the use of the term ‘Occupied’ in regards to East Jerusalem, later making a statement declaring

“The description of areas which are subject to negotiations in the course of the peace process by reference to historical events is unhelpful. The description of East Jerusalem as ‘Occupied East Jerusalem’ is a term freighted with pejorative implications, which is neither appropriate nor useful.”<sup>109</sup>

This statement again put the Abbott government out of step with the international community, where all states with the exception of Israel use the language of

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<sup>107</sup> Julie Bishop, quoted on “Australia FM: Don’t call settlements illegal under international law”, The Times of Israel, 15 January 2014, accessed 28 August 2014, <http://www.timesofisrael.com/australia-fm-dont-call-settlements-illegal-under-international-law/>

<sup>108</sup> David Wroe, “Attorney-General George Brandis says use of term ‘occupied’ over East Jerusalem as inappropriate”, SMH, 5 June 2014, accessed 3 September 2014, <http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-says-use-of-term-occupied-over-east-jerusalem-as-inappropriate-20140605-39kql.html>

<sup>109</sup> George Brandis, quoted on “Attorney-General George Brandis says use of term ‘occupied’ over East Jerusalem as inappropriate”, SMH, 5 June 2014, accessed 3 September 2014, <http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-says-use-of-term-occupied-over-east-jerusalem-as-inappropriate-20140605-39kql.html>

‘occupation’.<sup>110</sup> In addition to this, the UN Security Council, International Court of Justice and other international bodies similarly agree to Israel’s actions as an occupation.

However, the move was broadly criticised by political opponents and Palestinian and Arab organisations. Independent Senator Xenophon indicated statements by former Coalition ministers using the term ‘occupied’ and regarded the statement as a departure from a long-standing bipartisan approach.<sup>111</sup> The Australian Labor Party questioned the move, expressing surprise at the suddenness the shift and at the fact that it came from the Attorney-General, rather than the Prime Minister or Foreign Minister.<sup>112</sup>

The Coalition eventually compromised on their position, making the distinction between capital letter ‘Occupied’ and lower case ‘occupied’ following a meeting with Arab country ambassadors.<sup>113</sup> The assurance was also given that the Prime Minister or the Foreign Minister would be the only people to make future Foreign policy statements.<sup>114</sup>

On all these issues, the Abbott government adopted the explanation that the change of position would avoid prejudging the outcomes of any potential peace settlement.<sup>115</sup> These

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<sup>110</sup> Hussein Ibish, “Australia fluffs its lines in the language of occupation”, *The National*, 7 June 2014, accessed 3 September 2014, <http://www.thenational.ae/thenationalconversation/comment/australia-fluffs-its-lines-in-the-language-of-occupation#page1>

<sup>111</sup> David Wroe, “Attorney-General George Brandis says use of term ‘occupied’ over East Jerusalem as inappropriate”, *SMH*, 5 June 2014, accessed 3 September 2014, <http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-says-use-of-term-occupied-over-east-jerusalem-as-inappropriate-20140605-39kql.html>

<sup>112</sup> Katharine Murphy, “George Brandis’s take on ‘occupied east Jerusalem’ comes under Labor fire”, *The Guardian*, 6 June 2014, accessed 3 September 2014, <http://www.theguardian.com/world/2014/jun/06/george-brandis-take-on-occupied-east-jerusalem-comes-under-labor-fire>

<sup>113</sup> Lisa Cox, “George Brandis blocks questions on government’s position on East Jerusalem”, *SMH*, 20 June 2014, accessed 2 September 2014, <http://www.smh.com.au/federal-politics/political-news/george-brandis-blocks-questions-on-governments-position-on-east-jerusalem-20140620-3ahtp.html>

<sup>114</sup> Lisa Cox, “George Brandis blocks questions on government’s position on East Jerusalem”, *SMH*, 20 June 2014, accessed 2 September 2014, <http://www.smh.com.au/federal-politics/political-news/george-brandis-blocks-questions-on-governments-position-on-east-jerusalem-20140620-3ahtp.html>

<sup>115</sup> David Wroe, “Attorney-General George Brandis says use of term ‘occupied’ over East Jerusalem as inappropriate”, *SMH*, 5 June 2014, accessed 3 September 2014, <http://www.smh.com.au/federal->

explanations harken back to Liberal governments of the 1960s and 1970s that each promoted their policy as being ‘balanced’. However, rather than neutrality, these statements position the Abbott government on an extreme similar to that of the Howard government, hinting at the shift in Liberal policy towards being more actively pro-Israel.

### **Australian Labor Party (ALP)**

In opposition, the Australian Labor Party has expressed surprise at the shift in UNGA voting on Israeli settlements. Shadow Foreign Minister Tanya Plibersek emphasised the importance of the government explaining why the position had been changed and highlighting that the previous policy positions of Australian governments had voted in a way that indicated the Israeli settlements were not “contributing to the peace process”.<sup>116</sup>

When speaking to the Zionist Federation of Australia in April 2014, Opposition Leader Bill Shorten made comments appearing to shift from the Labor policy on Israeli settlements. Shorten stated that “some settlement activity in the West Bank is illegal”, in contrast to the Labor position that all settlements are contrary to international law.<sup>117</sup> However, it was swiftly clarified by Shadow Foreign Minister Tanya Plibersek’s office that there was no change in Labor policy and the incident was described by others as “a screw up”.<sup>118</sup>

Internally within the Labor party, there have been increasing tensions and discussions of the party’s policies on the Israel-Palestine conflict. Those on the Victorian Labor Right, including Opposition Leader Bill Shorten, are perceived by the Labor Left of NSW as

politics/political-news/attorneygeneral-george-brandis-says-use-of-term-occupied-over-east-jerusalem-as-inappropriate-20140605-39kql.html

<sup>116</sup> Tanya Plibersek, quoted on “Tanya Plibersek joins Insiders”, ABC Insiders, 24 November 2013, accessed 3 September 2014, <http://www.abc.net.au/insiders/content/2013/s3897763.htm>

<sup>117</sup> Jonathan Swan, “Bill Shorten’s comments on Israeli settlements a mistake, say colleagues”, SMH, 3 April 2014, accessed 4 September 2014, <http://www.smh.com.au/federal-politics/political-news/bill-shortens-comments-on-israeli-settlements-a-mistake-say-colleagues-20140403-zqq36.html>

<sup>118</sup> Jonathan Swan, “Bill Shorten’s comments on Israeli settlements a mistake, say colleagues”, SMH, 3 April 2014, accessed 4 September 2014, <http://www.smh.com.au/federal-politics/political-news/bill-shortens-comments-on-israeli-settlements-a-mistake-say-colleagues-20140403-zqq36.html>

being too pro-Israel.<sup>119</sup> Notably, Shadow Foreign Minister Tanya Plibersek was reported to be unhappy with Bill Shorten's "muted response" in light of George Brandis' statements on East Jerusalem.<sup>120</sup> This disagreement echoes back to the Labor government disagreements between Prime Minister Gillard and Foreign Minister Carr.

Indeed, former Foreign Minister Carr has continued working behind the scenes to bring about changes to the NSW Labor platform, bringing them in to line with the policy shifts he made while in government. Included in the resolution is the affirmation that all Israeli settlements are illegal under international law, an emphasis on the importance of a Palestinian state based on 1967 borders and a push towards a two-state solution being implemented.<sup>121</sup>

While these changes are significant, in indicating the potential for a future Labor government to have a more pro-Palestinian position, the resolutions have not been adopted into the current Federal Labor Party platform.

### **Australian Greens**

The Australian Greens Party differs greatly from the two major parties, being a strong supporter of Palestinian rights and making unequivocal statements in regard to Israeli settlements and the status of East Jerusalem. Among their party platform principles, the Greens "oppose Israel's ongoing occupation of the Palestinian territories and the expropriation of Palestinian land and resources for its settlements" and "call on all parties

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<sup>119</sup> James Massola, "Labor factions split over government's decision to 'reclassify' East Jerusalem", SMH, 19 June 2014, accessed 5 September 2014, <http://www.smh.com.au/federal-politics/political-news/labor-factions-split-over-governments-decision-to-reclassify-east-jerusalem-20140618-3ae6a.html>

<sup>120</sup> James Massola, "Labor factions split over government's decision to 'reclassify' East Jerusalem", SMH, 19 June 2014, accessed 5 September 2014, <http://www.smh.com.au/federal-politics/political-news/labor-factions-split-over-governments-decision-to-reclassify-east-jerusalem-20140618-3ae6a.html>

<sup>121</sup> James Massola, "NSW Labor set to adopt increasingly pro-Palestine stance", SMH, 25 July 2014, accessed 4 September 2014, <http://www.smh.com.au/federal-politics/political-news/nsw-labor-set-to-adopt-increasingly-propalestine-stance-20140725-3cko7.html>

to comply with United Nations (UN) resolutions, international law, the Universal Declaration of Human Rights and the Geneva Convention”.<sup>122</sup>

The Australian Greens call for “the removal of Israeli settlers and Israeli security and military forces from the Palestinian territories”, with an action plan that involves an immediate freeze on settlement activity and beginning the repatriation of Israeli settlers from the Palestinian Territories.<sup>123</sup>

The Greens were highly critical of both the Coalition and the Labor party in response to the Abbott government’s shift in UN voting on the illegality of settlements and the occupation of Palestinian Territories. The Coalition’s move was viewed as “shameful” but “not unexpected”, while the Labor party was criticised for not supporting the Greens’ motion to encourage future support of UN resolutions on these issues.<sup>124</sup>

On the legal status of East Jerusalem, the Greens argue for “the termination of the occupation of the Palestinian territories” and appeal for the creation of two states “with both states sharing Jerusalem as their capital”.<sup>125</sup>

In response to Attorney-General George Brandis’ statements on East Jerusalem, Greens leader Christine Milne was highly critical of the government, arguing that they were “moving away from the United Nations’ accepted language of occupied territories and those occupied territories being illegal”.<sup>126</sup> Greens Senators emphasised that the

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<sup>122</sup> Ben Spies-Butcher and Christine Cunningham, “Australian Greens Resolution: Israel/Palestine”, The Greens, March 2010, [http://greens.org.au/sites/greens.org.au/files/Israel\\_Palestine\\_1.pdf](http://greens.org.au/sites/greens.org.au/files/Israel_Palestine_1.pdf)

<sup>123</sup> Ben Spies-Butcher and Christine Cunningham, “Australian Greens Resolution: Israel/Palestine”, The Greens, March 2010, [http://greens.org.au/sites/greens.org.au/files/Israel\\_Palestine\\_1.pdf](http://greens.org.au/sites/greens.org.au/files/Israel_Palestine_1.pdf)

<sup>124</sup> Christine Milne, “Voted down – Greens motion against Australia’s support for illegal Israeli settlements”, The Greens, 9 December 2013, accessed 18 September 2014, <http://greens.org.au/news/voted-down-greens-motion-against-australias-support-illegal-israeli-settlements>

<sup>125</sup> Ben Spies-Butcher and Christine Cunningham, “Australian Greens Resolution: Israel/Palestine”, The Greens, March 2010, [http://greens.org.au/sites/greens.org.au/files/Israel\\_Palestine\\_1.pdf](http://greens.org.au/sites/greens.org.au/files/Israel_Palestine_1.pdf)

<sup>126</sup> Jared Owens, “Julie Bishop ‘clarifies’ stand on Jerusalem name, but sanctions threat remains”, The Australian, 19 June 2014, accessed 17 September 2014, <http://www.theaustralian.com.au/national->

government was “out of step with international opinion” on the issue.<sup>127</sup> A motion introduced by Senator Milne and independent Senator Xenophon reiterating, “East Jerusalem is an occupied territory”, was blocked by Labor and the Coalition government.<sup>128</sup>

Compared with other Australian political parties, the Greens are quite candid in their views on the Israeli settlements and occupation of East Jerusalem. A detailed list of policy principles, goals and targets, dated March 2010, is accessible via their party website.<sup>129</sup> Senator Lee Rhiannon’s website also features an informational pamphlet, detailing the Greens’ positions and a timeline of their party actions on the Israel-Palestine conflict, designed for a Palestinian-Australian audiences with sections in both Arabic and English.<sup>130</sup> Moreover, the party appears more willing to make strong statements in response to events and escalations in the conflict.

The distinction between the Australian Greens stance in comparison to the two major parties can be attributed to a number of factors. As a minority party and with an issues platform often considered niche, the Greens have more flexibility to be able to appeal to diverse groups within Australia, without the risk of losing a large support base of voters. Within parliament, the repercussions for speaking out on issues of Foreign policy and diplomatic relations are less severe and they may still push other parties to shift their policy. This is not to suggest, however, that the Greens’ positions face no reaction. For example, in 2011, the NSW Greens faced a large backlash from the Jewish-Australian

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affairs/julie-bishop-clarifies-stand-on-jerusalem-name-but-sanctions-threat-remains/story-fn59niix-1226960025683

<sup>127</sup> Alexandra Kirk, “Backlash to Brandis ruling out use of ‘occupied’ to describe Israeli settlements”, ABC PM, 5 June 2014, accessed 18 September 2014, <http://www.abc.net.au/pm/content/2014/s4019573.htm>

<sup>128</sup> Christine Milne, “Labor Party joins Abbott government in weak position on illegal settlements”, The Greens, 18 June 2014, accessed 18 September 2014, <http://greens.org.au/node/5156>

<sup>129</sup> Ben Spies-Butcher and Christine Cunningham, “Australian Greens Resolution: Israel/Palestine”, The Greens, March 2010, [http://greens.org.au/sites/greens.org.au/files/Israel\\_Palestine\\_1.pdf](http://greens.org.au/sites/greens.org.au/files/Israel_Palestine_1.pdf)

<sup>130</sup> Lee Rhiannon, “Australian Greens for Palestine”, The Greens, May 2014, [http://lee-rhiannon.greensmps.org.au/sites/default/files/140515\\_final\\_palestine\\_booklet.pdf](http://lee-rhiannon.greensmps.org.au/sites/default/files/140515_final_palestine_booklet.pdf)

community for their decision to support the Boycott, Divestment and Sanctions (BDS) campaign and subsequently backed down from this position.<sup>131</sup>

The party's focus also centres around pillars of "social justice" and "peace and non-violence", that are often strongly associated with upholding international law and human rights in the case of Palestine.<sup>132</sup> Indeed, the Greens party strongly emphasises the "rights" rather than "aspirations" of the Palestinian people alongside Israelis.<sup>133</sup>

### **National Party of Australia**

The Australian National Party emphasise the tradition in Australia of supporting the two-state solution and encourage both parties to negotiate towards a lasting peace agreement. The Nationals have been critical of incidents of rocket and mortar terror attacks by Palestinians and require Palestine to officially recognise the Israel's right to exist.<sup>134</sup>

Moreover, in response to the Palestinian bid for UN observer status, the Nationals believed that Australia should have voted against. The Nationals were critical because they had concerns that Palestinian leaders may have sought to "bring action against Israel through the international courts" and argued that Hamas should not be given "increased international status".<sup>135</sup> As such they believed that the bid was not conducive with a path towards peace.

In response to George Brandis' comments on the status of East Jerusalem, National Party members expressed concern over the potential backlash from Middle Eastern countries.

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<sup>131</sup> Pip Hinman, "NSW Greens retreat on Palestine policy", Green Left Weekly, 13 December 2011, accessed 20 September 2014, <https://www.greenleft.org.au/node/49715>

<sup>132</sup> Australian Greens, "About the Party", The Greens, accessed 18 September 2014, <http://greens.org.au/about>

<sup>133</sup> Australian Greens, quoted on "Australian Greens Position", APAN, 19 July 2013, accessed 16 September 2014, <http://apan.good.do/voteforpalastine/pages/greens-position/>

<sup>134</sup> Michael Kauter, quoted on "Liberal and National Party positions", APAN, 8 July 2013, accessed 16 September 2014, <http://apan.good.do/voteforpalastine/pages/coalition-positions/>

<sup>135</sup> Michael Kauter, quoted on "Liberal and National Party positions", APAN, 8 July 2013, accessed 16 September 2014, <http://apan.good.do/voteforpalastine/pages/coalition-positions/>

Their concern was the loss of Australia's major sheep and cattle exports to Middle Eastern countries, after the Organisation of Islamic Cooperation (OIC) spoke of potential response measures to the policy change.<sup>136</sup>

### **Conclusion**

While the Abbott government's shift in UNGA voting proved unsurprising, the shift in the language used around Israeli settlements and East Jerusalem has been significant. Not only does the language vastly contrast with international legal rulings and statements by the international community, it is also unlike any policy of previous governments, whether Labor or Liberal. The backlash from National party members of the Coalition, indicating concerns over economic impacts, highlights the broad repercussions of such a shift.

In opposition, the Labor party continues to offer the potential for a future shift in their position, aligning closer with the international community. The continued drive for changes highlights the growing contrast in policy positions between Liberal and Labor and the importance of internal dynamics on the outcome of these shifts.

The Greens position strongly supports many of the international community norms on the Israel-Palestine conflict; however, their position is in such vast contrast to the other political parties that there is limited potential to impact direct change. Although their campaigning continues to raise awareness of how international law and the international community perceive the issues.

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<sup>136</sup> AAP and SBS, "Islamic nations weigh up trade sanctions over East Jerusalem policy", SBS, 19 June 2014, accessed 15 September 2014, <http://www.sbs.com.au/news/article/2014/06/19/islamic-nations-weigh-trade-sanctions-over-east-jerusalem-policy>

## CONCLUSION

The Australian foreign policy positions held by current and previous governments differ greatly from the rulings of international legal bodies and from the international community in their assessment of Israeli settlements and the status of East Jerusalem.

International legal decisions have repeatedly affirmed the illegality of Israeli actions in imposing settlements in the Occupied Palestinian Territories and in its annexation of East Jerusalem. While Israel has fought these decisions, the consistency of UN and ICJ rulings against Israel undermine their arguments and confirm the widely held position. The clear international consensus that has developed on these issues draws sharp contrast with Australia's outdated position.

Australia's UN voting patterns and statements attempting 'balance' and 'even-handedness' drew some understanding in the years immediately following the Six-Day war; however, as international opinion has shifted towards the condemnation of Israel, Australia's position has moved into a small minority maintaining some support for Israel. Whilst there is certainly a distinction between Liberal and Labor policies on the issue, with the Liberal Party being more closely aligned with Israel, neither party matches the international standard.

A factor that may explain the reluctance of either party to make significant statements on the issue, and a potentially major obstacle to change, is the level of domestic and international backlash that occurs with any statement that appears to shift Australia's position. While internal pressures and continued lobbying has the potential to shift the Labor Party's position towards the international norm, the Liberal Party's policy has only become more staunch throughout the last 50 years, maintaining and at times extending a policy of supporting Israel.

## RECOMMENDATIONS

- Public awareness campaign (through website, Facebook page and public speeches) providing factual information about key UN and ICJ rulings, highlighting the disparity between Australia's voting position and the international community
- Work with the Greens Party to extend the informational campaign to the public and MPs, through speeches, informational brochures and questioning of other parties
- Continue to encourage members of the Labor Party to shift their positions on Israeli settlements, through providing information on international rulings and the latest Israeli settlement actions, as well as providing any support to those campaigning for change
- Engage with the wider Arab community in Australia through events and informational campaign, encouraging individuals to write to their local MPs with information and questions about party policy on these issues
- Continue encouraging all MPs and journalists to engage with both the Israeli and Palestinian positions, especially through visiting the Occupied Palestinian Territories in addition to any trips to Israel (typically sponsored by Israel lobby organisations)

## REFERENCES

- “UNGA Resolution 2253 (ES-V)”. 4 July 1967. UN General Assembly.  
<http://www.jewishvirtuallibrary.org/jsource/UN/unga2253.html>
- AAP and SBS. “Islamic nations weigh up trade sanctions over East Jerusalem policy”. SBS, 19 June 2014. Accessed 15 September 2014.  
<http://www.sbs.com.au/news/article/2014/06/19/islamic-nations-weigh-trade-sanctions-over-east-jerusalem-policy>
- AAP. “Australia backs US over Israel barrier”. SMH, 21 July 2004. Accessed 10 August 2014.  
<http://www.smh.com.au/articles/2004/07/21/1090089212804.html>
- ABC. “East Jerusalem: Islamic leaders condemn Australia’s move to no longer refer to region as ‘occupied’”. ABC, 21 June 2014. Accessed 11 August 2014.  
<http://www.abc.net.au/news/2014-06-20/islamic-leaders-condemn-australias-comments-on-east-jerusalem/5539218>
- Ahren, Raphael. “Australia FM: Don’t call settlements illegal under international law”. The Times of Israel, 15 January 2014. Accessed 28 August 2014.  
<http://www.timesofisrael.com/australia-fm-dont-call-settlements-illegal-under-international-law/>
- Al Jazeera. “UN resolutions on Jerusalem”. 25 March 2010. Accessed 15 August 2014.  
<http://www.aljazeera.com/focus/2010/03/201032584536420174.html>
- ALP. “Australian Labor Party Platform, constitution and rules: as approved by the 35th National Conference”. 85 (1982)  
[http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload\\_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22](http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/1032121/upload_binary/1032121.pdf;fileType=application%2Fpdf#search=%22library/partypol/1032121%22)
- APAN. “Australian Greens Position”. APAN, 19 July 2013. Accessed 16 September 2014.  
<http://apan.good.do/voteforpalestine/pages/greens-position/>
- APAN. “Liberal and National Party positions”. APAN, 8 July 2013. Accessed 16 September 2014. <http://apan.good.do/voteforpalestine/pages/coalition-positions/>
- Australian Greens. “About the Party”. The Greens. Accessed 18 September 2014.  
<http://greens.org.au/about>
- BBC. “The Geneva Convention”. 10 December 2009. Accessed 15 August 2014.  
[http://news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682640.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682640.stm)
- Bowen, Nigel. “Ministerial statement: Australian foreign policy”. House of Representatives Hansard, 9 May 1972. Accessed 6 August 2014.
- Carr, Bob. “Bob Carr ‘frustrated’ by Israeli lobby and lack of First Class fares”. 7.30. ABC, 9 April 2014. <http://mondoweiss.net/2014/04/aussie-assertion-ministers>
- Carr, Bob. *Diary of a Foreign Minister* (New South Wales: UNSW Press, 2014).
- Cassidy, Barry. “Tanya Plibersek joins Insiders”. ABC Insiders, 24 November 2013. Accessed 3 September 2014. <http://www.abc.net.au/insiders/content/2013/s3897763.htm>

- Cox, Lisa. "George Brandis blocks questions on government's position on East Jerusalem". SMH, 20 June 2014. Accessed 2 September 2014. <http://www.smh.com.au/federal-politics/political-news/george-brandis-blocks-questions-on-governments-position-on-east-jerusalem-20140620-3ahtp.html>
- Downer, Alexander. "Australia, Israel and the Middle East: A Time to Build". Speech to the Zionist Federation of Australia, 2 June 1996. Accessed 10 August 2014. <http://www.foreignminister.gov.au/speeches/1996/zionistf.html>
- Downer, Alexander. "Censure Motion". House of Representatives Hansard, 7 February 2006. [http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2006-02-07/0037/hansard\\_frag.pdf;fileType=application%2Fpdf](http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2006-02-07/0037/hansard_frag.pdf;fileType=application%2Fpdf)
- Downer, Alexander. "Regret Over ICJ Opinion on Israel's Security Barrier", 5 July 2004. Accessed 10 August 2014. [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/releases/2004/fa0104\\_04.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/releases/2004/fa0104_04.html)
- Downer, Alexander. "The Australia-Israel relationship over recent times: How it has evolved under the Howard Government". 30 November 2005. Accessed 14 September 2014. [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130\\_united\\_israel\\_appeal.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130_united_israel_appeal.html)
- Downer, Alexander. "The Australia-Israel relationship over recent times: How it has evolved under the Howard Government". Speech to United Israel Appeal. 30 November 2005. Accessed 16 August 2014. [http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130\\_united\\_israel\\_appeal.html](http://pandora.nla.gov.au/pan/25167/20081110-0000/www.foreignminister.gov.au/speeches/2005/051130_united_israel_appeal.html)
- Flitton, Daniel. "Gillard rolled on Palestine". SMH, 28 November 2013. Accessed 11 August 2014. <http://www.smh.com.au/federal-politics/political-news/gillard-rolled-on-palestine-20121127-2a60x.html>
- Fraser, Malcolm. "Zionist Council of Victoria: 30th Independence Day of the State of Israel". PM Transcripts, 10 May 1978. Accessed 26 September 2014. <http://pmtranscripts.dpmc.gov.au/browse.php?did=4705>
- Harris, Marty. "Australia and the Middle East conflict: a history of key Government statements". Parliamentary Library Background Notes, 13 August 2012. Accessed 4 August 2014. [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict\\_-\\_Toc332632590](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustraliaMiddleEastConflict_-_Toc332632590)
- Harris, Marty. "Israel-Palestine: Australia changes government, changes UN vote". The Interpreter, 26 November 2013. Accessed 11 August 2014. <http://www.lowyinterpreter.org/post/2013/11/26/Changing-votes-at-the-UN.aspx?COLLCC=3243141447&>
- Hasluck, Paul. "Middle East", 16 June 1967. Accessed 7 August 2014. <http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/7451>
- Hasluck, Paul. "Statement: Middle East", 25 May 1967. In *Current Notes on International Affairs*. Department of External Affairs. 38:6 (June 1967).

- Hinman, Pip. "NSW Greens retreat on Palestine policy". *Green Left Weekly*, 13 December 2011. Accessed 20 September 2014. <https://www.greenleft.org.au/node/49715>
- Howard, John. "Address at Australia/Israel & Jewish Affairs Council and United Israel Appeal". 22 November 2000. Accessed 21 August 2014. <http://pandora.nla.gov.au/parchive/2001/Z2001-Feb-1/www.pm.gov.au/news/speeches/2000/speech551.htm>
- Howard, John. "Honouring Prime Minister John Howard – 2002". AIJAC, 30 January 2002. Accessed 17 September 2014. <http://www.ajiac.org.au/news/article/honouring-prime-minister-john-howard-2002>
- Howard, John. "Joint Press Conference with Yasser Arafat, Chairman of the Palestine Liberation Organisation". 1 May 2000. Accessed 21 August 2014. <http://pandora.nla.gov.au/parchive/2001/Z2001-Feb-1/www.pm.gov.au/news/interviews/2000/PLO0105.htm>
- [http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1972-05-09/toc\\_pdf/19720509\\_reps\\_27\\_hor78.pdf;fileType=application%2Fpdf#search=%22hansard80/hansardr80/1972-05-09/0158%22](http://parlinfo.aph.gov.au/parlInfo/download/hansard80/hansardr80/1972-05-09/toc_pdf/19720509_reps_27_hor78.pdf;fileType=application%2Fpdf#search=%22hansard80/hansardr80/1972-05-09/0158%22)
- <http://www.smh.com.au/federal-politics/political-opinion/the-politics-of-palestine-20131227-2zz0q.html>
- Ibish, Hussein. "Australia fluffs its lines in the language of occupation". *The National*, 7 June 2014. Accessed 3 September 2014. <http://www.thenational.ae/thenationalconversation/comment/australia-fluffs-its-lines-in-the-language-of-occupation#page1>
- ICJ. "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory". International Court of Justice, 9 July 2004. Accessed 27 July 2014. <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>
- ICRC. "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949". *Treaties and States Parties to Such Treaties*. Accessed 14 August 2014. [https://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp\\_viewStates=XPages\\_NORMStatesParties&xp\\_treatySelected=380](https://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=380)
- ICRC. "Deportations, transfers, evacuations". *Treaties and States Parties to Such Treaties*. Accessed 14 August 2014. <https://www.icrc.org/ihl/WebART/380-600056>
- Imseis, Ardi. "On the Fourth Geneva Convention and the Occupied Palestinian Territory". *Harvard International Law Journal* 44: 1 (2003) [http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g\\_sent=1&collection=journals#73](http://heinonline.org/HOL/Page?handle=hein.journals/hilj44&div=7&g_sent=1&collection=journals#73)
- Israel Ministry of Foreign Affairs. "Security Council Resolution 465 – 1980 – on the situation in the territories". 1 March 1980. <http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook4/Pages/69%20Security%20Council%20Resolution%20465%20-1980-%20on%20the%20s.aspx>
- Kerin, John. "Downer blasts UN for "bias" on Israel". *Australian*, 8 September 2005. Accessed 18 September 2014.

- [http://parlinfo.aph.gov.au/parlInfo/download/media/pressclp/74FH6/upload\\_binary/74fh66.pdf;fileType%3Dapplication%2Fpdf](http://parlinfo.aph.gov.au/parlInfo/download/media/pressclp/74FH6/upload_binary/74fh66.pdf;fileType%3Dapplication%2Fpdf)
- Kirk, Alexandra. "Backlash to Brandis ruling out use of 'occupied' to describe Israeli settlements". ABC PM, 5 June 2014. Accessed 18 September 2014.  
<http://www.abc.net.au/pm/content/2014/s4019573.htm>
- Kirk, Alexandra. "Gillard compromise: Australia to abstain re Palestinian UN status". ABC PM, 27 November 2012. Accessed 17 August 2014.  
<http://www.abc.net.au/pm/content/2012/s3642175.htm>
- Kuttab, Jonathan. "The Legal Status of Jerusalem". *Palestine-Israel Journal* 2:2 (1995)  
<http://www.pij.org/details.php?id=650>
- Lapidoth, Ruth. "The Expulsion of Civilians from Areas which came under Israeli Control in 1967: Some Legal Issues". *European Journal of International Law* (1990)  
<http://www.ejil.org/pdfs/2/1/2027.pdf>
- Lustick, Ian S. "Has Israel Annexed East Jerusalem?". *Middle East Policy* 5:1 (1997)  
[https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu.polisci/files/Lustick\\_Has%20Israel%20Annexed%20Jerusalem\\_1997.pdf](https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu.polisci/files/Lustick_Has%20Israel%20Annexed%20Jerusalem_1997.pdf)
- Massola, James. "Labor factions split over government's decision to 'reclassify' East Jerusalem". SMH, 19 June 2014. Accessed 5 September 2014.  
<http://www.smh.com.au/federal-politics/political-news/labor-factions-split-over-governments-decision-to-reclassify-east-jerusalem-20140618-3ae6a.html>
- Massola, James. "NSW Labor set to adopt increasingly pro-Palestine stance". SMH, 25 July 2014. Accessed 4 September 2014. <http://www.smh.com.au/federal-politics/political-news/nsw-labor-set-to-adopt-increasingly-propalestine-stance-20140725-3cko7.html>
- McIntyre, Laurence. "Statement to the Fifth Emergency Session of the UNGA", 29 June 1967. In *Current Notes on International Affairs*. Department of External Affairs. 38:6 (June 1967).
- Milne, Christine. "Labor Party joins Abbott government in weak position on illegal settlements". The Greens, 18 June 2014. Accessed 18 September 2014.  
<http://greens.org.au/node/5156>
- Milne, Christine. "Voted down – Greens motion against Australia's support for illegal Israeli settlements". The Greens, 9 December 2013. Accessed 18 September 2014.  
<http://greens.org.au/news/voted-down-greens-motion-against-australias-support-illegal-israeli-settlements>
- Morgan, Peter J. "Recent Israeli Security Measures under the Fourth Geneva Convention". *Connecticut Journal of International Law* (1987-1988)  
[http://heinonline.org/HOL/Page?handle=hein.journals/conjil3&div=28&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/conjil3&div=28&g_sent=1&collection=journals)
- Mosely Lesch, Ann. "Israeli Settlements in the Occupied Territories, 1967-1977". *Journal of Palestine Studies* 7:1 (1977) <http://www.jstor.org/stable/2536527>
- Murphy, Katharine. "George Brandis's take on 'occupied east Jerusalem' comes under Labor fire". The Guardian, 6 June 2014. Accessed 3 September 2014.

- <http://www.theguardian.com/world/2014/jun/06/george-brandis-take-on-occupied-east-jerusalem-comes-under-labor-fire>
- Owens, Jared. "Julie Bishop 'clarifies' stand on Jerusalem name, but sanctions threat remains". *The Australian*, 19 June 2014. Accessed 17 September 2014.  
<http://www.theaustralian.com.au/national-affairs/julie-bishop-clarifies-stand-on-jerusalem-name-but-sanctions-threat-remains/story-fn59niix-1226960025683>
- Packham, Ben. "Julie Bishop says Australia's shift on Israel UN resolutions is a bid for balance". *The Australian*, 25 November 2013. Accessed 29 August 2014.  
<http://www.theaustralian.com.au/national-affairs/Foreign-affairs/julie-bishop-says-australias-shift-on-israel-resolutions-is-a-bid-for-balance/story-fn59nm2j-1226767760779>
- Peacock, Andrew. "Position Paper on the Middle East". 3 March 1974. Quoted in J Knight and G Patz (Eds). "Australia and the Middle East: papers and documents". Australian Institute of International Affairs (Canberra, 1976).
- Peacock, Andrew. "The Middle East in world politics: the Eighth National Conference of the Australian Institute of International Affairs". 28 March 1980. In *Australian Foreign Affairs Record*. Department of Foreign Affairs 51:3 (March 1980).
- Rhiannon, Lee. "Australian Greens for Palestine". *The Greens*, May 2014. [http://lee-rhiannon.greensmps.org.au/sites/default/files/140515\\_final\\_palestine\\_booklet.pdf](http://lee-rhiannon.greensmps.org.au/sites/default/files/140515_final_palestine_booklet.pdf)
- Roberts, Adam. "Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967". *The American Journal of International Law* 84:1 (1990)  
<http://www.jstor.org/stable/2203016>
- Rubenstein, Colin. "A Distant Affinity: The History of Australian-Israeli Relations". Jerusalem Center for Public Affairs, 14 November 2007. Accessed 4 August 2014.  
<http://jcpa.org/article/a-distant-affinity-the-history-of-australian-israeli-relations-2/>
- Rubinstein, Hilary. "Foreign Countries: Australia". *American Jewish Year Book*, 94. (1994)  
[http://www.ajcarchives.org/AJC\\_DATA/Files/1994\\_11\\_Australia.pdf](http://www.ajcarchives.org/AJC_DATA/Files/1994_11_Australia.pdf)
- Saul, Ben. "It's about time Australia put pressure on Israel". *The Drum*, 25 July 2014. Accessed 26 July 2014. <http://www.abc.net.au/news/2014-07-25/saul-its-about-time-australia-put-pressure-on-israel/5623530>
- Spies-Butcher, Ben and Cunningham, Christine. "Australian Greens Resolution: Israel/Palestine". *The Greens*, March 2010.  
[http://greens.org.au/sites/greens.org.au/files/Israel\\_Palestine\\_1.pdf](http://greens.org.au/sites/greens.org.au/files/Israel_Palestine_1.pdf)
- Street, Tony. "Golan Heights". 15 December 1981. In *Australian Foreign Affairs Record*. Department of Foreign Affairs 52:12 (December 1981).
- Street, Tony. "United Nations". 6 October 1982. In *Australian Foreign Affairs Record*. Department of Foreign Affairs 53:10 (October 1982),
- Swan, Jonathan. "Bill Shorten's comments on Israeli settlements a mistake, say colleagues". *SMH*, 3 April 2014. Accessed 4 September 2014. <http://www.smh.com.au/federal-politics/political-news/bill-shortens-comments-on-israeli-settlements-a-mistake-say-colleagues-20140403-zqq36.html>
- Swan, Jonathan. "The Politics of Palestine". *SMH*, 28 December 2013. Accessed 15 August 2014.

- Swan, Jonathan. "Tony Abbott quietly shifts UN position to support Israeli settlements, upsetting Palestinians". SMH, 25 November 2013. Accessed 29 August 2014.  
<http://www.smh.com.au/national/tony-abbott-quietly-shifts-un-position-to-support-israeli-settlements-upsetting-palestinians-20131124-2y434.html>
- Taylor, Lenore. "Ten things to know about foreign policy under Julie Bishop and Tony Abbott", The Guardian, 3 June 2013, accessed 27 August 2014,  
<http://www.theguardian.com/world/2013/jun/02/foreign-policy-julie-bishop-coalition>
- The Knesset. "Basic Law: Jerusalem, Capital of Israel". 30 July 1980.  
[http://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm)
- UN. "General Assembly Emergency Session Overwhelmingly Demands Israel's Compliance with International Court of Justice Advisory Opinion". UN General Assembly, 20 July 2004. Accessed 11 August 2014.  
<http://www.un.org/press/en/2004/ga10248.doc.htm>
- UN. "Question of Palestine and the General Assembly".  
<http://domino.un.org/unispal.nsf/ga.htm>
- UNBISNET, <http://unbisnet.un.org/>
- UNISPAL, <http://unispal.un.org/>
- Wroe, David. "Attorney-General George Brandis says use of term 'occupied' over East Jerusalem as inappropriate". SMH, 5 June 2014. Accessed 3 September 2014.  
<http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-says-use-of-term-occupied-over-east-jerusalem-as-inappropriate-20140605-39kql.html>