

Embassy of the State of Palestine

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



INTERN POLICY REPORT

Recognising the State of Palestine: A Pathway to Peace in the Middle East

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June 2017

EXECUTIVE SUMMARY

The geopolitical landscape of the Middle East is fraught with turmoil and unrest, and resolution of the Israeli-Palestinian conflict is critical to establishing peace and stability in the region. Failure of a two-state solution would be detrimental for Israelis and Palestinians alike; the alternative is either a non-democratic apartheid state that discriminates against the Palestinian majority, or a democratic but non-Jewish state if Palestinians are accorded equal rights.

The purpose of this report is to determine whether international recognition of the State of Palestine would contribute to the realisation of a successful two-state solution. Recommendations for Australian policy makers are provided based on the conclusions drawn. Research methods included analysis of international law, developments on the ground, government policy and academic literature, alongside interviews with key Australian figures.

Findings establish that the Palestinian people's claim to statehood is not only legitimate but is an inalienable right guaranteed to them by international law. It should therefore not be subject to negotiations. Israel's occupation of Palestinian territories is illegal and violates this right, jeopardising prospects of a peaceful resolution.

Furthermore, the imbalance of power between Israel and Palestine hinders any genuine progress in the peace process and has resulted in the repeated failure of bilateral negotiations. International recognition of Palestine would contribute to levelling this imbalance, thereby facilitating the success of bilateral negotiations and the realisation of a peaceful and durable resolution to the conflict.

Three recommendations are proposed for the Australian government:

1. Support the application of international law through voting in alignment with international treaties and human rights conventions in the UN.
2. Join the international community in condemning Israel's settlement activity and call on the Israeli government to freeze all settlement expansion in occupied Palestinian territories.
3. Recognise the State of Palestine and foster a strong relationship with its government to ensure the formation of a democratic and viable state.

ACKNOWLEDGEMENTS

I would like to express my gratitude to the staff at the General Delegation of Palestine for welcoming me so warmly into their workplace. My sincerest thanks to Ambassador Izzat Abdulhadi for hosting my internship and supporting me with a wealth of knowledge and encouragement. Thank you to Ms Ruba Awwad, Ms Noura Saleh and Ms Suheir Gedeon for their kindness and valuable insights, and a special thanks to Mr Jamal Nabulsi for all his assistance during my time at the Delegation.

I am incredibly grateful to everyone who generously gave up their time to be interviewed, including Mr Peter Wertheim, Ms Maria Vamvakinou, Mr Peter Khalil, Mr Gregor Henderson, Mr Paul Duffill, Mr George Browning and the Delegation staff. Each of their contributions has enriched this project considerably and I really appreciate their wisdom and support.

Lastly, I would like to thank Dr Laurence Brown and Dr Mary Kilcline Cody from the Australian National Internships Program for this opportunity and for their invaluable guidance throughout the journey.

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ABBREVIATIONS

ICJ	International Court of Justice
MP	Member of Parliament
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
US	United States
PLO	Palestinian Liberation Organisation

SECTION 1: INTRODUCTION

The ongoing struggle between Israelis and Palestinians has been described as the world's most intractable – and controversial – conflict.¹ Fraught with complexity, its repercussions can be observed throughout the Middle East and around the globe.² Despite multiple attempts at peace negotiations over the past two decades, the violent discord over territory considered by both nations their homeland rages on.³ A two-state solution envisioning Israel and Palestine as independent neighbouring states is generally regarded as the best outcome for all parties.⁴ Ideally, the terms of such a resolution would be reached mutually through direct, bilateral negotiations between Israel and Palestine. However, with negotiations continuing to fall flat, Palestine has appealed to the international community for recognition of its statehood, in the hopes that this support will level the balance of power between the two nations and thus pave the way for a peaceful and durable solution.

With the Middle Eastern geopolitical landscape currently fraught with turmoil and unrest, resolution of the Israeli-Palestinian conflict is now more crucial than ever to establishing peace and stability in the region. Failure of a two-state solution would be detrimental for Israelis and Palestinians alike, as the alternative is either a non-democratic apartheid state that discriminates against the Palestinian majority, or a democratic but non-Jewish state if Palestinians are accorded equal political and civil rights.⁵ Both scenarios conflict with Israel's founding principles of a democratic and Jewish state, and would likely compound regional turbulence.

The purpose of this report is to determine whether international recognition of the State of Palestine would contribute to the realisation of a successful two-state solution. Recent developments both on the ground and in international law have revitalised international debate surrounding Palestinian recognition. This report offers contemporary analysis of these transformations and provides recommendations to Australian policy makers for how to approach future relations with Israel and Palestine.

¹ United Nations, *Question of Palestine Remains Most Intractable Conflict Situation in United Nations History*, GA/9250, 10 June 1997, accessed 24 March 2017, <http://www.un.org/press/en/1997/19970610.ga9250.html>.

² Ali Jarbawi, "The Failure of the Two-State Solution: The Prospects of the One State in the Israel–Palestine Conflict," *Contemporary Arab Affairs* 7, no. 2 (2014): 304.

³ James L. Gelvin, *The Israel-Palestine Conflict: One Hundred Years of War* (New York: Cambridge University Press, 2005), 229-255.

⁴ United Nations General Assembly, *Resolution 65/16*, "Peaceful settlement of the question of Palestine," A/RES/65/16, 25 January 2011, accessed 7 April 2017, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/16.

⁵ Izzat Abdulhadi, Head of the General Delegation of Palestine to Australia, New Zealand and the Pacific, interview by Tess Styles, 7 March 2017.

1.1 METHODOLOGY

Firstly, this report reflects an examination of international legal rulings, including United Nations (UN) resolutions and International Court of Justice (ICJ) decrees, to determine the legitimacy of Palestine's claim to statehood and ascertain international perspective on the issue. An investigation into the failure of bilateral negotiations was subsequently undertaken with evidence based primarily on analysis of key academic literature, parliamentary debates, formal statements by national representatives and political editorials. These findings were then applied in an Australian context to develop appropriate policy recommendations in accordance with Australia's interests and responsibilities. Interviews were conducted with diplomats, members of parliament (MPs) and heads of Israeli/Palestinian advocacy networks to further inform and substantiate the conclusions drawn in this report.

SECTION 2: CONTEXT

The Israeli-Palestinian conflict erupted in the mid-20th century following the influx of Jewish immigrants into the then British-administered Palestine.⁶ Many were fleeing persecution in Europe and hoped to re-establish a Jewish state in Palestine, regarded historically as the Jewish homeland of Israel.⁷ This objective conflicted with the Palestinian Arab majority's pursuit of their own self-determination, causing rising hostility between the two communities.⁸ In 1947, the UN recommended that Palestine be partitioned into independent Arab and Jewish states.⁹ However, the Israeli declaration of independence in 1948 sparked a succession of wars between Jewish and Arab forces, during which Israel acquired the majority of territory in Israel-Palestine.¹⁰

The signing of the *Oslo Accords* in 1993 marked the beginning of the Israeli-Palestinian peace process.¹¹ These agreements included mutual recognition and established the ultimate goal of sovereignty for the Palestinians.¹² Despite significant progress between 1993 and 2000, negotiations have since collapsed and outbreaks of violence in the region are common. Key issues requiring resolution include determination of state borders, assurance of security, control of Jerusalem, resource rights, Israeli settlements, and the right of return for an estimated 5 million Palestinian refugees.¹³

Israel has held full membership status in the UN since 1949 and is officially recognised by 162 out of 193 member states.¹⁴ Palestine, represented by the Palestinian Liberation Organisation (PLO), is not a member state of the UN, but following the United Nations General Assembly (UNGA)

⁶ Salim J. Munayer and Lisa Loden, *Through My Enemy's Eyes: Envisioning Reconciliation in Israel-Palestine* (Milton Keynes, England: Paternoster, 2014), 4-6.

⁷ Joel Beinin and Lisa Hajjar, "Primer on Palestine, Israel and the Arab-Israeli Conflict," *The Middle Eastern Research and Information Project* (2001): 2.

⁸ Anshumali Shukla, "Israel-Palestine Conflict: Will there be an Establishment of Peace in Holy Land?" *International Journal of Innovation and Applied Studies* 8, no. 3 (2014): 1354.

⁹ Gelvin, *The Israel-Palestine Conflict*, 3.

¹⁰ Deborah J. Gerner, *One Land, Two Peoples: The Conflict Over Palestine* (Boulder: Westview Press, 1994), 74.

¹¹ Tanya Reinhart, *Israel/Palestine: How to End the War of 1948* (New York: Seven Stories Press, 2002), 13.

¹² Government of the State of Israel and the P.L.O., *Declaration of Principles on Interim Self-Government Arrangements*, 13 September 1993, accessed 14 April, <http://www.unsco.org/Documents/Key/Declaration%20of%20Principles%20on%20Interim%20Self-Government%20Arrangements.pdf>.

¹³ Gerner, *One Land, Two Peoples*, 173.

¹⁴ BBC News, "Israel profile - Timeline," *BBC*, 25 January 2017, accessed 7 March 2016, <http://www.bbc.com/news/world-middle-east-29123668>.

vote in 2012, its status was upgraded from observer entity to non-member observer state.¹⁵ As of May 2017, 137 member states (70.5 per cent) have officially recognised the State of Palestine.¹⁶

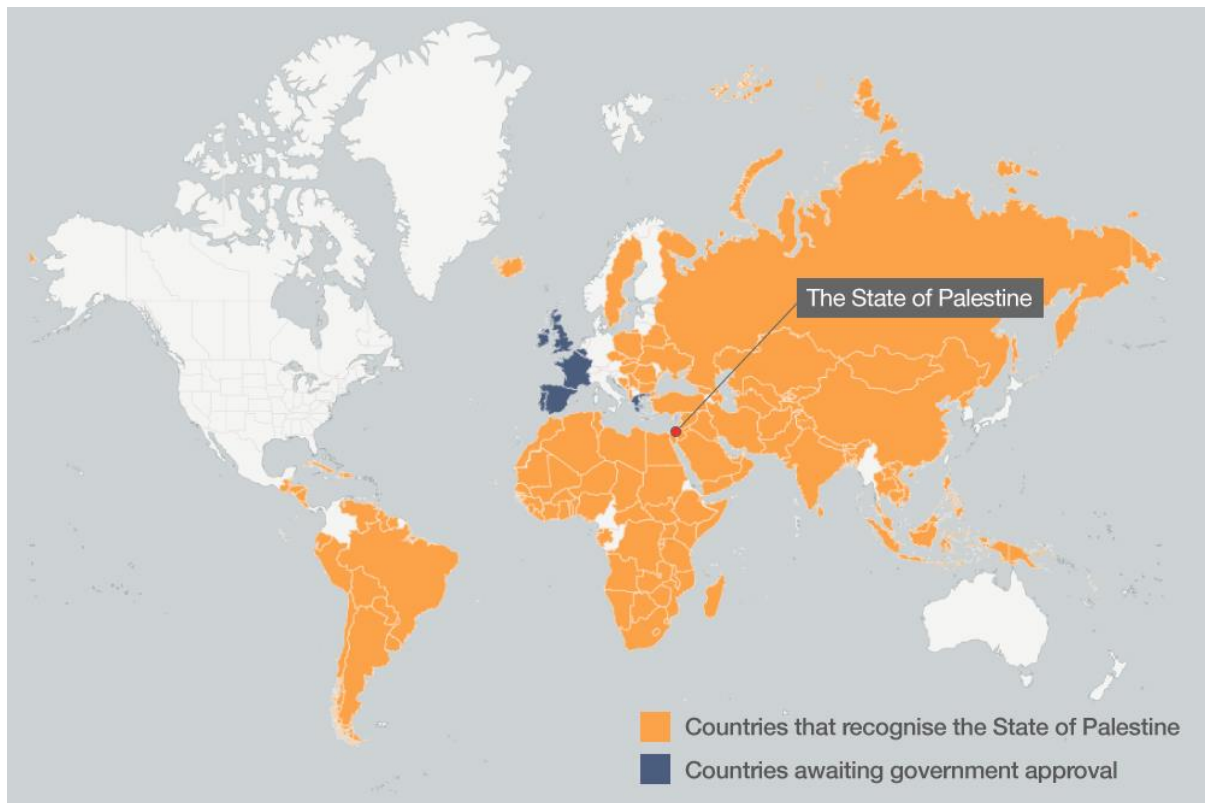


Figure 1: Map of UN member states that recognise the State of Palestine¹⁷

¹⁵ United Nations, *General Assembly Votes Overwhelmingly to Accord Palestine 'Non-Member Observer State' Status in United Nations*, GA/11317, 29 November 2012, accessed 17 March 2017, <https://www.un.org/press/en/2012/ga11317.doc.htm>.

¹⁶ "Diplomatic Relations," Permanent Observer Mission of the State of Palestine to the United Nations New York, accessed 7 March 2016, <http://palestineun.org/about-palestine/diplomatic-relations>.

¹⁷ Ali Al-Arian and Mohsin Ali, "Palestine: Growing Recognition," *Aljazeera*, 15 January 2017, accessed 28 February, <http://www.aljazeera.com/indepth/interactive/2017/01/palestine-growing-recognition-170115201330185.html>.

SECTION 3: INTERNATIONAL LAW

International law provides the critical framework for effective and stable international relations. This section assesses the legitimacy of Palestine's claim to statehood based on an examination of international law. It will establish that Palestine's claim is not only legitimate, but that its right to self-determination and sovereignty is non-negotiable. Furthermore, it will conclude that Israel's occupation of Palestinian territories does not comply with international law and obstructs the realisation of a peaceful two-state solution. The legal right of self-determination and the continuation of illegal Israeli occupation exemplify the need for international recognition of the State of Palestine.

3.1 PRINCIPLE OF SELF-DETERMINATION

The right to self-determination for both the Israeli and Palestinian peoples is recognised under international law.

As stated in Article 1 of the *International Covenant on Civil and Political Rights*, the right to self-determination is a fundamental principle of international law, according all people the right to "freely determine their political status and freely pursue their economic, social and cultural development".¹⁸ Whilst practical enforcement of this right has proved contentious, the right to self-determination has been reaffirmed in numerous UN resolutions and international agreements, and is protected in Articles 1 and 55 of the *United Nations Charter*.¹⁹

The people of Israel attained self-determination and sovereignty upon their declaration of independence on 14 May 1948.²⁰ *UNGA Resolution 181* or the 1947 UN Partition Plan, which recommended that Palestine be divided into independent Arab and Jewish states, formed the legal basis for Israeli claims to self-determination, enabling the establishment of the State of Israel.²¹ Although this claim was and is still rejected by many Arab states, most countries now acknowledge Israel's right of sovereignty.

¹⁸ "International Covenant on Civil and Political Rights," Office of the United Nations High Commissioner for Human Rights, accessed 19 May 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

¹⁹ United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, San Francisco, 26 June 1945, accessed 17 March 2017, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

²⁰ Gerner, *One land, two peoples*, 74.

²¹ United Nations, *The Question of Palestine and the United Nations* (New York: United Nations, 2008), 11.

The right of the Palestinian people to self-determination has been recognised internationally since Palestine was under British administration during the early 1900s.²² Adopted to justify Israeli independence, the Partition Plan self-evidently provides Palestinians the same basis for their own self-determination. Over the past half century, the UN has passed numerous resolutions affirming this right, 'lest [they] be considered merely refugees and war victims.'²³ Subsequent UNGA Resolutions 194 and 3376 confirmed the 'inalienable, permanent and unqualified'²⁴ right of Palestinians to self-determination, and facilitated the establishment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.²⁵ In 2014, the General Assembly adopted a resolution entitled *The Right of the Palestinian People to Self-Determination*, reaffirming the right of Palestinians to an 'independent State of Palestine'²⁶, and urging all UN states to 'support and assist the Palestinian people in the early realisation of their right to self-determination.'²⁷

3.2 OCCUPATION OF PALESTINIAN TERRITORIES

Occupied Palestinian territories refer to the territories captured and occupied by Israel during and following the 1967 Six-Day War, and which are recognised as the legitimate territories of the Palestinian people.²⁸

Israeli occupation of Palestinian territories has been widely condemned by the international community and is considered a direct violation of Palestine's right to self-determination.²⁹ Despite this criticism however, Israel has continued to build and extend military and civilian settlements within these territories. The number of Israeli settlers has more than doubled from 262 500 to over 520 000 since the beginning of the peace process in 1993.³⁰ Furthermore, Israel now controls over 80 per cent of the water sources in the Palestinian West Bank, restricting

²² P. J. I. M. Waart, *Dynamics of self-determination in Palestine: protection of peoples as a human right* (Leiden: E.J. Brill, 1994), 99-100.

²³ Musa Dweik, "Settlements and the Palestinian Right to Self-Determination," *Palestine-Israel Journal* 4, no. 2 (1997), 67.

²⁴ United Nations Human Rights Council, *Resolution 22/27*, "Right of the Palestinian people to self-determination," A/HRC/22/L.43, 19 March 2013, accessed 24 March 2017, undocs.org/A/HRC/22/L.43.

²⁵ Ibid.

²⁶ United Nations General Assembly, *Resolution 67/158*, "The right of the Palestinian people to self-determination," A/RES/67/158, 26 February 2013, accessed 24 March 2017, undocs.org/A/RES/67/158.

²⁷ Ibid.

²⁸ John Dugard and John Reynolds, "Apartheid, International Law, and the Occupied Palestinian Territory," *The European Journal of International Law* 24, no. 3 (2013): 872.

²⁹ Ibid, 878.

³⁰ "20 Facts: 20 years since the Oslo Accords," Oxfam, accessed 19 May 2017, <https://www.oxfam.org/sites/www.oxfam.org/files/oxfam-oslo-20-factsheet.pdf>.

Palestinian access.³¹ The UN has repeatedly decreed that Israeli settlements are illegal and that Israeli occupation breaches numerous international agreements and treaties, including the Fourth Geneva Convention, a legally binding treaty to which Israel is a signatory party.³²

The ICJ has also ruled against the continuing construction of the Israeli West Bank Barrier, a 708-kilometre wall that runs through Palestine's West Bank, effectively incorporating Israeli settlements into Israel.³³ For many Palestinians, this blockade has restricted access to basic amenities, education and medical services, and resulted in severe economic repercussions.³⁴ In 2004, the ICJ rejected Israeli claims that the barrier was necessary for security purposes, calling for its complete dismantlement and for compensation to be paid to affected Palestinians.³⁵

Israeli proponents argue that borders and settlements are not genuine obstacles to peace, and should be among the final issues decided on through bilateral negotiations. Article XXXI of the 1995 *Israeli-Palestinian Interim Agreement*, which describes borders and settlements as 'remaining'³⁶ issues pending future agreement, is cited in defence of this claim. However, these 'permanent status negotiations' were due to 'commence...not later than May 4, 1996' and have not only failed to come to fruition over 20 years later but have collapsed entirely.³⁷ Rather than discontinuing construction to demonstrate its commitment to a two-state solution, Israel has since expanded its settlement-building program in defiance of international law.

Despite Israel's stance that the resolution of settlement issues is not critical, Israeli occupation continues to significantly impact the lives of Palestinians and is deemed by the international community to be an infringement of human rights. On 23 December 2016, the United Nations Security Council (UNSC) unanimously adopted *Resolution 2334*, reasserting that Israel's settlement activity constitutes a "flagrant violation" of international law and is a "major obstacle" to the realisation of a two-state solution.³⁸

³¹ IMEMC News, "Israel controls 80% of Palestinian water and regional control has methodically," *International Middle East Media Centre*, 8 January 2007, accessed 26 May 2017, <http://imemc.org/article/46460>.

³² Waart, *Dynamics of self-determination*, 91.

³³ BBC News, "West Bank Barrier Threats Villagers' Way of Life," *BBC*, 10 May 2012, accessed 21 May 2017, <http://www.bbc.com/news/-18012895>.

³⁴ Tanya Reinhart, *The Road Map to Nowhere: Israel/Palestine Since 2003* (New York: Verso, 2006), 169.

³⁵ *Ibid.*, 170.

³⁶ Israel Ministry of Foreign Affairs, "The Israeli-Palestinian Interim Agreement," 28 September 1995, accessed 26 May 2017, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement.aspx>.

³⁷ *Ibid.*

³⁸ United Nations, *Israel's settlements have no legal validity, constitute flagrant violation of international law, Security Council reaffirms*, SC/12657, 23 December 2016, accessed 17 March 2017, <https://www.un.org/press/en/2016/sc12657.doc.htm>.

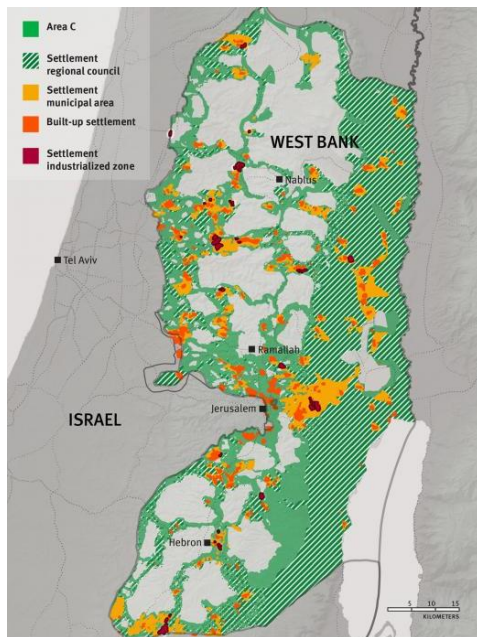


Figure 2: Israeli settlements in the West Bank.³⁹

3.3 CONCLUSION

International law legitimises and substantiates Palestine's claim to self-determination and statehood. These rights have been upheld by numerous international agreements, and given further credence by UN bodies, including the ICJ and UNSC. Moreover, these statements are supported by broad international consensus that Israel's occupation of Palestinian territories is illegal and in violation of Palestine's right to self-determination, thereby jeopardising the peace process and the realisation of a two-state solution.

Strong international support provides powerful justification for the recognition of the State of Palestine at the earliest opportunity. Recognition will reassert the international community's opposition to Israeli settlements, and strengthen support for a two-state solution, which is compromised by ongoing Israeli occupation. Critically, the Palestinian people must be assured of the fundamental rights and freedoms guaranteed to them by international law. The right of Palestinians to self-determination is inalienable, and should therefore not be subject to negotiations between Israelis and Palestinians or any third party.

³⁹ **Area C is under the administrative control of Israel. 70 per cent of this area is designated for settlement regional councils and Palestinians are prohibited from developing this land.**

Human Rights Watch, "How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights," *Human Rights Watch*, 19 January 2016, accessed on 14 April 2017, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

SECTION 4: BILATERAL NEGOTIATIONS

Given the stated support of both the Israeli government and the PLO for the realisation of a successful two-state solution, the persistent failure of the peace process appears somewhat perplexing. A review of official statements from Israeli and Palestinian representatives has revealed two key issues as the most significant barriers to a successful resolution. Palestine's chief concern is 'Israeli intransigence' stemming from Israel's continued occupancy and unwillingness to compromise. In contrast, Israel is apprehensive about potential security arrangements and considers the 'dysfunction' of Palestinian governance as determinative in the failure of negotiations. Interviews conducted in the course of this report have confirmed these findings, with "settlements", "Israeli intransigence", "fear" and "lack of Palestinian unity" arising as key themes.⁴⁰

In light of these issues, this section examines the failure of the initially promising peace process following the signing of the *Oslo Accords* in 1993.⁴¹ It finds that the lack of incentive for Israel to deviate from the status quo, accompanied by the imbalance of power between Israel and Palestine, has resulted in an endless series of failed negotiations. To disrupt this cycle, the international community must initiate a 'circuit breaker'⁴² by recognising the State of Palestine.

4.1 FAILURE OF BILATERAL NEGOTIATIONS

Analysis of Israeli attitudes towards the peace process has concluded that maintenance of the status quo is viewed relatively favourably, encouraging an unwillingness for Israel to make genuine concessions in negotiation proceedings. This is exemplified by its continued expansion of settlements and refusal to accept any peace proposal that does not incorporate these settlements into its borders. Instead Israel has suggested land swaps that would result in the annexation of areas of economic and religious significance, including Palestine's capital East Jerusalem.

There are several reasons Israel favours the current status quo despite the long-term benefits of peace and stability that a two-state solution would offer. According to Mr Nathan Thrall, a Jerusalem-based senior analyst for the International Crisis Group, Israel has no reason to concede

⁴⁰ Interviews conducted for this report – see Appendix for list of semi-structured interview questions.

⁴¹ Reinhart, *Israel/Palestine: How to End the War of 1948*, 13.

⁴² Maria Vamvakinou, Federal Member of the Australian Parliament for Calwell, phone interview by Tess Styles, 17 April 2017.

to a compromise other than the “annoying but so-far tolerable”⁴³ complaints from the international community about its settlement policy. Israel receives more military aid from the United States (US) than all other countries in the world combined,⁴⁴ its economy is growing steadily and its citizens enjoy high living standards and report exceptional levels of subjective wellbeing.⁴⁵ These statistics provide Israel little incentive to deviate from the status quo, especially if this would involve being forced to dismantle its lucrative settlement infrastructure.

Another deterrent for Israel is the fear that any shift in the status quo may provide opportunity for additional security threats. Israeli supporters cite the political division between the PLO and Hamas as the main obstacle to a successful resolution. Although the PLO is considered the legitimate representative of Palestine, the political and militant organisation known as Hamas has maintained de facto governance of the Gaza Strip since 2007.⁴⁶ Israel considers Hamas a ‘terrorist organisation that has taken Gaza hostage’,⁴⁷ and a threat to the safety of Israeli civilians. While this does not justify the unlawful and oppressive regime adopted in occupied territories, it supplies Israel ostensible reason to defer a resolution to the conflict.

Because Israel wields considerably more power than Palestine, its dis-incentive to compromise has resulted in a complete collapse of negotiations.⁴⁸ As an internationally recognised state, backed by powerful allies including the US, and with a military force far superior to Palestine’s, Israel’s political advantages are explicit. Israel has the clear upper hand in negotiation proceedings but no incentive to compromise. It is hence unsurprising that a resolution to the conflict has never materialised from bilateral negotiations alone.

⁴³ Nathan Thrall, *The Only Language They Understand: Forcing Compromise in Israel and Palestine* (New York: Metropolitan Books, 2017), 68.

⁴⁴ Jeremy M. Sharp, “U.S. Foreign Aid to Israel” (Report, Congressional Research Service, 2015), 5.

⁴⁵ Nathan Thrall, “Israel-Palestine: the real reason there’s still no peace,” *The Guardian*, 16 May 2017, accessed 17 May 2017, <https://www.theguardian.com/world/2017/may/16/the-real-reason-the-israel-palestine-peace-process-always-fails>.

⁴⁶ “The Hamas war against Israel: Statements by Israeli leaders,” Israel Ministry of Foreign Affairs, 18 January 2009, accessed 19 May 2017, <http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/pages/the%20hamas%20war%20against%20israel-%20statements%20by%20israeli%20leaders.aspx>.

⁴⁷ Ibid.

⁴⁸ Jim Miles, “Review: One State, Two States – Resolving The Israel/Palestine Conflict,” Review of *One State, Two States – Resolving The Israel/Palestine Conflict*, by Benny Morris, *Foreign Policy Journal*, 15 August 2009, <https://www.foreignpolicyjournal.com/2009/08/15/review-one-state-two-states-%E2%80%93-resolving-the-israelpalestine-conflict>.

4.2 IMPACT OF RECOGNITION

Although the international community has been vocally disapproving of Israel's actions, little action has been taken to pressure Israel to modify its approach.⁴⁹ Ms Maria Vamvakinou, Australian MP for Calwell, asserts that a large part of this problem is that "everyone is waiting for someone else to take the first step".⁵⁰ While most countries refuse to recognise Israel's sovereignty in occupied territories, outside the Arab world this anti-occupation sentiment has only manifested in token measures that come at no real cost to Israel. For example, on official US visits to Israel-Palestine, the Israeli flag is displayed on vehicles up until the border of West and East Jerusalem, where it is taken down to signify the crossing into Palestinian territory.⁵¹ The European Union also mandates that all products imported from Israeli settlements should not bear the "made in Israel" label.⁵² However, that does not stop the importation from the outset, which results in contribution to settlement profits. Evidently, the international community has not dared to venture far in its opposition of Israel's transgressions. Mr Peter Khalil, Australian MP for Wills, points to the global lack of "political conviction" and "courage" as a significant barrier to the successful resolution of the Israeli-Palestinian conflict.⁵³

International recognition of Palestine would be a significant step towards the realisation of this goal. Mr Gregor Henderson, Co-convenor of the Palestine Israel Ecumenical Network, argues that the state of negotiations between Israel and Palestine is currently at an 'impasse'⁵⁴ and that the international community has the capacity and responsibility to ensure that this hurdle is overcome. While recognition of a Palestinian state is 'not going to be a silver bullet'⁵⁵ that is able to resolve the deep structural problems in the region, it will contribute to levelling the current imbalance of power between the two negotiating parties. Successful negotiations rely on both parties having enough influence over the other to reach a tangible compromise. As a state, Palestine would be able to negotiate with Israel on a more equal footing. Moreover, recognition

⁴⁹ George Browning, President of the Australia Palestine Advocacy Network, interview by Tess Styles, 3 May 2017.

⁵⁰ Vamvakinou, interview by Tess Styles.

⁵¹ Thrall, "Israel-Palestine."

⁵² Nigel Wilson, "Israel: EU Labelling Rules Have 'Non-Existent Impact,'" *Al Jazeera*, 12 December 2017, accessed 2 June 2017, <http://www.aljazeera.com/news/2016/12/israel-eu-labelling-rules-existent-impact-161204140008993.html>.

⁵³ Peter Khalil, Federal Member of the Australian Parliament for Wills, phone interview by Tess Styles, 2 May 2017.

⁵⁴ Gregor Henderson, Co-convenor of the Palestine Israel Ecumenical Network, interview by Tess Styles, 5 May 2017.

⁵⁵ Khalil, interview by Tess Styles.

would dismantle Israel's ability to use Palestinian sovereignty as leverage. Bilateral negotiations would thereby be far more likely to result in a mutually agreed upon outcome.

Mr Peter Wertheim, Executive Director of the Executive Council of Australian Jewry, asserts that while the PLO and Hamas 'remain separated by an ideological and geographical chasm', recognition of a Palestinian state 'will not change anything on the ground'.⁵⁶ However, reconciliation is looking increasingly promising. A meeting between the two parties on 18 April 2017 concluded that 'a consensus government [would] take over governance of the Gaza Strip'.⁵⁷ In May, Hamas released a new charter that accepts the 1967 borders and states that 'it is not seeking war with the Jewish people – only with Zionism that drives the occupation of Palestine'.⁵⁸

Furthermore, the symbolic significance of recognition would provide the Palestinian people with genuine cause to hope for a better future.⁵⁹ This has significant implications, especially in light of the Palestinian uprisings in the 1990s and 2000s, of which a key agent was the increasing desperation of Palestinians instigated by diminishing hope for a two-state solution. Recognition would demonstrate that Palestinian suffering has not been forgotten, and will therefore aid in the development of their trust in the international community. Palestinians overall would therefore be more likely to adhere to international law and cooperate with international institutions including the UN. This would in turn increase prospects for the formation of a viable and democratic Palestinian state.

4.3 CONCLUSION

Analysis of the Israeli-Palestinian peace process over the last two decades has shown that the imbalance of power between the two negotiating parties is a significant hindrance to genuine progress. This is due to Israel holding by far more power in the proceedings but not having the inclination to concede to a peace deal in which it would be forced to concede the benefits of its settlement policy. While a peaceful resolution of the conflict is in both parties' long-term interests, Palestine lacks the political capacity to pressure Israel to engage in negotiations that will result in a reasonable compromise.

⁵⁶ Peter Wertheim, Executive Director of the Executive Council of Australian Jewry, email message to Tess Styles, 19 May 2017.

⁵⁷ Ahmad Abu Amer, "Is Hamas-Fatah Reconciliation Finally on Track?" *Al Monitor*, 27 April 2017, accessed 16 May 2017, <http://www.al-monitor.com/pulse/originals/2017/04/fatah-hands-over-hamas-abbas-vision-to-end-split-and-warning.html>.

⁵⁸ Patrick Wintour, "Hamas Presents New Charter Accepting a Palestine Based on 1967 Borders," *The Guardian*, 2 May 2017, accessed 16 May 2017, <https://www.theguardian.com/world/2017/may/01/hamas-new-charter-palestine-israel-1967-borders>.

⁵⁹ Browning, interview by Tess Styles.

International recognition of the State of Palestine would help level this imbalance of power, as while Palestinian self-determination is guaranteed by international law, Israel is currently holding this as additional leverage in negotiations. Furthermore, the symbolic significance of recognition would offer Palestinians renewed hope and thus promote the success of a peaceful resolution. Although recognition of Palestine may bring with it its own challenges, in the absence of any genuine progress in the conflict, it is the only viable way of saving the two-state solution.

Difficult as peace may be, the cost of violence without peace will be far higher than the costs of peace with violence.⁶⁰

⁶⁰ Anthony H. Cordesman, *The Israeli-Palestinian War: Escalating to Nowhere* (Westport, Connecticut: Praeger Security International, 2005), 472.

SECTION 5: IMPLICATIONS FOR AUSTRALIA

When Ms Bishop repeats that Australians will accept a Palestinian state only as a result of negotiations between the two parties, this is extremely ironic because we are a people under occupation and we are asked to negotiate with our occupier in order to be free.⁶¹

While the Middle East may feel like a world away for some, the repercussions of the Israeli-Palestinian conflict impact the lives of many Australians significantly. This section explores Australia's relations with Israel and Palestine, and investigates the conflict's foreign policy implications for Australia. Analysis finds that the Australian government's approach to the conflict is 'out of sync'⁶² with domestic and global views, and that to be a responsible global citizen Australia must uphold international law. It will be argued that Australia should take a more balanced approach to relations with Israel and Palestine, and that recognising the State of Palestine is in Australia's foreign policy interests, as well as the interests of the international community.

5.1 RELATIONS WITH ISRAEL AND PALESTINE

Australia, alongside the US, remains among the minority of states that do not recognise Palestine. However, there is mounting pressure from the public and members of the Australian Labor Party for the current Coalition government to reconsider its stance. Prominent politicians have voiced support for the recognition of Palestine, including Former Prime Minister Kevin Rudd, who stated last month that 'it is time for Australia to draw a line in the sand on this matter, as 137 states already have'.⁶³

In December 2016, Australia broke ranks with the international community, indicating that it would have opposed the adoption of *UNSC Resolution 2334*, which demanded Israeli cease its illegal occupation of Palestine.⁶⁴ Significantly, the pro-Israel US abstained from the vote rather vetoing the resolution, as it has in previous similar UNSC votes. In support of the resolution, US Secretary of State John Kerry asserted that it 'rightly condemns violence and incitement and

⁶¹ Sophie McNeill, "Australia's Stance on Israel-Palestine Peace Process 'Extreme': Palestinian Official," *ABC News*, 18 January 2017, accessed 7 March 2017, <http://www.abc.net.au/news/2017-01-18/palestinian-official-labels-australias-position-extreme/8190004>.

⁶² Vamvakinou, interview by Tess Styles.

⁶³ Julia Holman, "Kevin Rudd Calls for Australia to Formally Recognise Palestinian State," *ABC Online*, 17 February 2017, accessed 6 May 2017, <http://www.abc.net.au/news/2017-02-17/kevin-rudd-calls-for-australia-to-formally-recognise-palestine/8281708>.

⁶⁴ Peter Martin, "Julie Bishop Backs Israel Rather than the US over UN Resolution," *Sydney Morning Herald*, 29 December 2016, accessed 5 May 2017, <http://www.smh.com.au/federal-politics/political-news/julie-bishop-backs-israel-rather-than-the-us-over-un-resolution-20161229-gtjtf.html>.

settlement activity'⁶⁵ and that the current Israeli government's policies are leading 'towards one state.'⁶⁶ Kerry also stated that the resolution 'reiterates what has long been the overwhelming consensus international view on settlements.'⁶⁷ In contrast, Australian Foreign Minister Julie Bishop declared that 'in voting at the UN, the Coalition government has consistently not supported one-sided resolutions targeting Israel',⁶⁸ urging both sides to 'resume direct negotiations for a two-state solution as soon as possible'.⁶⁹ Israeli Prime Minister Benjamin Netanyahu's highly controversial visit to Australia several months later prompted a further media backlash, with many Australians taking to streets in protest.⁷⁰

The Coalition government's stance on Israel's settlement policy has been labelled 'extreme'⁷¹ and is outside global consensus on the issue. As Australia's last foreign policy White Paper was published in 2003, it no longer provides an accurate representation of its current policy. Thus, in order to explain this stance, this report assessed official government statements, news reports and interviews.

Analysis found that Australia's continuing support for Israel stems in large part from its alliance with the US. For its part, the US views Israel as 'a valuable strategic asset for US interests in the region'.⁷² Consequently, in support of the US-Australia military alliance, Australia has traditionally toed the US foreign policy line, including in relation to Israel and the Middle East. Furthermore, Australia has a very strong and proud Jewish community, which is viewed as contributing positively to society and innovation, and thus carries substantial voice and weight within Australia.⁷³ In contrast, the Muslim Australian community has often been perceived as a threat, and experiences negative domestic stereotyping. These perceptions are compounded by underlying fears of the resurgence of anti-Semitism, stemming from the Holocaust. This has resulted in a wariness to label Israel a victimiser, rather than the victimised.⁷⁴

⁶⁵ Sarah Begley, "Read John Kerry's Full Speech on Israeli Settlements and a Two-State Solution," *Time*, 29 December 2016, accessed 5 May 2017, <http://time.com/4619064/john-kerrys-speech-israel-transcript>.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Martin, "Julie Bishop Backs Israel."

⁶⁹ Ibid.

⁷⁰ Jade MacMillan, "Israeli PM Benjamin Netanyahu's Australian visit slammed by 1,000 protesters," *ABC News online*, 23 February 2017, accessed 5 May 2017, <http://www.abc.net.au/news/2017-02-23/palestinian-protesters-march-against-benjamin-netanyahu/8298538>.

⁷¹ McNeill, "Australia's Stance."

⁷² Reinhart, *Israel/Palestine*, 9.

⁷³ Abdulhadi, interview by Tess Styles.

⁷⁴ Browning, interview by Tess Styles.

5.2 INTERESTS AND RESPONSIBILITIES

There are strong economic foreign policy incentives for Australia to adopt a pro-Palestine state stance. Based on an examination of Australia's economic activity over the last decade, this report has found that recognition of Palestine is in Australia's economic interests. According to data from the Australian Bureau of Statistics, trade between Australia and Middle Eastern Islamic countries far outweighs trade with Israel. The United Arab Emirates is Australia's largest trading partner in the Middle East, with total goods and services trade amounting to \$8.8 billion in 2015.⁷⁵ In comparison, trade between Australia and Israel totalled \$1.3 billion.⁷⁶ Arab and Islamic nations have threatened to impose sanctions on Australia if the government does not withdraw support for Israeli settlement policy.⁷⁷

Analysis has also shown that the Australian public widely supports recognition of Palestine. A poll conducted by Roy Moran Research in March 2017 found that 73 per cent of Australians support recognition of the State of Palestine.⁷⁸ Australians also condemned Israeli violence and its expansion of illegal settlements.⁷⁹ The Australian government's approach to Israeli-Palestinian relations is therefore not representative of its constituency's views and values, undermining the principle of accountable governance.

Furthermore, its refusal to condemn Israel's occupation of Palestine defies the rulings of international law. This conflicts with the foundations of Australia's foreign policy framework as a democratic and responsible international citizen, which includes commitment to the UN and international agreements.⁸⁰ As a country that values human rights and democratic principles, Australia has a responsibility to uphold the principles of international law. Its current position risks losing credibility within the international community. This is a particularly important

⁷⁵ Department of Foreign Affairs and Trade, "United Arab Emirates country brief," accessed 19 May 2017, <http://dfat.gov.au/geo/united-arab-emirates/pages/united-arab-emirates-country-brief.aspx>.

⁷⁶ Department of Foreign Affairs and Trade, "Israel country brief," accessed 19 May 2017, <http://dfat.gov.au/geo/israel/pages/israel-country-brief.aspx> Department.

⁷⁷ Greg Sheridan, "Arab Conference Hints at Sanctions for Australia," *The Australian*, 21 June 2014, accessed 26 May 2017, <http://www.theaustralian.com.au/news/world/arab-conference-hints-at-sanctions-for-australia/news-story/f2d4c2e732b9cf62c88d8b1160c3895f>.

⁷⁸ Australia Palestine Advocacy Network, "Roy Morgan Opinion Polls on Palestine," accessed on 27 April 2017, https://apan.org.au/apan-activities/opinion_poll.

⁷⁹ Ibid.

⁸⁰ Parliament of Australia, "The three pillars: our alliance with the US, our membership of the UN, and comprehensive engagement with Asia," accessed on 28 May, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fparty%2FZMZD6%22>.

component of its soft power within the Asia-Pacific region, in which almost all states recognise Palestine.⁸¹

5.3 CONCLUSION

It is in Australia's interests to take a more diplomatic approach that is in step with the international community. Bilateral negotiations between Israel and Palestine have reached a roadblock, and it is incumbent on countries like Australia to assist in the realisation of a peaceful solution. Australia must stop condoning Israeli violence and illegal settlement building in Palestinian territory as it violates international law and opposes Australian interests in the region. Furthermore, the symbolic value of Australian recognition for the Palestinian people cannot be underestimated, and affirms their right to self-determination and 'a fair go'.⁸² While Palestine is under occupation, it cannot build a viable state. Australia supports the realisation of a two-state solution and should therefore recognise the State of Palestine. While recognition would cost Australia very little, it has the potential to substantially contribute to the realisation of peace in the Middle East.

⁸¹ Abdulhadi, interview by Tess Styles.

⁸² Anas Iqtait, "For God's sake, give Palestinians a fair go," *The Sydney Morning Herald*, 27 February 2010, accessed 16 May 2016, <http://www.smh.com.au/comment/for-gods-sake-give-palestinians-a-fair-go-20160921-grle2o.html>.

SECTION 6: CONCLUSION AND RECOMMENDATIONS

This report has determined that international recognition of the State of Palestine would contribute to the realisation of a successful two-state solution. Drawing on the conclusions of each section, the key findings of the report are as follows:

The Palestinian people's claim to statehood is not only legitimate but is an inalienable right guaranteed to them by international law. It should therefore not be subject to negotiations. Israel's occupation of Palestinian territories is illegal and violates this right, thereby jeopardising prospects of a peaceful resolution.

The imbalance of power between Israel and Palestine hinders any genuine progress in the peace process and has resulted in the repeated failure of bilateral negotiations. International recognition of Palestine would contribute to levelling this imbalance, thereby facilitating the success of bilateral negotiations and the realisation of a peaceful and durable resolution to the conflict.

While a more thorough analysis of these issues should be conducted to confirm these findings, this report presents three preliminary recommendations to the Australian government:

1. Support the application of international law through voting in alignment with international treaties and human rights conventions in the UN.
2. Join the international community in condemning Israel's settlement activity and call on the Israeli government to freeze all settlement expansion in occupied Palestinian territories.
3. Recognise the State of Palestine and foster a strong relationship with its government to ensure the formation of a democratic and viable state.

APPENDIX

List of semi-structured interview questions:

1. What are currently the main barriers/obstacles to peace between Israel and Palestine, and why have direct bilateral negotiations so far continued to fail?
2. What do you think would be the best pathways for Israel, Palestine and the international community to take in resolving the conflict?
3. Would international recognition of a Palestinian state contribute to comprehensive and lasting peace in the Middle East? Why or why not?
4. Is it in Australia's interests to recognise the State of Palestine (e.g. in terms of values, economics/trade, public opinion, strategic interests)? Why or why not?
5. Do you think the Australian government is taking the right approach in its relations with Israel and Palestine? What could be improved?
6. What impact would recognition of the State of Palestine have internationally and on Australia?

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