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PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**Federation Chamber**

**GRIEVANCE DEBATE**

**Middle East**

**SPEECH**

**Monday, 24 February 2014**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Monday, 24 February 2014  
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**Questioner**  
**Speaker** Vamvakinou, Maria, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Ms VAMVAKINO** (Calwell) (16:44): In light of the statement by the Secretary-General of the United Nations, Ban Ki-moon, on 16 January 2014 declaring the launch of the International Year of Solidarity with the Palestinian People, I take the opportunity to raise the matter of the Palestinians as a significant public question for Australia and the international community. I also raise a grievance: impediments to the peace process in recent statements made by the Australian foreign minister.

In his statement the UN Secretary-General said that 2014 will be:

... a critical year for achieving the two-State solution, bringing an end to the occupation that started in 1967, and securing an independent, viable and sovereign State of Palestine living in peace and security with the State of Israel where each recognizes the other's legitimate rights.

He went on:

I call on all members of the international community and, in particular, Israelis and Palestinians, to work together for justice and a durable peace. Israel and Palestine need to live up to their commitment to a negotiated two-State solution and resolve all permanent status issues, in accordance with Security Council resolutions, the Madrid principles, the Road Map, the 2002 Arab Peace initiative and existing agreements between the parties.

The leaders of Israel and Palestine will need political will, a sense of historic responsibility and a clear vision for a better future for this and future generations. I pledge to do my utmost in support of their efforts.

In the time I have been in this parliament I have chaired and co-chaired the Palestinian parliamentary friendship group, led a delegation to Palestine and hosted many events to raise awareness about the protracted, highly sensitive and highly complex Palestinian issue, the resolution of which is still outstanding and which as such remains critical to the stability and security of the broader Middle East. The members of the Australian public whom I have talked to and come into contact with in my electorate and elsewhere are also concerned about and aware of the complexities of the Palestinian issue. It has always been their strong desire that the Australian parliament, its members and, indeed, the Australian government should deal with the issue in an even-handed manner reflecting a commitment to redressing injustices in accordance with international humanitarian law.

Israel has a right to live within secure borders, and of course it has a right to defend itself. But the Palestinian people also have rights. They are entitled to the most basic human right—freedom of movement—and to an independent state that allows them to determine their own futures; and the thousands of displaced Palestinian refugees now in their third generation and scattered in refugee camps have a right to return to their ancestral homeland. In this, the UN Year of Solidarity with the Palestinian people, I commend and acknowledge the role of local, Australian organisations I work with—in particular, the Australia Palestine Advocacy Network, the Australian friends of Palestine Association and the Australian Jewish Democratic Society—as well as the many other individuals and groups who are genuinely committed to a just and peaceful resolution of the question of the Palestinian issue. Their advocacy work is invaluable and largely reflects Australian public opinion—as well as international public opinion—which calls for a fair go for the Palestinian people. They, like all Australians, take a keen interest in what we as members of parliament say and do on the Palestinian issue, and they are always willing to brief and inform us on the many private and one-on-one meetings and on the many forums and events which take place.

Pronouncements made by the Australian foreign minister on any aspect of the Palestinian issue attract attention because they carry weight and influence. Therefore, they also rightly need to be scrutinised. When the Australian foreign minister speaks, she does so as an official representative of Australia. She also projects a certain image of Australia abroad. When the foreign minister was recently quoted in the *Times of Israel*, on 15 January this year, suggesting that, contrary to the conventional diplomatic wisdom, Israeli settlements may not be illegal under international law, the puzzlement and concern it caused can well be imagined. Not only are the foreign minister's

statements on Israeli settlements at odds with Australia's ratification of the Geneva Convention; they are also out of step with Australian public opinion. In these statements she is sending a message that Australia's support for international law is qualified rather than principled. In that same interview with the *Times of Israel* the foreign minister refrained from condemning Israeli initiatives to build additional settlement housing beyond the Green Line or from calling on Israel to freeze such plans, merely noting the fact that settlements were being expanded showed the need for both sides to quickly reach a peace agreement. I will quote from the article:

"I don't want to prejudge the fundamental issues in the peace negotiations," Bishop said. "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."

On the one hand I agree with the foreign minister that we must give them every chance to succeed but the question is: on whose terms? And, on the other hand I strongly disagree with the foreign minister on the suggestion that the Israeli settlements are not illegal. They are indeed illegal under article 49(6) of the fourth Geneva Convention, to which Australia is a signatory.

UN Security Council Resolution 465 of 1980 labelled Israel's policy of population transfer into the occupied Palestinian Territory, including East Jerusalem, as a 'flagrant violation of the fourth Geneva convention and a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East'. It called on Israel to dismantle all existing settlements. In its 2004 advisory opinion on Israel's wall, the International Court of Justice reaffirmed the illegality of Israel's settlements. The illegality of Israeli settlements is thus not a matter of opinion; it is an objectively determined fact. The Geneva Conventions that determine their illegality are universally applicable; these conventions underpin international humanitarian law.

In that same article that I have referred to on the question of whether she agrees or disagrees with the near-universal view that Israeli settlements anywhere beyond the 1967 lines are illegal under international law, the Australian foreign minister replied:

I would like to see which international law has declared them illegal.

Such statements have justifiably created concerns, and I say that the foreign minister has not adequately explained her views to the Australian parliament nor to the Australian people.

It is important for us to know whether these are her private views or musings or whether they are indeed the government's views. These are important questions that need to be answered, because continued Israeli settlement construction today poses the greatest threat to the two-state solution. Even the United States, Israel's closest ally, has repeatedly warned Israel that it is undermining prospects for a negotiated two-state solution by continuing to expand settlements. As a middle power, it is clearly in Australia's national interest to ensure that international law is respected and upheld. We have little to gain as a country by playing hard and fast with its application. Further, the foreign minister has not explained to this parliament or to the Australian people why it is that under her stewardship, as reported in the same article in the *Times of Israel*, Australia has changed its voting patterns at the UN in favour of Israel by having Australia oppose or abstain from several resolutions that were deemed anti-Israeli. The article goes on to point out that in November of last year, Australia was one of only eight countries to abstain in a vote on a resolution demanding that Israel cease 'all Israeli settlement activities in all of the occupied territories'. Nearly 160 nations supported the resolution. In December of last year, Australia was one of 13 countries that did not vote in favour of a resolution calling on Israel to 'comply scrupulously' with the Geneva Convention.

I am not the only person concerned about the foreign minister's pronouncements. There are a considerable number of other people in the Australian community who are also concerned. I and, I am sure, many members in this parliament have received a number of letters from advocacy groups, such as APAN and the Australian Jewish Democratic Society, as well as Israeli lawyers and intellectuals who have voiced their concerns about Australia's very strange position on the legality of the settlements. I would like to refer to the letter that was received from Bishop George Browning, who is the President of APAN—the Australian Palestinian Advocacy Network—and the letter from Dr Larry Stillman and Dr Jordy Silverstein from the Australian Jewish Democratic Society. I have those letters and I seek leave to table them for the benefit of the House.

The DEPUTY SPEAKER ( Mr Porter ): Leave is granted.

**Ms VAMVAKINOY:** Thank you. *(Time expired)*