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Correspondence
PO Box 3166
Manuka ACT 2603

23 September, 2013

The Hon Tony Abbott
Prime Minister
Parliament House
Canberra ACT 2600

My Dear Prime Minister,

May I congratulate you on your party's victory at the 7 September elections and your appointment as Prime Minister?

I write on behalf of the Australia Palestine Advocacy Network (APAN), a national network of civil society organisations which seeks a constructive approach to the issues relating to Israel's occupation of Palestinian lands and to see Australia's influence with the parties directed towards a viable and just resolution.

While the issue of Israel-Palestine was not highlighted during the election campaign by the major parties, I would like to flag some points of concern regarding the rhetoric which has built up and which could threaten to take Australia's position further away from the broader Western consensus on these matters.

APAN accepts that any resolution of the conflict must assure the security—along with a viable national identity—of both Israel and the State of Palestine. It believes this can only be done if an end to Israel's occupation of pre-1967 Palestine is reached through processes consistent with international law and existing relevant UN resolutions. This reflects Australia's historic position, under both Coalition and Labor Governments, long supportive of the need to see relevant international instruments respected. To envisage an outcome which simply lets Israel—with the disproportionate economic and military strength at its disposal—impose its will on a fragmented, economically non-viable and virtually unarmed Palestine is not likely to bring the issues in the conflict to a viable conclusion.

Although Australia has little direct stake in the region, it enjoys significant credibility through our long attachment to the resolution of disputes through international frameworks. Such an approach would encourage both parties to resolve their differences within the framework of the commitment outlined by President Obama—a territorial division based largely on the pre-1967 borders of the West Bank and Gaza and an acceptable resolution of the Palestinian refugee problem.

There are many ins and outs to the Israel-Palestine question but I believe that your Foreign Affairs spokesperson when in Opposition, Julie Bishop, has departed from the traditional parameters of Coalition policy in suggesting that the question of the 'legality' of settlements is something to be argued out between the two parties. The legality of settlements in territory taken in conflict is not a debating point. It is totally at variance with the Fourth Geneva Convention (1949, signed by Australia 1950), long enshrined in international law. The convention clearly outlaws the long-term occupation of territory taken in war and the transfer of the occupying power's 'own civilian population into the territory it occupies' (article 49). Security Council Resolutions 242 and 338 clearly define the territories taken in 1967 as occupied land and hence any settlements are illegal under the Convention.

I hope that the suggestion that the legality of settlements is a subject for debate (a position rejected in American statements) is not an argument that will be adopted in Australia's international profile on these issues. Rather I would hope Australia could continue to see the preservation of an international framework for the conduct of relation between Governments as bedrock beneath our approach. The broad principles of Australia's approach have, in fact, been respected by both Coalition and Labor Governments since 1967 and it should be noted that Liberal Prime Ministers and Foreign Ministers have long endorsed a solution based on key UN texts such as Security Council Resolutions 242 and 338.

Long-standing international instruments may appear dusty and out-dated but they were usually carefully negotiated to provide a framework for orderly settlement of disputes. A recent case in point is the Chemical Weapons Convention, negotiated over 20 years ago but which now provides an excellent basis for the dismantling of Syria's chemical weapons capacity and thus potentially a means of focussing international assistance towards the ending of that tragic conflict.

There are many other aspects raised by Israel's flouting of international law in the Occupied Territories of Palestine. I will not address them all here but there is no doubt that the treatment of the occupied population by the Israel Defense Forces is not only a serious impediment to establishing the right atmosphere for negotiations but cannot provide a basis for the long-term handling of the situation along Israel's borders. No 'solution' based on cruelty can succeed. It is in Australia's interests as a friend of Israel to make this clear in our approach. These exacerbating (and potentially destabilising) factors include

- harassment by the Israel Defense Forces of civilians pursuing normal economic activities
- inequitable distribution of water and other resources between Arab and Jewish occupants of occupied land
- the blockading of Gaza in defiance of international law, thus depriving its citizens of normal rights to pursue their livelihoods
- the treatment of prisoners, of minors, and
- the increasing separation of populations by race and religious affiliation in defiance of international norms.

I will leave these issues for future discussions with Ministers but I would hope that your Government could use every opportunity to remind Israel, as a friend, that only a resolution based on a moral and just outcome has any chance of attracting support. I urge your Government to act on its long-standing Party endorsement of the idea of a viable and independent State enjoying full sovereignty under international norms. In particular I commend the establishment, to this end, under former Prime Minister Howard of Australian diplomatic representation in Ramallah and hope that Australia will continue to assist Palestine in building a viable economy.

Yours sincerely

Bishop George Browning
APAN President