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Australia and the Middle East conflict: the Rudd and Gillard Governments (2007–13)

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Executive summary

- This Research Paper focuses on the public position of the Labor Governments, in power between 2007 and 2013, towards the Israeli-Palestinian dispute. It does so by looking at the Rudd and Gillard Governments’ responses to developments and their statements regarding key issues such as Israeli settlements and Palestinian statehood.
- Updated to cover the period up to the 2013 election, it includes discussion of potential policy or rhetorical shifts made in the lead-up to that election.
- This paper complements another Parliamentary Library publication—[Australia and the Middle East conflict: a history of key Government statements \(1947–2007\)](#)—which tracks the evolution of Australia’s publicly stated position on the Middle East conflict up until the election of the Rudd Labor Government in 2007.

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Introduction

When the Australian Labor Party won the November 2007 Australian federal election, the Israeli-Palestinian situation was characteristically unstable.

In 2005, Israel unilaterally disengaged from the Gaza Strip, partially ending its 38 year occupation (Israel retained control of Gaza's airspace and territorial waters).¹ In January 2006, Hamas, designated as a terrorist organisation by the United States, Canada, the United Kingdom, Egypt, Israel, Japan and Australia, won the Palestinian legislative elections. The formation of a Hamas-led government—which refused to commit to non-violence, to recognise Israel or to accept previous agreements signed between Israel and the Palestinians—resulted in a reduction in international aid to the Palestinians, and economic sanctions by Israel.² In June 2006, Palestinian militants crossed the border into Israel, killing two Israeli soldiers and capturing a third, Sergeant Gilad Shalit. In response, Israel launched 'Operation Summer Rains', a large-scale offensive intended to suppress rocket fire from Gaza and secure Shalit's release.

In mid-2007, simmering factional tensions between Hamas and the Fatah party of Palestinian President Mahmoud Abbas ended in open conflict: a mini civil war in the Palestinian territories that resulted in the de facto separation of the West Bank and Gaza Strip, with Fatah (referred to as the Palestinian National Authority (PA)) ruling the former and Hamas in control of the latter. A Western-supported government was appointed in the West Bank in June 2007, allowing foreign aid to resume and peace negotiations with Israel to resume. These negotiations would lead to the Annapolis peace conference in November 2007, in which Israeli Prime Minister Ehud Olmert and Palestinian President Abbas committed to make 'every effort to conclude a [final peace] agreement before the end of 2008'.³ The Annapolis conference, to which Australia sent a delegation, occurred between Labor's election victory and the swearing in of the Rudd Government.

This Research Paper outlines the public positions taken by the Rudd and Gillard Governments towards the Israeli-Palestinian conflict. By charting the governments' responses to key events, and how their representatives spoke about Israel and the Palestinians, it analyses whether any substantial policy shift occurred following the 2007 election. Examples of discontinuity with the previous Coalition Government are highlighted—such as in the language used to refer to Israeli settlements in the West Bank and how Australia voted at the United Nations (UN). While it is not possible to know how a Coalition government would have reacted to similar situations, the current Abbott Government has shifted back to Howard-era public approaches to some of these issues (particularly on Israeli settlements and UN votes).⁴

The Australian Labor Party's (ALP's) *National Platform and Constitution 2007* provides a good representation of the party's policy on the Israeli-Palestinian conflict at the time of the 2007 federal election:

Labor is convinced that all Australians seek a lasting and equitable solution to the problems that have worked against stability and development in the Middle East. Labor will pursue a sustained Australian engagement in the Arab/Israeli conflict based on the rights of all people in the Middle East to peace and security and livelihood ... Labor believes that urgent attainment of a two-state solution to the Israeli-Palestinian conflict is the best way to reduce violence and conflict across the Middle East.⁵

Increasing aid to the Palestinians

Less than a month after the ALP came to power, Parliamentary Secretary for International Development Assistance Bob McMullen announced that Australia was effectively doubling its Official Development Assistance

1. L Hajjar, 'Is Gaza still occupied and why does it matter?' Jadaliyya weblog, 14 July 2014, accessed 12 March 2015; W Buss, 'Unsettled in Gaza,' *Washington Post*, 17 July 2005, accessed 12 March 2015.
2. JM Sharp and CM Blanchard, 'U.S. foreign aid to the Palestinians,' *CRS Report for Congress*, Congressional Research Service, Washington DC, 27 June 2006, accessed 12 March 2015.
3. 'Annapolis agreement: full text,' *The Guardian*, (online edition), 28 November 2007, accessed 12 March 2015.
4. See, for example, M Harris, 'West Bank settlements illegal? Julie Bishop not so sure,' Lowy Interpreter weblog, 17 January 2014, accessed 12 March 2015; and M Harris, 'Israel-Palestine: Australia changes government, changes UN vote,' Lowy Interpreter weblog, 26 November 2013, accessed 12 March 2015.
5. Australian Labor Party (ALP), *National Platform and Constitution 2007*, ALP, Canberra, 2007, p. 229, accessed 12 March 2015.

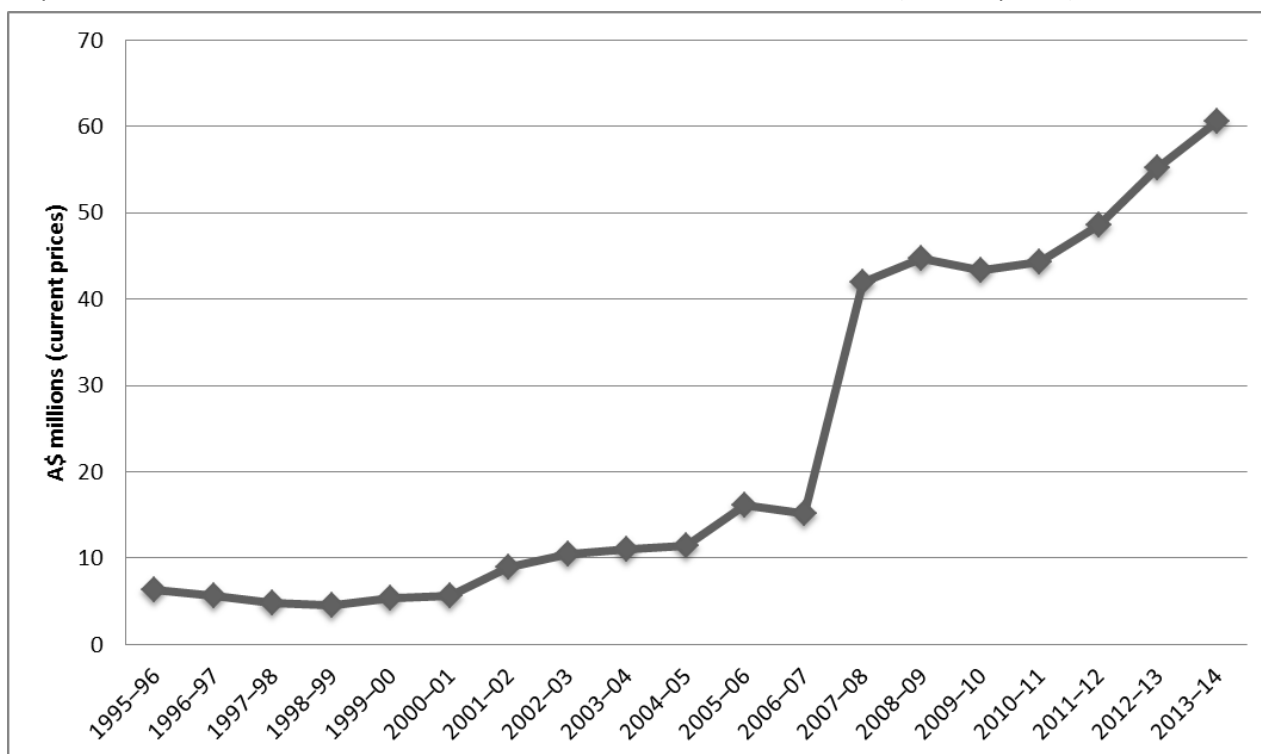
(ODA) to the 'Palestinian territories'.⁶ The announcement was made at the December 2007 Paris Donors Conference for the Palestinian territories, with McMullen stating at the time:

I will pledge Australia's \$45 million assistance package at the Donors' Conference for the Palestinian Territories in Paris today.

...Australia's pledge sends an important signal that Australia remains committed to a two State solution to the Israeli-Palestinian conflict which will see a viable Palestinian State living side by side in peace with Israel.⁷

Australian aid to the Palestinians grew substantially while the ALP was in power. By June 2011, Foreign Minister Kevin Rudd was able to declare that Australia was among the top ten contributors of development assistance to the Palestinian National Authority (PA).⁸ The graph below clearly shows a dramatic rise in aid disbursements after 2007.

Graph 1: Australian ODA to the Palestinian territories: 1995–96 to 2013–14 (current prices)



Sources: Figures from 1995–96 through 2012–13 are from AusAID [annual reports](#) and AusAID [‘statistical summaries’](#). The figure for 2013–14 is a budget figure from B Carr (Minister for Foreign Affairs), [Budget: Australia’s International Development Assistance Program 2013–14: Effective aid: Helping the world’s poor](#), Commonwealth of Australia, Canberra, 14 May 2013, p. 12 (accessed 31 October 2014). Note that the figures in the graph include funds provided not only to the PA but also to international organisations such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for use on Palestinian programs. The figure for 2013–14 is a budget figure provided by the Gillard Labor Government in May 2013.

While this increase in aid coincided with the election of Labor, it should not be viewed as a clear-cut policy shift, as other factors were at play. The increase in aid corresponded with Hamas’s violent takeover of the Gaza Strip

6. Note that Australian ODA to the ‘Palestinian territories’ includes funds provided not only to the Palestinian Authority and organisations working in the West Bank and Gaza Strip. It also includes aid, provided to international organisations such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to assist Palestinian refugees in Lebanon, Syria and Jordan.
7. B McMullen (Parliamentary Secretary for International Development Assistance), [Australia boosts support for the establishment of a viable and sustainable Palestinian state](#), media release, 18 December 2007, accessed 12 March 2015. A total of US\$7.7 billion was pledged by the international community to the Palestinian territories at the Paris Donors Conference; see The World Bank, [Implementing the Palestinian Reform and Development Agenda](#), The World Bank, Washington DC, May 2008, p. 2, accessed 12 March 2015; and I Black, [‘Paris donor nations pledge billions for Palestinians’](#), *The Guardian*, (online edition), 17 December 2007, accessed 3 November 2014.
8. K Rudd (Minister for Foreign Affairs), [Deeper engagement with the Muslim world: speech at the Organisation of Islamic Conference, Astana](#), media release, 29 June 2011, accessed 12 March 2015.

in mid-2007, the disintegration of the Fatah-Hamas unity government, and the installation of Western-supported Salam Fayyad as prime minister in the West Bank.⁹

Hamas's victory in the January 2006 Palestinian legislative elections and the formation of the Hamas-Fatah unity government complicated Australia's ability to increase aid levels to the Palestinians. Hamas was listed as a terrorist organisation under the *Charter of the United Nations Act 1945* (Cth) in December 2001, while the organisation's military wing—Izz al-Din al-Qassam Brigades—was listed under the *Criminal Code Act 1995* (Cth) in November 2003.¹⁰ The *Criminal Code Act* makes it a criminal offence to 'give funds, financial assets or economic resources to sanctions designated persons or entities'.¹¹ Therefore, according to Foreign Minister Alexander Downer, Australia could not provide funds to a PA Government in which Hamas played such a central role:

[As] a listed entity under the Charter of the United Nations Act 1945, it is illegal for Australians to provide assistance to Hamas. This will constrain any Australian support to the PA as long as Hamas retains its current charter.¹²

After Hamas's military takeover of Gaza and Fatah President Mahmoud Abbas's appointment of an 'emergency' government in the West Bank, this situation changed. Foreign Minister Downer 'supported' the appointment of the independent politician Salam Fayyad as prime minister in the West Bank, and in June 2007 held talks with Fayyad in Ramallah, promising \$4 million 'of support to the [emergency] Palestinian Government'.¹³ The Hamas-Fatah split therefore enabled those governments who had proscribed Hamas (or its armed wing) to once again disburse aid directly to the PA. Had the Howard Government been in power at the time of the Paris Donors Conference for the Palestinian territories in December 2007, it is possible that it too would have increased aid to the Palestinians.¹⁴

The increase in aid to the Palestinian administration in the West Bank coincided with the new governance program adopted by Prime Minister Fayyad. A former World Bank and International Monetary Fund official and independent Palestinian politician, Fayyad had broad support in the West, and his governance program, entitled *Palestine: ending the Occupation, building the state*, received international support.¹⁵ This program, known as 'Fayyadism', involved sourcing large amounts of foreign aid, building state institutions in the West Bank and developing the economy as a way to prepare for statehood.¹⁶

For a few years at least, the economy of the West Bank grew substantially under Fayyadism. This is especially significant considering that it occurred during the global financial crisis. Economic growth averaged around ten per cent between 2008 and 2011, but growth has since declined significantly, the West Bank economy entering recession for the first time in a decade in 2013.¹⁷ The International Monetary Fund attributed the period of

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9. On the election of Hamas see AD Pina, '[Palestinian elections](#)', *CRS Report for Congress*, Congressional Research Service, Washington DC, 9 February 2006, accessed 12 March 2015; on the Hamas takeover of Gaza see T Youngs and B Smith, '[Hamas and the seizure of Gaza](#)', Research Paper 07/60, House of Commons Library, London, 6 July 2007, accessed 12 March 2015; and '[A pyrrhic victory](#)', *The Guardian*, (online edition), 16 June 2007, accessed 12 March 2015.
 10. D Williams (Attorney-General), '[Perth: transcript of doorstep interview: terrorist assets](#)', media release, 21 December 2001. On the listing of Izz al-Din al-Qassam Brigades see Australian Government, '[Hamas's Izz al-Din al-Qassam Brigades](#)', Australian National Security website, no date, accessed 12 March 2015; and N Brew and M Donaldson, '[Criminal Code Amendment \(Hamas and Lashkar-e-Tayyiba\) Bill 2003](#)', Bills Digest, 60, 2003–04, Parliamentary Library, Canberra, 2003, accessed 12 March 2015.
 11. Department of Foreign Affairs and Trade (DFAT), '[Australia's implementation of United Nations Security Council financial sanctions](#)', DFAT website, no date, accessed 12 March 2015.
 12. A Downer (Minister for Foreign Affairs), '[Challenges in the Middle East: speech to the United Israel Appeal: Melbourne](#)', media release, 5 April 2006, accessed 12 March 2015.
 13. A Downer (Minister for Foreign Affairs), '[Transcript of doorstep](#)', media release, 27 June 2007, accessed 2 December 2014.
 14. It should be noted that the US Government also dramatically increased its aid to the Palestinians in 2007–08. US bilateral assistance to the Palestinians increased from US\$69.5 million in the 2007 fiscal year (FY) to US\$414.5 million in FY2008 and US\$980.7 million in FY2009; J Zanotti, '[The Palestinians: background and US relations](#)', *CRS Report for Congress*, Congressional Research Service, Washington DC, 30 August 2011, p. 11, accessed 12 March 2015.
 15. Palestinian National Authority, '[Palestine: ending the occupation, establishing the state: program of the Thirteenth Government](#)', Palestinian National Authority, Ramallah, released in English in August 2009, accessed 12 March 2015.
 16. On Fayyadism see TL Friedman, '[Green shoots in Palestine](#)', *International New York Times*, (online edition), 4 August 2009, accessed 2 December 2014; N Thrall, '[Our man in Palestine](#)', *New York Review of Books*, (online edition), 16 September 2010, accessed 2 December 2014; T Alhomayed, '[Salam Fayyad: a brave man](#)', *Ash-Sharq Al-Awsat*, 6 February 2010, accessed 12 March 2015; B Birnbaum, '[The visionary: a Palestinian reformer's downfall](#)', *New Republic*, 243 (4923), 24 May 2012, pp. 14–18, accessed 12 March 2015.
 17. N Browning, '[West Bank economy shrinks for first time in decade - World Bank](#)', *Reuters*, 8 October 2013, accessed 27 March 2015; I Issacharoff, '[World Bank: Economic slowdown in Palestinian Authority endangers state-building efforts](#)', *Haaretz*, 15 March 2012, accessed 2 December 2014; O Niksic, N Nasser Eddin and M Cali, '[Area C and the future of the Palestinian economy](#)', a World Bank Study, World Bank, Washington DC, 2014, accessed 1 December 2014.

increased growth to the 'Fayyad government's sound economic management and reforms supported by donor aid, as well as some easing of Israeli internal barriers'.¹⁸

Implementing law and order reform was a central part of Fayyad's 'ending the occupation, building the state' program, with the PA declaring under its 'vision for the State of Palestine':

The state of Palestine respects human rights and guarantees equal rights and duties for all citizens. Its people live in safety and security under the rule of law, safeguarded by an independent judiciary and professional security services.¹⁹

And as Palestinian spokesperson Ghassan Khatib said in 2010:

... reforming the security forces is the main and integral part of the Fayyad plan. Many of the government's other successes, such as economic growth, came as a result.²⁰

To this end, the PA sought international funding to retrain and re-arm its police forces and improve the criminal justice system. Between 2007 and 2012, more than 6,000 PA police officers were trained in part by US advisers, and deployed throughout the cities and towns in the West Bank under PA security control.²¹ Israeli-PA security cooperation increased to levels not seen since the 1990s, and the Israeli newspaper *Haaretz* reported in November 2010 that Israel Defence Force personnel stationed in the West Bank were at their lowest levels since the outbreak of the First Intifada in 1987.²²

In terms of Australia's response to these economic and security developments, Foreign Minister Kevin Rudd said in December 2010:

Australia is determined to help the Palestinian Authority lay strong foundations for a future Palestinian state and build its infrastructure and economy.

I have been pleased to see these activities on the ground and commend the Palestinian Authority for the progress it has made.²³

And when addressing the United Nations General Assembly (UNGA) in late 2012, Prime Minister Julia Gillard commended 'the genuine progress President Abbas and Prime Minister Fayyad have made in building the institutions and infrastructure for statehood,' adding:

Australia is resolutely committed to the establishment of a Palestinian state which is both independent and viable.

This is why we provide significant support to the foundations of a future Palestinian state and build its infrastructure and economy – more than \$300m in aid from 2011 to 2016.²⁴

In September 2010 the Australian Agency for International Development (AusAID, since absorbed into the Department of Foreign Affairs and Trade) and the PA signed a 'Partnership Arrangement'.²⁵ As part of the Arrangement, the Australian Government committed itself to:

- ensuring consistent or increased development assistance to the PA
- building the capacity of the PA through, among other things, targeted scholarships and

18. International Monetary Fund (IMF), *Macroeconomic and fiscal framework for the West Bank and Gaza: staff report for the meeting of the Ad Hoc Liaison Committee*, IMF, Brussels, 13 April 2011, p. 3, accessed 12 March 2015.

19. Palestinian National Authority, *Palestine: ending the occupation, establishing the state: program of the Thirteenth Government*, p. 6.

20. Quoted in N Thrall, 'Our man in Palestine', op. cit.

21. J Zanotti, 'U.S. foreign aid to the Palestinians,' *CRS Report for Congress*, Congressional Research Service, Washington DC, 3 July 2014, p. 16, accessed 11 March 2015.

22. A Pfeffer, 'West Bank sees lowest IDF troop levels since first intifada', *Haaretz*, 28 November 2010, accessed 12 March 2015. In 2009 Israeli and PA forces took part in 1,297 'coordinated activities', many of them against Palestinian militant groups; see State of Israel, *Measures taken by Israel in support of developing the Palestinian economy, the socio-economic structure, and the security reforms: report of the Government of Israel to the Ad Hoc Liaison Committee (AHLIC)*, Madrid, 13 April 2010, accessed 12 March 2015.

23. K Rudd (Minister for Foreign Affairs), *Australian assistance to Palestine*, media release, 14 December 2010, accessed 12 March 2015.

24. J Gillard (Prime Minister), '*Practical progress towards realising those ideals in the world: speech to the United Nations General Assembly*', media release, 26 September 2012, accessed 12 March 2015.

25. AusAID and the PA, *Partnership arrangement between the Government of Australia (as represented by the Australian Agency for International Development) and the Palestinian Authority*, signed on 18 September 2010, accessed 12 March 2015.

- providing budget support for service delivery and mutually determined reform targets.²⁶

Then, on 28 May 2012 Foreign Minister Bob Carr announced that Australia had signed an agreement with the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide that organisation with \$90 million over five years to support ‘education and medical care for Palestinian refugees in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank’.²⁷

Finally, in the lead-up to the September 2013 election, Foreign Minister Carr suggested that under a Coalition Government, aid to the Palestinians would be cut. During the election’s ‘foreign policy debate’ at the Lowy Institute on 7 August 2013, Foreign Minister Carr stated that ‘aid to Palestine has been criticised [by the Coalition]—I’ve been quizzed in the Senate about it—and there’s no doubt that that would be withdrawn’.²⁸ While the Coalition on occasion ‘quizzed’ the Foreign Minister about particular aspects of aid to the Palestinians (particularly during Senate Estimates in May 2012), it did not explicitly censure the Labor Government for the post-2007 increase in aid to Palestinian programs.²⁹

United Nations General Assembly votes

Labor received criticism from the Opposition for altering Australia’s voting pattern on some recurring UNGA resolutions concerning the Middle East conflict.³⁰ Between 2008 and 2011 the Government instructed its representatives at the UNGA to change Australia’s vote on a number of recurring resolutions, including:

- *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*—Australia changed its vote in November 2008 from ‘abstain’ to ‘in favour’
- *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan*, which reaffirms that Israeli settlements in these areas are ‘illegal and an obstacle to peace’—Australia changed its vote in November 2008 from ‘against’ to ‘in favour’
- *The right of the Palestinian people to self-determination*, which ‘reaffirms the right of the Palestinian people to self-determination, including the right to their independent State of Palestine’—Australia changed its vote in December 2009 from ‘abstain’ to ‘in favour’ and
- *Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources*—Australia changed its vote in December 2011 from ‘against’ to ‘abstain’.³¹

The Howard Government in its later years either voted to abstain or voted against very similar resolutions. In justifying the Labor Government’s changes, Foreign Minister Stephen Smith said in November 2008:

It is important to make the point to the House that, when it comes to General Assembly resolutions, the government adopts the following approach. Firstly, we treat these resolutions on a case-by-case basis and consider them on their merits. Secondly, we consider these resolutions firmly within the context of our very strong adherence to our support for a two-nation-state solution and our support of the peace process. If the resolutions are consistent with that approach then we support them.³²

26. Ibid.

27. B Carr (Minister for Foreign Affairs), [Australia to support UN relief works for Palestinian refugees](#), media release, 28 May 2012, accessed 2 December 2014.

28. Lowy Institute for International Policy, [Australian Foreign Policy Debate](#), transcript, Sydney, 7 August 2013, accessed 12 March 2015.

29. Foreign Affairs, Defence and Trade Legislation Committee, [Official committee Hansard](#), 31 May 2012, pp. 61–74.

30. For some opposition to this move see P Hudson, ‘[UN vote: Rudd breaks with Howard over Israel](#)’, *Sydney Morning Herald*, (online edition), 10 November 2008, accessed 12 March 2015; N Levin, ‘[Australian Government denies United Nations policy shift](#)’, *Australian Jewish News*, 27 November 2009, p. 3, accessed 12 March 2015.

31. See United Nations General Assembly (UNGA), [A/RES/63/96: 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](#), 18 December 2008, accessed 12 March 2015; UNGA, [A/RES/63/97: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan](#), 18 December 2008, accessed 12 March 2015; UNGA, [A/RES/64/150: The right of the Palestinian people to self-determination](#), 19 December 2009, accessed 12 March 2015; UNGA, [A/RES/66/225: Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources](#), 22 December 2011, accessed 12 March 2015.

32. S Smith, ‘[Questions without notice: Middle East](#)’, [Questioner: M Parke], House of Representatives, *Debates*, 10 November 2008, p. 10,281, accessed 12 March 2015.

The Rudd and Gillard Governments maintained this voting pattern in subsequent sessions of the UNGA. The table below shows Australian votes on these resolutions up to 2012, and indicates that Labor returned to the voting pattern of the early years of the Howard Government.³³

Table 1: Australia's voting pattern at the UNGA—selected resolutions (vote changes in bold)

Year/ UNGA session	Israeli settlements are illegal	The right of the Palestinian people to self-determination	The Fourth Geneva convention applies	Permanent sovereignty of the Palestinian people over natural resources
2012/67	In favour	In favour	In favour	Abstain
2011/66	In favour	In favour	In favour	Against to abstain
2010/65	In favour	In favour	In favour	Against
2009/64	In favour	Abstain to in favour	In favour	Against
2008/63	Against to in favour	Abstain	Abstain to in favour	Against
2007/62	Against	Abstain	Abstain	Against
2006/61	Against	Abstain	Abstain	Against
2005/60	Against	Abstain	Abstain	Abstain to against
2004/59	Abstain to against	In favour to abstain	In favour to abstain	Abstain
2003/58	In favour to abstain	In favour	In favour	In favour to abstain
2002/57	In favour	In favour	In favour	In favour
2001/56	In favour	In favour	In favour	In favour
2000/55	In favour	In favour	In favour	Abstain to in favour
1999/54	In favour	In favour	In favour	In favour to abstain
1998/53	In favour	In favour	In favour	In favour

Source: United Nations General Assembly, [Voting records](#), various dates, accessed 12 March 2015.

The Palestinians' unilateral statehood bid

The Palestinians' bid for unilateral statehood (and/or recognition by the UN and other international bodies) is one of the most significant developments in Israeli-Palestinian relations in recent years. Israel strongly opposes Palestinian efforts at international recognition, arguing that a Palestinian state can only come into being through direct negotiations.³⁴ Israel also contends that unilateral moves violate previous peace agreements, and is fearful that if the Palestinians were to gain entry to the International Criminal Court (ICC) they would attempt to stigmatise Israel by initiating war crimes or crimes against humanity charges.³⁵

33. See voting records for particular resolutions, available on the [General Assembly of the United Nations website](#), accessed 12 March 2015. In 2013, the newly elected Abbott Government reverted to Howard-era voting patterns on some, but not all, UNGA resolutions on the Israeli-Palestinian conflict; see M Harris, ["Diplomatic terrorism": Palestinian statehood, the United Nations, and Australia's voting record](#), FlagPost weblog, 5 December 2014, accessed 12 March 2015.

34. Israeli President Benjamin Netanyahu, for example, said in April 2014: 'The Palestinians have much to lose by taking unilateral steps. They will achieve a state only through a direct negotiation, not by empty declaration or unilateral measures. These will only push further away a peace agreement. Unilateral steps on their part will be answered by unilateral steps from our side. We are willing to continue with the talks but not at any cost'. Quoted in ['Are the Middle East peace talks in jeopardy?' Inside Story](#), Al Jazeera America, 7 April 2014, accessed 27 March 2015.

35. For more on the 2011 campaign by the Palestinian Authority (West Bank) to achieve diplomatic recognition as a 'state, and on the possibility of a unilateral declaration of independence', see A Shatz, ['Is Palestine next?' London Review of Books](#), 14 July 2011, accessed 12 March 2015; K Vick, ['The Palestinians' statehood dilemma: full U.N. Membership or Observer Status?' Time Magazine](#), (online edition), 1 September 2011, accessed 12 March 2015; and ['Fact Sheet: Palestinian Unilateral Declaration of Independence'](#), Jewish Virtual Library, 23 September 2011, accessed 12 March 2015. On Israel's opposition, see I Kershner, ['Israel heightens warnings over Palestinians' UN bid'](#), *International New York Times*, (online edition), 14 November 2012, accessed 12 March 2015, IR Prusher, ['Israel rejects Palestinian statehood bid via the UN'](#), *The Christian Science Monitor*, 15 November 2009, accessed 12 March 2015, and A Safian, ['Backgrounder: The Palestinian "Non-Member State" drive at the UN'](#), *Committee for Accuracy in Middle East Reporting in America*, 26 November 2012, accessed 12 March 2015.

Following Brazil's recognition of a Palestinian state in December 2010,³⁶ Foreign Minister Rudd was asked whether Australia would support a request from the PA to recognise 'Palestine', should it receive one. Rudd responded:

[We] appreciate the reality that this [two-state solution] will be shaped very much by the current peace process and that the questions of a final state of settlement include many unresolved questions including boundaries and other matters which are yet to be determined. Therefore we believe it's appropriate to await the conclusion of those deliberations.³⁷

In September 2011, while the PA was seeking to have its unilateral bid for statehood recognised by the UN, Prime Minister Julia Gillard wrote in *The Australian*:

Like most people across the world, not least our friends in Israel and the Palestinian Territories, Australia aspires to see a future Palestinian state existing alongside Israel in peace and security. We are strong backers of a two-state solution and we firmly support all initiatives that contribute constructively to this end.

...

As is well known, efforts to reach a peace between the Israeli and Palestinian people face significant challenges and progress has been halting for many years. Many sincere and determined efforts to break the impasse have not succeeded and the sense of stalemate has led many to look for alternative answers.

Ultimately, however, the only durable basis for resolution of this conflict is negotiation. However hard it may be, it is only through negotiation between the two sides that final status issues such as borders, security and Jerusalem can be solved.

Australia understands the sense of frustration the impasse in peace talks has brought and we understand the strong desire of Palestinians to have their own state. If a Palestinian statehood resolution is introduced to the General Assembly we will consider it carefully and will consult widely before making our decision on how we will vote. But no UN resolution will change present realities on the ground. That is why we believe direct negotiation is the only true path to peace.³⁸

The PA submitted its application for UN membership on 23 September 2011, but did not fully pursue its bid, as the US threatened to veto the move in the Security Council.³⁹ The PA instead sought to become the 195th member of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), which voted on 31 October 2011 to admit 'Palestine'.⁴⁰ Australia, along with 13 other members, voted against admitting 'Palestine' to UNESCO.⁴¹

To get around the US Security Council veto, in 2012 the Palestinians sought to have their status at the UN upgraded from 'permanent observer' to 'non-member observer state'. This move only needed approval from the UNGA, would let the Palestinians participate in General Assembly debates, and would increase their chances of being able to join the ICC.⁴²

There was significant debate in Australia regarding whether the Government should support a resolution giving the Palestinians upgraded UN status.⁴³ According to media reports, a rancorous debate occurred within Cabinet and the Labor Caucus, with Prime Minister Gillard advocating a 'no' vote while many of her colleagues called for

36. See '[Brazil recognises Palestine](#)', *Al Jazeera English*, 5 December 2010, accessed 12 March 2015.

37. K Rudd (Minister for Foreign Affairs), '[Manama Dialogue press conference](#)', media release, 4 December 2010, accessed 12 March 2015.

38. J Gillard, '[Direct negotiations are the true path to peace](#)', *The Australian*, 21 September 2011, p. 14, accessed 12 March 2015.

39. United Nations, '[Application of the State of Palestine for admission to membership in the United Nations](#)', submitted 23 September 2011, accessed 12 March 2015.

40. J Irish, '[UNESCO gives Palestinians full membership](#)', *RealClearWorld.com*, 31 October 2011, accessed 12 March 2015.

41. Those that voted against were: Australia, Canada, Czech Republic, Germany, Israel, Lithuania, the Netherlands, Palau, Panama, Samoa, Solomon Islands, Sweden, United States of America, and Vanuatu. A further 52 members abstained. See '[UNESCO vote to admit Palestine: Who objected?](#)' *UN Watch*, 1 November 2011, accessed 12 March 2015.

42. '[Q&A: Palestinians' upgraded UN status](#)', *BBC News*, 30 November 2012, accessed 12 March 2015.

43. See, for example, D Flitton, '[Palestinian statehood stirring "hot debate"](#)', *The Age*, 2 November 2012, p. 11, accessed 12 March 2015, and K O'Dwyer, '[Adjournment: Palestine](#)', House of Representatives, *Debates*, 29 November 2012, p. 14076, accessed 12 March 2015.

Australia to ‘abstain’ or to vote ‘yes’ on a prospective resolution.⁴⁴ In the end, the Australian Government announced that it would abstain, with the Prime Minister and Foreign Minister stating in a joint media release:

The Government’s position balances our long-standing support for the right of the Palestinian people to self-determination and their own state with our concern that the only durable basis for resolution of this conflict is direct negotiations between Israel and the Palestinians.⁴⁵

On 29 November 2012 the UNGA voted to accord ‘Palestine’ ‘non-member observer state status’—138 states voted in favour of the resolution; nine countries voted against it and 41, including Australia, abstained.⁴⁶ Shadow Foreign Minister Julie Bishop, indicating a clear partisan divide on this issue, stated on a number of occasions that the Coalition would have voted ‘no’ on a resolution upgrading the Palestinians’ status at the UN.⁴⁷

Israeli settlements

The Rudd and Gillard Governments regularly criticised Israeli settlement activity in the West Bank and East Jerusalem. The language contained in these statements remained, until 2013 at least, largely consistent. Prior to 2013, Government officials rarely used the term ‘illegal’ or ‘contrary to international law’ in statements criticising Israel over settlement construction—something that was normal practice in the Hawke and Keating years. However, as outlined above, Australia did change its vote from ‘against’ to ‘in favour’ on a recurring UNGA resolution that defined Israeli settlements as ‘illegal’. Additionally, on two occasions while Julia Gillard was Prime Minister, Australia’s ambassador to the UN, Gary Quinlan, referred to Israeli settlements as ‘illegal’ when addressing the UN Security Council. In January 2011, Quinlan stated:

Both sides must refrain from actions that undermine confidence, including — decisively — the construction of settlements. Australia unambiguously opposes new Israeli settlements. They are illegal. They are not only an obstacle to peace — they actively undermine the prospects for achieving peace. They compromise the future of a two-State solution, and they must stop.⁴⁸

And in October 2012:

The continuing settlement activity in the West Bank remains a fundamental concern. A Palestinian State must not just be independent; it must be viable and contiguous. Settlement activity, which is illegal under international law, must cease.⁴⁹

Aside from these examples, in the period from late 2007 to early 2013 the Government’s comments generally advocated a ‘freeze’ of Israeli settlement activity, or stated that settlements ‘undermine’ or are ‘counter-productive’ to the peace process.⁵⁰

In 2013, there was a strengthening of public language regarding Israeli settlements. In January, the communique from the fifth Australia-UK Ministerial Consultations (AUKMIN) contained the following: ‘We call on Israel to stop settlement activity. All settlements are illegal under international law and settlement activity undermines the

44. G Dobell, ‘[When the foreign minister rolls the PM.](#)’ Lowy Interpreter weblog, 6 December 2012, accessed 12 March 2015; and ‘[Julia Gillard backs down on plans to vote against improving Palestine’s status in the United Nations.](#)’ *News.com.au*, 28 November 2012, accessed 12 March 2015.

45. J Gillard (Prime Minister) and B Carr (Minister for Foreign Affairs), [Palestinian UN observer status](#), media release, 27 November 2012, accessed 12 March 2015.

46. UNGA, [A/RES/67/19: Status of Palestine in the United Nations](#), 29 November 2012, accessed 12 March 2015. Countries voting ‘no’ were Canada, Czech Republic, Israel, Marshall Islands, Federated States of Micronesia, Nauru, Panama, Palau and the United States; see UNGA, [General Assembly Votes overwhelmingly to accord Palestine ‘Non-Member Observer State’ status in United Nations](#), media release, 29 November 2012, accessed 12 March 2015.

47. See, for example, J Bishop (Shadow Minister for Foreign Affairs), [Labor decision to abstain on Palestinian UN vote](#), media release, 27 November 2012, accessed 12 March 2015; J Bishop (Shadow Minister for Foreign Affairs), [Troubling precedent in Palestinian vote](#), media release, 30 November 2012, accessed 12 March 2015.

48. UNSC, [6470th meeting of the Security Council](#), New York, 19 January 2011, accessed 12 March 2015.

49. UNSC, [6847th meeting of the Security Council](#), New York, 15 October 2012, accessed 12 March 2015.

50. See, for example, S Smith (Minister for Foreign Affairs), ‘[Answer to question in writing: Israeli settlement construction](#)’, [Questioner: J Bishop], House of Representatives, *Debates*, 28 October 2009, p. 11308, accessed 12 March 2015; S Smith (Minister for Foreign Affairs), [Speech at lunch hosted by the Executive Council of Australian Jewry at the Adele Southwick Centre St Kilda Hebrew Congregation: Australia and Israel](#), speech, 19 May 2009, accessed 12 March 2015; S Smith (Minister for Foreign Affairs), [Interview with Kieran Gilbert](#), media release, 11 March 2010, accessed 12 March 2015; K Rudd (Minister for Foreign Affairs), [Joint press conference with Egyptian Foreign Minister About Gheit](#), media release, 11 December 2010, accessed 12 March 2015; B Carr (Minister for Foreign Affairs), [Israeli settlements](#), media release, 10 April 2012, accessed 12 March 2015.

prospects for peace'.⁵¹ Defence Minister Stephen Smith and Foreign Minister Carr attended AUKMIN 2013, and the latter was extensively questioned in Senate Estimates over the use of 'illegal'.⁵²

Then, during the 2013 election campaign, Foreign Minister Carr said while visiting Lakemba mosque in western Sydney:

We say, unequivocally, all settlements on Palestinian land are illegal under international law and should cease. That is the position of Kevin Rudd, the position of the Federal Labor Government, and we don't make apologies for it.⁵³

This contrasts considerably with language used by Howard Government ministers when discussing Israeli settlements. Prime Minister John Howard was once asked specifically whether he thought the 'Israelis should stop expanding their settlements' and he responded by stating:

I'm not going to express a view on that. I come here [to Israel and the Palestinian territories] as somebody who wants the [peace] process to work and not as a foreigner giving gratuitous advice to either side.⁵⁴

On another occasion, Prime Minister Howard said that he had asked Israeli Prime Minister Ariel Sharon to 'understand why the Palestinians [rather than the Australian Government] view the expansion of Israeli settlements as provocative'.⁵⁵ Foreign Minister Downer, on occasion, used stronger language, without specifically stating that Israeli settlement practices negatively affected the peace process.⁵⁶

The use of the label 'illegal' by members of the Rudd and Gillard Governments marked the first time such language had been used since the mid-1990s.

Responding to events

Durban World Conference against Racism and subsequent Review Conferences

Australia sent representatives to the Durban World Conference against Racism in 2001, which, according to some, focused too heavily on Israel's treatment of the Palestinians.⁵⁷ The US and Israeli delegations walked out of the Conference as a result. The Howard Government, in a joint statement by Foreign Minister Alexander Downer and Attorney-General Daryl Williams, expressed regret:

[A] great deal of time at the Conference had been consumed by divisive exchanges on issues that had done nothing to advance the cause of combating racism. Despite the efforts of many delegations, including Australia's, to achieve a more balanced outcome, the final documents include language on the Middle East which neither helps bring peace to that region nor advances the objectives of this Conference. The Australian delegation made clear at the closing session of the Conference that, while there was much in the final documents which Australia welcomed, there was also some language with which we could not be associated.⁵⁸

In April 2009, the 'Durban Review Conference' was held in Geneva, Switzerland. The Australian Government indicated, as late as March 2009, that it was considering attending. Foreign Minister Smith stated, however, that 'if we form the view that the [draft declaration] text is going to lead to nothing more than an anti-Jewish, anti-Semitic harangue and an anti-Jewish propaganda exercise, Australia will not be in attendance'.⁵⁹ On 19 April, Foreign Minister Smith announced that Australia would join other countries in boycotting the Durban Review Conference, arguing:

51. B Carr (Minister for Foreign Affairs), [AUKMIN 2013 communique](#), media release, 18 January 2013, accessed 12 March 2015.

52. Foreign Affairs, Defence and Trade Legislation Committee, [Official Committee Hansard](#), 13 February 2013, pp. 21–3, accessed 12 March 2015.

53. Quoted in D Singer, ['Palestine: Rudd and Carr tight-lipped on anti-Jewish policy.'](#) *Online Opinion*, 27 August 2013, accessed 12 March 2015.

54. J Howard (Prime Minister), [Press conference at King David Hotel](#), media release, 2 May 2000, accessed 12 March 2015.

55. J Howard (Prime Minister), [Speech: 39 Annual Conference: Australian Federation of Islamic Councils](#), media release, 12 April 2003, accessed 2 December 2014.

56. See, for example, A Downer (Minister for Foreign Affairs), [Joint press conference with Israel's Deputy Prime Minister Silvan Shalom](#), media release, 27 January 2004, accessed 12 March 2015.

57. See ['US abandons racism summit'](#), *BBC News*, 3 September 2001, accessed 12 March 2015; ['Racism summit turmoil: reactions'](#), *BBC News*, 3 September 2001, accessed 12 March 2015.

58. A Downer (Minister for Foreign Affairs) and D Williams (Attorney-General), [Australia welcomes conclusion of World Conference against Racism](#), media release, 10 September 2001, accessed 12 March 2015; for the final communiqué issued from the 2001 Durban Conference see [World Conference against Racism, racial discrimination, xenophobia and related intolerance: declaration](#), 8 September 2001, accessed 12 March 2015.

59. S Smith (Minister for Foreign Affairs), [Answer to a Question without notice: Durban Review Conference](#), [Questioner: J Bishop], House of Representatives, *Debates*, 12 March 2009, p. 2533, accessed 12 March 2015.

The Durban Review Conference should be an occasion for the world to unite against racism in all its forms.

Australia has worked with a range of countries in Geneva these past weeks to promote an acceptable outcome document from the Review Conference and to ensure that the Conference does not see a repeat of the problems that marred the Durban World Conference Against Racism in 2001.

These efforts, the hard work of the Russian Chair and the flexibility shown by many countries, has led to significant improvements in the document to be presented to the Conference on Monday.

Australia, however, cannot support a document which reaffirms the 2001 Durban Declaration and Program of Action in its entirety — as is currently the case. The 2001 Declaration singled out Israel and the Middle East. Australia expressed strong concerns about this at the time. The Australian Government continues to have these concerns. Regrettably, we cannot be confident that the Review Conference will not again be used as a platform to air offensive views, including anti-Semitic views.⁶⁰

For similar reasons, Australia also boycotted a UN General Assembly meeting—known as ‘Durban III’—on 22 September 2011.⁶¹

The 2008–09 Gaza War and the Goldstone Report

Deputy Prime Minister Julia Gillard was acting Prime Minister when the December 2008–January 2009 Gaza conflict began.⁶² In an interview on 5 January 2009 Gillard said:

The escalation of the conflict in Israel and Gaza, the new movement of ground troops by Israel obviously underlines the urgency of getting a diplomatic solution to this problem. We’ve said all along that Australia strongly supports the resolution of the Security Council of the United Nations to see a halt to all violence. We obviously want to see an end to this conflict and a lasting solution for peace in the Middle East.

...

We have condemned in the strongest possible terms the action of Hamas in sending rockets into southern Israel. Obviously, Israel has responded, we’ve now seen a further escalation.

...

We’ve always said we recognise Israel’s right to defend itself, but we have urged Israel to be very mindful of the civilians involved, of the prospect of civilian casualties, and obviously we have seen civilian casualties. And we have been strong in our continuing endorsement of the United Nations Security Council resolution for a halt to all violence.⁶³

These comments, particularly the condemnation of Hamas compared with the ‘urging’ of Israel to be mindful of civilians, were interpreted by some as ‘bias’ towards Israel.⁶⁴

On 12 January 2009 the United Nations Human Rights Council decided to send a fact-finding mission to Gaza ‘to investigate all violations of international human rights law and international humanitarian law’ during the recent

60. S Smith (Minister for Foreign Affairs), [Durban Review Conference](#), media release, 19 April 2009, accessed 12 March 2015. The following countries boycotted the Durban Review Conference: Australia, Canada, Germany, Israel, Italy, Netherlands, New Zealand, Poland, United States. For information on what occurred at the Durban Review Conference see [‘Ahmadinejad prompts walkout from UN racism summit’](#), *Reuters*, 20 April 2009, accessed 12 March 2015; [‘UN meeting on racism adopts final declaration’](#), *AFP*, 20 April 2009, accessed 12 March 2015; S Shamir and N Mozgoyvaya, [‘US to boycott Durban 2 conference on racism’](#), *Haaretz*, 27 February 2009, accessed 12 March 2015.

61. [‘Australia withdraws from Durban III over Israel-bashing fears’](#), *JewishJournal.com*, 23 August 2011, accessed 12 March 2015.

62. For more on the December 2008–January 2009 conflict in Gaza see S Jones, [Gaza: the conflict between Israel and Hamas](#), Standard Note SN/IA/04946, House of Commons Library, London, 22 January 2009, accessed 12 March 2015.

63. J Gillard (Acting Prime Minister), [Transcript of interview with Marius Benson— ABC News Radio](#), media release, 5 January 2009, accessed 12 March 2015.

64. See, for example, B Zwartz, [‘Muslims furious at Gaza “bias”](#), *The Age*, 7 February 2009, p. 11, accessed 12 March 2015; J Drape, [‘Gillard refuses to chide Israel’](#), *Sunday Tasmanian*, 4 January 2009, accessed 12 March 2015; N Levin, [‘Australia remains in Israel’s corner’](#), *Australian Jewish News*, 16 January 2009, accessed 12 March 2015; B Brown (Leader of the Australian Greens), [Israeli attack on the United Nations](#), media release, 16 January 2009, accessed 12 March 2015.

conflict.⁶⁵ The report resulting from this investigation, known as the Goldstone Report, found that war crimes had been committed on both sides of the conflict.⁶⁶ Some, however, criticised the report on the grounds that its mandate was one-sided, the report focused too heavily on the actions of Israeli troops, or that the Human Rights Council itself was prejudiced against Israel.⁶⁷

The Australian Government rejected the findings in the Goldstone Report. On 5 November 2009, Australia voted against a UNGA resolution that called for, among other things, the Goldstone Report to be sent to the UN Security Council.⁶⁸ Explaining this decision, Australia's ambassador to the UN said:

We voted against resolution 64/10 because of a number of genuine concerns arising from the language of the text and from the flawed nature of the report it is based on, which we simply cannot endorse. However, this vote in no way reduces our fundamental concern about the humanitarian situation of the people of Gaza. Consistently before, during and after the Gaza conflict, we called on all the parties to take all necessary steps to minimize harm to civilians, and we call on the parties now to act to prevent the continuing humanitarian crisis in Gaza, a situation that is unacceptable.⁶⁹

Deputy Prime Minister Gillard would later state it was the Government's commitment to Israel's 'security' that caused it to vote against the UNGA Resolution.⁷⁰

The passport affair

In May 2010 an Israeli diplomat was expelled from Australia following alleged misuse of Australian passports by Israeli intelligence organisations as part of their alleged involvement in the death of a senior Hamas commander. The so-called 'passport affair' is significant because of the strong language used by the Australian Government towards Israel.⁷¹

A month after the death of the Hamas commander, Foreign Minister Smith made a statement to Parliament highlighting that the authorities in Dubai claimed that three (later four) Australian passport holders were wanted in relation to the man's death, condemning 'in the strongest possible terms' the misuse of Australian passports, and indicating that Australian security agencies would investigate.⁷² Later that day Smith stated at a press conference:

... if the results of that investigation cause us to come to the conclusion that the abuse of Australian passports was in any way sponsored or condoned by Israeli officials, then Australia would not regard that as the act of a friend. We would not regard that as the act of a friend.⁷³

In late March 2010, the British Government announced that it was expelling an Israeli diplomat from the UK, stating that there were 'compelling reasons to believe Israel was responsible for the misuse of the British

65. The original 12 January 2009 decision by the UN Human Rights Council sought to investigate violations of international law by 'the occupying Power, Israel, against the Palestinian people ... in the occupied Gaza Strip', meaning there would be no investigation of possible violations by Hamas. The final mandate, agreed on 3 April 2009, did not single out Israel, implying, but not stating explicitly, that Hamas and other Palestinian groups would be investigated as well. See United Nations Human Rights Council (UNHRC), [Report of the Human Rights Council on its ninth special session](#), 27 February 2009, accessed 12 March 2015.

66. UNHRC, [Human Rights in Palestine and other occupied Arab territories: report of the United Nations fact finding mission on the Gaza conflict](#) (Goldstone Report), 15 September 2009, accessed 12 March 2015.

67. For perspectives on the debate surrounding the Goldstone Report, see B Plett, 'Legal row over Gaza report intensifies', *BBC News*, 6 November 2009, accessed 12 March 2015; State of Israel, [Initial response to report of the fact finding mission on Gaza established pursuant of Resolution S-9/1 of the Human Rights Council](#), 24 September 2009, p. 1, accessed 12 March 2015; B Ravid, 'Netanyahu asks world to reject Goldstone findings', *Haaretz*, 5 November 2009, accessed 12 March 2015; A Hass, 'Gazans: IDF used us as "human shields" during offensive', *Haaretz*, 26 October 2009, accessed 12 March 2015; N MacFarquhar, 'Inquiry finds Gaza war crimes from both sides', *International New York Times*, (online edition), 15 September 2009, accessed 12 March 2015; Human Rights Watch, [Israel/Gaza: implement Goldstone recommendations on Gaza](#), media release, 16 September 2009, accessed 12 March 2015.

68. UN General Assembly, [A/RES/64/10: Follow-up to the report of the United Nations fact-finding mission on the Gaza Conflict](#), 4 November 2009, accessed 12 March 2015.

69. UNGA, [Sixty-fourth session: 39th plenary meeting](#), 5 November 2009, accessed 12 March 2015.

70. J Gillard (Deputy Prime Minister), [Speech to the Australia Israel Leadership Forum](#), media release, 6 December 2009, accessed 12 March 2015.

71. For information on the assassination and Australia's response, see "'Mossad' hit snares Australians', *Sydney Morning Herald*, 26 February 2010, accessed 12 March 2015; R Bergman, 'The Dubai job', *GQ*, January 2011, accessed 12 March 2015; and J Stewart, 'Israeli-Australia relations cool over passports affair', *Lateline*, transcript, 24 May 2010, accessed 12 March 2015.

72. S Smith (Minister for Foreign Affairs), [Ministerial Statement: Foreign Affairs: Australian passports](#), House of Representatives, *Debates*, 25 February 2010, pp. 1857–8, accessed 12 March 2015.

73. S Smith (Minister for Foreign Affairs), [Discussion about the abuse of three Australian passports in Dubai](#), media release, 25 February 2010, accessed 12 March 2015.

passports'.⁷⁴ Foreign Minister Smith stated at this time that 'we will await the results of that investigation by the Australian Federal Police' before making any decisions regarding the Australian Government's response.⁷⁵

Australia announced its response on 24 May 2010, with Foreign Minister Smith telling the House of Representatives:

[I]nvestigations and advice have left the government in no doubt that Israel was responsible for the abuse and counterfeiting of these passports. I note that a similar conclusion was reached by the United Kingdom government in the course of their official investigations.

No government can tolerate the abuse of its passports, especially by a foreign government.

...

These are not the actions of a friend. I regret to advise the House that this is not the first occasion that Australian passports have been misused by Israeli authorities. The Dubai passports incident also constitutes a clear and direct breach of confidential understandings between Australia and Israel dating back some years. This is not what we expect from a nation with whom we have had such a close, friendly and supportive relationship.

...

After careful deliberation, the government has asked that a member of the Israeli Embassy in Canberra be withdrawn from Australia. I have asked that the withdrawal be effected within the week ... Australia regard[s] the abuse of these passports as inconsistent with the friendship and support provided by successive Australian governments to Israel since its creation as a nation. Australia's relationship with Israel has always been founded on a basis of mutual respect and trust. But Israel's actions in this regard have undermined that respect and trust.⁷⁶

The Shadow Minister for Foreign Affairs, Julie Bishop, argued that the Government's response was an overreaction, and was bound up with the Government's campaign to win a seat on the UN Security Council.⁷⁷ As well as Australia and the UK, Ireland expelled an Israeli diplomat in June 2010 over the passport affair.⁷⁸

The Boycott, Divestment and Sanctions campaign

The Boycott, Divestment and Sanctions (BDS) campaign urges that 'non-violent punitive measures' should be imposed on Israel until it 'fully complies with the precepts of international law', which it argues Israel can achieve by:

- ending its 'occupation and colonisation' of 'all Arab lands'
- granting 'full equality' to the Arab citizens of Israel and
- respecting the 'right of return' of Palestinians displaced in the 1948 and 1967 wars.⁷⁹

Critics of the campaign have argued that BDS targets Israel's 'legitimacy as a nation-state' rather than its policies, is anti-Semitic, incorrectly equates Israel's policies with those of apartheid South Africa, and, because it supports the 'right of return', is effectively calling for an Israeli state with a Palestinian majority (or the 'destruction of Israel' as a Jewish state).⁸⁰ Supporters argue that BDS is a legitimate, non-violent campaign to pressure Israel to

74. 'Britain expels Israeli diplomat over Dubai passport row', *BBC News*, 23 March 2010, accessed 12 March 2015.

75. S Smith (Minister for Foreign Affairs), *Interview with ABC World Today*, media release, 24 March 2011, accessed 12 March 2015.

76. S Smith (Minister for Foreign Affairs), 'Ministerial Statement: national security', House of Representatives, *Debates*, 24 May 2010, pp. 3653–4, accessed 12 March 2015.

77. D Speers, 'Interview with Foreign Minister Stephen Smith', *Sky News*, transcript, 25 May 2010, accessed 12 March 2015.

78. I Black, 'Ireland orders Israeli diplomat out of embassy over forged passports', *The Guardian*, (online edition), 15 June 2010, accessed 12 March 2015.

79. BDS Movement, *Palestinian civil society calls for Boycott, Divestment and Sanctions against Israel until it complies with international law and universal principles of human rights*, media release, 9 July 2005, accessed 27 November 2014.

80. For a selection of these arguments and detailed criticism of the BDS movement see 'Boycotting Israel: the new pariah on the block,' *The Economist*, 13 September 2007, accessed 27 November 2014; N Guttman, 'Want to delegitimize Israel? Be careful who you mess with,' *Haaretz*, 13 April 2010, accessed 27 November 2014; H Brackman, *Boycott, Divestment and Sanctions (BDS) against Israel: an anti-Semitic, anti-peace poison pill*, Simon Wiesenthal Center, March 2013, accessed 12 March 2015; E Higgins and C Kerr, 'Jihad Sheila link to anti-Jewish posts,' *The Australian*, 3 May 2013, p. 1, accessed 27 November 2014; C Kerr, 'Julia Gillard denounces activists as anti-Israel protest turns anti-Semitic,'

change its policies, that non-violent boycotts helped end apartheid, and that BDS is about making Israel pay a price for its occupation of Palestinian lands.⁸¹

In 2011, protesters in Australia began targeting Max Brenner chocolate and coffee shops. Max Brenner operates as a subsidiary of the Strauss Group, a large Israeli food and beverage company, and the Strauss Group sponsors part of the Golani Brigade, an elite unit in the Israel Defense Force.⁸² In July of that year, violence was reported at a protest in Melbourne, with 19 demonstrators arrested. Subsequently, Foreign Minister Kevin Rudd visited the Max Brenner store in question, declaring 'I am here because I object to the boycotting of Jewish businesses'.⁸³

The Labor Government was criticised a number of times by the Opposition regarding the BDS movement. In September 2012, Shadow Foreign Minister Julie Bishop claimed that the Government had provided 'encouragement and support' for BDS for failing to support a Senate motion that would have, among other things, condemned BDS.⁸⁴ Foreign Minister Carr responded by saying that the Government was 'fiercely, unequivocally, strongly' opposed to BDS, but did not support the Senate motion due to 'a long established practice of not attempting to navigate complex foreign policy matters through Senate motions'.⁸⁵

Prime Minister Gillard denounced the BDS movement in April 2013, in response to protests planned for the opening of a Max Brenner store at the University of New South Wales. Through a spokesperson, the Prime Minister said:

This campaign does not serve the cause of peace and diplomacy for agreement on a two-state solution between Israel and Palestine.

I welcome the strong ties our universities have with Israeli researchers and academic institutions, and I hope those ties will deepen in the years ahead.⁸⁶

The 1967 borders⁸⁷

Members of the Rudd and Gillard Governments did, on occasion, outline Australia's broader position on the Middle East conflict and the Government's position on what a final peace settlement should look like. Some of these statements went further in terms of their prescription than previous Australian Government public statements. In February 2011, for example, Foreign Minister Rudd suggested:

Many of us who are friends of Israel and friends of the Palestinian people are familiar with the broad architecture of a comprehensive settlement which would create a two state solution — an independent and secure Israeli state and an independent and secure Palestinian state.

These elements include the 1967 borders, with mutually agreed land swaps; the question of the right of return; the question of Jerusalem and the holy sites; as well as necessary security guarantees.⁸⁸

30 April 2013, accessed 27 November 2014; CB Glick, '[Column One: Delegitimizing the delegitimizers](#),' *The Jerusalem Post*, 11 April 2011, accessed 27 November 2014.

81. For examples of these arguments and detail of the pro-BDS position see J Haber, '[What's so wrong with BDS](#),' *The Daily Beast*, 7 February 2013, accessed 27 November 2014; J Michaelson, '[The wrong way to fight BDS](#),' *The Jewish Daily Forward*, 21 February 2013, accessed 27 November 2014; G Levy, '[The Israeli patriot's final refuge: boycott](#),' *Haaretz*, 14 July 2013, accessed 27 November 2014; O Barghouti, *Boycott, Divestment, Sanctions: the global struggle for Palestinian rights*, Haymarket Books, Chicago and New York, 2011.

82. R Friedman, '[Strauss reposts IDF-support on website](#),' *Jerusalem Post*, 14 December 2010, accessed 27 November 2014.

83. D Flitton, '[Citizen Rudd's sweet spot for café](#),' *The Age*, 15 July 2011, accessed 27 November 2014.

84. J Bishop (Shadow Minister for Foreign Affairs), '[Carr provides support for BDS campaign against Israel](#)', media release, 12 September 2012, accessed 28 November 2014; see also E Abetz (Leader of the Opposition in the Senate), '[Senate condemns Labor, Greens and unions over BDS campaign](#)', media release, 11 May 2013, accessed 28 November 2014, and J Bishop (Shadow Minister for Foreign Affairs), '[Labor supports Marrickville Council's campaign against Israel](#)', media release, 2 June 2011, accessed 28 November 2014.

85. B Carr (Minister for Foreign Affairs), '[Boycott, divestment and sanctions](#)', media release, 13 September 2012, accessed 28 November 2014.

86. '[Julia Gillard denounces activists as anti-Israel protest turns anti-Semitic](#)', op. cit.

87. The 1967 borders refer to the 'Green Line', the demarcation lines set out in the armistice agreements between Israel and its neighbours following the 1948 Arab-Israeli war. This line represented Israel's de facto borders up until the Six Day War in June 1967, when it captured the West Bank, Gaza Strip, Golan Heights and Sinai Peninsula. Israel has long argued that, from a strategic standpoint, it would be impossible for it to withdraw completely to the 1967 borders. For example, Israeli Foreign Minister Abba Eban told the UNGA in 1969 that 'for us, this is a matter of security and of principles. The June [1967] map is for us equivalent to insecurity and danger.' Similarly, Israeli Prime Minister Yitzhak Rabin said in 1995: 'the borders of the State of Israel, during the permanent solution, will be beyond the lines which existed before the Six-Day War. We will not return to the 4 June 1967 lines'. Quoted in Frank Dimant, '[The 1967 lines are "Auschwitz borders"](#),' *The Algemeiner*, 20 January 2014, accessed 12 March 2015.

It should be noted that this was the first time since the 1960s a member of an Australian Government had referred to the 1967 borders as a basis for a final peace settlement.⁸⁹ Rudd's statement preceded a similar statement made by US President Barack Obama in May 2011.⁹⁰

Conclusion

There are a couple of areas where, regarding the Israeli-Palestinian dispute, the Rudd and Gillard Governments evidently differed from their predecessor. The most obvious and measurable differences relate to Australia's voting pattern at the UNGA and the language used concerning Israeli settlements.

Another less conclusive difference concerns the way the Australian Government responded to the 'passport affair'. Former Foreign Minister Downer labelled the Rudd Government's decision to expel an Israeli diplomat in May 2010 as a 'triumph of politics' and a 'folly', suggesting perhaps that the Howard Government would not have chosen this path in response to a similar incident.

It is difficult to conclude that the post-2007 increase in aid to the Palestinians, while substantial, represents an actual change in policy. Faced with similar circumstances, a Coalition Government may also have increased development assistance to the Palestinian Authority in the West Bank, although it is impossible to determine whether an increase would have been on a similar scale.

Despite the areas of (largely rhetorical) change, however, in broad terms the Rudd and Gillard Governments maintained the Howard Government's policy on the Israeli-Palestinian conflict—support for Israel to exist within secure and recognised boundaries (including supporting Israel's 'right to defend itself') and support for the creation of a Palestinian state in the West Bank and Gaza.

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88. K Rudd (Minister for Foreign Affairs), [Australian foreign policy and recent developments in the Middle East: speech at the Foundation for Economic and Industrial Research, Athens](#), media release, 2 February 2011, accessed 12 March 2015; Rudd made a similar reference to the 1967 borders during his address to the UN General Assembly in September 2011: K Rudd (Minister for Foreign Affairs), [Australian Statement to the UN General Assembly](#), media release, 22 September 2011, accessed 12 March 2015.

89. P Hasluck (Minister for External Affairs), '[Ministerial statement: international affairs](#)', House of Representatives, *Debates*, 17 August 1967, pp. 209–210, accessed 12 March 2015.

90. B Obama (US President), [Remarks by the President on the Middle East and North Africa](#), media release, 19 May 2011, accessed 12 March 2015.