



Extract from Hansard

Wednesday 16 November 2022

PALESTINE

The Hon. A. PICCOLO (Light)
(11:35): I move:

That this house—

(a) notes—

(i) that the Israel-Palestine conflict continues to be unresolved;

(ii) that Israel's occupation of Palestine has lasted over 50 years;

(iii) that Israel continues to build settlements on occupied territory which undermines a two-state solution;

(iv) the ongoing conflict continues to result in the loss of life and human rights violations and abuses;

(v) the recognition of Palestine by the Vatican and 138 other nation states; and

(vi) that Article 1 of the Charter of the United Nations adopts the principle of equal rights and self-determination of peoples.

(b) supports the right of both Israelis and Palestinians to live in

equality, peace and security within internationally recognised borders;

(c) endorses the principles 1 to 8 stated in the Sydney Statement on anti-Palestinianism; and

(d) calls on the Australian government to—

(i) acknowledge the right of Palestinians to self-determination as provided for by international law;

(ii) acknowledge the Palestinians' right to statehood; and

(iii) actively promote measures to end the conflict between Israel and Palestine on the basis of relevant UN resolutions and international law.

The reason I move this motion is to again draw attention to the plight of Palestinian people, not only in Palestine—I should correctly say occupied Palestine—but also across the world.

Yesterday was Palestine Independence Day. This is when, back in 1988, the late leader of the PLO, Yasser Arafat, declared

Palestine an independent state. It is celebrated across the world by Palestinians as the day their state was created. Tuesday 29 November this year is the International Day of Solidarity with the Palestinian People. These two events continue to highlight the oppression experienced by Palestinian people in occupied Palestine and also in camps in other countries and the diaspora across the world.

It is important that we continue to highlight this issue of the oppression of Palestinian people. I acknowledge that it is not the only issue of oppression across the world. It is also acknowledged that there are other, if you like, more significant in some ways, conflicts in the world, but this is one which seems to elude a consensus of the international community.

To put it in context, it is 105 years since the Balfour Declaration by Lord Balfour, which gave rise to the movement for the creation of an independent Jewish state in the Middle East in what was then Palestine. Even in that declaration, the writer of that letter made it very clear that any partitioning of Palestine should not have an impact on the civil rights of the native Palestinian people who were there. That has been impinged ever since the partitioning of Palestine in 1948.

It is 75 years since the UN partition plan was first mooted. It is 55 years since the occupation of the state of Palestine. It is 35 years since the beginning of the first intifada. In a much smaller context, it is five years since I first moved a motion in this chamber to draw attention to the plight not only of the Palestinian people in

occupied Palestine but also of Palestinians across the world.

I acknowledge that this motion today will not change the axis of the world as we know it, but it is important that we continue to highlight, as we do in this place, a number of other acts of oppression or injustice—not only in this chamber but in the other chamber and also in other parliaments across the world and in international forums—where there is a clear case of oppression of people. In my view, we have both a moral and international obligation to ensure that we help resolve this conflict.

We also highlight the constant breaches of international law with the continuing occupation of Palestine and not only the continual occupation of Palestine but the continuing expansion of settler settlements in Palestine by the Israeli state, because that breaches international law. Under international law, it is very clear that states with a power of occupation or are in occupation must not disturb the native people—in this case, the Palestinian people.

I first got involved in this issue when I was a student at Adelaide University back in 1978 to 1980. I was obviously involved in politics in those days, but until that time I was actually unaware of the plight of the Palestinian people. Through a number of friendships I formed with people active in student politics I became aware that the Palestinian people were, in this case, the people who were oppressed by a stronger and more powerful nation, and not only by a more powerful nation but also with

the support of other more powerful nations.

Since those times when I was a student—and that is some years ago—we have resolved the issue of apartheid to some extent in South Africa where the minority apartheid government was changed. We somehow found a way of bringing the warring parties together, to work together and to cohabit in Northern Ireland. We have seen the breakup of the Soviet empire. That was all done with international action which the Australian government and the Australian nation was often a party to. Particularly when it came to South Africa, we took action to highlight the oppression of black African people.

Despite all this, the Palestinian people still remain oppressed in their own country, and it is important to draw attention to that. The Palestinian people are oppressed in their own country. They are not the aggressors who have gone to a third country: they are actually oppressed in their own country, and that continues to be so. Sadly, there are some similarities between what happened in Australia with the colonisation of Australia and in terms of Palestine. There was a presumption that you could just carve up the land because there were no people there, and that was part of the assumption of the UN plan, quite incorrectly.

It is also important we also understand that when the Palestinian people speak out they have the right to be heard. I will go to some parts of my motion which I think speak for themselves but which are very important to draw

attention to. I would like to speak briefly on the second and third parts of my motion. The UN Special Coordinator, who reports to the United Nations, has continued to refer to the illegal expansion of settlements and settler-related violence throughout Palestine. He has also drawn attention to the ongoing demolition of Palestinian homes, or homes owned by Palestinian people, to make room for Israeli settlers or people who have come from other countries to be part of Israel.

We see this expansion, not only in the West Bank but also now in East Jerusalem, as a growing concern. To give you an indication of that growth of settler settlements in Palestine by Israel, in 2014 there were about 370,000 settlers throughout occupied Palestine. Today, there are an estimated 700,000 settlers, and that also includes those who have moved into East Jerusalem. These have all had the support of the Israeli state. I speak about the Israeli state because this is not an issue between Muslims and Jewish people; this is a conflict between two states and their governments.

Not only do we have settlers moving in but, when Palestinian people seek approval to build their own homes in their own country (Palestine), and particularly in the areas of West Bank, they actually are refused permission to build homes in their own land, which makes it very clear that the Israeli state has no plans to actually allow a second state to be formed or to bring to a conclusion in a peaceful way the ongoing conflict between Palestine and Israel.

The 700,000 settlers throughout occupied Palestine are now almost 10 per cent of Israel's population. That is quite a huge number of people living outside Israel who now live in occupied Palestine, which would suggest, along with the speed of these new settlements, that the state of Israel has no intention of coming to the table to negotiate a fair and equitable peace between the Palestinian people and the nation of Palestine with Israel.

We also then go to the issue of the loss of life and human rights, under subparagraph (iv). Again, to put it in perspective, according to information provided by the UN Special Coordinator in this century 5,985 Palestinian people have been shot and killed by Israeli forces and 264 Israelis have been killed. This is in no way to diminish the 264 Israelis who have been killed, but to put in perspective who is the aggressor and who is the victim, when you look at those figures, 5,985 Palestinian have died in the same time.

That is putting aside the number of people who are in detention, and particularly children who are in detention in Israeli jails contrary to international law, often not having legal representation. These are children as young as 10 who actually are jailed without legal representation. Often, the legal representation, when available, is offered by people from overseas to ensure that some semblance of international justice prevails.

Most of the world—in fact, three-quarters of the countries around the world, including the United Nations itself—have actually recognised the state of Palestine. Sadly, Australia is not one of those.

With its political and military friend the United States, we are certainly a minority here. Article 1 of the Charter of the United Nations adopts the principle of equal rights and self-determination. When we talk about international law and when we talk about rules-based behaviour, clearly we have to apply that to all nations and not selectively with some nations and not others.

I do, at this point, wish to congratulate and acknowledge the step made by the Albanese federal Labor government and Minister Penny Wong to actually acknowledge that this country no longer recognises Western Jerusalem as the capital of Israel because that is the position actually occupied by international law. Sadly, that was a position changed unilaterally by the previous Liberal government nationally in quite a cynical exercise to win one of the seats in New South Wales. Sadly, he was prepared to sacrifice the wellbeing, if you like, of a whole nation to win one electorate in this country, and that shows you the mark of that person in terms of a national leader.

The internationally recognised borders to this day—and by that I mean by international law—are the 1967 boundaries, yet those boundaries continue to be breached by the state of Israel. We also need to acknowledge there is a power imbalance between the Palestinian people and the state of Israel. In any negotiations that should be acknowledged.

It is important to also note paragraph (c) of the motion, which actually endorses the principles 1

to 8 stated in the Sydney Statement on Anti-Palestinianism. Those principles make it very clear what the rights of Palestinian people and the rights of the Palestine nation are under international law. There is nothing really controversial about it because what it says is that this is the international law, that this is what we should be upholding as a world community—Australia is part of that world community—and that these are the principles we should be upholding, including the right of Palestinian people to actually protest peacefully around the world in support of their plight and their right of statehood.

Sadly, we are in a position where often just criticising Israel makes you antisemitic. I reject that position. It is important that we acknowledge that supporting the right of Palestinian people to statehood does not diminish the right of Jewish people to their own state of Israel.

In the less than a minute I have left, it is important to note that we as an Australian nation—that is why this motion calls on the Australian government—acknowledge the right of Palestinian people to self-determination as provided for by international law, acknowledge the Palestinians' right to statehood and also actively promote measures to end the conflict between Israel and Palestine on the basis of international negotiations.

I would just like to quote quickly from Ben Saul, Professor of Law at the University of Sydney and a commentator. He says:

Australia should stop being an extreme, pro-Israel outcast, and join the rest of the world in being a responsible, pro-international law adult.

With those words, I ask for the support of the chamber.

The Hon. A. PICCOLO (Light) (11:59): I would like to thank the member for Heysen for his contribution. I would have to say up-front that I do not necessarily disagree with the sentiments behind the amendment, nor do I disagree with the comments he has made. However, I will not be supporting the amendment and I would ask the chamber not to support the amendment for a couple of reasons.

First of all, over recent times consecutive prime ministers and in fact the new Israeli Prime Minister have made it very clear that they do not support a two-state solution. When you have one party who makes it very clear they are not even prepared to actually contemplate let alone support it, it makes it very difficult.

The two-state solution has certainly been a policy of successive Australian governments, and ultimately that is where our formal position is. I would be less than honest if I did not ask: is that practical in the future given the number of settlements throughout occupied Palestine? That is not to say that Palestinians are not entitled to statehood; it may mean that statehood may have to come in a different form but not necessarily excluding a two-state solution.

It is also very important, I think, to mention that negotiations to some extent and the words used by the member for Heysen in his amendment have been around for some time, and they are certainly worthy and honourable intentions, but they have not actually done anything to resolve the situation in the conflict. The major thing is, if you would like to make a note of what are the indicators of the parties, you just have to look at the Israeli state's continuing and supporting actions on settlements—supporting the settler movement throughout Palestine, which is occupied, as we know, by Israel at this time.

If the Israeli state were interested at all in a two-state solution or bringing peace it would actually say, 'No more settlements.' It would not have to retreat; it would just have to stop moving on an ongoing basis into Palestine. But that has not happened. In fact, it has engaged in a recent move into East Jerusalem, which, under international law, is actually a special category in itself because it is recognised as being an important place not only for Jewish people and Muslims but also for Christians and a whole range of other faiths. Jerusalem was always meant to be—until Israel declared its own state, independence—an internationally recognised city perhaps under UN supervision to acknowledge the importance Jerusalem has in terms of its place for a whole range of peoples.

So, while I am not unsympathetic to the words expressed by the member for Heysen, they do represent, in my opinion, a retreat from the intention of the motion. The intention of the motion is to

make quite clear what is happening in Palestine today and I think it is very important that we recognise that. It also recognises the fact that the Palestinian people are, if you like, the weaker party in any negotiations, and the only way we are going to redress that is by supporting statehood for Palestine.

I would correct the member on one thing, where he asserts that unilateral action to acknowledge the state of Palestine would be not helpful: 134 countries, including the United Nations itself, including the Vatican and including a number of other nations and a number of parliaments, have actually passed those resolutions. That would suggest that at an international level people do acknowledge the state of Palestine—that is, that the people of Palestine exist and as a state.

In terms of the internationally recognised boundaries, that is quite clear. Resolutions of the UN Security Council are quite clear on what the internationally recognised boundaries of Israel and Palestine are, but one party continues to move those boundaries in a different direction from what was intended.

While I am sympathetic and certainly not in contradiction to what the member for Heysen has suggested, I do not think his motion goes far enough. All it does is maintain the status quo, and the status quo is that Palestine is disappearing under settlements of the Israeli state, and we must stop that.