

Submission on the Department of Foreign Affairs and Trade Feasibility Study on Strengthening Trade and Investment with Israel

Summary

When considering any international agreement, countries must consider a broad range of factors- compliance with international law, any effect, beneficial or otherwise, to that country's international standing and of course, economic benefit. It is not something to be done lightly and without due consideration to all ramifications and implications.

Israel blatantly ignores international law and disregards UN resolutions, receives widespread international condemnation for its actions in the occupied Palestinian territory, is being investigated by the International Criminal Court for alleged war crimes and is the subject of a global boycott, divest and sanction campaign

To openly increase our ties with such a country would make Australia a complicit partner. It normalises the blockade of Gaza, severely damages our international reputation and standing, and potentially puts us at risk of economic sanctions. In fact, it is for exactly this reason that where a country is engaging in such serious violations of international law, that Third States like Australia have our own international law obligations to not engage with that State in ways that give recognition, legitimacy, assistance and aid to maintain the status quo.¹ In other words, if Australia is to enter into this agreement with Israel, we will be in violation of our obligations under international law.

International Law Obligations

Israel's violations of international law are so comprehensive and expansive that it is difficult to succinctly outline the relevant provisions of greatest import and concern to the Australian Government when considering trade and investment with Israel.

Most critically, are the principles that are of such fundamental importance they have acquired the character of *jus cogen* or peremptory norms of international law. These are principles that the international community and States' practice indicate are so critical that no derogation from these principles is permitted. These peremptory norms include the right to self-determination as well as the prohibition on territorial annexation and apartheid. These principles are enshrined in some of the UN's most foundational documents, including the UN Charter and the Apartheid Convention, and form part of Customary International Law, which is binding on all States.

Beyond this, Israel administers its prolonged military occupation of the occupied Palestinian territory (oPt) with such violence and belligerence that it engages in daily violations of international humanitarian law and international human rights law. These violations occur in such widespread and systematic ways that they constitute crimes against humanity and war crimes. The Fourth Geneva Convention enshrines the foundational obligations owed by an

¹ Article 41 of the *Draft Articles on Responsibility of States for Intentionally Wrongful Acts*, available at https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

Occupying Power, such as Israel, when exercising power and authority over an occupied territory and peoples, such as the Palestinians. In particular, the forcible transfer of protected persons by physical force or threats or coercion constitutes a grave breach of the Fourth Geneva Convention. It is also a war crime under the Rome Statute of the International Criminal Court, and where such policies of forcible displacement are systematic and widespread; these practices could amount to crimes against humanity.² So egregious are Israel's constant violations of its obligations as Occupying Power, that in 2017, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, wrote a report arguing that Israel's military occupation had created a new state of affairs under international law that constituted an illegal occupation.³

In addition, there are the obligations of international human rights law which are owed by Israel to Palestinians who are citizens of Israel as well as Palestinians over whom it holds authority as Occupying Power. Pertinent examples include policies of separation, fragmentation and isolation, which constitute violations of various provisions of international human rights law, including Article 3 of the Convention on the Elimination of All Forms of Racial Discrimination. When these policies and practices are widespread and systematic they will amount to apartheid in violation of Article 2 of the Apartheid Convention, and will qualify as a crime against humanity.⁴

The international legal system demands accountability through various mechanisms including sanctions against states and individuals, and prosecution of individuals through the International Criminal Court. As Special Rapporteur, Michael Lynk wrote in his most recent report dated October 2020:

"27. Accountability – the institutional check on the exercise of public and private power on behalf of the common good – is the indispensable component of the rule of law. When used purposively and effectively, accountability entrenches fairness and equality, it promotes healing and resolution, it delivers justice to victims and perpetrators alike, it alleviates conflicts and prevents others from igniting, and it sews together the ten thousand threads of accommodation which nurture social trust.

28. Without accountability, the best designed systems of law and human governance will wither for lack of enforceability and respect. Without accountability, the possibility of political reconciliation, let alone its flourishing, is unattainable. And without accountability, social wounds metastasize, leaving unchecked retaliation, rather than measured restitution, as the likely response to the injustices of the past and present. As the UN Office of the High Commission for Human Rights has noted: "Lack of the rule of law and accountability for human rights violations

² BADIL, Working Paper 21: Forcible Population Transfer: Land Confiscation and Denial of Use, October 2017, available at: <https://www.badil.org/en/publication/research/working-papers.html?download=1261:working-paper-21>

³ OHCHR, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, "Israel must face new international legal push to end illegal occupation of Palestine, UN expert says", press release, 26 October 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22315>

⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22315>; <https://www.badil.org/en/publication/research/working-papers.html?download=1322:wp-no23-sfi>

*leads to failures of justice and impunity for crimes, conflict over unaddressed grievances, and oppressive unaccountable rule”.*⁵

In the international system, the responsibility for delivering accountability to State parties that refuse to comply with their international law obligations lies with Third Party Member States. In this regard, the *Draft Articles on Responsibility of States for Intentionally Wrongful Acts* reflect the status of Customary International Law in regards to these obligations and in particular, Article 41.

Article 41. Particular consequences of a serious breach of an obligation under this chapter

1. States shall cooperate to bring to an end through lawful means any serious breach within the meaning of article 40.

2. No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation.

This obligation, laid upon Third Party Member States, means that to comply with international law, Australia must actively and openly declare its opposition to Israel policies regarding Palestinians living in Israel and the occupied Palestinian territory. It must sever current trade ties with Israel and most certainly should not be considering new and expanded trade deals.

Body of Arguments

Given the economic impacts of the Covid-19 Pandemic and the need to strengthen and rebuild economies, it is natural that governments are looking for new and diverse ways to boost trade and investment. This is perhaps particularly so in the case of Australia, given the recent tariffs imposed on Australian goods by our chief trading partner, the People’s Republic of China.

Nevertheless, it can be clearly demonstrated that expanding trade and investment with Israel, including a potential free trade agreement, is not a wise decision.

As a UN member state Australia has a clear obligation to support UN decisions and engaging in a free trade agreement with Israel would be a flagrant breach of this obligation.

Australia also has its own legal obligations with respect to States engaging in violations of international law that are considered to be *jus cogens* or peremptory norms from which non derogation is required. Such violations include the denial of self-determination, forcible transfer, territorial annexation and apartheid, all being violations which the UN and the international community agree are being carried out by Israel against the Palestinians.

Israel and the UN; Some statistics

In 1949, Un Resolution 273 was approved by the General Assembly, admitting Israel to the United Nations, noting that Israel “unreservedly accepts the obligations of the United Nations

⁵ [Microsoft Word - A 75 532 advance unedited version.docx \(ohchr.org\)](#)

Charter and undertakes to honour them from the day when it becomes a member of the United Nations"

Since that time, Israel has consistently and with impunity ignored multiple UN resolutions calling upon it to deal justly with Palestinians.

A few of the vey many examples follow:

Security Council Resolution 242

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the [Charter](#),

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from [territories](#) occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right

,General Assembly Resolution 2443 (XXIII), Respect for and implementation of human rights in occupied territories, expressed "grave concerns" over Israeli violations of human rights in the occupied Palestinian territories, and called upon Israel to "immediately cease destroying Palestinian homes" and affirmed the right of return for displaced Palestinians.

<https://unispal.un.org/UNISPAL.NSF/0/1FE2116573C8CFBE852560DF004ED05D>

By 2020, in that year alone, the UN General Assembly (UNGA) adopted 17 resolutions against Israel, almost 3 times the number for the rest of the world. Far from singling out Israel, as it and its supporters frequently suggest, this is indicative of the gross and egregious violations of international law Israel that commits on a daily basis.

In December 2020 the Assembly demanded that Israel cooperate with the investigations of the Fourth Committee into Israeli policies and practices in the Occupied Territory of Palestine, especially its violations of the Geneva Convention.

The Assembly also approved text condemning Israel's settlement activities in the Occupied Palestinian Territory as violations of international humanitarian law. Additionally, the Assembly

continued to demand “the immediate and complete cessation of all Israeli settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian

<https://www.un.org/press/en/2020/ga12292.doc.htm>

By further terms, the Assembly called on all Member States not to recognize any changes to the pre 1967 borders, including with regard to Jerusalem, other than those agreed by the parties through negotiations. As such, agreements with Israel must not imply recognition of Israeli sovereignty over the territories occupied by Israel in 1967.

The Assembly adopted the resolution “The Syrian Golan” (document [A/75/L.29](#)), By its terms, it declared that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and demanded that Israel withdraw from the territory.

On December 2 2020, the Assembly called on all Member States “not to recognize any changes to the pre 1967 borders, including with regard to Jerusalem, other than those agreed by the parties through negotiations. As such, agreements with Israel must not imply recognition of Israeli sovereignty over the territories occupied by Israel in 1967.”

<https://www.un.org/press/en/2020/ga12292.doc.htm>

Yet, in clear disregard of these and every other UN resolutions, Israeli settler expansion continues in the Occupied Territories, Palestinian homes are still routinely destroyed by the Israeli military, Palestinians are still not granted the right of return, essentials such as electricity and water are unfairly rationed, Palestinian freedom of movement is restricted and Palestinians living in Israel are denied the rights and privileges of their Israeli counterparts.

Expansion of illegal settlements in the Occupied Territories

Benjamin Netanyahu’s plans to continue annexation of the occupied West Bank have received international condemnation and are in violation of the Fourth Geneva Convention, which states that an occupying power “shall not deport or transfer parts of its own civilian population into the territory it occupies”.

In complete disregard of this convention, Israel continues to expand illegal settlements in Occupied Territory.

In a statement in January 2021 the UN Secretary General, Antonio Guterres, urged the Israeli Government to “*halt and reverse*” such decisions, calling them “*a major obstacle to the achievement of the two state solution and a just and lasting peace.*”

He further reiterated that the establishment of Israeli settlements in the territory occupied by Israel since 1967 “has no legal validity and constitutes a flagrant violation under international law.”

Mr. Guterres also said that “Settlement expansion increases the risk of confrontation, further undermines the right of the Palestinian people to self-determination, and further erodes the possibility of ending the occupation and establishing a contiguous and viable sovereign Palestinian State, based on the pre-1967 lines.

The Israeli group Peace Now documents all settlements in the Occupied Territories and quotes these figures for construction in the West Bank during 2020:

- *11 New settlement outposts (illegal agriculture farms) were established in 2020, all of them in areas that Israel will need to evict under a two-state solution (east of [the Geneva Initiative](#) proposed border).*
- *2,433 new housing units began construction in 2020.*
- *Yearly average of construction since Trump’s administration (2,308 units) is 28% higher than the yearly average under Obama’s administration (1,807 units).*
- *Nearly 63% (1,534 housing units) of the new construction was in settlements east of the proposed [Geneva Initiative](#) border, i.e. settlements likely to be evacuated in a two-state agreement.*
- *The vast majority of new construction, 92% (2,225 housing units), was for permanent structures, while the remainder was mobile homes both in outposts and in settlements.*
- *63 new public buildings (such as schools, synagogues etc.) started to be built, 7 of them in outposts, alongside 197 structures for industry or agriculture*

<https://peacenow.org.il/en/settlements-watch/settlements-data/population>

Expanded Australian trade and investment with Israel would normalise illegal Israeli settlements and brand Australia as a corrupt and complicit partner.

Destruction of Palestinian homes.

In an egregious display of arrogance and disregard for international law, in February 2021, the Israeli military destroyed a Palestinian community, home to 60 people, more than half of them children. The money for the destroyed buildings had been donated by the Government of Ireland, as part of a European Union umbrella group. Over the last three months, nearly 70 structures provided to the community as EU aid have been destroyed or seized, according to the European Commission. The area is part of land seized by Israel in 1967 and never returned, despite repeated international urging to do so. Source <https://www.irishtimes.com/news/world/europe/israel-destroys-irish-aid-to-palestinian-village-community-1.4489881>

The Israeli human rights group, B'Tselem, reports that in 2020, Israeli authorities demolished 729 Palestinian buildings. "Israel has displaced by its policies 1,006 Palestinians, including 519 minors, after the demolition of 273 homes." "This figure was the highest year on record", since B'Tselem started collecting data.

The report went on to say that Israel "demolished 456 structures for non-residential purposes, including vital humanitarian facilities and installations such as water and electricity networks."

Illegal settlements not only bring demolitions, they bring violence. United Nations human rights experts have warned that violence, including assaults and property destruction, by Israeli settlers against Palestinian civilians in the occupied West Bank has increased substantially in recent months.

During the first three months of 2021, more than 210 settler violent incidents were recorded, including one Palestinian death, they said.

The alert follows 771 incidents of settler violence causing injury to 133 Palestinians and damaging 9,646 trees and 184 vehicles, "mostly in the areas of Hebron, Jerusalem, Nablus and Ramallah", the experts said, citing data gathered by the UN Office for the Coordination of Humanitarian Affairs ([OCHA](#)).

Intimidation

Special Rapporteur, Mr. Michael Lynk, speaking about the human rights in the Palestine Territory occupied since 1967, said that settler violence was "*ideologically motivated and primarily designed to take over land but also to intimidate and terrorize Palestinians*"

Rationing of Electricity and Theft of Water

In 1992, the UN produced a document "Prepared for, and under the guidance of the Committee on the Exercise of the Inalienable Rights of the Palestinian People."

This reported that "*Under conditions of Israeli military occupation, however, water resources of the occupied Palestinian territory are being diverted and used at an alarming rate by Israel, the occupying Power, at the expense of the Palestinian people. Severe restrictions on drilling for water, planting and irrigation and such Israeli practices as the felling of productive trees and the destruction of crops have diminished or maintained at a low level the amount of water made available to the Palestinian population. Israeli policies ensure that most of the water of the West Bank percolates underground to Israel and settlers are provided with increasing access to the water resources of the occupied Palestinian territory. As a consequence, a "man-made" water crisis has been brought about which undermines the living conditions and endangers the health situation of the Palestinian people*".

The Israeli information centre for human rights in the Occupied Territories, B'tselem, documents the degree to which Israel uses international water for their own use and lays bare the degree to which water is available to illegal Israeli settlers and simultaneously denied to Palestinians.

*“The discrimination in use of the resources shared by Israel and the Palestinian Authority is clearly seen in the figures on water consumption by the two populations: average water consumption in the West Bank for household, municipal, and industrial use is only approximately 26 cubic meters/person/year - approximately **70 liters per person a day**.*

*. The average Israeli consumes for household and municipal use approximately 103 cubic meters/person/year - **282 liters per person a day**. In other words, average use per person in Israel is four times higher than consumption in the Occupied Territories. “*

Displaced Persons

The total number of displaced Palestinians worldwide is 7.1 million, including 6.6 million refugees and 427,000 Internally Displaced People. Many live in refugee camps and have done so since their forced expulsion in 1948. One such example is the village of Tarshiha, where the occupants were forced from their homes at gunpoint or fled, in terror. Ma'alot/Tarshiha now lies in northern Israel, while its former inhabitants still languish in refugee camps. Those who were babies at the time now raise their own children there, living in the twilight world of Limbo. They are Stateless and thus do not receive the customary benefits from their native country or the country hosting the refugee camp.

The situation of the internally displaced Palestinians is discussed separately in a later section of this paper.

Restriction of Movement

In 1975, by its resolution 3376, the UN General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP), and requested it to recommend a programme of implementation to enable the Palestinian people to exercise their inalienable rights to self-determination without external interference, national independence and sovereignty; and to return to their homes and property from which they had been displaced.

Source <https://www.un.org/unispal/committee/>

Forty-six years later, Palestinians living in the Occupied Territories still do not have freedom of movement. In fact, with the building of the 708 km border wall, Palestinian freedom of movement is more restricted than ever.

In 2004, the International Court of Justice handed down its Advisory Opinion on the Wall stating: *“The Court considers that the construction of the wall and its associated régime create a “fait accompli” on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation.*⁶

⁶ [ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT - Full text - Question of Palestine \(un.org\)](#)

Palestinian “freedom of movement” or lack thereof, is completely controlled by the occupying power, Israel, and can be arbitrary and changeable. All areas of life are affected, both personal and corporate. Palestinians live in a state of uncertainty, the economy and standards of living are affected.

This harsh and illegal control draws criticism even from within Israel:

https://www.btselem.org/freedom_of_movement

International Convention on the Elimination of All Forms of Racial Discrimination,

We will now turn to Israel’s contravention of their legal obligations as a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination,.

Article 1

1. *In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

Article 2

1. *States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;*

One single example, provided below, exemplifies the way in which the Israeli Government brazenly flouts their international obligations under this Convention. Any support given to Israel by Australia normalises and condones such disregard and makes Australia knowingly complicit in criminal behaviour.

Discrimination against Palestinians Living in Israel.

Rejection of “Equality Bill.”

On September 18, 2020 the Israeli parliament, the Knesset, rejected a bill intended to ensure full equality for all of Israel’s citizens, regardless of their ethnicity or religious affiliation.

Israel’s Arab citizens, who make up 20 per cent of the population, suffer from institutional discrimination, exclusion and hostility.

Despite the bill highlighting the need for human rights and democracy to be available to all in the Zionist state, it was rejected by a majority of the ruling coalition and opposition parties.

The text of the bill emphasised that democratic principles should be applied to all citizens in the state. Nevertheless it was comprehensively rejected, a clear breach international law

There should have been no need for this bill to come to the Knesset in the first place, as equal rights and freedom from discrimination should have been automatically been the law of the land. As these were not automatic privileges of basic humanity, one would have thought that the Knesset, the body responsible for laws ensuring freedom from discrimination, would have had sufficient representatives of sufficient moral fibre to uphold international law.

Australia must make known its opposition to such blatant disregard of a UN Convention to which both Australia and Israel are full States Party.

Discrimination in the distribution of the Covid-19 vaccine.

Israel has been internationally cited as an example of rapid and efficient vaccine distribution, with more than five million people vaccinated. Once again though, the stark disparity between treatment of Israelis and of Palestinians becomes obvious.

“The West Bank and Gaza Strip experience record-breaking numbers of infections and deaths, with **25** deaths per day and a positivity rate of about **30%**. The COVID-19 pandemic is a challenge for any healthcare system, including in the developed world. It is especially challenging for the Palestinian economy and health care system, already stifled by longstanding Israeli-imposed restrictions.”

Source Physicians for Human Rights: <https://www.phr.org.il/en/5-israeli-palestinian-organizations-demanding-israel-immediately-secure-a-uniform-supply-of-vaccines-to-the-palestinian-population/?pr=7749>

Medecins Sans Frontières reports that a person in Israel is 60 times more likely to receive the vaccine than a Palestinian.

<https://www.msf.org/stark-inequality-covid-19-vaccination-between-israel-and-palestine>

So far (early April 2021) 2,753 Occupied Palestinians have died from Covid-19, 1% of 259,133 Covid-19 cases.

As an occupying power, Israel has legal, moral and ethical responsibilities, which include combating any contagious diseases and epidemics.

Even if we leave aside the mountain of the moral, ethical and legal arguments, non-vaccination of Palestinians is epidemiologically shortsighted. By denying vaccination to Palestinians, Israel is in effect ignoring the nature of the Covid-19 virus, which is highly contagious, is spread rapidly and which mutates at an alarming rate. Daily contact occurs between Palestinians and pure practicality and pragmatism demonstrates that the best way to protect all citizens, both Israelis and Palestinians alike, is to vaccinate them all.

Not simply content with delaying vaccination to Palestinians, the Israeli Government also put Palestinian lives at risk from Covid-19 by demolishing a Palestinian corona virus testing site in the city of Hebron, south of the occupied West Bank.

The land is located in Area C, a part of the West Bank totally controlled by Israel, which almost never gives out building permits for Palestinian residents. Israeli settlers in the area, however, face no such problems.

The idea of the project was to ease pressure on hospitals in Hebron treating Covid-19 patients, which had reached full capacity.

Conclusion

Since 1948 Israel has practised systematic repression and discrimination against Palestinians in ways that are not morally justifiable and which are out of all proportion to the security reasons given. Their policies of segregation, discrimination and repression mirror the historical South African apartheid regimes, with the following effects.

Israeli control of water supply has led to staggering inequalities in consumption of water, in life expectancy and in child mortality rates. Palestinian consumption of water is below the WHO recommended daily levels and many Palestinian homes are without running water. There is a ten year gap in life expectancy between occupied Palestinians and settler Israelis, and average mortality rates for Palestinians under 5 years of age are 36 times higher than developed countries such as Japan.

Statistics from Amnesty International.

Such figures are the result of systematic policies levelled against the Palestinian people by the Israeli Government and military.

South African apartheid regimes were toppled by economic sanctions, by UN and international condemnation, and by internal pressure, actions which the Australian Government supported, in fervent opposition to apartheid.

In the same way, these very measures are now tools being used to end the illegal, repressive and discriminatory practices currently employed by Israel.

Australia must be very careful not to end up on the wrong side of history and to comprehensively damage our international reputation.

In June 2020, the United General Assembly issued a report which says, in part:

Today, apartheid is recognised as a crime against humanity in the Rome Statute¹⁶ and in the Apartheid Convention, ¹⁷giving rise to State responsibility and individual criminal responsibility. Accordingly, third States must prevent the crime of apartheid, punish its perpetrators, and adopt effective collective measures to bring the illegal situation to an end.

We therefore call on the Human Rights Council and all UN Member States⁷ to: •

Recognise Israeli laws, policies, and practices as enshrining an institutionalised regime of systematic racial domination and oppression over the Palestinian people as a whole, which amounts to the crime of apartheid; •

Refrain in their international relations from rendering aid or assistance in the maintenance of the illegal situation, including by opposing the US plan to further entrench the fragmentation of the Palestinian people;•

Call for the reconstitution of the UN Centre against Apartheid to monitor the implementation of the Apartheid Convention with the aim of bringing the illegal situation to an end.

As recently as April 28, the human rights group, Human Rights Watch, published a report titled “A Threshold Crossed, condemning actions and policies of the Israeli government, in relation to Palestinians and the occupied Palestinian territory, (described as OPT in the following excerpt from the report.)

On the basis of its research, Human Rights Watch concludes that the Israeli government has demonstrated an intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the OPT. In the OPT, including East Jerusalem, that intent has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid.

Israeli officials have also committed the crime against humanity of persecution. This finding is based on the discriminatory intent behind Israel’s treatment of Palestinians and the grave abuses carried out in the OPT that include the widespread confiscation of privately owned land, the effective prohibition on building or living in many areas, the mass denial of residency rights, and sweeping, decades-long restrictions on the freedom of movement and basic civil rights. Such policies and practices intentionally and severely deprive millions of Palestinians of key fundamental rights, including to residency, private property, and access to land, services, and resources, on a widespread and systematic basis by virtue of their identity as Palestinians.

The authors of the report have stipulated that “*The report draws on years of research and documentation by Human Rights Watch and other rights organizations, including fieldwork conducted for this report. Human Rights Watch also reviewed Israeli laws, government planning documents, statements by officials, and land records. This evidentiary record was then analyzed under the legal standards for the crimes of apartheid and persecution.*”

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

As a member of the United Nations, Australia is obligated to uphold international law and support UN resolutions. At the very least, we have a moral obligation to do so. To engage in

⁷ Underlining by author of this submission

expanded trade and investment with Israel would be to flout that obligation, to support and normalise Israeli repressive and discriminatory policies, to fly in the face of prevailing international opinion, to damage our international standing and to invite economic sanctions.

While this oppressive, inhumane and illegal situation continues, Australia should not, and indeed must not, enter into trade agreements of any sort with the Israeli Government.

A handwritten signature in black ink, appearing to read 'Lorel Thomas', with a horizontal line underneath.

Lorel Thomas

On behalf of Free Palestine Melbourne.