



Policy Brief:

Why Australia Should Recognise the State of Palestine

The objective of this policy brief is to provide professional legal, political, and moral arguments for Australia to recognise the State of Palestine. It will further be utilised as a tool for engagement between the Palestinian Delegation and the current ALP government.

Executive Summary

At the Australian Labor Party (ALP) National Conference in 2018, Labor passed a resolution that was later formally adopted into Labor's 2021 National Platform. This resolution:

- supports the recognition and right of Israel and Palestine to exist as two states within secure and recognised borders;
- calls on the next Labor Government to recognise Palestine as a state; and
- expects that this issue will be an important priority for the next Labor Government.

Recognising the State of Palestine would be monumental investment in securing a just and durable peace in the Middle East. The so-called 'Middle East Peace Process' has failed for 30 years because negotiations have been characterised by a stark imbalance of power between Israel (the occupier) and Palestine (the occupied), and Israel's intransigent rejection of any reasonable solutions to key final status issues (Jerusalem, settlements, refugees, security, water, and borders). Meanwhile, Israeli leadership has actively and systematically undermined the peace process and the viability of the two-state solution through continuous expansion of illegal settlements and persistent illegal annexation efforts, both *de facto* and *de jure*, in the Occupied Palestinian Territories, including East Jerusalem. Until Israel and Palestine are on equal diplomatic footing, the unjust status quo of occupation and annexation will continue indefinitely, and the two-state solution will soon disappear entirely. Full recognition of statehood would empower Palestine's position at the negotiating table enough for genuine peace negotiations to be made fair and productive, and to save the two-state solution. In the absence of any genuine peace process, a new approach based on principles of international law and international legitimacy is urgently needed. This is particularly crucial at a time when Israel's extremist right-wing government is escalating its grave human rights violations and violent incitement against the Palestinian people to unprecedented levels.

In the foreword to the ALP's 2021 National Platform, Prime Minister Anthony Albanese writes that Labor's historic task has been "to advance an agenda of fairness, and the creation of a better society, a better nation and a better world." Recognising the State of Palestine aligns directly with this commitment, with international law and legitimacy, and Australian values of respect for human rights, dignity, justice, and equality. It is time for the ALP Government to abide by its legal and moral obligations, and deliver on its promise to recognise Palestinian statehood. This is an opportunity to demonstrate principled leadership, and to align Australia with international consensus, by joining the 139 countries that have already recognised the State of Palestine.



Summary of Arguments: Why Australia Should Recognise the State of Palestine

1. To align with global consensus;

By recognising the State of Palestine, Australia would be joining a growing global consensus of 139 countries which have already done so, including like-minded states such as Sweden and the Vatican, and key partners to Australia such as Indonesia, Papua New Guinea, India, and Türkiye.

2. To align with the Australian public;

The Australian public and civil society have expressed clear, widespread support for recognising Palestinian statehood, with over half of Australians agreeing that Palestine should be recognised as an independent state and only 9% opposing the concept in a 2022 survey. Labor Party grassroots movements and state branches have also repeatedly endorsed and reaffirmed the ALP National Platform position calling to recognise Palestine as a state, most recently in motions passed at the respective Labor Party State Conferences in Queensland and Victoria.

3. To save the two-state solution;

For 30 years since the Oslo Accords, bilateral negotiations between Israel and Palestine have failed to deliver any substantial outcomes due to Israel's blanket rejection of Palestinian self-determination and utter intransigence towards negotiating key final status issues (Jerusalem, settlements, refugees, security, water, and borders). Meanwhile, Israel continues to actively, systematically undermine the viability of the two-state solution through relentless annexation efforts, both *de facto* and *de jure*, that are detrimental to the territorial contiguity of the State of Palestine. The continuation of Israel's illegal colonial settlement program alone demonstrates that Israeli leadership is not interested in the prospect of a peaceful coexistence between two states. In the absence of a genuine peace process, the unjust status quo of annexation and settlements will continue until the two-state solution is rendered entirely unviable. The result will be a one-state reality; either that of an apartheid state, which is unacceptable to the Palestinian people and international community, or a non-Jewish democratic state with a majority Palestinian population, which is unacceptable to Israel. Other solutions are blatantly immoral, and would involve either the ethnic cleansing of Palestinians, or the continuation of Israel's *de facto* annexation of Palestinian land.

4. To secure a just and durable peace;

Bilateral negotiations between Israel (the occupier) and Palestine (the occupied) are characterised by a stark power imbalance at the negotiating table. Negotiations conducted on such unequal terms cannot resolve the final status issues (Jerusalem, settlements, refugees, security, water, and borders), as Israel is able to maintain its position of total intransigence while systematically undermining the two-state solution, with no accountability. Australia recognising the State of Palestine would empower Palestine's position considerably, and would be a significant step towards balanced negotiations and a just and durable peace.

5. To align with international law and international legitimacy;

The right of the Palestinian people to self-determination is a basic human right and a fundamental principle of international law, enshrined in the United Nations Charter and other legally-binding international treaties and covenants that Australia is party to. This right has also been affirmed by countless relevant United Nations resolutions. Palestine meets all



of the legal requirements for statehood, as outlined by the 1933 Montevideo Convention on the Rights and Duties of States; Palestine has (a) a permanent population, (b) a defined territory, (c) a government, and (d) a proven capacity to enter into relations with other states. Palestinian statehood is also supported by the constitutive theory that statehood is predicated upon recognition by other states, as the State of Palestine has received formal recognition from 139 countries since declaring independence in 1988.

6. To fulfil Australia's moral responsibility;

H.V Evatt, former Leader of the Australian Labor Party, was instrumental in the development and adoption of the UN Partition Plan as Chairman of the UN Ad Hoc Committee on the Palestinian Question in 1947. The Partition Plan was rejected by the majority of Palestinians for its blatant unfairness (55% of Palestine was allocated for the creation of a Jewish state, despite Jews only representing one-third of the total population) and civil unrest followed its adoption by the UNGA in 1947. The situation escalated into full-scale war in 1948. The Partition Plan explicitly forbids the expropriation of land owned by either state but, by the end of the war, Zionist armed forces had seized 78% of historic Palestine for the newly-established Israeli state, and forcefully displaced over 750,000 Palestinians from their homes.

Evatt has cited his belief in the “justice of the Jewish case” as his motivation for the role he played in spearheading the Partition Plan, however, as expressed by former ALP Foreign Minister Gareth Evans, “the righting of a grievous wrong done to Jewish people does not justify a grievous wrong done to Palestinian people”. Given Evatt’s legacy, Australia has a specific and direct moral responsibility to the Palestinian people. Recognising the State of Palestine is the least Australia can do to right this historical wrong, and to secure the statehood which was promised to the Palestinian people by the UN Partition Plan.

7. To show principled leadership, as a good international citizen;

Being a good international citizen requires compliance with international law, support for multilateralism, a willingness to pitch in to international tasks, and international good deeds. Australia has a further duty to assist burdened societies with not only short-term solutions, but long-term development and state-building efforts.

8. To align with Australian values;

Recognising the State of Palestine is a human rights issue. In June 2023, the UN Special Committee to Investigate Israeli Practices found, “the clearest evidence it has seen in its 55-year history of Israeli policies that systematically violate the human rights of the Palestinian people,” and UN experts report, “decades of record-high numbers of Palestinian deaths and injuries in the occupied territory.” Israel’s brutal 16-year blockade of the Gaza Strip is ongoing, and ultranationalist Israeli Ministers have been openly calling to wipe out Palestinian villages and assassinate “thousands” of Palestinians. Recognising the State of Palestine would send a powerful message that Australia does not condone Israel’s ongoing gross human rights violations, aligning with Australia’s long-held commitment to upholding international principles and values of human rights, justice, dignity, equality.

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