

Ministerial Submission

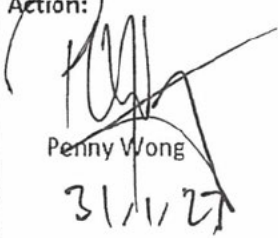
s 47E(d)

Cleared by: Marc Innes-Brown  
Date sent to MO: 25 January 2023

FOR: Senator the Hon Penny Wong

Action Requested By: 1 February 2023  
Reason for Urgency: N/A

Israel: Letter of congratulations to new Israeli Foreign Minister

<p>Key Issues: Likud Member of the Knesset (MK) Eli Cohen has been appointed Foreign Minister in Benjamin Netanyahu's new Israeli government. <b>s 33(a)(iii)</b> <b>s 33(a)(iii)</b></p> <p style="text-align: right;">we recommend you take</p> <p>the opportunity to signal our opposition to unilateral actions that undermine the prospects of a two-state solution <b>s 33(a)(iii), s 33(b)</b></p>	
<p>Recommendation: That you:</p> <p>a) <b>s 33(a)(iii)</b></p>	<p>Decision:</p> <p><u>Signed / Not Signed</u></p>
<p>Domestic/Media Considerations: NIL</p> <p>Action:</p> <p> Penny Wong 31/1/23</p>	
<p>From: Marc Innes-Brown, SGG   FAS MAD <b>s 22(1)(a)(ii)</b></p>	<p>Contact: <b>s 22(1)(a)(ii)</b> <b>s 22(1)(a)(ii)</b></p>
<p>Can this proposal be funded from within your existing <u>divisional</u> allocation (departmental/aid)? Not Applicable If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable</p> <p><b>s 47E(d)</b></p>	



s 47E(d)

**Background:**

Member of the Knesset (MK) Eli Cohen has been appointed Foreign Minister of Israel, under a rotating arrangement that will see him hand the portfolio to fellow MK Yisrael Katz after one year. s 33(a)(iii)

Cohen is from Netanyahu's party Likud.

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 47C, s 47E(d)

4. On 30 December 2022, the UN General Assembly adopted the Palestinian-drafted Resolution 77/247 *Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem* (87Y-26N-53A), which included a request for the ICJ to issue an Advisory Opinion on Israel's occupation of and activities in the Palestinian Territories. Australia voted against, as did Canada, the United Kingdom and the United States. New Zealand abstained. Our Explanation of Vote (Attachment B) conveyed our longstanding stance that the advisory jurisdiction of the ICJ should not be used for bilateral disputes and that referring the matter to the Court would be unhelpful in bringing the parties together for negotiations.

5. s 33(a)(iii), s 33(b)

6s 33(a)(iii)



Pages 3-4 redacted under s 33(a)(iii)

Pages 5-6 redacted under s 33(a)(iii) and s 33(b)





Ministerial Submission

s 47E(d)  
 Cleared by: Gemma Huggins  
 Date sent to MO: 27 February 2023

FOR: Senator the Hon Penny Wong  
 INFO: The Hon Tim Watts MP

Action Requested By: 10 March 2023  
 Reason for Urgency: Not applicable

Israel/Palestinian Territories: responding to developments of concern

**Key Issues:** Tensions in Israel and the Palestinian Territories are increasing, with further violence, an expansion of Israel's settlement enterprise and more civilian deaths expected. A more active approach to responding to developments, coupled with a more forward leaning public stance on the issue of settlement activity, would be consistent with our opposition to actions that undermine a two-state solution. s 33(a)(iii), s 33(b), s 47E(d)

We will continue to consult your office on events which warrant ministerial comment. s 33(a)(iii), s 33(b), s 47E(d)

<p><b>Recommendation:</b>                  That you:</p> <p>a) s 47C, s 47E(d)</p> <p>b) Agree Australia refer publicly to Israeli settlement activity as illegal under international law, consistent with UN Security Council Resolution 2334.</p>	<p><b>Decision:</b></p> <p><i>[Handwritten mark]</i></p> <p><u>Agreed / Not Agreed</u></p>
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**Domestic/Media Considerations:** s 47C, s 47E(d)

**Action:** *[Signature]* s 47E(d)  
 Penny Wong  
 3/1/23

<p><b>Information:</b></p> <p>Tim Watts</p> <p>/ /</p>	<p><u>Noted</u></p> <p><i>[Handwritten mark]</i></p>
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**From:** Gemma Huggins, SSG | A/g FAS MAD s 22(1)(a)(ii)  
**Contact:** s 22(1)(a)(ii), MEB s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable  
 If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

s 47E(d)



s 47E(d)

**Background:**

s 33(a)(iii)

s 47C, s 47E(d)

3. s 47C, s 47E(d)

A principled and consistent approach would bring coherence to our outreach on the peace process and help align our support for a two-state solution and opposition to actions which undermine it. s 47C, s 47E(d)

4. s 33(a)(iii), s 47C, s 47E(d)

—widely accepted as unlawful under international law (paper at Attachment B) and a significant impediment to a future Palestinian state. s 47C, s 47E(d)

Such an approach is consistent with UN Security Council Resolution 2334, which reaffirms settlements are a violation of international law.

5. s 33(a)(iii), s 47C, s 47E(d)

The UK and EU are explicit in calling settlements illegal under international law and do so regularly.

6. s 33(a)(iii), s 47C, s 47E(d)



Pages 9-11 redacted under s 33(a)(iii), s 47C and 47E(d)



## ISRAELI SETTLEMENTS

Every Israeli government since 1967 has expanded settlements in the West Bank (and East Jerusalem). There are now 279 settlements and outposts with over 700,000 residents. There are no longer settlements in Gaza. In 2021-2022, there was a 51 per cent increase in the promotion of housing unit plans in settlements compared to 2012-2020, coupled with an increase in demolitions of Palestinian structures (35 per cent more in Area C of the West Bank and 59 per cent in East Jerusalem). The UN reported a 42 per cent increase in violent settler incidents

s 33(a)(iii), s 47C, s 47E(d)

In the longer-term, settlement activity further undermines a two-state solution by making the division of land harder, practically and politically. s 33(a)(iii), s 47C, s 47E(d)

Settlements are widely accepted as unlawful under international law. Successive UN Security Council resolutions have said settlements have no legal validity and constitute a flagrant violation under international law. s 33(a)(iii), s 47C, s 47E(d)

Having abstained from 2013 to 2021, we voted 'yes' on the UNGA resolution *Israeli settlements* in 2022. We voted 'yes' from 2008 to 2012 and 'no' prior to 2008. The resolution reaffirms Israeli settlements are illegal and an obstacle to peace. Many other resolutions address settlements, including *Jerusalem*, which goes to a vote again in 2023.

s 33(a)(iii), s 47C, s 47E(d)





# Ministerial Submission

s 47E(d)

Cleared by: Gemma Huggins  
Date sent to MO: 1 March 2023

FOR: Senator the Hon Penny Wong  
INFO: The Hon Tim Watts MP

Action Requested By: 3 March 2023  
Reason for Urgency: To inform approach to negotiations and ahead of 3 March Interactive Dialogue

## Israel/Palestinian Territories: Human Rights Council 52

**Key Issues:** The human rights situation in Israel and the Palestinian Territories will be discussed at the upcoming Human Rights Council session under Item 7: *Human rights situation in Palestine and other occupied Arab territories*; and under Item 2, when the High Commissioner presents his report on the human rights situation in the Occupied Palestinian Territory. We have long held a principled opposition to Item 7 and refused to engage on the basis a standalone item focused on a single country situation is inappropriate. Item 2 is an appropriate forum for addressing country situations, and we recommend delivering a national statement (**Attachment A**) and observing negotiations on the Item 2 resolution on human rights in the Occupied Palestinian Territory. s 33(a)(iii), s 47E(d), s 47C

**Recommendation:**

That you:

- a) Agree to maintain Australia's principled opposition to Item 7 by not engaging on the item.
- b) Agree Australia deliver a national statement on Israel and the Palestinian Territories during Item 2 in response to the High Commissioner for Human Rights' report on the human rights situation in the Occupied Palestinian Territory, scheduled for 3 March (draft at **Attachment A**).
- c) s 33(a)(iii), s 47C, s 47E(d)
- d) s 33(a)(iii), s 47C, s 47E(d)

**Decision:**

~~Agreed~~ / Not Agreed

~~Agreed~~ / Not Agreed

~~Agreed~~ / Not Agreed

Noted

s 47C, s 47E(d)

Penny Wong

3/8/23

s 47C, s 47E(d)

Information: Noted

Tim Watts

/ /

From: Gemma Huggins, SSG | MAD | AS MEB  
s 22(1)(a)(ii)

s 47C, s 47E(d)

Contact: s 22(1)(a)(ii),  
Dir LVS, MEB, s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable  
If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

s 47E(d)

The. [Signature]



**Background:**

At its 52nd session in February-March, the Human Rights Council (HRC) will consider Israel under Item 7: *Human rights situation in Palestine and other occupied Arab territories*—the only agenda item on a single country situation—and Item 2, when the High Commissioner for Human Rights presents his report on the situation in the Occupied Palestinian Territory (OPT). s 33(a)(iii), s 47C

As an observer only, Australia cannot vote. But we can exert influence by delivering national and/or joint statements on thematic or country issues, engaging in negotiations on text, and co-sponsoring resolutions.

2. We have not engaged with Item 7 since its inception (2006) and voted against each resolution tabled under the item when on the HRC from 2018-2020. In late 2022, we reaffirmed our principled opposition to Item 7 in national statements on the Commission of Inquiry into the human rights in the OPT (COI), criticising the HRC's disproportionate focus on Israel via Item 7. s 33(a)(iii), s 33(b)

3. Item 2, under which the High Commissioner addresses the full range of country-specific situations, is different. We recommend delivering a national statement during the Interactive Dialogue with the High Commissioner on his report on the situation in the OPT (draft at Attachment A). We have not previously issued a statement in response to the report, although we delivered national statements under Item 2 in response to the COI's first report (June 2022) and at the special session that established the COI (May 2021). Both were critical of the COI's open-ended mandate and the disproportionate focus the HRC brings to Israel.

s 33(a)(iii), s 47C, s 47E(d)





# Ministerial Submission

s 47E(d)

Cleared by: Michelle Chan  
Date sent to MO: 22 May 2023

**FOR:** Senator the Hon Penny Wong  
**INFO:** Senator the Hon Don Farrell  
The Hon Tim Watts MP

**Action Requested By:** 5 June 2023  
**Reason for Urgency:** Nil

## Australia's participation in advisory proceedings of the International Court of Justice regarding legal consequences of Israel's policies and practices in the Palestinian Territories.

**Key Issues:** On 30 December 2022, UNGA adopted a resolution requesting an advisory opinion from the ICJ on the legal consequences of Israel's policies and practices in the Palestinian Territories. Australia voted against the resolution and issued an Explanation of Vote conveying our longstanding position that the ICJ's advisory function should not be used to resolve bilateral disputes, and that the referral would not support peace negotiations. The ICJ has invited statements from States. **s 33(a)(iii), s 33(b)**  
**s 33(a)(iii), s 47C, s 47E(d)**

**s 33(a)(iii), s 47C, s 47E(d)**

**Decision:**

Noted

Noted

Noted

Agreed / Not Agreed

**Domestic/Media Considerations:** We expect positive and negative media regardless of the decision made.

**Action:** **s 47E(d)**

Penny Wong  
8/6/23

Thc. [Signature] 8-6

**Information:**

Noted

Don Farrell  
/ /

Tim Watts  
/ /

**From:** Gemma Huggins, AS MEB, SGG | MAD | Middle East Branch **s 22(1)(a)(ii)**  
Harry Aitken, a/g AS ILB, ISG | LGD | International Law Branch **s 22(1)(a)(ii)**

**Contact:** **s 22(1)(a)(ii)**  
**s 22(1)(a)(ii)**

**Can this proposal be funded from within your existing divisional allocation (departmental/aid)?** Not Applicable

**If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board?** Not Applicable

**s 47E(d)**



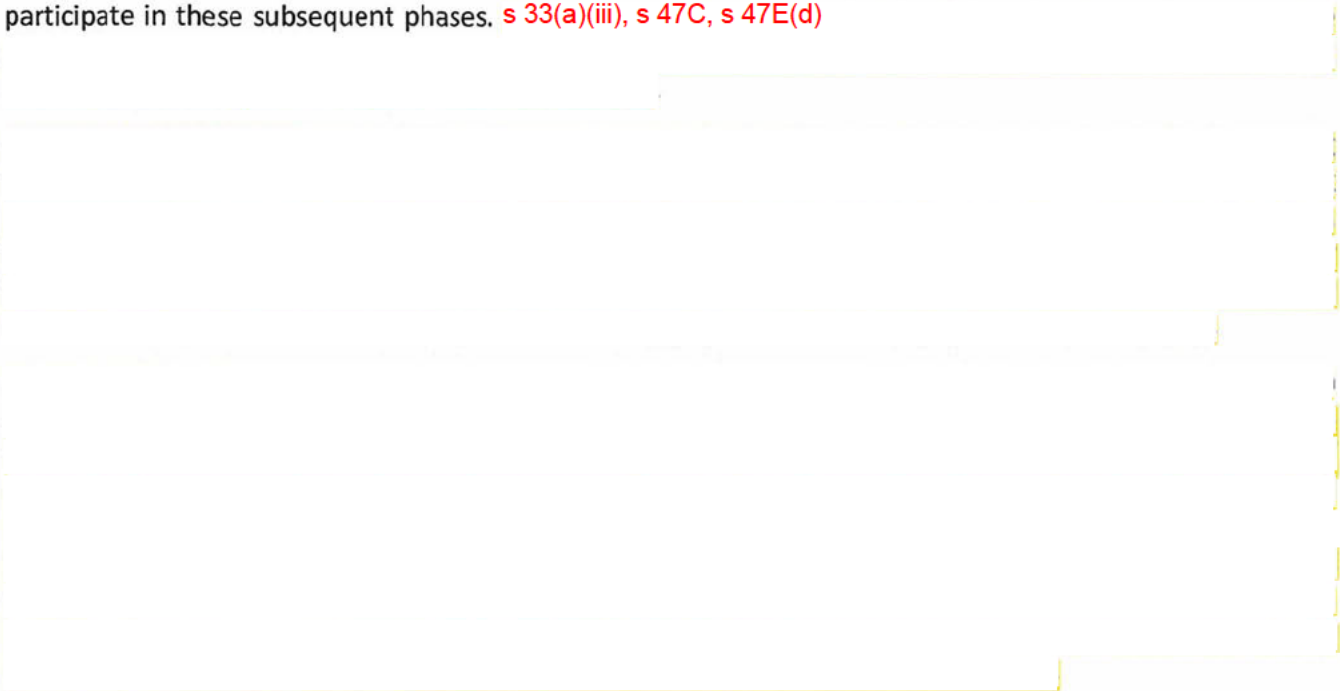


**Background:**

On 30 December 2022, at the instigation of the Palestinians, UNGA adopted Resolution 77/247 (**Attachment A**) requesting an advisory opinion (AO) from the International Court of Justice (ICJ) on two questions: the legal consequences arising from Israel’s occupation, settlement, and annexation of Palestinian territory; and the legal status of the occupation, and legal consequences of this status for all states and the UN.

2. Resolution 77/247 was supported by 87 states, with 53 abstaining, and 26 voting against it, including Australia, Canada, the United Kingdom (UK), and the United States (US). Australia delivered an Explanation of Vote (EOV) (**Attachment B**) that conveyed our longstanding position that the ICJ’s advisory jurisdiction should not be used to address bilateral disputes, and the referral would be unhelpful in bringing the parties together for peace negotiations. Although it has discretion, the ICJ has never declined a request for an AO.

3. On 3 February 2023, the ICJ invited states and international organisations to file written statements on the questions by **25 July 2023** and, for those that do so, to comment on statements by others by **25 October 2023**. The ICJ may also set an oral hearing. If Australia does not file a statement by 25 July, we would be unable to participate in these subsequent phases. s 33(a)(iii), s 47C, s 47E(d)



s 33(a)(iii), s 33(b)



s 33(a)(iii), s 47C, s 47E(d)









### Ministerial Submission

s 47E(d)

Cleared by: Michelle Chan

Date sent to MO: 3 May 2023


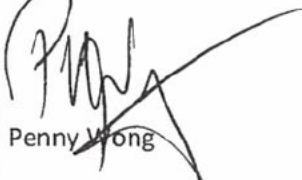
Action Requested By: 4 May 2023

Reason for Urgency: FM-FM phone call may refer to subject matter

FOR: Senator the Hon Penny Wong

INFO: The Hon Tim Watts MP

s 33(a)(iii), s 47C, s 47E(d)

	  <u>Noted</u>
<p>Action:</p>  Penny Wong 7/5/23	
<p>Information: <span style="float: right;"><u>Noted</u></span></p> Tim Watts / /	
From: Ridwaan Jadwat, SGG   MAD   Middle East Branch s 22(1)(a)(ii)	Contact: Gemma Huggins s 22(1)(a)(ii)
Can this proposal be funded from within your existing <u>divisional</u> allocation (departmental/aid)? Yes If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable	
s 47E(d)	





s 47E(d)

**Background:**

Next year will mark 75 years since the establishment of diplomatic relations between Australia and Israel. Australia was the first country to vote in favour of the 1947 UN resolution that ultimately led to the creation of the State of Israel, and we subsequently established diplomatic ties in 1949. s 47C, s 47E(d), s 33(a)(iii)

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 47C, s 47E(d)

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 47C, s 47E(d)

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 47C, s 47E(d)





Australian Government  
Department of Foreign Affairs and Trade



PDR ID: s 47E(d)

Senator the Hon Penny Wong

Introductory/congratulatory call: Israeli Foreign Minister Eli Cohen

3:30pm, Wednesday, 21 June 2023

**Purpose:** s 33(a)(iii)

reiterate that Australia has been a longstanding friend to Israel; and convey messages on escalating violence, settlements and other unilateral actions that undermine the prospects of peace.

s 47E(d)

s 47C, s 47E(d)

s 33(a)(iii), s 47C, s 47E(d)

s 47C, s 47E(d)

Prepared by: s 22(1)(a)(ii)

Cleared by Ridwan Jadwat, SGG | MAD

Date cleared: 21 June 2023 20  
June 2023

s 47E(d)





## Background

**Eli Cohen** has been Foreign Minister since 29 December 2022. He was earlier Minister of the Economy (2017) and Minister of Intelligence (2020). He is in a rotating arrangement with Likud's Israel Katz, who will take over for two years from December 2023, before Cohen returns in 2026.

s 33(a)(iii), s 47C, s 47E(d)

s 33(a)(iii), s 33(b)

**Four Israelis were killed** and another four were wounded by Palestinian gunmen in a shooting near the central West Bank settlement of Eli on 20 June. HOM Tel Aviv (Ralph King) tweeted his condolences to the victims and condemned such attacks.

Israel's government is pursuing **policies that have been contentious**, particularly on judicial reform and settlements. The reforms would give the government greater control in selecting judges and allow a Knesset majority to overturn Supreme Court decisions. On 27 March, PM Netanyahu announced he would 'pause' the judicial overhaul legislation until after Passover. Negotiations on next steps are ongoing, brokered by President Herzog, although as yet no agreements have been reached. The most recent negotiations commenced on 16 May. However, as of 19 June, weekly protests have entered their 24<sup>th</sup> week and show no signs of ending, and there have been large counter-protests too.

**Tensions have been high** in Israel and the Palestinian Territories in 2023, following a series of terrorist attacks, fatal Israeli security operations in the West Bank, Israeli settlement activity and events at the holy sites. You have issued a series of tweets, and a statement on 9 April that condemned violence, recognised Israel's right to defend itself, called on all parties to 'foster the conditions necessary for tolerance and peace' and said, 'security operations must be proportionate and in accordance with international law.'

Violence in Gaza (rocket attacks against Israel following the death of Khader Adnan on 2 May; then Israel's Operation Shield and Arrow targeting Palestinian Islamic Jihad leaders and further rocket fire from Gaza in response) continues the **worrying perpetuation of violence**. You tweeted on 10 and 11 May, expressing concern at the deaths of civilians in Israeli strikes, conveying respect for Israel's right to defend itself, and expressing the need for de-escalation and restraint. A ceasefire brokered by Egypt came into force on 13 May and appears to be holding. However, since the beginning of June, sporadic episodes of violence s 33(a)(iii) continue to threaten the security situation.



s 33(a)(iii)

Most recently

on 18 June, approval was given for thousands of new housing units in the West Bank. The Knesset also passed new laws to allow the Finance Minister (Bezael Smotrich) to expedite the construction of settlements, bypassing the existing six-stage process.

In December 2022, UNGA requested **the ICJ render an advisory opinion** on two questions related to the legal consequences of Israel's occupation of the Palestinian Territories and the legal status of the occupation. We voted against the Resolution because we did not support a referral to the ICJ nor endorse the broader resolution's clear bias against Israel. s 33(a)(iii), s 33(b)

The **Commission of Inquiry** (COI) into human rights in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, was established at the special session of the Human Rights Council (HRC) in May 2021. It subsequently handed down two reports finding, among other things, that 'there are reasonable grounds to conclude that the Israeli occupation... is now unlawful under international law.' The COI's third report was released in mid-June ahead of the June-July HRC session and is focused on restrictions on civil society and actions by Israel, the Palestinian Authority, and the de facto authorities in Gaza (i.e., Hamas). s 33(a)(iii), s 47C, s 47E(d)

Israel underwent its **Universal Periodic Review** at the Human Rights Council on 9 May. Australia delivered a statement calling on Israel to abandon pursuit of legislation to expand the use of the death penalty; halt expansion of settlements; comply with its international law obligations as an occupying power and cease punitive and collective punishments, such as evictions and home demolitions.

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 33(b)

On 6 June, the **Greens adopted a new policy position 'on Palestine and Israel'** calling upon the Australian Government to act against Ministers Bezael Smotrich and Itamar Ben-Gvir 'for their role in increasing violence against Palestinians'. The statement referenced earlier comments made by Smotrich that 'there is no such things as a Palestinian people' (19 March) and that the Palestinian town of Huwara should be 'erased' (1 March).

A feasibility study on a **possible FTA** between Australia and Israel was completed in 2021 and there have been preliminary discussions at the ministerial and official level. s 47C, s 47E(d), s 33(a)(iii)

Speaker of the House, **Milton Dick** is due to visit Israel from 16 to 21 July accompanied by:

- Dr Michelle Ananda-Rajah MP
- Ms Tania Lawrence MP
- Mr Ross Vasta MP
- Ms Zoe Daniel MP

s 47F(1)

Post and DFAT Canberra have reached out to IPRO offering support for the visit s 33(a)(iii), s 47C, s 47E(d)

\_\_\_\_\_ Dates for the  
reciprocal visit to Australia are not yet confirmed s 47C

s 33(a)(iii), s 33(b), s 47C, s 47E(d)



Australian Government  
Department of Foreign Affairs and Trade



PDR ID: s 47E(d)

Senator the Hon Penny Wong

Meeting with Israeli Ambassador, HE Amir Maimon

3:30pm, Thursday, 3 August 2023, Parliamentary Office

s 33(a)(iii), s 33(b)

Prepared by: s 22(1)(a)(ii)

Cleared by Gemma Huggins, a/g FAS ISG | MAD |  
Middle East Branch

Date cleared: 03 August 2023 3  
August 2023

Consultation:



s 33(a)(iii), s 33(b)

### Background

FAS MAD, Ridwaan Jadwat, participated in Senior Officials Talks (SOTs) with Israeli counterparts in Jerusalem on 31 July 2023.

#### Key outcomes

- These were the first in-person SOTs in some time, and a key high level bilateral engagement.
- The SOTs presented a good opportunity for Australia to reiterate our positions on the Israeli-Palestinian conflict and concern about ongoing violence.
- They involved for the first time a dynamic and substantive discussion with Israel s 33(a)(ii), s 33(b)

- 



*Issues raised - bilateral*

s 33(a)(iii), s 33(b)

[Redacted text block]

*Multilateral*

s 33(a)(iii), s 33(b)

[Redacted text block]

*Trade, economic and education*

At SOTs, and in an earlier discussion between FAS MAD and Maimon, both sides agreed they were keen to boost trade and economic engagement, s 33(a)(iii)



s 47E(d)

s 33(a)(iii), s 33(b)

*Regional*

Israel noted that they were interested in learning more about the Indo-Pacific s 33(a)(iii), s 33(b)

[Redacted text block]

