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SUBMISSION TO FEASIBILITY STUDY ON STRENGTHENING TRADE AND INVESTMENT WITH ISRAEL

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CONTENTS

Context 2
Preamble 2
Trade between Israel and Australia should be conditional on Israel complying with international law 3
There should be no trade in goods and services produced in Israeli Settlements 4
There should be no military trade with Israel 5
To strengthen trade with Israel without similar measures for Palestine is discriminatory 7
Strengthened trade with Israel would undermine Australia's Labour rights commitments 8
Progress for concluding the recommendations 9
Conclusion 9
Appendix 1: Israel's Violations of International Law 11
Appendix 2: Australia's support for trade sanctions with respect to human rights 13
Appendix 3: Israeli Settlements and International Law 17
Appendix 4: Business with Israeli Settlements in the Occupied Palestinian Territories 19
Appendix 5: Details of Israel's Military Transgressions 21
Appendix 5: Elbit Systems and Elbit Systems of Australia 23
Appendix 7: International Trade Cooperation with the Occupied Palestinian Territories 25
Appendix 8: Australia's trade agreements and Labour Standards 27

CONTEXT

The Australian Palestinian Advocacy Network (APAN) thanks the Department of Foreign Affairs and Trade (DFAT) for the opportunity to lodge this submission as part of the feasibility study into strengthening trade and investment with Israel.

APAN is a national coalition advocating for Palestinian human rights, justice, and equality. Membership includes human rights groups, Jewish and Palestinian groups, aid and development agencies, and unions. Individual members come from many different backgrounds including religious leaders, academics, lawyers, former politicians, diplomats, and public servants.

Without any details of the proposed agreement to respond to at this stage, we take the opportunity in this submission to set out broadly some of our key concerns regarding this matter. Any proposal for strengthened trade and investment with Israel cannot be separated from the complex politics between Israel and Palestine, the occupation and ongoing colonisation of the West Bank and Gaza by Israel which runs counter to Australia's advocacy for the need for a negotiated two state solution, a solution which Australia continues to support.[1]

APAN acknowledges Israel is Australia's 45th largest two-way trading partner and 50th largest export market, with two-way trade amounting to $1.3 billion in 2019-2020, and urges the Department to consider whether the political cost of strengthening trade and investment with Israel would outweigh any potential economic benefits.

PREAMBLE

In a speech to the National Security College, Australian National University in June 2020, the Foreign Minister, Marise Payne, reaffirmed Australia's commitment to a "rules-based international order" and to multilateral rules that "preserve peace and curb excessive use of power" and to promote human rights and the rule of law.[2]

It is our contention that in pursuing strengthened trade with Israel including the possibility of a Free Trade Agreement, Australia is undermining the international rules-based order. As Israel's current policies are in clear violation of many instruments of international law, including a recent Security Council resolution, strengthening trade would legitimise, reinforce and normalise Israel's actions and policies.

We believe that Australia cannot selectively choose which violations of international law it responds to and those it does not. This will contribute to the erosion of the rule of law. Rather Australia should embark on economic and trade policy that is based on respect for human rights and the international rule of law.

[1] https://www.dfat.gov.au/geo/palestinian-territories/Pages/palestinian-territories
[2] https://www.foreignminister.gov.au/minister/marise-payne/speech/australia-and-world-time-covid-19

TRADE BETWEEN ISRAEL AND AUSTRALIA SHOULD BE CONDITIONAL ON ISRAEL COMPLYING WITH INTERNATIONAL LAW

Australia as a member of the United Nations has an obligation to support both General Assembly and Security Council resolutions**.** Israel is currently in breach of, or has been the subject of, many United Nations Security Council, General Assembly and Human Rights Council resolutions for violations that it has never taken action to remedy.

Since 1967, Israel has been the occupying power over the territory of Palestine (the West Bank, East Jerusalem, and the Gaza Strip). For a territory to be considered occupied, it must remain 'under the authority of the hostile army'. Israel's military presence in the West Bank, including East Jerusalem, and its blockade of Gaza satisfies the definition of 'effective control' and establishes Israel as the occupying power.[3]

Israel is a signatory to the Geneva Conventions, yet it fails to respect these Conventions. It remains bound by its international obligations in the territory it occupies and customary international humanitarian law as it applies in this context. It is also bound by international human rights law as party to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Israel continues to impose institutionalised discrimination against Palestinians living in Israel proper and the Occupied Palestinian Territories (OPT). Israel's violation of international law includes confiscation of land, exploitation of water resources, home demolitions, restrictions on freedom of movement of Palestinian persons and goods, administrative detentions and the harassment, physical mistreatment of Palestinian detainees and prisoners. Israel further continues to violate international law in the following areas: the construction and maintaining of the Separation barrier, enacting collective punishment, preventing Palestinian refugees from the right of return and the ongoing blockade of Gaza. Domestically, Israel has passed a racist and undemocratic 'Nation-State Law' which places Jewish collective rights above individual rights and freedoms, enshrines discrimination against minorities, runs counter to democratic values and undermines the principles of equality (see Appendix 1).

This year two major human rights groups (Israeli preeminent human rights group, B'Tselem, and Human Rights Watch) have released major reports concluding that Israel's policies constitute apartheid.[4] Australia must duly consider these reports and respond accordingly. The response to the South African apartheid regime was sanctions, which history records as a major force in ending this system of entrenched discrimination.

As a State which values the rule of law and a rules-based international order, it is Australia's obligation to oppose any violation of fundamental principles of international law and to prevent states from being given a green light to violate these principles.

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[3] See United Nations Information System of the Question of Palestine, 'Israel's Belligerent Occupation of the Palestinian Territory, including Jerusalem and International Humanitarian Law', 15 July 1999, Geneva, https://unispal.un.org/DPA/DPR/unispal.nsf/0/6B939C57EA9EF32785256F33006B9F8D

[4] See B'Tselem, 'This is Apartheid', 12 January 2021, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid, and Human Rights Watch, 'A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution', 27 April 2021, https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution.

We note that in at least seven instances, Australia has taken action to limit trade with nations where human rights violations are occurring, including sanctions imposed on Myanmar and Russia and statements of support for sanctions recently imposed by other nations on China (see Appendix 2).

APAN takes this opportunity to draw to the Department's attention a European call to suspend the EU-Israel Association Agreement. More than 300 political parties, trade unions and campaign groups have called for the suspension of this Agreement, which grants Israel preferential access to the EU market and to EU programs. The signatories to this campaign assert that the continued existence of the EU-Israel Association agreement and strengthening of bilateral relations enable Israel's violations of international law, contribute to a lack of accountability and to a climate of impunity.[5]

APAN acknowledges the validity of this campaign and urges the Department to consider the growing criticism within the European Union about economic links with Israel.

We note the European Union now includes a Human Rights Clause (HRC) in bilateral agreements, including Free Trade Agreements, Association Agreements, Partnership and Cooperation Agreements. This mechanism ensures that trade and relationships do not undermine international obligations to respect human rights. We strongly recommend that Australia follow this lead.

THERE SHOULD BE NO TRADE IN GOODS AND SERVICES PRODUCED IN ISRAELI SETTLEMENTS

The illegality of Israeli settlements in the Occupied Palestinian Territory (OPT) is founded on international humanitarian law, the body of international law that regulates the conduct of armed conflict and seeks to limit its effects. The obligations of occupying states under international humanitarian law are provided for in the Hague Regulations of 1907 and the 1949 Fourth Geneva Convention relating to the protection of civilians in time of war.

The settlements in the OPT of the West Bank are illegal because the West Bank is foreign territory occupied by Israel since the 1967 Arab Israeli war. Israel is the occupying power, not the sovereign power in the OPT. The relevant obligations of an occupying power are given in the Fourth Geneva Convention, 1949, Article 49 (6) which states:

> *The occupying power shall not deport or transfer parts of its own civilian population into territory it occupies.* (See Appendix 3)

The settlements in the OPT are further in contravention of the United Nations Security Council Resolution 2334 (2016), which states that Israel's settlement activity constitutes a "flagrant violation" of international law and has "no legal validity". The Resolution further demands that Israel stop such activity and fulfill its obligations as an occupying power under

[5] http://www.eccpalestine.org/a-european-call-to-suspen-the-eu-israel-association-agreement/

the Fourth Geneva Convention. The Resolution calls on all member states to ensure that dealings with settlements is clearly distinguished from dealings with Israel.[6]

It is particularly important therefore that Australia does not engage in any trade with Israeli settlements.

In this context, it is important to draw a distinction between the economic activity of the settlements in the OPT and the economic activity in the State of Israel. Treating the two as one and indivisible (a process enhanced by the ongoing integration of their economies) is to efface the singular distinctiveness of their status in international law, where Israel has territorial sovereignty in Israel per se but not in the OPT. This would be to confer apparent legitimacy upon a situation that is inherently unlawful.

The Department should be made aware of the risks attached to operating in a context of military occupation, such as that of the OPT. Virtually all business activity in the settlements goes to support an illegal situation characterised by grave and widespread human rights violations. Any business activity in settlements directly or indirectly contributes to settlement maintenance, development, or expansion. Businesses contributing to serious violations of international humanitarian law may, in some circumstances, be complicit in war crimes (see Appendix 4).

The European Union has committed itself to international law in calling on Israel to end all settlement activity in line with its obligations as an occupying power. In November 2019, the European Court of Justice ruled that food products produced by Israeli settlements in the OPT must indicate that they originate from a settlement, and not as a product of Israel. This judgement represents an important step to building a legal culture of accountability when it comes to Israeli settlements, and at the very least European consumers now have access to accurate information to inform their purchasing choices.[7]

Australia by contrast, has not stipulated that goods and services produced in Israeli settlements are to be labelled as such. In this context, Australia fails in its obligations to respect and abide by international law. Further, Australia has no provisions in place to prevent consumers from being misled about the nature of the product that they are purchasing, thus not offering consumers the rights offered to them under Australian consumer law guarantees.

THERE SHOULD BE NO MILITARY TRADE WITH ISRAEL

Israel's military aggression in the Occupied Palestinian Territories (OPT) and in Gaza has been identified by both the International Criminal Court (ICC) and the UN Human Rights Council. This alone should cause Australia to reconsider any military trade and services between itself and Israel. Services in this case are taken to include any related training, cybersecurity, or other innovations.

[6] https://www.un.org/webcast/pdfs/SRES2334-2016.pdf
[7] https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf

Last month, the Chief Prosecutor of the ICC, Fatou Bensouda, confirmed that her office will begin independent investigations into crimes committed in the OPTs since 13 June 2014 - stating "I am satisfied that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip".[8] Such investigation will include Operation Protective Edge, where reputable human rights organisations have concluded that indiscriminate and disproportionate force was used by Israel against Gazan civilians leading to tragic loss of life and destruction of infrastructure. The investigation will also include Israel's violent response against Palestinian demonstrators in the 2018 Great March of Return.

Israeli officials suspected of war crimes in Gaza will be examined. The ICC has the authority to prosecute those responsible for war crimes and crimes against humanity in the Palestinian Territories. The Palestinian Authority and even Hamas (the latter also being investigated for its rocket attacks on Israel), have welcomed the ICC's decision. Israel meanwhile has rejected the ICC's jurisdiction and condemned the move by the chief prosecutor to begin investigations, labelling it as "anti-Semitic".

This is coupled with the fact that Gaza has been under a brutal, illegal, and inhumane Israeli blockade for over a decade. In the light of all this Australia should particularly not engage in any trade deals with Israel that include a military component. If Australia engages in such deals, it risks normalising Israeli crimes against humanity through military force.

Further details of Israel's military transgressions are set out in Appendix 5.

Elbit Systems, Israel's largest arms company, market their weapons as 'field tested'. The implication is that they have been deployed against Palestinians in military operations. In 2018, twenty percent of Elbit Systems' profits came from supplying the Israeli Defence Force. Elbit Systems has received international condemnation because of its complicity with Israel's violations of international law, with several international financial groups divesting from the company. (See Appendix 6).

In Australia, Elbit Systems has local representation through its subsidiary, Elbit Systems of Australia (ELSA). ELSA has access to Israeli 'innovation and technology' that is used to maintain Israel's illegal occupation of the West Bank and blockade of the Gaza Strip. Further strengthening of defence and military ties between Israel and Australia risks a grave demonstration of contempt for international law and human rights conventions.

APAN condemns further development of an arms and defence industry in partnership with Israeli companies that routinely harm and kill Palestinians.

In March this year, the UN Human Rights Council approved a resolution calling for an arms embargo against Israel. The resolution received the support of many European countries, including France, Germany, and Italy. The Council called on UN member states to "refrain from transferring arms [to Israel] when, in accordance with applicable national procedures and international obligations and standards, they assess that there is a clear risk that such

[8] https://www.icc-cpi.int/Pages/item.aspx?name=20191220-otp-statement-palestine

arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law".

For the reasons outlined above, APAN therefore strongly urges the Department to exclude military trade with Israel from any proposed agreements. Further, Australia should cease any existing military contracts.

TO STRENGTHEN TRADE WITH ISRAEL WITHOUT SIMILAR MEASURES FOR PALESTINE IS DISCRIMINATORY

APAN understands that strengthened trade and investment with Israel would *not* include strengthened trade with the occupied West Bank and Gaza Strip. As such, this would constitute a preferential trade agreement with Israel.

The Australian Government remains committed to a two-state solution in which Israel and a future Palestinian state co-exist and has demonstrated its genuine commitment to the Palestinian people through historical and proposed aid and development.[9]

Australia therefore must have equity in its trade agreements with the Palestinian Territories and Israel. It has been acknowledged that by facilitating trade with the Palestinian economy there is a possibility to encourage sovereignty of the Palestinian trade sector and achieve economic independence from Israel.[10]

The Palestinian Authority has signed at least eight bilateral Free Trade Agreements and International Cooperation Treaties including with the United States, Canada, the EU and in the broader Arab World. This indicates Palestine's capacity to engage in trade agreements and indicates a commitment by those States to support the Palestinian economy and business.

Palestine boasts a multitude of emerging economic sectors, including transportation, tourism, information technology, construction mining and chemical industries. Commodities that are imported into Palestine from Australia include livestock, pharmaceuticals, and aluminium. Oil seeds and oleaginous fruits represent the major products that are exported from Palestine into Australia. There is ample opportunity for Australians to engage with trade and investment in Palestine.[11]

Underscored by regional cooperation and agreements, trade with the Palestinian Territories has the potential to support Palestinian enterprises and national development priorities. This can then increase employment and reduce poverty, nurture supply capacity, work to eliminate occupation-related distortions and lay the groundwork for sustained economic recovery, and Palestinian independence.

[9] https://www.dfat.gov.au/geo/palestinian-territories/development-assistance/development-assistance-in-palestinian-territories
[10] https://unctad.org/system/files/official-document/gdsapp2011d1_en.pdf
[11] http://www.palestine-australia.com/about-palestine/trade-and-investment/

Given the constraints on Palestinian production and entrepreneurial capacities because of the occupation, strengthened trade with the Palestinian Territories may include international subcontracting, technology licencing and similar forms of international cooperation arrangements in line with global trends of splitting production chains between various geographical locations. Stronger emphasis can be placed on cooperation with foreign small medium enterprises, including investors from foreign countries.

Further details of regional and international trade cooperation with the Palestinian Territories are set out in Appendix 7.

STRENGTHENED TRADE WITH ISRAEL WOULD UNDERMINE AUSTRALIA'S LABOUR RIGHTS COMMITMENTS

APAN understands that Australia's Free Trade Agreements with the United States, Korea, Peru and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership all include provisions on labour standards. These clauses refer to labour standards set out under International Labour Organisation (ILO) instruments (see Appendix 8).

The situation of Palestinian workers of the Occupied Palestinian Territories and in Israel is of serious concern. According to the Palestinian Central Bureau of Statistics (PCBS), around 133,000 Palestinians now work in Israel and the settlements, including some 26,000 undocumented Palestinian workers who are unable to obtain an Israeli work permit. Both legal and undocumented workers cross over to Israel daily, with the majority working in construction. Both groups experience precarious conditions and significant deficits in protection.[12]

In the West Bank, Israel controls the larger, continuous Area C, constituting 61% of the land and including most of the settlements and productive areas. Restrictions imposed on Palestinian workers severely impede freedom of movement, undermining prospects of a viable economy and forcing Palestinians to become highly reliant on employment in Israel and Israeli settlements.

Palestinians working in Israel face significant labour rights concerns. These include: long wait times and crowded conditions at border crossings between the West Bank and Israel; an abusive permit regime in which brokers and employers have undue power over workers; lack of comprehensive social protection, with wages paid only in cash accompanied by frequently inaccurate documentation; and inadequate working conditions at construction sites with relatively high fatality and accident rates as a result of insufficient observance and enforcement of safety and health regulations.[13]

Further, the Israeli National Labour Court found that Israeli law concerning workers' rights does not apply to Palestinians working for Israelis in the Jordan Valley, an area that is known for instances of child labour. Israelis who live in the territory conduct their economic life as

[12] https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf
[13] ibid

if under Israeli law, while employing Palestinians under Jordanian law in the West Bank and Egyptian law in Gaza. It is of grave concern that workers undertaking the same work are subjected to different employment standards.

Given Israel's transgressions concerning exploitative labour practices and discrimination toward Palestinian workers, it appears that Israel does not meet ILO standards of practice. As part of Australia's commitment to strong international labour standards, it would seem appropriate for Australia to include clauses in our trade agreements that honour ILO conventions. We understand that several Australia's trade agreements already do this. Given what we know about practices within Israel, a Free Trade Agreement would undermine ILO norms and conventions, and therefore it would appear inappropriate for Australia to have a Free Trade Agreement while this is the case.

PROGRESS FOR CONCLUDING THE RECOMMENDATIONS

APAN asks that in addition to the consideration of the most serious matters raised above, that trade negotiations be transparent and democratic. We ask this because of our concern regarding the current consultation process for trade agreements which are shrouded in secrecy and limited by lack of transparency in negotiations. APAN acknowledges and echoes the concerns addressed in the 2015 report *Blind Agreement: reforming Australia's treaty-making process*, which recommended that further agreements include:

- **transparency**: ensuring a higher level of transparency through parliamentary and stakeholder access to draft treaty text on a confidential basis during negotiations;
- **consultation**: improving the effectiveness of parliamentary and stakeholder consultation during negotiations; and
- **independence**: ensuring independent analysis of treaties at the commencement of negotiations and, if required, post-implementation.[14]

CONCLUSION

In conclusion, APAN reaffirms that the strengthening of trade and investment with States that continuously violate international law and human rights law is unacceptable. In line with its international commitment to universal human rights and the rule of law Australia should not be a party to such agreements. Strengthened trade and investment with Israel would infer support for Israel's discriminatory policies and violations of international law and undermine the prospects of a peaceful solution to the Israel/Palestinian conflict.

APAN therefore recommends that Australia does not expand its trade with Israel until Israel complies with international law. It appears appropriate that Israel be added to the nations

[14]https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Treaty-making_process/Report

to which diplomatic sanctions apply to encourage it to cease its military occupation of Palestine.

If the Australian Government does explore increased trade with Israel, we highly recommend that guidelines are implemented to ensure that military trade and trade with illegal Israeli settlements is not permitted.

We strongly advise the Australian Government to ensure that all our trade agreements are consistent with our international human rights and labour rights commitments, and that trade agreements are accessible publicly.

APPENDIX 1: ISRAEL'S VIOLATIONS OF INTERNATIONAL LAW

The State of Israel has violated many international laws, including United Nations Resolutions, the Laws of War and Occupation as stated in the Fourth Geneva Convention. Below is a summary of some of these violations:

Acquisition of Land by Force: Israeli occupation is illegal. It is illegal under international law to acquire land by force: Israel annexed land occupied by force during 1948 and 1967 wars (lands other than those given by the UN 1947-48 partition plan). Military action and occupations are legal only if they are for self-defence, or to directly benefit the native population. But studies show Israel is not just defending itself as it develops de-facto annexation with its settlements and separation barrier on occupied land, as it takes over most of the occupied territories (over 70%) and its natural resources for its own use and economic benefit, at the expense of the native population.[15] Israel has violated the: U.N. Charter, Article 2(4) (1945); Declaration on Principles of International Law Concerning Friendly Relations…, Principle 1 (1970). In violation of the UN Partition Plan, Israel took an extra 15% of the land in 1948, and then, following the 1967 war, Israel confiscated East Jerusalem and the Golan Heights.

Right of Return: For six decades, Israel has refused Palestinian refugees their Right of Return following forced expulsion from their land. UN General Assembly resolution 194 states that Palestinian "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date."[16] The Right to Return is enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention Relating to the Status of Refugees. Forbidding civilian populations the right to return to their homes following the end of armed conflict is in direct violation of international law and UN resolutions: Geneva Convention IV, Articles 45, 46 & 49 (1949), UN resolutions 194 (III) (General Assembly; 1948) & 237 (Security Council; 1967).[17]

Collective punishment: Israel operates a military policy of collective punishment which sees massive force being used upon the civilian population in order to exert political pressure on enemy forces. This is in violation of Geneva Conventions IV, Article 33 (1949); Geneva Conventions (Protocol I), Article 75(2d) (1977).[18]

The Separation Barrier: In 2002 Israel commenced construction on a 710km barrier, dividing the West Bank and cutting deeply into Palestinian land, with only 15% of the barrier following the 1967 Green Line. Originally claimed as being a 'temporary security measure', the barrier severely restricts Palestinian access to resources and undermines rural and agricultural livelihoods. In 2004, judges of the International Court of Justice found that the barrier's construction breaches international law, saying it violated principles outlined in the UN Charter and long-standing global conventions that prohibit the threat or use of force and

[15] https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/
[16] https://www.unrwa.org/content/resolution-194
[17] https://www.hrw.org/legacy/campaigns/israel/return/
[18] https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule103

the acquisition of territory that way, as well as principles upholding the right of peoples to self-determination.[19]

The ongoing Siege of Gaza: Since 2007, 1.8 million people in the Gaza Strip have lived under a regime of land, sea and air closure known at the Siege or Blockade of Gaza. There is broad consensus among human rights organisations such as Amnesty International, Human Rights Watch, the International Committee of the Red Cross as well as UN offices such as UN Office for the Coordination of Humanitarian Affairs (UNOCHA) and the United Nations Relief and Works Agency (UNRWA) that this siege is illegal. The UN Secretary-General has stated that the blockade and related restrictions contravene international humanitarian law as they target and impose hardship on the civilian population, effectively penalizing them for acts they have not committed.[20]

T**he Nation-State Law:** In July 2018, the Israeli parliament passed legislation known as the 'Nation-State' law. The central tenet of the legislation stipulates that the Jewish population of Israel - and only the Jewish population of Israel - has the right to self-determination. The law is by nature undemocratic and enshrines two separate classes of citizens: Jews and non-Jewish minorities, who are automatically granted a secondary status. The law consists of three main components:

It states that the "the right to exercise self-determination in Israel is "unique to the Jewish people". By default, the clause unequivocally determines that Arab citizens of Israel do not have the same right to self-determination.

It establishes Hebrew as Israel's official language and downgrades Arabic from being an official state language to that of "special status". For 70 years both Hebrew and Arabic were designated as official languages in Israel. For Arab citizens, stripping Arabic of its official status effectively erases their identities and histories. It further puts them at an economic disadvantage as Hebrew is by large not taught to Arab citizens of Israel and the vast majority of government interaction and business is conducted only in Hebrew.

It establishes "Jewish settlement as a national value" and mandates that the State will "labour to encourage and promote its establishment and development". This clause explicitly promotes the expansion of and legal preference to the building and maintaining of Jewish settlements, both within the occupied West Bank and in Israel. Israeli settlements in the West Bank constitute a grave violation of international law, and the Nation-State law has granted potential for the legal right to separate Arab citizens of Israel from living in Jewish communities.[21]

[19] https://news.un.org/en/story/2004/07/108912-international-court-justice-finds-israeli-barrier-palestinian-territory-illegal
[20] https://www.ochaopt.org/location/gaza-strip
[21] https://www.swp-berlin.org/en/publication/israels-nation-state-law/

APPENDIX 2: AUSTRALIA'S SUPPORT FOR TRADE SANCTIONS WITH RESPECT TO HUMAN RIGHTS

The Explanatory Memorandum to the *Autonomous Sanctions Bill 2010* defines sanctions as imposing restrictions on activities that relate to particular countries, goods and services or persons and entities. Sanctions are imposed in situations of international concern, including the grave repression of human rights.[22]

China:

Australia joined New Zealand in welcoming coordinated and parallel sanctions imposed by the European Union, Britain, Canada and the United States against senior Chinese officials involved in the mass internment of Uighur Muslims in the Xinjiang province. The sanctions include a freeze on the officials' assets and a ban on travel to the bloc. European citizens and corporations are not permitted to provide financial assistance to the officials.[23]

A Private members bill has recently been tabled in the Australian Parliament that would seek to ban any trade with the Xinjiang province.[24]

US Secretary of State, Antony Blinken stated that the united transatlantic response "sends a strong message to those who violate human rights". Both Australia and New Zealand's Foreign Ministers recognised the "clear evidence of severe human rights abuses" and shared these country's deep concerns.[25]

Myanmar:

Australia has recently suspended military cooperation with Myanmar and redirected aid to non-government organisations in response to escalating violence. Australia's limited bilateral Defence Co-operation Program with Myanmar's military, restricted to non-combat areas such as English language training, has been suspended.

The Minister for Foreign Affairs has expressed grave concerns about the increasingly violent military response and repression of protest. She has condemned the use of lethal force or violence against civilians exercising their universal rights, including the right to freedom of expression and peaceful assembly.[26]

In October 2018, the Minister for Foreign Affairs imposed new targeted financial sanctions and travel bans on members of the Myanmar military (Tatmadaw), in response to the release of the full report of the UN Fact-Finding Mission on Myanmar, which documented human rights abuses committed primarily by Myanmar's military against ethnic minorities.

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[22] https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions
[23] https://apnews.com/article/eu-sanctions-4-china-officials-uyghur-abuses-bf221f9c5d495f82c384a34a713b2d26
[24] https://www.abc.net.au/news/2021-04-27/uyghur-rex-patrick-ban-imports-xinjiang-china-forced-labour/100098086
[25]https://www.theguardian.com/world/2021/mar/23/australia-and-new-zealand-welcome-china-sanctions-over-uighur-abuses-but-impose-none-of-their-own
[26] https://www.theguardian.com/world/2021/mar/08/australia-suspends-military-cooperation-with-myanmar-following-last-months-coup

The Myanmar sanctions regime includes:

- Restrictions on supplying arms or related materiel
- Restrictions on the provision of certain services
- Restrictions on providing assets to designated persons or entities
- Restrictions on dealing with the assets of designated persons or entities
- Travel bans on designated persons[27]

Russia:

Australia imposed a sanctions regime after Russia annexed Crimea in 2014, which included financial sanctions, an arms embargo and travel bans.

The then Foreign Minister, Julie Bishop told Parliament: "International law does not allow one state to steal the territory of another on the basis of a referendum that cannot be considered free or fair."[28]

Foreign Minister Marise Payne stated in 2021: "We are steadfast in our commitment to maintaining pressure, including by way of sanctions, on individuals and entities who seek to facilitate Russia's unlawful attempts to integrate Ukraine's territory into Russia."[29]

Australia continues to expand its autonomous sanctions regime against Russia since it illegally annexed Crimea and Sevastopol in 2014. Current listings bring the total to 168 individuals and 52 entities.

The Russian sanctions regime includes:

- Restrictions on the export or supply of certain goods
- Restrictions on the import, purchase or transport of certain goods
- Restrictions on certain commercial activities
- Restrictions on the provision of certain services
- Restrictions on providing assets to designated persons or entities
- Restrictions on dealing with the assets of designated persons or entities
- Travel bans on designated persons

[27] https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/myanmar-sanctions-regime#:~:text=Australia%20imposed%20autonomous%20sanctions%20in,in%20the%201990%20Myanmar%20elections.
[28] https://acij.org.au/wp-content/uploads/2020/06/ACIJ-Policy-Brief-June-2020.pdf
[29] https://www.foreignminister.gov.au/minister/marise-payne/media-release/australia-imposes-autonomous-sanctions-connected-kerch-strait-railway

The Russian sanctions regime represents an exemplary model response to clear violations of international law, and shows Australia acting consistently with its obligations under international law.

Central African Republic (CAR) and Democratic Republic of the Congo (DRC) Sanction Regime:

Australia has implemented sanctions imposed by the UNSC in response to the security and humanitarian situation in both the CAR and DRC (including human rights abuses). The CAR and the DRC sanctions regimes impose arms embargoes. It is prohibited to do the following without a sanctions permit:

- Directly or indirectly supply, sell or transfer arms or related matériel to the CAR or the DRC provide technical assistance, training, financial or other assistance to the CAR if those services: relate to military activities, or relate to the provision, maintenance or use of arms or related matériel, including providing armed mercenary personnel (whether or not originating in Australia).

- Provide assistance (including financing and financial assistance), advice or training to the DRC if it is related to military activities.[30]

Libya Sanctions Regime:

Australia has implemented both UNSC and autonomous sanctions in response to the violence and use of armed force against civilians in Libya and the systemic violations of human rights by the former Qadhafi regime. The UNSC sanctions regime imposes an arms embargo. It is prohibited to:

- Directly or indirectly supply, sell or transfer arms or related matériel to Libya.

- Provide technical, financial or other assistance, or training, to Libya (directly or indirectly) if those services relate to: military activities; or the supply, maintenance or use of arms or related matériel, or the provision of armed mercenary personnel (whether or not originating in Australia).

- It is prohibited to purchase arms or related matériel from Libya or a person or entity in Libya.[31]

[30] https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/central-african-republic-and-democratic-republic-congo-sanctions-regimes-sanctions-regime
[31] https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/libya-sanctions-regime

Sudan and South Sudan Sanctions Regime:

Australia has implemented UNSC sanctions initially imposed in response to the ongoing humanitarian crisis and widespread human rights violations in Sudan. Both the Sudan and South Sudan sanctions regimes impose an arms embargo. It is prohibited to:

- Directly or indirectly supply, sell or transfer arms or related matériel.
- Provide technical training or assistance which relates to the provision, manufacture, maintenance or use of arms or related matériel.[32]

Zimbabwe Sanctions Regime:

Australia has imposed autonomous sanctions since 2002 in response to concerns about political violence and human rights violations in Zimbabwe. The Zimbabwe sanctions regime imposes an arms embargo. It is prohibited to:

- Directly or indirectly supply, sell or transfer arms or related matériel to Zimbabwe.
- Provide a service if it relates to the supply of arms or related matériel to Zimbabwe.
- Provide a service to Zimbabwe, or for use in Zimbabwe, which relates to: a military activity or the manufacture, maintenance or use of arms or related matériel.[33]

[32] https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/sudan-and-south-sudan-sanctions-regime
[33] https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/zimbabwe-sanctions-regime.

APPENDIX 3: ISRAELI SETTLEMENTS AND INTERNATIONAL LAW

Israeli settlements in the Occupied Palestinian Territories are a form of population transfer into occupied territory. 'Transfer' in this case literally means to move or pass from one place to another. Israel has long made the counterargument that only *forced transfers* are illegal under the Fourth Geneva Convention. But the Convention allows that any transfer is illegal, including where settlers choose to move, with or without state assistance.

In 2004, the primary judicial organ of the United Nations, the International Court of Justice (ICJ), in an advisory opinion re the legal consequences of the construction of a wall in the OPT, said (para. 120) that the provision of Article 49 (6):

> *…prohibits not only forced deportations or forced transfers such as those carried out during the Second World War, but also any measures taken by an occupying Power in order to organize or encourage transfers of part of its own population into the occupied territory.*[34]

Violation of Article 49 (6) is a "grave breach" under Article 147 of the Fourth Geneva Convention, and a "war crime" under Article 8 (2) (b) (viii) of the 1998 Rome Statute of the International Criminal Court. As Australia is a party to the Fourth Geneva Convention and to the Rome Statute through ratification in domestic law via the *Geneva Conventions Act 1957*, and the *International Criminal Court Act 2002*, Australia has an obligation "to respect and to ensure respect for the Convention in all circumstances". (Article 1).

Since 1977, Israel has conducted a policy, and developed practices, involving the establishment of settlements in the OPT, contrary to the terms of Article 49 (6). The UN Security Council has taken the view that such policy and practices "have no legal validity", and has called upon "Israel, as the occupying power to abide scrupulously" by the Fourth Geneva Convention and "….. not to transfer parts of its own civilian population into the occupied Arab territories" (Resolution 446 (1979)).[35] This Security Council resolution was reaffirmed in Resolution 2334 in 2016 saying "that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace".[36]

Article 41(2) of the International Law Commission's 'Draft Articles on Responsibility of States for Internationally Wrongful Acts' provides that, '[n]o State shall recognise as lawful a situation created by a serious breach ... nor render aid or assistance in maintaining that situation'. Pursuant to this duty Australia must not recognise as lawful, or render any aid or assistance in the maintenance of Israel's occupation, including its settlement enterprise.[37]

The Israeli Government continues to approve new settlement construction. A report by West Bank Jewish Population Stats shows the settler population growing by around 13%

[34] https://www.icj-cij.org/en/case/131
[35] https://unispal.un.org/UNISPAL.NSF/0/BA123CDED3EA84A5852560E50077C2DC
[36] https://www.un.org/webcast/pdfs/SRES2334-2016.pdf
[37] https://acij.org.au/wp-content/uploads/2020/06/ACIJ-Policy-Brief-June-2020.pdf

since the start of 2017 to reach 475,481. During the same period, Israel's population grew by around 8% to reach nearly 9.3 million.[38]

Israeli authorities advanced plans to build nearly 800 homes in West Bank settlements just days before Trump left office. Peace Now, an Israeli anti-settlement watchdog, says Israel approved or advanced construction of over 12,000 settlement homes in 2020, the highest number in a single year since it began recording statistics in 2012. Stephane Dujarric, the UN chief 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, lasting and comprehensive peace".[39]

[38] https://www.timesofisrael.com/west-bank-settler-population-surged-during-trump-era-report-says/
[39] https://news.un.org/en/story/2021/01/1082482

APPENDIX 4: BUSINESS WITH ISRAELI SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES

This appendix outlines concerns made by Amnesty International in their 2019 report: *Think Twice: Can companies do business with Israeli settlements in the Occupied Palestinian Territories while respecting human rights?* The report clearly stipulates that companies cannot do business in or with settlements without contributing to serious violations of both international humanitarian law and human rights law.[40]

The settlements and their infrastructure comprise over 60 per cent of the occupied West Bank. They use resources which should be used for the benefit of the occupied population, which is entitled to special protection under international humanitarian law. The fact that a thriving settlement economy provides a significant incentive for the development and expansion of the settlements carries enormous implications and potential consequences for the companies involved.

Business activities are essential to virtually every aspect of the maintenance, development and expansion of the settlements in the Occupied Palestinian Territories (OPTs). Industrial parks in settlements offer numerous incentives, including tax breaks, low rents and low labour costs. Economic activities in these zones are expanding. Settlement businesses depend on and benefit from Israel's unlawful confiscation of Palestinian land and other resources. They also benefit from Israel's discriminatory policies for planning and zoning, financial incentives, access to utilities, and infrastructure. Palestinian enterprises are disadvantaged through restrictions on movement, and administrative and legal constraints.

Companies become involved with the settlements either by operating directly in them or by having business relationships with them. Foreign companies pursue activities in the settlements or are connected to them through supply or value chain relationships. There is a human rights dimension to all such activity, regardless of company size or sector.

In its January 2018 report on business enterprises linked to the occupation, the UN Office of the High Commissioner for Human Rights (OHCHR) concludes that: "Considering the weight of the international legal consensus concerning the illegal nature of the settlements themselves, and the systemic and pervasive nature of the negative human rights impact caused by them, it is difficult to imagine a scenario in which a company could engage in listed activities in a way that is consistent with the Guiding Principles and international law."[41]

Doing business in, with or related to conflict-affected areas entails significant legal risk. There are two main sources of legal risk. First, there is the risk of criminal prosecution. Second, there is the possibility of private lawsuits for damages and other remedies by people who have been harmed as a result of these business activities. Corporate criminal accountability for international crimes is an emerging norm. Liability may be attached to the company itself or to its directors. In October 2018, the Swedish government authorised the Swedish Prosecution Authority to prosecute two corporate directors of Lundin Oil – the

[40] https://www.amnesty.org.uk/files/2019-03/Think%20Twice%20report.pdf
[41] UN Office of the High Commissioner for Human Rights, A/HRC/37/39/, para. 41.

chief executive and chairman – for aiding and abetting gross crimes against international law in what is now South Sudan between 1998 and 2003. The company's activities there were linked to forced displacement and indiscriminate attacks against civilians.[42]

Complicity in war crimes has also been alleged in private lawsuits against companies with business interests in the OPTs. In 2007 lawsuits were filed against French-based multinationals Alstom and Veolia in the French courts. These lawsuits were based on allegations that the companies' involvement in a consortium to build rail infrastructure in Jerusalem had, in effect, aided and abetted violations of international humanitarian law and breached sections of the French Civil Code. The litigation continued until 2013, when the case was dismissed by a French court of appeal. Since then, Veolia has disposed of many of its business operations in Israel. It sold its remaining stake in the Jerusalem light rail project in mid-2015.[43]

A wide range of activities and business relationships can give rise to accusations of corporate complicity in crimes under international law, often with serious legal, financial, commercial and reputational consequences for the companies concerned. Moreover, the law on corporate complicity for serious human rights abuses is developing fast, in response to a growing number of civil and criminal law cases in many jurisdictions.

[42] https://www.ejiltalk.org/the-road-less-traveled-how-corporate-directors-could-be-held-individually-liable-in-sweden-for-corporate-atrocity-crimes-abroad/

[43] https://www.business-humanrights.org/en/latest-news/veolia-alstom-lawsuit-re-jerusalem-rail-project/

APPENDIX 5: DETAILS OF ISRAEL'S MILITARY TRANSGRESSIONS

Israeli military and police continue to use unnecessary and excessive force during military and law enforcement activities, including military offensives and when policing demonstrations.

Operation Cast Lead (2008-09):

According to Amnesty International in its extensive report titled *22 Days of Death and Destruction*, Israeli forces during this military operation directly attacked civilian targets whilst "much of the destruction was wanton and deliberate" as "thousands of civilian homes, businesses and public buildings were destroyed" and neighbourhoods flattened. Such actions, according to Amnesty, appeared to be indiscriminate and aimed at "collectively punishing" Palestinian civilians and thus constituted violations of international humanitarian law.

Hundreds of Palestinian civilians, including children, were killed by "high-precision weapons" in broad daylight whilst Israeli soldiers "used civilians, including children, as "human shields". 1,400 Palestinians were killed, 300 of them children, whilst thousands were left homeless.

Amnesty International as a result called for a complete arms embargo on Israel.[44]

According to Human Rights Watch, Israel also repeatedly deployed white phosphorus munitions in densely populated neighbourhoods, killing and wounding civilians, once again violating international humanitarian law.[45]

Operation Protective Edge (2014):

In this far more destructive military operation, Israel committed "unprecedented death and destruction to the Gaza Strip" and was guilty of war crimes. Israel acted in this context with impunity, Since the end of the conflict, only three Israeli soldiers have been charged with criminal offences, for looting and obstructing an investigation. Against the backdrop of hundreds of serious violations, including war crimes, documented by human rights groups, these charges are negligible and go nowhere near the heart of the problem.[46]

The most infamous incident of this military operation was the killing of the four boys from the Bakr family who were playing on the beach in broad daylight as Israeli fired multiple missiles which took place in full view of international journalists.[47]

[44] https://www.amnesty.org/download/Documents/48000/mde150152009en.pdf
[45] https://www.hrw.org/report/2009/03/25/rain-fire/israels-unlawful-use-white-phosphorus-gaza
[46] https://www.amnesty.org/download/Documents/MDE1541992016ENGLISH.PDF
[47] https://www.middleeastmonitor.com/20200716-remembering-israels-killing-of-four-children-on-the-beach-in-gaza/

According to the United Nation Office for the Coordination of Humanitarian Affairs:

- 2251 Palestinians, including 1,462 civilians, were killed
- 551 children were killed
- 18,000 housing units were destroyed[48]

Israel also targeted Gaza's only power plant, which according to Amnesty International amounted to "collective punishment of Palestinians" as Gaza already faces severe power outages which has critical effects for the functionality of its medical facilities.[49]

Amnesty International also concluded that Israel deliberately targeted civilians,[50] and Human Rights Watch concluded that Israel targeted civilians who posed no threat to Israel and thus was guilty of "disproportionate and indiscriminate attacks on the population of Gaza" which constitute war crimes.[51]

The Great March of Return (2018-19):

According to a 2019 UN Human Rights Council report, during the Great March of Return, Israeli forces intentionally shot demonstrators including journalists, children, health workers and people with visible disabilities. The Chair of the Commission, Santiago Canton of Argentina, concluded that "the Commission has reasonable grounds to believe that during the Great March of Return, Israeli soldiers committed violations of international human rights and humanitarian law. Some of those violations may constitute war crimes or crimes against humanity." [52]

According to the United Nations, 2 years since the beginning of the Return March demonstrations:

- 36,143 injured; 8,800 children injured
- 1/5 those injured were by live ammunition, 88% of which were limb injuries
- 214 Palestinians killed; 46 children killed[53]

[48] https://reliefweb.int/report/occupied-palestinian-territory/acaps-briefing-note-humanitarian-impact-operation-protective-0
[49] https://www.theguardian.com/world/2014/jul/29/gaza-power-plant-destroyed-israeli-airstrike-100-palestinians-dead
[50] https://www.amnesty.org/download/Documents/MDE1541992016ENGLISH.PDF
[51] https://www.hrw.org/news/2014/07/15/israel/palestine-unlawful-israeli-airstrikes-kill-civilians
[52] https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIOPT/A_HRC_40_74.pdf
[53] https://www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/

APPENDIX 5: ELBIT SYSTEMS AND ELBIT SYSTEMS OF AUSTRALIA

Elbit Systems is Israel's largest privately-owned arms and security company which produces 85% of the drones and land-based equipment used by the Israeli military. It is a major arms exporter that has sold its weapons as being 'field tested' which refers to the Israeli Defence Force's extensive use of Elbit weaponry in the Occupied Palestinian Territory of Gaza, the West Bank and East Jerusalem.

Elbit Systems:

Elbit Systems is the subject of international condemnation and divestment due to its complicity with Israel's severe violations of international law and human rights conventions.[54]

Divestment:

- The Norwegian Pension Fund's ethical council decided to sell the fund's stocks in Elbit due to the corporation's supply of surveillance systems for the Israeli Separation barrier. At a press conference to announce the decision, Minister of Finance Kristin Halvorsen said, "We do not wish to fund companies that so directly contribute to violations of international humanitarian law".[55]

- In January 2010, Danske Bank added Elbit to the list of companies that fail its Socially Responsible Investment policy. Danish financial watchdog Danwatch has also placed Elbit on its ethical blacklist, and one of Denmark's largest pension fund administrators PKA Ltd announced it will no longer consider investing in Elbit, stating: "The ICJ stated that the barrier only serves military purposes and violates Palestinian human rights. Therefore we have looked at whether companies produce custom-designed products to the wall and thus has a particular involvement in repressive activities."[56]

- In March 2010, a Swedish pension fund not wanting to be associated with companies which in its opinion are violating international treaties, boycotted Elbit Systems for being involved in constructing the Israeli West Bank barrier.[57]

- In April 2019, the publication of a report entitled AXA: Financing War Crimes by SumOfUs highlighted that AXA's investment subsidiary, AXA Investment Managers, a French investment firm, divested from Elbit on December 31, 2018.[58]

[54] https://corporatewatch.org/elbit-systems-company-profile-2/
[55] https://www.business-humanrights.org/fr/derni%C3%A8res-actualit%C3%A9s/norway-fund-sells-israeli-shares-on-ethical-grounds/
[56] https://bdsmovement.net/news/danske-bank-divests-elbit-and-africa-israel
[57] http://www.inminds.com/article.php?id=10334
[58] https://www.business-humanrights.org/en/latest-news/french-investment-firm-axa-partially-divests-from-israeli-arms-manufacturer-elbit-systems/

Elbit drones have been used on successive attacks on civilians in Gaza in 2009, 2012 and in Israel's 2014 Operation Protective Edge, which is now part of an International Criminal Court investigation.[59]

Elbit drones are also used for surveillance throughout the Occupied Palestinian Territory of Gaza, the West Bank and East Jerusalem, supporting the arbitrary arrest and imprisonment of civilians and the curtailment of freedom of movement throughout the Occupied Palestinian Territory.

Elbit provides electronics for the illegal Separation barrier, deemed illegal by the International Court of Justice in July 2004 and has been condemned by Israel's most prominent NGO, B'Tselem.[60]

Elbit manufactures or has manufactured several types of weapons that are considered controversial or illegal under the laws of war which include weaponized white phosphorus, cluster bombs, and flechette projectiles which the Israeli military has used in various offensives.[61]

Amnesty International reiterated its call for a comprehensive arms embargo of Israel in 2018 as a result of the indiscriminate shooting of unarmed protestors at the Gaza fence using weaponry produced by IMI, an Israeli arms manufacturer taken over by Elbit in 2018.[62]

Elbit Systems of Australia

Australia has entered into numerous contracts and agreements with Elbit Systems and Elbit Systems of Australia for military hardware and technology and defence training. Between 2008 and 2021, Elbit Systems and Elbit Systems of Australia were awarded huge contracts by the Department of Defence and the Australian Federal Police.[63]

Elbit was awarded a series of contracts worth roughly $89m when Christopher Pyne was Defence Minister between August 2018 and May 2019. Elbit also won contracts in 2016-17 when Pyne was Defence Industry Minister including a $1.4b joint contract with Harris Communications. The lobbying company, Pyne and Partners now has Elbit Systems of Australia as a major client.

The Victorian Government has entered into a partnership with Elbit Systems of Australia in the establishment of an AI Centre of Excellence in Melbourne, which will produce applications that can be used across the defence, homeland security, and emergency services sectors.[64]

[59] https://www.whoprofits.org/updates/elbit-systems-complicity-in-the-assault-on-gaza-2014/
[60] https://www.btselem.org/publications/fulltext/202101_this_is_apartheid
[61] https://investigate.afsc.org/company/elbit-systems
[62] https://www.amnesty.org/en/latest/news/2018/04/israel-arms-embargo-needed-as-military-unlawfully-kills-and-maims-gaza-protesters/
[63] https://www.zdnet.com/article/australian-government-appoints-elbit-systems-to-train-defence-in-cyber
[64] https://www.defenceconnect.com.au/intel-cyber/7557-elbit-systems-launches-melbourne-based-ai-centre

APPENDIX 7: INTERNATIONAL TRADE COOPERATION WITH THE OCCUPIED PALESTINIAN TERRITORIES

The Palestinian Authority has concluded a number of international trade agreements since the early 1990s, the most important one being signed with the European Union – the Occupied Palestinian Territory's largest trading partner after Israel. The following is an overview of Palestine's bilateral trade relationships.[65]

Free Trade Agreement with the United States
Under the Palestinian-United States Free Trade arrangement, duty-free treatment is granted to all Palestinian products entering the United States and vice versa. In order to benefit from the duty-free treatment, the goods must meet the requirements of the American Rule of Origin.

Free Trade Arrangement with Canada
The Free Trade Arrangement between the PLO and Canada grants tariff elimination on industrial products, and tariff reduction or elimination on agricultural products and processed food, in accordance with established quotas. The products must qualify under the Canadian Rule of Origin to benefit from the arrangement.

Interim Agreement on Trade and Cooperation with the European Union
The Interim Association Agreement on Trade & Cooperation with the European Union (EU) grants reciprocal duty-free treatment to industrial products complying with the EU rule of origin. For agricultural items, the EU grants duty-free or reduced tariff treatment on the products exported to the EU within specified quotas. The same applies to agricultural imports from the EU to Palestine. The certificate of origin requirements must be satisfied to grant duty-free access

Interim Agreement with the EFTA States
Four member countries of the European Free Trade Association (EFTA), Iceland, Liechtenstein, Norway and Switzerland, signed an Interim Agreement with the PLO that provides duty-free treatment for most Palestinian and EFTA industrial products, fish and other marine products. For the majority of Palestinian and EFTA-processed agricultural products reduced tariffs are granted and some benefit from full duty-free treatment.

The PLO signed separate protocols with the four EFTA countries to identify the agricultural duty-free products, because EFTA countries do not share a common agricultural policy. The EFTA Rule of Origin is the same as applied by the European Union.

[65] www.pipa.ps/page.php?id=1bafecy1814508Y1bafec

Agreement on Commercial Cooperation with Russia
Both parties extend to one another the status of the Most Favored Nation in regard to trade. Imports and exports between the two parties are duty-free for the following goods:

- Instruments and items specified for montage and repair
- Equipment and instruments specified for undertaking experiments and scientific research
- Articles for demonstration during fairs and exhibitions
- Containers and similar packages utilized in international trade on a return basis.

Interim Agreement on Trade with Turkey (the Republic of Turkey)
The Interim Free Trade Agreement with Turkey grants duty- free treatment to industrial products. It aims to the progressive abolition of the obstacles to trade between the two Parties and shall gradually establish a free trade area on substantially all their trade between them. The objective of this agreement shall be to increase economic cooperation, eliminate restrictions and promote trade, encourage investments, and promote cooperation between the parties in third country markets.

Preferential Treatment: Trading with the Arab World
Palestinian importers can trade with all Arab countries when importing goods included in Lists A1 and A2 of the Paris Protocol, within pre-defined quotas. Moreover, economic agreements and arrangements regulate preferential trade relations between Palestine and Jordan, Egypt and Saudi Arabia.

Economic Agreement with Jordan
The Palestinian-Jordanian Trade Agreement provides preferential tariffs for goods traded between Palestine and Jordan. Goods in Lists A1, A2, and B of the Paris Protocol entering Palestine and the agreed-upon products entering Jordan are duty-free, provided that the import volume does not exceed predetermined quotas, and the goods meet the Jordanian Rule of Origin.

Economic Agreement with Egypt
The Palestinian-Egyptian Trade Agreement states that Egyptian products of national origin are exempt from customs and related duties if on Lists A1, A2 or B of the Paris Protocol. Palestinian products are granted duty-free entrance to Egypt according to a defined list and if they satisfy the requirements of the Egyptian Rule of Origin.

Trade with Saudi Arabia
Palestinians can export all types of products to Saudi Arabia, but will be granted duty-free treatment by the government of Saudi Arabia for the following Palestinian products: agriculture, livestock, and metallic and non-metallic raw materials. In order to benefit from the preferential arrangement, the Rule of Origin for Arab countries must be satisfied.

APPENDIX 8: AUSTRALIA'S TRADE AGREEMENTS AND LABOUR STANDARDS

Labour provisions feature in the Australia-United States Free Trade Agreement (AUSFTA) and the Comprehensive and Progressive Trans-Pacific Partnership Agreement (TPP-11). Labour provisions are currently being negotiated in the Australia-European Union Free Trade Agreement and the Pacific Alliance Free Trade Agreement. Labour provisions have also recently been negotiated in the Peru-Australia Free Trade Agreement.[66]

The below table outlines Australia's free trade agreements which include specific provisions on labour standards

Bilateral Trade Agreement	Provisions on Labour Rights
Australia-United States (AUSFTA)	**Article 18.1: Statement of Shared Commitment** 1. The Parties reaffirm their obligations as members of the International Labour Organization (ILO) and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (ILO Declaration). Each Party shall strive to ensure that such labour principles and the internationally recognised labour principles and rights set forth in Article 18.7 are recognised and protected by its law. 2. Recognizing the right of each Party to establish its own labour standards, and to adopt or modify accordingly its labour laws, each Party shall strive to ensure that its laws provide for labour standards consistent with the internationally recognised labour principles and rights set forth in Article 18.7 and shall strive to improve those standards consistent with the goal of maintaining high quality and high productivity workplaces. **Article 18.7: Definitions** For the purposes of this Chapter, 1. internationally recognised labour principles and rights means: (a) the right of association; (b) the right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labour; (d) labour protections for children and young people, including a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labour; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. **Article 18.5: Labour Cooperation** 1. Recognizing that cooperation provides opportunities to promote respect for workers' rights and the rights of children consistent with

[66] https://www.ag.gov.au/industrial-relations/international-engagement-labour-issues/labour-provisions-free-trade-agreements

	core labour standards of the ILO, the Parties shall cooperate on labour matters of mutual interest and explore ways to further advance labour standards on a bilateral, regional, and multilateral basis. To that end, the Parties hereby establish a consultative mechanism for such cooperation. 2. Cooperative activities may include work on labour law and practice in the context of the ILO Declaration, and such other matters as the Parties agree. In identifying areas for cooperation, the Parties shall consider the views of their respective worker and employer representatives and other persons, as appropriate. 3. Cooperative activities may take the form of exchanges of information, joint research activities, visits, or conferences, and such other forms of technical exchange as the Parties may agree.[67]
Korea-Australia (KAFTA)	**Article 17.1: General Principles** 1. Each Party affirms its obligations as a member of the International Labour Organization (hereinafter referred to as the "ILO") and its commitments under the Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (hereinafter referred to as the "ILO Declaration"). Each Party shall endeavour to adopt or maintain in its laws, regulations, policies and practices the following fundamental principles and rights as stated in the ILO Declaration: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation. 2. Each Party shall respect the other Party's right to establish its own policies and national priorities and to adopt and administer its own labour laws, regulations and practices in accordance with those policies and priorities. 3. Neither Party shall fail to enforce its labour laws and regulations, including: (a) those it adopts or maintains in accordance with paragraph 1; and (b) those adopted to implement ILO instruments that it has ratified, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties. Each Party retains the right to exercise reasonable discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters in the enforcement of its labour laws and to make bona fide decisions regarding the allocation of resources to enforcement. 4. Each Party shall endeavour to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate

[67]https://www.dfat.gov.au/about-us/publications/trade-investment/australia-united-states-free-trade-agreement/Pages/chapter-eighteen-labour

	from its labour laws, regulations, policies and practices in a manner that weakens or reduces adherence to the fundamental principles and rights referred to in paragraph 1 as an encouragement for trade with the other Party, or as an encouragement for the establishment, acquisition, expansion, or retention of an investment in its territory. 5. Each Party recognises that it is inappropriate to use its labour laws, regulations, practices or policies for trade protectionist purposes.[68]
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	**Article 19.2: Statement of Shared Commitment** 1. The Parties affirm their obligations as members of the ILO, including those stated in the ILO Declaration, regarding labour rights within their territories. 2. The Parties recognise that, as stated in paragraph 5 of the ILO Declaration, labour standards should not be used for protectionist trade purposes. **Article 19.3: Labour Rights** 1. Each Party shall adopt and maintain in its statutes and regulations, and practices thereunder, the following rights as stated in the ILO Declaration: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour and, for the purposes of this Agreement, a prohibition on the worst forms of child labour; and (d) the elimination of discrimination in respect of employment and occupation. 2. Each Party shall adopt and maintain statutes and regulations, and practices thereunder, governing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. (Footnotes to Article 19.3) 3. The obligations set out in Article 19.3 (Labour Rights), as they relate to the ILO, refer only to the ILO Declaration. 4 To establish a violation of an obligation under Article 19.3.1 (Labour Rights) or Article 19.3.2, a Party must demonstrate that the other Party has failed to adopt or maintain a statute, regulation or practice in a manner affecting trade or investment between the Parties. **Article 19.4: Non Derogation** The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in each Party's labour laws. Accordingly, no Party shall waive or

[68] https://www.dfat.gov.au/trade/agreements/in-force/kafta/official-documents/Pages/chapter-17-labour

	otherwise derogate from, or offer to waive or otherwise derogate from, its statutes or regulations: (a) implementing Article 19.3.1 (Labour Rights), if the waiver or derogation would be inconsistent with a right set out in that paragraph; or (b) implementing Article 19.3.1 (Labour Rights) or Article 19.3.2, if the waiver or derogation would weaken or reduce adherence to a right set out in Article 19.3.1, or to a condition of work referred to in Article 19.3.2, in a special trade or customs area, such as an export processing zone or foreign trade zone, in the Party's territory, in a manner affecting trade or investment between the Parties. **Article 19.6: Forced or Compulsory Labour** Each Party recognises the goal of eliminating all forms of forced or compulsory labour, including forced or compulsory child labour. Taking into consideration that the Parties have assumed obligations in this regard under Article 19.3 (Labour Rights), each Party shall also discourage, through initiatives it considers appropriate, the importation of goods from other sources produced in whole or in part by forced or compulsory labour, including forced or compulsory child labour. (Footnote to Article 9.6) For greater certainty, nothing in this Article authorises a Party to take initiatives that would be inconsistent with its obligations under other provisions of this Agreement, the WTO Agreement or other international trade agreements. **Article 19.10: Cooperation** The Parties recognise the importance of cooperation as a mechanism for effective implementation of this Chapter, to enhance opportunities to improve labour standards and to further advance common commitments regarding labour matters, including workers' wellbeing and quality of life and the principles and rights stated in the ILO Declaration. Each Party shall invite the views and, as appropriate, participation of its stakeholders, including worker and employer representatives, in identifying potential areas for cooperation and undertaking cooperative activities. Subject to the agreement of the Parties involved, cooperative activities may occur through bilateral or plurilateral engagement and may involve relevant regional or international organisations, such as the ILO, and non-Parties.[69]
Peru-Australia (PAFTA)	**Article 18.2: Statement of Shared Commitments** The Parties affirm their obligations as members of the International Labour Organization (ILO). **Article 18.3: Fundamental Labour Rights** The Parties, in accordance with their obligations as members of the ILO and the ILO Declaration on Fundamental Principles and Rights at

[69] https://www.dfat.gov.au/sites/default/files/19-labour.pdf

	Work and its Follow-Up (1998) (ILO Declaration), shall endeavor to adopt and maintain in their labour laws and practices thereunder, the principles as stated in the ILO Declaration. **Article 18.4: Application and Enforcement of Labour Laws** 1. Neither Party shall fail to effectively enforce its labour laws, including those it adopts or maintains in accordance with Article 18.3, through a sustained or recurring course of action or inaction, in a manner substantially affecting trade or investment between the Parties. 2. Neither Party shall waive or otherwise derogate from, or offer to waive or otherwise derogate from, its labour laws implementing Article 18.3, in a manner substantially affecting trade or investment between the Parties, where the waiver or derogation would be inconsistent with the principles as stated in the ILO Declaration. **Article 18.1: Definitions** *labour laws* means laws and regulations,1 or provisions of laws and regulations, of a Party that are directly related to the following internationally recognised labour rights: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour, a prohibition on the worst forms of child labour and other labour protections for children and minors; and (d) the elimination of discrimination in respect of employment and occupation. **Article 18.7: Labour Cooperation** 1. The Parties recognise that cooperation on labour issues plays an important role in advancing development in the territories of the Parties, enhancing opportunities to improve labour standards and further advancing common commitments regarding labour matters, including the principles embodied in the ILO Declaration and ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, done at Geneva on 17 June, 1999. 2. The Parties may cooperate on labour matters of mutual interest and explore ways to further advance labour standards. Cooperative activities may include work on labour laws and practices in the context of the ILO Declaration, and other matters as mutually agreed between the Parties.[70]

[70] https://www.dfat.gov.au/trade/agreements/in-force/pafta/full-text/Pages/chapter-18-labour