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JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Foreign Affairs Subcommittee

Monday, 26 February 2001

Members: Senator Ferguson (*Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Hutchins, Sandy Macdonald, O'Brien, Payne and Schacht; and Fran Bailey, Mr Baird, Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Dr Martin, Mrs Moylan, Mr Nugent, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

Subcommittee members: Mr Jull (*Chair*), Senator Gibbs (*Deputy Chair*), Senators Bourne, Calvert, Chapman, Ferguson, Hutchins and Schacht; and Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Lieberman, Dr Martin, Mr Nugent, Mr Price, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

Senators and members in attendance: Senators Gibbs and Ferguson, and Mrs Crosio, Mr Laurie Ferguson, Mr Hollis and Mr Jull

Terms of reference for the inquiry:

To inquire into and report on Australia's relations with Middle East nations and the Gulf states, with particular reference to:

- Opportunities and impediments to expanding Australia's trade relationship with the Middle East and the Gulf states;
- Australia's contribution to the Middle East peace process, and the prospects for resolution of the Arab-Israeli conflict;
- The role of the United Nations, and Australia's involvement, in promoting regional stability for the Middle East and the Gulf states, including consideration of the United Nations weapons inspection program and the impact on Iraq of internationally-applied sanctions;
- Australia's defence relationship with the Middle East and the Gulf regions, and the scope for promoting Australia's strategic interests;
- The impact of destabilising influences in the region including the potential production of weapons of mass destruction.
- Progress on the adoption of human rights principles in the region; and
- Social and cultural linkages, given the levels of migration to Australia from the Middle East and some Gulf states and with particular reference to the Australian aid program towards the Middle East and the training programs for students from the region.

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Subcommittee met at 9.04 a.m.**BEDLINGTON, Ms Jennifer Jane, First Assistant Secretary, Refugee and Humanitarian Division, Department of Immigration and Multicultural Affairs****FREW, Mr Todd, Assistant Secretary, Temporary Entry Branch, Department of Immigration and Multicultural Affairs****NGUYEN-HOAN, Dr Thu, Assistant Secretary, Multicultural Affairs Branch, Department of Immigration and Multicultural Affairs****RIZVI, Mr Abul, First Assistant Secretary, Migration and Temporary Entry Division, Department of Immigration and Multicultural Affairs**

CHAIR—On behalf of the Foreign Affairs Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I declare open this public hearing into Australia's relations with the Middle East. The committee is commencing the final Canberra hearings following an extensive program of meetings to obtain evidence in major capital cities around Australia. Today's proceedings enable the committee to meet with representatives of two Commonwealth agencies, the Department of Immigration and Multicultural Affairs and the Department of Family and Community Services, as well as the head of the General Palestinian Delegation and the Chairman of the Australian Friends of the Alexandria Library.

On behalf of the subcommittee I welcome members of the Department of Immigration and Multicultural Affairs. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will consider your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make a short opening statement if you wish and then we can proceed to questions.

Ms Bedlington—Thank you, Mr Chairman. DIMA forwarded a submission to this inquiry on 22 June last year. In addition, issues pertaining to this portfolio that have been raised to date in the submissions to the committee and in its hearings are being addressed in a supplementary submission which we can have available for you shortly after this hearing. There will be an opportunity for us to incorporate into that submission any further issues that you want detailed information on. However, I think it would be useful for the committee if I were to make some context setting comments to outline the history of migration to Australia from the Middle East, to briefly explore the social and cultural linkages established through our immigration channels, to dispel some popular misconceptions about Australia's processing of asylum claims and to outline our strategy for tackling illegal migration and people smuggling.

From DIMA's perspective it is very difficult to discuss the Middle East without immediately needing to categorise and be specific about the particular country in question. For example, countries in the Middle East have economies ranging from emerging to extremely wealthy. This impacts on potential tourism, business, skilled and student visa markets. Some countries are active members of the international protection community, whether convention signatories or not, and host vast numbers of refugees; others participate very little. Some countries give rise to human rights concerns while others do not; some countries have strong links to Australian

communities and feature in our family migration programs while others do not. Naturally, DIMA meets this diversity with a similarly diverse approach.

Australia has a long history of migration from the Middle East. For example, there are some 78,000 people living in Australia who were born in Lebanon, 37,000 who were born in Egypt, 32,000 who were born in Turkey, 19,000 who were born in Iran and almost 8,000 who were born in Israel. Migration from the Middle East continues at a significant level. In the year 1999-2000, almost 10,000 people came to Australia from the Middle East on a permanent or long-term basis. DIMA recognises that the Middle East is an increasingly important source of trade and investment for Australia. We are seeing a growing level of business visitors and tourists from the Middle East. Parts of the Australian international education industry are also looking to the Middle East as a source of overseas students.

Against this background, DIMA continue to develop our visa processing arrangements in the Middle East to meet the growing demand. In doing so, however, we are also very conscious of the emphasis the government places on the integrity of our immigration arrangements. Sadly, there are a number of Middle East countries where we experience visa scams, fraud and immigration non-compliance on a regular basis. These factors make it more difficult to introduce in many Middle Eastern countries the kinds of processing arrangements we have in place in lower risk countries. Nevertheless, DIMA are committed to finding ways to assist the entry of genuine visitors, students and business people from the Middle East. We continue to expand agency arrangements in low risk parts of the Middle East and to explore electronic options that may better meet the needs of genuine clients whilst still identifying those that may be seeking to undermine immigration integrity.

There is considerable diversity in communities in Australia which trace their origin to the Middle East and North Africa. They cannot be considered as a homogenous or discrete grouping but are variously divided or united by history, religion, ethnicity, nationality and culture. Some communities have links with the days of the first European settlement in Australia while others are comparatively recent arrivals. While many have migrated to Australia, others have established themselves in Australia because of turmoil in their country of origin. Links with their country of origin will vary depending on their wish to maintain contact, which in turn often reflects their reason for leaving.

Nonetheless, all of these communities represent a diversity of linguistic, religious, business and other social and cultural knowledge and expertise. They present opportunities for advancement of Australia's strategic international interests, especially in terms of the social, political and economic engagement of nations in the Middle East, but also for the rest of the world.

Recent boat arrivals containing a large percentage of persons of Middle Eastern origin have added a level of complexity to the picture of the Australian-Middle Eastern relationship. As the committee would be aware, the vast majority of these arrivals are claiming refugee status and are being found to be refugees granted a temporary protection visa and released into the community. I would like to take this opportunity to dispel a number of myths that are frequently expressed in this area.

Firstly, there is an assumption that permanent residents and immediate family reunion is necessary for us to meet our protection obligations. This is not the case. Non-refoulement is the primary obligation; that is, convention signatories are obliged to not return refugees to where they may face persecution. Repatriation to the country of origin in dignity and safety is the preferred durable solution for refugees, and temporary status in the first instance is completely in line with that objective.

Secondly, there is a misunderstanding that refugees granted temporary protection will be summarily returned after three years. This is false. There is a clear pathway to permanent residence after 30 months if protection is still required.

Thirdly, there is the oft-repeated claim that provision to unauthorised arrivals of temporary protection in the first instance constitutes a penalty and, therefore, breaches our convention obligations. This is not correct. Refugees who arrive without authorisation are given protection in Australia. Temporary protection, followed by reassessment of the protection need, followed by the durable solutions of repatriation, local integration via a permanent protection visa in Australia if protection is still required, or resettlement to a third country, is consistent with the international protection framework.

Fourthly, the asylum seekers from the Middle East who have arrived by boat over the last 18 months were not detained because they are asylum seekers or because they are from the Middle East; they were detained because they arrived in Australia without authorisation. DIMA is required by the Migration Act 1958 to detain all unauthorised arrivals until they are either granted a visa or are removed. In fact, the majority of asylum seekers in Australia have arrived lawfully and are not detained.

Finally, asylum seekers are not languishing in detention for long periods. They are now processed more quickly than ever. Measures introduced by DIMA over the last 18 months have significantly improved the speed and effectiveness of the refugee determination process without compromising its integrity. These measures include more than doubling the number of trained staff processing asylum claims and substantial re-engineering of the process to eliminate delays.

I would also like to outline our broad approach to tackling illegal migration and people smuggling, with particular reference to flows from the Middle East. The current boat arrivals—mainly Iraqis, Afghans and Iranians—are being smuggled to Australia by highly organised criminal elements. People smuggling not only undermines the fundamental principle that each nation state has the right to determine who can enter and remain in its territory but puts at risk the lives of asylum seekers and the capacity of the international community to support the system of international protection.

To combat this dangerous trade, the government has adopted a comprehensive strategy based on three key elements: taking bilateral and international action to minimise primary outflows from countries of origin and secondary outflows from countries of first asylum—a strategy of prevention; working with other countries to disrupt the activities of people smugglers, including their prosecution and interception of their clients en route to their destination; and developing the appropriate reception arrangements for unauthorised arrivals who reach Australia, focusing on the early assessment of their claims for refugee status, providing protection for those found to be refugees and the prompt removal of failed asylum seekers.

In taking this approach we must look at the factors causing asylum seekers to resort to people smugglers. In our view, the most significant factor is the failure of the international protection community to properly support countries such as Pakistan and Iran which have been hosting very large refugee populations for long periods of time. That failure of support has seen a failure to provide durable solutions for those refugees. They are now using people smugglers to find their own durable solution in a country of their choice.

Australia is therefore working internationally with UNHCR, IOM, countries of first asylum, transit countries and other destination countries to find and support durable solutions. Australia has often raised in international fora, such as the UNHCR executive committee, the plight of long-standing refugee populations in Iran and Pakistan. We have repeatedly urged UNHCR and the international community to increase their support to countries of first asylum and to work together to find durable solutions for these refugees so they will not feel the need to employ people smugglers in an effort to find their own solutions.

In summary, Australia's immigration based relationship with the Middle East is complex. There are many benefits from factors such as cultural diversity, improved trade opportunities and skills transfer. There are also currently some problems surrounding unauthorised arrivals but we see that as only one part of a much broader, robust relationship that is of great benefit to Australia. Thank you, Mr Chairman.

CHAIR—Thank you very much. That is most useful indeed. In terms of your plan to meet some of this increased demand for visas in the Middle East, what are the expansion plans at the moment?

Mr Rizvi—The expansion plans in terms of the Middle East right now depend, as Ms Bedlington has pointed out, on a range of factors. Some of those factors we would prefer to discuss in camera if we could. Outside that, the approach that we are presently taking has been, firstly, to expand the range of offices within the Middle East which process visa applications, and over the last 18 to 24 months there has been a steady expansion of the number of visa issuing offices in the Middle East.

The second strategy that we have been adopting is to increase the range of agency arrangements that are in place to deal with visitor visa applications. The number of agencies with which we deal has increased quite considerably and we continue to work in the Middle East to identify new agency arrangements which we can develop. We do that often in close consultation with the Department of Foreign Affairs and Trade but probably more particularly with the relevant tourism agencies.

CHAIR—I suggest that now might be the appropriate time to take evidence in camera. I would like to follow up some of those points.

Evidence was then taken in camera, but later resumed in public—

Mrs CROSIO—Through you, Mr Chairman: Ms Bedlington, in the first part of the statement that was issued this morning, in the very top paragraph of the second page, you stated:

Sadly, there are a number of Middle East countries where we experience visa scams, fraud and immigration non-compliance on a regular basis.

Are you able to name those countries?

Mr Rizvi—I might take that one. The countries where we are more likely to experience those sorts of scams tend to be the higher risk Middle East countries. It would be rare that we would experience such a scam, for example, out of the UAE, Saudi Arabia, Kuwait or Qatar. It would be more likely that we might experience such a scam out of the Lebanon, Turkey and perhaps Egypt.

Mrs CROSIO—Further to a statement issued by the minister, on Tuesday, 23 January it was stated that a major international people smuggling ring had now been broken, with the arrest of two Iraqi men in Malaysia. If this, as reported, was definitely going to stop the flow, could you qualify for the committee whether their action is really going to stop it. Or is it really just the tip of the iceberg? I suppose that is what I am trying to say. We made a great to-do on 23 January about these two people being captured and that therefore we were going to stop everything coming into this nation. I know it is happening worldwide, but we are more concerned about Australia in our inquiry. Do you honestly believe that arresting just those two is going to stop this network?

Ms Bedlington—It is important to consider the perspective of the people smuggling market, if you like. If we look at the number of people who are either living in poverty in their countries of origin, or living as refugees with protection in a country of first asylum, as has gone on in the case of particularly the Iraqi and Afghan caseloads for 20 years and more, the potential pool of clients for people smugglers is very large indeed. I guess the appropriate parallel would be in relation to drug smuggling: the market is there, organised crime is always looking for opportunities for profit, but every single arrest and successful prosecution of a smuggler makes it more difficult and may slow it down. It is a tremendously important part of our overall strategy to try and counter people smuggling, but obviously even the prosecution of one or two smugglers is not going to stop a very large operation. But I would not want to give the impression that that is not a tremendously important part of the strategy.

Mrs CROSIO—Could I take you to page 3 of your statement to us this morning, again the top paragraph. You say:

Repatriation to the country of origin in dignity and safety is the preferred durable solution for refugees and temporary status in the first instance is completely in line with that objective.

How would we be able to even look at the repatriation to the country of origin of some of those boat people who have arrived in this country?

Ms Bedlington—In fact, UNHCR is involved in voluntary repatriation programs for these people out of their countries of first asylum. Repatriation in the international protection context is not involuntary return, it is voluntary by nature. It is the international agency, UNHCR, working with the people and with the country of origin, and with the support of the international community providing reintegration support and assistance to people to re-establish themselves, and the refugees themselves making a judgment that they want to go home and that with the assistance and support of the international community they can do that.

Mrs CROSIO—Do we actually have the UNHCR officers working with DIMA in Australia doing that? Do we actually have officers on the ground representing the UNHCR here in Australia, working with DIMA, I assume, doing that?

Ms Bedlington—The voluntary repatriation that we are talking about in this context is out of countries of first asylum like Iran, for example. In terms of Australia, we have individuals who decide they want to go back, and DIMA assists them to do that. For example, we have had a number of visa holders who decided that they wanted to return and they have gone back of their own volition. We do not have out of Australia an established voluntary repatriation program supported by UNHCR such as takes place out of Iran, but we do work very closely with UNHCR, which has a regional representative here in Canberra.

Mrs CROSIO—Do you feel there is a need for us to have representatives in the UNHCR looking at the number of asylum seekers who have come to our shores both legally and illegally?

Ms Bedlington—Yes and no. We gain considerable value from working closely with the local representative of UNHCR on a whole range of issues. For example, UNHCR provides us with advice about interpretation of the refugees convention, assists us in training our case officers and so on, but Australia, as a signatory to the refugees convention and as a developed country with a developed system of administrative law and so on, takes responsibility for its own determination of asylum claims and so on. This is different from many of the countries of first asylum that may or may not be signatories and almost universally do not have a system of their own asylum determination. UNHCR undertakes it on their behalf. So the relationship with UNHCR is somewhat different in a country like Australia from what it would be, say, in Iran.

Mrs CROSIO—Also, further to the statement you read to us this morning, Ms Bedlington, the fifth paragraph of the third page says:

DIMA is required by the *Migration Act 1958* to detain all unauthorised arrivals until they are either granted a visa or are removed. In fact, the majority of asylum seekers in Australia have arrived lawfully and are not detained.

Would you have the percentage of those arrivals?

Ms Bedlington—It varies tremendously depending on how many unauthorised arrivals come in.

Mrs CROSIO—This statement was prepared for evidence today.

Ms Bedlington—I do not have the numbers with me. I can take that on notice. I think currently probably around 60 per cent or so, or even higher, are in the community but, depending on how many arrive—for example, if two boats arrive—and how many decisions are taken and so on, it varies very considerably. A few years ago, for example, before the spate of boat arrivals that started at the end of 1999, I think about 97 per cent or 98 per cent of asylum seekers were lawfully in the community.

Mrs CROSIO—In other words, in the country they left they were granted a visa to come here, whether it be a tourist visa or whatever.

Ms Bedlington—That is right.

Mrs CROSIO—On that same page you talk about the asylum seekers not languishing in detention centres for long periods of time and say that one of the measures to prevent that is ‘substantial re-engineering of the process to eliminate delays’. You say that you are putting on more trained staff to process asylum claims, but would you like to explain that again? What do you mean by ‘substantial re-engineering of the process to eliminate delays’?

Ms Bedlington—The major thing that we have done—

Mrs CROSIO—We are not turning the boats back. We are processing them. We are putting all those people in here.

Ms Bedlington—It is in relation to how we go about processing. In the past, with unauthorised arrivals we went through a sequential process of interviewing to ascertain where they came from, why they came here, who they were, and those sorts of questions.

Mrs CROSIO—Can I just interrupt there? Do we do that before we put them in the detention centres or do we do that when they first arrive?

Ms Bedlington—They are taken into detention as soon as they reach Australia. We do it immediately after they arrive in the detention centre. Then we went through a process of, if they raised claims or provided information that prima facie may have engaged Australia’s protection obligations, we arranged for them to get application assistance to prepare their claims for refugee status, interviewed them and considered whether or not they were refugees. Then, if it was found that Australia had protection obligations to these people, we would put in train the process of seeing whether they met the other two criteria for grant of a protection visa, namely health and character checking.

What we have done now—in light of the large numbers and the fact that, for the first time, the great majority of the boat arrivals are actually refugees and the approval rates are very much higher, for example, than they were for the Chinese caseload that we had been experiencing in years before that—is front-end load the health and character checking. We may do that unnecessarily for some, but the numbers are small and, in relation to moving the caseload through quickly, we believe it is cost effective. So for all of the arrivals we do health and character checking up front at the same time as we are considering whether or not they are refugees.

Mrs CROSIO—Again, on the next page of your statement, the third dot point says:

- developing the appropriate reception arrangements for unauthorised arrivals who reach Australia, focusing on the early assessment of their claims for refugee status, providing protection for those found to be refugees and the prompt removal of failed asylum seekers.

We remove them from where to where?

Ms Bedlington—As a general proposition, if somebody has made a claim to stay in Australia and had their visa rejected, the act requires us to remove them as soon as practicable. They are

removed to their country of nationality or a country to which they have re-entry and permanent residence rights.

Mrs CROSIO—So we would remove them to Afghanistan or to Iraq?

Ms Bedlington—That would be the starting point if they are Afghan or Iraqi citizens.

Mr HOLLIS—What if they claim not to be of that citizenship and that country refuses to take them? We do not have a direct air link to Afghanistan. If someone was here and claimed they were not Afghanistani and had no documentation and you only went on the word of the immigration officer, what would happen? Where are they sent to if they are claiming status and Afghanistan says, 'We're not taking this person back,' and there are no papers? How are we taking this person back? Where do we send them?

Ms Bedlington—You have put your finger on one of the difficulties in relation to this caseload. Most of the people who are arriving are arriving without documentation. The smugglers are telling them to destroy it before they arrive. Some of them are left in transit countries like Indonesia. From our point of view, they arrive and we do not know who they are or where they came from. As they seek to establish claims for refugee status, they tell us who they are and that they are a citizen of such and such a country. They build their claims around that citizenship, which may or may not be the truth. Part of the decision maker's responsibility is to try through various means—whether it is credibility checking, by asking the refugee questions that they really should know the answer to if they came from a particular place; tools such as linguistic testing; and checks with countries of first asylum about whether they really are citizens of that country rather than the claimed country of origin—to determine the truth. All of that is part of the normal process of establishing whether someone is entitled to a visa. So even for those, if we accept the story that they are giving, where we decide that they are still not refugees because their claims do not meet the Refugees Convention, we have done a very substantial body of work of thinking about whether in fact they are who they say they are and came from where they said they came from.

Mr LAURIE FERGUSON—Earlier you assaulted some of the myths, as you put it. That might be very comforting to a few people demonstrating outside the Villawood Detention Centre, but I do not think they are the concerns of the broader electorate. When you talk about linguistic testing, for instance, how dependent are we upon people from outside the department in assessing language? Do you have your own people in the department to check on these kinds of claims?

Ms Bedlington—No. If we have reason to suspect that somebody is from a different country—for example, that the Iraqi is really an Iranian or an Afghan is really a Pakistani or that sort of thing—we utilise the services of specialised agencies in Europe. We have several providers who have experienced linguists that do this sort of work for European countries.

Mrs CROSIO—So they fly from Europe to look at our—

Ms Bedlington—No, we send them tapes. We send them specially put-together tapes that do not include any of the detailed asylum claim information but just general chat. They can analyse that according to the accent, the idiom—the way in which the people speak.

Mr LAURIE FERGUSON—Realistically, it happens once in a blue moon that you have grounds for suspicion and actually call in linguistic help, doesn't it?

Ms Bedlington—No. We are actually making quite extensive use of this, because of concerns about parts of the case load.

Mr LAURIE FERGUSON—I am not saying that the department has got an easy road in this, but isn't it the reality, quite frankly, as the minister points out, that the pass rate for these people is far higher than through UNHCR and far higher than through the high commission in Islamabad? Eventually the pass rate for these people by boat is far higher, isn't it?

Ms Bedlington—Do you mean the approval rate?

Mr LAURIE FERGUSON—Yes. It is higher than through UNHCR posts overseas and the high commission, for instance, in Islamabad.

Ms Bedlington—I am sorry, I misunderstood. Yes. That is an issue of considerable concerned interest on our part. We have been talking to UNHCR to try and understand whether their approval rate is too low, whether ours is too high, or whether in fact there are differences between the case loads that could explain this.

Mr LAURIE FERGUSON—Logically, even though you tell us that, as we all know, there are hundreds of thousands of Afghans hanging around Peshawar and there are Shi'a in other countries from Iraq, et cetera, realistically there should not be a stereotype of these people coming in a boat that they should per se have a higher pass rate, is there? There is no logical reason, is there?

Ms Bedlington—No, definitely not. We do know some of the reasons for the differences. In countries of first asylum, the UNHCR determination is only of a very small proportion of the case load, and generally speaking it is in the context of an asylum seeker who is seeking resettlement, so they may not be typical of the total case load in the country of first asylum. We also know that the people who come to Australia who are out of some of these case loads are of quite different composition to the case loads, for example, that are being smuggled to Europe—different ethnic groups, different religious groups and so on. It is not until you actually get down to do very detailed analysis of the aggregate number that you can come to terms with other reasons for the difference.

Mr LAURIE FERGUSON—On the example you gave us about those people going to the UNHCR, I think logically we would expect a higher pass rate rather than a lower rate from a bunch of people who get on a boat from who knows where without any identification. We would expect a higher pass rate logically, wouldn't we, for those people who bother to go to UNHCR and possibly produce material and evidence, and they are actually very much going through a particular organisation to try to get resettlement? They are confident enough in Pakistan to be putting forward a claim of being Afghans rather than Pakistanis, right?

Ms Bedlington—Not necessarily. I do not know that being prepared to have a go by getting to the UNHCR office—

Mr LAURIE FERGUSON—As only the first step?

Ms Bedlington—is necessarily a good indicator of either the high priority protection need or the need for resettlement. I think there may be other forces that are at play here. Many of the particular ethnic groups that we see—for example, Hazara here, who get a higher approval rate—may not have the resources and so on to get to what are very scarce UNHCR resources on the ground. UNHCR have nowhere near the resources that they require in these countries of first asylum to actually meet the need for refugee status determination and registration of asylum seekers.

Mr LAURIE FERGUSON—Haven't we really got a culture here that, once they have arrived, it is basically difficult to send them back—you have got political protests, you have got people carrying on about detention? Is there a bit of a culture here that basically they are through?

Ms Bedlington—Absolutely not. Every single application is considered very carefully—individually, on the merits of the claim—against the refugees convention. When I talk about integrity of the refugee determination process, that is not just making sure that we approve everybody who is a refugee. It means that we do not approve people who do not deserve Australia's protection obligations.

Mrs CROSIO—But surely we would have to be realistic and realise where the majority of them have been coming from by boat. We would classify them once they leave their country as a refugee anyway.

Ms Bedlington—Absolutely not. The method of their arrival does not necessarily mean, one way or the other, that they are more or less likely to be refugees. By way of illustration, I would actually talk about the predominant boat case load that we have had in recent years—the boats from the People's Republic of China. When we first interview these people, many of them are very open about saying, 'I came here to get a job.' Just because they came by boat does not indicate, in any way, that they are refugees or that they have a higher need for resettlement than the other millions of refugees who are sitting in countries of first asylum. All it means is that they have had the resources, they have decided to have a go and that the mechanism, the availability and selling of the wares of the people smugglers, has actually been there—where the refugee or the asylum seeker or the boat person is.

Mr LAURIE FERGUSON—I have a final question on the Middle East. No-one disputes that quite a few people from the South Lebanese Army might get a bullet in the head from Hezbollah post the Israeli withdrawal, but what was the logic behind the determination that they should be a select group that comes in? The number was 200 families, wasn't it?

Ms Bedlington—Up to 200 places—

Mr LAURIE FERGUSON—Given that we look at the Middle East and see all the problems there, what is the logic behind this particular group getting this provision?

Ms Bedlington—The logic is in the sense that we have applications from this group, and among the group there are cases that require resettlement.

Mr LAURIE FERGUSON—As opposed to all the other different groups in the Middle East?

Ms Bedlington—No, we have a very substantial number of places put aside for the Middle East. Recognising we are short of time, Mr Chairman, we can provide you with detailed information about the other cases from the Middle East.

Mr LAURIE FERGUSON—Are you saying that this decision on the SLA is not distinguishable from a whole lot of other cases and the way you treat the rest of the Middle East? So the way it was determined in that fashion—that we would specifically take 200 families—was not distinctly different? Is that what you do every day of the week when you find a problem in the Middle East?

Ms Bedlington—The decision to set aside 200 places does not mean to say that we are going to take 200 people. It is an identified part of the allocation for the Middle East. At the individual level, we will be treating the applications from former members of the SLA the same as we are treating applications from anyone else in the Middle East. I am trying to differentiate between places being allocated for a particular region and what actually happens when we are considering individual applications for resettlement through the special humanitarian program.

Mr LAURIE FERGUSON—I am not interested in arguing about whether the whole numbers will be taken up; that is not the point. I am getting to the question that there would seem to have been a degree of selectivity in that we actually go out to the Middle East and we say, ‘Oh, well, there is a problem here, so we are taking those.’ If we go to the Middle East, we can find a lot of groups who might claim a similar kind of distinct, identifiable area of persecution, and we have not actually composed a special scheme for them.

Ms Bedlington—I have two comments. Firstly, there is not a special scheme for the SLA because it is part of the one program—the special humanitarian program. It is not like the old arrangements that were limited to only one group, the SACs. The other comment would be that our allocation for places that is based on regions is selective. It is selective in the sense that it responds to a broad range of information that is put before the government about the need for resettlement. It comes from UNHCR, community organisations and NGOs. That is brought together, and the allocations seek to address perceived need for priority resettlement. So in that sense it is selective but it is not a segregated special program in the sense that you appear to be suggesting.

Mrs CROSIO—But on the other hand we had Mr Ruddock’s visit to the Middle East, where he stated that Australia would be prepared to settle refugees from Palestine if that would help the peace process. Would that be the minister putting a certain selection into the allocation?

Ms Bedlington—I seem to recall the minister said the government would be prepared to consider it if the approach were made, just as we would consider any other approaches that were made, whether it was UNHCR or UNRWA or the appropriate UN agency.

CHAIR—But in that case it would have to fit in with the existing program?

Ms Bedlington—That is right.

Mrs CROSIO—If it was to fit in with the existing program, are we talking about any type of numbers if this hypothetical offer was to be accepted?

Ms Bedlington—I think it is very hypothetical, so talking about numbers would be premature.

Mrs CROSIO—To what extent is DIMA involved once the asylum seekers have been granted refugee status in this country? In other words, as a department do you help them integrate within Australia to make sure they have settled or they are meeting all the requirements? Is that task then handed off to another department?

Ms Bedlington—Are you asking the question in general or about the boat people?

Mrs CROSIO—In general, as asylum seekers being processed by DIMA. Does that actually finish your area of responsibility to follow it through to make sure that everything is going according to hoy and they are being integrated correctly? Where do we stop as one department and where does another area step in, or do we just say, 'Right, you're on your own, go to it?'

Ms Bedlington—For people who are granted refugee status in Australia, we have two broad approaches. We have a range of specialised services that are available through the integrated humanitarian settlement strategy. If the committee is interested, we can provide some background information on that. More importantly, we have a very broad range of settlement services that are generally available.

Mrs CROSIO—So once the asylum seekers leave a detention centre, if they have been granted refugee status, they have been informed of the activity on where to go and what action to take.

Ms Bedlington—That is the general answer.

Mrs CROSIO—No, it is a general question.

Ms Bedlington—Yes.

Mrs CROSIO—It is not the general answer; it is the general question.

Ms Bedlington—The subsequent question you asked is a little more specific about the ones who came out of detention. That is why I wanted to clarify what you were asking. People who arrive in Australia without authorisation, whether by boat or by air, and who are taken into detention can be granted only a temporary protection visa if their refugee status is approved. Those people, as part of the package of measures designed to discourage use of people smugglers, are not provided with the same full suite of specialised settlement services. The general answer I gave is true for asylum seekers—for example, those in the community. But the ones who are granted temporary protection visas are entitled to a very limited range of services. They are entitled to special benefit; they are entitled to Medicare. The one settlement service that they are able to directly access is the one that provides early health assessment and intervention. They can go along to one of our contracted providers which enables them to have

acute medical needs assessed and they are given advice about how to access the Australian health system as a whole.

CHAIR—There was one other area and that was the submission of the Refugee Council. I guess you would be familiar with their submission. We were hoping to get some reaction from you in terms of the recommendations from their submission. That included that the offshore and onshore programs be delinked, and that any overflow be dealt with in the context of contingency reserve funds which could be allocated as they are in the events of a natural disaster or a Kosovo situation. Their recommendations say:

... the 785 visa subclass be abolished and that all those granted refugee status in Australia be granted permanent residence... for as long as the TPVs remain, the regulations be amended to ensure that visa holders are afforded the entitlements due to them as refugees under international law.

I am not sure how briefly we cover those now, or whether it might be better to write to you and ask if you would mind giving us some sort of reaction to that.

Ms Bedlington—Mr Chairman, they are big issues. May I suggest that we incorporate them in the supplementary submission that we are preparing and have it with the committee very shortly?

CHAIR—Thank you very much indeed. Thank you for your attendance here today. If there are any matters other than those we have mentioned on which we might need additional information we will certainly be in contact with you.

[10.07 a.m.]

KAZAK, Mr Ali, Head, General Palestinian Delegation

CHAIR—On behalf of the subcommittee I welcome Mr Ali Kazak, Head of the General Palestinian Delegation to Australia. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I understand that you have given us a 14-page statement. It may be better for us to take that as an additional submission. The only thing that worries me is that if we go through the 14 pages we will not have much time to question you. We have got a load of questions. If that is okay, could we handle it that way?

Mr Kazak—Yes, certainly. It is important to raise certain issues with the committee, especially issues arising since my submission a year ago, as well as issues raised through other submissions and hearings which are very concerning to us and that I thought needed to be at least looked into. I have here about five copies of my speech.

CHAIR—What we would like to do is to make that part of the official record. You might find that our questions will cover some of those areas anyway. If that is okay, we might proceed.

Australia is a smaller power and we are a long way from the Middle East. But you have made the suggestion that, obviously, Australia has or can play a bigger role in trying to bring about a peace settlement. Could you give us some indication of where Australia could play a major part?

Mr Kazak—Yes, certainly. We recognise that Australia is not a major player in the Middle East but nevertheless Australia is an important player and has a historic and moral duty towards the Palestinian people. Australia did participate in all the major wars in our region. Further to this, Australia's Middle East policy states clearly that peace and stability in the Middle East is in Australia's strategic interest. Based on this, Australia justified participating in the war against Iraq. Australia can certainly do a number of things. It can demand that Israel comply with the United Nations resolutions and the agreement Israel signed with the PLO, and that Israel comply with the 4th Geneva Convention. It must exercise pressure on Israel to do so, as well as have an active role internationally to see that Israel complies with international law—the United Nations resolutions as well as the agreements Israel signed with the PLO. Australia is not doing that. Let me give you an example. Australia exercised tremendous pressure on the PLO to recognise United Nations resolutions 242 and 338 and demanded that the PLO recognise the right of Israel to exist, which the PLO has done since November 1988—and more so. It did so also with the opinion that, if the PLO does that, Israel will then comply and withdraw from the occupied territories and recognise Palestinian rights. Israel is still in occupation of our country and still refuses to recognise our rights. It refuses to recognise the rights of the Palestinian refugees to return and refuses to comply with United Nations resolutions 242 and 338, and yet Australia is not exercising any pressure on Israel to do so.

Another example is that in the last five months of the current intifada Israel has been collectively punishing the entire Palestinian population—putting whole cities, villages and refugee camps under strict economic and military siege, killing more than 400 men, women and children and wounding more than 20,000. Forty per cent of them are children. They have destroyed more than 3,000 homes, offices, factories and so on. Yet until now Australia has not even condemned Israel's gross violations and crimes. Australia is giving the wrong signal to Israel that Israel can get away with what it is doing. If an Arab or Moslem country put Israeli cities and villages under strict military and economic siege, bombarded the hell out of their apartments and offices, killed 400 and wounded 20,000 Israelis, would Australia also take the same position? We all know that would not be the case. Maybe the Australian Army would go on full alert; Australia would not be a silent witness to what was happening. Therefore we do not see even-handedness there. There is some sort of double standard that international law is not applicable when it comes to Israel and that Israel is encouraged to consider it to be so.

CHAIR—Would you agree that the voting record of Australia in the United Nations has been fairly balanced?

Mr Kazak—No, I do not agree that it is balanced. Australia has abstained on a number of occasions when it should have supported the resolutions. For example, when the United Nations called for the convening of a conference of the signatories to the fourth Geneva Convention to look into Israel's gross violations of the convention, Australia voted against—when everyone sees that Israel is violating the fourth Geneva Convention.

Mr LAURIE FERGUSON—How many countries voted against that resolution—very few?

Mr Kazak—About three countries, I think. Australia was one. Also Australia voted, and still votes, against a number of resolutions relevant to the Palestine question. They justify this by saying that the language is not correct. That is not acceptable when the overwhelming majority of countries around the world support the resolution. So Australia is one of a few who take that sort of position.

CHAIR—Could I just move along a little bit. Since your submission came in, we have seen two important developments: the election of President Bush and the recent Israeli elections. Although it may be early days, in these early days has there been, to your knowledge, any significant movement, one way or the other, in the Palestinian-Israeli situation? What are your fears, or what are your assessments of what is likely to proceed now?

Mr Kazak—The situation is extremely serious and dangerous with Sharon now in power. Sharon is unrestrained. His bloody history and crimes are the best proof of what sort of person we are dealing with. Also, Sharon has opposed every single peace agreement, starting from Oslo until now. He opposed Israel's withdrawal from south Lebanon, he abstained on the peace agreement with Jordan, and so on and so forth. And now at 72 he is not about to change certainly his political platform; he is indicating that he is not.

With the change of the United States administration, we hope that the current administration will take a more serious stand than the previous one. Unfortunately, Mr Clinton was not firm enough with Israel to force it to comply with the agreements it signed under his own auspices and supervision. That was the problem with the last administration. So our hope is that the

current Bush administration will see that Israel complies with agreements, with international law and the United Nations resolutions.

They are showing everyone how serious they are towards Iraq. Although Iraq complied with the United Nations resolutions by a withdrawal from Kuwait, they are doing all this and still bombarding Iraq because they think that there is a comma somewhere in one of those resolutions which the Iraqi regime has not complied with, while Israel is getting away with murder, with hundreds and hundreds of United Nations resolutions.

This double standard is not helpful to world peace. We cannot have two sets of principles, one applying to the whole world and another to Israel. There has to be one set of principles applying to all, including Israel. Israel should not be allowed to continue to be above international law. The United States has a major role in world politics and world peace, and one would hope that the United States would shoulder its responsibility. But it is also the responsibility of the rest of the international community, Australia included.

Senator FERGUSON—You tend to use rather inflammatory language at times in your submission. Do you think there is any chance for a resolution of the current conflict, which has been going on now for more than 50 years, while extremists on both sides still continue to use such extreme language?

Mr Kazak—Senator, it sounds as if you do not like the language I am using, and I would like you to tell me exactly what language you do not like. But I would like to remind you that Israel is using bullets and missiles against our people, and bulldozers to cut through our people, and it is collectively punishing our entire nation.

Senator FERGUSON—Are you suggesting, when you use phrases like ‘Mr Sharon’s bloody history’, that in fact there is no bloody history on the side of the Palestinians as well?

Mr Kazak—Well, that depends on how you see the situation. If you think that the butcher and the victim are both in the same category, then yes, I will agree with you. But there is something called ‘aggressor’, ‘victimiser’, and ‘victim’. We have been victims of Israel’s brutal occupation, dispossession and killing for the last 53 years. Now we are defending ourselves. If you think that by defending ourselves we are put in the same category as our oppressors and butchers, then yes, you are right.

Senator FERGUSON—But it is also fair to say that we could find somebody on the Israeli side who would make exactly the same claims against you.

Mr Kazak—Sure you could find them. The Nazis used to call the resistance against them acts of terrorism. But were they acts of terrorism? The apartheid regime in South Africa used to call the resistance against them acts of terrorism. Were they acts of terrorism?

Senator FERGUSON—The final status of Jerusalem has always seemed to be a major hurdle in every piece of negotiations that takes place between the leaders of the Palestinians and whoever is the Israeli head of the time. The final status of Jerusalem always seems to be the stumbling block that makes it impossible to come to an agreement. What is your assessment of

the latest attempts to reach some agreements over Jerusalem? Until that is agreed, there will never be a lasting peace.

Mr Kazak—Sure. Here I would like to remind you that the whole question of Jerusalem is on the table, not east Jerusalem.

Senator FERGUSON—No, I understand.

Mr Kazak—West Jerusalem, which houses the Israeli Knesset, constitutes about two-thirds of Jerusalem, and the Palestinians have title deeds for more than 70 per cent of west Jerusalem's buildings and properties. But what we are proposing is that Jerusalem be the capital of the two states. West Jerusalem will be the capital of Israel, where the Israeli Knesset is; and east Jerusalem, which they occupied in 1967 and which the international community recognises as occupied territories, will be the capital of Palestine—each run by separate municipalities with a joint council. We are proposing and we accept the city to be an open city with freedom of movement between the two sides. Jerusalem is our baby, and we do not want to split our baby in the middle, nor do we want to create a wall to divide the city.

Our vision for Jerusalem is a city full of peace, cooperation and coexistence. On their side it is not enough to accept having west Jerusalem, two-thirds of the city, but also they want to squeeze half of east Jerusalem from us. On top of this, they demand to have sovereignty over one of the most holy Moslem places. This is a recipe for disaster; it is not acceptable. At the Camp David summit, President Arafat asked Barak to put forward any guarantees he wanted. He said, 'I will accept whatever guarantees you want, including the presence of United States observers in East Jerusalem.' So it is not a matter of security or anything for Israel; it is a matter of occupation.

Senator FERGUSON—United States observers or United Nations observers?

Mr Kazak—Including United States observers. There is no-one that Israel can trust more than the United States. We have shown great flexibility and compromise but they are not compromising. They want it to be their capital. Remember that they do not have any historic rights to the city. If anyone has historic rights, it is the Palestinians because Jerusalem was built by the Canaanites, who are today's Palestinians. The city existed more than 2000 years before Abraham and his Hebrew tribe arrived in our land. It is all in the Bible. When they came to the city for the first time, it was already in existence and it was built, developed, had an economic system and a king who went to the outside of the city and received Abraham and his tribe, and offered them gifts of wine and bread. But, despite this, we are saying, 'Let's share. Let's coexist. Let's cooperate.'

Senator GIBBS—Why do you insist that tax exemption for Jewish fundraising organisations in Australia be withdrawn?

Mr Kazak—Because they are racist organisations. They discriminate between Jews and non-Jews. This Jewish national fund is the main oppressor of the Palestinian people. It is the one which dispossessed the Palestinians of their land, has hold of the land and gives it only to Jews to use. You, as the owner of the land, cannot even work on your own land if you are not a Jew. It is very discriminatory, and this is why we believe that it should not have tax exemption.

Senator GIBBS—Do any Palestinian organisations enjoy tax exemption benefits in Australia?

Mr Kazak—Not to my knowledge. I did ask for tax exemption a few years ago in a meeting with Mr Alexander Downer. He was very sympathetic but he told me at the time that it was very problematic to have tax exemption. He thought that it might be better if we found an already existing organisation with tax exemption and worked through that. Also, when we established a committee to build a technical school on the Gaza Strip, Mr Bob Hawke worked very hard to get tax exemption for raising the money to build the technical school, as a gift from the Australian people to the Palestinian people. We were not able to get tax exemption for about three years.

Mr Hawke spoke with Mr Howard, Mr Costello and Mr Tim Fischer, who was Deputy Prime Minister at the time, as well as Mr Alexander Downer. All of them were very sympathetic, but somehow bureaucracy did not work and we were not given the tax exemption in order to raise about \$5 million to build and equip a technical school in Gaza which is very badly needed. Despite the fact that the Palestinian government allocated the land for the school, and the land, until a few months ago, was sitting there waiting for the school, unfortunately, because of the failure to get the tax exemption, the whole project—

Mrs CROSIO—We have had evidence previously that a reassessment was made of the technical high school in that region and that it was no longer required. That is on the record as a question that I asked.

Mr Kazak—I am aware of that but it was not wholly correct. There is a great need for the school, but because they had the wrong idea that Australia was not capable of achieving that project, they then proposed another project. But if you go back to the submissions and to the minutes of the meetings of the delegation which met with the officials in Palestine, and their own report—the AusAID report—they stressed that there was still a need for a technical school, but at the same time they proposed another project. They left it up to Australia to choose whether they wanted to go ahead with the building of the technical school or give assistance for the new projects proposed by the Ministry of Education, and then AusAID chose the other one.

Mrs CROSIO—Do you believe they did that because it was easier to get it off the ground or that they felt there was a need, as AusAID, to get immediate help to the people rather than looking at the school at the time?

Mr Kazak—I think so, yes. From my discussions with them, they were always a little bit reluctant about the school because they said that Australia does not have much experience in this sort of thing and because they thought it would need a lot of resources, and people would need to be sent there to oversee how the money was spent. They felt more relaxed about giving other assistance, and the Ministry of Education in Palestine provided them with another proposal, because we need help in many areas. So if the department was reluctant to build the school, they offered other things.

Senator GIBBS—In other words, you are saying that no Palestinian organisation enjoys tax exemption but the Jewish fundraising organisations do. What is the difference there? What is the distinction? Are your organisations going about it the wrong way in seeking tax exemption?

No matter what the organisation's religious background or beliefs are, if the law is there for that organisation to have a tax exemption, that applies to everybody. Neither the bureaucrats nor the government, of any persuasion, make a distinction regarding an organisation's beliefs or religion.

Mr Kazak—I think it is because of a number of things—you are quite correct, Senator. I do not think the law will distinguish one ethnic group from the other, but I think one of the reasons might be because the Jewish community is much more established in Australia. They are more settled and they know how to get things better than the Palestinian community does because our community is still a newcomer. It is still becoming settled and established. I am sure in the future there would be, but the attempts so far have failed. I am not fully aware of the details. It might be that they did not comply with the requirements of the law—I do not know. The fact is that the Jewish community has a number of tax exempt funds and we do not have any.

I am not complaining about that, nor am I saying that the Jewish community should not have tax exemption—far from that. What I am saying in particular is that to raise money on a tax exempt basis for the Jewish National Fund should not be allowed because the Jewish National Fund racially discriminates against non-Jews in Israel and because the Jewish National Fund played a role in dispossessing the Palestinian people from their land and not allowing Palestinians to regain their land. The Jewish National Fund is not allowed even to resell the land which they possess to non-Jews. Only Jews can possess that land. There are examples where some Jewish farmers who rent land from the Jewish National Fund hired Palestinian workers to work on the land and they took the land back from them because they had hired non-Jewish labour.

CHAIR—Does any sort of relationship exist between the Arab communities in Australia and the Israeli community in Australia? Is there any interaction? Do any of the tensions of the Middle East actually spill over into those relationships in Australia?

Mr Kazak—To answer the second part of the question first, they do not to my knowledge. I think the history of the existence of the Palestinian, Arab and Moslem communities in Australia is the best proof that the community is law abiding. We are fully against bringing our problems from the Middle East to Australia. It does not serve our interests. That is a very firm stand and position we take. In terms of relations between the two, there is none. The community is against normalisation of relations with the Jewish community or Israeli community until Israelis recognise Palestinian rights and withdraw from the occupied territories. Having said all this, the community is ready and prepared to work with any group or organisation from the Jewish community which recognises Palestinian rights and calls on Israel to do so. They are saying, 'We would not normalise our relations with you as long as you deny our rights. But if you recognise our rights then there is no problem, we will cooperate and work together.'

Senator FERGUSON—Is it not true that those people who have settled in Australia and are taking Australian citizenship are now Australians—they are not Palestinians or Israelis, they are Australians.

Senator GIBBS—That is right.

Senator FERGUSON—Surely there should be some move to normalise the relationship as Australians, not as Palestinians or Israelis.

Mr Kazak—They are still of Palestinian background, as are the Jews. They are Australians but they still have sympathy with their people. Do not forget that those same Australians of Palestinian background might be the ones who are dispossessed and a large number of them are and are denied their right to return. They have properties in Israel which Israel refused to give back to them or compensate them for. Therefore, how could they forget? Also, it is normal human behaviour. Until now, you have had Australians who would not have anything to do with any Japanese, for example, because they would not forget the Second World War. It is normal behaviour. Although they are Australians, they have their full right to support the Palestinian people in their just cause and to refuse to deal with the Jewish community or anyone in the Jewish community who refuses to recognise Palestinian rights.

Senator FERGUSON—But the difference is, when you choose to bring the Japanese into the discussion, that Australians in succeeding generations have chosen to move towards closer friendship and relations with the Japanese; but I do not see any evidence of the Palestinians who have become Australian citizens and who choose Australia as their country making any move towards lessening any of the hatred that exists between the two countries.

Mr Kazak—Have you seen the Jewish community doing that with Germany?

Senator FERGUSON—But you are before us, not the Israelis; you are appearing before us today.

Mr Kazak—That is right, but I am giving you examples of human behaviour. If any move has to come, it has to come from the Jewish side, quite frankly. The Jewish organisations in your example should be recognising the Palestinian people's rights to self-determination and should be calling on Israel to get out of the occupied territories. They do not do that. Why should they do this? Because this is the position of the Australian government. Are they Australians? If they are, then they should follow their government and take the stand the Australian government has taken towards the Palestinian issue and support Palestinian rights. They do not do that. They are the ones who defend Israel's crimes, expansion and brutal occupation.

Senator GIBBS—How do you feel about the growing number of unauthorised arrivals from the Middle East coming to Australia? Do you feel that Australia is handling this in a correct way?

Mr Kazak—I can understand Australia's dilemma in this. I saw Mr Philip Ruddock about a week ago and I told him that I quite understand that it is difficult and I fully support the Australian government's stand. I think the ones who should be dealt with are those agents who are exploiting those refugees, taking their money and arranging for them to come here. Australia has a very fair system for immigration and anyone who wants to immigrate to Australia can apply.

Having said all this, the way those unfortunate ones are treated in detention camps and so on has become a different matter, as they are already here. How are we going to solve this

problem? That is the dilemma. The position the Australian Human Rights Group has taken has I think a lot of merit. It has to be looked at to see if there are ways of dealing with those people without putting them into detention camps and making their lives miserable.

Some of those are Palestinians, I believe; Mr Philip Ruddock told me that there are about 131 Palestinians. Unfortunately, some of them are very badly treated. Two of them rang me up and complained that they have been in detention for more than one year. Both went through lots of difficulties. Some of them were beaten and imprisoned in single cells. One of them was crying on the phone. He pleaded with me to find a way to help him to solve his problem. He said, 'I don't want to stay in Australia any more. Let Australia help me to go somewhere else.' They want to go back. Of course they would prefer to go back to Palestine—they are Palestinian refugees—but Israel would not accept them back if they were from Haifa, Jaffa or the territories which Israel was established on in 1948, nor even allow us to take them to the West Bank and the Gaza Strip.

Mrs CROSIO—Mr Kazak, I have a number of questions I would like to ask but, before I do so, I would like to say that at all the citizenship ceremonies I attend—and even the minister gives this message—the message is to respect the country of your birth and never lose your culture when you take on Australian citizenship. I would not like anyone that comes to make Australia a greater nation forget where they were born.

My first question to you is about the now Palestinian authority and statehood. There was a lot of talk last year that they would go ahead and declare themselves a state regardless. Where has that gone? If they were to do that at this present time, how would the Palestinians, as a state, be able to viably function, politically, economically and from a security point of view? Do you see it happening?

Mr Kazak—Partly why I think we delayed the announcement of the establishment of the state was because Israel was not cooperating to respect our rights, nor was it willing to withdraw from the 1967 occupied Palestinian territories. The other part of our delay is because the United States and some other Western governments also advised us to be more patient and to give more time, hoping that Israel would comply with the agreements and start getting out of the occupied territories and so on. This is now the situation. But if we see that there is no hope at the end of the tunnel, then we will go ahead and declare our state. We will declare the territories under our control as liberated territory and the territories still under Israeli occupation as occupied territories subject to liberation. We will continue our struggle both militarily and politically. We have, as the whole world has witnessed, a very keen and peaceful solution where Israel will get out of the 1967 occupied Palestinian territories and recognise Palestinian rights and the right of the Palestinian refugees to return, and compensation. These are the minimum requirements for peace.

Mrs CROSIO—Do you perhaps see the Palestinians saying, 'We'll give up the right of return if Israel will move out of East Jerusalem'?

Mr Kazak—No, never. The question of the Palestinian refugees is the core of the Palestine question which is the core of the conflict in the Middle East. If you do not solve the question of the Palestinian refugees, you have not solved anything. We should not forget that the Palestinian refugees, who number about 3.6 million, represent 60 per cent of the Palestinian nation. If there

is a solution which is not acceptable to the majority of the Palestinian people, how is it going to work?

Also, the Palestinian refugees are the ones who launched the armed struggle in 1965 for their right of return, following the failure of the international community to force Israel to respect United Nations resolution 194 which called on Israel to let the Palestinian refugees return and to pay them compensation. So that question has to be solved if we want to see peace and stability in the region.

Mrs CROSIO—Is it possible to ignore compensation if any agreed process of return of refugees were to take place?

Mr Kazak—No, I do not think so. Why shouldn't the Palestinians be compensated? There are a number of types of compensation that have to be paid. There is compensation for the value of properties which Israel have taken from the Palestinians. There are the bank accounts of Palestinian refugees which Israel took and refused until now to give back. There is the compensation for the suffering of the refugees for the last 53 years and the loss of their income. There is also the compensation for those refugees who wish not to return. All these are guaranteed in international law and in United Nations resolution 194. On top of this, Jews themselves have called for and got compensation for their losses, their suffering and their banks accounts which they lost—and they got it, of course, with interest accrued for the last 50 or so years. The Palestinian refugees are not asking for any more than what the Jews have accepted as compensation for themselves.

Mrs CROSIO—Have you experienced or are people informing you of continued building in the settlement areas? In other words, I was thinking of compensation, but it goes on to the building of the settlements when there was a massive announcement that it was going to be stopped. Have you experienced, or have people informed you of settlements still being built?

Mr Kazak—Yes. There are established facts and figures regarding building of settlements. Mr Barak built more settlements in his first year than occurred during the entire three years of Mr Netanyahu. I noticed that the committee asked for these figures to be supplied from the department. I do not know whether the department did that, but I will be more than happy to supply you with facts and figures as to how much the settlements were expanded and how many new settlements were built.

Let me say something else about this while we are speaking about settlements. Some representatives of the Jewish community claim that settlements are legal and that the agreements did not specify the freezing of settlements and that no settlements be built. This is not correct at all. Article 31, final clauses, provision 7 of the interim agreement, article 5 of the Wye River memorandum and article 10 of the Sharm el-Sheikh memorandum state:

The Israeli government must refrain from initiating or taking any step that may change the status of West Bank and the Gaza Strip, and thus should cease all settlements activities in the West Bank including East Jerusalem and the Gaza Strip.

Isn't it clear what this means? It means that Israel should not build settlements in the West Bank. As I mentioned, all the agreements signed have stated this, plus the fact that the letter of assurances we got from the United States government in 1991 agreed to oppose all 'settlement

activity in the territories occupied in 1967 which remains an obstacle to peace'. This was the position of the United States in an official letter given to the PLO regarding the settlements. It is quite misleading when some people appear in front of the committee and claim that Israel can build settlements and that the agreements are not saying anything about that.

Mrs CROSIO—You stated earlier that you have some up-to-date information on how many settlements are being built and where they are. I know we have requested that from the department, but I have not as yet seen the department's information. Could you supply your information to the committee?

Mr Kazak—Yes, certainly.

Mrs CROSIO—I would appreciate that. One of the questions that goes continually through my mind, Mr Kazak, is: how are we going to ask the leaders to control the extremist groups on both sides? I hear both sides of the arguments and I hear them saying that there are a few extremist groups and it is very, very difficult for the leader to control them. Do you have any solutions on how they can stop the extremists on both sides causing disruption? We saw what happened in September last year with a particular visit and then all of a sudden a disruption arose. I suppose everyone has their own thoughts but I would like to hear yours on that.

Mr Kazak—I think the only way to stop extremism is for the international community to take a leading role in enforcing international law and United Nations resolutions. Extremism encourages more extremism. If Israel will recognise Palestinian rights and get out of the occupied territories, then there is no excuse for any extremism from the Palestinian side—if Israel will solve the Palestine question. This does not mean that we are not going to have extremists—far from it; of course we are going to have extremists—but they will be a marginal lunatic fringe, exactly as Australia has extremists in its ranks but they are not a big headache and a big problem. I think then, from our side at least, it will be a similar case.

The worry is the extremism from the other side—the ones who want, for example, to destroy the al-Aqsa mosque and build a Jewish temple in its place. That is dangerous extremism because, with something like that, of course you are calling for a disaster—you are calling for others to take the law into their hands and have an uprising. Those who believe that God gave them that piece of real estate to have as a Jewish state are saying that God is a real estate agent. That sort of extremism is the worry and that is what encourages other extremism. Therefore, if the international community does not allow such extremists to go above international law, to launch aggression and to oppress other people, that would put an end to and prevent other extremists being born and taking the law into their own hands.

In other words, I think the international community needs to say, 'Enough is enough. Okay, there is something called international law, so let's apply that on the Palestinian question, and this is all we are asking for.' If any extremist from any side tried to oppose that, then they would have to face the international community. The international community has taken such a stand against extremists in Iraq and Yugoslavia and elsewhere.

Senator GIBBS—What is the international community going to do—shoot them, jail them if they can find them? Let us face it: extremists, whoever they are on both sides, are a pack of lunatics, and they are out to cause disaster wherever they can. It is as simple as that. How do

you control extremists when it is obvious that Yasser Arafat—before you get upset, I say that I have got a lot of respect for Yasser Arafat—cannot control his extremists? These people are armed. When you say we have extremists here, yes, we do have a few, but they are not armed, and they are not para-militia groups. How do you control—

Mrs CROSIO—It happened in Tasmania, Senator. There were 31-odd people shot in Tasmania. I thought he was an extremist.

Senator GIBBS—Yes, by one person. I am talking about groups of people who are heavily armed—very dangerous people.

Mr Kazak—It is very difficult for President Arafat to take action when Israel is still maintaining its occupation, killing our people and bombarding their apartments. How could he, otherwise he would turn into an Israeli agent. He would turn into an oppressor. Arafat is not an Israeli agent.

Senator GIBBS—Let us get the racism out of it. What I am saying is that both sides cannot control their extremists; that is the problem. It is obvious to the whole world.

Mr Kazak—I do not think that generalisation is correct. Let us look exactly at the situation on the ground. On one hand, Jewish extremists are armed, trained and protected by the Israeli government. Our extremists are not, although ours are fighting for their liberation and freedom. The other side are the ones who are coming to grab the land and build settlements. This is the situation on the ground. How could you look at them both equally and say they are the same?

Senator GIBBS—You are saying your extremists are the good guys and the other guys are the baddies.

Mr Kazak—Of course, yes, there are some good guys and bad guys; I agree with you. I do not think the Jewish extremists and settlers are the good guys in that situation. What if someone who is protected and armed by the system came to your home and dispossessed you from your home and the law and the police would not give you back your property? And then, if that person was kicked out, would you accept a third person coming along and saying, ‘You are as extremist as the other person’? Of course, you would not. It is not logical to put you in the same category as the one who came and kicked you out unjustly. Our extremists are not going into Israeli towns to kick them out or to occupy and build settlements; they are the ones who are coming into our territories, to our cities, building settlements and forcing themselves there.

Mrs CROSIO—The US-led Mitchell commission is investigating the causes. We understand the inquiry has commenced. We have not got any information. Have you been able to obtain any information about what has been happening?

Mr Kazak—No, not yet. Israel refused to cooperate with them. They paid a visit, they met with Palestinian officials and so on. They met with Israelis, but when they wanted to come back, Israel refused to receive them and to cooperate with them, so they delayed their visit. That is something we did not like. That is something they should not have done, otherwise they will put the whole situation in Israel’s hands.

Mrs CROSIO—We have heard nothing about it because nothing has happened; is that right?

Mr Kazak—That is right. But there is another one from the United Nations also investigating the situation, and Israel also refused to cooperate with them but nevertheless they did go to Palestine and they met with NGOs and so on, and I think there will be another report soon.

Mrs CROSIO—Is that information public or haven't they finished their report yet?

Mr Kazak—I have not seen their conclusion. But there is Mrs Robinson's report of her visit. If the committee does not have a copy of her report, I would be more than happy to provide you with one.

CHAIR—We have got it, I think. Australia has made some contribution in terms of humanitarian and developmental aid to the Palestinian National Authority. How effective has that been? Can you give us any indications as to whether any suffering was alleviated by virtue of that aid, and what sort of aid would you be looking for in the future?

Mr Kazak—We very much appreciate Australia's aid—it is quite helpful. In fact, when Mr Howard visited Palestine, he inspected one of the workshops which is run by UNRWA with Australian aid. Mr Howard was so impressed that, on the spot, he decided to increase Australia's aid by \$1 million every year to UNRWA. Australia's aid is still very small in comparison with other countries' aid. I think there is room for Australia to increase its aid. We are aware that Australia is giving lots of aid to the region, but this does not mean that Australia cannot and should not increase its aid to Palestine, especially as Australia has a historic and moral duty towards the Palestinian people because Australia supported the establishment of a Jewish state in our country, which resulted in the dispossession of our people and Israel's refusal to comply with the United Nations resolutions.

Therefore, Australia should shoulder this responsibility and should give assistance to Palestinian refugees and to the PNA to rebuild the economic infrastructure in Palestine, and Australia should see that Israel gets out, that refugees' rights are restored and that a Palestinian state is established.

CHAIR—With regard to that, witnesses to this inquiry have made great play of the fact that Australia should be making investments in Palestine. Can you give us any indication as to what the state of play is at the moment in terms of the declaration of the state of Palestine. At this stage, is such investment really a viable proposition for Australians and, if so, in what areas do you believe there should be investment?

Mr Kazak—In the current situation, with Israel putting economic and military seizure upon all Palestinian cities, who is going to invest? This has been a disaster. Mr Colin Powell called publicly on Israel to lift the economic and military seizure on Palestinian cities, That is welcomed and needed. I think that is needed to be called upon in order to facilitate investment in Palestine.

Australia needs to say to Israel, 'Look, this is not acceptable and you have to lift the economic and military seizure on Palestinian people.' Australia should demand that Israel allows our people, our business community, to export and import freely and that we should be

able to build our port in the Gaza Strip. There are donor countries who have put in their money and their commitment to build a port, everything is there, the companies who are building the port have already signed the contracts, et cetera, but Israel is not allowing the work to go ahead. We need this sort of thing first and then Australia should be encouraged to invest.

There are many areas of investment. For example, one of the things I am going to do tomorrow with the kind support of the New South Wales government is inspect fish farming. Australia is doing very well in that area. We would love to have Australia's help and assistance in fish farming so we can put fish farming in the Gaza Strip to provide that to our people. Another area of investment is tourism, which is one of the main industries in Palestine. We need Australia's experience and know-how in that area because I believe Australia has done very well and can really give assistance in this regard.

There are many areas of investment. Also there is the high-tech industry. In Palestine, as you will be aware, we do not have lots of mineral resources but we do have human resources. We have very highly educated people. Our economists have planned our future economy to be built on high-tech industries. That is an area where there would be lots of benefit for Australia's business community in joint ventures and so on in Palestine.

The other area is in the live sheep and meat industry. Australia did good and successful projects in Jordan. We could build live sheep stations in Palestine for re-export to the region. We do not have the difficulties which Australia faced in Jordan in that regard because in Jordan, as you might be aware, they imposed that feed also had to be transported with the live sheep. In Palestine we can provide the feed to these stations and we can provide them with the green grass which is needed. The live sheep exported to the Middle East are given dry feed and that changes the taste of their meat. People found the taste different and they did not buy a lot of the meat and the price went down. But, if these live sheep transported to Palestine are left for some time with green grass and so on, the quality of the meat will be much better and it will be a very successful venture.

CHAIR—We are a quarter of an hour over time. Thank you very much indeed for your attendance here today.

Resolved (on motion by **Mrs Crosio**):

That the supplementary submission received from Mr Kazak this morning be incorporated in the *Hansard* record.

The submission read as follows—

Opening Statement by HE Mr Ali Kazak,

Head of Delegation to Australia & New Zealand and Ambassador of Palestine to Vanuatu to the Foreign Affairs Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence & Trade

Federal Parliament

Canberra

26 February 2001

I would like to thank you, Mr Chairman, and members of the Foreign Affairs Subcommittee for this opportunity to appear before you.

Many things have taken place in the Middle East since my submission about a year ago.

The Oslo agreement was supposed to end Israel's occupation of the Palestinian territories it occupied in 1967, see the release of political prisoners and solve the refugees' question in accordance with international legitimacy and UN resolutions within a period of five years. Now seven years later, after years of an ambiguous, fragile, unsteady and chronically delayed peace process, paved with crises and massacres, commitments not upheld, obligations not implemented, and signed interim agreements systematically emptied of their content by Israel's disrespect for its own signature, the Israeli government has opted for escalation and war. Israel still occupies more than 60 percent of the 1967-occupied territories, has more than 4,500 political prisoners and refuses the right of the Palestinian refugees to return to their homeland and compensation.

Following to the signing of the Oslo agreement, Israel, instead of working on confidence-building measures, worsened the situation dramatically- for example where Palestinians had been free to move between their cities and towns in the West Bank and Gaza Strip, they were no longer able to do so except by obtaining a military permit issued by the occupation authorities with tremendous difficulty; family income and standard of

living levels have dropped drastically, unemployment and poverty figures have risen sharply, they are prohibited from importing and exporting freely from the outside world and confiscations of land and the building of settlements have dramatically increased. Israel has virtually turned Palestinian cities, villages and refugee camps into concentration camps.

While everyone was expecting and hoping that Mr Barak would be a better alternative to Netanyahu, comply with the agreements signed and deal positively with the peace process, unfortunately the opposite was true.

In his first year in office, Barak established and expanded more settlements than the entire three years of Netanyahu. He continued violating human rights and the 4th Geneva Convention, collective punishment and the military and economic siege.

At the Camp David summit, Mr Barak demanded a reward for Israel's occupation and aggression.

He refused to withdraw from the 1967-occupied territories including East Jerusalem in accordance with UN resolution 242 and 338 which are the basis of the Madrid and Oslo agreements, and even demanded Israeli sovereignty upon the holy Moslem compound Al Haram Al Sharif,

- refused to recognise Israel's moral and legal responsibilities towards the dispossessed Palestinian refugees and their right to return to their homeland and compensation in accordance with UN resolution 194, and

- refused to dismantle the Israeli settlements in accordance with international law and numerous UN resolutions which recognise these settlements as illegal and an obstacle to peace.

And surprisingly he called all this an 'offer' and a 'generous compromise', which has been repeated ever since by Israel's chorus and apologists.

And when President Arafat insisted that Israel must comply with relevant UN resolutions, including 242 and 338, Israel launched a deceptive diplomatic campaign and portrayed the Palestinians upholding, to the minimum, of their rights as a basis for a just peace, as daring and wrong.

Even the Israeli liberal media admitted the so-called 'offer' was a non-starter.

Israel's demand at Camp David would mean the Palestinian state would be divided into three separate cantons and the links between them would always be at the mercy of the Israeli army and settlers.

Mr Barak may have progressed in this regards more than his predecessors, but this does not mean that his so-called offer should be accepted when it is in violation of international law and UN resolutions and does not meet the minimum requirements for a just peace.

It is unfortunate that in Australia, the prime minister and the foreign minister were misled by Israel's campaign of the so-called 'offer'.

Prime Minister John Howard said in his address to the United Israel Appeal dinner on 22 November 2000 that what Barak had offered to the Palestinians at Camp David regarding Jerusalem was, 'an offer that should have been accepted and it is tragic in the extreme that it was not accepted.'

This point was repeated by the Foreign Minister Alexander Downer in his speech to the annual assembly of the State Zionist Council of Victoria on 5 December 2000.

If a foreign power occupying New South Wales offered to withdraw from 95 percent, would this be seen as an offer that should be accepted and it is tragic in the extreme not to be accepted; knowing that the rest of Australia has already been given up for the sake of peace? To put it in perspective all of Sydney city and its metropolitan areas represent 0.5 percent of New South Wales.

Five percent of the West Bank is equivalent to nearly all of the Palestinian cities and villages of the West Bank which is home to over 1.8 million Palestinians.

The Palestinian leadership and people have shown their commitment to peace as a strategic choice; they have accepted to establish their state on the territories Israel occupied in 1967, the West Bank (including East Jerusalem) and the Gaza Strip, which represents only 22 percent of their homeland, Palestine. This is a huge and painful compromise for the sake of peace.

Take into consideration that Jews constituted 8 percent of the population owning 2.5 percent of the land at the beginning of the British occupation of Palestine in 1917 and that they were, as a result of massive European Jewish immigration, one-third of the total population in 1947 owning approximately 7 percent of the land when the UN partitioned Palestine and gave them 55 percent of the best cultivated land and major cities of our country to establish a Jewish state. So much for the Israeli government's deceitful claim that Palestinians want all or nothing, that they had not compromised at the Camp David summit and that no party should get 100 percent in the negotiations. But our 100 percent is all of our country and to accept to establish our state on 22 percent of it is a huge, painful and overly-generous compromise for the sake of peace.

So where is the Israeli compromise?

Negotiations on the final agreement which began in the last few months, highlighted the question of the Palestinian refugees which is one of the five issues to be solved in the final phase.

The dispossession in 1948 (and again in 1967) were part of a 100-year pattern of Jewish efforts to expel the indigenous non-Jewish population of Palestine; to change the demography of the country and turn the Palestinian majority into a minority and the Jewish minority into a majority.

The injustice inherent in these ethnically-motivated mass expulsions was internationally recognised with the UN General Assembly adopting Resolution 194 in 1948, calling for the return of the refugees and compensation for their properties, losses, suffering and for those who do not wish to return.

The UN collected 3.5 million documents covering mostly land ownership, including 450,000 land titles of Palestinians refugees, whose properties were seized by Israel in 1948.

Resolution 194 restated and reaffirmed a well-established norm in international law and practice, namely the right of return. Israel's admission to the UN was conditional on it implementing this resolution.

The resolution also recognises a practical necessity because the return of refugees is essential to generating public confidence in a peace: it is necessary to validate and stabilise the post-conflict political order. The return of refugees is an essential part of the transition to peace, rather than simply a result of it. The end of a conflict is inconceivable without closure to refugee problems.

The 3.6 million Palestinian refugees now constitute 60 percent of the Palestinian people. Without a just solution acceptable to them, and as a majority, there would not be stability, security nor peace in the Middle East. They are the ones who launched the armed struggle in 1965 for their right of return following the failure of the international community to force Israel to comply with UN resolution 194.

Israel and Jews have demanded and won their rights, including an apology and compensation from Germany, Poland, Switzerland and other countries cannot refuse the same to their own victims. The Palestinian people ask no more than the same rights and criteria for compensation as the Jews have accepted for themselves.

The claim that the right of return is equivalent to suicide for Israel is an hysterical emotional response, it is an attempt to raise the ceiling of their rejectionism of the Palestinian right of return, the right to live in one's own homeland without fear, terror or discrimination regardless of one's colour, race or religion which is recognised by international law and all conventions. To the contrary, Israel's suicide will not come about Israel's recognition of the Palestinian right of return and compensation but its rejection of this right.

I was born in Haifa, I am not allowed to return to my country since I was a few months old because I am not Jewish, while any Australian Jew is allowed to go and live in my country.

Rejecting the right of the Palestinian people to return just because they are not Jews, at a time when Israel gives this right to any Jew of any nationality, just because they are Jews, is racial discrimination at its ugliest. Israel continues to call for and encourage every Jew to immigrate to Israel and in 10 years it has brought in a million Russian Jews.

It is a well-known fact that for years Israel launched a world-wide campaign to force the Soviet Union and Arab governments such as Syria and Yemen to let their Jewish nationals emigrate to Israel. Where Zionism was not popular and prosperous Jews refused to leave, such as in Iraq, Israeli security agents terrorised them into doing so. The account of one of those security agents, Mordechai Ben Porat's responsibility for a number of deaths when he tossed hand grenades into the crowded Masouda Shem-Tov synagogue in Baghdad in 1951, is one example that is known in Israel.

There is no comparison between Israel's dispossession of the Palestinian people with the immigration to Israel of Arab Jews. The forceful uprooting of the Palestinians was premeditated by well-planned war and terrorism and happened over just a few months. Arab Jews emigrated to Israel over a long period of time and voluntarily. While the UN has recognised those Palestinians as refugees and addressed their rights, it did not recognise the Arab Jews as refugees simply because they were not. Furthermore, Israel did not raise any issue of Arab Jews with Arab countries whom it signed peace agreements with. Also Arab countries welcome any of their Jewish citizens back, if they choose to return and they are entitled to repossess any property they left behind.

Mr Mohammed Hallaj, head of the Palestinian delegation to the Multilateral Peace Negotiations on Palestinian Refugees correctly pointed out that "The logic of racial, religious or ethnic homogeneity, or "purity", often used to justify the denial of the Palestinian right of return, is repugnant to the ethics of our age. It is a medieval notion and it mocks the very concept of coexistence which motivates our present endeavours. Peaceful coexistence among the peoples and states of the Middle East cannot be built on societies which find pluralism intolerable or threatening."

Consecutive Israeli governments did not alter their policies nor prepare their people for the historic compromise to solve the Palestine question.

Perhaps one of the main reasons for Israel's unending appetite for expansion and aggression is the failure of the international community to force Israel, from the time of its foundation in 1948, to comply with international law and even UN resolution 181 which gives Israel its legitimacy.

Attempting to achieve by military force what he failed to achieve through negotiations, Mr Barak allowed General Sharon to carry out his provocative intrusion on Al Haram Al Sharif, and sent his troops the following day, Friday - which is the Moslem Sabbath - with orders, as defence minister, to open fire on worshippers killing 7 and wounding tens of others inside the sacred compound; this instigated the second intifada which has nearly completed its fifth month.

In four months alone the Israeli army and settlers killed 400 Palestinian men, women and children and wounded more than 20,000, 40 percent of whom are children and 10 percent of whom are crippled for life according to Palestinian hospital figures. Among those killed and wounded are journalists, ambulance officers, medics and doctors. Hospital records also show that 58% of the casualties have been shot in the head and/or upper body. This is clear evidence of a deliberate shoot-to-kill policy of the Israeli government.

The occupying forces have committed 20 assassinations of identified persons, summarily executing them using various military methods and arms.

According to human rights monitoring groups, Israel bombed 3,000 homes, offices, including President Arafat's offices, the Samaritan's synagogue in Nablus, 25 mosques, 6 churches, hospitals, schools and colleges, such as the Agricultural College, the TV, radio and electricity stations, an agricultural project funded by the ACTU's humanitarian aid agency APHEDA, and they shot at the newly-rented representative office of Australia near Ramallah.

The Israeli government has imposed a strict economic and military siege upon all Palestinian cities and villages prohibiting the transfer of any goods and equipment, food, medical supplies, donated ambulances, gas and petrol from leaving or entering the besieged cities and villages and 220 factories and workshops have had to close because of the lack

of raw materials. Hundreds of thousands of Palestinian workers are unable to reach their workplaces because of the siege also contributing to the loss to the Palestinian economy of US\$3.3 billion (A\$6.3 billion), which is equivalent to over 50 percent of Palestine's annual national income.

In her fact-finding mission to Palestine two months ago, the UN Human Rights Commissioner Mary Robinson said Israel's assault on the economy had resulted in the loss of 30 percent of gross national production and that 45 percent of Palestinians had now been pushed below the poverty line. Palestinian figures are even higher than this and the current unemployment level is 49 percent.

Gaza International Airport has been frequently closed, fishermen prevented from leaving the port to earn their livelihood and farmers from working in their fields and harvesting their crops. A number of Palestinian farmers have been shot dead while attempting to reach their fields. Israel has cut down more than 100,000 olive and fruit trees and levelled 10,000 dunums of farm land (1 dunum = 1,000 sq. metres) and 200 villages have had their water cut.

This is not to mention the damage that has been made on a whole generation of children who have been living in terror because of Israel's nightly bombing raids on their homes and apartments. Indeed, for the last 53 years, no generation of Palestinians has escaped the scars of Israeli violence, scars that will stay with them for the rest of their lives.

All such Israeli actions and collective punishment are grave violations of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. They are in violation of all norms of international law, including numerous resolutions of the United Nations, and of the agreements reached with the PLO in the context of the Middle East peace process. They also threaten to plunge the whole region into a serious confrontation.

And yet the Australian government did not once show its abhorrence and condemn Israel's crimes.

A large number of Israelis were so disappointed with Barak's betrayal of the peace process, they refused to vote in this latest election, resulting in the election of Ariel Sharon. So we finished from Lt. General Barak to begin with Major General Sharon whose bloody and criminal history is well-known.

His political career has been no less bold. In 1979 General Sharon voted against the peace treaty with Egypt; in 1985 he opposed Israel's withdrawal from Lebanon; in 1991 he was against Israel's participation in the Madrid peace conference; in 1993 he stood against the Oslo Accord; in 1994 he abstained on the peace treaty with Jordan; he rejected the Hebron agreement in 1997 and criticised the way Israel withdrew from south Lebanon in May last year. At the age of 72, Sharon is unlikely to change from being a man of war to being a man of peace, his political platform is also an indication of this.

Israelis have elected Sharon because they believe through his history of crimes, bullying, brutality and use of force he can obtain a Palestinian surrender to Israel's occupation and oppression.

The international community, including Australia, must act before it is too late and send clear and unambiguous message to Sharon and the Israelis who elected him that Israel will not be allowed to maintain its occupation and continue to be above international law and UN resolutions. The international community must prevent Sharon from committing another massacre or launching a new war in the Middle East.

Unfortunately consecutive Australian governments and some Australian politicians always give Israel the benefit of the doubt, turn a blind eye to Israel's violations and never see the situation from the viewpoint of the occupied, oppressed and dispossessed Palestinians, no matter what Israel does. This does not help the achievement of peace and encourages Israel to continue violating the most basic human rights and international law in the Middle East.

Let me give you some examples:

For years Australia exercised tremendous pressure on the PLO demanding the PLO to recognise the two-state solution rather than a single bi-national secular democratic state advocated by the PLO, and demanded the PLO recognise Israel as well as UN resolutions 242 and 338, on the principle that by doing so Israel will then comply. The PLO did all this and more as far back as November 1988.

Yet Israel refuses until now to recognise legitimate Palestinian rights, refuses the right of the Palestinian refugees to return to their homeland and refuses to comply with 242 and 338, but Australia does not exercise any pressure on Israel to comply.

For example,

In his address to the Victorian State Zionist Council on 5 December 2000, Mr Downer said in reference to the current intifada,

“We believe that unbalanced criticism and the singling out of Israel only for blame in the current context are deeply unhelpful.”

How can criticising and condemning Israel’s excessive gross violations of human rights and international law, its occupation, killing and collective punishment, be seen as unhelpful?

If this is an Australian government policy, and one would think it applies on all countries and parties to a conflict, then why does Australia breach its own policy when it comes to countries, other than Israel, for example Iraq, Yugoslavia, Indonesia, Iran and China? And how is it helpful to criticise all these countries without a scale of balance, but not helpful with Israel?

And why does Australia go even further and support sanctions against Iraq?

Since Mr Downer’s speech on 5 December 2000 Israel has killed and wounded thousands more innocent civilians and continues to do so with increased suppression, assassinations and collective punishments, so how was non-condemnation of Israel helpful? Certainly it didn’t help the victims.

For example,

The booklet printed about this inquiry, which I sent you a detailed letter about, was extremely one-sided and factually wrong.

A final example,

The Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade’s inquiry into Freedom of Religious Belief in 1999, and the committee’s conclusion which states “the law [in Israel] states that every person is entitled to freedom of religion” and that the Israeli government “respects this right.” Yet Israel has destroyed 450 mosques, churches and graveyards, dispossessed 70 per cent of the Palestinian nation on religious grounds because they were not Jews and turned mosques into restaurants, clubs and bars. The historic Caesaria Mosque near Haifa is but one example of which they turned into a restaurant called Charlie’s Restaurant (photos x 3 enclosed) where alcohol is served and here I would like to present you with photos of the mosque turned restaurant.

It is very sad to see in the reports made to the parliamentary committee shocking racism, innuendoes and outrageous lies ranging from the claim that:

- ‘.. The land boundaries presently occupied by Israel as being valid under international law..’ (National Party - QLD submission, No.74, pg.1732)

to the claim that

- ‘ Any settlements in those territories [the occupied territories] are not illegal under the convention [the 4th Geneva Convention]’ and that “The only state which is in fact lawfully in possession of the territories is Israel” and “Israel has the best claim to sovereignty over both the territories and Jerusalem..’ (Ian Lacey, Consultant, Executive Council of Australian Jewry 26 July 2000, pg.253)

to the claim that

- ‘ There has never historically been any culture, language or national identity called Palestinian in the land which is now Israel.

‘There has never been a land known as Palestine governed by Palestinians ... the people who now call themselves Palestinians have managed to invent a history and connection with the Holy Land which the world has embraced.... while Christianity and Judaism concentrate on acts of love and kindness to the world, Islam is very much a religion of the sword...Islam was founded on aggression.’ (Amber Chandler, Christians Israel Public Action Campaign, 15 November 2000, pg.425).

Years of anti-Arab and anti-Moslem propaganda and emotional pro-Israeli hype in the media, the films industry and textbooks, are still reflecting a strongly one-sided presentation of the conflict where the first casualties are the truth, facts and peace.

Australia's strategic and trade interest with the Arab and Moslem countries requires it to confront racism against Arabs and Moslems and to put in to place programs to educate the Australian public on Arab culture and Islam in order to eliminate racism and prejudice, and to strengthen Australia's political relations with the Arab countries who have shown Australia, throughout the years, warm friendship and a positive attitude.

The Australian media, especially commercial media, has an important role to play here.

Australia's position is seen as being tolerant of Israel's occupation, aggression, destabilisation and crimes against the Arab people. Such a position is not helpful to the peace process, but is helpful to unyielding Israeli governments which has turned the peace process into a war process.

Consistency in Australia's foreign policy and practice will give weight and credibility to its representations.

The Australian government would not have taken a similar position had the situation been reversed and 400 Jews been killed, 20,000 wounded, 40 percent of them children, and Israel's cities put under economic and military siege and bombarded with missiles and bombs by an Arab or Moslem state???

Australia's Middle East policy states,

"Australia has a strategic interest in the security and stability of the Middle East ...reflected in Australia's commitment to the Gulf War and to subsequent operations."

Australia has always supported UN resolutions 242 and 338 and the land-for-peace principle. Indeed Mr Downer stated in his above-mentioned speech,

'Australia accepts that UN Security Council resolutions 242 and 338 are central planks upon which a comprehensive solution to the Israeli-Arab dispute must be based.....We will uphold the principles of international law upon which dealings between the parties should be concluded ...'

Israel's destabilisation of the region and the dangers this poses to peace is both serious and real and Australia is called upon to protect its strategic interests.

On the positive side, Mr Howard made a visit to Palestine, as you are aware, and had a very successful meeting with President Arafat, during which he renewed his invitation for President Arafat to visit Australia. Following his inspection of a Palestinian refugee camp and an UNRWA workshop financed by the Australia government, and the good impression made, Mr Howard announced an increase of A\$1 million in aid to UNRWA.

The Australia government also opened a representative office in the Palestinian West Bank city of Ramallah.

It is true that Australia is not a major player in the Middle East, nevertheless Australia has played an important role in the creation of Israel in Palestine, thus Australia has an historic and moral duty towards the Palestinian people and the restoration of their rights.

Furthermore, Australia, as a middle power, which has participated in all international wars in the Middle East, has an international responsibility to see that Israel respects and complies with the 4th Geneva Convention and all UN resolutions relevant to the Palestine question. Israel which is driven by fanaticism cannot be trusted, as the last seven years have shown, to solve the Palestine question and deliver peace of its own accord.

In addition to the suggestions I outlined in my submission for the Australian government to take, the Australian government should actively work, independently and internationally, for Israel to:

- put an immediate end to its destabilisation of the Middle East and the danger this poses to peace;
- freeze the building and expansion of settlements in the 1967 occupied Palestinian territories,

- lift the economic and military siege of Palestinian towns and villages and allow freedom of movement of the Palestinian people, and

- Australia should support the provision of international protection for the Palestinians in the occupied territories.

Finally, Australia and the international community cannot allow Israel to continue to jeopardise peace and stability in the Middle East. International law and UN resolutions must be respected by Israel; Israel cannot be allowed to be a law unto itself. We cannot have one set of principles applied to the whole world and another set for Israel.

Israel has to choose one of two options - to accept a solution based on one bi-national multicultural state where all Christians, Moslems and Jews will live equally within a democratic state; or to have a two state solution by withdrawing from all the 1967-occupied territories, facilitate the establishment of a Palestinian state with East Jerusalem as its capital and recognise the right of Palestinian refugees to return to their homeland and compensation. As for the third option which Israel is trying to impose, a solution based on racial discrimination and apartheid bantustans, this is no solution but the road leading gradually to hell as the last 53 years have shown.

In the meantime, the international community must give the Palestinian people the overdue protection they badly need.

CHAIR—If there are any matters on which we might need additional information, the secretary will be in contact with you. We will send you a copy of the evidence, to which you can make any necessary corrections. Thank you very much indeed, Mr Kazak.

Mr Kazak—May I give you the photographs of the Mosque which they turned into a restaurant, which I also mentioned in my opening statement.

[11.15 a.m.]

BARSON, Mr Roger, Assistant Secretary, International Branch, Department of Family and Community Services

HUTCHINSON, Mr Peter Anthony, Director, International Agreements, International Branch, Department of Family and Community Services

CHAIR—On behalf of the subcommittee I welcome the witnesses representing the Department of Family and Community Services. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make a short opening statement and then we can proceed to questions.

Mr Barson—Australia draws its migrants from many countries. The primary purpose of agreements that we have is to coordinate the social security schemes of involved countries in order to meet gaps in the pension coverage of people with limited or no entitlements under the various individual laws. The agreements have the effect of extending eligibility conditions for people who would otherwise be ineligible to receive benefits from either country, either because they cannot satisfy the minimum residence or contribution conditions or because one or the other countries do not pay their pensions abroad.

Whether or not we have a satisfactory agreement with a country and whether we negotiate one depends to a large extent on the type of social security scheme in those countries, whether or not they have an infrastructure to support this, the nature of the scheme, the extent of coverage, level of benefits, a willingness to guarantee the portability of pensions between our two countries, the general relationship between Australia and the country concerned, the political will on the part of both countries to enter into an agreement around social security, and the economic costs and benefits that are involved. The committee has our submission. I understand the committee may have an interest in the statistics that go along with the submission. I think it would be better if I rest there and answer any questions that the committee may have.

CHAIR—Thank you very much. The figures you have given us go up to December 1999. Is there a further update?

Mr Hutchinson—We can provide the committee with updated tables which take it up to December 2000.

CHAIR—Can you explain the relationships between the various tables that you included in your supplementary submission. In table 1 you show the number of recipients of Australian income support in the Middle East, showing country of birth. In table 2 you show recipients of Australian pensions who are living in the Middle East or the Gulf States. Table 3 shows the information contained in table 2 in a more detailed form, from 1994 on. Could you explain that?

Mr Hutchinson—Table 1 is essentially a table of Australian social security payees by country of birth, to show the breakdown for those Middle East countries that the committee is

interested in. It is further broken down by the type of payment in terms of the major payments—age pension, disability support pension, a grouping of other payments and then a broad group of other payments which include things like family tax benefit and the whole range of other social security payments that Centrelink makes on behalf of the department. Then we have provided totals for all of those as well. The second table is one on portability. It relates specifically to those people who we are actually paying overseas, in Middle East countries—again, by the same sorts of payment types.

CHAIR—Are age pensions the only things that are paid?

Mr Hutchinson—In terms of payments overseas do you mean? Age pension is portable indefinitely under the Social Security Act. Disability support pension is portable indefinitely as well where the person is classed as severely disabled. Otherwise, the portability is limited to 26 weeks. For all other social security payments, portability is limited to 26 weeks. In general, there are some further conditions for some payment types such as Newstart allowance where the person still has to meet conditions such as activity tests and things like that.

Mr Barson—This portability is irrespective of whether or not we have an agreement with that country.

CHAIR—Lebanon, Egypt and Israel were the dominant countries, I suppose, to the end of 1999. Do the new figures that you are giving us at the moment show any difference in that trend?

Mr Hutchinson—No, there is basically the same sort of representation of those countries.

CHAIR—You mentioned social security agreements with other countries in the Middle East. What enhanced access is available to migrants in Australia under these international social security agreements? Why are none in operation in the Middle East? If we wanted to seek such agreements, what are the criteria that are required to do that?

Mr Hutchinson—Generally, in terms of international social security agreements, what enhanced access have migrants got? Commonly overseas countries put restrictions on their payments and most overseas countries have contributory systems—most overseas countries that we have got agreements with, that is. They will often restrict portability of payment based on whether or not the person is still a citizen of that country, in some cases. In other cases there is a minimum period of contributions that have to have been fulfilled. Off the top of my head, I think it is 15 years for Italy for the old age pension, for example. An agreement allows people who have made contributions and spent part of their lives in those countries to use their Australian working life residence to meet minimum periods, for example. In cases where countries do not export their pensions, the agreement guarantees that those countries will pay their pensions into Australia.

Similarly, from the other end, Australia grants pensions overseas to people in agreement countries which we would not do otherwise without an agreement. Agreements are very significant in that sense in helping people living in Australia to maximise their income by allowing them to receive a foreign pension which they might not otherwise get and in terms of enhancing their ability to choose where they want to live in retirement. Agreements, in general,

will improve the sustainability of the social security system too because we are getting foreign pensions into Australia and, therefore, it reduces the outlays that we have to make—

Mrs CROSIO—Do we have agreements as a nation with countries that do not pay their people pensions?

Mr Hutchinson—No. That is one of the conditions that we would enter into an agreement. We would not enter into an agreement with a country that would not satisfy that. I think your second question, Mr Jull, was: why don't we have agreements with Middle East countries?

CHAIR—Yes.

Mr Hutchinson—We have got 12 agreements at the moment. The agreement with the UK is about to be terminated later this week. That aside, we have generally entered into these agreements on the basis of the countries that we have got large migrant source populations of. So most of our agreements are currently with European countries. Generally, we have targeted those countries where we do have significant numbers, but in some cases it is a matter of the other country approaching us and expressing interest. One of the first things we have got to do before we decide we can enter into an agreement is have an information exchange on social security systems so that we can ensure that there is reciprocity of coverage and payment of benefits and that we can see some basis for coordinating the two systems. That is a pre-requisite for entering into a social security agreement.

We have had some approaches from Middle East countries over the years, but they have been few and far between. I think the most recent was that we had some interest expressed through the Department of Foreign Affairs and Trade from the Israeli embassy a couple of years ago, but they have not pursued that. In reality, the answer for us is that our priorities at the moment have been elsewhere so we just have not had the resources to look at targeting countries like that. I forget the third part of your question.

CHAIR—What were the criteria that you would use?

Mr Hutchinson—I have partly covered that already. It was essentially the fact that we have looked to see that they have got a well-developed and relatively mature social security system in terms of the extent of coverage. In other words, people who have lived there will have some entitlement to pensions. The level of benefits is a relevant criterion, of course, although not an overriding one. A willingness to guarantee transfer of pensions between the two countries is another one. The political relationship between the two countries is obviously also a relevant concern, and an interest on both sides to achieve an agreement. There have been instances where we have been interested in securing an agreement but the other country has not, and vice versa, and there are the economic costs and benefits involved as well.

CHAIR—We are not seeing the major emergence of any new players at the moment?

Mr Hutchinson—No, not in terms of the Middle East countries.

Mrs CROSIO—Page 2 shows all the money that is being paid out of Australia to residents who have come here, been entitled to it and are now living overseas. Is that right?

Mr Hutchinson—Yes.

Mrs CROSIO—With respect to the total of \$9.810 million, you define that by saying only two per cent of customers being paid overseas are residing in the Middle East and Gulf region. Fifty-five thousand customers in December 2000 were being paid, with an annual value of \$314 million. Where is the majority of that being paid? If you can work out statistically two per cent only are in the Middle East, it leaves you 98 per cent. I know there is England.

Mr Hutchinson—Italy is certainly one of the major countries. I will give you some figures. It ranges around most European countries.

Mrs CROSIO—It is not really for this inquiry but I was just curious.

Mr Hutchinson—It would mainly be European countries.

Mrs CROSIO—Again, the European countries we have got agreements with where they pay for those coming into this country.

Mr Hutchinson—For the most part, that is correct.

CHAIR—There being no further questions, I thank you for your attendance here today. If there are any other matters on which we might need additional information, the secretary will be in contact with you. We will send you a copy of the transcript of evidence to which you can make any necessary corrections.

Resolved (on motion by **Mrs Crosio**):

That the statistical tables presented by the department be received as an exhibit.

[11.29 a.m.]

MONTESINI, Mr Lorenzo Robert, Chairman, Australian Friends of the Alexandria Library, Bibliotheca Alexandrina

CHAIR—Welcome. The subcommittee prefers that all evidence be given in public, but should you at stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to that request. Although the committee does not require you to give evidence on oath, I advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as the proceedings of the House itself. I invite you to make a short opening statement if you wish and then we can proceed to questions.

Mr Montesini—I want to give you a short history of how I became involved in this and what the project is about. Five years ago, I was visiting my native city, Alexandria, in Egypt. I was asked to visit a particular site. I had no idea that the ancient library was going to be rebuilt by the government of Egypt. I was utterly amazed by what was going on. I saw a site approximately the size of the Sydney Opera House. There was just a big hole in the ground at the time. I was taken to meet the general director of the library, Dr Mohsen Zahran, who had been given the job by the Mubaraks, who are the direct patrons of the project, to build the building and, in other words, to deliver the whole project to the world.

We sat together and as Alexandrians we always give each other gifts—you know what they say about Greeks giving gifts, but Alexandrians are worse. I proceeded to give him a copy of my first novel and, in return for that—and this was a dreadful thing to do—he said to me, ‘This is going to be the first Australian book in the Alexandria Library. Now I want you to go back to your new country and I want you to send us everything that is the finest from your area of the world.’ I came back home and I thought to myself, ‘Why not do that?’ This suited me very much as a native Alexandrian.

Alexandria is a very special place, not only for what it has been on the historical stage, but to Australians too since the Anzacs were there. As an example, my father looked after the horses of the Anzacs before they left just outside Alexandria in a place called Camp Caesar. So, together with two or three other chums—Dr Barry Spurr, who is a professor of literature at Sydney University and Dame Leonie Kramer, who became our patron—we formed a small committee. It now comprises 14 people. We have writers, authors, a professor of history from Sydney University, the multicultural director of TAFE, and a couple of people from the Premier’s department in New South Wales. We are part of a large organisation that has been set up. It is under the aegis of UNESCO. There are organisations like ours all over the world. In the United States, there are three or four of them and, of course, in Europe there are more. There are none on this side of the world. The difference between us and them—especially the Greeks, the French and to a certain extent the UK friends—is that we are not sponsored in any way. Whatever funds we raise, we do entirely on our own.

We decided to set ourselves three tasks. The first task is to send everything that is finest from this country, meaning mainly literature and Australiana—in other words, what this country is about. The second task is to send scientific works. The terrain and geography of Egypt are very similar to Australia’s. The third task is to let the work of the library be known—and that is one of my functions and I am doing that today.

I am not an academic. I am not any of those things. I am a facilitator and an ideas man for the project here in Australia. In contrast to the Greeks and some of the others, the government backs it to the hilt. My equivalent, for instance, in Greece is the former minister for culture. The Greeks and the French have historically had a huge interest in Egypt, especially in Alexandria. Alexandria was a Hellenistic city. During the three centuries of the Ptolemaic kingdom, and certainly afterwards, the main language, the lingua franca, was Greek.

The French have an equally big investment in Egypt, since Napoleon virtually revitalised Egypt, and revitalised the whole idea of archaeology. I went to a French school which was started during those times, so I feel that I am an heir to this heritage. My antecedents were Greek speaking. I went to French schools and my first language was French. So I feel as if I am an heir to all these strands and strains.

I will give a brief history of the library. I will not bore you too much. It was the premier cultural institution of the ancient world. The library continued as an institution for over 600 years. That is roughly the time between Chaucer and ourselves. What institution do you know of, apart from the church, that has actually lasted for that long? It was an extraordinary institution. The library was a kind of by-product of a greater institution called the Museion, which was attached to the Ptolemaic palace. It was really a sort of university. It was the heir to the Socratic, Platonic and Aristotelian schools of Athens. The beacon of Western civilisation as we know it, and to which we are all heirs, was lit in Mesopotamia and it was carried through to Greece and Athens, where it virtually exploded in that incredible miracle of the fourth century.

After Alexander, it was brought to Alexandria, and again it reignited. Eventually, it was taken through to Constantinople, through Byzantium. After the fall of Byzantium in 1453, it went through the porous cities of Italy, such as Venice, Florence, Pisa, Siena and so on, and created what we know as the Renaissance in Italy, and eventually the Northern Renaissance, giving us people such as Shakespeare and Rembrandt.

As I said, the library was an institution for 600 years. The fact that most people know about the library is that, as most people say to me, it burnt down with Cleopatra, the most famous Queen of Egypt. In fact, there were seven of them. She was Cleopatra Berenice VII.

Senator GIBBS—I thought there were nine.

Mr Montesini—It is disputed. I am not a historian; I just repeat some of the facts, but I stand corrected.

Senator GIBBS—You are probably right.

Mr Montesini—It did not in fact burn down. According to Plutarch, naturally, it was burnt down by Julius Caesar setting fire to the fleet in the western harbour. In fact, it was not burnt down. There were three large buildings. There was what was called the mother library in the Museion, in the Ptolemaic palace complex. There was another building which was near the Serapium and then there was another building which was a warehouse, and that was near the docks.

You have got to remember that this was at a time of ancient economic rationalism. The Ptolemies, of course, were very wise because they brought all these extraordinary people to teach at the library—lecturers, poets, grammarians, rhetoricians, opticians. They came and lectured in the peristyle. Students came from all over the ancient world to listen to these famous men. But around them there were scribes who actually took the lectures down as they were given. The scribes then took them around to a huge scriptorium, which could have been in one of the daughter libraries, and there were these vast warehouses full of scribes who used to transcribe all the lectures. Some of the documents were then put in the library, and the others were sold, on papyrus, to the other great libraries, at Pergamum, Antioch, Ephesus, Crotona, Syracuse—all the great centres of the ancient world.

In fact, it had a commercial use as well. We believe that, in fact, one of the warehouses burnt down. Of course, Cleopatra, being the sort of person she was, made very good use of this particular Roman catastrophe. Naturally, she put the hard word on two of her men—not only Caesar but also Mark Antony—who replenished the library and, in fact, doubled its size. What I am getting to is that the library was not destroyed by fire. What destroyed the library was faith. It was Christianity that destroyed the library, because in the pagan world, and in the pagan educational system, the question was always: why? The Greeks would always ask: why? They would ask, ‘Why?’ in regard to certain things about optics, or why the world was such and such.

When Christianity came along in the second century, there was no point in asking any questions because it was all in the Scriptures. There was no point in asking, ‘Why this?’ or ‘Why is that?’ It was all written down; it was the word of God. It was considered wrong to ask questions. Little by little, the library was destroyed by these crazy monks. But that is another story.

CHAIR—Perhaps we can move on to a few questions. You are UNESCO sponsored, but they do not provide any financial assistance for the Australian operation.

Mr Montesini—Absolutely not. They provide a kind of moral help. I am often in Paris and I go and see the liaison people, and they give us information. They try and help us as much as they can, but only on that particular basis. I have to say to you that one of the rules that we have made for ourselves here on the committee in Australasia is that whatever money we raise—and we raise some money—is to be spent here. We buy books, we commission works of art, whether it is paintings or a piece of jewellery. We have just commissioned a piece of jewellery from the jewellery design centre at TAFE.

We have worked very closely with TAFE, with SIT in New South Wales, and we try to find various departments and commission them, whether it is in jewellery design or fine arts. They make it a project for the year, and then we build a night around it and offer the commissioned work as a prize. We send that to Egypt as one of our contributions. We have also commissioned works of music, et cetera. So I feel that is an important point, because I feel, perhaps as an ex-Egyptian, an ex-Alexandrian, that I do not want to see the money simply going there. I would like to see the fruits of Australian endeavour, especially that of young Australians, go to the library.

CHAIR—What is the status of the library now? Is it completed?

Mr Montesini—The building is almost completely finished. The interiors need to be completed. The finishing touches need to be done on it.

CHAIR—Have you been in contact with the National Library or any other Australian libraries to give you any assistance or advice?

Mr Montesini—I have done all that. I came to visit Mr Horton when he was the librarian here. I have made it my job to go and see everyone. We have very close contact with the Mitchell Library. Unfortunately, we are based in Sydney. We have got somebody here in Canberra, but we should have representation in Melbourne, and in all capital cities, but it is hard to do that. We work out of Sydney

Alan Ventress, who was the Mitchell librarian, was on the committee with us and he now helps us. Unfortunately, the Australian government has not seen fit to recognise us, let alone help us. We have never asked for any money. We have asked for recognition as a UNESCO project. If you think in terms of other countries, such as France, Chirac is going to be at the inauguration. The Mubaraks decided to start the project, and you have to ask why, at this particular stage at the end of the 20th century, the Egyptians decide to put up this rather Quixotic project. You have got to think in terms of history. You had that dreadful social experiment with Nasser. We will not go into reasons why Nasser was thrown into the arms of the Russians, but he was. He was stuck with that. The Egyptians never wanted to be with the Russians. Eventually, when Sadat came along, he wanted to turn that around and he did—he kicked the Russians out. Towards the end of that he was assassinated and then Mubarak took over.

They thought, ‘We have to think of a metaphor to come back in again to the West. What can we think of?’ It had to be something imaginative. I think it was the Vice-Chancellor of the University of Alexandria who came up with the idea of rebuilding the ancient library of Alexandria. It was the one really Western ideal in Egypt because Alexandria was never of Egypt—it was in Egypt. That is the way the Ptolemys always thought of it. They crouched near the sea. Alexandrians are very much like Australians; we crouch on the seashore and look back on this enormous continent. I cross this continent twice a month and I look at this enormous vast continent, and it is very much the same with them. They were used to the sea. They were sea people. The Egyptians said to themselves, ‘This is a perfect metaphor to unite the world for a common cultural purpose.’

I will never forget that, when we asked Dame Leonie to be our patron and we launched the project, which was at my place nearly five years ago, she said, ‘I think this project is so Quixotic that I just had to be part of it.’ In fact, it is Quixotic. One of the things that I am constantly asked is whether we need a library at this particular time, in this age. Even your people here at the National Library seem to me to be very dispirited and they have said to me unofficially, ‘Why do they have this building? All we really need is a huge underground bunker with all these microfiche that anyone can call up, whether they are in the Margaret River in Western Australia or Cape York. They can simply dial up and information will come up.’ The jury is still out. We are having a seminar this year on exactly that. What is the role of the library in this new millennium, this new century? From what I hear, certainly our colleagues at the British library are absolutely convinced that there is a role for the library. But the Alexandria Library sees itself as not only a lender library but also as a meeting point.

You have just heard from the Palestine delegation. We know of all the problems that exist in the Middle East, unfortunately. The Egyptians see the library as a kind of meeting place. When the library is finished and is in operation, I hope that somehow it will be a cultural meeting place for the Middle East—in fact, for the Levant and for the whole Mediterranean basin. As you probably know—I do not have to tell you—if it were not for Egypt and Jordan, the Middle East would certainly implode. It is these two powers that keep the other combatants apart. Egypt sees itself very much as doing that.

I am not Egyptian. I was born in Alexandria. I see myself as part of the history of it. My antecedents came with Napoleon in 1798. But I am also an Australian. I fought in Vietnam. I have, so to speak, paid my dues in this country, so I am an Oz. As such, I would love to see us take a bigger part in what I think is a heroic, and perhaps quixotic, cultural demarche in a place where Australia has very little presence. It is a great shame. We ignore the Middle East altogether. I presume that is why you are all here—to take note and give the government advice that it should in fact change all that.

I visit Egypt every year. I visit the library and talk about what we do here. Just as I am speaking to you about the library, I talk to Egyptians about the Australian effort to help them set up this institution. We figure very little. We are considered to be at the end of the world. It is all relative, but to them, it is Europe, America and Canada, and that is their main target and focus. You cannot blame them in some ways. It is up to us to change that.

With my relations with TAFE and SIT, with Dr Boston and a lot of the people in management at SIT, I have been trying to encourage them to go and sell education, because we have an extraordinary system of education here. We should be selling it, as we would sell wheat. We have a trade imbalance, as you all know, with Egypt in regard to trade. We should be pushing that. We should be pushing our educational system. We should be going there in delegations. There are enormous opportunities. What better way is there to do this than to go on the back of cultural diplomacy, which is in some ways what we are doing?

In many ways, I think we should be used. For instance, we do not have what the Egyptians find very important—official cultural agreements between one country and another. When I speak to Alexander Downer, to some of the people from Foreign Affairs, to our ambassador in Cairo, a wonderful lady called Victoria Owen, and to our former ambassador, Mike Smith, they pooh-pooh that. They say, ‘This is not what’s done. It’s not the current speak in diplomacy.’ But to the Egyptians, who still work under that system, a formal cultural agreement signed by the two governments is very important.

For instance, at the moment, we are in the process of having a POC—I did not know what a POC was, but you probably know it is a protocol of cooperation—between the education department in New South Wales and the education department in Cairo, Egypt. One of our committee members works at the Premier’s department, so he has drafted the documents. We had it looked over and agreed by Minister Aquilina, the New South Wales Minister of Education. It is now, I believe, in Cairo where it is being looked after and hopefully it is going to be signed by Minister Aquilina and Dr Ken Boston when they are there on a mission to sell education.

We are also hoping that towards the end of this year we are going to be working on an MOU, a memorandum of understanding, between the governments. I did not know what that was either, but I love to throw these things in because people like them! I do not know how hard that is going to be, but we need all the help we can get. There is really only me working with a fax machine and a computer that is constantly breaking down and 13 people who are, because they are so wonderful, naturally very busy. We do our best. I try to emphasise that it has to be fun, and it is a fun project. It is interesting. I am talking too much—you should be asking questions.

CHAIR—Has the Egyptian community in Australia shown much interest?

Mr Montesini—There are over 60,000 in the New South Wales area. It is very difficult. They come from a low socioeconomic background. They are immigrants who left because they were in dire circumstances. They were lucky enough to be able to come here. They are first generation Australians. All they want to do is buy a house, have enough to feed their families, send their children to school and eventually move on. They probably think what we are doing is a bit frivolous. They have important bread-and-butter issues in front of them, and I do not blame them. I have gone to see all the leaders of the communities and, believe me, like every community, whether it is the Jewish communities here or the Lebanese, the members of the Egyptian community here are highly educated. They are very peaceful, unlike some other communities which we can point at. You hardly hear of them.

It is extraordinary, when people ask me to talk about Egypt—and I give a 50-minute audiovisual lecture to schools—I always think of Egypt as if you took the map of Europe and superimposed it on the Middle East, culturally Egypt would be the equivalent of Italy, because Egyptians are fun-loving. They love sport—I am going to be frivolous—and they love ice-cream, movies, picnics, and going to the sea, and they have a genius for children, as Italians have. If you consider the analogy, the Syrians are considered the French of the Middle East. You could extend that a bit too much, but that is the way I see it if one were to do that.

Senator GIBBS—It is fascinating. Even though you are such a small group, I notice over the back here that you say you have sent quite a lot of books over so far. You said the library is not quite complete. I take it these books are in storage?

Mr Montesini—Yes. We have sent them off because they were in storage at the Mitchell library. Dr Barry Spurr, who is the professor of literature at Sydney University, and the Mitchell librarian, Alan Ventress, and one of our committee members, Robin Clifton, came together and they formulated a list of the books from Australia that had to go. This was our very first task. A list was made. We raised the money. We bought the books—and remember that one of our tenets was to spend whatever money we had here. They were in storage at Mitchell and eventually, because it became too inconvenient for them, we had to send them. They are now in storage over there.

Senator GIBBS—You have just answered another one of my questions. I know you said you wanted to send the finest from this country. Who actually chooses which is the finest from this country?

Mr Montesini—People who are recognised as experts. I do not know how much faith you have in experts, but I guess at some point the captain has to take off with the aircraft. You have

to leave it up to him to take off and land the thing. I presume we have done the same with our own experts. That is what we have done.

Senator GIBBS—Do you think with the advent of this library that it will strengthen cultural ties between Australia and Egypt? Alexandria is at the top, as you say. Would the rest of Egypt know that we are participating in this program?

Mr Montesini—That is one of my tasks. When I go to Egypt I try to get on radio, I try to speak to as many people as I can. We have to remember that there is opposition to the library in Egypt. It is like everything we might want to do here culturally. Imagine buying a \$1 million painting by a crazed American painter. A lot of people were against it and thought that it was utter rubbish, that it was a waste of money and that the money should be put into hospitals. We know all those arguments, and they are the same in Egypt. People are saying, ‘People are starving here; we haven’t got much water or education, and there you are spending all this money.’ In fact, a lot of the money was brought in. Believe it or not, Saddam Hussein gave \$26 million just before the war. They were very lucky to cash the cheque just before Desert Storm. They cashed it very quickly. Egypt then went and fought against them, but that is another story.

There is the dark side, Senator. The dark side is that there is fundamentalism in Egypt. It is a problem that we have to recognise. There are people, for instance, who want to segregate the library. Can you imagine one section for women and one section for men? That is a problem. We had a terrible fight with the Greeks last year in Athens. We get together once a year. UNESCO gets all the friends together and we find that, somehow, the Anglo-Saxons—us, the Brits and the Americans—all huddle together. Our great plan is to install what we call an international librarian, like Callimachus was; in other words, an international figure, so that the library is not necessarily an Egyptian library but an international library. This international librarian is going to be virtually funded from overseas. By doing so, it becomes a kind of Switzerland, so that the things that we are proposing can happen, and so that these smaller concerns are not going to apply to the library.

Senator GIBBS—Wouldn’t the library be an advantage for tourism? People go to Egypt now and they see all the tombs and travel down the Nile, which is very beautiful. It would be another feature for people who go to Alexandria.

Mr Montesini—Most of the people that I know, if they go to Europe, will take a little side trip and go to the Guggenheim at Bilbao. It is extraordinary—architecture has become a kind of pilgrimage. People will go to Los Angeles to see the new Getty. People will go to the gallery in Stuttgart; they will go to the Librarie de France in Paris; they will go to Bilbao. We are hoping that this will be the case—that people will go out of their way to come and see this extraordinary building. I do not know whether you have seen what the building looks like. I have with me what I call our brag book. I have photographs of all our activities. I take it to Egypt with me so that people can actually see what we are doing. We take photographs of all the activities that we have. I have got photographs from when it was a hole in the ground until now, showing the building. It is a huge building. It was in an edition of *Time* magazine last August. You might have seen it, Mr Chairman. It was the edition in which the Queen Mother featured on the cover, and it has extraordinary photographs of it. It is a circle, which represents the sun, and it is tilted at 15 degrees and it faces west. It says something about what Egypt is trying to do.

CHAIR—I thank you very much indeed for your attendance here today. If there are any matters on which we might need additional information, the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make any necessary corrections.

Resolved (on motion by **Senator Gibbs**):

That this subcommittee authorises publication of the evidence, other than that taken in camera, given before it at the public hearing this day.

Mr Montesini—Mr Chairman, I have got some copies of brochures which students at the TAFE design department printed for us. It has a brief abstract, some photographs and some of the activities of the Australian friends.

CHAIR—We might also use this as an exhibit, which we will have to authorise at a later time, but thank you very much indeed.

Mr Montesini—I also have here my brag book, if anyone wishes to look at it.

Subcommittee adjourned at 12.07 p.m.