



Medical
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Senator the Hon Penny Wong
Minister for Foreign Affairs
Parliament House, Canberra

22 December, 2023

Copy to The Hon Anthony Albanese MP, Prime Minister of Australia
The Hon Richard Marles MP, Minister for Defence

Dear Minister Wong,

Weapons exports to Israel and the prevention of genocide in Gaza

Members of the Medical Association for Prevention of War (MAPW), and very many other Australians, are increasingly distressed by the relentless inhumane suffering being inflicted by Israel on the people of Gaza.

For MAPW members, the virtual destruction of Gaza's healthcare system – made all the more inhumane by the presence of many tens of thousands of injured people, and increases in rates of infectious illnesses - is of particular concern. It is without precedent. On 4 December, Medecins Sans Frontieres [wrote](#) to the UN Security Council that "Israel has shown a blatant and total disregard for the protection of Gaza's medical facilities."

We note the desperate comments and pleas for an urgent ceasefire from multiple UN and humanitarian agencies. It was therefore pleasing that the Australian government last week voted in favour of the most recent UN General Assembly resolution for an immediate humanitarian ceasefire, after having failed to support such a resolution on 27 October.

However, far more is needed. Repeated statements from Australia and other nations that Israel must respect international law are being ignored. Such statements do not absolve us of complicity with Israel's repeated crimes if we have helped create the political and military environment in which those crimes occur.

Australia [claims](#) a "warm and close relationship with Israel". You [stated](#) to the Senate on 16 October that "Australia stands with Israel, and always will." Such a statement implies political support from Australia for Israel's actions, no matter what. It also marginalises the deep distress of the many Palestinian Australians who have loved ones suffering Israel's bombardment and siege of Gaza right now.

AFFILIATE



FOUNDER



Australia's sales of weapons and related items to Israel also implicate Australia in Israel's actions, and could be in violation of our international obligations. The Arms Trade Treaty (ATT), to which Australia is party, states in Article 7 that nations exporting arms shall assess the potential that the arms or items to be exported could be used to commit or facilitate a serious violation of international humanitarian law (IHL). There is little doubt that Israel has committed multiple violations of IHL in Gaza and continues to do so. As Australia does not monitor end-use of our weapons exports, one can reasonably assume that they will be used for whatever purpose the recipient - in this case Israel - chooses for them.

Australia is also party to the Genocide Convention, which prohibits not only genocide but also complicity in it. On 17 November, the International Commission of Jurists (ICJ) [published](#) a legal briefing titled "States' Duty to Prevent Genocide under the 1948 Genocide Convention". It stated that "grave violations committed by Israel against Palestinians in the aftermath of 7 October, particularly in Gaza, point to a [genocide in the making](#)", and it called on states to discontinue any arms sales or military assistance that would enable or facilitate genocide.

MAPW understands that Australia's defence export controls are administered by the Defence Department, but that the Department of Foreign Affairs and Trade (DFAT) is consulted on assessments that are deemed to be sensitive or complex, or which engage Australia's international obligations such as those under the ATT.

Could you please provide the following information:

- How many applications for weapons exports to Israel have been the subject of advice from DFAT to the Defence Department over the past five years?
- Has DFAT advised against any such proposed exports?
- If so, on what grounds?

You have recently [stated](#) that Australia has not supplied weapons to Israel since the start of the current war. However we do not know the reason for this. MAPW asks you to clarify your statement. In particular:

- Was the reason for the lack of weapons exports to Israel since October 7 that no such exports had already been approved for export during that period anyway?
- Were any weapons export permits revoked specifically because of Israel's illegal actions in Gaza?
- If a decision was made to suspend weapons exports to Israel because of a risk of them facilitating war crimes and/or genocide, why has there not been an announcement to this effect? Such an announcement would demonstrate to Israel that we are gravely concerned for the people of Gaza. It would also reassure

Australians that our weapons export policies are applied impartially with the same rules for all, with no exceptions made for allies.

- If no such decision has been made, in the context of overwhelming indications of war crimes being committed by Israel, why not?

MAPW urges that Australian military exports to Israel cease.

Finally, MAPW notes that weapons sales to Israel are part of a much bigger problem. The Defence Department has granted many weapons export permits in recent years to nations accused of mass human rights violations and war crimes. See for example [here](#), [here](#) and [here](#). Secrecy surrounding these exports is anti-democratic and undermines the achievement of our international obligations to promote a more peaceful and secure world.

We look forward to receiving your responses. Please reply to sue.wareham@mapw.org.au

Yours sincerely,

Dr Sue Wareham OAM
President, Medical Association for Prevention of War