

26 March 2024

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OIA 29002

Tēnā koe Andrew Riddell

I refer to your email of 4 January 2024 in which you request the following under the Official Information Act 1982 (OIA):

'I request copies of all advice, briefings, reports and other communication since 1 October 2023 to the Prime Minister, the Minister of Foreign Affairs, the Leaders of Opposition Parties, and/or to cabinet on the following matters (including where the matters are included as part of communications on several topics)

- *the events in Gaza and its surrounds on 7 October,*
- *international conventions and law on genocide, rights of people within occupied territories to resist that occupation, duties and responsibilities of occupying forces, and war crimes,*
- *a ceasefire in Gaza*
- *potential war crimes by Israel and/or Hamas*
- *the South African action to the International Court of Justice on the subject of genocide by Israel'*

On 17 January 2024, we contacted you regarding the scope of your request. On the same day, you agreed to refine the scope of your request to be for:

'copies of all advice, briefings, reports and other communication since 1 October 2023 to the Prime Minister, and to the Minister of Foreign Affairs (excluding their offices) on the following matters (including where the matters are included as part of communications on several topics)

- *the events in Gaza and its surrounds on 7 October,*
- *international conventions and law on genocide, rights of people within occupied territories to resist that occupation, duties and responsibilities of occupying forces, and war crimes,*
- *a ceasefire in Gaza*
- *potential war crimes by Israel and/or Hamas*
- *the South African action to the International Court of Justice on the subject of genocide by Israel'*

On 15 February 2024, the timeframes for responding to your request were extended by an additional 30 working days due to the consultations necessary to make a decision on your request. (section 15A(1)(b) of the OIA refers).

In line with section 16(1)(e) and section 16(2)(a) of the OIA, the Ministry of Foreign Affairs and Trade (the Ministry) is providing you with a list of formal advice provided to the Minister of Foreign Affairs and the Department of the Prime Minister and Cabinet by the Ministry of Foreign Affairs and Trade (the Ministry), from 8 October 2023 to 9 February 2024. Please find attached.

We have withheld some information from this list under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government; and
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Between 1 October 2023 and 9 February 2024, the Ministry produced 23 submissions, nine informal notes, one meeting brief, 69 regular Situation Reports on the conflict, and items for 11 Ministerial Weekly Reports, which also include updates on other key global issues.

Information and advice provided to Ministers on the Israel-Hamas conflict covered topics such as:

- Latest **developments in the conflict**, in Gaza, the West Bank and Israel, and in the region
- The **humanitarian situation** in Gaza, the West Bank and Israel, and New Zealand contributions to the humanitarian response;
- New Zealand's **consular response**;
- **Engagements with international partners**, e.g. bilateral ministerial calls;
- **International and multilateral** reactions to the conflict, e.g. public statements by other countries, and United Nations resolutions;
- New Zealand's statements and voting positions in the **United Nations (UN)**.
- New Zealand's **public statements on the conflict**, e.g. through press releases, statements in multilateral fora and social media.

The Ministry's advice has been consistently grounded in international law and revolves around four pillars, as follows:

- The upholding of international law and international humanitarian law;
- Opposition to the use of terror as a political tool and illegal act;
- Recognition of the right of a state to defend itself; and
- The importance of political, not military, solutions.

The Ministry's advice has also drawn from New Zealand's longstanding approach to the Middle East Peace Process, including:

- Support for a comprehensive and sustainable two-state solution, with secure and recognised borders for both Israel and Palestine (based on 1967 lines);
- Support for Israel's right to exist in peace and security;
- Support for the right of the Palestinian people to self-determination; and
- Recognition that direct negotiations between the parties are the only way to achieve a sustainable agreement, and a call for a return to such negotiations.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Owen Thornber
for Acting Secretary of Foreign Affairs and Trade