

12 April 2024

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OIA 29175

Tēnā koe Andrew Riddell

I refer to your email of 28 February 2024 in which you request the following under the Official Information Act 1982 (OIA):

I request all assessments, communications, meeting agendas/minutes/notes and briefings, etc. relating to New Zealand's consideration of General Assembly resolution 77/247 of 30 December 2022, including all assessments, communication, meeting agendas/minutes/notes and briefings, etc that lead to the decision of New Zealand to oppose this resolution, and all assessments, communication, meeting agendas/minutes/notes and briefings, etc. leading to the decision not to participate in the recently completed oral hearings by the International Court of Justice on this matter.

This resolution concerned a request to the International Court of Justice on legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

On 29 February 2024, you emailed to correct your request saying:

In my request I state that New Zealand opposed the UN resolution in question.

I was mistaken - New Zealand abstained from voting.

My request stands with that correction.

On 27 March 2024, the timeframes for responding to your request were extended by an additional 10 working days because responding to your request necessitated the review of a large quantity of information (section 15A(1)(a) of the OIA refers).

In relation the first part of your request for:

all assessments, communications, meeting agendas/minutes/notes and briefings, etc. relating to New Zealand's consideration of General Assembly resolution 77/247 of 30 December 2022, including all assessments, communication, meeting agendas/minutes/notes and briefings, etc that lead to the decision of New Zealand to [abstain from voting on] this resolution.

The agenda, committee report vote summary and meeting record relating to the General Assembly Resolution 77/247 are available on the United Nations website at: <https://digitallibrary.un.org/record/4000001?ln=en&v=pdf>. Therefore this part of your request is refused under section 18(d) of the OIA, as this information you requested is publicly available.

We have interpreted the remainder of this part of your request to be for all formal documents and communications created in advance of the vote on General Assembly Resolution 77/247 and any formal notes created immediately after the vote reporting on the vote.

There are nine documents in scope of the first part of your request:

1. UNGA 77: Aotearoa New Zealand's approach to votes on Middle East-related issues [dated 26 Oct 2022]
2. RE: FORMAL MESSAGE: UNGA77: FOURTH COMMITTEE AND SECOND COMMITTEE MEPP RESOLUTIONS: VOTING RESULTS [dated 16 November 2022]
3. FORMAL MESSAGE: UNGA77: FOURTH COMMITTEE MEPP RESOLUTIONS: INSTRUCTIONS [dated 11 November 2022]
4. RE: FORMAL MESSAGE: UNGA77: REQUEST FOR INSTRUCTIONS -MEPP RESOLUTIONS - PALESTINE PROPOSES RECOMMENDATION FOR ICJ ADVISORY OPINION ON ISRAEL IN THE "ISRAELI PRACTICES" RESOLUTION - UPDATE 10 NOVEMBER [dated 11 November 2022]
5. RE: FORMAL MESSAGE: UNGA77: REQUEST FOR INSTRUCTIONS -MEPP RESOLUTIONS - PALESTINE PROPOSES RECOMMENDATION FOR ICJ ADVISORY OPINION ON ISRAEL IN THE "ISRAELI PRACTICES" RESOLUTION - UPDATE 9 NOVEMBER [dated 9 November 2022]
6. RE: FORMAL MESSAGE: UNGA77: REQUEST FOR INSTRUCTIONS -MEPP RESOLUTIONS - PALESTINE PROPOSES RECOMMENDATION FOR ICJ ADVISORY OPINION ON ISRAEL IN THE "ISRAELI PRACTICES" RESOLUTION [dated 9 November 2022]
7. FORMAL MESSAGE: UNGA77: REQUEST FOR INSTRUCTIONS -MEPP RESOLUTIONS - PALESTINE PROPOSES RECOMMENDATION FOR ICJ ADVISORY OPINION ON ISRAEL IN THE "ISRAELI PRACTICES" RESOLUTION [dated 9 November 2022]
8. UNGA77 ISRAELI PRACTICES RESOLUTION AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM; New Zealand Explanation of Vote: Friday 11 November 2022
9. Next Steps for the 'Israeli Practices' Resolution [dated November 2022]

These nine documents are attached. We have withheld some information 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;
- 6(b)(i): to protect the passing of information from another government on a confidential basis;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment; and

- 9(2)(h): to maintain legal professional privilege.

In relation to the second part of your request, for *all assessments, communication, meeting agendas/minutes/notes and briefings, etc. leading to the decision not to participate in the recently completed oral hearings by the International Court of Justice on this matter.*

The Ministry holds one document which includes information in scope of this part of your request. It is titled 'Aotearoa New Zealand's Policy Settings on the Israeli-Palestinian conflict'. Much of the document is out of scope, the remainder of the document has been withheld 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)(h): to maintain legal professional privilege.

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.

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



Sarah Corbett
for Acting Secretary of Foreign Affairs and Trade