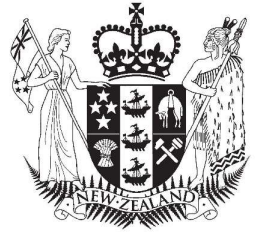


Rt Hon Winston Peters

Deputy Prime Minister

Minister of Foreign Affairs

Minister for Racing



24 June 2024

Andrew Riddell

fyi-request-26477-3e32d434@requests.fyi.org.nz

Dear Andrew Riddell

Thank you for your email of 18 April 2024 in which you request the following under the Official Information Act 1982 (OIA):

I therefore request copies of all briefings, emails, records of meetings and all other communications since you became the current Minister of Foreign Affairs on the following matters:

(a) The statement "barbaric violations of women and children" used when referring to the 7 October attack and since - given the number of 'barbaric violations' reported on October 7 which have since been shown to be false, what is the nature of these barbaric allegations you speak of, according to the briefings, advice and other communications you have received.

(b) The investigations into serious allegations against certain UNRWA staff - what are the specific investigations you are looking forward to the outcome of? What briefings or reports have you received about the Israel's evidence supporting these serious allegations against certain UNRWA staff.

(c) Given you say that building and expanding illegal settlements in the occupied territories and the forcible displacement of Palestinians from Gaza imperil the two-state solution, what advice or assessments have you received on the continued viability of a 2 state solution?

(d) You say all must demand that Hamas release all remaining hostages immediately. What advice have you received about the legal status of Israeli military personnel held by Hamas - are these people hostages or prisoners of war?

What advice and information have you received about the thousands of Palestinians held without charge by Israel, and their status under international law?

(e) The press release of 14 April asserts that Iran conducted illegal strikes against Israel. Iran is citing its right to self-defence for these strikes, following the attack by Israel on its consulate at Damascus. What advice have you received on this 'self-defence' justification, and the legality of it.

(f) Your speech to the United Nations acknowledges that Palestinian civilians bear the brunt of Israel's military action. Have you asked for or received any advice or briefings on the impacts of Israeli military action on Palestinian civilians in Gaza, and its legality in terms of international humanitarian law? I note that the government has imposed sanctions on some Israeli illegal settlers on the West Bank. Have you asked for and/or received any advice on imposing sanctions against members of the Israeli cabinet and military for their actions in Gaza?

Finally, just to confirm that where you have received advice and/or briefings and such like on any of the matters asked about above I am requesting copies of those communications.

Due to the large volume of information captured in the scope of your request, including some information that would be withheld in full, you are being provided with a summary of the information in scope of each part of your request, in line with sections 16(1)(e) and 16(2)(a) of the OIA.

Summary

Information and advice provided to Ministers on the Israel-Hamas conflict includes written and oral briefings, submissions, regular situation reports, talking points, and file notes from meetings with diplomatic representatives, community organisations, and/or government departments that cover the topics in scope of your request.

Regarding part (a) of your request, we refer you to the publicly available briefing by the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict to the United Nations Security Council, on 11 March 2024:

press.un.org/en/2024/sc15621.doc.htm#:~:text=There%20are%20reasonable%20grounds%20to,as%20she%20presented%20findings%20from.

The Special Representative also published a report on this matter which is attached to this response for your information.

Regarding part (b) of your request, New Zealand takes very seriously the allegations that a small number of UNRWA employees took part in the 7 October 2023 terrorist attacks by Hamas on Israel. UNRWA is subject to two processes following these allegations: the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality led by former French Foreign Minister Catherine Colonna; and an independent investigation conducted by the United Nations Office of Internal Oversight Services.

Regarding part (c) of your request, this Office has received advice which states that Israeli settlements in the West Bank are considered illegal under international law. The growth of settlements in the West Bank also undermines the viability of a future contiguous Palestinian state (and thus a two-state solution) by establishing Israeli claims to large areas of land. Between 1967 and 2022, almost 700,000 Israelis settlers had moved into West Bank settlements. In 2023, the current Israeli Government announced controversial plans to expand existing settlements and reinstate previously evacuated settlements. In 2004, the International Court of Justice issued an advisory opinion which stated the settlements to be illegal under international law. This position was reaffirmed in United Nations Security Council resolution 2334 (2016), co-sponsored by New Zealand during our tenure as a non-permanent member of the UN Security Council.

Regarding parts (d) and (e) of your request, the Ministry of Foreign Affairs and Trade's advice on New Zealand's response to the Israel-Hamas conflict since 7 October 2023 has been consistently grounded in international law and revolves around four pillars, as follows:

- **The upholding of international law and international humanitarian law**, including the protection of civilians and the provision of humanitarian assistance for those in need. This has guided New Zealand's position on the release of hostages; protection of civilians; and the urgent need for humanitarian access;
- **Opposition to the use of terror as a political tool and illegal act** – guiding New Zealand's unequivocal condemnation of Hamas' 7 October attacks on Israel;
- **Recognition of the right for a state to defend itself** – guiding statements on Israel's right to defend itself, within the limits of full compliance with international law; and
- **The importance of political, not military, solutions** - guiding our approach to the long-term solution to the crisis, specifically calls for an urgent restart of a Middle East Peace Process and for a two-state solution to the Israeli-Palestinian conflict as the best path for a durable and lasting peace in the region.

New Zealand has publicly and unequivocally condemned Hamas' terrorist attack on 7 October 2023, including clearly stating that Hamas' taking of hostages is a clear violation of international law. I refer you to an existing OIA response from the Ministry of Foreign Affairs and Trade (MFAT), which includes advice I have received on this matter, and is published on the MFA website:

www.mfat.govt.nz/en/media-and-resources/oia-28941-new-zealand-statements-at-the-united-nations

Regarding part (f) of your request, New Zealand is gravely concerned by the humanitarian crisis resulting from this conflict. New Zealand continues to advocate for safe, rapid, and unimpeded humanitarian access at all levels, including directly with Israel. Improved and sustained access is desperately needed to allow the necessary aid and assistance to reach the civilian population.

The New Zealand Government is committed to supporting the humanitarian response and has provided NZ\$17 million in funding to address urgent humanitarian needs resulting from the conflict. This funding has supported the responses of the World Food Programme, International Committee of the Red Cross, the United Nations Children's Fund, and the United Nations 2720 Mechanism for Gaza. The Government continues to monitor the humanitarian situation closely and consider how we can best support the response.

Information regarding the government's assessment of the humanitarian situation is already publicly available on the Ministry's website under the sub-headings 'Humanitarian Assistance' and 'Official information Act Responses – Humanitarian funding' here:

www.mfat.govt.nz/en/countries-and-regions/middle-east/israel-hamas-conflict/

For information on New Zealand's terrorism designation process, I refer you to the New Zealand Police.

Reporting on the situation in Gaza is also available online through sources such as ReliefWeb, which is provided by the United Nations Office for the Coordination of Humanitarian Affairs: reliefweb.int/

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.

Yours sincerely

A handwritten signature in black ink that reads "Winston Peters". The signature is written in a cursive, flowing style.

Rt Hon Winston Peters
Minister of Foreign Affairs