

Non-paper: Recognition of Palestinian statehood

New Zealand's current position and rationale

1. New Zealand's long-standing policy is that recognition of a state is to be inferred from the nature and level of our interaction with that state rather than by way of formal statements. Accordingly, recognition of a state by New Zealand is implied through our actions, such as the establishment of full diplomatic relations. s6(a)

2. New Zealand's policy was established for a range of practical and foreign policy reasons. s6(a), s9(2)(h)

New Zealand has supported Palestine's application for non-member observer status of the United Nations and membership of other international organisations, such as the International Criminal Court, where membership is open to all "states" (as opposed to "member states" which denotes full UN membership). s6(a)

3. s6(a)

4. Our approach is consistent with international law, but also allows for gradual and incremental progress towards Palestinian statehood. s6(a)

What tests would apply to recognise Palestine?

5. There are clear criteria to be classified as a sovereign state set out under the 1933 Montevideo Convention¹. s6(a), s9(2)(h)

6. s6(a)

¹ The orthodox legal definition of statehood requires: a permanent population; a defined territory; an effective government that exercises legal authority over its population and territory; and the capacity to conduct international relations with other States.

s6(a), s9(2)(h)

7. s6(a)

s6(a), s9(2)(h)

8. s6(a)

International progress on recognition

9. Following the outbreak of the Israel-Hamas conflict on 7 October 2023 and in response to the increasingly dire situation in Gaza, there is renewed attention on the question of Palestinian statehood and recognition. Recent comments by the UK Foreign Secretary Lord Cameron and Australian Foreign Minister Penny Wong reflect this.

10. Palestine is recognised as a State by 138 out of 193 UN Member States. Few of these are Western or Pacific countries. The majority of these countries carried out formal acts of recognition following the 1988 Palestinian Declaration of Independence. Of Western countries, recently Iceland recognised Palestinian statehood in 2011 and Sweden did so in 2014.

11. Spanish President Pedro Sánchez is currently undertaking outreach among forward-leaning European countries to recognise Palestine, possibly as soon as July. Spain, Ireland, Malta Norway and Slovenia have already agreed to take steps towards recognition. ^{s6(a)}

s6(a)

Proponents of recognition, including Spain, view it as a tool for granting Palestine legitimacy and viability in any two-state solution negotiations – a starting point rather than an end point.

United Nations and full membership status

12. There is a renewed push towards Palestine's full membership this month at the UN, supported by the Arab Group, the Organisation of Islamic Cooperation, and the Non-Aligned Movement. Palestine's formal request was referred by the Security Council to its Admissions Committee on 8 April, which met twice last week to consider the request. As admission to UN membership is a substantive issue, it requires the agreement of at least nine of the Council's 15 members and the veto applies. If the Council positively recommends Palestinian membership, a two-thirds majority of the General Assembly would then be required.

13. We expect that support for full Palestinian membership would achieve the requisite level of support in the General Assembly. The Security Council, however, has previously been unable to agree on a positive recommendation. s6(a), s6(b)(i)

s6(a)

s6(a), s9(2)(h)

s6(a)

s6(a)

*Middle East and Africa Division
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Annex: Talking points on recognition

s9(2)(g)(i)

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