

14 October 2024

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OIA 29609

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Thank you for your email of 12 August 2024 in which you request the following under the Official Information Act 1982 (OIA):

"I would like to make an OIA request regarding MFAT's practices around state recognition.

My questions are:

- 1. Does MFAT maintain a list or register of states that it has recognised and/or states that have recognised NZ?*
- 2. What does MFAT use as an official and/or reliable source when it wishes to confirm which states have recognised any other state?*
- 3. How does NZ determine that any particular state has been recognised or not?*
- 4. Does NZ still have a policy of implied recognition of states as stated in an article in the NZ Yearbook of International Law that is available at this link (MailScanner has detected a possible fraud attempt from "www.nzlii.org" claiming to be 1.pdf (nzlii.org)) where it is stated that NZ has a long standing practice of not making explicit statements of recognition or non-recognition of states. I refer to this extract of the journal article at page 14: with them develop."⁶⁴ The Ministry of Foreign Affairs and Trade has stated that:⁶⁵*

New Zealand has a long standing practice of not making explicit statements of recognition or non-recognition of states. Instead, New Zealand allows recognition or otherwise to be inferred from our dealings with entities.

- 5. In the abovementioned article it states that the NZ government prefers to operate in a "recognition vacuum". Does that accurately describe NZ's policy regarding formal statements of recognition? If not, what is the official policy in relation to recognition/non-recognition of states?*
- 6. On a slightly different topic, has NZ exhibited any implied or express recognition of the State of Palestine? If so, how was that express or implied recognition evidenced/documentated?*
- 7. Could I please have a copy of all emails, ministerial briefings, internal briefings, discussion papers, meeting notes, Microsoft Teams messages or any other information in which NZ's recognition of the State of Palestine was discussed between October 2023 and the present.*

On 28 August 2024, we contacted you seeking your agreement to refine part 7 of your request to the below. On 29 August 2024, you accepted this refinement:

7. *Formal documentation (since 15 April 2024 to 12 August 2024) predominantly relating* to NZ's recognition of the State of Palestine*

** Please note the Ministry of Foreign Affairs and Trade defines something as "predominantly relating" to a topic if 50% or more of the item is on the topic or, the title of the item includes the term that was asked for.*

On 9 September 2024, the timeframes for responding to your request were extended by an additional 25 working days because responding to your request necessitated the review of a large quantity of information, and due to the consultations necessary to make a decision on your request (section 15A(1) of the OIA refers).

Your questions are answered in turn below.

1. *Does MFAT maintain a list or register of states that it has recognised and/or states that have recognised NZ?*

The Ministry of Foreign Affairs and Trade (the Ministry) does not maintain a list or register of states New Zealand has recognised or states that have recognised New Zealand. A list of New Zealand embassies overseas, and foreign diplomatic representatives accredited to New Zealand, is publicly available and can be found on the Ministry website: <https://www.mfat.govt.nz/en/embassies>.

2. *What does MFAT use as an official and/or reliable source when it wishes to confirm which states have recognised any other state?*

There is no official source of information to *confirm which states have recognised any other state*. Decisions on recognition of statehood are taken individually by each state. Some states, like New Zealand, maintain practices of not formally recognising states and relying on conduct to imply recognition. Accordingly, this part of your request is refused under section 18(e) of the OIA, as the information requested does not exist.

3. *How does NZ determine that any particular state has been recognised or not?*

Please refer to the responses to questions 1 and 2.

4. *Does NZ still have a policy of implied recognition of states as stated in an article in the NZ Yearbook of International Law that is available at this link (MailScanner has detected a possible fraud attempt from "www.nzlii.org" claiming to be 1.pdf (nzlii.org)) where it is stated that NZ has a long standing practice of not making explicit statements of recognition or non-recognition of states. I refer to this extract of the journal article at page 14:*

*with them develop.*⁶⁴ The Ministry of Foreign Affairs and Trade has stated that:⁶⁵

New Zealand has a long standing practice of not making explicit statements of recognition or non-recognition of states. Instead, New Zealand allows recognition or otherwise to be inferred from our dealings with entities.

The above quote is accurate, New Zealand has a long-standing policy of not making formal acts of recognition or non-recognitions of states. Instead recognition or otherwise is to be inferred by the nature and level of New Zealand's dealings with the entity or state in question.

5. *In the abovementioned article it states that the NZ government prefers to operate in a "recognition vacuum". Does that accurately describe NZ's policy regarding formal statements of recognition? If not, what is the official policy in relation to recognition/non-recognition of states?*

The Ministry has not used the term "recognition vacuum". Please refer to the answer to question 4 for an outline of New Zealand's policy in relation to recognition and/or non-recognition of states.

6. *On a slightly different topic, has NZ exhibited any implied or express recognition of the State of Palestine? If so, how was that express or implied recognition evidenced/documentated?*

On 11 May 2024, the New Zealand Permanent Representative to the United Nations, H.E. Ms Carolyn Schwalger, delivered a speech on the topic of New Zealand's position on Palestine in an Explanation of Vote that was delivered in the United Nations and has been published on the Ministry's website: <https://www.mfat.govt.nz/en/media-and-resources/united-nations-general-assembly-10th-emergency-special-session>

7. *Formal documentation (since 15 April 2024 to 12 August 2024) predominantly relating* to NZ's recognition of the State of Palestine*
** Please note the Ministry of Foreign Affairs and Trade defines something as "predominantly relating" to a topic if 50% or more of the item is on the topic or, the title of the item includes the term that was asked for.*

Please refer to Annex 1 for a document schedule of the documents in scope of this part of your request. Some information is 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;
- 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, and
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment.

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

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line that ends in a small upward flick.

Sarah Corbett
for Secretary of Foreign Affairs and Trade

Annex 1.

Document schedule for documents captured in question 7: <i>all emails, ministerial briefings, internal briefings, discussion papers, meeting notes, Microsoft Teams messages or any other information in which NZ's recognition of the State of Palestine was discussed between October 2023 and 12 August 2024.</i>	
Document Title	Action
[6(a), 6(b)(i)]	Full withhold including title
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – MAY 2024	Page 1-4 of collated docs. Redactions under; <ul style="list-style-type: none"> - 6(a), - 6(b)(i), - 9(2)(g)(i), and - 9(2)(g)(ii).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – MAY 2024: [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – VIEWS FROM [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD – [6(a), 6(b)(i)] RESPONSE	Page 5-6 of collated docs. Redactions under; <ul style="list-style-type: none"> - 6(a), - 6(b)(i), - 9(2)(a), and - 9(2)(g)(ii).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – MAY 2024 – [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – MAY 2024 – [6(a), 6(b)(i)]	Withheld in full under 6(a) and 6(b)(i).
Non-paper: Recognition of Palestinian statehood	18(d) refusal as the information requested is publicly available on the Ministry's website at: https://www.mfat.govt.nz/en/media-and-resources/oia-29329-advice-on-palestine-statehood-recognition

From: MEA <DM-MEA@mfat.govt.nz>

Sent: Saturday, 1 June 2024 10:58 am

To: ^{s6(a)}

Cc: ...WLN SLT <WLN-SLT@mfat.govt.nz>; ...ALL POSTS <ALLPOSTS@mfat.govt.nz>; LGL <DM-LGL@mfat.govt.nz>; UNHC <DM-UNHC@mfat.govt.nz>; PRD <DM-PRD@mfat.govt.nz>; ISED <DM-ISED@mfat.govt.nz>; PHM <PHM@mfat.govt.nz>; AMER <DM-AMER@mfat.govt.nz>; AUS <DM-AUS@mfat.govt.nz>; NAD <DM-NAD@mfat.govt.nz>; EUR <DM-EUR@mfat.govt.nz>; SSEA <DM-SSEA@mfat.govt.nz>; PACMM <PACMM@mfat.govt.nz>; PACPF <PACPF@mfat.govt.nz>; PACREG <PACREG@mfat.govt.nz>; FM.DPMC (NSG, FPA) (Seemail) <FMDPMCNSGFPA@mfat.govt.nz>; ^{s6(a)} FM.P/S MFA (Seemail)

<PS.MFA@mfat.govt.nz>; FM.P/S Associate MFA (Seemail)

<PSAssociateMFASeemail@mfat.govt.nz>

Subject: FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD: REQUEST FOR REPORTING – MAY 2024

[RESTRICTED]

RĀPOPOTO – SUMMARY

- Recognition of Palestinian statehood has taken on increased prominence in recent months as a long-term political solution to the Israel-Palestinian conflict remains elusive.
- Announcements by a group of countries, including Norway, Ireland, and Spain last week, have renewed interest in the role recognition plays in a broader peace process.
- New Zealand is a long-standing supporter of the establishment of a Palestinian state as part of a two-state solution. New Zealand does not currently recognise Palestine as a state but we are closely monitoring developments on this issue internationally.
- We seek reporting and analysis on partners' approaches ^{s6(a)}

HOHENGA – ACTION

For information. With thanks to Posts for relevant reporting to date.

Addressee posts: please see paras. 6-8 seeking reporting and analysis on partners' approaches to recognition of Palestinian statehood, by 24 June where possible.

PŪRONGO – REPORT

1. The question of Palestinian statehood has become increasingly prominent in recent months as a long-term political solution to the Israel-Palestinian conflict has proven elusive. For decades many Western countries, New Zealand included, have approached Palestinian statehood as the eventual outcome of direct negotiations between Israel and Palestine, with the widely-supported goal of a two-state solution. ^{s9(2)(g)(i)}

2. Palestine is recognised as a state by 146 out of 193 UN Member States (see map below). The majority of those are not Western or Pacific countries, and which carried out formal acts of recognition following the 1988 Palestinian Declaration of Independence. Since April, seven countries have announced unilateral recognition of Palestine as a state (the Bahamas, Barbados, Ireland, Jamaica, Norway, Spain, and Trinidad and Tobago). ^{s6(a), s6(b)(i)}

Recent comments on statehood by [UK Foreign Secretary Lord Cameron](#) and [Australian Foreign Minister Penny Wong](#) illustrate an interest in progressing the issue. ^{s6(a)}



New Zealand's approach to recognition

3. New Zealand has been a long-standing supporter of the establishment of a Palestinian state. Successive New Zealand governments have committed support to a two-state solution as the outcome of a negotiated peace process.

4. New Zealand does not currently recognise Palestinian statehood. ^{s6(a)}

• ^{s6(a)}

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5. New Zealand's approach to the question of recognition remains unchanged, but we are closely monitoring developments on this issue. ^{s6(a)}

s6(a) Palestinian statehood has been raised directly with the Minister of Foreign Affairs by counterparts this year, including s6(a), s6(b)(i)

Partner approaches

6. We request Post reporting and analysis, by 24 June where possible, on select partners' approaches to recognition of Palestinian statehood s9(2)(g)(i)

s6(a)

Further reporting s9(2)(g)(i)
as well as on s6(a)

7. s6(a)

8. We refer Posts to the Minister's public comments on New Zealand's position (on [22 April](#) and on [23 May](#)). Posts may also wish to draw on the following points in their discussions with partners, and are welcome to contact MEA for further advice s9(2)(g)(ii)

- New Zealand supports the establishment of a Palestinian state and has done so for decades. We must see momentum towards this goal and it's a matter of 'when, not if' New Zealand recognises Palestinian statehood.
- Successive New Zealand governments have said a two-state solution with a State of Palestine living in peace and security side by side with the State of Israel is the only blueprint for peace we have.
- We are realistic that achieving this will require serious negotiations, including over the territory and political authority of a future Palestinian state. s6(a)

- s6(a)

- s6(b)(i)

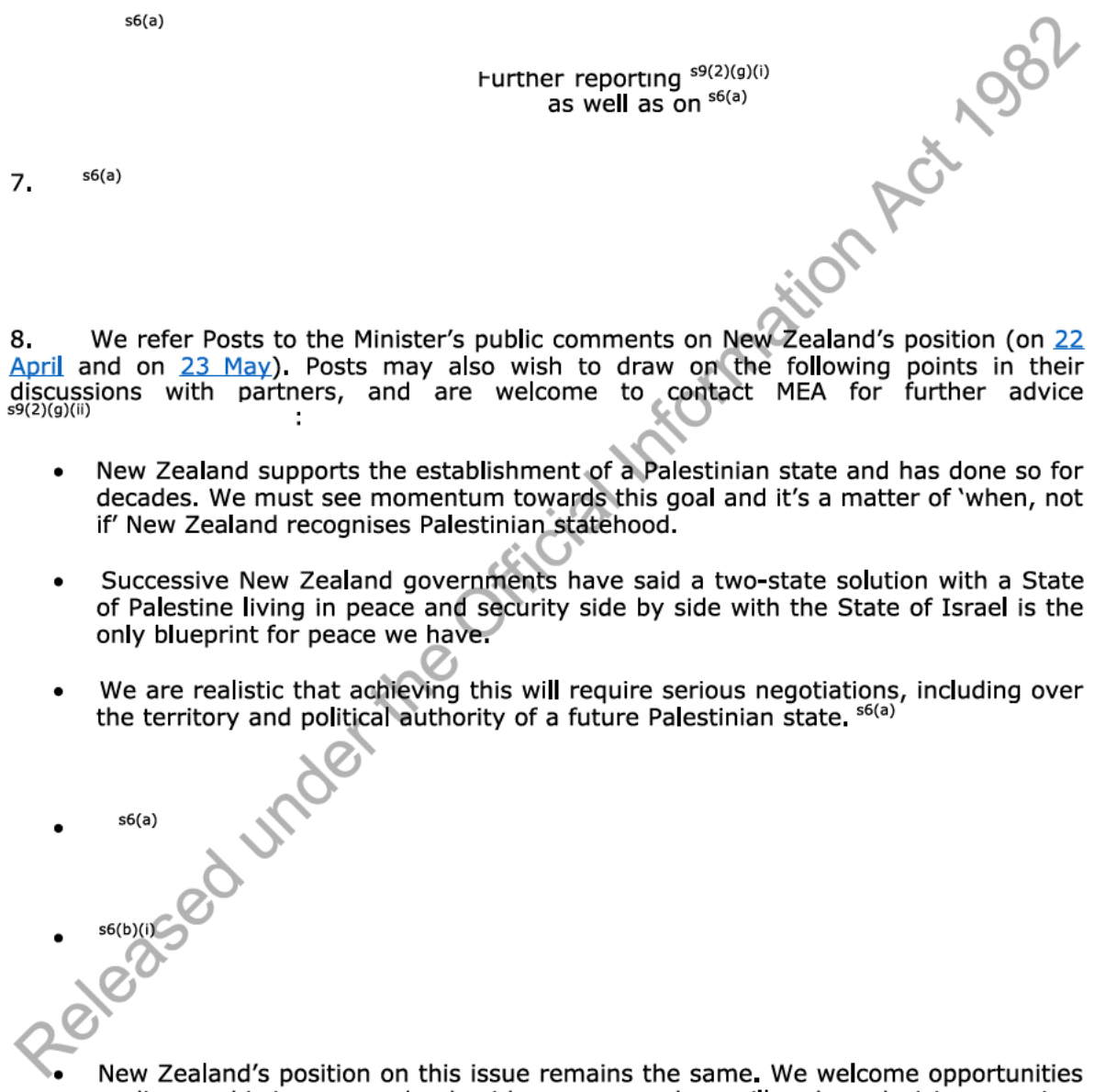
- New Zealand's position on this issue remains the same. We welcome opportunities to discuss this in greater depth with partners and we will make a decision at a time we think will be most impactful for a revitalised peace process.

- For New Zealand, s6(a)

we are closely monitoring the impact of recent announcements (including by Norway, Ireland, and Spain).

- New Zealand Ministers are focused on the immediate and urgent needs of the moment: a ceasefire, the release of hostages, and addressing the catastrophic humanitarian situation in Gaza.

- It is New Zealand's view that addressing these issues now should lay the



groundwork for delivering a longer-term negotiated peace, which must include a Palestinian state.

MUTU – ENDS

Released under the Official Information Act 1982

From: s9(2)(g)(ii)

Sent: Tuesday, 2 July 2024 9:54 pm

To: MEA <DM-MEA@mfat.govt.nz>

Cc: s9(2)(g)(ii)

Subject: RE: FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD – s6(a), s6(b)(i) RESPONSE

[RESTRICTED]

Kia ora team

Thank you so much for your patience with us while we got a response from s6(a) We didn't think the content was enough for an FM. However, I am available to engage further with s6(a) if you need more detail for s6(a)

s6(a), s6(b)(i)

Best wishes

s9(2)(g)(ii)

First Secretary

New Zealand Embassy s6(a), s6(b)(i)
s9(2)(a), s9(2)(g)(ii)

| Te Aka Aorere

From: MEA <DM-MEA@mfat.govt.nz>

Sent: Sunday, 23 June 2024 11:29 pm

To: s6(a), s6(b)(l)

Subject: RE: FORMAL MESSAGE: RECOGNITION OF PALESTINIAN STATEHOOD – s6(a), s6(b)(l) RESPONSE

[RESTRICTED]

Thanks very much for this reporting!

s6(a), s6(b)(l)

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