

Proactive Release

Published on or before: 10/07/2024

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister of Foreign Affairs

Title	Reference
<i>Cabinet Minute of Decision – Report of the Cabinet Legislation Committee: Period Ended 24 May 2024</i>	CAB-24-MIN-0188
<i>Advice to Chair of Cabinet Legislation Committee - Government response to the petition of Kate Stone on behalf of Justice for Palestine on Recognising Palestinian Statehood.</i>	

Please note, the 'Government response to the petition of Kate Stone on behalf of Justice for Palestine on Recognising Palestinian Statehood' will be proactively released on the Parliament website at the following location:

<https://www.parliament.nz/en/pb/sc/scl/foreign-affairs-defence-and-trade/tab/report>

Key to OIA redaction codes:

- 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.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 24 May 2024

On 27 May 2024, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 24 May 2024:

Proactively released by the Minister of Foreign Affairs

LEG-24-MIN-0088

**Government Response to the Petition of Kate Stone
on Behalf of Justice for Palestine on Recognising
Palestinian Statehood**
Portfolio: Foreign Affairs

CONFIRMED

Proactively released by the Minister of Foreign Affairs

Diana Hawker
for Secretary of the Cabinet

Proactively released by the Minister of Foreign Affairs



Cabinet Legislation Committee

Minute of Decision

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Government Response to the Petition of Kate Stone on Behalf of Justice for Palestine on Recognising Palestinian Statehood

Portfolio Foreign Affairs

On 23 May 2024, the Cabinet Legislation Committee:

- 1 **noted** that on 17 May 2023, the petition entitled *Kate Stone on Behalf of Justice for Palestine: Recognise Palestinian Statehood* (the Petition) was presented to the Petitions Committee;
- 2 **noted** that on 4 March 2024, the Petition was referred to the Minister of Foreign Affairs for response;
- 3 **noted** that the proposed Government response recommends that the Government not respond positively to the petitioner's request that "the New Zealand Government formally recognise the State of Palestine";
- 4 **approved** the Government response to the Petition, attached to the submission under LEG-24-SUB-0088;
- 5 **noted** that the Government response will be presented to the House by 28 May 2024;
- 6 **invited** the Minister of Foreign Affairs to present the Government response to the House in accordance with Standing Order 380;
- 7 **invited** the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the Government response to the Petition, after the response has been presented to the House.

Sam Moffett
Committee Secretary

Present: (see over)

Present:

Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Dr Shane Reti
Hon Paul Goldsmith
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Simon Watts
Hon Andrew Bayly
Hon Penny Simmonds
Hon Andrew Hoggard
Jamie Arbuckle, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG
Office of the Leader of the House

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Restricted

Office of the Minister of Foreign Affairs

Chair, Cabinet Legislation Committee

Government response to the petition of Kate Stone on behalf of Justice for Palestine on Recognising Palestinian Statehood

Purpose

- 1 This paper seeks approval of the government's response to the petition entitled *Kate Stone on behalf of Justice for Palestine: Recognise Palestinian Statehood* (following referral from the Petitions Committee).

Background

- 2 On 4 March 2024, under Standing Order 380, the Petitions Committee referred the petition of Kate Stone on behalf of "Justice for Palestine" to the Minister of Foreign Affairs.
- 3 The petition, signed by 1,020 people, requests that the New Zealand Government formally recognise the State of Palestine.

New Zealand's recognition policy

- 4 New Zealand does not usually make formal statements of recognition of states. This is a long-standing policy. Rather, New Zealand infers recognition of a state by the nature and level of our interaction with the state. A common way of inferring statehood is by establishing full diplomatic relations.^{s6(a)}

New Zealand's approach to Palestine

- 5 ^{s6(a)} Palestine is unique globally in that its aspirations for statehood are widely accepted by the international community, New Zealand included. However, these aspirations are the subject of a peace process between Israel and the Palestinians which seeks a two-state solution. Although this has failed to produce a successful outcome after more than 75 years, New Zealand remains committed to a peace process as a pathway to Palestinian statehood.

- 6 ^{s6(a)} For example, New Zealand has supported Palestine's application for non-member observer state status of the United Nations (UN) 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).

How others approach the issue of Palestinian statehood

- 7 Palestine is recognised as a state by 144 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. There are a variety of reasons these countries recognise Palestine, including as a method for advancing the 'Palestinian cause' internationally and to grant Palestine legitimacy and equality in any two-state solution negotiations.

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

Comment on the government response

- 11 Accordingly, the Minister of Foreign Affairs recommends the government not respond positively on the petitioner's request that "*the New Zealand Government formally recognise the State of Palestine.*"^{s6(a)}

12 s6(a)

¹ The orthodox legal definition of statehood under the 1933 Montevideo Convention 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)

- 13 The response to the petition notes that the government supports the establishment of a Palestinian state as an outcome of a peace process, as have successive New Zealand governments for decades. It acknowledges the complexity of the issue, including in the context of the current Israel-Hamas conflict.
- 14 The response focuses on the link between recognition of a Palestinian state and the overarching peace process to achieve a two-state solution to the Israeli-Palestinian conflict. It reiterates the government's view that Palestinian statehood is neither a prerequisite for renewed negotiations, nor a guarantee they will progress faster. It reinforces the government's approach to recognition as an important diplomatic lever to contribute to a international diplomatic push to achieve a two-state solution.
- 15 The government response also addresses the four overarching reasons set out by the petitioner for recognising Palestinian statehood. These include that an act of recognition by New Zealand would align with the majority of UN member states; meeting the criteria for statehood; New Zealand's reputation as a defender of human rights; and, promoting a two-state solution.

Timing of the government response

- 16 The government response must be presented to the House by 28 May 2024.

Consultation

- 17 The Department of the Prime Minister and Cabinet (National Security Group and Policy Advisory Group) has been informed.

Financial implications

- 18 There are no financial implications for New Zealand.

Publicity

- 19 There is no publicity planned.

Proactive Release

- 20 This paper is proposed for proactive release, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

The Minister of Foreign Affairs recommends that the Cabinet Legislation Committee:

- 1 note that on 17 May 2023 the petition entitled *Kate Stone on behalf of Justice for Palestine: Recognise Palestinian Statehood* was presented to the Petitions Committee;
- 2 note that on 4 March 2024 the petition entitled *Kate Stone on behalf of Justice for Palestine: Recognise Palestinian Statehood* was referred to the Minister of Foreign Affairs for response;
- 3 note that the proposed government response recommends the Government not respond positively on the petitioner's request that "the New Zealand Government formally recognise the State of Palestine";
- 4 approve the government response, attached to this submission, entitled *Kate Stone on behalf of Justice for Palestine: Recognise Palestinian Statehood*;
- 5 note that the government response will be presented to the House by 28 May 2024;
- 6 invite the Minister of Foreign Affairs to present the government response to the House in accordance with Standing Order 380; and
- 7 invite the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Rt Hon Winston Peters

Minister of Foreign Affairs