

11 October 2024

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand

T +64 4 439 8000
F +64 4 472 9596

Personal details removed for proactive release

Thank you for your email of 13 September 2024 in which you request the following under the Official Information Act 1982 (OIA):

- 1. Given the ongoing reports of atrocities and mass murder committed by Israel against the Palestinian people and humanitarian workers, what specific actions is New Zealand taking in response beyond those outlined on the MFAT website?*
- 2. Does New Zealand's support for international law regarding the Israeli-Palestinian conflict extend to recognising that Gaza and the West Bank are Palestinian territories, that the occupation of these lands is illegal under international law, and that Israeli settlements constitute a war crime? [1] (<https://www.ohchr.org/en/press-releases/2021/07/israeli-settlements-amount-war-crime-special-rapporteur-tells-human-rights>)*
- 3. What measures is the New Zealand government taking to prevent New Zealanders from financially supporting Israeli settlers and settlements?*
- 4. Does the New Zealand government recognise the fundamental rights of Palestinians to resist occupation, including through armed struggle? [2] (<https://www.aljazeera.com/opinions/2017/7/20/palestinians-have-a-legal-right-to-armed-struggle/>)*
- 5. Does the New Zealand government acknowledge that, under international law, Israel does not have the right to use self-defence as a justification for its actions related to its occupation of Palestinian territories?[3] (<https://mondoweiss.net/2023/07/israel-does-not-have-a-right-to-self-defense-for-its-occupation/>)*
- 6. Are there any Palestinian resistance movements that engage in armed struggle which the New Zealand government recognises as legitimate?*
- 7. Does 'opposition to the use of terror as a political tool and the deliberate harming or targeting of civilians' apply to the Israeli state, or is this standard reserved only for non-state or non-Western actors and entities?*
- 8. Has the New Zealand government considered supporting South Africa's genocide case against Israel at the International Court of Justice?*
- 9. If available, please provide any documents, reports, memos, or other materials from MFAT related to South Africa's genocide case against Israel at the International Court of Justice.*

On 24 September 2024, the Ministry of Foreign Affairs and Trade published a series of frequently asked questions and answers relating to the Israel-Hamas conflict:

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

These responses address your questions 1 through 8, among other questions. Accordingly, your questions 1 through 8 are refused under section 18(d) of the OIA, as the information is publicly available.

Regarding your question 9, this part of your request captures a significant volume of documents and preparing a response would require substantial collation and research. Accordingly, this part of your request is refused under section 18(f) of the OIA, due to substantial collation and research.

We also note that questions 2, 4 and 5 of your request refer to information you have provided. The OIA does not require agencies to create new information or opinions to respond to a request. [Making official information requests: A guide for requesters | Ombudsman New Zealand](#)

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, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade