

19 December 2024

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Personal details removed for proactive release

Thank you for your email of 26 October 2024 to the Ministry of Foreign Affairs and Trade (the Ministry), in which you request the following under the Official Information Act 1982 (OIA):

"I request copies of all assessments, briefings, reports, talking points and similar advice by the Ministry of Foreign Affairs and Trade to the Minister of Foreign Affairs on the 19 July 2024 declaratory decision by the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem."

Background

A significant amount of information relating to the Israel-Hamas conflict is publicly available on the Ministry's website: <https://www.mfat.govt.nz/en/countries-and-regions/middle-east/israel-hamas-conflict>

This information is regularly updated and includes links to announcements, details on funding, statements and press releases, proactively released OIA responses, and responses to frequently asked questions.

Response to your request

Please see the following table for a list of documents in scope of your request:

Type	Title	Date
Email	ICJ issues significant advisory opinion on Israeli Occupation	20 July 2024
Email	ICJ issues significant advisory opinion on Israeli Occupation	22 July 2024
Email	ICJ issues significant advisory opinion on Israeli Occupation	23 July 2024
Email	Oral Questions Thursday 25 July: Israel/ICJ	25 July 2024
Email	FORMAL MESSAGE: MEPP/ICJ: [Withheld under 6(b)(i)]	2 August 2024

Type	Title	Date
Email	FORMAL MESSAGE MIDDLE EAST CONFLICTS – UPDATED TALKING POINTS	8 August 2024
Email	Sanctions on Israel following ICJ Ruling on Unlawful presence in Palestinian Territories - ministerial templates for OMFA	12 August 2024

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;
- 6(b)(ii): to protect the passing of information from an international organisation 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;
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment; and
- 9(2)(h): to maintain legal professional privilege.

One briefing titled "UNGA Resolution: ICJ Advisory Opinion on Israeli Occupation of Palestine" dated 16 September 2024 is refused under section 18(d) as the information is publicly available on the MFAT website here: <https://www.mfat.govt.nz/assets/OIA/OIA-2024/OIA-29693-UNGA-Illegal-israeli-actions-in-occupied-Jerusalem-6-November-2024.pdf>

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified 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 several overlapping loops and a long horizontal stroke extending to the right.

Owen Thornber
for Secretary of Foreign Affairs and Trade

From: s9(2)(g)(ii)
Sent: Saturday, 20 July 2024 6:14 pm
To: s9(2)(g)(ii)
Cc: s9(2)(g)(ii)

MEDIA, s9(2)(g)(ii)

Subject: Re: ICJ issues significant advisory opinion on Israeli Occupation

Thanks s9(2)(g)(ii)

MFA has issued an abbreviated version of your proposed tweet, as below.

Best

s9(2)(g)(ii)

<https://x.com/newzealandmfa/status/1814543628167225842?s=46>

The International Court of Justice has issued an advisory opinion ruling that Israel's presence in the Occupied Palestinian Territories is unlawful and must end as rapidly as possible.

Continued settlement expansion makes a two-state solution, the only way for Israelis and Palestinians to live side-by-side with security and dignity, more difficult.

Israel must honour its international legal obligations.

-WP

s9(2)(g)(ii)

Senior Foreign Affairs Adviser
Office of Rt Hon Winston Peters
New Zealand Deputy Prime Minister & Minister of Foreign Affairs NZ
Phone: s9(2)(a)

From: s9(2)(g)(ii)
Sent: Saturday, July 20, 2024 3:53:23 PM
To: s9(2)(g)(ii)

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

s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>; s9(2)(g)(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation

[SEEMAIL] [RESTRICTED]

Sorry one edit issue – corrected below.

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

Sent: Saturday, 20 July 2024 3:51 pm

To: s9(2)(g)(ii)

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

MEDIA <media@mfat.govt.nz>; s9(2)(g)(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation

Good Afternoon,

Further to my message this morning, and following a conversation with s9(2)(g)(ii) we have the following suggest lines to be incorporated in a tweet. s6(a)

In light of the likely interest, we think there is merit in pushing out an X post today so that we have a clear statement on the record before media engagements this week. We (MEA/LGL) have the following lines which could form the basis of a 3 part tweet:

- The ICJ Advisory Opinion on Israel's policies and practices in the Occupied Palestinian Territories is a significant development. New Zealand is a strong supporter of the ICJ which plays a critical role in upholding international law. s9(2)(g)(i)
- The Court has concluded that Israel's presence in the OPT is unlawful and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers from the OPT, and make reparations for the damage caused.
- Continued settlement expansion and Israel's occupation of the OPT is unlawful and makes a two-state solution more difficult. A two-state solution is the only way for Israelis and Palestinians to live side by side with security and dignity. Israel must uphold its international legal obligations.

I'll flick through on whatsapp as discussed s9(2)(g)(ii)

s9(2)(g)(ii)

s9(2)(a)

s6(a)

Released under the Official Information Act

From: s9(2)(g)(ii)
Sent: Saturday, 20 July 2024 9:20 am
To:

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

MEDIA <media@mfat.govt.nz>

Subject: Re: ICJ issues significant advisory opinion on Israeli Occupation

Thanks s9(2)(g)(ii)

To add to s9(2)(g)(ii) point - PM will be doing his Post Cab Press Conference on Monday afternoon and Tuesday morning media first thing the next day. So we can prepare him, could we please have updated media lines for midday Monday?

Apologies for the tight turnaround and many thanks in advance,
s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Saturday, July 20, 2024 9:04:00 AM
To: s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>

Subject: Re: ICJ issues significant advisory opinion on Israeli Occupation

Thanks s9(2)(g)(ii) Look forward to further advice in due course.

Just to note that this coming week is a sitting week, which means that MFA and the PM will be in the media a lot (including because of walks into / out of Parliament). Speaking only of MFA, I think it'd be helpful to have updated reactive lines by Tuesday lunchtime to aid his walk into Parliament.

Best

s9(2)(g)(ii)

Senior Foreign Affairs Adviser
Office of Rt Hon Winston Peters
New Zealand Deputy Prime Minister & Minister of Foreign Affairs NZ
Phone: s9(2)(a)

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

Sent: Saturday, July 20, 2024 5:53:01 AM

To: s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>

Subject: ICJ issues significant advisory opinion on Israeli Occupation

[SEEMAIL] [RESTRICTED]

Good morning all,

As flagged to some (not all) yesterday and included in the Weekly Report, the International Court of Justice issued its advisory opinion earlier this morning NZ time.

The HAG's FM below provides an excellent summary of the immediate reaction. s6(a)

s9(2)(h) with many issues being decided 14 judges to 1.

. New Zealand did not make submissions to the Court in this advisory opinion s9(2)(h)

The 83 page decision has only been out a matter of hours, and given its significance, would benefit from considered advice in slower time including input from MEA colleagues on the broader impacts. We will coordinate fuller advice on this issue next week for Ministers.

If there are media enquiries to Ministers we recommend drawing on the following interim points:

- New Zealand is a strong supporter of the International Court of Justice – the world's highest court.
- This is clearly a significant advisory opinion which has been released, and one which we will be studying carefully in the coming days.

s6(a) , and allow us to prepare fuller advice.
LGL will s6(a) and work with MEA to provide any updates as necessary over the weekend, and into next week.

Please don't hesitate to give me a call if you require anything further

Thanks
s9(2)(g)(ii)

From: HAGUE s9(2)(g)(ii)
Sent: Saturday, 20 July 2024 3:13 am
To: LGL s9(2)(g)(ii) MEA s9(2)(g)(ii) DS EMA s9(2)(g)(ii) DS MLG
s9(2)(g)(ii) EUR s9(2)(g)(ii)
Cc: ...WLN SLT s9(2)(g)(ii) ; CEO s9(2)(g)(ii) ...POLICY DIVISIONS
s9(2)(g)(ii) FM.P/S MFA (Seemail) s9(2)(g)(ii) ; FM.P/S Associate MFA (Seemail)
s9(2)(g)(ii) FM.DPMC (NSG, FPA) (Seemail) s9(2)(g)(ii)
...EUROPEAN POSTS s9(2)(g)(ii) ALL POSTS (FM) s9(2)(g)(ii) MEDIA
<media@mfat.govt.nz>; ESD <DM-ESD@mfat.govt.nz>; s6(a)
Subject: FORMAL MESSAGE: ICJ: ADVISORY OPINION ON THE LEGAL CONSEQUENCES OF THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

[IN CONFIDENCE]

SUMMARY – RĀPOPOTO

s6(a) , the top UN Court – the International Court of Justice - has found that Israel's presence in occupied Palestine territories is illegal and must end. The Court concluded that Israel's policies and practices, including settlements and associated infrastructure, exploitation of natural resources and treating Jerusalem as the capital, "are designed to remain in place indefinitely" and amount to annexation. This is contrary to the prohibition on the use of force and the acquisition of territory by force. "Israel is not entitled to sovereignty in any part of the OTP, on account of its occupation, nor can security concerns override the prohibition on acquisition of territory by force". The ICJ has ruled that Israel must make restitutions of land, and make reparations for loss of land, assets and cultural property.

s6(a) The ICJ has ruled that states and international organisations must not recognise the occupation as legal, and has called for the UNGA and the UNSC to make precise the next steps to implement this ruling.

ACTION – HOHENGA

For information.

REPORT - PŪRONGO

1. At the request of the UNGA in December 2022 (A/RES/77/247) the International Court of Justice was asked to give its view on Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and on the legal status of the occupation.

2. In a landmark advisory opinion, the International Court of Justice has found that Israel's presence in occupied Palestine territories is illegal and must end. The judgement passed with an majority on all aspects, with the US and Australian judges in the majority. The judges from Uganda, France, Slovakia and Romania dissented on some of the operative paragraphs. The substantive press release and public court documents can be found here: [Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, in \(icj-cij.org\)](https://www.icj-cij.org/press-releases/2024/07/20240720-01)

3. Voting on the operative paragraphs of the opinion were as follows:

- ICJ has jurisdiction: 14-1 Dissenting: Sebutinde, (Uganda)
- Israel's presence in the OPT is unlawful: 11-4 Dissenting Sebutinde (Uganda) Tomka (Slovakia) Abraham (France) Aurescu (Romania)
- Israel must bring to an end the occupation 11-4 Dissenting Sebutinde (Uganda) Tomka (Slovakia) Abraham (France) Aurescu (Romania)
- Israel must evacuate all settlers: 14-1 Dissenting: Sebutinde, (Uganda)
- Israel must make reparations and restitution 14-1 Dissenting: Sebutinde, (Uganda)
- All states are under obligation to not recognise the occupation as legal 12-3 Dissenting Sebutinde (Uganda) Abraham (France) Aurescu (Romania)
- All international organisations must not recognise the occupation as legal 12-3 Dissenting Sebutinde (Uganda) Abraham (France) Aurescu (Romania)
- UNGA and UNSC should make precise the next steps to bring an end to Israel's unlawful presence: 12-3 Dissenting Sebutinde (Uganda) Abraham (France) Aurescu (Romania)

4. Israel objected to the ICJ considering the questions at hand and described the move, which was initiated by Palestine at the UN, as "part of the Palestinian attempt to dictate the results of the political settlement [of the Israel-Palestinian conflict] without negotiations". The Court began its ruling by making clear the Court has jurisdiction and it sees no compelling reason to decline consideration of the questions. Israel declined to take part in the hearings, but 52 other states did – with sizeable teams coming to The Hague earlier this year to present oral arguments.

5. s6(a)

6. s6(a)

This ICJ case is separate from the other active case brought to the court by South Africa accusing Israel of committing genocide against the Palestinians in the war in Gaza (our separate reporting refers).

COMMENT

7 s9(2)(g)(i)

s6(b)(i)
s9(2)(g)(i)

ENDS - MUTU

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Out of scope

From: s9(2)(g)(ii)
Sent: Monday, July 22, 2024 11:25 AM
To: s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>; s9(2)(g)(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation

Good morning s9(2)(g)(ii)

Please find attached of Talking Points for the Prime Minister and Minister of Foreign Affairs on the ICJ's Advisory Opinion which held that Israel's presence in the oPt is unlawful. The document contains:

1. Talking and "if raised" points;
2. Background and partner reactions; and
3. An annex containing further analysis of the Court's Advisory Opinion.

s9(2)(g)(ii) we will update the office if further points are required ahead of MFA's expected press engagements tomorrow.

s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Saturday, 20 July 2024 9:20 am
To: s9(2)(g)(ii)

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

s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>

Subject: Re: ICJ issues significant advisory opinion on Israeli Occupation

Duplicate email

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International Court of Justice Advisory Opinion on Israel and Occupied Palestinian Territories

Talking points

- The International Court of Justice – the world’s highest court – issued its Advisory Opinion over the weekend.
- The Court concluded that Israel’s presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused.
- New Zealand has long held the view that settlements are illegal under international law. The Court has confirmed this view.
- New Zealand is firmly committed to the upholding of international law and the role of the Court. The conclusions the Court has reached are consistent with New Zealand’s long-standing positions.
- New Zealand has been clear that Israel’s settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
- New Zealand continues to call on Israel to honour its international legal obligations.

s9(2)(g)(i)

s9(2)(g)(i)

Background

On 19 July 2024 the International Court of Justice issued its Advisory Opinion in respect of the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. The Court reached the following conclusions:

- Israel's continued presence in the Occupied Palestinian Territory is unlawful;
- Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;
- Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;
- All States (including New Zealand) are under an obligation not to render aid or assistance to Israel in maintaining its occupation.

s6(a)

The Court was unanimous that the construction of settlements and the failure to prevent violence by the settlers violate international humanitarian law, international human rights law and the right of the Palestinian people to self-determination and other rules of international law.

This is a very significant decision s6(a)

For

New Zealand, s9(2)(h)

including that settlements are unlawful under international law.¹ Officials will continue to consider the policy implications of the advisory opinion.

New Zealand reaction

New Zealand's Minister of Foreign Affairs released a [statement](#) on 20 July:

- *The International Court of Justice has issued an advisory opinion ruling that Israel's presence in the Occupied Palestinian Territories is unlawful and must end as rapidly as possible.*

¹ New Zealand co-sponsored on UNSC Resolution 2334 in 2016 which condemned Israel's settlements as illegal under international law.

- *Continued settlement expansion makes a two-state solution, the only way for Israelis and Palestinians to live side-by-side with security and dignity, more difficult.*
- *Israel must honour its international legal obligations.*

Partner reactions

- Australia's Minister Wong released a statement on X on 20 July which highlighted that settlement activity is illegal under international law and Israel must cease the expansion of settlements; respect for the independence of the Court and that a just and enduring peace requires a two-state solution.²
- The United Kingdom has released an interim statement noting that the UK is "considering it carefully before responding." The statement also notes that the UK is "strongly opposed to the expansion of illegal settlements" and is "committed to a negotiated two-State solution".³
- UN Secretary-General António Guterres reiterated his call for the parties to re-engage on the "long-delayed political path" towards ending the occupation and resolving the conflict. "The only viable path is the vision of two States" his spokesperson said in a [statement](#).

² *The Albanese Government has been firm and consistent that settlement activity is illegal under international law and a significant obstacle to peace. We respect the independence of the Court and its critical role in upholding international law and the rules-based order.*

A just and enduring peace will require the legitimate aspirations of the Palestinian people to self-determination to be realised.

We want to see concrete steps taken by Israel to cease the expansion of settlements and to respond to extremist settler activity.

We have made clear that the Australian Government will deny anyone identified as an extremist settler a visa to travel to Australia.

We are carefully considering the detail of the ICJ opinion to fully understand the conclusions reached.

³ [UK statement on the ICJ's Advisory Opinion on Israel and the Occupied Palestinian Territories - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Annex: Further analysis

s9(2)(h)

Released under the Official Information Act

s9(2)(h)

Policy implications for New Zealand

s9(2)(h)

The ICJ has largely confirmed the position held by New Zealand for some time. These are views we have communicated to Israel's government.

s9(2)(h)

New Zealand is likely to come under increasing pressure from advocacy groups to 'act' on the ICJ advisory opinion. s9(2)(h)

Additional pressure to sanction Israeli settlers will also likely continue. s9(2)(h)

From: s9(2)(g)(ii)
Sent: Tuesday, 23 July 2024 3:14 pm
To: s9(2)(g)(ii)
Cc: s9(2)(g)(ii)

MEDIA; s9(2)(g)(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation
Attachments: Talking Points International Court of Justice Advisory Opinion on Israel and Occupied Palestinian Territories.docx; Explainer International legal accountability.docx

Security Classification:
RESTRICTED

Hi s9(2)(g)(ii)

Please find attached an explainer on the international cases involving Gaza/Israel. I have set out how International legal accountability efforts fall broadly into two categories:

- 1 State responsibility, addressed by the International Court of Justice. The Court:
 - (a) issues advisory opinions based on issues advisory opinions on legal questions which must be referred to the Court by United Nations organs (Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem) and
 - (b) hears contentious cases between states (South Africa v Israel).
- 2 Individual criminal responsibility, addressed by the International Criminal Court, which currently has an ongoing and active investigation into the situation in the West Bank, Gaza and East Jerusalem.

For each legal process I have outlined the timeline of the process, whether the decision is legally binding, and the New Zealand angle. I have also reattached the Talking Points on the Advisory Opinion.

s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Monday, 22 July 2024 11:41 am
To: s9(2)(g)(ii)
Cc: s9(2)(g)(ii)

MEDIA <media@mfat.govt.nz>; s9(2)(g)(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation

Good morning, ^{s9(2)(g)}_(ii)

Thank you very much for this. While we are writing to you, could we please ask LGL for a short summary (happy to receive it via email) of ^{s9(2)(g)}(i)

Happy to discuss if easier.

Thanks in advance,



^{s9(2)(g)}(ii)

Private Secretary (Foreign Affairs) | Office of Rt Hon Winston Peters
Deputy Prime Minister | Minister of Foreign Affairs | Minister for Racing

M: ^{s9(2)(a)}

From: ^{s9(2)(g)}(ii)

Sent: Monday, July 22, 2024 11:25 AM

To: ^{s9(2)(g)}(ii)

MEDIA <media@mfat.govt.nz>; ^{s9(2)(g)}(ii)

Subject: RE: ICJ issues significant advisory opinion on Israeli Occupation

Duplicate email

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Talking points

- The International Court of Justice – the world’s highest court – issued its Advisory Opinion over the weekend.
- The Court concluded that Israel’s presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused.
- New Zealand has long held the view that settlements are illegal under international law. The Court has confirmed this view.
- New Zealand is firmly committed to the upholding of international law and the role of the Court. The conclusions the Court has reached are consistent with New Zealand’s long-standing positions.
- New Zealand has been clear that Israel’s settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
- New Zealand continues to call on Israel to honour its international legal obligations.

s9(2)(g)(i)

s9(2)(g)(i)

Background

On 19 July 2024 the International Court of Justice issued its Advisory Opinion in respect of the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. The Court reached the following conclusions:

- Israel's continued presence in the Occupied Palestinian Territory is unlawful;
- Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;
- Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;
- All States (including New Zealand) are under an obligation not to render aid or assistance to Israel in maintaining its occupation.

s6(a)

The Court was unanimous that the construction of settlements and the failure to prevent violence by the settlers violate international humanitarian law, international human rights law and the right of the Palestinian people to self-determination and other rules of international law.

This is a very significant decision s6(a) . For New Zealand, s9(2)(h) including that settlements are unlawful under international law.¹ Officials will continue to consider the policy implications of the advisory opinion.

New Zealand reaction

New Zealand's Minister of Foreign Affairs released a [statement](#) on 20 July:

- *The International Court of Justice has issued an advisory opinion ruling that Israel's presence in the Occupied Palestinian Territories is unlawful and must end as rapidly as possible.*

¹ New Zealand co-sponsored on UNSC Resolution 2334 in 2016 which condemned Israel's settlements as illegal under international law.
POLI-203-1738

- *Continued settlement expansion makes a two-state solution, the only way for Israelis and Palestinians to live side-by-side with security and dignity, more difficult.*
- *Israel must honour its international legal obligations.*

Partner reactions

- Australia's Minister Wong released a statement on X on 20 July which highlighted that settlement activity is illegal under international law and Israel must cease the expansion of settlements; respect for the independence of the Court and that a just and enduring peace requires a two-state solution.²
- The United Kingdom has released an interim statement noting that the UK is "considering it carefully before responding." The statement also notes that the UK is "strongly opposed to the expansion of illegal settlements" and is "committed to a negotiated two-State solution".³
- The United States has criticised the "breadth" of the Advisory Opinion, suggesting it will complicate efforts to resolve the conflict. However the US was clear that Israel's program of government support for settlements is both inconsistent with international law and obstructs the cause of peace.
- UN Secretary-General António Guterres reiterated his call for the parties to re-engage on the "long-delayed political path" towards ending the occupation and resolving the conflict. "The only viable path is the vision of two States" his spokesperson said in a [statement](#).

² *The Albanese Government has been firm and consistent that settlement activity is illegal under international law and a significant obstacle to peace. We respect the independence of the Court and its critical role in upholding international law and the rules-based order.*

A just and enduring peace will require the legitimate aspirations of the Palestinian people to self-determination to be realised.

We want to see concrete steps taken by Israel to cease the expansion of settlements and to respond to extremist settler activity.

We have made clear that the Australian Government will deny anyone identified as an extremist settler a visa to travel to Australia.

We are carefully considering the detail of the ICJ opinion to fully understand the conclusions reached.

³ [UK statement on the ICJ's Advisory Opinion on Israel and the Occupied Palestinian Territories - GOV.UK \(www.gov.uk\)](#)

POLI-203-1738

Annex: Further analysis

Background

In January 2023 the United Nations General Assembly (UNGA) commissioned this Advisory Opinion to determine *inter alia* the “legal consequences” arising from Israel’s “ongoing violation” of the “right of the Palestinian people to self-determination” and “from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967”.

It follows the Advisory Opinion issued in 2004 holding that the wall constructed by Israel in the West Bank violates international law, including the Palestinian right to self-determination (known as the Wall Opinion).

On 19 July 2024, following an 18-month process, including public hearings involving more than 50 states, the Court released its Opinion. The Court concluded that Israel’s presence in the OPT is unlawful, and that Israel must end its occupation as rapidly as possible. s9(2)(h)

s9(2)(h)

s9(2)(h)

Policy implications for New Zealand

s9(2)(h) The ICJ has largely confirmed the position held by New Zealand for some time. These are views we have communicated to Israel's government.

s9(2)(h)

New Zealand is likely to come under increasing pressure from advocacy groups to 'act' on the ICJ advisory opinion. s9(2)(h)

s9(2)(h)

s9(2)(h)

Additional pressure to sanction Israeli settlers will also likely continue. s9(2)(h)

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Explainer: International cases involving Gaza/Israel

Out of scope

Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

The ICJ has just decided an advisory opinion case primarily about legality of the settlements in the Occupied Palestinian Territories. The Advisory Opinion is authoritative but not binding, because it is an answer to a legal question submitted by the UN General Assembly rather than a “live case”.

The UN General Assembly requested this Advisory Opinion in January 2023, ^{s6(a)}
. New Zealand abstained on the resolution requesting the Advisory Opinion.

The Court released its opinion on 19 July 2024. The Court concluded that Israel’s presence in the OPT is unlawful, and that Israel must end its occupation as rapidly as possible. The conclusions the Court has reached are consistent with New Zealand’s long-standing positions, including that settlements are unlawful under international law.

The next step is for the UN General Assembly and the UNSC to determine what further action is required to bring Israel’s unlawful presence in the OPT to an end. ^{s6(a)}

Out of scope

Released under the Official Information Act

From: s9(2)(g)(ii)
Sent: Thursday, 25 July 2024 12:20 pm
To: s9(2)(g)(ii) ESD; s9(2)(g)(ii)

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

Subject: RE: Oral Questions Thursday 25 July: Israel/ICJ

Really great quick work, thank you LGL and MEA. Shows the value of being prepared. Chris Penk (Associate Defence) is answering it on behalf of MFA.

Am heading along shortly to brief him – will give you a call if needs be..

Best

s9(2)(g)
/ii\

From: s9(2)(g)(ii)
Sent: Thursday, July 25, 2024 11:55 AM
To: s9(2)(g)(ii)

ESD <DM-ESD@mfat.govt.nz>; s9(2)(g)(ii)

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

Subject: RE: Oral Questions Thursday 25 July: Israel/ICJ

[UNCLASSIFIED]

Hi s9(2)(g)
/ii\

With thanks to MEA, please see responses attached. I note there was a Labour party press release on this issue - [Govt must act on ICJ ruling on illegal Israeli occupation - NZ Labour Party](#).

Please let me know if you need anything further or you have any additional supplementaries you would like answers to.

s9(2)(g)(ii)

s9(2)(a)

From: s9(2)(g)(ii)
Sent: Thursday, 25 July 2024 11:06 am
To: ESD <DM-ESD@mfat.govt.nz>; s9(2)(g)(ii)

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

s9(2)(g)(ii)

Subject: Oral Questions Thursday 25 July: Israel/ICJ

Importance: High

Hi team,

We have an oral question in Parliament today (question 9, on Israel/ICJ). Mark Mitchell is Acting for MFA, but not in the House today – so we're working out who will answer for MFA.

Please provide us the briefing in the usual way (ideally by midday, drawing on existing lines) and we will transact with the relevant Minister's office.

Best

s9(2)(g)(ii)



s9(2)(g)(ii)

Senior Foreign Affairs Adviser | Office of Rt Hon Winston Peters
Deputy Prime Minister | Minister of Foreign Affairs | Minister for Racing

DDI: s9(2)(a)

Email: s9(2)(g)(ii)

Website: www.Beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

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

Sent: Thursday, July 25, 2024 10:57 AM

To: s9(2)(g)(ii)

Foreign Affairs

Portfolio <ForeignAffairs.Portfolio@parliament.govt.nz>

Subject: FW: Oral Questions Thursday 25 July

Importance: High

FYA, We have a FA question today

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

Sent: Thursday, July 25, 2024 10:53 AM

To: s9(2)(g)(ii)

Subject: Oral Questions Thursday 25 July

Importance: High

1	LAB	Finance
2	GRN	Children
3	NAT	Finance
4	LAB	Children
5	NAT	Transport
6	LAB	Prevention of Family & Sexual Violence
7	GRN	Child Poverty Reduction
8	NAT	Social Development & Employment
9	LAB	Foreign Affairs
10	NAT	Commerce & Consumer Affairs
11	TPM	Children
12	LAB	Building & Construction

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From: MEA
To: MEA; NEW YORK
Cc: CANBERRA; WASHINGTON; LONDON; OTTAWA; ALL POSTS (FM); ...WLN SLT; CEO; DCE; DS EMA; DS MLG; DS AAG; DS PDG; AMER; AUS; LGL; PHM; ISED; EUR; s6(a)
FM.Defence (Seemail); s6(a) FM.P/S MFA (Seemail); FM.P/S Defence (Seemail);
FM.DPMC (FPA) (Seemail); FM.P/S Associate MFA (Seemail); s6(a) s9(2)(g)(ii)
LGL; HAGUE; UNHC; CAIRO; ANKARA
Subject: RE: FORMAL MESSAGE: MEPP/ICJ: s6(b)(i)
Date: Friday, 2 August 2024 7:36:56 pm
Attachments: [Talking Points International Court of Justice Advisory Opinion on Israel and Occupied Palestinian Territories.docx](#)
[Annex - additional info s6\(a\) .docx](#)

[RESTRICTED]

With thanks for your reporting we attach:

- TPs and background on the ICJ Advisory Opinion. s6(a)
- A further annex with additional information. s6(a)

Should you have further questions and as negotiations progress we ask that you please keep LGL s9(2)(g)(ii) MEA s9(2)(g)(ii) and s9(2)(g)(ii)) and UNHC s9(2)(g)(ii) looped in.

ENDS

From: NEW YORK s9(2)(g)(ii)
Sent: Wednesday, 31 July 2024 8:13 am
To: LGL s9(2)(g)(ii) HAGUE s9(2)(g)(ii) ; MEA s9(2)(g)(ii)
NEW YORK s9(2)(g)(ii) ; UNHC s9(2)(g)(ii)
CAIRO s9(2)(g)(ii) ANKARA s9(2)(g)(ii)
Cc: CANBERRA z>; WASHINGTON s9(2)(g)(ii) ; LONDON s9(2)(g)(ii)
; OTTAWA s9(2)(g)(ii) ; ALL POSTS (FM) s9(2)(g)(ii)
; ...WLN SLT s9(2)(g)(ii) ; CEO s9(2)(g)(ii)
DCE s9(2)(g)(ii) DS EMA s9(2)(g)(ii) ; DS MLG s9(2)(g)(ii)
DS AAG s9(2)(g)(ii) DS PDG s9(2)(g)(ii)
AMER s9(2)(g)(ii) AUS s9(2)(g)(ii) LGL
<DM-LGL@mfat.govt.nz>; PHM <PHM@mfat.govt.nz>; ISED <DM-ISED@mfat.govt.nz>; EUR <DM-EUR@mfat.govt.nz>; s6(a)
s6(a) FM.Defence (Seemail) s9(2)(g)(ii) ;
s9(2)(g)(ii) FM.P/S MFA (Seemail) s9(2)(g)(ii)
; FM.P/S Defence (Seemail) s9(2)(g)(ii) ; FM.DPMC (FPA) (Seemail) s9(2)(g)(ii)
; FM.P/S Associate MFA (Seemail) s9(2)(g)(ii)
s6(a)
s9(2)(g)(ii)

Subject: FORMAL MESSAGE: MEPP/ICJ: s6(b)(i)

[SENSITIVE]

Summary – Rāpopoto

s6(a), s6(b)(ii)

Action – Hohenga

s6(a), s6(b)(ii)

Report – Pūrongo

s6(a), s6(b)(ii)

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s6(a), s6(b)(ii)

Comment – Tākupu

s6(a)

Ends – Mutu

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International Court of Justice Advisory Opinion on Israel and Occupied Palestinian Territories

Talking points

- The International Court of Justice – the world’s highest court – issued its Advisory Opinion over the weekend.
- The Court concluded that Israel’s presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused.
- New Zealand has long held the view that settlements are illegal under international law. The Court has confirmed this view.
- New Zealand is firmly committed to the upholding of international law and the role of the Court. The conclusions the Court has reached are consistent with New Zealand’s long-standing positions.
- New Zealand has been clear that Israel’s settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
- New Zealand continues to call on Israel to honour its international legal obligations.

s9(2)(g)(i)

s9(2)(g)(i)

Background

On 19 July 2024 the International Court of Justice issued its Advisory Opinion in respect of the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. The Court reached the following conclusions:

- Israel's continued presence in the Occupied Palestinian Territory is unlawful;
- Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;
- Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;
- All States (including New Zealand) are under an obligation not to render aid or assistance to Israel in maintaining its occupation.

s6(a)

The Court was unanimous that the construction of settlements and the failure to prevent violence by the settlers violate international humanitarian law, international human rights law and the right of the Palestinian people to self-determination and other rules of international law.

This is a very significant decision s6(a) For
New Zealand, s9(2)(h) including
that settlements are unlawful under international law.¹ Officials will continue to consider
the policy implications of the advisory opinion.

New Zealand reaction

New Zealand's Minister of Foreign Affairs released a [statement](#) on 20 July:

- *The International Court of Justice has issued an advisory opinion ruling that Israel's presence in the Occupied Palestinian Territories is unlawful and must end as rapidly as possible.*

¹ New Zealand co-sponsored on UNSC Resolution 2334 in 2016 which condemned Israel's settlements as illegal under international law.
POLI-203-1738

- *Continued settlement expansion makes a two-state solution, the only way for Israelis and Palestinians to live side-by-side with security and dignity, more difficult.*
- *Israel must honour its international legal obligations.*

UN reaction

- UN Secretary-General António Guterres reiterated his call for the parties to re-engage on the “long-delayed political path” towards ending the occupation and resolving the conflict. “The only viable path is the vision of two States” his spokesperson said in a [statement](#).

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Out of scope

From: MEA

Sent: Thursday, 8 August 2024 9:55 pm

To: ALL POSTS (FM) s9(2)(g)(ii)

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

DS EMA s9(2)(g)(ii)

; DS PDG s9(2)(g)(ii)

DS AAG s9(2)

(n)(ii)

DS MLG s9(2)

(g)(iii)

DS TEG s9(2)(g)(ii)

s9(2)(g)(ii)

s6(a)

CON s9(2)(g)(ii)

; s9(2)(g)(ii)

SORD s9(2)(g)(ii)

MEDIA

<media@mfat.govt.nz>; PEP s9(2)(g)(ii)

Subject: FORMAL MESSAGE: MIDDLE EAST CONFLICTS – UPDATED TALKING POINTS

RĀPOPOTO – SUMMARY

- s6(a)
- We provide updated talking points on Middle East conflicts for use by Posts and Divisions as required, s6(a)
- We continue to appreciate Posts' assistance with ongoing reporting.

HOHENGA – ACTION

All: Talking points on Middle East conflict issues are attached for use by Posts and Divisions in engagements as required.

ATTACHMENTS

- Middle East issues talking points for posts and divisions
- Informal Note for MFA - update on Middle East tensions - 7 August 2024

PŪRONGO – REPORT

1. We provide updated talking points on the New Zealand Government's position on Middle East conflicts as at 8 August (NZT) to assist Posts and Divisions in their engagements and preparation of briefings.

2. We thank Posts for their ongoing reporting ^{s6(a)}

3. We provide a copy of the latest advice to the Foreign Minister on ^{s6(a)}
as background information for Posts and divisions. By
way of short summary for the time poor, our key assessment is that ^{s6(a)}

4. We continue to value post reporting on developments, as time permits.

ENDS

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Talking Points: Intervention in South Africa v Israel in the ICJ

Out of scope

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Out of scope

ICJ – Advisory Opinion on Israel’s occupation of Palestine

Background. The ICJ Advisory Opinion on Israel’s policies and practices in the Occupied Palestinian Territories concluded that Israel’s presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused. The Report was released on 19 July 2024.

Media points

- The Court concluded that Israel’s presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible.
- New Zealand has long held the view that settlements are illegal under international law. The Court has confirmed this view.
- New Zealand is firmly committed to the upholding of international law and the role of the Court. The conclusions the Court has reached are consistent with New Zealand’s long-standing positions.
- New Zealand has been clear that Israel’s settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.

s9(2)(g)(i)

s9(2)(g)(i)

Out of scope

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Middle East Issues Talking Points for Posts and Divisions

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International Court of Justice and International Criminal Court

Out of scope

ICJ (non-binding) Advisory Opinion on Israel's occupation of Palestine:

- New Zealand has long held the view that settlements are illegal under international law. The Court has confirmed this view.
- New Zealand has been clear that Israel's settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
- We have established a travel ban regime against extremist Israeli settlers, and our voting record at the United Nations makes clear our support for the right of Palestinians to self-determination as well as our support for a two-state solution.
- The ICJ has left the means to end Israel's occupation to the UN General Assembly and Security Council. New Zealand supports action at the UN and elsewhere that will support a peace process.

Out of scope

Out of scope

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Out of scope

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From: s9(2)(g)(ii)
To: [Foreign Affairs Portfolio](#)
Cc: [ESD](#)
Subject: FW: s6(a) - ministerial
Date: Monday, 12 August 2024 1:38:05 pm
Attachments: [Bespoke Ministerial Correspondence template for OMFA on recent campaign.docx](#)
[Generic response to Israel-Gaza Ministerials for OMFA- as at August 2024.docx](#)

[IN CONFIDENCE]

Hi s9(2)(g)(ii)

Here is the updated correspondence template for Israel-Gaza.

Cheers,
s9(2)(g)(ii)

From: ESD <DM-ESD@mfat.govt.nz>
Sent: Friday, 9 August 2024 12:40 pm
To: s9(2)(g)(ii)
Subject: FW: s6(a)
- ministerial templates for OMFA

[IN CONFIDENCE]

Hi s9(2)(g)(ii)

Could you please review this response for release.

s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Friday, 9 August 2024 12:33 pm
To: s9(2)(g)(ii)
Cc: ESD <DM-ESD@mfat.govt.nz>; s9(2)(g)(ii)

Subject: RE: s6(a)
- ministerial templates for OMFA

[IN CONFIDENCE]

Kia ora s9(2)(g)(ii)

With apologies for the late response to your request (I have been on leave), I have attached two ministerial templates for OMFA use.

The **first** is a standard template s9(2)(g)(i)

The **second** template is more bespoke, s9(2)(g)(i)

Both templates have had input from LGL. CC s9(2)(g)(ii) for awareness in s9(2)(g)(ii) absence.

Thanks,
s9(2)(g)(ii)

New Zealand Ministry of Foreign Affairs & Trade – Manatū Aorere | M s9(2)(a)

From: ESD <DM-FSD@mfat.govt.nz>

Sent: Tuesday, 23 July 2024 5:12 pm

To: s9(2)(g)(ii)

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

Subject: FW: s6(a)

[UNCLASSIFIED]

Kia ora s9(2)(g)(ii)

Please see the request below from s9(2)(g)(ii)

Please advise if MEA will provide a separate response for the ICJ ruling campaign emails, or if some lines can be incorporated in the Israel/Gaza standard response attached. Please also check if the standard response is still current.

Ngā mihi

s9(2)(g)(ii)

M s9(2)(a)

From: Foreign Affairs Portfolio <ForeignAffairs.Portfolio@parliament.govt.nz>

Sent: Tuesday, 23 July 2024 1:57 pm

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

Subject: s6(a)

Kia ora s9(2)(g)
(iii)

Following ICJ ruling over the weekend, we have received a no. of email campaign letters/general correspondence on the issue (attached are a few of the correspondence received).

Grateful for either a paragraph for incorporating into the standard response letter or a separate response letter? Am happy to be guided by MEA's recommended approach. Please also review standard response letter (attached) and confirm response remains current.

Ngā mihi

s9(2)(g)(ii)

Private Secretary (Foreign Affairs)
Office of Rt Hon Winston Peters

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Bespoke Ministerial Correspondence template for campaign after ICJ AO:

Out of scope

International Court of Justice Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem:

New Zealand strongly supports the international legal system for resolving legal disputes, including the work of the International Court of Justice (ICJ). The ICJ deals with two kinds of cases: advisory opinions on legal questions which are referred to the Court by the United Nations, and disputes between states, for example, *South Africa v Israel*.

The ICJ Advisory Opinion on Israel's policies and practices in the Occupied Palestinian Territories concluded that Israel's presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused.

The conclusions the Court has reached are consistent with New Zealand's long-standing positions.

1. New Zealand has been consistently clear that Israel must uphold its legal obligations and must respect the independent and impartial decisions of international courts.
2. New Zealand has been clear that Israel's settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
3. The Government has established a travel ban regime against some extremist Israeli settlers, and New Zealand's voting record at the United Nations makes clear our support for the right of Palestinians to self-determination as well as our support for a two-state solution.

Out of scope

The following page is out of scope.

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Suggested Ministerial Correspondence template response lines (29 July 2024)

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International Court of Justice Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem:

New Zealand strongly supports the international legal system for resolving legal disputes, including the work of the International Court of Justice (ICJ). The ICJ deals with two kinds of cases: advisory opinions on legal questions which are referred to the Court by the United Nations, and disputes between states, for example, South Africa v Israel.

The ICJ Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem concluded that Israel's presence in the occupied Palestinian territories is unlawful, and that Israel must end its occupation as rapidly as possible. The Court also said that Israel must cease all new settlement activities, remove all settlers, and make reparations for the damage caused.

The conclusions the Court has reached are consistent with New Zealand's long-standing positions.

1. New Zealand has been consistently clear that Israel must uphold its legal obligations and must respect the independent and impartial decisions of international courts.
2. New Zealand has been clear that Israel's settlements are unlawful, and that settlement expansion undermines a two-state solution. A two-state solution is the only way for Israelis and Palestinians to live side-by-side with security and dignity.
3. The Government has established a travel ban regime against some extremist Israeli settlers, and New Zealand's voting record at the United Nations makes clear our support for the right of Palestinians to self-determination as well as our support for a two-state solution.

Yours sincerely

[Ministerial signature block]

END

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