

24 January 2024

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OIA 28934

Tēnā koe

I refer to your email of 29 November 2023 in which you request the following under the Official Information Act 1982 (OIA):

*Please release all advice provided to the Government from Nov 12-19 regarding New Zealand's response to the conflict in Gaza.*

The submission *Israel-Gaza conflict: New Zealand position on calling for a ceasefire* is in scope of your request. This document is attached.

In addition please find enclosed the Ministry's Situation Report of 19 November 2023. We note that the Ministry developed six Situation Reports in scope of your request, however for administrative ease we have decided to provide you with this particular situation report as it contains all the information from the earlier five reports.

We have withheld some information in these documents 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.

The documents *MFA Weekly Report Item 17 November 2023* and *Talking points for OMFA regarding Francesca Albanese visit, dated 19 November 2023*, are also in scope of your request. In line with section 16(1)(e), this information is summarised below:

The Ministry's advice is grounded in international law and revolves around four pillars, as follows:

- **The upholding of international law and international humanitarian law**, including the protection of civilians and the provision of humanitarian assistance for those in need – This has guided our position on the release of hostages; protection of civilians; and the urgent need for humanitarian access.
- **Opposition to the use of terror as a political tool and illegal act** – guiding New Zealand’s unequivocal condemnation of Hamas’ 7 October 2023 attacks on Israel.
- **Recognition of the right for a state to defend itself** – guiding statements on Israel’s right to defend itself, within the limits of full compliance with international law.
- **The importance of political, not military, solutions** - guiding our approach to the long-term solution to the crisis, specifically calling for an urgent restart of the Middle East Peace Process, and for a two-state solution to the Israeli-Palestinian conflict, as the best path for a durable and lasting peace in the region.

The Ministry’s advice has also drawn from New Zealand’s longstanding approach to the Middle East Peace Process, including:

- Support for a comprehensive and sustainable two-state solution, with secure and recognised borders for both Israel and Palestine (based on 1967 lines).
- Support for Israel’s right to exist in peace and security.
- Support for the right of the Palestinian people to self-determination.
- Recognition that direct negotiations between the parties are the only way to achieve a sustainable agreement, and a call for a return to such negotiations.

You can find out more information about the Ministry’s advice and New Zealand’s position on the Israel-Hamas conflict on the Ministry’s website: [www.mfat.govt.nz/en/countries-and-regions/middle-east/israel-hamas-conflict/](http://www.mfat.govt.nz/en/countries-and-regions/middle-east/israel-hamas-conflict/)

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/](http://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](mailto: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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Owen Thornber  
for Secretary of Foreign Affairs and Trade