

23 February 2024

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OIA 29012

Tēnā koe

I refer to your email of 9 January 2024 in which you request the following under the Official Information Act 1982 (OIA):

*'- All reports, notes and aides-memoire prepared as a result of correspondence between the Israel Embassy and MFAT staff since October 7 2023.*

*-All emails and other correspondence between the Israeli Ambassador/Embassy and Mfat regarding South Africa's application for proceedings at the ICJ against Israel for breach of the Genocide Convention in Gaza and all meeting.*

*All reports, notes and aides-memoire regarding South Africa's case in the ICJ.'*

On 13 February 2024, the timeframes for responding to your request were extended by an additional 20 working days due to the consultations necessary to make a decision on your request (section 15A(1)(b) of the OIA refers).

Officials at the Ministry of Foreign Affairs and Trade (the Ministry) have regularly engaged with the staff at the Embassy of the State of Israel, including the Ambassador, both in person and in correspondence since 7 October 2023. The New Zealand Government has made its position on the Israel-Hamas conflict clear to Israeli representatives, including in meetings with the Ambassador in Wellington and via New Zealand's Ambassador to Israel. Our ongoing ability to use these channels represents an important way for the Government to communicate our views on the conflict, and the Middle East Peace Process more generally, directly to the parties involved. Consequently, the information in scope of the second part of your request is withheld under section 6(a) of the OIA, to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government.

One document relevant to the first and third parts of your request is attached. We have withheld some information in this document 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; and
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments.

The remaining three documents within scope of the first and third parts of your request are withheld in full under the following sections of the OIA respectively:

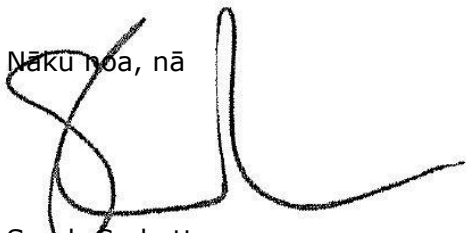
- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 6(b)(i): to avoid prejudicing the entrusting of information to the Government of New Zealand by another country; and
- 9(2)(h): to maintain legal professional privilege.

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/](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

A handwritten signature in black ink, appearing to be 'Sarah Corbett', written over the text 'Nāku noa, nā'.

Sarah Corbett  
for Acting Secretary of Foreign Affairs and Trade