

## Officials' meeting with UN Special Rapporteur: Francesca Albanese

### Haurongo – Biography

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Francesca Albanese is Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967. Albanese was appointed to the position in May 2022.

Albanese is an Affiliate Scholar at the Institute for the Study of International Migration at Georgetown University, as well as a Senior Advisor on Migration and Forced Displacement for a think-tank, Arab Renaissance for Democracy and Development (ARDD). Albanese has also worked as a human rights expert for the United Nations, including the Office of the UN High Commissioner for Human Rights and the UN Relief and Work Agency for Palestine Refugees (in Jerusalem).

### Whāinga – Objectives

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- Further understand the Special Rapporteur's views of the Israel/Gaza conflict.
- Highlight the caretaker government context in New Zealand and the constraints this places on New Zealand's policy decisions.
- Profile New Zealand's humanitarian support for those affected by the current conflict.

### Pito korero – Talking points

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- Note that New Zealand is currently undergoing coalition negotiations following the general election on 14 October. By New Zealand convention, the current caretaker government is constrained in its ability to make major policy decisions.
- Note that New Zealand's response to the current Israel/Gaza conflict has been centred on four key pillars, which have operated on a bi-partisan basis during the caretaker period:
  - The upholding of international law and international humanitarian law, the protection of civilians and the provision of humanitarian assistance for those in need (including calling for: the release of hostages; protection of civilians; urgent humanitarian access);
  - Unequivocal condemnation of Hamas' terrorist attacks on Israel;
  - Support for Israel's right to defend itself, while ensuring full compliance with international law; and
  - Calls 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.
- Highlight that, in addition to national statements, New Zealand voted in favour of a UN General Assembly resolution (led by Jordan, Egypt, and Palestine itself) on 27 October, calling for an "immediate, durable and sustained humanitarian truce leading to a cessation of hostilities" and the provision of unhindered humanitarian access.

- New Zealand has contributed NZ\$10 million to support immediate humanitarian needs, evenly split in to contributions to the International Committee of the Red Cross appeal and the World Food Programme's appeal.
- Highlight New Zealand's long standing support for the United Nation's human rights system.

## Papamuri – Background

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1. United Nations Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, Francesca Albanese, is visiting New Zealand on 19 - 21 November, following a similar visit to Australia.
2. The Special Rapporteur is an independent expert appointed by the United Nations Human Rights Council to assess and report on the human rights situation in the Occupied Palestinian Territory.
3. s6(a)
4. Highly critical of Israel's current military operations in Gaza, Albanese has called for an immediate ceasefire, and has warned that "Palestinians are in grave danger of a mass ethnic cleansing". Israel has not allowed Albanese or her immediate predecessors to visit the occupied Palestinian territories.
5. Albanese's visit is being conducted in an 'informal' capacity (i.e. not at the formal invitation of the New Zealand Government). Several civil society groups, including the PACC (Palestinians in Aotearoa Co-ordinating Committee) and PSNA (Palestine Solidarity Network Aotearoa) have assisted with arranging her visit. The request to meet with officials was received from John Minto, the national Chair of PSNA.
6. Albanese is also likely to meet with media, civil society organisations and Members of Parliament during her trip. We understand Albanese's programme also includes a meeting with New Zealand's Human Rights Commission.
7. In Australia, Albanese undertook meetings with MPs, a television interview and delivered a public lecture. s6(a)
8. During her visit to Australia, Albanese:
  - Criticised the international community for being almost completely paralysed.
  - Suggested that in response to the 7 October attacks, Israel should have requested the UN send in its own force to demilitarise Gaza.
  - Stated her view that Israel does not have the right to wage war in self-defence under international law. Israel cannot claim the right of self-defence against a threat that emanates from the territory it occupies.
  - Put significant focus on the conditions and historical context of Israel's occupation of the occupied Palestinian territories, as part of the wider context for the current cycle of violence.

- Offered criticism of Australia's positions s6(a)

9. s6(a)

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## Annex one: 'if raised' talking points

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### **New Zealand's support to the ICC**

- New Zealand is a long-standing supporter of the International Criminal Court and its mandate to hold to account those who commit the most serious crimes of concern to the international community. Noting this, we are supportive of the Court's ongoing investigation into the situation in the occupied Palestinian territories.
- In 2023, New Zealand provided an additional NZ\$315,000 of untagged funding to the ICC to support its work.
- New Zealand voted in support of Palestinian membership of the ICC in 2015.

### **Multilateral engagement on Middle East issues**

- New Zealand continues to pursue a principled and balanced approach to the Middle East Peace Process, including support for a two-state solution to the Israeli-Palestinian conflict. This is reflected in our voting positions on Middle East-related resolutions in the UN General Assembly each November and December, which have remained largely consistent for many years.
- s9(2)(g)(i)

### **New Zealand capacity to engage on the Middle East Peace Process**

- New Zealand has a strong history of protecting and promoting the rights of the Palestinian people. s9(2)(g)(i)

### **UN Security Council resolution**

- We welcome the resolution passed by the UN Security Council. The Council's agreement demonstrates the importance of the international community taking action to address this crisis.
- New Zealand strongly supports the resolution's calls for urgent steps to enable unhindered humanitarian access and for the protection of civilians and children.
- s9(2)(g)(i)

#### **Ongoing ground operations in Gaza**

- New Zealand supports the right of Israel to defend itself against Hamas' terrorist attacks, but the way it does so matters. Israel must abide by international law, exercise restraint, and prioritise the protection of civilians.
- Equally, Hamas must not use civilians or civilian infrastructure as shields.
- s9(2)(g)(i)

s9(2)(g)(i)

- Aid – food, water, fuel, and medical supplies – must reach people in Gaza urgently and consistently.
- That means humanitarian access desperately needs to improve. It is critical to get more supplies across the Rafah crossing. We have continued our calls for an immediate humanitarian pause, which would get essential supplies moving inside Gaza and enable medical aid to be provided.
- s9(2)(g)(i)

#### **Obligations of all parties to the conflict**

- New Zealand expects all parties to abide by international humanitarian law, which imposes obligations on all those engaged in armed conflict.
- All actors must exercise restraint, and prioritise the protection of civilians and the preservation of human life.
- We are greatly concerned by what we are seeing. We share the concerns of the international community that the loss of life and level of suffering cannot continue.
- Directly attacking civilians, as well as exploiting hostages or using human shields, is unacceptable and contrary to International Law.
- The impact of fighting on hospitals is horrifying. The parties must act in a way that ensures the protection of all medical and humanitarian personnel, and the protection of medical facilities. Medical facilities must never be used for military purposes and, crucially, must never be the object of attack.

- We have condemned unequivocally Hamas' terrorist attacks on Israel. We have also been clear that the Palestinian people must not suffer for the atrocities of Hamas.
- We continue to call on the immediate, unconditional release of hostages held in Gaza following the 7 October attacks in Israel.

**Allegations of breaches of international humanitarian law (IHL) / genocide / collective punishment / war crimes**

- We are concerned by reports of [breaches of IHL/war crimes etc.]
- Whether these have been committed requires a decision from a competent judicial body of the UN (such as the ICC) and it is not for me to comment.
- There are no words for the loss of life in this conflict, including children. We repeat calls for all parties to abide by international humanitarian law.
- s9(2)(g)(i)

**New Zealand's position on the humanitarian situation**

- Protection of civilians and delivery of humanitarian assistance is the most urgent priority presently.
- We have called for the establishment of immediate humanitarian corridors to protect innocent civilians in Gaza.
- We welcome reports of aid moving through into Gaza from Egypt. We continue to call for assistance to be unhindered and sustained.
- Much more aid must be allowed into Gaza to ensure that the basics of life can be maintained to the millions living there, who have nowhere to go.
- [If asked – aid diversion]: We have selected partners that are effective at ensuring targeted aid gets to those in need and have strong systems to guard against aid diversion.

**Calls to refer to Israel as an 'apartheid regime'**

- Aotearoa New Zealand has played a constructive role in the global efforts to help bring positive solutions to the Palestinian and Israeli people. We do not view a change in our terminology as a constructive step at this time.