

16 May 2025

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OIA 30086

Tēnā koe

Thank you for your email of 15 April 2025 in which you request the following under the Official Information Act 1982 (OIA):

"I would like to request any assessments, briefings, communications, or internal reports held by the Ministry of Foreign Affairs and Trade (MFAT) regarding the Green Party's proposed "Unlawful Occupation of Palestine Sanctions Bill." Specifically, I am seeking to understand:

- 1. Whether MFAT has conducted any legal, diplomatic, or geopolitical assessment of the bill;*
- 2. Any advice or commentary MFAT may have provided to Ministers, other government agencies, or Members of Parliament regarding the bill;*
- 3. Any relevant correspondence between MFAT and external stakeholders or foreign governments in relation to the bill;*
- 4. Whether MFAT has a position on the implications of the bill for New Zealand's international obligations, diplomatic relationships, or foreign policy.*

If any part of this request is likely to be refused under the Act, I would appreciate it if you would consider whether it is possible to provide any part of the information requested, or an edited version, in accordance with section 16 of the Act."

Response to your request

The following documents are in scope of your request:

1. Email correspondence dated 12 December 2024; and
2. Email correspondence dated 31 January 2025.

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;
- 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.

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.

In accordance with section 16(1)(e) of the OIA, a summary of the information you have requested is provided below. We have chosen to provide a summary as providing the information in another form would prejudice the interests protected by section 6 or 9 of the OIA.

- The names of staff within emails, withheld under section 9(2)(g)(ii) of the OIA, to protect staff from harassment and all forms of inappropriate behaviour.
- Discussions relating to 'if asked' media lines and comments on approach to the Member's Bill, further details of which are withheld under sections 6(a) and 9(2)(g)(i) of the OIA, as they are the free and frank expression of opinions by officials and contain speculative thinking. Officials need to be able to express opinions to maintain the effective conduct of Foreign Affairs. Release would make officials less likely to generate similar information in the future.
- Advice provided by the Ministry's legal team, withheld under section 9(2)(h) of the OIA, to protect confidential communications between solicitor and client. It is based on the impossibility of conducting legal business without professional assistance and the need for full and unreserved confidence between adviser and client in order to receive that assistance effectively.

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', with a long horizontal stroke extending to the right.

Sarah Corbett
for Secretary of Foreign Affairs and Trade

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

Subject: RE: Chlöe Swarbrick's Member's Bill - Expanded TPs
Date: Thursday, 12 December 2024 3:04:26 pm
Attachments: [Talking Points - Swarbrick Members Bill - Israel Sanctions Regime.docx](#)

[IN CONFIDENCE]

Hs9(2)(g)(ii)

Please find attached some fuller TPs for Ministers should they be asked further questions about the Chlöe Swarbrick Member's Bill/the Government's position on a new sanctions regime targeting Israel.

Note that LGL will work on a short Aide Memoire on the draft Bill itself that will be provided by the end of January. Obviously if the bill is drawn from the ballot at any point then we can provide additional advice as required.

We haven't seen the official Hansard record for yesterday but our rough notes of what was said by the PM in response to questions in the House below for reference:

Q (Chlöe Swarbrick): Is there government policy, statement or action that would prevent prevent non-executive members of parliament from the government side from supporting the proposed sanctions Bill?

A: Haven't seen the nature of the Bill. Happy to look at it. Our position is that those settlements are illegal. The best way forward is a two-state solution. We've been sanctioning extremist settlers.

Q (Chlöe Swarbrick): Will the PM confirm that his Govt MPs are free to conscience vote?

A: The Member has just proposed a Bill. We haven't seen the Bill. It's in my inbox from an hour ago. There's a bit more going on in the country. I haven't seen the Bill.

Q (Debbie Ngarewa-Packer): When will the PM support sanctions on Israel?

A: Clear about travel bans and settlers in the occupied territories. We have continued to ratchet that up this year.

Q (Debbie Ngarewa-Packer): What is PM doing to stop illegal occupation?

A: NZ has a consistent position. I'm proud of that centrist position given the levels of feeling on both sides of the issue. Joint statements with CANZ. Called both parties to account. Want to see both sides come to the table. Two state solution

Any questions let us know.

Thanks,

s9(2)(g)(ii)

cc s9(2)(a) s9(2)(g)(ii)

Mon Tues Wed Thur Fri
☐ ☐ ☐ ☐ ☐

From: s9(2)(g)(ii)
Sent: Wednesday, December 11, 2024 2:26 PM
To: s9(2)(g)(ii)

Subject: RE: Chlöe Swarbrick's Member's Bill

A few comments from me:

s9(2)(g)(i)

Best

s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Wednesday, 11 December 2024 2:06 PM
To: s9(2)(g)(ii)

Subject: RE: Chlöe Swarbrick's Member's Bill

[SEEMAIL] [IN CONFIDENCE]

Looping in s9(2)(g)(i) responsible UM

From: s9(2)(g)(ii)
Sent: Wednesday, December 11, 2024 1:39 PM
To: s9(2)(g)(ii)

s9(2)(g)(ii)

Subject: FW: Chloë Swarbrick's Member's Bill

[IN-CONFIDENCE]

Hi Team MEA,

Please find attached a Member's Bill that Chloe Swarbrick has distributed at midday.

While it remains to be seen whether the Govt needs formally to respond to it (e.g. because its drawn from the ballot), the PM's team expects the Green Party to use today's protest plus question time in Parliament today to profile the Bill.

s9(2)(g)(i)

Cheers,

s9(2)(g)(ii)

BEGINS

s9(2)(g)(i)

ENDS

Out of scope

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Talking Points on Swarbrick Members Bill introducing a sanctions regime targeting Israel

- The New Zealand Government's position on the Israel-Hamas conflict is well-established.
- We call for an immediate ceasefire in Gaza and the unconditional release by Hamas of hostages.
- Both sides must comply with international law, including international humanitarian law.
- New Zealand maintains its long-standing support for a two-state solution. A two-state solution is the best path for a durable and lasting peace in the region.
- New Zealand urges de-escalation and restraint from all other parties in the region.
- The New Zealand Government has employed a range of tools to advance our views in respect of the conflict between Israel and Hamas, including:
 - We've committed \$29.5 million to support dire humanitarian needs.
 - We're using diplomacy in the UN and with Israel directly, as well as in various public statements, to call for compliance with international law, including safe, rapid and unimpeded humanitarian access.
 - We've deplored Israeli settlers' actions in the West Bank and applied travel bans on thirty-three Israel extremist settlers.
- Should the Member's Bill be drawn from the ballot we will consider it in more detail.

[If asked whether the Government supports sanctioning Israel?]

- New Zealand will continue to impose travel bans against extremist settlers and others involved in violations of international humanitarian law, as we deem appropriate.
- We also have a robust Export Controls Regime in place that regulates the export of strategic goods and certain other goods intended for export to military or police end-users. We have not approved the export of military or dual use goods for use by the Israel Defence Force or Israeli Security Services since Export Control records were established in 2006.
- Establishment of an economic sanctions regime targeting Israel is not a current priority for the Government. We are focused on using the tools we already have to try to make a practical difference on the ground for people affected by the conflict.
- Sanctions only work as part of a concerted international effort. The number of countries currently sanctioning Israel is vanishingly small. We do not think that an economic sanctions regime against Israel would help efforts to reach a ceasefire in Gaza or a two-state solution.

[Resource implications of sanctions?]

- s9(2)(g)(i)

[If asked why the Government supports sanctions against Russia but not Israel?]

- The two situations have their own specific circumstances and are materially different.
- Israel's occupation of Palestine is complicated and long running. New Zealand has a well-established approach to the situation grounded in support for international law and a two-state solution.
- Russia's invasion of Ukraine involved an act of aggression by a permanent member of the UN Security Council, breaching a most fundamental element of the UN Charter protecting the sovereignty and territorial integrity of UN members.
- Russia then used its status as a permanent member to frustrate a UN Security Council response to its actions.
- We will continue to take an approach based on the specific circumstances of the situation, our support for the rules based international system, and our respect for international law.

[If asked whether the ICJ Advisory Opinion requires New Zealand to implement sanctions against Israel?]

- New Zealand is in compliance with our international legal obligations.
- The ICJ Advisory Opinion does not impose a positive obligation on States to sanction Israel.
- Only the UN Security Council can impose a legal obligation on UN Members to sanction Israel, and it has not done so.
- However New Zealand has deplored Israeli settlers' actions in the West Bank and applied travel bans on thirty-three extremist Israeli settlers.
- New Zealand continues to work with interested countries and UN agencies to protect and promote the two-state solution.

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

Subject: RE: Chlöe Swarbrick's Member's Bill - Expanded TPs
Date: Friday, 31 January 2025 2:25:00 pm
Attachments: [s9 Member's Bill Letter.pdf](#)
[Unlawful Occupation of Palestine Sanctions Bill.pdf](#)
[Informal Note - Draft Unlawful Occupation of Palestine Sanctions Bill - Jan 2025.docx](#)

Hi s9(2)(g)(ii)

Following on from s9(2)(g)(ii) email in December I am now providing the short note on the Palestine Sanctions Bill as promised. Let me know if you need any further information from LGL.

Many thanks,

s9(2)(g)(ii)

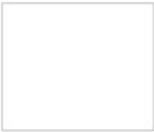
Senior Legal Adviser | Rōia
Sanctions Unit - Legal Division | Mana Ture
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a) s9(2)(g)(ii)

From:s9(2)(g)(ii)
Sent: Friday, December 13, 2024 3:59 PM
To:s9(2)(g)(ii)

Subject: RE: Chlöe Swarbrick's Member's Bill - Expanded TPs

Thanks, s9(2)(g)(ii) and team, for the very quick work on this.



s9(2)(g)(ii)
Foreign Affairs | Office of Rt Hon Winston Peters
Deputy Prime Minister | Minister of Foreign Affairs | Minister for Racing

s9(2)(a)

[restricted]

From:s9(2)(g)(ii)
Sent: Thursday, 12 December 2024 3:04 PM
Duplicate information

Released under the Official Information Act

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Informal Note — Draft Unlawful Occupation of Palestine Sanctions Bill

- On 11 December 2024, Green Party Co-leader wrote to you seeking your support for a draft Member's Bill titled 'Unlawful Occupation of Palestine Sanctions Bill.'
- This note provides a summary of the legal/regulatory regime proposed in the Bill. Further advice on the foreign policy considerations of the Bill can be provided separately if required.

Comparison with Russia Sanctions Act

s9(2)(h)

International law on sanctions against Israel

s9(2)(h)

s9(2)(h)

Resourcing

- The Bill would require a similar level of resourcing to implement as the RSA. ^{s6(a)}

New Zealand Sanctions Unit
Legal Division
Ministry of Foreign Affairs and Trade
30 January 2025

Released under the Official Information Act

Remainder of document is out of scope