

19 June 2025

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand

T +64 4 439 8000
F +64 4 472 9596

Personal details removed for proactive release

OIA 30128

Tēnā koe

Thank you for your email of 13 May 2025 in which you request the following under the Official Information Act 1982 (OIA):

Dear Ministry of Foreign Affairs and Trade, Please provide all decisions and correspondence relating to the decision for NZ not to present a submission to the International Criminal Court public hearings on the request for an advisory opinion on the "Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory", which concluded on 2 May 2025.

On 20 May 2025, we contacted you regarding the scope of your request, noting that as currently framed it may be refused under section 18(f) of the OIA due to substantial collation and research. We suggested the below refinement to your request:

Advice provided to the Minister of Foreign Affairs regarding the decision for New Zealand to not to present a submission to the International Court of Justice, regarding the advisory opinion on the "Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory", which concluded on 2 May 2025.

On 20 May 2025 you agreed to this refinement.

Attached are the documents in scope of your request. Some information is withheld under the following sections of the OIA:

- 9(2)(a): to protect individuals' privacy;
- 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.

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', written on a light blue background.

Sarah Corbett
for Secretary of Foreign Affairs and Trade

From: s9(2)(g)(ii)
Sent: Thursday, January 23, 2025 1:23 PM
To: s9(2)(g)(ii)
Cc: s9(2)(g)(ii)

Subject: RE: ICJ deadline for making statement in Advisory Opinion proceeding re Israel/oPt

Thanks, ^{s9(2)(g)}_(ii) – the Minister has agreed that New Zealand should not make a legal submission.

Best wishes,



s9(2)(g)(ii)

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

M: s9(2)(a)

[restricted]

From: s9(2)(g)(ii)
Sent: Thursday, 16 January 2025 4:21 PM
To: s9(2)(g)(ii)
Cc: s9(2)(g)(ii)

s9(2)(g)(ii)

Subject: ICJ deadline for making statement in Advisory Opinion proceeding re Israel/oPt

[SEEMAIL] [RESTRICTED]

Hi s9(2)
(a)(ii)

I'm emailing regarding UNGA's recent request for an International Court of Justice Advisory Opinion on Israel's obligations as an occupying power in relation to the presence and activities of the UN, other international organisations and third states in relation to the oPt. New Zealand voted yes on the resolution, in accordance with the **attached** submission.

Key points

The main development to bring to your attention is that the International Court of Justice has now fixed a deadline of 28 February for written legal submissions from States to be submitted s9(2)(h)

s9(2)(h)

s9(2)(h)

- New Zealand has tended to engage sparingly in ICJ cases, usually where we have a strong interest in the matter at hand. New Zealand has only made statements in two ICJ Advisory Opinions: the recent Pacific led case on climate change issues, and on nuclear issues in the 1990s. We have participated in three dispute cases: *New Zealand v France* (nuclear testing); *Australia v Japan* (whaling), and *Ukraine v Russia*.
- New Zealand has not so far provided legal submissions in cases relating to Israel/Palestine issues such as the 2004 and 2024 Advisory Opinions. No decision has been made about whether to intervene in the *South Africa v Israel* case, which is still ongoing.
- s9(2)(h)

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s9(2)(h)

s9(2)(h)

s9(2)(h)

We would welcome your guidance on how to proceed, and would be happy to discuss further.

Kindest,

s9(2)
(a)(ii)

s9(2)(g)(ii)

Legal Adviser, General International Law Unit | Roopu Ture o Te Ao
Legal Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

M s9(2)(a) E s9(2)(g)(ii)

Remainder of document is out of scope