

**Government Response to
the Petition of Maher Nazzal on Behalf of NZ All Out for Gaza
to
Join ICJ Case, Sanction Israel, Recognise Palestine, and Increase
UNRWA Funding**

Presented to the House of Representatives

In accordance with Standing Order 380

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Introduction

- 1 The Government has carefully considered the Petition Committee's referral of the petition entitled "*Petition of Maher Nazzal on behalf of NZ All Out for Gaza: Join ICJ Case, Sanction Israel, Recognise Palestine, and Increase UNRWA Funding.*" The petition requests that the New Zealand Government:
 - 1.1 intervene in *South Africa v Israel*, a case that is currently being considered by the International Court of Justice;
 - 1.2 impose sanctions on Israel;
 - 1.3 recognise Palestine as a state; and
 - 1.4 increase financial contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- 2 The Government welcomes the Committee's referral of this petition and thanks the petitioner for bringing this matter to the Government's attention.
- 3 The Government responds to the report in accordance with Standing Order 380.
- 4 The Government has considered the petition as it pertains to New Zealand's existing foreign policy settings, responsibilities under international law and New Zealand's International Development Cooperation (IDC) programme. The Government is not in a position to respond positively on the recommendation for the reasons outlined below.

Recommendations and Government response

- 5 Petition Recommendation: "*That the House of Representatives urge the Government to join South Africa's International Court of Justice case against Israel concerning genocide in Gaza, sanction Israel and their supporters violating international law, recognise Palestinian statehood, and increase humanitarian aid funding to the United Nations Relief & Works Agency.*"
- 6 Response: the Government is not able to respond positively to the petitioner's request because it is not the role of the House of Representatives to take such decisions for the Government, but rather it remains appropriate for the Minister of Foreign Affairs and the Ministry of Foreign Affairs and Trade to continue to

make decisions on foreign policy. The Government's positions on the topics raised by the petitioner are:

- 6.1 *South Africa v Israel*: New Zealand is a long-standing supporter of the international legal system. We support the work of the International Court of Justice (ICJ) to settle legal disputes between states, including disputes concerning the Genocide Convention.
- 6.2 The Government has not yet made a decision on whether it will intervene in *South Africa v Israel* which concerns the Convention on the Prevention and Punishment of the Crime of Genocide. The case is at an early stage and is likely to take several years. Currently only thirteen states have filed a declaration of intervention with the Court. New Zealand rarely intervenes in disputes between States in the ICJ.
- 6.3 The ICJ made provisional measures orders on 26 January, 28 March, and 24 May 2024. The provisional measures require Israel, amongst other things, to take all measures within its powers to prevent conduct that may constitute genocide and to enable the provision of urgently needed basic services and humanitarian assistance. The Court's orders are binding, and the Government has publicly stated New Zealand's expectation that Israel adhere to them.
- 6.4 While New Zealand recognises Israel's right to defend itself, in doing so Israel must respect international law, including international humanitarian law. New Zealand has repeatedly called for civilians and civilian infrastructure, including hospitals, to be protected from armed conflict. The price of defeating Hamas cannot be the continuous suffering of all Palestinian civilians.
- 6.5 *Sanctions*: New Zealand has established a travel ban regime against some extremist Israeli settlers who undermined stability in the West Bank through illegally settling in the area, perpetrating violence, and displacing Palestinian civilians from their homes. The Government will continue to consider travel bans as appropriate.
- 6.6 New Zealand law provides that comprehensive sanctions can only be applied in two ways. First, sanctions can be imposed under the United Nations Act 1946, which implements sanctions mandated by resolution of the United Nations Security Council. Or, secondly, targeted sanctions can be imposed under the Russia Sanctions Act 2022, in response to Russia's illegal invasion of Ukraine in 2022. New Zealand does not have autonomous sanctions legislation.
- 6.7 Sanctions are most effective when they form part of a concerted international effort. New Zealand's partners have not imposed comprehensive sanctions against Israel (beyond sanctioning extremist Israeli settlers). We do not consider that the unilateral imposition of targeted sanctions in respect of Israel would assist efforts to reach a political solution to the conflict.

- 6.8 Palestinian statehood: The Government supports the establishment of a Palestinian state as part of the two-state solution and has done so for decades. As the Minister of Foreign Affairs has publicly stated, New Zealand's recognition is a matter of "when, not if."
- 6.9 Absent a negotiated two-state solution, a unilateral assertion of Palestinian statehood would not alleviate the current plight of the Palestinian people.
- 6.10 We would need to be confident that any change in our current settings would contribute credibly to a serious diplomatic push to achieve a two-state solution. We do not believe we are currently at that point.
- 6.11 We are realistic that achieving a two-state solution will require serious negotiations, including over the territory and political authority of a future Palestinian state. Statehood is neither a prerequisite for renewed negotiations, nor is it a guarantee they will progress faster.
- 6.12 It is important for any Palestinian state that it does not contain elements that threaten Israel's security, and that the Palestinian Authority can govern effectively. That is why we have said an organisation like Hamas – which commits terrorism – cannot be part of future governance in Palestine.
- 6.13 New Zealand considers that the best path to peace is a negotiated two-state solution, with secure and recognised borders for both Israel and Palestine. We support Israel's right to exist in peace and security as well as the right of the Palestinian people to self-determination.
- 6.14 UNRWA: UNRWA has a mandate to ensure the humanitarian and development needs of over five million Palestinian refugees are met across the occupied Palestinian territories, Jordan, Lebanon, and Syria. Since 2004, New Zealand has contributed approximately NZ\$28 million to UNRWA (a combination of core funding and support to emergency appeals). In the last IDC funding triennium (2021/22-2023/24), New Zealand had a three-year agreement to provide UNRWA with NZ\$1 million in core funding annually.
- 6.15 New Zealand's last payment to UNRWA was the disbursement of our NZ\$1 million in planned core funding in mid-2024 (the last payment provided for under the previous funding agreement). Disbursement followed careful consideration of the UN's response (including external and internal investigations) to the serious allegations that UNRWA staff participated in Hamas' 7 October 2023 terror attack on Israel, and discussions with other donors to UNRWA. It also reflected assurances received from the UN Secretary-General about remedial work underway to enhance UNRWA's neutrality. That funding was to be used for the 2024 calendar year.
- 6.16 UNRWA operates in a complex and challenging political context and, as such, decisions on funding UNRWA are informed by all relevant

considerations at the time they are taken. Decisions on future support for UNRWA will be subject to advice and consideration by the Minister of Foreign Affairs later in 2025. This advice will take into account UNRWA's performance, and its adherence to United Nations values and humanitarian principles such as neutrality, including its response to the 2024 Colonna Review Report. More time is needed to inform advice on such a decision given UNRWA's evolving operating environment.

- 6.17 Separately, New Zealand has contributed NZ\$29.5 million to the humanitarian response to the Israel-Hamas conflict since October 2023.¹ This remains a credible contribution from New Zealand to the international response. New Zealand continues to closely monitor the response and consider how we can best contribute.

Conclusion

- 7 The situation in Gaza, the West Bank, and Israel remains complex, uncertain, and difficult. The trauma experienced by the civilians affected by the situation is indescribable. We acknowledge that the situation is distressing for communities in New Zealand and across the world.
- 8 The petition's statement that New Zealand is in breach of its obligations under international law is not correct. The petition contains a number of factual inaccuracies and misrepresentations of New Zealand's position in relation to the conflict in Gaza.
- 9 The Government takes its international obligations very seriously and has upheld those obligations in respect of the conflict. The Government has consistently emphasised the importance of international law, and New Zealand's expectation that the parties to the conflict will comply fully and immediately with their obligations.
- 10 It is not the role of the House of Representatives to take the decisions requested by the petitioner. Rather, it remains appropriate for the Minister of Foreign Affairs and the Ministry of Foreign Affairs and Trade to continue to make decisions on foreign policy. Therefore, the Government is unable to respond positively to the petition.

¹ New Zealand has announced six tranches of support to the humanitarian response, totalling NZ\$29.5 million, to address urgent humanitarian needs in response to the Israel-Hamas conflict. This includes contributions of NZ\$14.5 million to the World Food Programme; \$8 million to the United Nations Children's Fund; NZ\$5 million to the International Committee of the Red Cross; and \$2 million to the United Nations 2720 Mechanism for Gaza.