



26 May 2023

Lance D. Lavery

fyi-request-2xxxxxxxxxxxxx@xxxxxxxxx.xxx.xxx.nz

Ref: OIA-2022/23-0907

Dear Lance Lavery

Official Information Act request relating to New Zealand's position on the recognition of Palestine

Thank you for your request made under the Official Information Act (the Act) and received by the Department of the Prime Minister and Cabinet (DPMC) on 12 May 2023. You requested:

"I am writing under the provisions of the Official Information Act 1982 to request specific information concerning New Zealand's stance on the recognition of Palestine as a sovereign state.

As per the arguments presented in the article "Recognise Palestine" by Justice for Palestine, it is suggested that Palestine satisfies the statehood criteria under international law. The article proposes that recognising Palestine as a sovereign state would harmonise New Zealand's position with many United Nations member states and align with New Zealand's foreign policy supporting a two-state solution in the Israeli-Palestinian conflict.

Considering these assertions, I kindly request the following information:

- 1. Comprehensive elucidation of New Zealand's current position on the recognition of Palestine as a sovereign state, including the reasons for this stance.*
- 2. All documents, correspondence, or reports discussing New Zealand's position on recognising Palestine, especially given that many UN member states have already recognised Palestine.*
- 3. Any analytical or briefing materials evaluating Palestine's qualification against the international law criteria for statehood - a permanent population, a defined territory, a government, and the capability to establish diplomatic relations with other states.*
- 4. Information on actions that New Zealand has undertaken or plans to undertake in response to the human rights situation in the Occupied Palestinian Territories.*
- 5. All correspondence or reports discussing the implications of recognising Palestine on the Israeli-Palestinian peace process and the advancement of a two-state solution.*
- 6. Any correspondence or documents assessing the potential political and diplomatic implications for New Zealand in the event of recognising Palestine as a sovereign state."*

I believe that the information you have requested is more closely connected with the functions of the Ministry of Foreign Affairs and Trade (MFAT). Accordingly, I have decided to transfer your request to MFAT under section 14(b)(ii) of the Act.

MFAT has the usual timeframes under the Act from receipt of this transfer to make a decision on your request.

There are some briefings identified as relevant to your request that are not covered by the transfer to MFAT. These briefings were provided by DPMC's Policy Advisory Group to the Prime Minister of the day. These briefings are provided to the Prime Minister in confidence, to support him/her as leader of the Government and chair of Cabinet. These briefings are withheld in their entirety under the following sections of the Act:

- section 6(a), likely to prejudice the security or defence of New Zealand or the international relations of New Zealand.
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Act. You can contact the Ombudsman online via the Ombudsman website, by email (xxxx@xxxxxxxxxx.xxxxxxxxxx.xx) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely



Anneliese Parkin
Deputy Chief Executive, Policy