



3 November 2021

Minister of Foreign Affairs

For approval by 5 November 2021

United Nations General Assembly: New Zealand's approach to votes on Middle East-related issues

BRIEFING Decision Submission

PURPOSE To seek your agreement on New Zealand's positions on the Middle East resolutions to be considered in the 76th session of the UN General Assembly from early November 2021.

Tukunga tūtohua – Recommended referrals

Prime Minister

For information by

12 November 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
s9(2)(g)(ii)	Unit Manager	United Nations, Human Rights and Commonwealth Division	s9(2)(a)
s9(2)(g)(ii)	Unit Manager	Middle East and Africa Division	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

☐ Approved☐ Noted☐ Seen☐ Needs amendment☐ Declined☐ Withdrawn☐ Overtaken by events☐ See Minister's notes**Comments**

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Pito matua – Key points

- Each year at the UN General Assembly, the European Union and the Palestinian Delegation negotiate a set of Middle East-related resolutions. These cover issues from Palestinian refugees, to the Golan Heights in Syria and the status of the occupied Palestinian territories. The resolutions are usually carefully negotiated and worded to receive the broadest possible support from the UN membership. The resolutions are non-binding and usually pass with a majority of UN member states voting in support.
- The annual resolutions are an important priority for the (Fatah led) Palestinian delegation – as much for the process as for the substance. ^{s6(a)}
- New Zealand has endeavoured to take a balanced and even-handed approach to Middle East issues in the UN, with the primary objective of supporting a sustainable two-state solution, best achieved through direct Israeli-Palestinian negotiations.
- Maintaining New Zealand's position for a two-state solution and dialogue is more important than ever, at a time where paths forward are becoming more unclear, ^{s6(a)}
- The content of the resolutions is essentially the same each year with minor updates to reflect new resolutions passed by the UN or related developments. New Zealand has maintained a generally consistent position on the suite of resolutions for over 10 years, and our position is usually ^{s6(a), s9(2)(g)(i)}

In a welcome development the number of resolutions have been streamlined so that some resolutions in the suite are put forward every two years.

- We vote in favour of the majority of resolutions, abstaining on only four which are unbalanced - failing to take account of the need to engage with Israel in a constructive way as a partner in the peace process. Two out of the four resolutions on which New Zealand traditionally abstains will be put forward this year.
- In considering the elements of any Middle East resolution texts, officials assess the texts in terms of the degree to which they are balanced and constructive.
- Specific elements we look for and encourage are:
 - support for a comprehensive and sustainable two-state solution, with secure and recognised borders for Israel and Palestine (based on 1967 lines with mutually agreed land swaps);
 - support for Israel's right to exist in peace and security;

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- support for the right of the Palestinian people to self-determination; and
 - recognition that direct negotiations between the parties will eventually be the only way to achieve a sustainable agreement, and calling for a return to such negotiations.
- Officials consider that continuing with New Zealand's long-standing approach to the Middle East resolutions reflects the appropriate means to pursue our objective of a sustainable two-state solution, achieved through direct Israeli-Palestinian negotiations.
- Voting on these resolutions will commence in early November 2021 in New York. We seek your approval of the recommendations as set out in this submission. A table of New Zealand's proposed voting positions is attached as an annex.
- Because of the way in which this set of resolutions are negotiated between the Palestinian delegation and EU, the final texts only tend to emerge immediately prior to the vote, requiring quick decision making. If amendments are proposed to any of the resolutions, ^{s6(a)}
New Zealand will follow the principles that sit behind its existing voting record i.e. consistency with our general position on Middle East issues (as above), ^{s6(a)}

This would include supporting amendments condemning Hamas.

s6(b)(i)
- s6(a)
- Middle East issues (particularly those relating to Israel and Palestine) are sensitive. While New Zealand's policy positions on these issues are carefully balanced and long-standing, relevant decisions are referred to the Minister of Foreign Affairs or to Cabinet where appropriate. Officials will continue to provide briefing and seek guidance on relevant issues as they arise.

Deborah Geels
for Secretary of Foreign Affairs and Trade
(signed electronically)

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Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note New Zealand's balanced approach to Middle East issues in the UN, with the primary objective of supporting a sustainable two-state solution, best achieved through direct Israeli-Palestinian negotiations. | Yes / No |
| 2 | Agree that New Zealand maintain its previous voting positions (which have remained consistent for over 10 years) on Middle East resolutions to be considered in the UN General Assembly and vote in accordance with the positions set out in the table annexed to this submission. | Yes / No |
| 3 | Agree that New Zealand vote on amendments to resolutions in line with our balanced approach to Middle East issues, taking into account whether amendments improve the resolution ^{s6(a)} | Yes / No |
| 4 | s6(a) | Yes / No |
| 5 | Note that officials will provide further briefing on New Zealand's approach to Middle East related issues in the coming months. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs

Date: / /

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Pūrongo – Report

Update on the Middle East Peace Process (MEPP)

1. Progress in the MEPP seems unlikely in the near term. Matters have been complicated in recent years by the US recognition of Jerusalem as Israel's capital, its Embassy move from Tel Aviv to Jerusalem, and its funding cut to the United Nations Relief and Works Agency (UNRWA) (although the US announced in April this year that it would restore \$150 million worth of funding to UNRWA). ^{s6(a)}
2. In March 2021, the Prosecutor of the International Criminal Court (ICC) initiated an investigation into the situation in Palestine. The investigation follows the ICC Pre-Trial Chamber decision of 5 February that the Court's territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. The investigation's announcement was criticised by Israel and the US, and praised by Palestine and civil society. ^{s6(a)}
3. In May 2021 the worst violence since the 2014 Gaza War erupted between Israel and Gaza. ^{s6(a)}
4. Officials raised New Zealand's concerns about the violence and the proposed evictions of Palestinian families in East Jerusalem directly with the Israeli Ambassador on 12 May. On 13 May, you publicly called on Israel to cease demolitions and evictions and registered New Zealand's deep concerns about the escalating violence between Israel and Hamas.
5. Aotearoa New Zealand condemned the actions of both sides in the UN Security Council and the UN General Assembly, and called for an enquiry into the conflict at the UN Human Rights Council. We welcomed the news of a ceasefire and expressed hope that the parties will continue to faithfully implement this agreement.
6. In mid-June 2021, Israel's parliament (Knesset) approved a new coalition government, ending Benjamin Netanyahu's 12-year rule. Naftali Bennett, leader of the far-right Yamina party and a former ally of Netanyahu's, became Prime Minister after a razor-thin confidence vote. The eight-party coalition spans the spectrum of

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Israeli politics, including the first Arab-Israeli representatives in government.
s6(a)

7. s6(a)

8. s6(a)

9. New Zealand's long-standing position is that both sides should engage in direct negotiations, with the aim of seeing Israel and a Palestinian state existing side-by-side, in peace and security. Maintaining New Zealand's position for a two-state solution and dialogue is more important than ever, at a time where paths forward are becoming more unclear, s6(a)

Annex: Resolutions

	Resolution	Voting position 2020	Proposed voting position 2021
	Second Committee (Sustainable Development)		
1	Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population of the occupied Syrian Golan, over their natural resources	Yes	Yes
2	Oil slick on Lebanese shores	Yes	Yes
	Third Committee (Human Rights)		
3	Right of Palestinian people to self-determination	Yes	Yes
	United Nations General Assembly		
4	Peaceful settlement of the question of Palestine	Yes	Yes
5	The Syrian Golan	Abstain	Abstain ¹
6	Assistance to the Palestinian People	Adopted by consensus Co-sponsor	Yes (if voted) Co-sponsor
7	Jerusalem	Yes	Yes
	Fourth Committee (Special Political & Decolonisation)		
8	Assistance to Palestine refugees	Yes	Yes
9	Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)	Yes	Yes
10	Palestine refugees' properties and their revenues	Yes	Yes
11	Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories	Abstain	Abstain ²
12	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan	Yes	Yes
13	The Occupied Syrian Golan	Yes	Yes

¹ Aotearoa New Zealand has previously abstained on this resolution S6(a)

due to concerns that it has lacked balance S9(2)(g)(i)

² Aotearoa New Zealand has previously abstained on this resolution S6(a)

due to concerns that it has lacked balance S9(2)(g)(i)