

Proactive Release

Published on or before: 23/09/2024

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister of Foreign Affairs

Title	Reference
Cabinet Minute of Decision - Report of the Cabinet Legislation Committee: Period Ended 9 August 2024	CAB-24-MIN-0298
Cabinet Legislation Minute of Decision - Government Response to Petition of Peter James Cullinane	LEG-24-MIN-0152
Government Response to the Petition of Peter James Cullinane on Support for criminal investigations into crimes committed in Gaza and West Bank	

Please note, the 'Government Response to the Petition of Peter James Cullinane on Support for criminal investigations into crimes committed in Gaza and West Bank - Presented to the House of Representatives In accordance with Standing Order 380' will be proactively released on the Parliament website at the following location:

<https://www.parliament.nz/en/pb/sc/scl/foreign-affairs-defence-and-trade/tab/report>



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 9 August 2024

On 12 August 2024, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 9 August 2024:

LEG-24-MIN-0152	Government Response to Petition of Peter James Cullinane Portfolio: Foreign Affairs	CONFIRMED
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Out of scope

Rachel Hayward
Secretary of the Cabinet

Proactively Released by the Minister of Foreign Affairs



Cabinet Legislation Committee

Minute of Decision

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Government Response to Petition of Peter James Cullinane

Portfolio **Foreign Affairs**

On 8 August 2024, the Cabinet Legislation Committee:

- 1 **noted** that on 30 April 2024, the petition entitled “Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank” (the Petition) was presented to the Petitions Committee;
- 2 **noted** that on 24 May 2024, the Petition was referred to the Minister of Foreign Affairs for response;
- 3 **noted** that the proposed response to the Petitioner makes clear that the New Zealand Government has already taken actions to put additional pressure on Israel to end the conflicts in Gaza and the West Bank, by supporting criminal liability proceedings for violations of international law and human rights committed by either side;
- 4 **approved** the Government response to the Petition, attached to the paper under LEG-24-SUB-0152;
- 5 **noted** that the Government response will be presented to the House by 19 August 2024;
- 6 **invited** the Minister of Foreign Affairs to present the Government response to the House in accordance with Standing Order 380;
- 7 **invited** the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the Government response, after it has been presented to the House.

Tom Kelly
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Simeon Brown (Chair)
Hon Judith Collins KC
Hon Simon Watts
Hon Brooke van Velden
Hon Casey Costello
Hon Andrew Bayly
Hon Penny Simmonds
Hon Scott Simpson
Todd Stephenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Prime Minister’s Office

~~In Confidence~~

Office of the Minister of Foreign Affairs
Chair, Cabinet Legislation Committee

Government response to the petition of Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank

Purpose

- 1 This paper seeks approval of the Government's response to the Petitions Committee referral of the petition entitled "*Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank.*"

Background

- 2 On 24 May 2024, the Petitions Committee referred the petition of Peter James Cullinane to the Minister of Foreign Affairs for response under Standing Order 380.
- 3 The petition, signed by 42 people, requests that the New Zealand Government put additional pressure on Israel to end the conflicts in Gaza and the West Bank, by supporting criminal liability proceedings for violations of international law and human rights committed by either side.
- 4 A written submission in support of the petition sets out the need for New Zealand to support international institutions including the United Nations, the International Court of Justice (ICJ) and the International Criminal Court (ICC), and notes that the fact that some nations do not recognise the jurisdiction of these courts makes it more incumbent on other nations to support them.
- 5 The written submission asks the Government to publicly announce its support for investigations by the ICJ and ICC into potential war crimes and violations of human rights in Gaza and the West Bank committed by either side. It specifically notes that the Government is not being asked to adjudicate or judge alleged war crimes as those judgements should be left to international judicial bodies.

Comment on the Government response

- 6 Accordingly, the Minister of Foreign Affairs recommends the Government makes clear to the petitioner that the New Zealand Government has already taken actions to put additional pressure on Israel to end the conflicts in Gaza and the West Bank, by supporting the institutions that conduct proceedings for violations of international law and human rights committed by either side, and by setting out the positions and actions New Zealand is taking in this regard.

- 7 The response to the petition notes that adherence to international law and support for the rules-based international system has underpinned New Zealand's approach to the conflict in Gaza.
- 8 The response also outlines New Zealand's positions in relation to international law as applied to all sides of the conflict in Gaza, as well as New Zealand's support for the ICJ and the ICC.
- 9 It points the petitioner to New Zealand's positions in South Africa's case at the ICJ accusing Israel of genocide, where New Zealand has supported the binding nature of the ICJ's provisional measures requiring Israel to halt its military offensive in Rafah; take all necessary measures to provide basic services and humanitarian assistance and abide by obligations under the Genocide convention and international humanitarian law.
- 10 It also points the petitioner to New Zealand's positions in relation to the ICC's ongoing investigation into the Situation in Palestine, where New Zealand has supported the ICC's independent and impartial mandate.
- 11 The response also refers the petitioner to the numerous speeches and National Statements made by New Zealand in international institutions on the conflict between Israel and Hamas, and New Zealand's strong and continued engagement in international institutions such as the United Nations, the ICJ, and the ICC.
- 12 On 20 May 2024, after this petition was lodged, the ICC Prosecutor applied for warrants of arrest against Hamas leaders Yahya Sinwar, Mohammed Deif, Ismail Haniyeh; and against Israeli Prime Minister Benjamin Netanyahu and Minister of Defence Yoav Gallant. The judges of the Pre-Trial Chamber of the ICC are currently deciding whether to issue the requested warrants. New Zealand has responded to the warrant request by reaffirming support for the ICC and its mandate while declining to comment on the request until a decision has been made.

Timing of the government response

- 13 The Government response must be presented to the House by 19 August 2024.

Consultation

- 14 The Ministry of Foreign Affairs and Trade and Crown Law have been consulted.

Financial implications

- 15 There are no financial implications for New Zealand.

Publicity

- 16 There is no publicity planned.

Proactive Release

- 17 This paper is proposed for proactive release, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

The Minister of Foreign Affairs recommends that the Cabinet Legislation Committee:

- 1 **Note** that on 30 April 2024 the petition entitled "*Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank*" was presented to the Petitions Committee.
- 2 **Note** that on 24 May 2024 the petition entitled "*Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank*" was referred to the Minister of Foreign Affairs for response.
- 3 **Note** that the Minister of Foreign Affairs recommends that the proposed response to the Petitioner makes clear that the New Zealand Government has already taken actions to put additional pressure on Israel to end the conflicts in Gaza and the West Bank, by supporting criminal liability proceedings for violations of international law and human rights committed by either side.
- 4 **Approve** the Government response, attached to this submission, entitled "*Peter James Cullinane: Support for criminal investigations into crimes committed in Gaza and West Bank.*"
- 5 **Note** that the Government response will be presented to the House by 19 August 2024.
- 6 **Invite** the Minister of Foreign Affairs to present the Government response to the House in accordance with Standing Order 380.
- 7 **Invite** the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Rt Hon Winston Peters

Minister of Foreign Affairs