



Peace Movement Aotearoa

PO Box 9314, Wellington 6141, Aotearoa New Zealand. Tel +64 4 382 8129

Email icanz@xtra.co.nz Web site www.converge.org.nz/pma

8 January 2024

Rt Hon Christopher Luxon, Prime Minister
Rt Hon Winston Peters, Minister of Foreign Affairs / Deputy Prime Minister
Hon David Seymour, ACT Party Leader

Support for International Court of Justice Proceedings instituted by South Africa

Greetings,

We are writing to urge New Zealand to support the Proceedings instituted by South Africa against the State of Israel on 29 December 2023, in particular the [Request for the indication of provisional measures](#) which will be heard by the International Court of Justice (ICJ) this week.

When we wrote last year to remind the government of New Zealand's responsibility to condemn all attacks on civilians and its humanitarian law and disarmament obligations (attached for your information), the reply from the then Minister of Foreign Affairs stated New Zealand's position is based on four pillars, including: *"support for Israel's right to defend itself, acting in full compliance with international law; the upholding of international law, the protection of civilians and the provision of humanitarian assistance for those in need"*.

It has been obvious from the outset of Israel's military operations in Gaza since 7 October 2023 that the actions taken by Israel "to defend itself" have not complied with international law, including multiple failures to meet the requirements around protection of civilians and provision of humanitarian assistance for those in need.

The incessant bombardment of densely populated areas, made possible by the use of AI target-creation and selection systems directing high explosive strikes on numerous targets in a short time frame, has had devastating consequences: indiscriminate slaughter of civilians, horrific injuries for any who survive, and the systematic destruction of everything needed to sustain life. The harsh restrictive conditions put on the extremely limited amount of humanitarian assistance that is permitted to enter Gaza have exacerbated the catastrophic conditions: more than 1.9 million people, almost the entire population of Gaza, have now been displaced and are in critical need of immediate humanitarian assistance.

Last Friday, Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, summarized the [current situation](#) as follows:

"Three months since the horrific 7 October attacks, Gaza has become a place of death and despair.

Tens of thousands of people, mostly women and children, have been killed or injured. Families are sleeping in the open as temperatures plummet. Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under relentless attack.

The few hospitals that are partially functional are overwhelmed with trauma cases, critically short of all supplies, and inundated by desperate people seeking safety.

A public health disaster is unfolding. Infectious diseases are spreading in overcrowded shelters as sewers spill over. Some 180 Palestinian women are giving birth daily amidst this chaos. People are facing the highest levels of food insecurity ever recorded. Famine is around the corner.

For children in particular, the past 12 weeks have been traumatic: No food. No water. No school. Nothing but the terrifying sounds of war, day in and day out.

Gaza has simply become uninhabitable. Its people are witnessing daily threats to their very existence - while the world watches on.

The humanitarian community has been left with the impossible mission of supporting more than 2 million people, even as its own staff are being killed and displaced, as communication blackouts continue, as roads are damaged and convoys are shot at, and as commercial supplies vital to survival are almost non-existent.” ...

This unconscionable situation should never have reached this stage, and clearly cannot be permitted to continue any further.

When supporting UN General Assembly Resolution A/ES-10/L.27 demanding an immediate humanitarian ceasefire, New Zealand’s representative [stated on 13 December 2023](#):

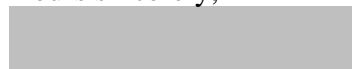
“New Zealand is gravely concerned about the impact of this conflict on civilians. The loss of life and level of suffering in Gaza is utterly devastating: over a million people with nowhere to go; outbreaks of disease; and overwhelming challenges with nutrition, sanitation, and overcrowding. There is simply not enough water, food, fuel and shelter. Critical humanitarian assistance must get to those who need it. The sick and injured must be cared for without risk of attack. The basics for survival must not be used, or withheld, as weapons of war.”

That statement also included the sentence *“The General Assembly has, once again, had to take action where the Security Council has failed to do so.”*

As Israel has continued to ignore the will of the international community as expressed by one hundred and fifty-three votes in favour of Resolution A/ES-10/L.27, the Proceedings instituted by South Africa provide the opportunity for states to take action **now** to demonstrate their commitment to *“the upholding of international law, the protection of civilians and the provision of humanitarian assistance for those in need”*.

If New Zealand is truly committed to the international rules-based order as it so often claims, we urge you to publicly announce New Zealand’s support for the Request for the indication of provisional measures in order to [“protect against further, severe and irreparable harm to the rights of the Palestinian people”](#) before the ICJ convenes to consider this on 11 and 12 January 2024.

Yours sincerely,



Edwina Hughes, Coordinator, Peace Movement Aotearoa

CC: Hon David Parker, Foreign Affairs Spokesperson, Labour Party; Debbie Ngarewa-Packer and Rawiri Waititi, Co-Leaders, Te Pāti Māori; Golriz Ghahraman, Foreign Affairs Spokesperson, Green Party; Hon Phil Twyford, Disarmament and Arms Control Spokesperson, Labour Party