

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Wednesday, 11 September 2024 1:06 PM
To: s 22(1)(a)(ii)
Subject: FW: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

From: Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>
Sent: Wednesday, September 11, 2024 12:03 PM
To: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

Very helpful – many thanks s 22(1)(a)(ii)

Marie-Charlotte McKenna

Assistant Secretary
International Law Branch I | Legal Division
T s 22(1)(a)(ii) | M s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au
Sent: Wednesday, September 11, 2024 9:08 AM
To: s 22(1)(a)(ii) @dfat.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au; Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

Dear s 22(1)(a)(ii) colleagues

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 33(b)

I'll shortly send a cable with other updates from likemindeds today.

Best regards

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)

Sent: Thursday, September 5, 2024 8:48 PM

To: s 22(1)(a)(ii) @dfat.gov.au>
 Cc: s 22(1)(a)(ii) @dfat.gov.au>; Marie-Charlotte Mckenna <Marie-Charlotte.McKenna@dfat.gov.au>;
 s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Gemma Huggins
 <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>;
 s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

Subject: Re: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

Hi s 22(1)(a)(ii)

We understand the draft resolution will be circulated late this week or early next, ahead of action by the UN General Assembly in the week of 16 September.

s 33(a)(iii), s 33(b)
 resolution to react to, nothing of substance came from the conversation.

In the absence of a draft

We'll send the draft through once received.

Best wishes

s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au>
Date: Thursday, September 5, 2024 at 5:08:07 PM
To: "s 22(1)(a)(ii) lhenny@dfat.gov.au>
Cc: "s 22(1)(a)(ii) @dfat.gov.au>, "Marie-Charlotte Mckenna" <Marie-Charlotte.McKenna@dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>, "Gemma Huggins" <Gemma.Huggins@dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>, "s 22(1)(a)(ii) @dfat.gov.au>, s 22(1)(a)(ii) @dfat.gov.au>

Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

Hi s 22(1)(a)(ii)

Thanks again for the updates below regarding next steps on the ICJ AO (OPTs), much appreciated. We are looking to update FMO again before the weekend so just wanted to quickly check whether you had heard anything / had further discussions [s 33\(a\)\(iii\)](#), [s 33\(b\)](#)

Cheers

[s 22\(1\)\(a\)\(ii\)](#)

[s 22\(1\)\(a\)\(ii\)](#)

A/g Director | International Security Law Section (INT)
International Law Branch I (ILB) | Legal Division (LGD)

T [s 22\(1\)\(a\)\(ii\)](#) **M:** [s 22\(1\)\(a\)\(ii\)](#)

This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.

From: [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#)
Sent: Saturday, August 24, 2024 5:11 AM
To: [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#)
Cc: [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); Marie-Charlotte McKenna <[Marie-Charlotte.McKenna@dfat.gov.au](#)>; [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); Gemma Huggins <[Gemma.Huggins@dfat.gov.au](#)>; [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#); [s 22\(1\)\(a\)\(ii\)](#) [@dfat.gov.au](#)
Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

Hi [s 22\(1\)\(a\)\(ii\)](#)

s 33(a)(iii), s 33(b)

Although this isn't hugely new information, I hope it helps somewhat. It looks as though timeframes to influence draft text once received could be quite tight.

Best wishes

s 22(1)(a)(ii)

First Secretary and Legal Adviser
Permanent Mission of Australia to the United Nations

T s 22(1)(a)(ii) | M s 22(1)(a)(ii)

From: s 22(1)(a)(ii)

Sent: Tuesday, August 20, 2024 4:32 PM

To: s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>

Cc: s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>; Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>;

s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)v@dfat.gov.au](mailto:s 22(1)(a)(ii)v@dfat.gov.au)>; Gemma Huggins

<Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>;

s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>

Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

Hi s 22(1)(a)(ii)

Unfortunately, the CANZ Legal Advisers meeting didn't go ahead last week so nothing further to report at the moment, beyond what's in the cable system (the latest being para 10 of [s 22\(1\)\(a\)\(ii\)](#))

I've reached out to CANZ Legal Advisers again and my counterpart in the Palestinian Observer Mission. I'll let you know if anything comes from this.

Best regards

[s 22\(1\)\(a\)\(ii\)](#)

First Secretary and Legal Adviser
Permanent Mission of Australia to the United Nations

[T s 22\(1\)\(a\)\(ii\)](#) | [M s 22\(1\)\(a\)\(ii\)](#)

From: [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au
Sent: Tuesday, August 20, 2024 8:30 AM
To: [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au
Cc: [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au; Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>;
[s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au; [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au; Gemma Huggins
<Gemma.Huggins@dfat.gov.au>; [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au; [s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au;
[s 22\(1\)\(a\)\(ii\)](#) @dfat.gov.au
Subject: ICJ AO OPTs Next Steps [REDACTED]

Hi [s 22\(1\)\(a\)\(ii\)](#)

Hope all is well. I just wanted to follow up from our call last week and discussion on the ICJ AO on the OPTs.

FMO [s 22\(1\)\(a\)\(ii\)](#) called me yesterday and today, seeking any additional information on a possible resolution on the AO and likeminded positioning (beyond what is already in the cable system). I recall you were likely to have a CANZ legal advisers meeting, and wasn't sure if that had happened yet? Any further insights from counterparts, including on early opportunities to shape any draft text we should be considering, would be much appreciated.

I suspect FMO will follow up with me tomorrow so any quick advice / updates (even if nil) would be great.

I've cc'd colleagues from MEB and MPD, as well as The Hague.

Thanks

s 22(1)(a)(ii)

A/g Director | International Security Law Section (INT)
International Law Branch I (ILB) | Legal Division (LGD)

T +s 22(1)(a)(ii) **M:** s 22(1)(a)(ii)

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s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Thursday, 12 September 2024 4:08 AM
To: s 22(1)(a)(ii)
Cc: Gemma Huggins
Subject: FW: ICJ AO OPTs Next Steps [REDACTED]
Attachments: s 33(a)(iii), s 33(b)

[REDACTED]

From: s 22(1)(a)(ii) @dfat.gov.au
Sent: Thursday, September 12, 2024 8:26 AM
To: s 22(1)(a)(ii) @dfat.gov.au
Subject: FW: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

From: s 22(1)(a)(ii) @dfat.gov.au
Sent: Thursday, September 12, 2024 7:54 AM
To: Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

[REDACTED]

Dear Marie-Charlotte, ^{s 22(1)(a)(ii)}

Further to yesterday's email, please see attached a compilation of comments sent from s 33(a)(iii), s 33(b)

We will also cable further updates from today.

Kind regards

s 22(1)(a)(ii)

First Secretary and Legal Adviser
 Permanent Mission of Australia to the United Nations
T s 22(1)(a)(ii) **M** s 22(1)(a)(ii)

From: Marie-Charlotte McKenna <Marie-Charlotte.McKenna@dfat.gov.au>
Sent: Tuesday, September 10, 2024 10:03 PM
To: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au

Cc: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

Subject: RE: ICJ AO OPTs Next Steps [REDACTED]

Duplicate - s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Thursday, 19 September 2024 6:24 AM
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii) ; Warren Macilwain; Gemma Huggins; Marc Innes-Brown;
s 22(1)(a)(ii)
Subject: Updated QTB -s 22(1)(a)(ii) - 19 September 2024 [SEC=OFFICIAL]
Attachments: s 22(1)(a)(ii) - 19 September.pdf

OFFICIAL

Hi colleagues

Please find attached updated Israel-Hamas Conflict QTB. There were no changes to the UNRWA QTB.

This will be saved in s 22(1)(a)(ii)

Kind regards

s 22(1)(a)(ii)

Policy Officer | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division
Department of Foreign Affairs and Trade
P s 22(1)(a)(ii) | M s 22(1)(a)(ii)

18 September 2024

HAMAS-ISRAEL CONFLICT

s 22(1)(a)(ii)

Prepared By:

Name: Israel-Gaza Taskforce
Branch: Middle East Branch | MAD
Phone:

Cleared By:

Name: Gemma Huggins
Position: Assistant Secretary
Branch/Division: ISG | MAD | MEB
Phone: s 22(1)(a)(ii)

18 September 2024

s 22(1)(a)(ii)

Australia's abstention on UN General Assembly resolution on the International Court of Justice (ICJ) advisory opinion on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory [passed on 18 September]

- The stated purpose of the UN General Assembly resolution was to give effect to an ICJ advisory opinion on the Occupied Palestinian Territories.
- Australia is a resolute defender of the international law, including the International Court of Justice.
- Australia supports many of the principles of this resolution – but we, and many other likeminded countries had concerns about the final draft we were asked to vote on.
- That's why we've spent the past week, working with partners to seek changes to the resolution, to address those concerns.
- We wanted to vote for a resolution that directly reflected the ICJ Advisory Opinion.
- We wanted to vote for a resolution that clearly offered the Palestinian people a path to self-determination – and gave the world a path to a two-state solution.
- We wanted to vote for a resolution that gave the international community a clear way to respond to the ICJ's Advisory Opinion.
- We are concerned that by making demands of the entire UN membership that go beyond the scope of the Advisory Opinion, the resolution distracts from what the world needs Israel, and the parties themselves, to do.
- Ultimately, our amendments were not accepted, and we abstained with great disappointment.

Prepared By:

Name: Israel-Gaza Taskforce
Branch: Middle East Branch | MAD
Phone:

Cleared By:

Name: Gemma Huggins
Position: Assistant Secretary
Branch/Division: ISG | MAD | MEB
Phone: s 22(1)(a)(ii)

18 September 2024

Background

s 22(1)(a)(ii)

The POM resolution passed 124 votes for with 14 against, and 43 abstaining. Australia abstained, alongside Canada, UK, ROK, Germany and India. In its 18 September Explanation of Vote, Australia noted it agreed with the POM resolution's premise, and reiterated its commitment to the institution of the ICJ and to a two-state solution, including opposition to the settlement enterprise. It also flagged that the resolution had shortcomings. It was impractical in calling for a rapid Israeli withdrawal, overly-prescriptive in its directions to third states, and implied countries agreed with ICJ assessments.

s 22(1)(a)(ii)

Prepared By:

Name: Israel-Gaza Taskforce
Branch: Middle East Branch | MAD
Phone:

Cleared By:

Name: Gemma Huggins
Position: Assistant Secretary
Branch/Division: ISG | MAD | MEB
Phone: s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: DFAT Talking Points
Sent: Thursday, 19 September 2024 12:24 PM
To: s 22(1)(a)(ii)
Subject: DFAT Talking Points - Hamas-Israel Conflict - v44 [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive



Australian Government
Department of Foreign Affairs and Trade

MEDIA TALKING POINTS
DISTRIBUTION: CRISIS

Topic: POLITICAL-ECONOMIC
Subject: Hamas-Israel Conflict

Originating Division: MAD

Version Date: 19/9/2024

**Reason for Update: UNGA vote on ICJ
AO; Tabling of the UNRWA Arrangement
in the Australian Senate**

Version: 44

Expiry: 31/12/2024

Talking Points

Recent Issues

If raised: Australia's abstention on UN General Assembly resolution on the International Court of Justice (ICJ) advisory opinion on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territories [18 September]

- *The stated purpose of the UN General Assembly resolution was to give effect to an ICJ advisory opinion on the Occupied Palestinian Territories.*
- *Australia is a resolute defender of international law, including the International Court of Justice.*
- *Australia supports many of the principles of this resolution – but we, and many other likeminded countries had concerns about the final draft we were asked to vote on.*
- *That's why we've spent the past week, working with partners to seek changes to the resolution, to address those concerns.*
- *We wanted to vote for a resolution that directly reflected the ICJ Advisory Opinion.*
- *We wanted to vote for a resolution that clearly offered the Palestinian people a path to self-determination – and gave the world a path to a two-state solution.*
- *We wanted to vote for a resolution that gave the international community a clear way to respond to the ICJ's Advisory Opinion.*
- *We are concerned that by making demands of the entire UN membership that go beyond the scope of the Advisory Opinion, the resolution distracts from what the world needs Israel, and the parties themselves, to do.*
- *Ultimately, our amendments were not accepted, and we abstained with great disappointment.*

s 22(1)(a)(ii)

s 22(1)(a)(ii)

On 18 September, the UN General Assembly adopted a Palestinian Observer Mission (POM) resolution it said gave effect to the 9 July ICJ Advisory Opinion (AO) on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory [OPTs], including East Jerusalem. That AO found Israel's presence in the OPTs was unlawful and that it was obliged to end its occupation as rapidly as possible. The Court also found that Israel should cease all settlement activity immediately, evacuate settlers, and pay reparations, and that all States were obliged not to recognise as legal or assist in maintaining Israel's presence in the OPTs. The Court said modalities of how to bring an end to the unlawful occupation as rapidly as possible was a matter for UNGA and the UNSC. Australia did not participate in ICJ proceedings, and voted against the 2022 UNGA resolution that requested the AO. The Court's findings are not binding on States, though are influential when interpreting international law.

The POM resolution passed 124 votes for with 14 against, and 43 abstaining. Australia abstained, alongside Canada, UK, ROK, Germany and India. In its 18 September Explanation of Vote, Australia noted it agreed with the POM resolution's premise, and reiterated its commitment to the institution of the ICJ and to a two-state solution, including opposition to the settlement enterprise. It also flagged that the resolution had shortcomings. It was impractical in calling for a rapid Israeli withdrawal, overly-prescriptive in its directions to third states, and implied countries agreed with ICJ assessments.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Handling Notes**Media Interest**

These events have a high level of domestic and international interest.

Approval	
Consultation	LGD, HPD, MPD, ASO, HRB, CCD, OCT
Author	s 22(1)(a)(ii)
Cleared by	Assistant Secretary, Middle East Branch (MEB)

Distribution	
Senior Executive, FMO, TTMO, MIDPO, AFMO, ATMO, DFAT SES, CCD, HPD, DFAT State and Territory Office Directors, DFAT Media Liaison and Parliamentary Section, PMO, PM&C, Defence, AGD, AFP, ASIO, Home Affairs, Health, Tourism Australia, Austrade, Human Services, Health, Agriculture.	
s 22(1)(a)(ii)	

s 22(1)(a)(ii)

s 22(1)(a)(ii)

From: DLO FM
Sent: Monday, 16 September 2024 1:44 PM
To: s 22(1)(a)(ii) ; Marc Innes-Brown
Cc: s 22(1)(a)(ii) ; Secretary Office
Subject: FM Signed - s 22(1)(a)(ii) - UNGA Vote - ICJ Advisory Opinion [REDACTED]
Attachments: FM_Signed_s 22(1)(a)(ii) .pdf.pdf

[REDACTED]

Dear s 22(1)(a)(ii) Marc,

The FM has signed s 22(1)(a)(ii) - **UNGA Vote: Implementing ICJ Advisory Opinion on Israel's Occupation of the Palestinian Territories.**

Please note the annotation: *"Please discuss. Thanks for work to date. Please continue with diplomatic efforts to address these issues – prior to final advice and decisions. Thanks"*.

Warmest,
s 22(1)(a)(ii)

DLO | FMO
T s 22(1)(a)(ii) M s 22(1)(a)(ii)



Australian Government
Department of Foreign Affairs and Trade



Ministerial Submission

s 22(1)(a)(ii)
Cleared by:

FOR: Senator the Hon Penny Wong

INFO: Senator the Hon Don Farrell, The Hon Tim Watts MP

Date sent to MO: PLE to complete

Action Requested By: 17 September 2024

Reason for Urgency: UNGA vote

UN General Assembly (UNGA) vote: Implementing ICJ Advisory Opinion on Israel's Occupation of the Palestinian Territories (OPTS)

Key Issues: UNGA will vote on 18 September on a Palestinian resolution which seeks to give effect to an ICJ Advisory Opinion (AO) which found Israel's occupation of the OPTS unlawful. s 33(a)(iii), s 42(1)

Recommendation:

That you:

- a) Note the resolution is non-binding and will pass regardless of how we vote.
- b) It is open to the Government to vote 'abstain' or 'yes'.
- c) Agree to 'abstain' with an EOV explaining our reservations about the resolution text.
- d) Note we will advise Israel, the Palestinian Authority and select likeminded countries of our intended voting position.

Decision:

Noted

Noted

Agreed / Not Agreed

Noted

Domestic/Media Considerations: This is a high-profile vote on a polarising issue, which will attract significant community and media attention. We expect ongoing comparison of the resolution text and Australian policies.

Action:

Penny Wong

16/9/24

*Pls discuss
- Thanks for work to date
Pls continue with diplomatic
efforts to address these*

Information:

Don Farrell

Tim Watts

/ /

/ /

*issues - prior
to final advice &
decision.*

Noted

*The
Penny 16/9*

From: Marc Innes-Brown, FAS, ISG | MAD
s 22(1)(a)(ii)

Contact: s 22(1)(a)(ii)
Dir IGTF s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable
If the proposal high risk/high value (over \$100m) concept has been approved by the Development Program Committee? Not Applicable

Consultation: LGD, HOM UNNY





s 22(1)(a)(ii)

Background:

The 19 July ICJ Advisory Opinion (AO) on the *legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory [OPTs], including East Jerusalem* found Israel's presence in the OPTs was unlawful and that it was obliged to end its occupation as rapidly as possible. The Court also found that Israel should cease all settlement activity immediately, evacuate settlers, and pay reparations, and that all States were obliged not to recognise as legal or assist in maintaining Israel's presence in the OPTs. Australia did not participate in the proceedings, and voted against UNGA resolution 77/247 (30 December 2022), which requested the Advisory Opinion.

2. On 18 September, an UNGA special session is expected to vote on a Palestinian Observer Mission (POM) resolution (Attachment A) which it says gives effect to the ICJ AO, noting the Court said modalities of how to bring an end to the unlawful occupation as rapidly as possible was a matter for UNGA and the UNSC. ^{s 33(a)(ii), s 33(b)}



s 33(a)(iii), s 33(b), s 42(1)





Australian Government
Department of Foreign Affairs and Trade



s 22(1)(a)(ii)

s 33(a)(iii), s 33(b), s 42(1)

s 47E(d)



s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Tuesday, 17 September 2024 6:54 AM
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii) Gemma Huggins; Marie-Charlotte Mckenna
Subject: TPs - POM ICJ AO UNGA Resolution [SEC=OFFICIAL]
Attachments: FM_Signed_-_s 22(1)(a)(ii) .pdf.pdf; Rev 1 - ICJ AO res 13 September CLEAN - Suggested Aus updates 16 Sept 2024 v18h30.docx

OFFICIAL

Hi s 22(1)(a)(ii)

As discussed, it'd be great if our teams could start thinking about communications (TPs) following the UNGA vote on the POM resolution. The signed MinSub and resolution text are attached for reference (latter includes tracked Australian suggestions put to POM overnight that aren't likely to be taken up).

s 22(1)(a)(ii) was going to set up a shared document so that we start to get a sense of the questions (if not the answers).

Separately, a new draft EOV is below. As flagged, still a rough draft – there's a few different thoughts about how to approach this text. But the current draft might help framing LGD's contributions.

Thanks and happy to chat,

s 22(1)(a)(ii)

T s 22(1)(a)(ii) | M s 22(1)(a)(ii)

s 47C(1), s 47E(d)

s 47C(1), s 47E(d)

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Wednesday, 18 September 2024 6:03 AM
To: Marc Innes-Brown; s 22(1)(a)(ii)
Cc: Gemma Huggins; s 22(1)(a)(ii)
Subject: The Age media article on UNGA ICJ AO resolution - "Will Penny Wong anger Israel for the third UN vote in a row?" [SEC=OFFICIAL]

OFFICIAL

FYSA – media article

[UN General Assembly vote: Australia seeks changes on motion for Gaza withdrawal \(theage.com.au\)](https://theage.com.au)

[The federal government is working to water down a forceful United Nations resolution at the end of the week calling for an arms embargo on Israel and demanding the Jewish state withdraw from the West Bank and Gaza within a year.

...

Government sources, who were not authorised to speak publicly, said they were concerned the latest resolution, as currently drafted, went beyond the confines of the ICJ finding and that the timing of the vote was an unwelcome distraction from diplomatic efforts to bring an end to the war in Gaza.

The sources said Foreign Minister Penny Wong had instructed Australia's mission to the UN and the Department of Foreign Affairs and Trade to "pursue all diplomatic efforts to address concerns with the draft resolution, including working with like-minded countries".

A spokeswoman for Wong said: "As you would expect of a responsible government, we are engaging with other countries on the text of the resolution, its implications, including with regards to international law, and whether it appropriately reflects the ICJ advisory opinion.

"Australia respects the independence of the International Court of Justice and its critical role in upholding international law and the rules-based order.

"We have been clear with Israel that it must respect the ICJ's decisions."]

Kind regards

s 22(1)(a)(ii)

Policy Officer | Israel-Gaza Taskforce
Middle East Branch | Middle East and Africa Division
Department of Foreign Affairs and Trade
P +s 22(1)(a)(ii) | Ms 22(1)(a)(ii)

s 22(1)(a)(ii)

From: Tom Mooney
Sent: Wednesday, 18 September 2024 1:40 PM
To: Marc Innes-Brown; s 22(1)(a)(ii)
Cc: Jan Adams; Craig Maclachlan; Adam Mccarthy; Marie-Charlotte Mckenna; Gemma Huggins; s 22(1)(a)(ii); James Larsen; s 22(1)(a)(ii)
Subject: RE: POM ICJ Resolution: Further Advice [REDACTED]

[REDACTED]

Dear Marc and Team

Thank you for your advice and your work on this resolution.

After considering your advice, engaging with counterparts, and consulting senior ministers, **the Foreign Minister has agreed with your advice that Australia “abstain” on the POM ICJ Resolution.**

We will shortly provide an updated draft EOV for your review.

All the best

Tom

Tom Mooney

Chief of Staff to Senator the Hon Penny Wong
 Leader of the Government in the Senate
 Minister for Foreign Affairs
 Labor Senator for South Australia

E tom.mooney@dfat.gov.au | P Adelaide s 22(1)(a)(ii) | P Canberra s 22(1)(a)(ii) | M s 22(1)(a)(ii)

From: Marc Innes-Brown <marc.innes@dfat.gov.au>
Sent: Wednesday, September 18, 2024 11:31 AM
To: Tom Mooney <Tom.Mooney@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Cc: Jan Adams <Jan.Adams@dfat.gov.au>; Craig Maclachlan <Craig.Maclachlan@dfat.gov.au>; Adam Mccarthy <Adam.McCarthy@dfat.gov.au>; Marie-Charlotte Mckenna <Marie-Charlotte.McKenna@dfat.gov.au>; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.s 22(1)(a)(ii) @dfat.gov.au>
Subject: FW: POM ICJ Resolution: Further Advice [REDACTED]

s 33(a)(iii), s 33(b), s 42(1)

s 33(a)(iii), s 33(b), s 42(1)

The resolution is currently the same as the version we submitted with the Ministerial Submission on 16 September.

As our substantive concerns about the Resolution text remain, **our recommendation for an 'abstain' vote remains.**

In terms of the likely voting intentions, Ambassador Larsen estimates the 'yes' vote could be as much as 140 but more likely will be between 115-125, with around 30 to 'abstain', and 11 to vote 'no'. A number of countries will likely be absent for various reasons.

s 33(b)

The following list also includes estimated intentions of marker countries:

s 33(b)

s 33(a)(iii), s 33(b)

s 33(a)(iii), s 33(b)

Marc Innes-Brown

First Assistant Secretary

Middle East and Africa Division

T s 22(1)(a)(ii) | **M** s 22(1)(a)(ii)

dfat.gov.au | [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

[REDACTED]
s 22(1)(a)(ii)

Title: **Hamas-Israel conflict: UNGA draft resolution on ICJ Advisory Opinion: Initial reaction**
MRN: s 22(1)(a)(ii)
To: UN New York
Cc: s 22(1)(a)(ii)
From: Canberra
(CHCH/DFAT/MAD/MEB)
From File:
EDRMS
Files:
References: s 22(1)(a)(ii)
Response: **Routine, Information Only**

Summary

Thanks Post for providing the Palestinian Observer Mission's zero draft of its UNGA resolution responding to the ICJ Advisory Opinion (AO). s 33(a)(iii), s 33(b), s 42(1), s 47C(1)

Thanks UNNY for s 22(1)(a)(ii) on the Palestinian Observer Mission's (POM) zero draft a General Assembly resolution responding to the International Court of Justice's (ICJ) Advisory Opinion (AO).

2. **Grateful Post UNNY engage and seek further information and views on policy positions from likemindeds, s 33(a)(iii), s 33(b)**

s 33(a)(iii), s 33(b)

[REDACTED]

s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

s 33(a)(iii)

5. Canberra will continue working through the legal and policy implications of the POM's zero draft, seeking to provide negotiations guidance in coming days.
6. LGD (INT) was consulted in the drafting of this cable.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: AS MEB
Topics: s 22(1)(a)(ii)

[REDACTED]

s 22(1)(a)(ii)

Title: **Hamas-Israel Conflict: UNGA Draft Resolution on ICJ Advisory Opinion: Instructions for Post**

MRN: s 22(1)(a)(ii)

To: UN New York

Cc: s 22(1)(a)(ii)

From: Canberra
(CHCH/DFAT/MAD/MEB)

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)

Response: **Routine, Information Only**

Summary

Thanks Post UNNY for reporting on likeminded views on the draft resolution. s 33(a)(iii)

s 22(1)(a)(ii)

Also grateful Post seek extension for deadline to provide comments. s 33(a)(iii)

text ends

Sent by: s 22(1)(a)(ii)

Prepared s 22(1)(a)(ii)

by:

Approved FAS MAD

by:

Topics: s 22(1)(a)(ii)

[REDACTED]
s 22(1)(a)(ii)

Title: **Hamas-Israel conflict: UNGA draft resolution on ICJ Advisory Opinion: Instructions for Post**

MRN: s 22(1)(a)(ii)

To: UN New York

Cc: s 22(1)(a)(ii)

From: Canberra
(CHCH/DFAT/MAD/MEB)

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)

Response: **Routine, Information Only**

Summary

Thanks reftel. Canberra supports putting our high-level reaction to POM, reserving our position with respect to suggesting amendments. s 33(a)(iii), s 33(b)

Thanks Post for s 22(1)(a)(ii) Canberra supports Post putting high-level comments to the Palestinian Observer Mission (POM) regarding its draft resolution responding to the ICJ Advisory Opinion (AO). As suggested, grateful Post reserve our position on detailed amendments. A Government position on the overall resolution will be made at a later point.

2. Like New Zealand, Australia supports the ICJ and has a long-standing position settlements being an impediment to peace and on the need for a two state solution. We are supportive of these aspects of the POM resolution, though it goes beyond this - and the ICJ AO - in several ways. s 33(a)(iii), s 33(b)

s 33(a)(iii), s 33(b)

[REDACTED]

s 22(1)(a)(ii)

3. Canberra will work towards detailed advice to the Foreign Minister in coming days. To inform this advice, **grateful Post**:

s 33(a)(iii), s 33(b)

· Provide regular updates on estimates of country voting positions on the POM resolution. We have been asked to provide a Ministerial submission by mid-afternoon Monday 16 September Canberra time. s 33(a)(iii), s 33(b)

LGD was consulted on this cable.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: FAS MAD (Innes-Brown)
Topics: s 22(1)(a)(ii)



s 22(1)(a)(ii)



s 47C(1)

Hello, we're looking at backgrounding out the above to journos to provide a bit more context.

Can you let me know if I've mischaracterised anything please.

14:09

Okay but defer to MC on legal references

14:13



Message





s 22(1)(a)(ii)



s 22(1)(a)(ii)

This message was deleted.
Wed, 18 Sep 2013

Thu, 19 Sep



s 47C(1)

Read More

14:10

Can you let me know if I've mischaracterised anything please.

Can you let me know if I've mischaracterised anything please.

This is okay for what it is

14:10



Message



[REDACTED]
s 22(1)(a)(ii)

Title: UNGA: Hamas-Israel conflict - Likeminded views on draft resolution on the ICJ AO
MRN: s 22(1)(a)(ii)
To: Canberra
Cc: s 22(1)(a)(ii)

From: UN New York

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)
The cable has the following attachment/s -
s 22(1)(a)(ii).pdf

Response: Routine, Information Only

Summary

Likemindeds largely share our reservations on the timing and substance of the Palestinian draft resolution responding to the ICJ's Advisory Opinion. They agreed to seek a 24-hour extension to the deadline for comments. s 33(a)(iii), s 33(b)

On 9 September, s 33(a)(iii), s 33(b)

to discuss the Palestinians' draft resolution on the ICJ Advisory Opinion (AO). Many counterparts had not yet received instructions from capitals and shared experts' views. We relayed the points in s 22(1)(a)(ii) for which thanks.

Issues raised by likemindeds

s 33(a)(iii), s 33(b)

[REDACTED]
s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

Next steps

10. Post recommends we take opportunities to engage directly with POM on the resolution (while managing expectations of support), whether individually or as part of a coalition

s 33(a)(iii), s 33(b)

11. We assess there is every prospect the resolution will be adopted. s 33(a)(iii)

[REDACTED]

s 22(1)(a)(ii)

s 47E(d)

14. POM will need to table a draft by COB 11 September to enable the President of the General Assembly to schedule adoption on 18 September as requested. But the text can still be updated until adoption. Accordingly, we are likely to see a number of revised versions before the text which will be voted on.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: HOM Larsen
Topics: s 22(1)(a)(ii)



09 September 2024

Excellency, President of the General Assembly,

We write to you today in our capacities as the Chairs of the Arab Group, the Organization of the Islamic Cooperation (OIC) Group, and the Coordinating Bureau of the Non-Aligned Movement (NAM) at the United Nations in New York to respectfully request the swift resumption of the tenth emergency special session of the General Assembly to enable the membership to consider urgent follow-up on the Advisory opinion of the International Court of Justice (ICJ) on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory.

The Advisory Opinion was rendered by the International Court of Justice on 19 July 2024, pursuant to the request made by the General Assembly in its resolution 77/247 of 30 December 2022. The authoritative determinations made by the Court in accordance with international law require immediate follow-up by the Assembly to address this prolonged, historic injustice and particularly in light of the extremely grave and worsening situation being endured by the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem.

We recall in this regard the permanent responsibility of the of the United Nations with regard to the question of Palestine until it is resolved in all its aspects in accordance with international law and the relevant United Nations resolutions, and recall also the determination by the ICJ in the Advisory Opinion that "The United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of Israel in the Occupied Palestinian Territory".

Accordingly, we make this appeal to resume the General Assembly's tenth emergency special session, with a respectful request to resume the session on 17 September 2024 with action to be taken on 18 September 2024, to address this urgent matter, in accordance with resolution 377 (V) (1950), "Uniting for Peace" as rapidly as possible.

Please accept, Excellency, the assurances of our highest consideration.

H. E. Mr. Koussay Aldahhak
Chair of the Arab Group
Permanent Representative of the Syrian Arab Republic to the United Nations

H. E. Mr. Sidi Mohamed Laghdaf
Chair of the Organization of Islamic Cooperation (OIC) Group
Permanent Representative of the Islamic Republic of Mauritania to the United Nations

AAU
H. E. Mr. Adonia Ayebare
Chair of the Coordinating Bureau of the Non-Aligned Movement (NAM)
Permanent Representative of the Republic of Uganda to the United Nations

H.E. Mr. Dennis Francis
The President of the United Nations General Assembly
The United Nations, New York

[REDACTED]
s 22(1)(a)(ii)

Title: UNGA: Hamas-Israel conflict – Update on likeminded views on draft resolution on the ICJ AO
MRN: s 22(1)(a)(ii)
To: Canberra
Cc: s 22(1)(a)(ii)

From: UN New York

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)

The cable has the following attachment/s -
PGA Letter - resumption of ES-10 17 Sep.pdf

Response: Routine, Information Only

Summary

Post has received an extension until 10am Wednesday 11 September to provide an initial response to the Palestinian draft resolution. s 33(a)(iii)
(s 22(1)(a)(ii) though notes an emergency special session has been scheduled for 17 September. s 33(a)(iii), s 33(b)

Grateful agreement to this approach.

Further to s 22(1)(a)(ii) Post has received an extension until 10am Wednesday 11 September to provide an initial response to the Palestinian draft resolution responding to the International Court of Justice's (ICJ) Advisory Opinion (AO). We will engage the Palestinian Observer Mission (POM) by this deadline s 33(a)(iii)

but expect this is very unlikely. We note the President of the General Assembly has written to States to formally re-convene the 10th emergency special session on 17 September (attached), with action likely to take place on 18 September as per the request s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

[REDACTED]

s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

s 33(a)(iii)

6. As noted above, we expect that the resolution, in some form, will be considered by the General Assembly on 18 September. We will continue to consult with likemindeds on their intentions and expect the US position will influence a number. Nevertheless, there is every prospect of the resolution being adopted with a strong majority.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: HOM
Topics: s 22(1)(a)(ii)



PRESIDENT OF THE GENERAL ASSEMBLY

10 September 2024

Excellency,

Further to the letter of the President of the General Assembly at its seventy-eighth session dated 9 September 2024, I have the honour to inform you that I will convene the 53rd plenary meeting of the tenth emergency special session of the General Assembly on Tuesday, 17 September 2024 at 10 a.m. at the General Assembly Hall. Delegations wanting to deliver statements are invited to inscribe through e-deleGATE.

For additional information, your office may contact Mr. Nabil El Eid, Team Leader of the Political Affairs, Peace and Security Team at my Office by nabil.eleid@un.org.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Philemon Yang', written in a cursive style.

Philemon Yang

All Permanent Representatives and
Permanent Observers to the United Nations
New York

[REDACTED]

s 22(1)(a)(ii)

Title: UNGA: Hamas-Israel conflict - Views from POM and likely voting positions
MRN: s 22(1)(a)(ii)
To: Canberra
Cc: s 22(1)(a)(ii)
From: UN New York
From File:
EDRMS
Files:
References: s 22(1)(a)(ii)
Response: Routine, Information Only

Summary

We have conveyed high level reactions concerning the draft Palestinian resolution to the Palestinian Observer Mission (POM) as requested in reftel. The Palestinians are determined to proceed with a resolution before High Level Week. s 33(a)(iii), s 33(b)

Thanks reftels. Post continues to follow up with likemindeds and others on the draft Palestinian resolution intended to support implementation of the International Court of Justice Advisory Opinion on Israel the Occupied Palestinian Territory.

Views from POM

2. Post has written to the Palestinian Observer Mission (POM) in the terms advised in s 22(1)(a)(ii) HOM (Larsen) also took the opportunity to have a conversation concerning the resolution with the Palestinian Permanent Observer (Mansour) in the margins of an event last night (10 September).

s 33(a)(iii), s 33(b)

[REDACTED]
s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

Likely voting

8. Sentiment across member states concerning the draft is predictably mixed but its clear enough that the POM already has solid backing. s 33(a)(iii), s 33(b)

[REDACTED]
s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

14. Post will prepare a table of expected voting outcomes and will share in due course via email.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: HOMs 22(1)(a)(ii)
Approved by: HOM Larsen
Topics: s 22(1)(a)(ii)

OFFICIAL

s 22(1)(a)(ii)

Title: UNGA: Hamas-Israel conflict - Rev 1 of the ICJ AO resolution tabled
MRN: s 22(1)(a)(ii)
To: Canberra
Cc: s 22(1)(a)(ii)

From: UN New York

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)
The cable has the following attachment/s -
ICJ AO Compare version.docx

Response: Routine, Information Only

Summary

Further to s 22(1)(a)(ii) POM tabled a revised draft late on 11 September (attached) which: extends the six-month requirement for Israel's withdrawal to 12 months, includes a reference to the two-State solution, and streamlines third party obligations, among other edits. POM is currently the only sponsor. Post will continue to canvas views in the coming days. Grateful further advice in due course on Australia's position including substantive comments or text proposals.

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: s 22(1)(a)(ii)
Topics: s 22(1)(a)(ii)

OFFICIAL

[REDACTED]

s 22(1)(a)(ii)

Title: UNGA79: Palestinian Resolution on ICJ AO - further representations

MRN: s 22(1)(a)(ii)

To: Canberra

Cc: s 22(1)(a)(ii)

From: UN New York

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)

The cable has the following attachment/s -

s 22(1)(a)(ii).docx

Response: Routine, Information Only

Summary

s 33(a)(iii), s 33(b)

On 16 September, Post made additional representation to the Palestinian Observer Mission (POM) s 47E(d)

s 33(a)(iii), s 33(b)

[REDACTED]
s 22(1)(a)(ii)

s 33(a)(iii), s 33(b)

4. On balance, we assess there is a very limited prospect of the Palestinians making any of the substantive changes that we are seeking. s 33(a)(iii), s 33(b)

text ends

Sent by: s 22(1)(a)(ii)
Prepared by: s 22(1)(a)(ii)
Approved by: DHOM Bryant
Topics: s 22(1)(a)(ii)