

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

Sent via email: info@ombudsman.parliament.nz

CC: Human Rights Commission : info@hrc.co.nz

Ministry of Foreign Affairs and Trade : enquiries@mfat.govt.nz

Foreign Minister Mahuta : nanaia.mahuta@parliament.govt.nz

23 August 2021

Dear Ombudsman,

Re: Follow-on complaint from reference 535818

Background

1. This is a follow-on from our previous complaint (ref: 535818).
 - a. On 09 Nov 2020 you acknowledged that we were still engaging with the Ministry of Foreign Affairs and Trade (MFAT) and with the New Zealand Human Rights Commission (HRC) and we accepted that we should continue to work with those parties. However, while the Human Rights Commission did engage with MFAT (see below) the funding was processed without their consultation and before a report on the curriculum was available.
2. We are writing to seek your investigation of MFAT's decision to continue to fund the United Nations Relief and Works Agency (UNRWA).
 - a. New Zealand gives approximately \$1m each year to UNRWA¹.
3. The schools operated by UNRWA in territory controlled by the Palestinian Authority and Hamas (and in Jordan²) teach hate and incite violence³.
 - a. This is against MFAT's stated approach to aid⁴ and aid policy⁵.
4. There is evidence for the hateful and antisemitic curriculum over a long period of time.
 - a. For almost two decades, the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-se), has produced reports exposing serious issues with the curriculum produced by the Palestinian Authority⁶.
 - b. A 2017 report by the Simon Wiesenthal Center and Middle East Forum⁷ on the PA curriculum found *"the PA schoolbooks' attitude to Jews, Israel and*

¹ <https://israelinstitute.nz/iinz-report-on-new-zealand-support-for-unrwa/>

² <https://www.adl.org/blog/antisemitism-in-jordanian-textbooks>

³ <https://israelinstitute.nz/2021/01/a-timeline-of-new-zealand-funding-hate/>

⁴ <https://www.mfat.govt.nz/en/aid-and-development/our-approach-to-aid/>

⁵ <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Tools-and-guides/Evaluation-Policy.pdf>

⁶ <https://www.impact-se.org/reports/palestinian-territories/palestinian-authority/>

⁷ <https://israelbehindtheneeds.com/wp-content/uploads/2017/09/Schoolbooks-PalestinianAuthority2017.pdf>

peace is based on three fundamentals: De-legitimization, demonization and indoctrination to violent struggle instead of peace..."

- c. In 2019, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed concern *"about the existence of hate speech in [PA]... school curricula and textbooks, which fuels hatred and may incite violence, particularly hate speech against Israelis, which at times also fuels antisemitism."*⁸
- d. A 2019 United States Government Accountability Office (GAO) report into UNRWA's treatment of problematic PA material expresses that UNRWA "[takes] actions to address content it deem[s] as not aligned with UN values," by creating "complementary teaching materials, such as alternate photos, examples and guidance for teachers to use with textbooks in UNRWA schools." But the report also contends that "UNRWA [does] not train teachers or distribute the complementary teaching materials to classrooms. As a result, **these materials [are] not used in UNRWA classrooms.**"⁹ [emphasis added]
- e. The European Parliament passed a resolution this year expressing concern about "hate speech and violence" taught in schools run by UNRWA.¹⁰
 - i. The resolution urges the agency to remove the offending content, stressing EU aid should be made conditional on educational materials "complying with UNESCO standards of peace, tolerance, coexistence and non-violence."

Stance and action by MFAT

5. When concerns were initially raised by the Israel Institute of New Zealand, MFAT tried to justify funding the curriculum. In March 2020, an MFAT briefing to the Minister suggests that the hateful curriculum is not an issue because *"officials have confirmed that the Palestinian Authority, not UNRWA, is responsible for the final curriculum and production of textbooks."*¹¹
 - a. Deb Collins, Divisional Manager, Partnerships, Humanitarian & Multilateral Division at MFAT, explained this to the Human Rights Commission in a meeting on 13 October 2020.¹²
 - b. This position was challenged by the Human Rights Commission (see below and the file note¹³).
 - i. However, the same argument - that "It is the Palestinian Authorities, rather than UNRWA, who decide on content of curriculum and publication of these textbooks." - was presented in MFAT notes for Ministerial Consultations with Israel in November 2020.¹⁴

⁸ https://unwatch.org/wp-content/uploads/2012/01/Concluding-Observations-CERD_C_PSE_CO_1-2_36938_E.pdf

⁹ <https://www.gao.gov/products/gao-19-448>

¹⁰ <https://www.algemeiner.com/2021/04/28/european-parliament-becomes-first-legislature-to-censure-unrwa-over-antisemitic-hatred-taught-in-palestinian-schools/>

¹¹ <https://israelinstitute.nz/wp-content/uploads/2020/04/R-United-Nations-Refugee-and-Works-Agency-for-Palestine-Refugees-UNRWA-Funding.pdf>

¹² Appendix 7

¹³ *ibid*

¹⁴ Appendix 8

6. MFAT, in October 2020, after the meeting with HRC (see below), said they take *"claims about the inclusion of anti-Semitic [sic] teachings in Palestinian Authority textbooks used in UNRWA schools... **extremely seriously**."* [emphasis added]¹⁵
7. MFAT ignored the previous evidence, UN CERD statement, GAO report, and the EU resolution (see above), and stated they were waiting for an EU-funded report before taking any further action as at October 2020.
 - a. The response from MFAT at the time of our first complaint to your office (their email is dated 23 October 2020)¹⁶ was *"...The European Union is currently reviewing the contents of the textbooks produced by the Palestinian Authorities. We await the outcome of this review..."*.
 - i. This was also the advice that MFAT gave to the incoming Minister of Foreign Affairs¹⁷ in November 2020¹⁸: *"We are awaiting the outcome of a review by the EU of textbooks produced by the PA (expected in the coming months), and will work with other donor countries to assess the implications for UNRWA. Depending on the review outcome, this issue may require a response at ministerial level."*
8. MFAT made the payment before the EU-funded report was published, contrary to their previous statements and advice to the Minister. MFAT officials confirmed to the Israel Institute of New Zealand on 05 July 2021 that the payment was made on 16 April 2021¹⁹.
 - a. In the same letter²⁰, they wrote *"...Now that the report has been published we will consider the report... We will also discuss the GEI report with the New Zealand Human Rights commission in due course..."*
 - b. In the same letter²¹, they wrote that *"MFAT's approach to the Georg Eckert Institute (GEI) Report on Palestinian Textbooks has remained consistent."*

UNRWA curriculum developed under urgency during the COVID-19 pandemic

9. As part of its educational reforms in 2011, UNRWA launched an initiative to promote "alternative study" methods, including but not limited to self-study, for the purpose of allowing students to maintain their studies in times of emergency.²²
 - a. Over the course of 2020, a series of documents carrying UNRWA's name and logo, and signed by the organization's Gaza office were published. These documents or booklets were prepared to assist self- and remote learning in the midst of the COVID-19 pandemic.
 - b. The booklets were clearly meant to be used in conjunction with the PA school textbooks, as complementary UNRWA-produced material.

¹⁵ Appendix 2

¹⁶ Appendix 2

¹⁷ <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-corporate-publications/Briefings-to-incoming-Ministers/Briefing-for-incoming-Minister-of-Foreign-Affairs-2020.pdf>

¹⁸ The inclusion in this briefing was something queried/suggested by the Chief Human Rights Commissioner (see Appendix 7) and may not otherwise have been stated.

¹⁹ Appendix 4

²⁰ *ibid*

²¹ *ibid*

²² https://www.unrwa.org/sites/default/files/slp_teacher_guidelines_-_arabic_-_final_w_annex.pdf

10. A report by IMPACT-se found the booklets contained material which does not comply with UN values, including encouragement of terror and rejection of peace.²³
11. MFAT officials were aware of the IMPACT-se report published around 15 January 2021 regarding “alleged extremist content in UNRWA textbooks”.²⁴
 - a. It is noteworthy that MFAT officials make no mention of the decades of IMPACT-se reports on the curriculum produced by the Palestinian Authority and used in UNRWA schools.²⁵
12. MFAT took action on the basis of the IMPACT-se report and the response of UNRWA, writing to the UNRWA Commissioner General.²⁶
13. MFAT advice was not to freeze funding, but rather to disperse “the upcoming tranche payment early and consider participating in the emergency appeal”.²⁷
 - a. A briefing document from the Pacific and Development Group²⁸ explicitly rejected a proposal to freeze funding on the basis that:
 - i. “UNRWA rectified the issue”, which is untrue²⁹ and ignores the issues within the PA-supplied texts (see above);
 - ii. “the occurrence affected a very small amount of educational material”, suggesting MFAT does not have a zero-tolerance approach to hate, does not take the existence of it ‘extremely seriously’, and will not hold UNRWA to account for its stated zero-tolerance approach³⁰; and
 - iii. no other donors had frozen their funding, belying an “independent foreign policy”.
14. The issue of the UNRWA-produced materials during the COVID-19 pandemic is related but separate to the ongoing issue of hate and incitement found in the PA (and Jordanian) textbooks that UNRWA uses.
15. It is also noteworthy that UNRWA continued to include hateful rhetoric in its curriculum despite claiming to have dropped such material.³¹
 - a. This was not mentioned by MFAT in documents released under the Official Information Act.

Hate speech from UNRWA employees

16. There has been ongoing evidence that UNRWA employees have spread hate and incited violence on social media³².

²³ <https://www.impact-se.org/wp-content/uploads/UNRWA-Produced-Study-Materials-in-the-Palestinian-Territories%E2%80%94Jan-2021.pdf>

²⁴ Appendix 10

²⁵ See, for example, <https://israelinstitute.nz/iinz-report-on-new-zealand-support-for-unrwa/>

²⁶ Appendix 11

²⁷ Appendix 13

²⁸ Appendix 14

²⁹ <https://www.jpost.com/israel-news/unrwa-continued-teaching-hate-after-claiming-it-dropped-content-659345>

³⁰ *ibid*

³¹ <https://www.jpost.com/israel-news/unrwa-continued-teaching-hate-after-claiming-it-dropped-content-659345>

³² eg, <https://unwatch.org/exposed-unrwa-staff-still-posting-jihadi-terrorism-and-antisemitism-on-facebook/>

17. MFAT told the Human Rights Commission on 13 October 2020 that they had “thoroughly examined the claims of online hate speech” and the Ministry was comfortable “with the effectiveness of UNRWA’s neutrality policies and processes”³³.
18. In August 2021, over 100 teachers and staff of schools run by UNRWA were exposed for explicitly and publicly promoting hateful content online.³⁴
- UNRWA said they were investigating 10 employees.³⁵
 - Neither the report or the actions of UNRWA were mentioned in documents released by MFAT under the Official Information Act.
19. While the issue of online hate and incitement is distinct from the curriculum issues, it is indicative of a systemic issue.
- The response, or lack thereof, of MFAT is also indicative of a degree of tolerance for the evidenced hate and incitement by UNRWA staff and in the schools.

Involvement of the Human Rights Commission

20. The HRC has expressed concern about funding the textbooks. The Chief Human Rights Commissioner, the Race Relations Commissioner, and colleagues met with MFAT staff on 13 October 2020³⁶, and conveyed “*NZ’s international human rights obligations do not stop where its territorial sea ends... If NZ taxpayer funds are being used to publish antisemitic textbooks, this would place NZ in breach of its international human rights obligations.*”
21. The HRC said it was also waiting for the EU report as late as December 2020³⁷, stating they were “*waiting for the final report (expected end of 2020) – ‘Analysis of Palestinian Textbooks’ – prepared by the Georg Eckert Institute of International Textbook Review*” (GEI) before making further comment.
22. MFAT made payment on 16 April 2021³⁸ and told the Human Rights Commission about it on 20 April 2021³⁹.
23. The HRC first accessed the GEI report when the Israel Institute of New Zealand provided them a link to it on 10 June 2021⁴⁰.
- The Chief Commissioner has noted the EU Report’s findings, including the finding of problematic content. He has requested MFAT to convey as soon as possible the Government’s response to the Report and its findings⁴¹.

³³ Appendix 7

³⁴ https://unwatch.org/wp-content/uploads/2021/07/UNW_094_UNRWA_Report_2021_RC_5_Singles.pdf

³⁵ <https://unwatch.org/unrwa-announces-investigation-into-10-teachers-staffers-for-anti-jewish-hate-supporting-terror/>

³⁶ Appendix 1

³⁷ Appendix 3

³⁸ Appendix 4

³⁹ Appendix 5

⁴⁰ Appendix 5

⁴¹ Appendix 6

The EU-funded GEI report finds continuing hate and antisemitism in the curriculum

24. The EU report confirms a curriculum of hate and antisemitism⁴². There are clear examples of egregious antisemitism, glorification of terror, rejection of peace, delegitimization of Israel, and incitement to violence. For example:

- Jews are described as deceptive, inferior, cowardly, and/or aggressive and parts of the curriculum are said to send the message “that the Jews as a collective are dangerous and deceptive, and demonises them. It generates a feeling of hatred toward Jews and must be characterised as anti-Semitic”⁴³.
- Jews are deindividualized and historic Jewish connection to Israel is omitted⁴⁴.
- There is an entire section of the report dealing with “the depiction of Dalal Al-Mughrabi”⁴⁵. Dalal led an attack on Israeli civilians that killed 38, including 13 children. The United Nations has designated her a terrorist⁴⁶. The PA textbooks call her act one of “defiance and heroism, which made her memory immortal in our hearts and minds.”⁴⁷
- Peace agreements and negotiations post-Oslo Accords that were previously included in the curriculum have been removed. The GEI report notes passages about non-violence and reconciliation were consciously omitted from Oslo letters⁴⁸.
- Violence against civilians is considered central to narrative of “Palestinian nation-building” and textbooks refer to violence against Israelis as acts of “heroic struggle.”⁴⁹
- Violent jihad and martyrdom are taught and glorified in multiple subjects, frequently used in praise of violence by Palestinians against Israeli civilians⁵⁰.
- Israel is not referred to by name, the textbooks erase Israel from maps and assert Palestinian ownership over Jewish-founded cities. There is almost no portrayal of individual Israelis and when they are presented, they are referred to solely in pejorative terms⁵¹.

25. The EU report ignored other important material. A review of the GEI report by IMPACT-se found that only a small portion of the curriculum was assessed and there was other egregious material that was not reported on⁵². This includes:

- Justification of the Munich Olympics terrorist attack as “Zionist interests abroad” (History, Grade 11)
- An antisemitic image of an arm branded with Star of David holding a globe (History, Grade 11)
- Antisemitic tropes of Jews controlling media, finance and politics (Geography, Grade 10)

⁴² <https://owncloud.gei.de/index.php/s/FwkMw8NZgCAJgPW>

⁴³ For example, pages 84, 88, 89, 102

⁴⁴ For example, pages 98, 172

⁴⁵ Section 3.4.3, starting on page 112

⁴⁶ <https://www.un.org/sg/en/content/sg/note-correspondents/2017-05-28/note-correspondents-answer-questions-naming-community>

⁴⁷ Page 114

⁴⁸ For example, pages 121, 123, 118, 172-3

⁴⁹ For example, pages 63, 80, 107, 111

⁵⁰ For example, pages 72-74, 171

⁵¹ For example, pages 68, 95, 122, 172

⁵² <https://us13.campaign-archive.com/?u=cda888712516195d04c9534ec&id=997e4edc9c>

We seek your intervention and review

26. We acknowledge that MFAT has asked for assurances from UNRWA that it will operate in line with UN values⁵³. However, given the long history of evidenced hate in the textbooks, any such assurances are hard to take seriously. Moreover, the GEI report covered school material published from 2017 to 2019. The 2020-21 curriculum continues to include similar incitement and antisemitism⁵⁴.
- a. Thus, New Zealand has effectively funded another year of children being taught to hate.
27. The continued funding of the hateful curriculum seems incongruent with Minister Mahuta's statement that New Zealand will be "applying the values that reflect who we are as a nation"⁵⁵ and MFAT's stated approach to aid⁵⁶ and aid policy⁵⁷.
28. By continuing to fund an antisemitic curriculum, MFAT is signalling that the New Zealand government not only tolerates, but encourages certain forms of racism; and by funding schools that incite to violence and teach the rejection of peace, that it is not committed to ending conflicts.
29. We ask that you investigate this matter with a view to holding MFAT accountable for their actions of:
- a. repeatedly stating they take the concerns seriously while simultaneously attempting to downplay or excuse hateful material taught to children and incitement to violence;
- b. making the payment before the GEI report was available, contrary to their implied process and reasonable prudence;
- c. making the payment without any apparent regard for the Human Rights Commission's stated concerns or the decades of evidence for a hate-filled curriculum; and
- d. continuing to use taxpayer money to fund schools that teach hate and incite violence.

Sincerely,



David Cumin

Co-Director

The Israel Institute of New Zealand

⁵³ Appendix 4

⁵⁴ https://www.impact-se.org/wp-content/uploads/PA-Reports_-Updated-Selected-Examples_May-2021.pdf

⁵⁵ <https://www.beehive.govt.nz/speech/inaugural-foreign-policy-speech-diplomatic-corps>

⁵⁶ <https://www.mfat.govt.nz/en/aid-and-development/our-approach-to-aid/>

⁵⁷ <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Tools-and-guides/Evaluation-Policy.pdf>

Appendix 1 - Email from Paul Hunt, Chief Human Rights Commissioner explaining he and colleagues met with MFAT staff on 13 October 2020 to express concern that New Zealand taxpayer funds supporting the PA curriculum may place NZ in breach of international human rights obligations.

Paul Hunt <paulh@hrc.co.nz> Tue, Jan 12, 2021 at 4:07 PM
To: "Dr David Cumin (IINZ)" <david@israelinstitute.nz>
Cc: Tamzin Jordin <tamzinj@hrc.co.nz>, Margaret MacDonald <MargaretM@hrc.co.nz>, Meng Foon <MengF@hrc.co.nz>, Andre Afamasaga <AndreA@hrc.co.nz>

Kia ora David,

1. KOG FB: I will ask Tamzin to confirm the 9 missing ones so you can reconcile if you wish. I think the 26 already make the important point.
2. UNRWA funding: I've checked and am disappointed the GEI final report (expected end of 2020) is not yet available. Am now asking a colleague to make enquiries about when we can expect the final report.

You asked: Meng, colleagues and I met with MFAT to discuss these issues on 13 October 2020.

NZ's international human rights obligations do not stop where its territorial sea ends.

When NZ Ministers enter the meeting rooms of the United Nations, they carry with them NZ's international human rights obligations. These binding obligations are not left in the cloakroom outside the meeting room.

The same principle applies to public funds from the NZ taxpayer. Such funds must be disbursed in a way that is consistent with NZ's international human rights commitments. Of course, among those obligations are those enshrined in CERD. If NZ taxpayer funds are being used to publish antisemitic textbooks, this would place NZ in breach of its international human rights obligations.

Appendix 2 - Email from MFAT on 23 October 2020 saying they were awaiting the EU report before considering the next payment to UNRWA

ENQUIRIES <enquiries@mfat.govt.nz> Fri, Oct 23, 2020 at 9:45 AM
To: "Dr David Cumin (IINZ)" <david@israelinstitute.nz>

[UNCLASSIFIED]

Dear Dr Cumin

Thank you for your advice that you have taken a complaint to the Office of the Ombudsman and are seeking further comment from MFAT on the issue of UNRWA and Palestinian Authority textbooks.

New Zealand is aware of claims about the inclusion of anti-Semitic teachings in Palestinian Authority textbooks used in UNRWA schools. These are accusations that New Zealand takes extremely seriously. As you know, we are also discussing this with the Chief Human Rights Commissioner and the Race Relations Commissioner.

The European Union is currently reviewing the contents of textbooks produced by the Palestinian Authorities. We await the outcome of this review.

New Zealand is committed to addressing all forms of violence and extremism, including hate speech, and we are regularly engaged with our partners to ensure that our humanitarian and development support is not used for these purposes.

Appendix 3 - Email from HRC on 16 December 2020 saying they were awaiting the EU report before making further comment

Paul Hunt <paulh@hrc.co.nz> Wed, Dec 16, 2020 at 7:30 AM
To: "Dr David Cumin (IINZ)" <david@israelinstitute.nz>, Tamzin Jordin <tamzinj@hrc.co.nz>
Cc: Margaret MacDonald <MargaretM@hrc.co.nz>, Rob Berg <president@zfnz.org.nz>, Juliet Moses <Juliet.Moses@tgtlegal.com>, "Shosh Maasland (shoshmaas@gmail.com)" <shoshmaas@gmail.com>, Meng Foon <MengF@hrc.co.nz>, Andre Afamasaga <AndreA@hrc.co.nz>

Kia ora David,

Thank you for your overnight message.

On the UNRWA textbooks, we are waiting for the final report (expected end of 2020) -- 'Analysis of Palestinian Textbooks' -- prepared by the Georg Eckert Institute of International Textbook Review.

Appendix 4 - Letter from MFAT acknowledging they made the payment on 16 April 2021 and "Now that the report has been published we will consider the report..."



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aorere

5 July 2021

Dr David Cumin
david@israelinstitute.nz

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand

T +64 4 439 8000
F +64 4 472 9596

Tēnā koe Dr Cumin

I refer to your email of 29 June 2021 in which you request comment from the Ministry of Foreign Affairs and Trade (MFAT) in relation to a complaint you have made to the Ombudsman.

MFAT made the final payment under the Ministry's current funding arrangement with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on 16 April 2021. The decision to release payments under an approved funding arrangement is an operational decision for MFAT.

Prior to making the payment, MFAT made clear to UNRWA that New Zealand expects UNRWA to operate in line with United Nations (UN) values, including neutrality, tolerance and non-discrimination. New Zealand has received assurances from UNRWA that it is committed to operating in line with these values.

MFAT's approach to the Georg Eckert Institute (GEI) Report on Palestinian Textbooks has remained consistent. Now that the report has been published we will consider the report, and work with other donor countries and UNRWA to assess the findings and implications. We will also discuss the GEI report with the New Zealand Human Rights Commission in due course. The outcome of this work, along with other standard considerations that MFAT takes into account when periodically reviewing partnerships with multilateral organisations, will inform the Ministry's advice to the Government on New Zealand's future engagement with UNRWA.

For the avoidance of doubt, I want to stress that, at this time, New Zealand has not made a decision to freeze future funding to UNRWA.

Naku noa, na

Jonathan Kings
Deputy Secretary
Pacific and Development Group

Appendix 5 - Letter from HRC Acknowledging they met with MFAT on 20 April and had access first to the GEI report on 10 June.



Tuesday, 27 July 2021

David Cumin
By email to david@israelinstitute.nz

Tēnā koe David,

Response to your request for Official Information

On 28 June 2021, you requested from the Human Rights Commission ("the Commission") the following information:

1. *Were there any other meetings or comms between HRC and MFAT following the meeting of 13 March 2020 on this topic; if so, when were they?*
2. *When were you made aware of the GEI Report?*
3. *When did you hear that MFAT had made the decision to make the payment?*

In this response, based on your correspondence which precede this request, we have interpreted question 1 to refer to the publishing of what you call anti-Semitic textbooks and questions 3 to refer to Ministry of Foreign Affairs and Trade (MFAT) funding contribution to United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

In response to your first request, the Commission also met with MFAT on 20 April 2021.

You have asked when the Commission was made aware of the George Eckert Institute Report on Palestine Textbooks. The Commission was made aware of the report when you forwarded a link to the report on 10 June 2021.

At the 20 April 2021 meeting, MFAT informed the Commission of its decision to make a final payment under the current funding arrangement with the United Nations Relief and Work's Agency for Palestine Refugees in the Near East.

Appendix 6 - HRC response regarding their interaction with MFAT

Maxine Leilua <MaxineL@hrc.co.nz>

Thu, Aug 12, 2021 at 4:40 PM

To: "Dr David Cumin (IINZ)" <david@israelinstitute.nz>

Kia ora Dr Cumin,

The Chief Commissioner has met with MFAT and discussed the Report on Palestinian Textbooks published by Georg Eckert Institute (2021).

He repeated his view that there is an extra-territorial dimension to the Government's national and international human rights obligations, for example, if public funds are dispersed overseas they must be consistent with the Government's national and international human rights obligations.

The Chief Commissioner also noted the Report's findings, including the finding of problematic content in some textbooks.

He requested MFAT to convey as soon as possible the Government's response to the Report and its findings.

When we hear from MFAT, the Human Rights Commission will take a view on the Government's response.

We will keep you informed.

Nga mihi

Infoline

Human Rights Commission

Appendix 7 - MFAT file note of meeting with HRC

File note: Meeting with the Human Rights Commission regarding UNRWA

Date: 2.30pm, Tuesday 13 October 2020

Location: NZ Human Rights Commission Offices, Thorndon, Wellington

Attendees: Paul Hunt, Chief Human Rights Commissioner
Meng Foon, Race Relations Commissioner
s9(2)(a) Principal Adviser to the Chief Human Rights Commissioner
Stuart Horne, Divisional Manager, Middle East & Africa Division, MFAT
Deb Collins, Divisional Manager, Partnerships, Humanitarian & Multilateral Division, MFAT
s9(2)(g)(ii) Lead Adviser, Partnerships, Humanitarian & Multilateral Division, MFAT
s9(2)(g)(ii) Senior Policy Officer, United Nations, Human Rights & Commonwealth Division, MFAT
s9(2)(g)(ii) Policy Officer, Middle East & Africa Division, MFAT

Purpose of Meeting: to discuss concerns about UNRWA which were brought to the attention of the Chief Commissioner and Race Relations Commissioner by Dr David Cumin, Director of the Israel Institute of New Zealand.

Meeting Report:

1. Horne provided a brief overview of New Zealand's funding to UNRWA – which totalled NZ\$7 million since 2015. He referenced the 2018 decision by the Trump Administration to cease US funding to UNRWA, which led to 19 countries, including New Zealand, expediting payment of their 2018 contributions, and a number increasing their overall contributions, to ensure the agency was able to continue operations.
2. Collins detailed the establishment of UNRWA and its mandate, before outlining New Zealand's bilateral engagement with UNRWA and our close cooperation with other donors, including those who are on the UNRWA Advisory Commission (UNRWA's governance mechanism).
3. On the issue of online hate speech by UNRWA staff, Collins noted that the Ministry had thoroughly examined these claims. Collins underlined the Ministry's comfort with the effectiveness of UNRWA's neutrality policies and processes.
4. Collins raised the 2019 investigations into leadership misconduct within UNRWA by the United Nations Office of Internal Oversight Services (OIOS), the findings of which were shared with donors in February 2020, with the full reports released in late August 2020. s6(b)(ii)

6. On the issue of anti-Semitic contents of textbooks, Collins clarified that it is the Palestinian Authorities, rather than UNRWA, who determine the contents of curriculum and publication of the textbooks. Collins noted that in May 2019, an independent review of the Palestinian Authorities' curriculum was launched by the EU – who, unlike New Zealand, provide education funding directly to the Palestinian Authority. The review was still under way, but the Ministry was following it closely. Once the review findings were available, the Ministry would coordinate with other donors to consider the implications for UNRWA and the appropriateness of their response. Commissioner Hunt requested further information on who was conducting the independent review, s9(2)(g) undertook to follow up.

7. Commissioner Hunt referenced Dr Cumin's letter to the HRC, which claimed that "54% of UNRWA's budget was dedicated to education, including the provision of textbooks". The Ministry was unaware of this particular claim relating to textbooks, as it had not been referenced in any of its correspondence with Dr Cumin. Collins and s9(2)(g) undertook to follow up with UNRWA to seek further information on their budget breakdown.

8. Commissioner Hunt sought clarification regarding UNRWA's press statement of 6 October 2017 (referenced in the Minister of Foreign Affairs' 13 August response to the HRC) which stated that "enriched complementary materials" and "training" would be rolled out in response to allegations of racism relating to textbooks in UNRWA schools. Commissioner Hunt's view was that it was "not compelling" for UNRWA to claim they were not responsible for the content of textbooks that were present in UNRWA-funded schools.

9. Horne underscored the New Zealand Government and MFAT's strong commitment to combating racism and racial discrimination, and its support for the freedom of religion or belief. Horne noted that the Ministry took issues like these seriously. As New Zealand does not have a presence on the ground in the locations UNRWA operates, our engagement with UNRWA had to be supported through our Posts in Cairo and New York, as well as engagement with other donor countries.

10. Commissioner Hunt asked whether the issues related to UNRWA – specifically regarding the allegations of anti-Semitic content in textbooks – would be referenced in the Ministry's Briefing to the Incoming Minister (BIM). Horne noted that the BIM was yet to be finalised, but officials would advise the HRC in due course.

11. All parties agreed to confer once the report into the EU's independent review of the Palestinian Authorities' curriculum was released.

* It is noteworthy that point 7 records that Ms Collins and someone else would follow up with UNRWA to seek further information on their budget breakdown, specifically around the procurement of textbooks. No evidence of such follow-up [or response] was provided in documents released under the Official Information Act.

Appendix 8 - Parts of pages 27 and 54 from the MFAT notes on the 6th Foreign Ministry Consultations: New Zealand - Israel, dates 19 November 2020

Page 27 of 63

sustainable economic development, including through UNRWA, by funding energy initiatives through the Office of the Quartet and supporting UNMAS to continue its mine action work in Gaza.

- New Zealand considers UNRWA to be the only aid agency with the mandate and capacity to provide essential services to Palestinian refugees. We recognise the role of UNRWA and the services they provide in maintaining stability in the region.
- As a donor, New Zealand is actively engaged to ensure UNRWA operates accountably and effectively. We coordinate with other donors to regularly monitor operational governance issues.

If raised – issue of anti-Semitic contents of textbooks:

- It is the Palestinian Authorities, rather than UNRWA, who decide on content of curriculum and publication of these textbooks. UNRWA has limited influence over the contents. New Zealand firmly believes that teaching that takes place in UNRWA facilities must align with UN principles of inclusion, tolerance and non-discrimination.
- In May 2019, a review of the Palestinian Authorities' curriculum was launched by the EU (funded by the UK) with the specific aim of ensuring that the syllabus did not become a vehicle for inciting hatred or violence. This review is still under way. We are following this review closely and are in touch with other donor counterparts on the progress of this review.
- If the review finds that the Palestinian Authorities' curriculum is being used to incite hatred or violence, we would expect this matter to be brought to the Advisory Commission for UNRWA leadership and donors to agree on a best course of action. Once the findings of the review are available to us, we will coordinate with other donors to consider the implications for UNRWA and the appropriateness of their response.

22. UNRWA's mandate and operations face intense scrutiny and there have been a number of claims relating to integrity of the organisation. In 2019, accusations of misconduct were launched against five UNRWA senior officials, with investigations concluding s6(b)(ii)

and

New Zealand is satisfied with the Management Initiatives put in place to mitigate abuses of power. In February, New Zealand was alerted to claims of the inclusion of anti-Semitic teachings in textbooks used in UNRWA schools, accusations that New Zealand takes extremely seriously. The European Union is currently reviewing the contents of textbooks produced by the Palestinian Authorities and we await the outcome of this review to assess the implications for UNRWA and appropriateness of their response. As a smaller donor without staff on the ground in UNRWA operational areas, New Zealand relies on relationships with trusted donor partners and close engagement with UNRWA to monitor the quality of operations and understand challenges.

23. New Zealand is a long-standing supporter of UNRWA, committing NZ\$1 million in core funding towards UNRWA's US\$1.4 billion annual budget (New Zealand's contribution constitutes 0.04% of UNRWA's total annual budget). In recent years we have also made contributions to specific UNRWA appeals responding to spikes in humanitarian needs in the contexts that UNRWA operates. Since 2015, New Zealand has contributed NZ\$7 million to UNRWA.

Appendix 9 - Letter to MFAT with a draft report that included the curriculum issues.

NZ funding for UNRWA and what MFAT knew

Dr David Cumin (IINZ) <david@israelinstitute.nz>

Mon, Aug 19, 2019 at 4:25 PM

To: ESD <DM-ESD@mfat.govt.nz>

Cc: "HORNE, Stuart (MEA)" <Stuart.Horne@mfat.govt.nz>, "Frederik (GDS)" <frederik.vandervloodt@mfat.govt.nz>, "victoria.collertonmckay@orange.mfat.govt.nz" <victoria.collertonmckay@orange.mfat.govt.nz>

Thank you, ESD.

We have written up a draft report based on the publicly available information and your OIA response. In the interests of openness and wanting to work constructively with MFAT, we would appreciate any comments on our report as it currently stands in draft form, especially if you think there is anything missing or wrong. The draft can be viewed at https://docs.google.com/document/d/1rDI_ShEYwhilgAurdWPg-4nnfmREK7Ry-khi18gKlrl/edit?usp=sharing

Please do not share the document further as it is incomplete and not yet ready for publication.

Sincerely,
David

*The report was not substantially altered before it was published at <https://israelinstitute.nz/iinz-report-on-new-zealand-support-for-unrwa/> on 25 August 2019

Appendix 10 - Part of MFAT email regarding the January IMPACT-se report

From: s9(2)(g)(ii)
Sent: Friday, 15 January 2021 4:26 am
To: PHM; BRUSSELS; NEW YORK; CAIRO
Cc: MEA; CEO; DCE; DS EMA; DS MLG; DS AAG; DS PDG; EUR; AMER; UNHC; LGL; ISED; ...MEA POSTS; CANBERRA; WASHINGTON; ...EUROPEAN POSTS; FM.P/S Defence (Seemail); FM.P/S MFA (Seemail); FM.DPMC (NSG, FPA) (Seemail); FM.NAB (Seemail); AUS; GDS; ANKARA; ARD; BERLIN; CCD; DS TEG; ECO; GENEVA; HAGUE; LONDON; OCE; PARIS; ROME; SEA; STOCKHOLM; SUVA
Subject: RE: FORMAL MESSAGE: Seeking Insights on European Union Investigation into Palestinian Authority Textbooks and Potential Implications for UNRWA

[UNCLASSIFIED]

Pūrongo – Report

[Israeli media reported](#) today on the release of a report by the IMPACT-se Institute (based out of the Hebrew University of Jerusalem) regarding alleged extremist content in UNRWA textbooks. The report found UNRWA material taught to Palestinian students is “filled with hate and encouragement to jihad, violence and martyrdom.” It includes several examples of UNRWA educational material from which it draws its conclusions.

2 UNRWA [released the below statement](#) today regarding the IMPACT-se report:

UNRWA REVIEWS SELF-LEARNING MATERIAL TO ENSURE FULL ADHERENCE TO HIGHEST UN PRINCIPLES

14 January 2021


In its more than 700 schools educating more than 500,000 Palestine refugee children across the Middle East, the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) curriculum emphasizes the UN values of neutrality, human rights, tolerance, equality and non-discrimination with regard to race, gender, language and religion. UNRWA consistently reviews all educational materials and textbooks against these values and in the rare cases where discrepancies are found, provides enrichment materials to teachers to enable them to enter into critical thinking discussions with their students to address any issues identified.

With the onset of the COVID-19 pandemic, UNRWA’s dedicated teachers, principals and administrators – the vast majority of whom are refugees themselves – nimbly transitioned the educational system to remote learning within days. To help with the sudden and major changes thrust upon students, and because internet access and electricity are unreliable in many students’ homes, teachers in the West Bank and Gaza quickly distributed printed educational materials. Unfortunately, in the rush to continue students’ education uninterrupted, some material the Agency had previously identified as not in line with UN values was mistakenly included. As soon as the issue was identified, the Agency conducted a thorough review of the entirety of the self-learning material that UNRWA developed and took steps to address it.

* the IMPACT-se report is at

<https://www.impact-se.org/wp-content/uploads/UNRWA-Produced-Study-Materials-in-the-Palestinian-Territories%E2%80%9494Jan-2021.pdf>

Appendix 11 - Letter from MFAT to UNRWA Commissioner General regarding the UNRWA-produced material.



New Zealand
FOREIGN AFFAIRS & TRADE
Manatū Aorere



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

15 February 2021

Philippe Lazzarini
Commissioner General
UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN
REFUGEES IN THE NEAR EAST (UNRWA)

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand
+64 4 439 8000
+64 4 472 9596


Dear Commissioner-General,

I am writing to express New Zealand's concern regarding the recent distribution of educational materials that do not align with United Nations values at UNRWA schools, as outlined in the recent report by IMPACT-se. This follows concerns previously expressed by the New Zealand Embassy in Cairo to your staff in Jerusalem.

New Zealand is a long standing supporter of UNRWA's mandate and work, recognising that the Agency provides a vital stabilising presence in the region. New Zealand does not tolerate violence and extremism, including hate speech. We take these breaches extremely seriously and we expect timely notification of such breaches.

We are encouraged by your assurances that UNRWA has removed and replaced problematic content, is taking steps to avoid recurrence, and is further reviewing the matter to ensure strong systems are in place. We would like to be kept up to date ^{s6(b)(i)} and any institutional changes actioned, including channels of notification, and will follow these closely.

Yours sincerely,


Jonathan Kings
Deputy Secretary
Pacific and Development Group
New Zealand Ministry of Foreign Affairs & Trade

Cc: Professor Paul Hunt, Chief Human Rights Commissioner

Appendix 12 - Part of an internal MFAT email dated 22 February 2021

From: CAIRO
Sent: Monday, 22 February 2021 9:37 am
To: PHM; MEA
Cc: CEO; DCE PO; DS PDG; DS EMA; DS MLG; GDS; EUR; AMER; AUS; NAD; UNHC; ISED; NEW YORK; GENEVA; ...MEA POSTS; ...EUROPEAN POSTS; WASHINGTON; OTTAWA; CANBERRA; TOKYO; FM.P/S MFA (Seemail); FM.DPMC (FPA) (Seemail)
Subject: FORMAL MESSAGE: UNRWA: FOLLOW UP ENGAGEMENT ON NEUTRALITY BREACHES AND RESOURCE CONSTRAINTS FEBRUARY 2021

Security Classification:
SENSITIVE

[SENSITIVE]

Rāpopoto – Summary

Post has reiterated to UNRWA at a senior level New Zealand's concerns with neutrality breaches recently reported by IMPACT-se, and the need for regular and timely notification of donors of any such issues. UNRWA is moving quickly to address the concerns, including launching a publicly-accessible self-learning platform next week ^{s6(b)(ii)} before publication. ^{s6(b)(ii)}

4 UNRWA also does not develop or produce the textbooks used in its schools – these are the sole responsibility of the Palestinian Authority and UNRWA must develop supplementary materials and guidance to manage any problematic elements in those textbooks. ^{s6(b)(i)}

Appendix 13 - Part of an internal MFAT email dated 01 March 2021

From: CAIRO
Sent: Monday, 1 March 2021 2:33 am
To: PHM; MEA
Cc: CEO; DCE PO; DS PDG; DS EMA; DS MLG; GDS; EUR; AMER; AUS; NAD; UNHC; ISED; NEW YORK; GENEVA; ...MEA POSTS; ...EUROPEAN POSTS; WASHINGTON; OTTAWA; CANBERRA; TOKYO; FM.DPMC (FPA) (Seemail); FM.P/S MFA (Seemail)
Subject: FORMAL MESSAGE: UNRWA: FOLLOW UP ENGAGEMENT ON NEUTRALITY BREACHES AND IMPACT-SE REPORT FEBRUARY 2021 – PART TWO
Attachments: UNRWA Talking Points on IMPACT-se 17 February 2021 Report, 22 February 2021.pdf; IMPACT-se Report, February 2021.pdf; UNRWA Letter to New Zealand Ambassador, 24 February 2021.pdf

Security Classification:
RESTRICTED

TĀKUPU – COMMENT

12 ^{s6(b)(ii)}

13 Collectively the two reports published in January and February 2021 by IMPACT-se detail 50 examples of alleged breaches of neutrality from thousands of pages of educational content. ^{s6(b)(ii)}

14 As per CAI FM of 21/2/21, Post recommends favourable consideration of dispersing the upcoming tranche payment early and considering participating in the emergency appeal. As noted previously, this will support UNRWA to contribute to deliver essential education, health and protection services, building stability in the region and garnering both positive development and foreign policy outcomes.

Appendix 14 - Part of a briefing document prepared by the Pacific and Development Group dated March 2021

- We are aware of concerns about the inclusion of anti-Semitic teachings in Palestinian Authority (PA) textbooks used in UNRWA schools. There is public interest in this issue, and it has been brought to the attention of the New Zealand Human Rights and Race Relations Commissioners by the Israel Institute of New Zealand.
- UNRWA has stated that it has zero tolerance for discrimination and incitement to hatred and violence, and that it is committed to neutrality and operating in line with UN values. While obliged to use materials produced by the PA in schools it operates in the West Bank and Gaza, UNRWA assesses these materials to ensure they meet neutrality requirements and other UN values. In the small number of instances where problematic content is identified s6(b)(ii) UNRWA ensures that its staff deliver the curriculum in a way that aligns with UN values. The European Union, through the independent Georg Eckhart Institute, is funding a review of the contents of textbooks produced by the PA. MFAT awaits the findings of this review (expected in March 2021) and will work with other donor countries to assess the implications for UNRWA.

Recent breaches

- In January 2020 the IMPACT-se Institute (based out of the Hebrew University of Jerusalem) released a report alleging extremist content in UNRWA textbooks. s6(b)(ii)

- UNRWA's Deputy Commissioner-General has established a s6(b)(ii) to review what happened and identify if further institutional change is required. The s6(b)(ii) will make recommendations to UNRWA's Neutrality Coordinator (a unique feature of UNRWA among UN agencies).

Responses to recent breaches

- MFAT has expressed New Zealand's concern to UNRWA about the breaches, including through our High Commission in Cairo and a letter to the UNRWA Commissioner-General. We reinforced the importance that New Zealand places on UNRWA adhering to neutrality principles and UN values, and our expectation that UNRWA notifies donors of breaches in a timely manner. We are in close contact with s9(2)(ba)(i) about this issue.
- Canada's Minister of International Development released a press statement (22 January 2021) expressing concern and a commitment to follow up and reinforce UNRWA's corrective actions, monitoring and oversight (Canada recently announced a CA\$90 million [NZ\$98.2 million] contribution to UNRWA). s9(2)(ba)(i) have also voiced concern.
- The Israel Institute of New Zealand has written to MFAT asking for a freeze of funding to UNRWA, particularly in light of recent breaches. We do not propose freezing New Zealand's funding at this time. While the breaches are a concern, in this instance the occurrence affected a very small amount of educational material s6(b)(ii) and UNRWA rectified the situation and took steps to avoid recurrence. UNRWA continues to review the matter and further institutional improvements. We are not aware of any UNRWA donors intending to review or freeze their funding at this time. We will continue to engage closely with UNRWA and other donors and continue to assess that UNRWA systems for preventing, addressing and notifying breaches are effective.

Further allegations

- On 17 February 2021, IMPACT-se released an additional report citing allegations of new instances where UNRWA's education materials did not align with UN values. UNRWA reached out to New Zealand officials to reiterate its commitment to operating in line with UN values and teaching tolerance and peace. s6(b)(ii)