

Proactive Release

Date: 8 September 2021

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

Title	Reference
<i>Approval for New Zealand to apply travel bans to specific individuals linked to the Lukashenko regime in Belarus</i>	ERS-21-SUB-0011
<i>Minute of Decision - Proposed Travel Bans to Specific Individuals Linked to the Lukashenko Regime in Belarus</i>	ERS-21-MIN-0011
<i>Minute of Decision - Report of the Cabinet External Relations and Security Committee: Period Ended 14 May 2021</i>	CAB-21-MIN-0159

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;



Cabinet External Relations and Security Committee

Summary

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

Proposed Travel Bans to Specific Individuals Linked to the Lukashenko Regime in Belarus

Portfolio Foreign Affairs

Purpose This paper seeks agreement to apply bans on entry to New Zealand against specific individuals associated with the Alexander Lukashenko regime, in response to New Zealand's concerns about ongoing serious human rights abuses in Belarus.

Previous Decisions None.

Proposal The human rights situation in Belarus has deteriorated markedly since the disputed elections in August 2020, and is unlikely to improve in the near term.

New Zealand cannot apply sanctions on Belarus without a United Nations Security Council (UNSC) mandate. s6(a)

In lieu of sanctions, it is proposed that New Zealand apply travel bans on entry to New Zealand for specific individuals. The proposed bans would be largely symbolic, but this would send a message that the government regards the Lukashenko regime's human rights abuses as unacceptable.

s6(a)

The travel bans, and New Zealand's relationship and engagement with Belarus, will be kept under review.

Impact Analysis Not required.

Financial Implications None.

Legislative Implications The travel bans will be implemented through certified amendments to Immigration Instructions.

Timing Issues	None.
Communications	Cabinet's decision will be conveyed to Belarus through diplomatic channels. MFAT and Immigration NZ will advise stakeholders through standard communications channels.
Consultation	Paper prepared by MFAT. MBIE (Immigration) was consulted. The Minister of Foreign Affairs indicates that the Prime Minister, Minister of Finance, Minister of Corrections, Minister for COVID-19 Response, Minister of Health, Attorney-General, Minister for Building and Construction, Minister for Trade and Export Growth, Minister of Immigration, Minister of Defence, Minister of Conservation, Minister of Commerce and Consumer Affairs, Associate Minister of Foreign Affairs and Minister for Disarmament and Arms Control were consulted, and that the Green Party was also consulted.

The Minister of Foreign Affairs recommends that the Committee:

- 1 note that the human rights situation in Belarus shows no sign of improving in the near term;
- 2 note that the Lukashenko regime's ongoing crackdown runs counter to fundamental human rights principles that New Zealand is committed to advocating for globally;
- 3 invite the Minister of Immigration to certify Immigration Instructions to apply travel bans to specific individuals associated with the Lukashenko regime;
- 4 s6(a)
- 5 agree to keep New Zealand's relationship and engagement with Belarus under review, with the removal of travel bans dependent on satisfactory improvement in the human rights situation and a credible process for political reconciliation.

Janine Harvey
Committee Secretary

Hard-copy distribution:

Cabinet External Relations and Security Committee

Office of the Minister of Foreign Affairs
Cabinet External Relations and Security Committee

Approval for New Zealand to apply travel bans to specific individuals linked to the Lukashenko regime in Belarus

Proposal

- 1 This paper seeks agreement to apply bans on entry to New Zealand against specific individuals associated with the Alexander Lukashenko regime, in response to New Zealand's concerns about ongoing serious human rights abuses in Belarus.

Relation to government priorities

- 2 The human rights abuses in Belarus are an affront to the values and principles that New Zealand is committed to advocating for globally. This advocacy is part of the Government's foreign policy priority of using international rules and institutions to pursue New Zealand values and interests. s6(a)
we have now reached the point where we need to consider how we manage our engagement with Belarus in the future.

Background

- 3 The human rights situation in Belarus has deteriorated markedly since the disputed elections in August 2020. The international community holds serious concerns about the Belarusian authorities' violent crackdowns on peaceful protestors, arbitrary detentions and torture, and suppression of media and civil society.
- 4 s6(a) Alexander Lukashenko has doubled down on suppression of protests, refusing to engage in dialogue with the opposition. He announced a constitutional reform process to be decided in a referendum, but the opposition seeks his resignation and it is unclear if/how reforms would lead to reconciliation.
- 5 The opposition leader Svetlana Tikhanovskaya is in exile in Lithuania. She has announced that she would not run if there is a fresh election. Other leading opposition figures have been imprisoned. After a lull over the winter months, protests have recently resumed in Belarus – albeit on a much smaller scale than previously.
- 6 s6(a)

Aotearoa New Zealand's actions to date

- 7 New Zealand shares the international community's human rights concerns. We have put our concerns on the record publicly and in the Human Rights Council. We share

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the assessment of our partners and international observers that the elections were neither free nor fair. New Zealand has also:

- 7.1 Suspended foreign ministry consultations (last held in 2018);
 - 7.2 Put the Moscow-based New Zealand Ambassador's presentation of credentials on hold indefinitely;
 - 7.3 Placed a ban on high-level bilateral political (ministerial) engagement; and
 - 7.4 Placed a ban on bilateral defence and military engagement.
- 8 There has been some public interest in New Zealand's response to events in Belarus. Members of the public have called for New Zealand to take further steps, including applying sanctions or a travel ban.

Analysis

- 9 New Zealand's close partners, including the European Union (EU), the United Kingdom (UK), the United States (US) and Canada, have applied sanctions against specific individuals linked to the Lukashenko regime, including asset freezes and travel bans. These lists capture people across a broad range of sectors, including individuals working for the Belarus Electoral Commission, the Police and other security forces, Internal Affairs, Presidential staff, members of the judiciary and Belarusian businesspeople.
- 10 New Zealand has not applied sanctions on Belarus because we cannot legally do so without a United Nations Security Council mandate. s6(a)
- 11 In lieu of sanctions, New Zealand can apply travel bans on entry to New Zealand for specific individuals. We have done this before in response to events in Myanmar (the recent military coup), Russia and Ukraine (Russia's use of a banned nerve agent in the United Kingdom in 2018; Russia's annexation of Crimea in 2014), Saudi Arabia (following the murder of journalist, Jamal Khashoggi in 2018) and Thailand (military coup in 2014).
- 12 s6(a), s9(2)(g)(i)

applying travel bans sends a message that we regard the regime's human rights abuses as unacceptable. It would uphold our credibility as an advocate of fundamental human rights and international rules and norms. It would show consistency with our approach in similar situations, most recently Myanmar. It would demonstrate solidarity with the steps some of our partners have taken to put pressure on Belarus.

Impact on our relationships with Belarus, like-minded partners and Russia

- 13 s6(a), s9(2)(g)(i) Our engagement is almost entirely at officials' level, through our Embassy in Moscow. We suspended FTA negotiations with Belarus (as part of its customs union with Russia and Kazakhstan) in 2014 in response to Russia's annexation of Crimea.

14 s9(2)(g)(i)

Lukashenko signed a decree on 30 March 2021 to impose a ban on the import of certain categories of goods to the country, as well as on the import of works and services performed by legal entities and individuals from states that have applied sanctions against Belarusian legal entities or individuals. Russia said it would also enforce these measures but neither Belarus nor Russia have made their countersanctions lists publicly available.

15 s6(a), s9(2)(g)(i) they will support the collective pressure our partners are applying. s9(2)(g)(i)

16 s6(a)

17 We propose to maintain working-level engagement with Belarusian officials and civil society, primarily through our Embassy in Moscow and multilateral fora, to maintain avenues for dialogue on the human rights situation.

Implementation

18 The New Zealand Government also has the ability to impose travel bans against individuals under its immigration legislative framework. Under section 22 of the Immigration Act 2009 the Minister of Immigration has broad powers to certify Immigration Instructions in relation to visa and entry permission and conditions.

19 s6(a) Immigration New Zealand will create alerts in its IT system for the identified individuals. s6(a)

20 Officials will keep our relationship and engagement with Belarus under review. Easing the ban and other restrictive measures will be dependent on satisfactory improvement in the human rights situation and a credible process for political reconciliation.

Legislative Implications

21 There are no legislative implications for this proposal. If accepted, the travel ban would be implemented through certified amendments to Immigration Instructions.

Consultation

22 The Ministry of Foreign Affairs and Trade has prepared this paper in consultation with the Ministry of Business, Innovation and Employment (Immigration).

Communications

- 23 The Ministry of Foreign Affairs and Trade will convey the decision to Belarus through diplomatic channels.
- 24 The Ministry of Foreign Affairs and Trade will also share existence of the travel ban in response to public enquiries.
- 25 Immigration New Zealand will update its website and advise stakeholders through standard communications channels.

Proactive Release

- 26 I propose to release this Cabinet paper, with some parts withheld under section 6(a) of the Official Information Act 1982, within 30 business days of Cabinet confirming its decision.

Recommendations

The Minister of Foreign Affairs recommends that the Committee:

- 1 **Note** that the human rights situation in Belarus shows no sign of improving in the near-term;
- 2 **Note** that the Lukashenko regime's ongoing crackdown runs counter to fundamental human rights principles that New Zealand is committed to advocating for globally;
- 3 **Invite** the Minister of Immigration to certify Immigration Instructions to apply travel bans to specific individuals associated with the Lukashenko regime;
- 4 s6(a)
- 5 **Agree** to keep our relationship and engagement with Belarus under review, with the removal of travel bans dependent on satisfactory improvement in the human rights situation and a credible process for political reconciliation.

Authorised for lodgement

Hon Nanaia Mahuta
Minister of Foreign Affairs



Cabinet External Relations and Security Committee

Minute of Decision

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Proposed Travel Bans to Specific Individuals Linked to the Lukashenko Regime in Belarus

Portfolio **Foreign Affairs**

On 11 May 2021, the Cabinet External Relations and Security Committee:

- 1 **noted** that the human rights situation in Belarus shows no sign of improving in the near term;
- 2 **noted** that the Lukashenko regime's ongoing crackdown runs counter to fundamental human rights principles that New Zealand is committed to advocating for globally;
- 3 **invited** the Minister of Immigration to certify Immigration Instructions to apply travel bans to specific individuals associated with the Lukashenko regime;
- 4 s6(a)
- 5 **agreed** to keep New Zealand's relationship and engagement with Belarus under review, with the removal of travel bans dependent on satisfactory improvement in the human rights situation and a credible process for political reconciliation.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Kris Faafoi
Hon Dr David Clark

Officials present from:

Office of the Prime Minister
Officials Committee for ERS

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Minister of Foreign Affairs



Cabinet

Minute of Decision

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Report of the Cabinet External Relations and Security Committee: Period Ended 14 May 2021

On 17 May 2021, Cabinet made the following decisions on the work of the Cabinet External Relations and Security Committee for the period ended 14 May 2021:

ERS-21-MIN-0011 **Proposed Travel Bans to Specific Individuals Linked to the Lukashenko Regime in Belarus** CONFIRMED
Portfolio: Foreign Affairs

Out of scope

Michael Webster
Secretary of the Cabinet