

# Proactive Release

Statutory Publication Date:  
11/09/2023

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

<b>Title</b>	<b>Reference</b>
<b><i>Cabinet Minute of Decision – Report of the Cabinet Legislation Committee: Period Ended 28 July 2023</i></b>	CAB-22-MIN-0340
<b><i>Cabinet Legislation Committee – Minute of Decision – Government response to the petition of Mahi for Ukraine on declaring Russia a Terrorist State</i></b>	LEG-23-MIN-0128
<b><i>Cabinet Paper – Government response to the petition of Mahi for Ukraine on declaring Russia a Terrorist State</i></b>	

The Minister of Foreign Affairs' response to this petition is publicly available on the New Zealand Parliament website: [Petition of Mahi for Ukraine: Declare Russia a terrorist State \(petitions.parliament.nz\)](https://petitions.parliament.nz)



# Cabinet

## Minute of Decision

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*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.*

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### Report of the Cabinet Legislation Committee: Period Ended 28 July 2023

On 31 July 2023, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 28 July 2023:

Proactively Released by the Minister of Foreign Affairs

LEG-23-MIN-0128

**Government Response to the Petition of Mahi for  
Ukraine on Declaring Russia a Terrorist State**  
Portfolio: Foreign Affairs

CONFIRMED

Rachel Hayward  
Secretary of the Cabinet



# Cabinet Legislation Committee

## Minute of Decision

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### Government response to the petition of Mahi for Ukraine on declaring Russia a Terrorist State

**Portfolio**                      **Foreign Affairs**

On 27 July 2023, the Cabinet Legislation Committee:

- 1        **noted** that on 5 May 2023, the Petitions Committee referred the petition entitled “Petition of Mahi for Ukraine: Declare Russia a terrorist State” to the Minister of Foreign Affairs (the Minister) for response;
- 2        **noted** that the Minister of Foreign Affairs recommends that the government not declare Russia a terrorist state;
- 3        **approved** the government response, attached as an Appendix entitled “Petition of Mahi for Ukraine: Declare Russia a terrorist State” to the paper under LEG-23-SUB-0128;
- 4        **noted** that the government response must be presented to the House by 31 July 2023;
- 5        **invited** the Minister of Foreign Affairs to present the government response to the House in accordance with Standing Order 380;
- 6        **invited** the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the government response on the petition, after the response has been presented to the House.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Andrew Little  
Hon David Parker  
Hon Kieran McAnulty  
Hon Barbara Edmonds  
Hon Dr Duncan Webb  
Hon Dr Deborah Russell  
Tangi Utikere, MP (Chief Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

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

## **Government response to the petition of Mahi for Ukraine on declaring Russia a Terrorist State**

### **Proposal**

- 1 This paper seeks approval of the government's response to the Petitions Committee petition entitled "*Mahi for Ukraine: Declare Russia a Terrorist State*".

### **Background**

- 2 On 5 May 2023, the Petitions Committee referred the petition of Mahi for Ukraine to the Minister of Foreign Affairs for response under the Standing Order 380.
- 3 The petition requests that the New Zealand Government declare Russia a terrorist state.

### **Comment on the government response**

- 4 New Zealand remains committed to condemning Russia's actions, in the strongest terms, including through the imposition of sanctions under our Russia Sanctions regime. In March 2022, Parliament unanimously passed the Russia Sanctions Act, in response to Russia's unjustified, unprovoked and illegal invasion of Ukraine, taking into account the inability of the UN Security Council to take appropriate action because of Russia's veto.
- 5 The Russia Sanctions Act provides a broad legal framework which enables New Zealand to impose economic and travel sanctions targeting specific people, entities, assets and services. Sanctions prevent New Zealand individuals, entities and financial institutions from dealing with sanctioned persons, assets and services. This ensures that New Zealanders do not support, whether inadvertently or intentionally, Russia's illegal invasion of Ukraine.
- 6 Through the Russia Sanctions Act, New Zealand has put in place prohibitions and restrictions on:
  - 6.1 Individuals travelling to, entering or remaining in New Zealand;
  - 6.2 Ships or aircraft, owned or controlled by the Russian Government or any sanctioned person, from entering New Zealand airspace or ports;

- 6.3 Using, receiving, providing or otherwise dealing with assets in relation to a sanctioned person (for example, purchasing property or shares; importing or exporting assets of a sanctioned individual or entity);
  - 6.4 Using, receiving, providing, or otherwise dealing with services in relations to a sanctioned person (for example, the provision of banking services, legal service, or the provision of credit);
  - 6.5 The importation and exportation of Russian origin goods, including oil, gas, coal, certain luxury goods and gold; and,
  - 6.6 The export of goods to Russia and Belarus, for example those that have dual-use in military applications or that are related to strategic industries closely connected to military activities or capabilities.
- 7 New Zealand's legal accountability efforts to hold Russia to account are focussed on core multilateral institutions, through New Zealand's legal intervention at the International Court of Justice in Ukraine's case against Russia, and through significant financial support to the International Criminal Court (ICC).
  - 8 The ICC's recent arrest warrants against President Putin and the Russian Children's Commissioner for their role in the abduction of Ukrainian children to Russia, demonstrates the critical role of the ICC and the value of New Zealand's support in achieving accountability for the widespread impacts of Russia's illegal war.
  - 9 New Zealand has consistently called for accountability for Russia and those individuals responsible for the shooting down of MH17. New Zealand has also made it clear that Russia's actions in Crimea are unacceptable.

#### **Timing of the government response**

- 10 The government response must be presented to the House by Monday 31 July 2023.

#### **Consultation**

- 11 Terrorist Designation Working Group agencies: NZ Police, DPMC (NSG and NAB), Crown Law, NZDF, and CTAG were consulted.

#### **Financial implications**

- 12 There are no financial implications related to this proposal.

#### **Publicity**

- 13 There is no publicity planned.

## Proactive Release

- 14 The Minister proposes to release the paper proactively. Proactive release is subject to redaction as appropriate under the Official Information Act 1982.

## Recommendations

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

- 1 **note** that on 5 May 2023, the Petitions Committee referred the petition entitled “*Petition of Mahi for Ukraine: Declare Russia a terrorist State*” to the Minister of Foreign Affairs for response.
- 2 **note** that the Minister of Foreign Affairs recommends that the government not declare Russia a terrorist state.
- 3 **approve** the government response, attached to this submission entitled “*Petition of Mahi for Ukraine: Declare Russia a terrorist State*”.
- 4 **note** that the government response must be presented to the House by 31 July 2023;
- 5 **invite** the Minister of Foreign Affairs to present the government response to the House in accordance with Standing Order 380;
- 6 **invite** the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the government response on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Nanaia Mahuta

Minister of Foreign Affairs