

Proactive Release

Date: 21 January 2022

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

Title	Reference
Government Response to Referral of Vadim Chausov's Petition on "Solidarity with the people of Belarus and support for democratic aspirations"	CAB-21-MIN-0446 LEG-21-MIN-0175



Cabinet

Minute of Decision

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.

Report of the Cabinet Legislation Committee: Period Ended 29 October 2021

On 1 November 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 29 October 2021:

LEG-21-MIN-0175

**Government Response to the Referral of Vadim
Chausov's Petition on "Solidarity with the People of
Belarus and Support for Democratic Aspirations"**
Portfolio: Foreign Affairs

CONFIRMED

Michael Webster
Secretary of the Cabinet

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Cabinet Legislation Committee

Minute of Decision

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Government Response to the Referral of Vadim Chausov's Petition on "Solidarity with the people of Belarus and support for democratic aspirations"

Portfolio Foreign Affairs

On 28 October 2021, the Cabinet Legislation Committee:

- 1 **noted** that on 9 August 2021 the Petitions Committee referred Vadim Chausov's petition titled "Solidarity with the people of Belarus and support for democratic aspirations" to the Minister of Foreign Affairs for response;
- 2 **noted** the submission of the Minister of Foreign Affairs and in particular her advice that:
 - 2.1 New Zealand shares protesters views that the elections on 9 August 2020 were neither free nor fair;
 - 2.2 New Zealand regularly encourages Belarusian authorities to begin a reliable process for reconciliation and free and fair elections;
 - 2.3 New Zealand uses multilateral fora to regularly condemn the state sponsored actions of Belarusian security forces towards civilians;
 - 2.4 New Zealand suspended all high level bilateral political (ministerial and ambassadorial) engagement, as well as defence and military engagement with Belarus;
 - 2.5 New Zealand has travel bans in place against over 70 individuals associated with the Lukashenko regime;
- 3 **approved** the government response, attached to the submission under LEG-21-SUB-0175, to Vadim Chausov's petition entitled "Solidarity with the people of Belarus and support for democratic aspirations";
- 4 **noted** that the government response must be presented to the House by 1 November 2021;
- 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 to the petition, after the response has been presented to the House.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Stuart Nash
Hon Willie Jackson
Hon Michael Wood
Hon Dr David Clark
Kieran McAnulty, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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

**Government Response to the Referral of Vadim Chausov's Petition on
"Solidarity with the people of Belarus and support for democratic aspirations"**

Proposal

- 1 This paper seeks approval of the government's response to the Petition Committee's referral of Vadim Chausov's petition on "Solidarity with the people of Belarus and support for democratic aspirations".

Background

- 2 The petition requests that the New Zealand Government:
 - 2.1 Express solidarity with the people of Belarus and urge the government to support democracy;
 - 2.2 Condemn state sponsored violence and police brutality in Belarus; and
 - 2.3 Impose sanctions against those responsible for human rights violations in Belarus.

Government response

- 3 The government response outlines that:
 - 3.1 New Zealand shares protesters views that the elections on 9 August 2020 were neither free nor fair.
 - 3.2 New Zealand regularly encourages Belarusian authorities to begin a reliable process for reconciliation and free and fair elections;
 - 3.3 New Zealand uses multilateral fora to regularly condemn the state sponsored actions of Belarusian security forces towards civilians.
 - 3.4 New Zealand suspended all high level bilateral political (ministerial and ambassadorial) engagement, as well as defence and military engagement with Belarus, in response to the severe human rights violations administered by Belarusian police and security forces.
 - 3.5 New Zealand has travel bans in place against over 70 individuals associated with the Lukashenko regime, that prevent them from obtaining visas to enter or transit New Zealand. As a Member State of the United Nations, New Zealand implements sanctions when they are mandated by the United Nations Security Council.

Timing of the government response

- 4 The government response must be presented to the House by Monday 1 November, 2021.

Consultation

- 3 The Department of the Prime Minister and Cabinet has been informed. The Ministry of Foreign Affairs and Trade has been consulted.

Financial implications

- 4 There are no financial implications for New Zealand.

Publicity

- 5 There is no publicity planned.

Proactive Release

- 6 The Minister of Foreign Affairs proposes to release the paper proactively in whole.

Recommendations

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

- 1 note that on 9 August 2021 the Petitions Committee referred Vadim Chausov's petition on "Solidarity with the people of Belarus and support for democratic aspirations";
- 4 note the submission of the Minister of Foreign Affairs and in particular her advice that:
 - 4.1 New Zealand shares protesters views that the elections on 9 August 2020 were neither free nor fair.
 - 4.2 New Zealand regularly encourages Belarusian authorities to begin a reliable process for reconciliation and free and fair elections;
 - 4.3 New Zealand uses multilateral fora to regularly condemn the state sponsored actions of Belarusian security forces towards civilians.
 - 4.4 New Zealand suspended all high level bilateral political (ministerial and ambassadorial) engagement, as well as defence and military engagement with Belarus.
 - 4.5 New Zealand has travel bans in place against over 70 individuals associated with the Lukashenko regime.
- 5 approve the government response, attached to this submission, to Vadim Chausov's petition entitled "Solidarity with the people of Belarus and support for democratic aspirations";

- 6 note that the government response must be presented to the House by 1 November 2021;
- 7 invite the Minister of Foreign Affairs to present the government response to the House in accordance with Standing Order 380;
- 8 invite the Minister of Foreign Affairs to write to the petitioner enclosing a copy of the government response to the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Nanaia Mahuta
Minister of Foreign Affairs

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**Government Response to
Referral of Vadim Chausov's Petition**

on

“Solidarity with the people of Belarus and support for democratic aspirations”

Presented to the House of Representatives

In accordance with Standing Order 380

Government response to Referral of Vadim Chausov's Petition

On "Solidarity with the people of Belarus and support for democratic aspirations"

Introduction

- 1 The government has carefully considered the Petition Committee's referral of the petition entitled "Solidarity with the people of Belarus and support for democratic aspirations". The petition requests that the New Zealand Government;
 - 1.1 Express solidarity with the people of Belarus and urge the government to support democracy;
 - 1.2 Condemn state sponsored violence and police brutality in Belarus; and
 - 1.3 Impose sanctions against those responsible for human rights violations in Belarus.
- 2 The government welcomes the Committee's referral of this petition and thank the petitioner for bringing this matter to the government's attention.
- 3 The government responds to the report in accordance with Standing Order 380.
- 4 The government has considered the petition as it pertains to New Zealand's existing foreign policy settings, as well as our obligations and responsibilities under international law

Requests and government response

- 5 **Request 1:** That the New Zealand Government express solidarity with the people of Belarus and urge the government to support democracy.
- 6 **Response:** New Zealand shares protesters views that the elections on 9 August 2020 were neither free nor fair. The New Zealand Government views free and fair elections, freedom of expression and freedom of peaceful demonstration as fundamental and inalienable human rights that must be upheld globally. This is in line with New Zealand's values based foreign policy approach.
- 7 New Zealand routinely joins and delivers statements at the UN Human Rights Council (UNHRC), conveying our distress at the human rights environment in Belarus, supporting the democratic aspirations of the Belarusian people, and encouraging Belarusian authorities to begin a reliable process for reconciliation and free and fair elections. Our most recent statement was given at the 47th session of the UNHRC, in July 2021.

- 8 **Request 2:** That the New Zealand Government condemn state sponsored violence and police brutality in Belarus.
- 9 **Response:** The New Zealand Government is deeply concerned by the Belarusian authorities' ongoing severe human rights abuses against peaceful protesters, opposition, civil society and media, following the elections on 9 August 2020.
- 10 New Zealand uses multilateral fora to regularly condemn the state sponsored actions of Belarusian security forces towards civilians. New Zealand participated in the Universal Periodic Review on Belarus in November 2020, where we recommended Belarus undertake impartial investigations into credible reports of arbitrary detention and torture against peaceful demonstrators by Belarusian security forces.
- 11 In April 2021, New Zealand suspended all high level bilateral political (ministerial and ambassadorial) engagement, as well as defence and military engagement with Belarus, in response to the severe human rights violations administered by Belarusian police and security forces. The New Zealand Government will only revise these settings if there is genuine improvement to the human rights environment in Belarus.
- 12 **Request 3:** That the New Zealand Government impose sanctions against those responsible for human rights violations in Belarus.
- 13 **Response:** New Zealand has travel bans in place against over 70 individuals associated with the Lukashenko regime, that prevent them from obtaining visas to enter or transit New Zealand. The ban covers the President and key members of his administration, the Electoral Commission, businessmen, the police and other security forces. New Zealand officials continue to monitor the situation in Belarus and make additions to our travel ban list accordingly.
- 14 As a Member State of the United Nations, New Zealand implements sanctions when they are mandated by the United Nations Security Council. This means we cannot apply economic sanctions to Belarus or Belarusian individuals.
- 15 The New Zealand Government encourages businesses with an international presence to undertake commercial due diligence of their supply chains and customers to ensure they are informed about any risk and reputation issues attached to their offshore commercial relationships.
- 16 Officials at the Ministry for Primary Industries and Ministry of Foreign Affairs and Trade are in the process of engaging with New Zealand companies who import Potash fertiliser from Belarus.

Conclusion

- 17 The New Zealand Government will continue to use multilateral fora to encourage Belarus to work constructively with the international community to ensure that universal human rights such as freedom of expression, the right to

peaceful demonstration, media freedoms and the conduct of free, fair and transparent elections are upheld.

- 18 In alignment with our values based foreign policy approach, New Zealand will maintain all measures relating to our bilateral relationship with Belarus, including suspension of high level engagement and individual travel bans. Re-engagement with Belarus will require improvement to the human rights situation in-country and the establishment of a credible process for political reconciliation.

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