

**Government Response to
The Petition of Mahi for Ukraine
On Declaring Russia a Terrorist State**

**Presented to the House of Representatives
In accordance with Standing Order 380**

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

Introduction

- 1 The government has carefully considered the Petition Committee's referral of the petition entitled "*Petition of Mahi for Ukraine: Declare Russia a terrorist State*", which requests:

"That the House of Representatives urge the Government to declare Russia a terrorist state."

- 2 The Petition's reasoning for its request stated:

2.1 *"We believe acts of terrorism by the Russian government, carried out by its armed forces & special services, have increased over the past decade & must be acknowledged. In 2014 Russia invaded Ukraine, annexed Crimea & instigated a war in Donbas. Flight MH17 was shot down with Russian equipment killing all 298 civilians aboard. On 24/2/22 Russia invaded Ukraine & this has resulted in more than 4,670 civilian casualties, including more than 320 children, and the destruction of housing & hospitals."*

- 3 The government responds to the report in accordance with Standing Order 380.
- 4 The government has already taken comprehensive action in respect of the various concerns referred to in the Petition's reasoning, as summarised below. In light of these actions including its condemnation of Russia and sanctioning of Russian persons and entities in response to Russia's illegal invasion of Ukraine, the Government is of the view that it is not necessary for it to declare Russia a terrorist state.

Recommendations and government response

- 5 Recommendation: That the House of Representatives urge the Government to declare Russia a terrorist State.
- 6 Response: The Government has taken significant measures in response to Russia's illegal invasion of Ukraine, and from the outset of the invasion, has repeatedly called for President Putin to act consistently with Russia's international obligations, cease Russia's military operations in Ukraine, withdraw its troops, and then return to diplomatic negotiations as a means to resolve the conflict.
- 7 On 1 March 2022, New Zealand's Parliament passed a unanimous motion in the House condemning Russia's unjustified and unprovoked invasion of Ukraine.
- 8 To date, New Zealand has also:

- 8.1 contributed more than \$80 million of diplomatic, humanitarian, and military support to Ukraine;
 - 8.2 intervened as a third party in Ukraine's legal case against Russia in the International Court of Justice;
 - 8.3 alongside over 40 other countries, referred the situation in Ukraine to the International Criminal Court which has enabled an expedited investigation into war crimes being committed in Ukraine;
 - 8.4 implemented sanctions on more than 1500 individuals and entities connected to Russia's war in Ukraine;
 - 8.5 adopted a range of restrictive trade measures against Russia including a ban on certain goods that could otherwise help fund Kremlin action or support Russia's military industrial complex; and a 35 percent tariff on imports of all Russian goods to deter New Zealand imports from Russia.
- 9 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.
- 10 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.
- 11 Through the Russia Sanctions Act, New Zealand has put in place prohibitions and restrictions on:
- 11.1 Individuals travelling to, entering or remaining in New Zealand;
 - 11.2 Ships or aircraft, owned or controlled by the Russian Government or any sanctioned person, from entering New Zealand airspace or ports;
 - 11.3 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);
 - 11.4 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);
 - 11.5 The importation and exportation of Russian origin goods, including oil, gas, coal, certain luxury goods and gold; and,

- 11.6 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.
- 12 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).
- 13 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.
- 14 In March 2014, New Zealand also made it clear that Russia's actions in Crimea were unacceptable. We not only condemned the breach of Ukraine's sovereignty and territorial integrity but also confirmed that New Zealand would not recognise the outcome of any referendum in Crimea. Furthermore, we joined our partners to implement travel bans against specific individuals involved in the crisis.
- 15 New Zealand has consistently called for accountability for Russia and for those individuals responsible for the shooting down of MH17. New Zealand considers that where states are responsible for breaches of international law, they should be held responsible for their actions. In May 2018, New Zealand also supported the call by Australia and the Netherlands for Russia to be held responsible for the actions of its military in the use of a Russian anti-aircraft missile, and urged Russia to engage in good faith negotiations.
- 16 Although the Petitioner does not refer to it, the Government notes that under New Zealand's Terrorism Suppression Act 2002 the Prime Minister may designate an entity as a terrorist entity if the statutory grounds are satisfied. The purpose of this Act is to make further provision in New Zealand law for the suppression of terrorism; and to make provision to implement in New Zealand law, New Zealand's obligations under a range of international conventions and UN Security Council Resolutions. It was not designed or intended as a means to respond to international human rights violations or other acts that fall short of the strict legal tests for terrorism.
- 17 All designation decisions must satisfy the strict legal tests outlined in the Terrorism Suppression Act. The government is not exploring the designation of Russia as a terrorist entity.

Conclusion

- 18 Given New Zealand has clearly and unequivocally condemned Russia's actions, including through a range of sanctions against Russian persons and entities and through a range of legal accountability mechanisms, it is not considering "declaring Russia a Terrorist State".

- 19 The government will continue to condemn Russia's actions in Ukraine in the strongest possible terms, and remains committed to supporting Ukraine.